

**From:** [Gary Stilwell](#)  
**To:** [Badamtchian, Chahram](#)  
**Cc:** [Jenkins-Owen, Sharon](#)  
**Subject:** [EXTERNAL] Re: Buckingham 345 project  
**Date:** Wednesday, July 29, 2020 4:01:30 PM

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Mr. Badamtchian,

Here are some comments pertaining to the Buckingham 345 Application for a density increase;-rezone from suboutlying suburban to outlying suburban

1. This property was originally proposed for 1320 d/u when it did not include the additional 20+ acres added in ~2004  
At that time it consisted of 320 acres, 120 ac of which were in the rural category. The Zoning res DCI964568 allowed only 900 d/units--that brought the total density to 2.77 du/acre. The HEX, in her discussion cited the limited density as a result of the applicant failing to demonstrate 1.- transitional density increase(particularly{but not limited to} from the Southern and eastern borders of the property.), and, not a gradual increase in density but an "abrupt" change--

2. In 2004, this property was again applied for density increases, adding a 20 acre parcel East of the Portico property.  
HEX Case DCI2004-00090(Z-05-74) addressed this appl. The max units allowed were set at 690 at a density of exactly two du/ac.  
Again, HEX comments indicate an "abrupt change" of density is not a graduated transition, but that the conditions in the resolution are consistent with LDC and Comp Plan.

**It is of note here that a clear precedent has been established will both Hearing Examiners, that abrupt density changes are not allowed, and the gradual change is consistent with BOCC ordinances.**

(understanding that 'Zoning" hearings are Quasi-judicial in nature, and current HEX or Boards are not necessarily "bound" by those precedents/rulings). However, If the HEX comes to a different ruling than has been determined in the past(given no changes in the underlying reasons for the rulings), {ie. similar cases should produce similar results}, the current Examiner MUST provide clear written reasoning why there was a different conclusion.

This transitional" nature is cited in the Buckingham Community plan--Policy 20.1.6(calling for a 'graduated' increase in density as development moves away from the Rural Community.

Additionally, Objective 20.4(policies 20.43 & 20.44 are somewhat applicable) in principle)

2. The surrounding properties were also described by the Applicant as having much higher densities-up to 6 du/ac. in an attempt to further the applicant's assertions.

Those densities were calculated at different values than the Lee Code defines as "density". Those surrounding properties were calculated at a rate almost 5 times the actual density as defined in the LDC. (BTW-this was also noted by the HEX in part as a reason for denial of density increase)

This recent application is subject to those precedents-at least in the informational sense. The underlying reasons for the previous denials have NOT changed--all of the zoning and land use remain as they were back in 2004-(and to the present) when the denials took place. The applicant's reasons for requesting the density increase are also essentially the same as previous apps.

Again, similar cases should produce similar conclusions.

I have a few more chunks of info that may be pertinent to Staff's assessment, and will try to forward them to you before the "extension" runs out--

Thank you for your time and consideration,

Gary Stilwell

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**From:** "CBADAMTCHIAN" <CBADAMTCHIAN@leegov.com>  
**To:** "sggoat" <sggoat@embarqmail.com>  
**Sent:** Monday, July 20, 2020 7:36:14 AM  
**Subject:** RE: Buckingham 345 project

My apology My Stilwell. It is Chapter 34. I mistyped it as 24. Please hold the "Ctrl" key down and click on the link below.

[https://library.municode.com/fl/lee\\_county/codes/land\\_development\\_code?nodeId=LADECO\\_CH34ZO\\_ARTIVPLDE\\_DIV2APPRAP\\_S34-373AP](https://library.municode.com/fl/lee_county/codes/land_development_code?nodeId=LADECO_CH34ZO_ARTIVPLDE_DIV2APPRAP_S34-373AP)

Thank you,

**Chahram Badamtchian, AICP**  
Planner, Senior  
Lee County DCD/Zoning  
Phone: 239. 533. 8372  
Fax: 239. 485. 8344  
[Cbadamtchian@leegov.com](mailto:Cbadamtchian@leegov.com)

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**From:** Gary Stilwell [mailto:sggoat@embarqmail.com]  
**Sent:** Sunday, July 19, 2020 9:39 PM  
**To:** Badamtchian, Chahram  
**Subject:** [EXTERNAL] Re: Buckingham 345 project

I have looked at the Lee County LDC site. There appears to be no section titled 24--see atch--

Is there a link you could provide to this reference?

Thank you for any help,

Gary Stilwell

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**From:** "CBADAMTCHIAN" <CBADAMTCHIAN@leegov.com>

**To:** "sggoat" <sggoat@embarqmail.com>

**Sent:** Friday, July 17, 2020 7:54:21 AM

**Subject:** RE: Buckingham 345 project

LDC Sec 24-373(d)(4) allows extensions.

*Sufficiency.*

- (1) Upon initial submission of application information for applications for planned developments, the County will have up to 20 business days to review the application to determine if the required materials, in the required form, have been included in the application or resubmission.
  - (2) If the required materials have been properly submitted, the application will be found sufficient for review.
  - (3) If the required materials have not been properly submitted or resubmitted, the County must provide the applicant a letter with a brief explanation as to why the application is not complete for review and request the necessary additional

information within 20 business days of the date the application is initially submitted or additional information is resubmitted.

- (4) After notice of insufficiency, the applicant has 60 days to submit supplemental or corrected documents, **unless a longer time is agreed to in writing by the Director and the applicant prior to the expiration of the 60 days.** If the supplement or corrections are not submitted within the 60 days (or other time period agreed to) the application will be deemed withdrawn.

***Chahram Badamtchian, AICP***

Planner, Senior

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**From:** Gary Stilwell [mailto:sggoat@embarqmail.com]

**Sent:** Thursday, July 16, 2020 8:06 PM

**To:** Badamtchian, Chahram

**Subject:** [EXTERNAL] Buckingham 345 project

Trying to find the Lee LDC that allows a 30 day extension to the Zoning/Comp-Plan request. Have been unable to locate the exact reference for this. Could you please provide that citing?

If it is in reference to the State of Emergency Fla is under, please be aware that that Statute references "natural" disasters(as is defined in the glossary) and has nothing to do with the current 'pandemic'.

I am unable to find any reference to 'extensions' in the LDC, or the Comp-Plan--Could you please provide a reference in the LDC/comp-plan for this extension?--I am certainly not as versant in the code or plan as you folks are--

Thanks in advance for any help--

Gary Stilwell

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If you like to get there in style, drive a Land Rover--If you actually want to get back home-Drive a Land Cruiser.

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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.

Under Florida law, email 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.

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