



DIVISION OF PLANNING



LEE COUNTY

MEMORANDUM

SOUTHWEST FLORIDA

to: Board of County Commissioners
from: Paul O'Connor, AICP, Director
subject: Evaluation and Appraisal Report and Smart Growth Comprehensive Plan Amendments
date: Friday, December 1, 2006

Attached is your packet for the December 13th Comprehensive Plan Amendment Transmittal Hearing. This packet contains the amendments that were: recommended by the 2004 Evaluation and Appraisal Report (EAR); recommended by the Smart Growth Committee; initiated by the Board of County Commissioners; and, privately initiated. The agenda has been divided into a Consent Agenda and an Administrative Agenda.

The Consent Agenda contains those amendments which have both Staff and Local Planning Agency recommendations for transmittal to the Department of Community Affairs (DCA). These proposed amendments are minor, technical, or non-controversial in nature. There was little or no public participation on most of these items. Staff will follow this memorandum with a memorandum explaining the nature and intent of each of the Consent Agenda items.

The Administrative Agenda contains those amendments that have different recommendations between Staff and the Local Planning agency, contain unresolved issues, may receive additional public comment, or are privately initiated.

In addition to blocking out your calendars for Wednesday, December 13th, staff has reserved all day Thursday, December 14th as a backup day should the additional time be needed.

If you would like a briefing on the packet, I am more than happy to meet with you at your convenience.

cc: without attachments

Donald Stilwell, County Manager

David Owen, County Attorney

Mary Gibbs, Director, Department of Community Development

**2005/2006 EVALUATION AND APPRAISAL REPORT AND SMART GROWTH
INITIATIVE LEE PLAN AMENDMENTS
TRANSMITTAL HEARING**

**COMMISSION CHAMBERS, 2120 MAIN STREET
DECEMBER 13, 2006
9:30 A.M.**

AGENDA

- 1. Call to order; Certification of Affidavit of Publication**
- 2. Consent Agenda**
 - A. CPA2005-08 - Caloosahatchee Shores Community Plan**

Adopt a new Policy 21.1.4 directing the Caloosahatchee Shores Community to draft enhanced code enforcement standards for possible inclusion in the Land Development Code.
Sponsor: Board of County Commissioners/The East Lee County Council.
 - B. CPA2005-10 – Airport Noise Boundaries and Number of Gas Pumps**

Amend the Future Land Use Element Policies 1.2.2, 1.7.1, and 5.1.4 and the Community Facilities and Services Element Policy 66.3.11, and the Future Land Use Map Series, Map 1, Page 5 of 5, to reflect the revised FAR Part 150 Noise Study for the Southwest Florida International Airport. In addition, amend Table 5, Southwest Florida International Airport Proposed Development Schedule, to increase the number of gas pumps allowed from twelve (12) to twenty-four (24).
Sponsor: Board of County Commissioners/Port Board.
 - C. CPA2005-12 – Captiva Community Plan**

Amend Goal 13, Policy 6.1.2, Chapter XIII Single-Family Residence Provision and the definition of Density specific to the Captiva Community to incorporate the recommendations of the Captiva Island Community Planning effort.
Sponsor: Board of County Commissioners/Captiva Community Planning Panel.
 - D. CPA2005-13 – Community Planning**

Amend the Future Land Use Element to evaluate incorporating community planning policies into the Lee Plan.
Sponsor: Board of County Commissioners/Smart Growth Committee
 - E. CPA2005-16 – San Carlos/Estero Community Boundary**

Amend the Future Land Use Map Series, Map 16, Lee County Planning Communities, to adjust the boundary between the Estero and San Carlos Planning Communities west of U.S. 41.
Sponsor: Board of County Commissioners.

- F. CPA2005-17 – Long Range Transportation Plan**
Amend the Transportation Element to update Policy 36.1.1 and the Transportation Map series, Map 3, to reflect the new 2030 MPO Long Range Transportation Plan.
Sponsor: Board of County Commissioners
- G. CPA2005-18 – LOS Standards For SIS/FIHS/TRIP Funded Roads**
Amend the Transportation Element to update Policy 37.1.1 to reflect new State LOS standards for SIS/FIHS/TRIP-funded roads.
Sponsor: Board of County Commissioners.
- H. CPA2005-19 – FDOT Quality LOS Handbook**
Amend the Transportation Element to update Policy 37.1.4 to refer to the 2002 FDOT Quality LOS Handbook.
Sponsor: Board of County Commissioners.
- I. CPA2005-20 – Deletion of Policy 38.2.3**
Amend the Transportation Element to delete Policy 38.2.3.
Sponsor: Board of County Commissioners.
- J. CPA2005-21 – Update Reference to the LeeScape Master Plan**
Amend the Transportation Element to update Objective 40.3 to refer to the latest version of the LeeScape (Lee County Roadway Landscape) Master Plan.
Sponsor: Board of County Commissioners.
- K. CPA2005-22 – Mass Transit Update**
Amend the Transportation Element Mass Transit Sub-Element's Goals, Objectives and Policies as identified in the most recent Evaluation and Appraisal Report.
Sponsor: Board of County Commissioners.
- L. CPA2005-23 – Ports, Aviation and Related Facilities Update**
Amend the Transportation Element Ports, Aviation and Related Facilities Sub-Element's Goals, Objectives and Policies as identified in the most recent Evaluation and Appraisal Report.
Sponsor: Board of County Commissioners.
- M. CPA2005-25 – Change Lee Plan Horizon to the year 2030**
Amend the Lee Plan to change the references from the year 2020 to the year 2030 and update the Vision Statements to the year 2030.
Sponsor: Board of County Commissioners.
- N. CPA2005-27 – Update CIE Tables 3 and 4**
Amend the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program.
Sponsor: Board of County Commissioners.

- O. CPA2005-28 – Conservation Lands Update**
Amend the Future Land Use Map Series, Map 1, by updating the Conservation Lands land use categories.
Sponsor: Board of County Commissioners.
- P. CPA2005-29 – Public Facilities Update**
Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, to update the mapped Public Facilities future land use category by adding and/or removing lands to more accurately identify publicly owned lands.
Sponsor: Board of County Commissioners.
- Q. CPA2005-33 – Police and Justice Sub-Element Update**
Amend the Community Facilities and Services Element Police and Justice Sub-Element Objective 69.1 to delete the referenced date and to acknowledge the ongoing nature of the objective. In addition amend Policies 69.2.2 and 69.2.3. to reflect the existing status of substation facilities.
Sponsor: Board of County Commissioners.
- R. CPA2005-35 – New Urbanism Definitions**
Amend the Lee Plan Glossary to incorporate new and amend existing definitions to incorporate the principles of New Urbanism.
Sponsor: Board of County Commissioners.
- S. CPA2005-39 – Commercial FLUM Category**
Amend Goal 1 of the Future Land Use Element, the Future Land Use Map Series, Map 1, and Table1(a), by adding a new “commercial only” future land use category.
Sponsor: Board of County Commissioners.
- T. CPA2005-40 – Sub-Outlying Suburban FLUM Category**
Amend Goal 1 of the Future Land Use Element, the Future Land Use Map series, Map 1, and Table 1(a) and Table1(b), Summary of Residential Densities, by adding a new future land use category having a maximum density of 2 dwelling units per acre.
Sponsor: Board of County Commissioners.
- U. CPA2005-41 – Manatee Protection Plan**
Amend the Conservation and Coastal Management Element and the Future Land Use Element to incorporate the "boating facility siting element" of the Manatee Protection Plan required by F.S. 370.12.(2)(t)(3).
Sponsor: Board of County Commissioners.
- V. CPA2005-42 – Economic Element Update**
Amend the Lee Plan, Economic Element, for general updates as the element has not been updated since its creation in 1993.
Sponsor: Board of County Commissioners.

- W. CPA2005-43 – Single Family Residence Provision Update**
Amend the Procedures and Administration Element by updating the Single-Family Residence Provision.
Sponsor: Board of County Commissioners.
- X. CPA2005-45 – Beach and Dune Management Plans**
Amend Policy 113.3.1 in order to update the list of critical erosion areas under Beach and Dune Management Plans.
Sponsor: Board of County Commissioners.
- Y. CPA2005-47 – Housing Element Update**
Amend the Lee Plan to update the Housing Element reflecting the findings of the most current Housing Needs Assessment.
Sponsor: Board of County Commissioners.

3. Administrative Agenda

- A. CPA2005-02 – Webb/Buckingham**
Amend the Future Land Use Map Series, Map 1, to change +/-95 acres from the Rural Future Land Use Designation to the Urban Community Future Land Use Designation and to change the boundaries in the Future Land Use Map series, Map 16, to place the property in the Lehigh Acres Planning Community.
Sponsor: Carlton Land Holdings LLC.
- B. CPA2005-05 – Three Oaks North**
Amend the Future Land Use Map Series, Map 1, for 83± acres in the northwest quadrant of I-75 and Alico Road, Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75 from "Industrial Development" to "Industrial Commercial Interchange."
Sponsor: Paul H. Freeman, Trustee
- C. CPA2005-07 – River Hall (FKA Hawk's Haven)**
Amend the Future Land Use Map Series for a specified parcel (approximately 1,727 acres) located in Sections 25, 26, 27, 34, 35, and 36, Township 43 South, Range 26 East to change the Future Land Use classification shown on Map 1 from "Rural" and "Suburban" to "Outlying Suburban" and "Public Facilities." Amend Table 1(a), Footnote 6 to limit development in the plan amendment area to 2 units per acre and place a specific cap on residential development of 2,800 dwelling units on the specified property.
Sponsor: Hawks Haven Investment LLC
- D. CPA2005-09 - Palm Beach Community Plan**
Amend the Future Land Use Element to add a Goal, Objectives, and Policies that are specific to the Palm Beach Community.
Sponsor: Board of County Commissioners/The East Lee County Council.

- E. CPA2005-11 – Greenways Recreational Trails Master Plan**
Incorporate the Lee County Multi-Purpose Recreational Trails and Greenways Master Plan into the Lee Plan. Revise Goal 85, Objective 85.1, Policy 85.1.2, Policy 85.1.3, Policy 85.1.4, Policy 85.1.5, and Policy 107.1.1(4.)(d.). Incorporate proposed new Policy 40.4.6, Policy 40.4.7, Policy 40.4.8, Policy 77.3.6, Policy 77.3.7, new Objective 85.4, Policy 85.4.1, Policy 85.4.2, new Goal 80, new Objective 80.1, Policy 80.1.1, Policy 80.1.2, new Objective 125.3, and Policy 125.3.1. Incorporate proposed new Map 22 (Lee County Greenways Multi-Purpose Recreational Trails Master Plan Map) into the Lee Plan.
Sponsor: Board of County Commissioners.
- F. CPA2005-24– Update Transportation Concurrency Policies**
Amend the Transportation Element to update transportation concurrency related Objectives and Policies to reflect current County policy and recent changes in state law.
Sponsor: Board of County Commissioners.
- G. CPA2005-26 – Update BEBR Population Projections**
Amend the Lee Plan text and tables to reflect the latest BEBR population projections. Also, amend Map 16 to reflect current city boundaries.
Sponsor: Board of County Commissioners.
- H. CPA2005-37 – New Urbanism**
Amend the Future Land Use Element to include and revise Goals, Objectives, and Policies to incorporate the concepts and principles of New Urbanism, Traditional Neighborhood Design, and Transit Oriented Development. Amend the Future Land Use Map Series to include an overlay depicting areas where mixed use development will be allowed to calculate residential density from commercial property when smart growth principles are applied.
Sponsor: Board of County Commissioners.
- I. CPA2005-46 – Smart Growth Recommendations**
Amend the Lee Plan to incorporate the recommendations from the County's Smart Growth Initiative into the Lee Plan.
Sponsor: Board of County Commissioners.
- J. CPA2005-49 – Update Goal 10 Natural Resource Extraction**
Amend the Lee Plan to address the further impacts of mining and steps needed for adequate mitigation or prevention of adverse impacts. Further, recommendations are made to prevent future land use conflicts between mining and other uses in rural areas. Goal 10, Natural Resource Extraction, is proposed to be expanded to include measures for rock mining, and for mitigation of rock mining impacts with adjacent land uses.
Sponsor: Board of County Commissioners.

8. Adjourn

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Administrative Agenda Items

CPA2005-02
Webb/Buckingham

CPA2005-02

WEBB-BUCKINGHAM

**AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**Privately Sponsored Application
and Staff Analysis**

**BoCC Public Hearing Document
for the
December 13th, 2006 Public Hearing**

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 479-8585*

December 1, 2006

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2005-02**



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: October 12, 2006

PART I - BACKGROUND

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

Carlton Land Holdings, LLC
P.O. Box 2491
Bonita Springs, FL 33413

Al Quattrone and Associates, Inc.
Fred Drovdlc, AICP
11000 Metro Parkway, Suite 30
Fort Myers, FL 33912

2. **REQUEST:** Amend the Lee Plan Future Land Use Map series, Map 1 to change ± 95 acres from Rural to the Urban Community Land Use Designation and change the boundaries in the Future Land Use Map series, Map 16, placing the 95± acre site within the Lehigh Acres Planning Community.
3. **SUMMARY DISCUSSION:** The applicant's agent, Al Quattrone and Associates, Inc. is pursuing a Map Amendment to Map 1 of the Lee Plan for a 95± acre parcel changing

the Future Land Use Category from Rural to Urban Community. The change from Rural to Urban Community would allow an increase in both commercial and light industrial development and residential density. The parcel is located south of Buckingham Road, approximately 1 mile east of State Route 82 and is approximately 3 miles from the State Route 82, Interstate – 75 intersection. The property is located east of the Lee County Incinerator and Buckingham Community Park, and north of the incorporated boundaries of the City of Fort Myers. During the 1970's, the property was utilized as the Lee County land fill. This site is not listed by the Florida Department of Environmental Protection (FDEP) as a State-Designated Brownfield Site, the FDEP map depicting Brownfield sites in Lee County is provided as Attachment 1. The property is currently located within the Buckingham Planning Community boundaries (Map 16). The property is not located within the Buckingham area boundary that is defined through the Future Land Use Map series, Map 1, Page 2 of 5. The property is not regulated by the Goals, Objectives, or Policies Goal 17 which regulate development within the Buckingham area.

The Comprehensive Plan Amendment is the first step toward the development of the site. The applicant will also be pursuing a zoning change to allow uses such as self storage, commercial recreational uses (bowling, family fun center), retail commercial within the areas determined by the commercial site location standards, professional / general / and medical offices, and limited light industrial uses (light industrial). These uses will have the ability to be properly buffered and sited within the development through the Planned Development process that will be required as part of the text amendment associated with this application.

The applicant is also pursuing a change to the Planning Community boundary lines to include the ±95 acre site in the Lehigh Acres Planning Community and exclude it from the Buckingham Planning Community. A more detailed discussion of the impacts of the proposed changes to the planning community boundaries is included further in the staff report.

BACKGROUND INFORMATION

1. EXISTING CONDITIONS:

SIZE OF PROPERTY: ± 95.60 acres

PROPERTY LOCATION: Generally located South of Buckingham Road, across from the Buckingham Community Park.

STRAP #: 19-44-26-00-00003.0000

EXISTING USE OF LAND: Passive Agricultural. Previously used as a landfill.

CURRENT ZONING: AG-2

CURRENT FUTURE LAND USE CLASSIFICATION: Rural

2. INFRASTRUCTURE AND SERVICES:

FIRE: Tice Fire District

EMS: Lee County EMS service area.

LAW ENFORCEMENT: Lee County Sheriff's Office.

SOLID WASTE: Waste Management Inc Franchise Area.

MASS TRANSIT: LeeTran route within ½ mile along Lee Boulevard.

WATER AND SEWER: Services can be provided for both potable water and sanitary sewage by the City of Fort Myers.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. REVISED RECOMMENDATION:** Planning Staff recommends transmittal of the proposed amendment consisting of the Future Land Use Map change of ±95 acres of land currently designated under the Rural Land Use designation to the Urban Community Land Use designation and the associated text amendment.

Planning staff recommends keeping the ±95 acre parcel in the Buckingham Planning Community boundary.

ORIGINAL RECOMMENDATION: Planning Staff recommends transmittal of the proposed amendment consisting of the Future Land Use Map change of ±95 acres of land currently holding the land use designation of Rural to Urban Community and moving the property from the existing Buckingham Planning Community to the Lehigh Acres Planning Community with the proposed Text Amendments.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The ±95 acre site is adjacent and north of the incorporated boundary of the City of Fort Myers, an area with a Future Land Use Designation of Mixed Use Land Use Category. The ±95 acre site was previously used as a Lee County land-fill site.
- The site in question is not recognized by the Department of Environmental Protection as a Brownfield Site.
- Under the Rural Land Use Designation, only minor commercial activities intended to serve the rural community could be developed or 95 single acre or clustered residential lots could be developed.
- The proposed amendment will not allow residential development on this site. The proposed plan amendment will not affect Lee County's population projections.
- Under Goal 6, Commercial Site Location Standards, only limited retail uses would be permissible under existing conditions.
- Under Urban Community Land Use Designation, the opportunity for commercial and limited light industrial uses becomes available, the ability for residential density would also increase.

- Goal 17: (Buckingham) of the Lee Plan states the precise boundaries of Buckingham are indicated on the Future Land Use Map, Map 1, Page 2 of 5. The property in question is not included in the Buckingham area boundary.
- Urban Community land use designation is adjacent to this property to the east.
- The Comprehensive Plan Amendment site is located within the Category 4/5 Storm Surge Zone.
- The Lee County Department of Transportation is not anticipating a need for any planned improvements to Buckingham Road based on the proposed plan amendment.
- The boundaries for the Buckingham Area were defined in the Buckingham Sector Plan, submitted as an amendment to the Lee Plan on September 20, 1990. The Buckingham Sector Plan was submitted by the Buckingham Preservation Committee.
- The original Buckingham Community Plan did not include this area.

COMPREHENSIVE PLAN BACKGROUND

The subject property was designated “Rural” by the original Lee County Future Land Use Map, adopted in 1984. “Rural” was established as a non-urban future land use category with a maximum density of 1 dwelling unit per acre. The property is currently designated “Rural”.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

Application Summary

FLUM Changes

The Comprehensive Plan Amendment requests changes to the Future Land Use designation of a ±95 acre parcel from Rural to Urban Community. This change would move property from a non-urban land use category to an urban category and increase its potential density and intensity. Its current location and proximity to both Interstate 75 and State Route 82 definitely encourage the increase in intensity for both commercial and limited light industrial applications, neither of which is allowed under the Rural Land Use designation. However, staff realizes that minor commercial activities are acceptable in the Rural Land Use Designation. Additionally, its close proximity to the Lehigh Acres area should promote a more intense use of commercial acreages and limited light industrial acreages that will serve the growing population. On three sides the property is adjacent to land use designations that are more intense than Rural, those being Public Facilities to the west, Urban Community to the East, and to the immediate south the property abuts the City of Fort Myers with a land use/zoning category of Mixed Use. Policy 2.15 of the City of Fort Myers Comprehensive Plan defines the Mixed Use category as an area, “...which is intended to allow market forces a substantial influence on the area’s final character.” To the north lies the Buckingham Community which is generally more restrictive than the “Rural” land use designation. The primary land use designation of the Buckingham Community is Rural Community Preserve. This land use category is designed to protect large lot subdivisions and agricultural uses. The descriptor

policy is reproduced below. Also, a map depicting the Future Land Use designations is included as Attachment 2.

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

Planning Community Changes

In addition to the land use designation change, the applicant is also proposing a change to the boundaries of the planning communities. The planning communities are a tool utilized by planning staff to establish county wide growth allocations. The planning communities were more broadly defined in the Vision Statement of the Lee Plan. This section was adopted in 1998. During this process, a list of communities was established and a vision of each was included as a part of the Lee Plan Vision Statement. The intent was to provide a quick and generalized overview of how Lee County is projected to develop during the time frame of the Plan. It was recognized that the Vision Statements were being proposed to provide a glimpse of the development patterns for the Planning Communities, taking into consideration the smaller areas located within each planning community boundary. The allocations of developable land by acreage were included in Table 1(b) of the Lee Plan to give a more specific view of what is anticipated to be developed during the time frame of the Lee Plan. The requested amendment to the Lee Plan dealt with the appropriateness of this ±95 acre site being included in the Buckingham Planning Community as opposed to the Lehigh Acres Planning Community. The Vision Statements for both Planning Communities stated Buckingham Road was the border between the two planning communities. The Vision Statements for Buckingham and Lehigh Acres areas are reproduced below.

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)

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)

As it appears with the text from the Vision Statement the ±95 acre site would, by description, fit better in the Lehigh Acres Planning Community as opposed to the Buckingham Planning Community. Additionally, the proposed Future Land Use change would fit better with the envisioned growth patterns as well as the existing Goals, Objectives, and Policies promoting more acreage for non-residential uses within the Lehigh Acres Planning Community.

Staff analysis of the data presented in Table 1(b) indicates that the ±95 acre site in question currently falls under the "Non-Regulatory" allocations category and as such would not impact Table 1(b) build-out scenarios for the Buckingham Planning Community.

Presently, the Lehigh Planning Community has 177 acres of commercially available allocated acreages and 108 acres of industrial available allocated acreages to absorb the 95 acres of commercial / limited light industrial lands to the Lehigh Acres Planning Community.

Reproduced as Attachment 3 is a portion of Table 1(b) that pertains to both the Buckingham Planning Community and the Lehigh Acres Planning Community.

Community Planning Areas

The planning communities are not used to determine specific areas regulated by geographically specific Goals, Objectives, or Policies. This is done by establishing a Community Planning Areas. The Lee Plan, through Map 1, Page 2 of 5 identifies specific areas as overlays that contain special restrictions or allowances in addition to all of the requirements of their underlying categories. A Community Planning Area does exist for the Buckingham area and is defined on the Future Land Use Map series Map 1, Page 2 of 5 and through Goal 17. Additionally, there is text within Goal 17 that states "...the precise boundaries of Buckingham are indicated on the Future Land Use Map." Ordinance No. 91-19 added the Community Planning Area Map to the Lee Plan with excerpts of this ordinance provided as Attachment 4.

The Buckingham area was originally defined with both text and a map through the Buckingham Sector Plan, which was submitted as an amendment to the Lee Plan on September 20, 1990. The plan was prepared for and submitted by the Buckingham Preservation Committee. The intent of Buckingham Sector Plan was to provide protection to the Rural growth patterns and lifestyles for this area. As was stated in the Buckingham Sector Plan:

"The Buckingham study area encompasses approximately 16 square miles, and the precise boundaries are depicted on the map attached as "Appendix A". This boundary was carefully drawn to include only those areas which are distinctively a part of the Buckingham community and which are currently designated either "rural" or "public facilities" on the Lee County land use map."

The "attached map, Appendix A" referred to in the above listed excerpt is provided in Attachment 4 of this staff report.

The only change to the Buckingham area boundary was proposed in a Comprehensive Plan Amendment (PAM/T 92-16) which altered the Buckingham area boundary and added text recognizing that obvious omissions or inclusions of property that do not belong within the Buckingham area could be corrected. The original text, under Goal 19 (which has been changed to Goal 17 in the current Lee Plan codification), restricted any changes until the 1994 five year Lee Plan update and needed to be amended to reflect the map amendment. The map amendment dealt with a 2.2 acre site that had a "Rural" land use designation and was zoned for commercial development. This parcel did not fall into the described commercial nodes for the Buckingham area and it did not fall under the category of a non-conforming commercial activity that was identified in the Buckingham area, its commercial zoning was simply overlooked.

PAM/T 92-16 established the intent to protect the rural nature of the Buckingham area and recognized the significance of establishing both a physical boundary and appropriate text to ensure that urban development will not infringe upon the Buckingham Rural Preserve. The boundary established as a the Buckingham area does not include the 95± acre site. Copies of the Planning Communities (Map 16) and Map 1, Page 2 of 5 are provided as Attachments 5 and 6, respectively.

TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS

The subject property currently has access from Buckingham Road. Buckingham Road is currently classified as an Arterial with a current Level of Service "C", as was stated in the Concurrency Report, June, 2006.

The Lee County Department of Transportation (LCDOT) has reviewed the request and has provided written comments dated June 19, 2006. These comments are reproduced below:

We have reviewed the above application, which requests that the land use designation of approximately 95.56 acres be changed from existing "Rural" to "Urban Community" and proposes a text amendment to accompany the map amendment to ultimately allow the property to be rezoned from AG-2 to a combination of CPD and IPD. As indicated by the application, the proposed "Urban Community" designation would allow approximately 573 dwelling units, or 742,500 square feet commercial uses, or 877,500 of industrial on the property.

After running the FSUTMS travel demand model, in a worst case analysis, with 742,500 square feet commercial uses for the year 2030 condition, we have determined that the land use change on this property will not alter the future road network plans.

Additional comments that were provided by the Lee County Department of Transportation are reproduced below:

The subject property (95.6 acres) is in front of Buckingham Rd. The existing (2005) AADT on Buckingham Rd between SR 82 and Gunnery Rd is 5,200 and the LOS is "C". MPO 2030 FSUTMS model projects the AADT in 2030 for Buckingham Rd is 12,756 and the LOS is "C". Re-ran the model with the project (add 742,500 s.f of commercial which is the worst case in trip generation) and the AADT on Buckingham Rd in 2030 with the project is 14,843 and the LOS is "D", which is still acceptable LOS.

The analysis did not incorporate, nor did it find necessary, any planned improvements to Buckingham Road based on the above listed analysis.

POPULATION ACCOMMODATION

The proposed Urban Community Land Use designation has a standard density range of 1-6 dwelling units per acre with the potential for bonus density of 10 dwelling units per acre. Under the Urban Community Land Use designation, the potential for 573 dwelling units under a standard density calculation or 956 dwelling units under a bonus density calculation exists.

The existing Rural Land Use designation has a standard density range of 1 dwelling unit per acre with no potential for bonus density. Under the Rural Land Use designation the potential for 95 dwelling units exists.

However, as part of the comprehensive plan amendment, staff is proposing new text that would not allow any residential development to occur on the entire ±95 acre site. The applicant has agreed to no residential development on this site. If the proposed text amendment is adopted as part of this plan amendment it will not significantly affect Lee County's population projections.

ENVIRONMENTAL CONSIDERATIONS

The application includes a map prepared by Bagley Environmental and Planting Services concerning plant communities located on the subject site. The map identifies the Florida Land Use, Forms and Cover Classifications System (FLUCFCS) Code, an acreage coverage and total acreage determination. The map depicts 88.88 acres of the site as being Disturbed Land / Solid Waste Disposal with scattered Cabbage Palms and 6.72 acres of Electrical Transmission Lines.

Lee County, Environmental Sciences Division reviewed the application and provided an e-mailed response stating:

There are no open space, preservation, or protected species issues with the proposed Land Use change. Therefore, ES staff has no objection or recommended policy language.

SOILS

The application includes a map prepared by Bagley Environmental and Planting Services concerning the soil types located on the subject site. The soils types for the site were determined to be Matlacha Gravelly Fine Sand over the entire 95.6 acre site.

HISTORIC RESOURCES

The application included a map depicting the subject parcel in relation to the Archaeological Sensitivity Map. The parcel in question is not located within either of the Sensitivity Level areas.

The application includes a letter, dated September 25, 2006, from the Division of Historical Resources, Florida Department of State. This letter provides the following:

In response to your inquiry of September 21, 2005, 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)

The letter further states that this site will not constitute a review of cultural resources.

PUBLIC SERVICES

FIRE The Tice Fire and Rescue District did not have any objections to comprehensive plan amendment. A letter was provided from the Tice Fire and Rescue District. The letter provided the following:

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 provided 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.

EMERGENCY MEDICAL SERVICES (EMS) The Lee County Public Safety, EMS provided an e-mail that did not state any anticipated problems with the proposed plan amendment or potential development. The e-mail provided the following:

The proposal is within the Lee County EMS service area. Currently our nearest Lee County ambulance is stationed at 9700 Treeline Drive, 4.1 miles from this parcel. Actual response time will depend on the road system planned for reaching future dwelling units within the development.

LAW ENFORCEMENT The Lee County Sheriff's Office provided a letter that stated there was no anticipated problems with providing any potential development with adequate "core" level of law enforcement services. An excerpt of the letter provided by the Lee County Sheriff's Office is provided:

If the proposed development follows that which you have discussed with my staff then the Sheriff's Office has no objection to the project and I am confident that we can provide an adequate "core" level of law enforcement services to the area.

SOLID WASTE The subject property is within the Lee County, Solid Waste District, Area 4. The franchise company responsible to collection for District #4 is Waste Management Inc. Lee County, Solid Waste Division was contacted about the comprehensive plan amendment and no concerns were reported.

MASS TRANSIT LeeTran received a copy of the amendment application and provided the following comments:

Although transit is not addressed in the application the following should be considered. 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 by 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 bike ways that could be constructed for individuals to use getting to and from the transit corridors.

SCHOOL IMPACTS The School District provided a letter stating they anticipated 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.

PARKS, RECREATION AND OPENSACE

The proposed amendment, including the text amendment restricting residential development on this site, will have minimal impacts on parks, recreation, and open space.

Lee County Public Works staff reviewed the request and provided comments stating there were no objections to the proposed change from Rural to Urban Community to facilitate retail, commercial, general commercial, and limited light industrial development.

POTABLE WATER The property is not located in the Lee County Future Water Service Areas delimited by Map 6. It is proposed that potable water will be supplied by the City of Fort Myers. Although this property is not located in the City of Fort Myers Utility Franchise Area, the City has extended potable water lines to the incinerator west of the property which is adequately sized to serve future development on this subject parcel. The City of Fort Myers provided a letter the following is a excerpt of that letter as it pertains to potable water:

There is an existing 12 inch potable water transmission main approximately 1,100 feet west of the southwest property corner. The City of Fort Myers provided a letter stating the City's water plant can provide treatment capacity to serve the potential development provided the owner installing any additional on-site water mains and appurtenances needed for adequate domestic water supply and fire protection. An additional condition was set by the City that a "Letter of No Objection" from the surrounding authorities be obtained before any approval of connection into the City's system.

Lee County Utilities has responded with no objections to the City of Fort Myers providing potable water to this property

SANITARY SEWER The property is not located in the Lee County Future Sewer Service Areas, delimited by Map 7. It is proposed that sanitary sewage will be supplied by the City of Fort Myers. Although this property is not located in the City of Fort Myers Utility Franchise Area, the City has extended sanitary sewer lines to the incinerator west of the property which is adequately sized to serve future development on this subject parcel. The City of Fort Myers provide a letter, the following is an excerpt of that letter as it pertains to sanitary sewer:

There is an existing 4 inch sanitary sewer force main approximately 1,100 feet west of the southwest property corner. The City's wastewater plan can provide

treatment capacity to serve the potential development provided any additional on-site collections lines, pump stations, and appurtenances needed to handle development flows must be installed by the owner. An additional condition was set by the City that a "Letter of No Objection" from the surrounding authorities be obtained before any approval of connection into the City's system.

Lee County Utilities has responded with no objections to the City of Fort Myers providing sanitary sewer to this property.

STORMWATER MANAGEMENT The applicant has stated that the East Lee County Water Control District is not able to accommodate the proposed development on the 95 acre site. The applicant is proposing to provide on-site detention with detention areas to be constructed to comply with the peak allowable discharge rates. Provisions should be made for emergency over-flow during an event that exceeds anticipated rainfall, onto the Buckingham Road right of way.

Lee County Department of Transportation has provided a copy of the letter being sent to the applicant's representative addressing the need for more information before a decision will be made about the potential over-flow of surface water runoff.

This is in response to your letter dated September 21 requesting a letter from DOT granting you the authority to drain the above referenced parcel into the Buckingham Road drainage system. At this time we can not issue a letter because there is not sufficient information for us to evaluate the impacts.

We need information that would show were all of the existing and/or historic drainage went. We will need to know what the quantities of runoff will be, both before and after. We will need your firm to do a site evaluation that includes the existing Buckingham drainage to advise if there are any impacts to our existing drainage all the way to the outfall. Once that information is received we will be able to complete our evaluation and advise if we can issue the letter you are requesting.

This issue will have to be resolved prior to any development occurring on the site. This issue will still be able to be addressed during the rezoning process or the development order process.

PUBLIC SERVICES COMMENTS (SUMMARY)

Based on the above listed information, the potential development that would be allowed under the Future Land Use designation changes can be adequately supplied. As was listed from the responding agencies there are several pre-requisites that have been requested of the applicant:

- 1) Consideration of Transit as a viable transportation mode to and from any potential development at this site.

- 2) Providing proof of no objections from surrounding potable water and sanitary sewage providers before the City of Fort Myers will allow connection to the City's system.
- 3) Provisions for emergency over-flow for an event that exceeds anticipated rainfall. The potential for this situation needs to be address with Lee County Department of Transportation as over-flow would be toward Buckingham Road.

These items will need to be conditioned into any zoning change requests and/or development orders.

PUBLIC NOTIFICATION PROCESS

Signs Posted and Letters Mailed Out

As part of the requirements of Administrative Code 13-7, residents within 500 feet of the proposed amendment site are to be mailed a notice stating the nature of the Future Land Use Map change. In addition, a sign is posted at the site with a description of the proposed amendment and the assigned case number.

Staff Response

A minimal number of inquiries were generated through the mail-out or sign posting. There was one request for additional information that dealt with the boundaries for the Community Planning Area for the Buckingham area.

Buckingham Conservancy, Inc

The Buckingham Conservancy, Inc. has provided a letter referencing the removal of land from the Buckingham Planning Community and moving it to the Lehigh Acres Planning Community. The letter states the Buckingham Conservancy is opposed to the removal of any property from the Buckingham Planning Community. The letter is provided as Attachment 8 to the staff report.

Staff Response

This plan amendment offers an opportunity to address a boundary discrepancy between the Vision Statement text descriptions for both the Buckingham and Lehigh Acres Planning Communities and the boundaries established in Map 16 of the Lee Plan. Both the Planning Communities and the Vision Statements were intended to work together to describe an envisioned growth pattern for Lee County, it makes sense that both parts of the Lee Plan should identify the same geographic areas.

Another concern planning staff must consider is the needs and impacts a plan amendment will have in surrounding areas. This plan amendment would respond to a recognized need of the Lehigh Acres Planning Community by providing commercial acreages to an area with a recognized lack of non-residential development. At the same time staff must take into consideration the predetermined patterns of growth that have been adopted by the Buckingham Planning Community to ensure rural and not urban patterns of development take place in the Buckingham Rural Preserve area.

However, the Goal, Objectives, and Policies of the Lee Plan that dictate the rural patterns of development for the Buckingham Community are located in Goal 17. As was stated

earlier in the staff report, the Buckingham area boundary which establishes the area that Goal 17 regulates does not include the 95 acre site referenced in the comprehensive plan amendment. By establishing this stretch of Buckingham Road as the boundary between the Buckingham Planning Community and the Lehigh Acres Planning Community an easy to understand, physical boundary will be created.

CONSISTENCY WITH THE LEE PLAN

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 sites proximity to Buckingham Road, State Route 82, and Interstate-75, its location adjacent to the City of Fort Myers, the applicant's intent to develop commercial and limited light industrial uses to the extent that the Urban Community land use category will allow, and more importantly its strategic placement to the Lehigh Acres Community, the proposed land use change fits the distinctly urban character that the Urban Community land use category strives for.

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 public services to provide an adequate core level of service.

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)

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 which presents a potential hazard towards residential uses.

OBJECTIVE 17.1: LAND USE. *The primary land use designation for the Buckingham area is "Rural Community Preserve." 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)*

The plan amendment does not seek to change any "Rural Community Preserve" land use designations.

OBJECTIVE 17.3: SEWER AND WATER. *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 Recovery Facility, and the adjacent Lee County Parks and Recreation Facility. 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. (Amended by Ordinance No. 00-22, 03-19)*

Public services such as central sewer lines are not being proposed to be extended into the Buckingham Rural Community Preserve.

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 Buckingham Road, an arterial roadway.

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)*

Lee Tran has reviewed this comprehensive plan amendment and acknowledges that service is provided approximately ½ mile from the subject property and there are no short range plans for transit service. Lee Tran does see a demand for access to transit service for potential development based on this comprehensive plan amendment and feels that pedestrian walkways and even bikeways should be constructed. This site is located on the "Unincorporated Bikeways / Walkways Facilities Plan" that would require the integration of these services (Map provided as Attachment 9). The property in question would be required per the requirements of the Land Development Code (LDC) Chapter 10-256 and the Administrative Code 11-9 (AC 11-9) to provide an eight foot (8) off-site [within the County's right-of-way] multi-use concrete or asphalt path along the frontage of Buckingham Road. In addition there is a requirement for a four foot (4) on-road bike path (paved shoulder); however, the Bicycle Pedestrian Advisory Committee (BPAC) has recommended to the Board of County Commissioners to add paved shoulders on Buckingham Road from State Route 82 to just south of the bridge over the Orange River. This project has been advanced to the design phase and should be under construction sometime next year. The applicant will only be responsible for the eight foot (8) multi-use trail. It is being proposed through the text amendment that the multi-use trail will be incorporated into a buffer that will be established along Buckingham Road.

FLORIDA STATE COMPREHENSIVE PLAN

Concerning most areas of the Florida's State Comprehensive Plan, this amendment does not impact any goals or policies either positively or negatively.

(13) HAZARDOUS AND NONHAZARDOUS MATERIALS AND WASTE

(a)5. Identify and clean up hazardous waste sites.

The applicant reviewed existing Florida Department of Environmental Protection database information concerning Brownfield sites. The parcel in question is not listed as a Brownfield Site.

(22) ECONOMY

(a)10. Provide for nondiscriminatory employment opportunities.

The applicant has stated their intent to provide a development fostering commercial and limited light industrial uses within the Lehigh Acres area.

(25) EMPLOYMENT

(a)4. Encourage economic development in economically distressed areas.

The Lee Plan, though the Lehigh Acres Vision Statement and existing Goals, Objectives, Policies, and Standards within the Lee Plan is actively pursuing more non-residential acreage to provide employment opportunities for the growing population.

AFFECT ON ADJACENT LOCAL GOVERNMENTS

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. Additionally, the City of Fort Myers is intended to be the provider of potable water and sanitary sewage for this development. The City is fully aware of the scope of this proposed comprehensive plan amendment.

PLANNING STAFF RECOMMENDATIONS

Planning staff believes additional conditions should be placed on this plan amendment to ensure appropriate development patterns. Planning staff is proposing the following text amendment. The intent of the additional text amendment is to address specific concerns about the types of development that will take place.

Objective 1.9: *For the parcel of land described as generally, the southwest quarter of Section 19, Township 44 South, Range 26 East of Lee County, Florida; generally bounded by Buckingham road to the west; the eastern, southwest quarter boundary of Section 19, Township 44 South, and Range 26 East as the eastern most boundary, and the southern boundary of Section 19, Township 44 South, Range 26 East as the southern boundary for the plan amendment area.*

Policy 1.9.1: *All development for this site will be by Planned Development.*

The inclusion of this text will ensure that Lee County will be able to condition development through landscaping, architecture, and use.

Policy 1.9.2: *Development will be limited to Commercial (both general and retail) and Limited Light Industrial uses to an intensity allowed under the Urban Community Land Use designation. No residential uses will be allowed on the parcel described in Objective 1.9*

A concern for this site was the potential development of residential units. The previous use of the property, as a landfill make this a less than desirable location for residential uses. Policy 5.1.2 of the Lee Plan prohibits residential developments where hazards exist. Even though the site is not listed as a Brownfield site by the Florida Department of Environmental Protection, it's prior use was a cause of concern by staff. The applicant agreed.

Policy 1.9.4: *A buffer will be established along Buckingham Road that will integrate the required sidewalk with appropriate plantings and berms to provide adequate visibility and protection to the non-motorized public.*

- ***The buffer, pertaining to the area abutting Buckingham Road, will be a minimum of fifty (50) linear feet in depth with a total average of seventy-five (75) linear feet in depth for the entire distance along Buckingham Road***

- In working with the county, the required sidewalk will be eight (8) feet in width and function as a multi-purpose trail and will be designed to incorporate the entire buffer area.
- The buffer area will be designed in a fashion to incorporate the proximity of the Buckingham Park and its potential to be utilized by park patrons.
- The future potential for transit accessibility will be designed into the buffer area.
- The buffer area will be designed to establish a boundary between the Buckingham Rural Preserve to the north and the urban uses to the south of Buckingham Road and will, at a minimum consist of five (5) canopy trees per one hundred (100) linear feet and hedges planted in double staggered rows three (3) feet from center with a height at installation of forty-eight (48) inches.
 - Native species are to be utilized for the required vegetative buffer.

B. CONCLUSIONS

The proposed map and text amendment provides sound planning coordination between Lee County Staff, the applicant, and the general public. The proposed amendments respond to existing Goals, Objectives, Policies, and Standards that are establishing planned growth patterns for Lee County. Every attempt was made to recognize preconceived development potentials for the affected areas and to respond in a manner that was fair, equitable, and in the best interest of Lee County.

C. STAFF RECOMMENDATION

REVISED RECOMMENDATION: Planning Staff recommends transmittal of the proposed amendment consisting of the Future Land Use Map change of ±95 acres of land currently designated under the Rural Land Use designation to the Urban Community Land Use designation and the associated text amendment.

Planning staff recommends keeping the ±95 acre parcel in the Buckingham Planning Community boundary.

ORIGINAL RECOMMENDATION: Planning Staff recommends transmittal of the proposed amendment consisting of the Future Land Use Map change of ±95 acres of land currently holding the land use designation of Rural to Urban Community and moving the property from the existing Buckingham Planning Community to the Lehigh Acres Planning Community with the proposed Text Amendments.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION
PUBLIC HEARING DATE. October 23, 2006**

- A. **LOCAL PLANNING AGENCY REVIEW** Staff explained the purpose of the amendment and reviewed the staff report and recommendations. LPA members submitted questions dealing with various issues. One of the subjects raised dealt with the issue of access to the property and how the potential development would service the Lehigh Acres Community. Staff responded that access would be provided along Buckingham Road, an arterial that is currently functioning at a LOS "C", as is specified in the 2006 Concurrency Report. Staff also submitted that access for the uses of the property would come from Buckingham Road to State Route 82 and Gunnery Road and access to Lee Boulevard from both Alvin Road and Abrahms Road; all are designated as collector roads or arterial roads.

LPA members also questioned the prior use of the property and the potential issue of storm-water run-off. Staff responded by stating the applicant is fully aware of the landfill site, but that the property is not listed as a Brownfield site through the Florida Department of Environmental Protection. This would not limit their liability, but the full extent of the potential impacts would not be known until further environmental analysis could be conducted. The applicant's representative also spoke about the prior use of the land stating they did not feel this site was appropriate for residential uses and that commercial and limited light industrial uses would serve the area better. Staff has proposed new text as part of this amendment that would not allow residential uses on this ±95 acre site. The issue of storm-water runoff had not been fully addressed at the time of the LPA hearing and further communications were continuing between the applicant and the Lee County Department of Transportation.

The meeting was opened for public comment. There were several speakers each addressing similar topics, such as: not moving any property out of the Buckingham Planning Community and more intense development encroaching on the Buckingham area with increased traffic because of it. A few members of the speaking public stated an interest in working with the owner in developing the property site. As part of the public comment the issue of transitioning from development outside of the Buckingham area to the Buckingham Rural Preserve was brought up. A member of the audience stating to be one of the original authors of Goal 17 (Buckingham Area) Lee Plan text stated that while the parcel in question was not a part of the Buckingham Area (regulated by the Goal 17 text), it was a part of the Buckingham Planning Community area and it was their intent to have the area between the Buckingham Area boundary and the Buckingham Planning Community boundary to be a transition area which would not allow an intensity beyond the Rural Land Use designation.

After the LPA hearing and based on the above discussion, staff reviewed the boundaries from the 1990 Lee Plan, Map 16, "Year 2010 Overlay" Sub-Districts, which show the ±95 acre site being included in Sub-District 704. Sub-District 704 primarily used Buckingham Road as the boundary up to Gunnery Road. The majority of Sub-District 704 overlays

platted Lehigh Acres parcels. A copy of Map 16, from the 1990 Lee Plan is provided as Attachment 9.

The Sub-Districts were changed as a result of the 1994 Evaluation and Appraisal Report which proposed the deletion of the 2010 Overlay Boundary. Through PAM/T 96-13 the County proposed an amendment to create a new community based planning district map (Map 16) and allocate land uses based on these boundaries through the year 2020. The proposed Map 16 from PAM/T 96-13 is provided as Attachment 10. Planning Community 20, the Buckingham Planning Community, as was proposed through PAM/T 96-13, included a portion of Sub-District 704, however there were noticeable changes. First, the boundary which established Buckingham Road as a divider was moved south of the ±95 acre site that had the end result of moving the ±95 acre site from what would have been the Lehigh Acres Planning Community to the Buckingham Planning Community, if the Sub-District 704 boundaries would have been followed. Farther east, past Gunnery Road the section line boundaries were followed. Map 16 was adopted through the June 3, 1998 Board of County Commissioners meeting. There was no discussion about the map.

The Buckingham Area, Goal 17 requirements were adopted into the Lee Plan through Ordinance Number 91-19 with subsequent amendments. The boundaries established through Sub-District 704 and the 1990 Lee Plan would have been in place during the time that the Buckingham Area boundaries were generated.

It was during the public comment portion that the Solid Waste Director stated landfill operations took place on this property from 1972 to 1976. He also spoke about the requirements that were placed on the Division of Solid Waste by the Department of Environmental Protection, after the landfill use was discontinued, which included monitoring the site for groundwater contamination for a period of roughly 20 years. During the public comment time, the Smart Growth Director also spoke about the need to transition between different planning communities with different visions of growth, as exist between the Buckingham Planning Community and the Lehigh Acres Planning Community. The conclusion being that as we identify transition areas between conflicting planning communities, the County should be assessing what the countywide needs are. So transitioning from urban community to rural is not uncommon and to do it at a road is not uncommon. However, this line of discussion also concluded there were other concerns about development on this site which centered on its previous use as a land-fill.

Before the LPA members made a motion, the applicant's representative addressed a question to staff asking what would need to be done in order to allow the change in land use designation and not move the ±95 acre site out of the Buckingham Planning Community. Staff responded by stating this could be done but it would require an amendment to Table 1(b), the Planning Community Allocations table. LPA members asked the Vice-President of the Buckingham Conservancy if this would be acceptable. The Vice-President responded that he felt the community would still be opposed.

Considering public testimony and LPA comments staff is recommending amending the Lee Plan Future Land Use Map Series, Map 1, to change the parcel from the Rural designation to the Urban Community designation with the associated text amendment .

Staff is, however, recommending keeping the parcel within the Buckingham Planning Community Area.

LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** The LPA recommends that the Board of County Commissioners not transmit the proposal to amend the Lee Plan Future Land Use Map series, Map 1, page 1 of 5 to change ± 95 acres from the Rural Land Use designation to the Urban Community Land Use designation and change the boundaries in the Future Land Use Map series, Map 16, placing the ± 95 acre site within the Lehigh Acres Planning Community.

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

C. VOTE:

| | |
|------------------------------|---------------|
| NOEL ANDRESS | AYE |
| RAE ANN WESSEL | AYE |
| DEREK BURR | AYE |
| RONALD INGE | NAY |
| RAYMOND SCHUMANN, ESQ | AYE |
| CARLETON RYFFEL | ABSENT |
| FRED W. SCHILFFARTH | ABSENT |

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

DATE OF TRANSMITTAL HEARING: December 13, 2006

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

BOB 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:

D. BOARD REVIEW:

E. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

F. VOTE:

BRIAN BIGELOW

TAMMARA HALL

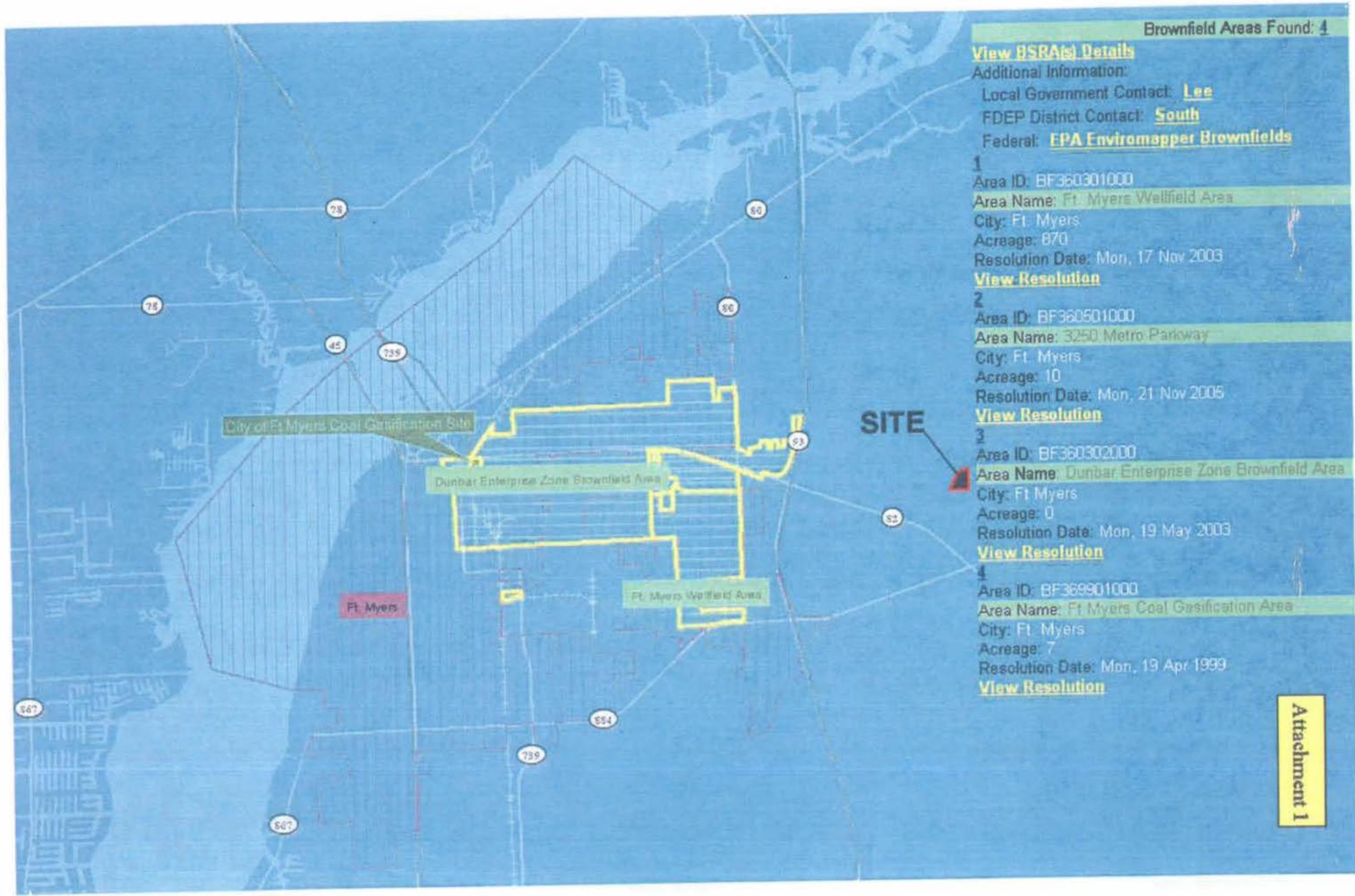
BOB JANES

RAY JUDAH

FRANK MANN

Attachments

- 1) Brownfield Site Map
- 2) Future Land Use Map – Depicting Plan Amendment Area
- 3) Table 1(b) – Excerpt showing Lehigh Acres and Buckingham Planning Communities
- 4) Ordinance 91-19
- 5) Map 16 – Planning Communities
- 6) Map 1, Page 2 of 5 – Special Treatment Areas
- 7) Letter from the Buckingham Conservancy, Inc.
- 8) Map 3D Bikeways/Walkways Facilities Plan
- 9) Map 16 from the 1990 Lee Plan
- 10) Proposed Map 16 from PAM/T 96-13



Brownfield Areas Found: 4

View BSRA(s) Details

Additional Information:

Local Government Contact: **Lee**

FDEP District Contact: **South**

Federal: **EPA EnviroMapper Brownfields**

1
Area ID: BF360301000

Area Name: **Ft. Myers Wellfield Area**

City: Ft. Myers

Acreage: 870

Resolution Date: Mon, 17 Nov 2003

View Resolution

2
Area ID: BF360501000

Area Name: **3250 Metro Parkway**

City: Ft. Myers

Acreage: 10

Resolution Date: Mon, 21 Nov 2006

View Resolution

3
Area ID: BF360302000

Area Name: **Dunbar Enterprise Zone Brownfield Area**

City: Ft. Myers

Acreage: 0

Resolution Date: Mon, 19 May 2003

View Resolution

4
Area ID: BF369901000

Area Name: **Ft. Myers Coal Gasification Area**

City: Ft. Myers

Acreage: 7

Resolution Date: Mon, 19 Apr 1999

View Resolution

FUTURE LAND USE MAP
(Lee Plan Map 2006.1 of 3)

This map generally represents the plan and is a map of the Lee County, Florida, and is subject to the approval of the Board of County Commissioners. The actual plan and policies are subject to the approval of the respective municipalities.

This map is a general representation of the Lee County Land Use Plan as adopted by the Board of County Commissioners on September 17, 2006.

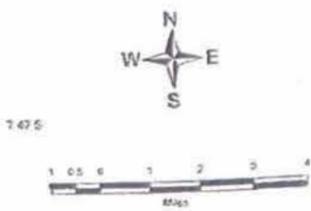
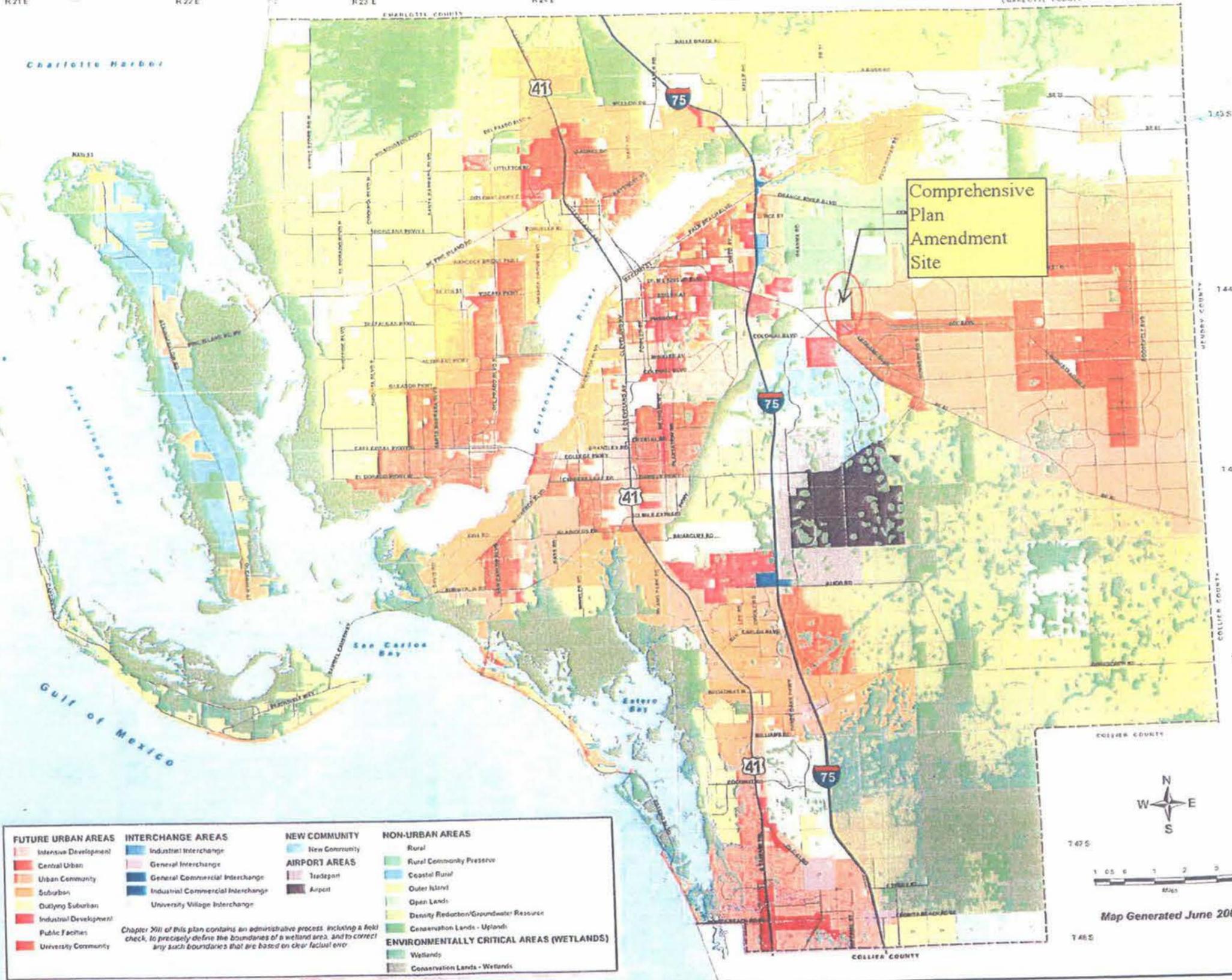
| ADOPTING ORDINANCE | DATE OF ADOPTION | EFFECTIVE DATE |
|----------------------------|------------------|----------------|
| 80-01 | 1/11/1981 | 3-1-1981 |
| 80-01 | 3/11/1981 | 3-1-1981 |
| 80-41 | 8/6/1980 | 8-12-1980 |
| 80-41 | 8/12/1980 | 8-12-1980 |
| 81-10 | 4/5/1981 | 4-15-1981 |
| 81-15 | 7/8/1981 | 7-28-1981 |
| 82-25 | 6/11/1982 | 6-16-1982 |
| 82-41 | 8/15/1982 | 8/21/1982 |
| 82-47 | 10/27/1982 | 1-18-1983 |
| 82-48 | 10/27/1982 | 1-18-1983 |
| 82-51 | 12/8/1982 | 12-5-1982 |
| 82-66 | 2/22/1983 | 2/25/1983 |
| 82-25 | 9/29/1983 | 10-4-1984 |
| 84-23 | 8/28/1984 | 11/4/1984 |
| 84-29 | 10/29/1984 | 10/19/85 |
| 84-30 | 11/1/1984 | 7/25/1985 |
| 84-27 | 12/20/1984 | 1/20/1985 |
| 84-16 | 10/2/1984 | 11/2/1984 |
| 87-01 | 3/5/1987 | 4/2/1987 |
| 87-12 | 8/28/1987 | 8/20/1987 |
| 87-13 | 8/24/1987 | 7/25/1987 |
| 87-22 | 11/25/1987 | 12/24/1987 |
| 88-01 | 1/15/1988 | 3-13-1988 |
| 88-01 | 8/3/1988 | 7/20/1988 |
| 88-02 | 4/13/1988 | 3-4-2000 |
| 88-04 | 1/24/1988 | 12/25/1988 |
| 88-15 | 11/23/1988 | 1/18/2000 |
| 88-16 | 11/23/1988 | 1/18/2000 |
| 88-17 | 11/23/1988 | 1/18/2000 |
| 88-18 | 11/23/1988 | 1/18/2000 |
| 88-19 | 11/23/1988 | 12/23-1889 |
| 88-06 | 8/4/2000 | 8/26/2000 |
| 88-16 | 8/6/2000 | 8/6/2000 |
| 88-22 | 11/2/2000 | 12/29/2000 |
| 81-24 | 12/13/2001 | 1/13/2002 |
| 88-01, 83-04, 85-01 | 1/10/2002 | 3/27/2002 |
| 88-21 | 10/21/2002 | 1/2/2003 |
| 88-01, 83-04, 85-01, 81-24 | 1/20/2003 | 4/1/2003 |
| 83-12 | 3/27/2003 | 5/2/2003 |
| 83-18, 83-20, 83-21 | 10/23/2003 | 1/21/2004 |
| 83-21 | 11-15/2003 | 3/12/2004 |
| 84-14 | 8/25/2004 | 11/5/2004 |
| 84-15 | 8/25/2004 | 10/22/2004 |
| 85-18, 85-21 | 10/12/2005 | 01/09/2006 |

Please see the Lee Plan for additional information regarding special restrictions, easements, or allowances in addition to the requirements of the land use categories.



| | | | |
|---------------------------|-----------------------------------|----------------------|----------------------------------------|
| FUTURE URBAN AREAS | INTERCHANGE AREAS | NEW COMMUNITY | NON-URBAN AREAS |
| Intensive Development | Industrial Interchange | New Community | Rural |
| Central Urban | General Interchange | AIRPORT AREAS | Rural Community Preserve |
| Urban Community | General Commercial Interchange | Tradeport | Coastal Rural |
| Suburban | Industrial Commercial Interchange | Airport | Outer Island |
| Outlying Suburban | University Village Interchange | | Open Lands |
| Industrial Development | | | Density Reduction/Groundwater Resource |
| Public Facilities | | | Conservation Lands - Upland |
| University Community | | | Wetlands |
| | | | Conservation Lands - Wetlands |

Chapter 2011 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.



Map Generated June 2006

Planning Community Year 2020 Allocations

| Future Land Use Category | Iona/ McGregor | San Carlos | Sanibel | South Fort Myers | Pine Island | | Southeast Lee County | North Fort Myers | | Hester | Bayshore |
|------------------------------------------------|-------------------|---------------|---------|---------------------|---------------|---------------|-------------------------|---------------------|---------------|---------------|---------------|
| Residential By Future Land Use Category | | | | | | | | | | | |
| Intensive Development | | | | 704 | 5 | | | 371 | | | |
| Central Urban | 462 | 15 | | 2,778 | | 3,052 | | 2,498 | | | |
| Urban Community | 697 | 930 | | 920 | 526 | 8,037 | | | 51 | 327 | |
| Suburban | 2,471 | 2,290 | | 1,217 | 636 | | | 5,293 | | 1,572 | |
| Outlying Suburban | 396 | | | | 466 | | | 610 | 49 | 837 | 749 |
| Industrial | 7 | 13 | | 10 | | | | | | | |
| Public Facilities | | | | | | | | | | | |
| University Community | | 860 | | | | | | | | | |
| Industrial Interchange | | | | | | | | | | | |
| General Interchange | | | | | | | 15 | 9 | | 15 | 12 |
| General Commercial Interchange | | | | | | | | | | | |
| Industrial Commercial Interchange | | | | | | | | | | | |
| University Village Interchange | | | | | | | | | | | |
| Mixed Use Interchange | | | | | | | | | | | |
| New Community | | | | | | | | | | | |
| Tradeport | | | | | | | | | | | |
| Airport | | | | | | | | | | | |
| Rural | | 160 | | | 1,129 | 10 | 702 | 383 | 57 | 900 | 1,251 |
| Rural Community Preserve | | | | | | | | | 3,046 | | |
| Outer Island | 1 | | | | 37 | | | | | | |
| Open Lands | | | | | | | | 45 | | | 1,236 |
| Density Reduction/ Groundwater Resource | | | | | | | 3,573 | | | | 1,837 |
| Wetlands | | | | | | | | | | | |
| Unincorporated County Total Residential | 4,034 | 4,228 | | 5,629 | 2,799 | 11,099 | 4,290 | 9,209 | 3,205 | 3,651 | 5,085 |
| Commercial | 782 | 1,613 | | 1,849 | 165 | 452 | 31 | 1,158 | 18 | 1,399 | 104 |
| Industrial | 298 | 350 | | 723 | 64 | 216 | 55 | 209 | 5 | 87 | 3 |
| Non-Residential Allocations | | | | | | | | | | | |
| Public | 2,970 | 1,085 | | 3,394 | 1,722 | 13,738 | 7,700 | 2,015 | 2,114 | 4,708 | 1,462 |
| Active AG | | | | | 2,313 | | 21,066 | 381 | 411 | 833 | 1,321 |
| Passive AG | | 90 | | | 960 | | 21,110 | 4,113 | 3,867 | 90 | 4,393 |
| Conservation | 8,879 | 3,283 | | 128 | 13,703 | 1,455 | 30,882 | 1,293 | 359 | 3,626 | 798 |
| Vacant | 1,912 | 11 | | 690 | 4,577 | 19,561 | 321 | 4,242 | 1,278 | 5,794 | 1,310 |
| Total | 18,875 | 10,660 | | 12,413 | 26,363 | 46,521 | 85,455 | 22,620 | 11,255 | 20,188 | 14,476 |

For the purposes of gathering information regarding Fort Myers Beach and making policy recommendations to the County Commission, Lee County shall maintain the active participation of a Fort Myers Beach advisory committee.

LANGUAGE ADDED BY PAT/M 90-22, JULY 9, 1991

GOAL 19: 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. Goal 19, including the following Objectives and Policies and the designations on the Future Land Use Map, shall not be amended until the 1994 five-year evaluation and update required under Chapter 163.3191, Florida Statutes. For the purposes of this plan, the precise boundaries of Buckingham are indicated on the Future Land Use Map.

OBJECTIVE 19.1: LAND USE.

The primary land use designation for the Buckingham area is "Rural Community Preserve." Public Facilities have also been designated as appropriate. After the adoption of this amendment, no land in Buckingham shall 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 19.1.1:

The Board of County Commissioners recognized in 1991 decision that rural land uses are the ultimate land uses in Buckingham, and that a transition to urban land uses shall not be permitted unless a finding of overriding public necessity is determined in accordance with Objective 19.1.

POLICY 19.1.2:

No property within Buckingham shall be rezoned to RVPD.

POLICY 19.1.3:

The southeast and northeast quadrants of the intersection of Orange River Boulevard and Buckingham Road shall be designated as the commercial for the Buckingham area. No commercial activities shall be located outside of this commercial node. There shall be no more than 10,000 square feet of retail space and no more than 20,000 square feet of commercial space in total. 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.

POLICY 19.1.4:

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 shall require a minimum size of one acre (43,560 square feet) for every residential lot.

OBJECTIVE 19.2: TRANSPORTATION.

To protect the rural character of the Buckingham area, the following amendments to the Official Trafficways Map and the Desirable Traffic Circulation Plan Map (2010 Needs Plan) shall be researched and adopted in 1991, if appropriate:

- a. The alignment for the proposed extension of Lockett Road east of Buckingham Road will be diverted as far south as possible in order to skirt the Buckingham area.
- b. Delete the proposed extension of SR 31 South of the Orange River.
- c. Delete the proposed extension of Orange River Boulevard east of Buckingham Road.
- d. Delete the proposed east/west collector within the study area.
- e. Delete the proposed extension of Ellis Road.
- f. Delete the extension of Staley Road to SR 82.
- g. Restore the extension of Buckingham Road to SR 82.
- h. All future rights-of-way in Buckingham shall be no greater than 100 feet (except for Buckingham Road and Lockett Road extensions).

OBJECTIVE 19.3: CONSERVATION.

During 1991, the county shall designate a wildlife corridor from Buckingham Road north through the Buckingham area to the Orange River, pursuant to Objectives 77.11 and Policies 77.3.2, 77.11.5, 77.11.6 and 77.11.7 of the Lee Plan. This corridor may be integrated with on both sides of the FP&L power line easement, and all adjacent vegetation shall be included in the review of the likely corridor configurations. All regulations shall include incentives provided in the Protected Species Ordinance (No. 89-34). If necessary, a certain percentage of regional park impact fees will be earmarked for acquiring property and/or easements in this corridor. ~~Other funding sources shall also be investigated.~~

POLICY 19.3.1:

After adoption of this plan amendment, the agricultural and single-family exemptions to the Tree Ordinance shall not apply within 25 feet of the Orange River.

OBJECTIVE 19.4: SEWER AND WATER.

In order to discourage unwanted urban development, central sewer and water lines shall not be extended into the Buckingham Rural Community Preserve, except in the areas identified by Maps 6 and 7 as Future Water and Sanitary Sewer Service Areas and to the site of the proposed resource recovery facility.

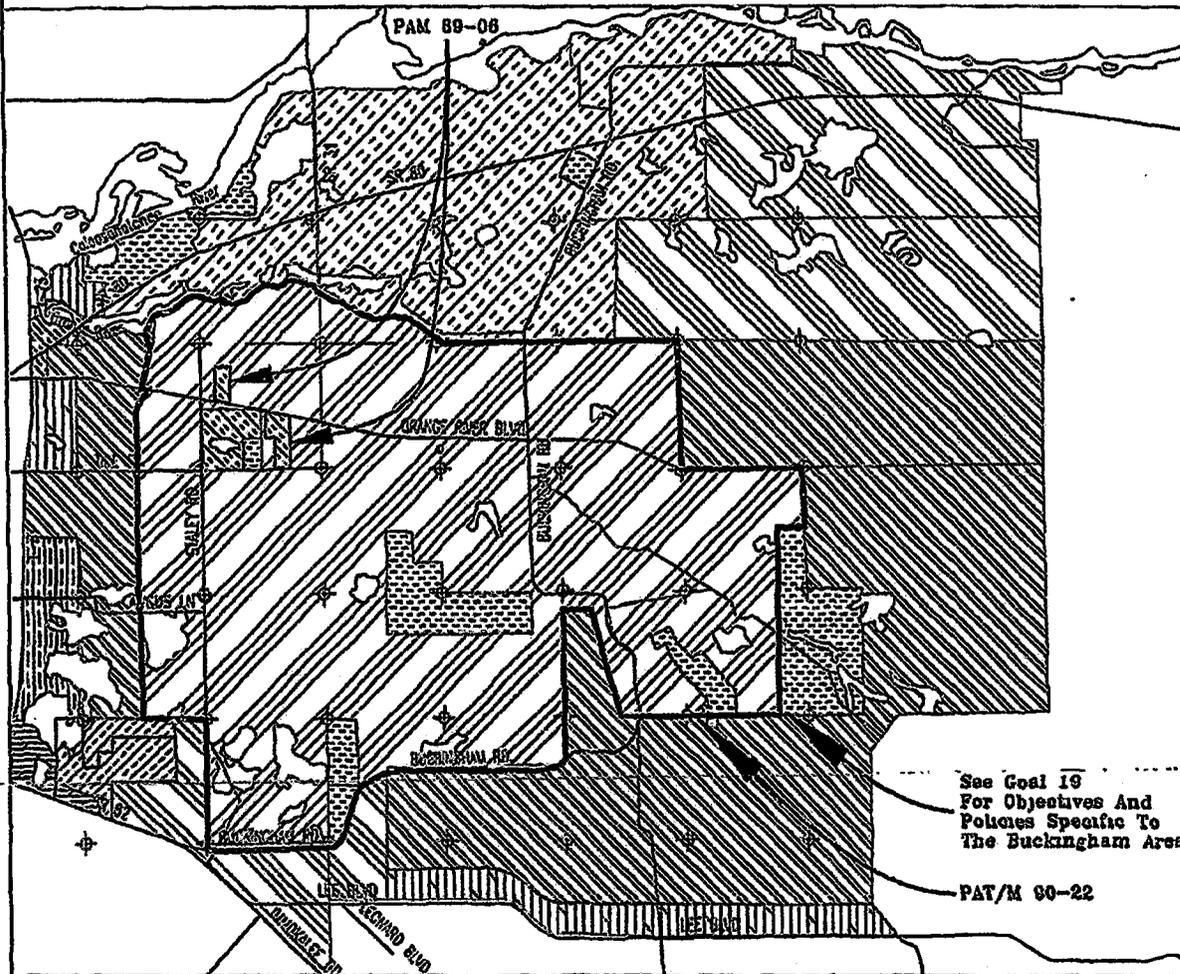


AS ADOPTED
JULY 9, 1991

AMENDMENTS TO THE FUTURE LAND USE MAP



- | FUTURE URBAN AREAS: | | NON-URBAN AREAS: | |
|---------------------|-----------------------|---------------------------------|---------------------------|
| | INTENSIVE DEVELOPMENT | | INDUSTRIAL DEVELOPMENT |
| | CENTRAL URBAN | | PUBLIC FACILITIES |
| | URBAN COMMUNITY | | INTERCHANGE AREAS |
| | SUBURBAN | | INDUSTRIAL |
| | OUTLYING SUBURBAN | | GENERAL COMMERCIAL |
| | | | RURAL |
| | | | RURAL COMMUNITY PRESERVE |
| | | ENVIRONMENTALLY CRITICAL AREAS: | |
| | | | RESOURCE PROTECTION AREAS |
| | | | TRANSITION ZONES |

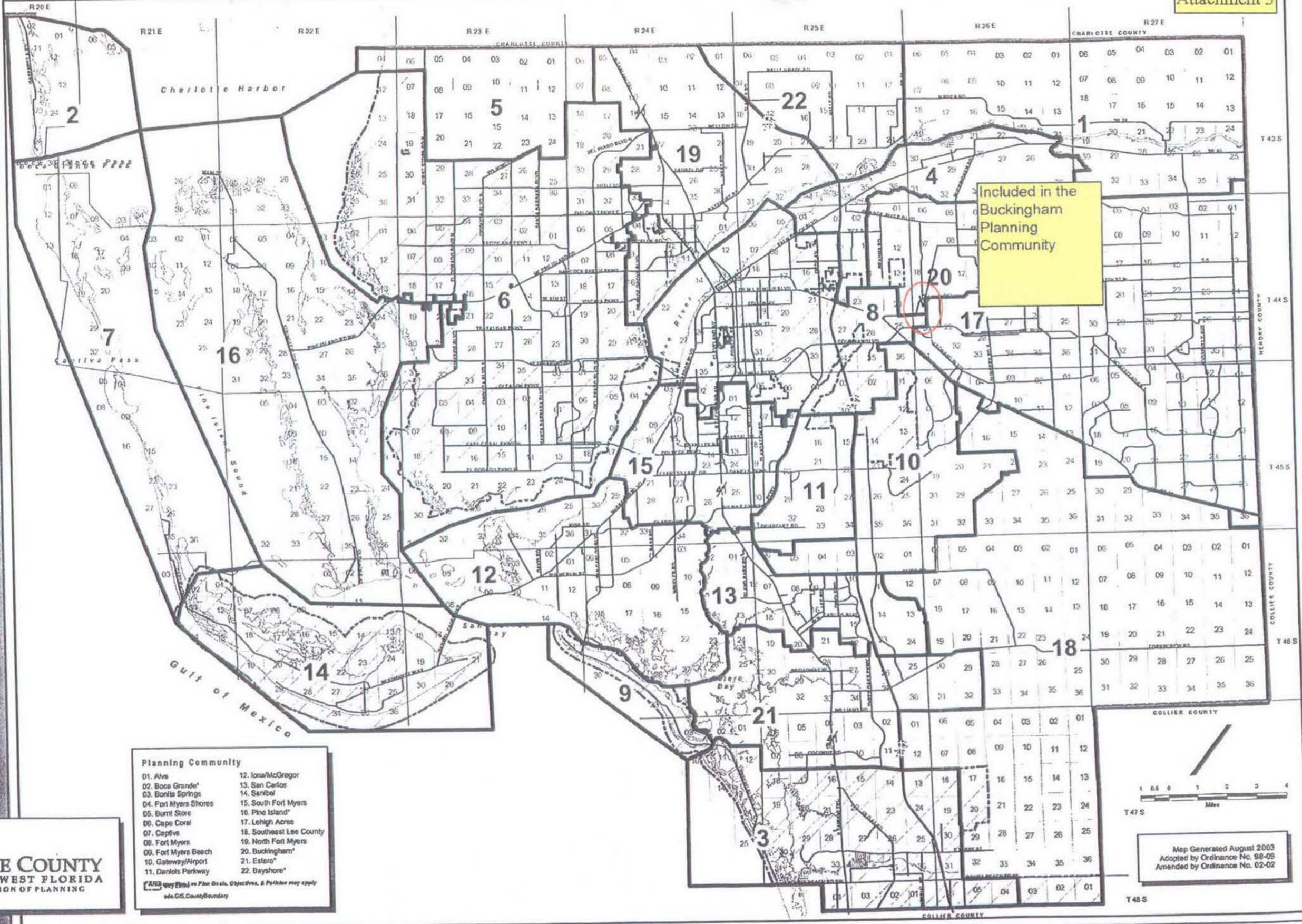


LEE COUNTY PLANNING COMMUNITIES
(Lee Plan Map 16)



| Planning Community | |
|-----------------------|--------------------------|
| 01. Alva | 12. Iona/McGregor |
| 02. Boca Grande* | 13. San Carlos |
| 03. Bonita Springs | 14. Sanibel |
| 04. Fort Myers Shores | 15. South Fort Myers |
| 05. Burnt Store | 16. Pine Island* |
| 06. Cape Coral | 17. Lehigh Acres |
| 07. Captiva | 18. Southwest Lee County |
| 08. Fort Myers | 19. North Fort Myers |
| 09. Fort Myers Beach | 20. Buckingham* |
| 10. Gateway/Airport | 21. Estero* |
| 11. Daniels Parkway | 22. Bayshore* |

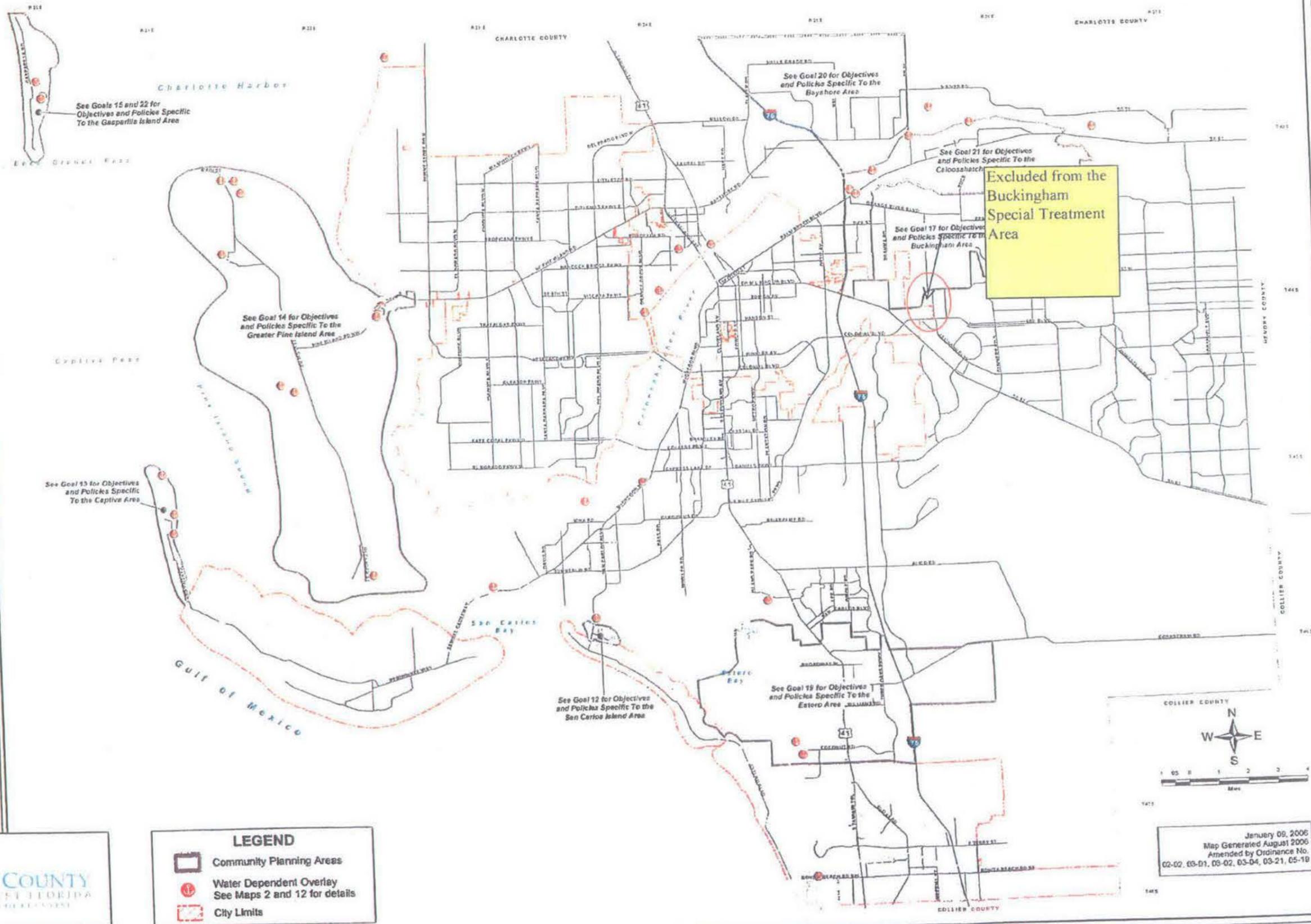
*AS2 may differ from Plan Goals, Objectives, & Policies may apply
see GIS County Boundary



Map Generated August 2003
Adopted by Ordinance No. 98-09
Amended by Ordinance No. 02-02

SPECIAL TREATMENT AREAS

(Low Flow Model) Page 2 of 11





BUCKINGHAM CONSERVANCY, INC.
A Florida Non-Profit Corporation
4931 Shady River Lane, Fort Myers, Florida 33905

September 11, 2006

Paul O'Connor
Planning Director
Lee County
Post Office Box 398
Fort Myers, Florida, 33902-0398

RECEIVED
SEP 13 2006

COMMUNITY DEVELOPMENT

Dear Mr. O'Connor:

We have learned that County staff intends to amend the Lee Comprehensive Plan to remove land from the Buckingham Planning District and include it in the Lehigh Acres Planning District.

The officers and directors of the Buckingham Conservancy have reviewed the situation and steadfastly oppose the extraction of any property from the Buckingham Planning District.

We sincerely hope that this matter can be resolved at the county level. Please let us know if there is anything our organization can do to assist you in establishing policy that represents the best interests of our community.

Respectfully,

Bill Burdette,
Vice President

copy: Officers and Directors, Buckingham Conservancy, Inc.
Board of County Commissioners
Department of Community Development Director Mary Gibbs
Lee County Zoning Director Pam Houck
Lee County Attorney David Owen
Mike McDaniel, Florida Department of Community Affairs

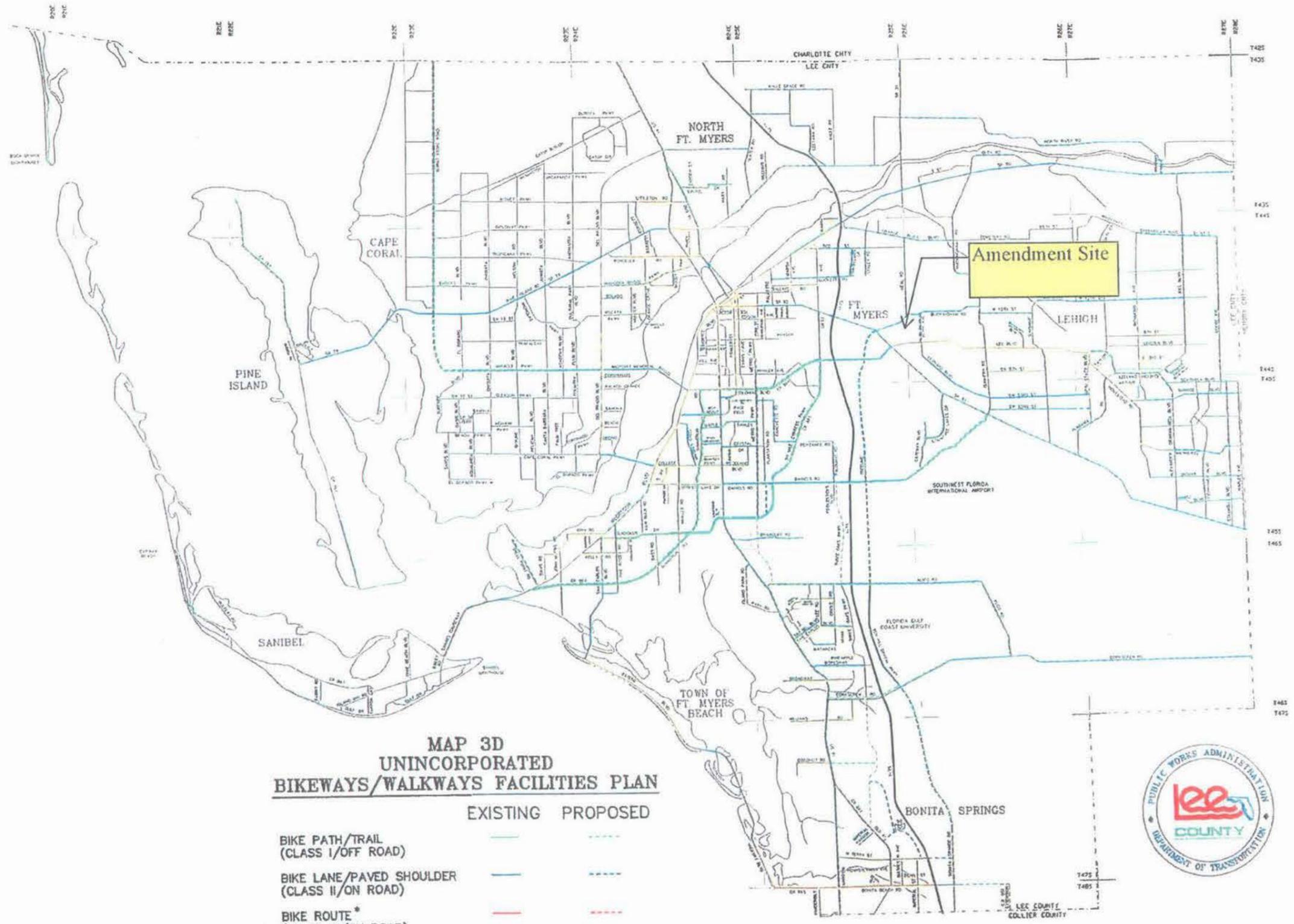
PRESIDENT
Chris Bundschu, 693-1000

VICE PRESIDENT
Bill Burdette, 936-1404

TREASURER / SECRETARY
Betsy Burdette, 694-4738

DIRECTORS

Don Blackburn 931-9171 Sarah Clarke 694-6261 Kerri Goldsmith 561-5473 George Kaplinski 694-6261 Bob Murray 985-1200 Mike Rippe 694-0451 Bruce Strayhorn 334-1260 Dick Workman 694-0101



**MAP 3D
UNINCORPORATED
BIKEWAYS/WALKWAYS FACILITIES PLAN**

| | EXISTING | PROPOSED |
|------------------------------------------------|----------|----------|
| BIKE PATH/TRAIL (CLASS I/OFF ROAD) | | |
| BIKE LANE/PAVED SHOULDER (CLASS II/ON ROAD) | | |
| BIKE ROUTE* (CLASS III/ON ROAD) | | |
| SIDEWALK* | | |

NOTE: THE PROVISION OF BIKEWAYS AND PEDESTRIAN WAYS SHALL BE IN ACCORDANCE WITH THE LEE COUNTY LAND DEVELOPMENT CODE.
(* LOCAL ROADS NOT SHOWN)

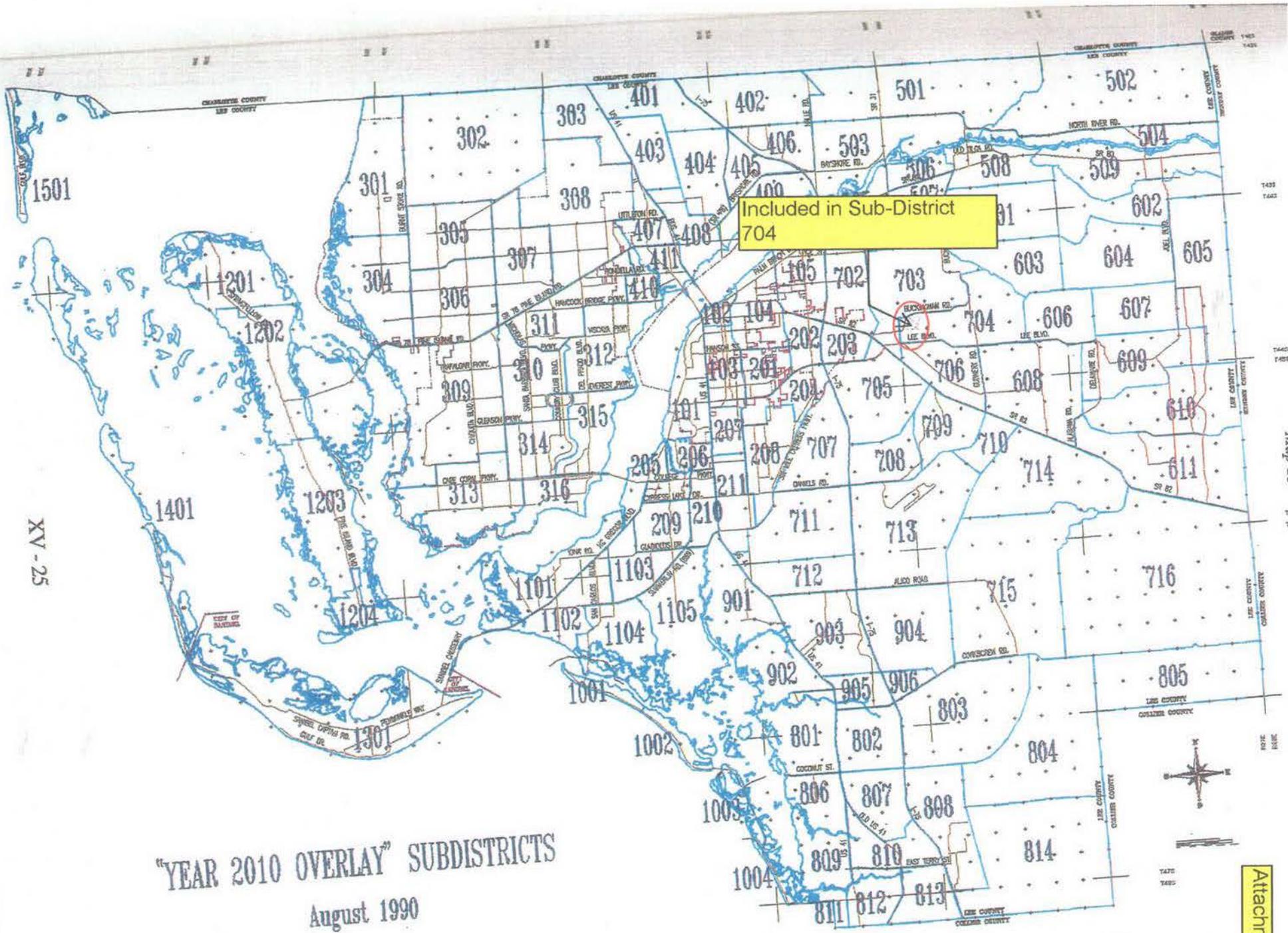


I HEREBY CERTIFY THAT THIS MAP WAS ADOPTED BY THE LEE COUNTY BOARD OF COMMISSIONERS BY ORDINANCE NO. 95-12 ON JULY 12, 1995, EFFECTIVE SEPTEMBER 1, 1995. AS AMENDED ON THIS DATE _____

ATTEST:
CHARLIE GREEN, CLERK
By: _____
Deputy Clerk

CHAIRMAN, LEE COUNTY BOARD OF COUNTY COMMISSIONERS
By: _____
Chairman

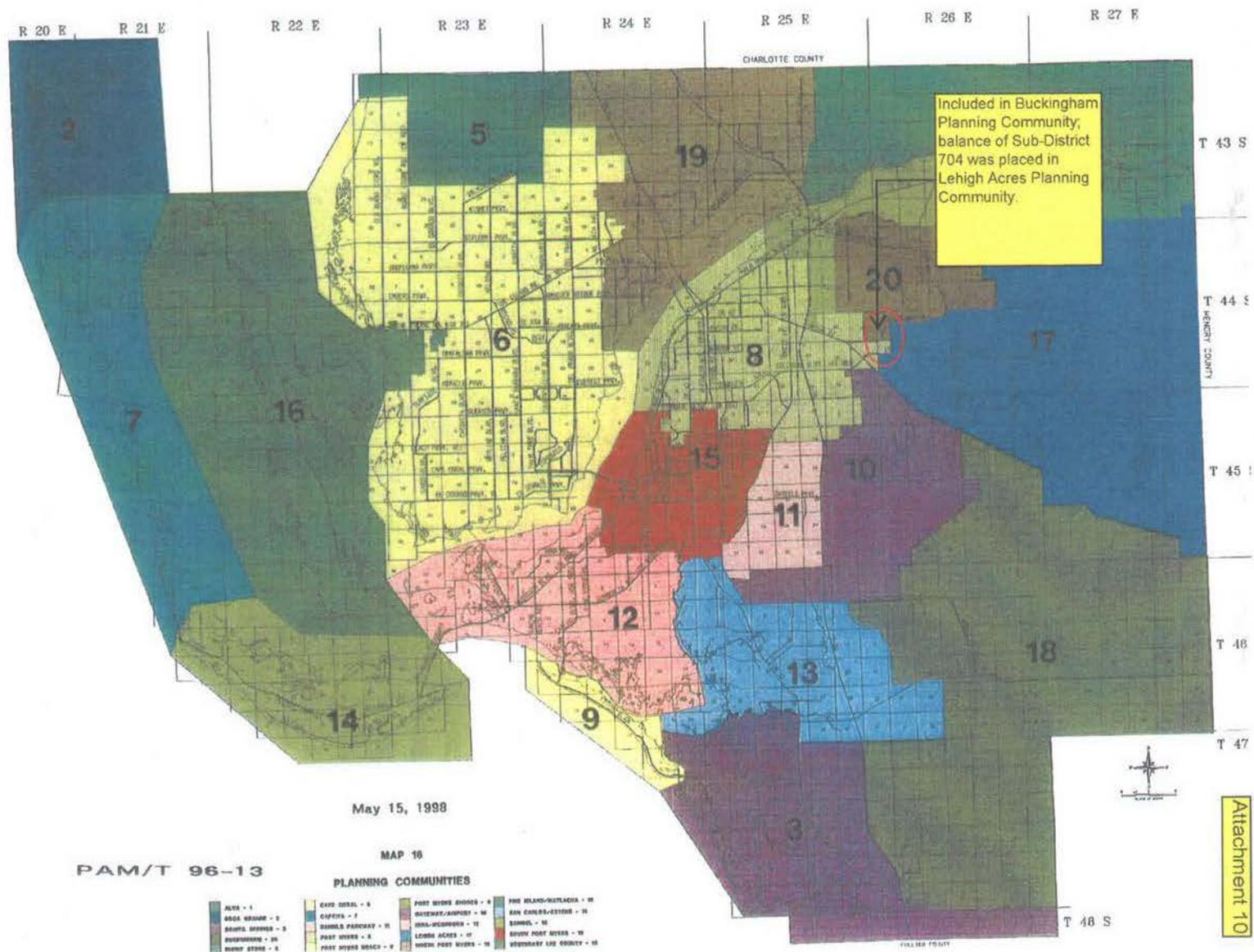
(AMENDED BY ORDINANCE #99-15)



XV - 25

"YEAR 2010 OVERLAY" SUBDISTRICTS
August 1990

Attachment 9



Included in Buckingham Planning Community; balance of Sub-District 704 was placed in Lehigh Acres Planning Community.

May 15, 1998

PAM/T 96-13

MAP 18
PLANNING COMMUNITIES

| | | | |
|------------------|----------------------|------------------------|-------------------------------|
| ALVA - 1 | CAPO GIRAL - 6 | PORT WYCK SHORES - 4 | PINE HILLS/WATLACKA - 18 |
| BOGA SPRING - 2 | CAPITA - 7 | RAVENHAW/JANSPORT - 10 | RAIN CREEK/ESTERS - 16 |
| SANTA ANNE'S - 5 | SHIMLA PARKWAY - 11 | ROCKY HOLLOW - 12 | SARNOX - 14 |
| BUCKINGHAM - 20 | PAST RIDGE - 8 | LEHIGH ACRES - 15 | SHORE FRONT RIDGE - 19 |
| MOODY SPRING - 3 | PAST RIDGE BEACH - 9 | NORTH PAST RIDGE - 13 | SEASIDEWAY LAKE FRONTIER - 17 |

Attachment 10

WEBB BUCKINGHAM CPA
(a.k.a. Carlton Property)
CPA2005-00002



PERMIT COUNTER

**COMPREHENSIVE PLAN
AMENDMENT**

**STRAP #19-44-26-00-00003.0000
LEE COUNTY, FLORIDA**

WEBB BUCKINGHAM CPA

**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 RESIDENTIAL!**

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

| <u>Land Use</u> | <u>Allocated</u> | <u>Need</u> | <u>Deficient</u> |
|-----------------|------------------|-------------|------------------|
| 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 disproportionment 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 their 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 their 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.

STAFF RESTRICTIONS

We agree to the following restrictions on the land use:

Policy 1.9.1: All development for this site will be by Planned Development.

Policy 1.9.2: Development will be limited to Commercial (both general and retail) and Limited Light Industrial uses to an intensity allowed under the Urban Community Land Use designation. No residential uses will be allowed on the parcel described in Objective 1.9

Policy 1.9.4: A buffer will be established along Buckingham Road that will integrate the required sidewalk with appropriate plantings and berms to provide adequate visibility and protection to the non-motorized public.

- **The buffer, pertaining to the area abutting Buckingham Road, will be a minimum of fifty (50) linear feet in depth with a total average of seventy-five (75) linear feet in depth for the entire distance along Buckingham Road.**
- In working with the county, the required sidewalk will be eight (8) feet in width and function as a multi-purpose trail and will be designed to incorporate the entire buffer area.
- The buffer area will be designed in a fashion to incorporate the proximity of the Buckingham Park and its potential to be utilized by park patrons.
- The future potential for transit accessibility will be designed into the buffer area.
- The buffer area will be designed to establish a boundary between the Buckingham Rural Preserve to the north and the urban uses to the south of Buckingham Road and will, at a minimum consist of five (5) canopy trees per one hundred (100) linear feet and hedges planted in double staggered rows three (3) feet from center with a height at installation of forty-eight (48) inches.

Native species are to be utilized for the required vegetative buffer.

CHANGES SINCE LPA 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.

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

LEE PLAN GOALS & OBJECTIVES

LEE PLAN GOALS & OBJECTIVES



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
 VACANT 1,278 Acres

REQUESTED CHANGE
 1,182 Acres (-96 Acres)

LEHIGH ACRES

Current Regulatory Category Allocation
 COMMERCIAL 452 Acres
 INDUSTRIAL 216 Acres

REQUESTED CHANGE
 490 Acres (+38 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)

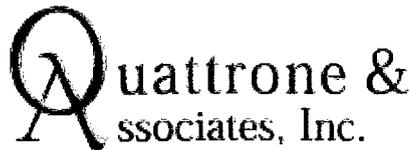
The project abuts to the west the northwestern most portion of Lehigh Acres. The property is separated by a 120 foot canal and 100 foot Florida Power and Light easement. The properties in Lehigh to the west of this project are single-family platted lots that are mostly developed. The proximity to Lehigh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

**BUCKINGHAM RURAL PRESERVE
Special Treatment Area**

CITY OF FORT MYERS

Incinerator

Buckingham Park

**SUBJECT
PARCEL**

Buckingham Road

Olympia
Point

Lee Blvd.

Sherwood

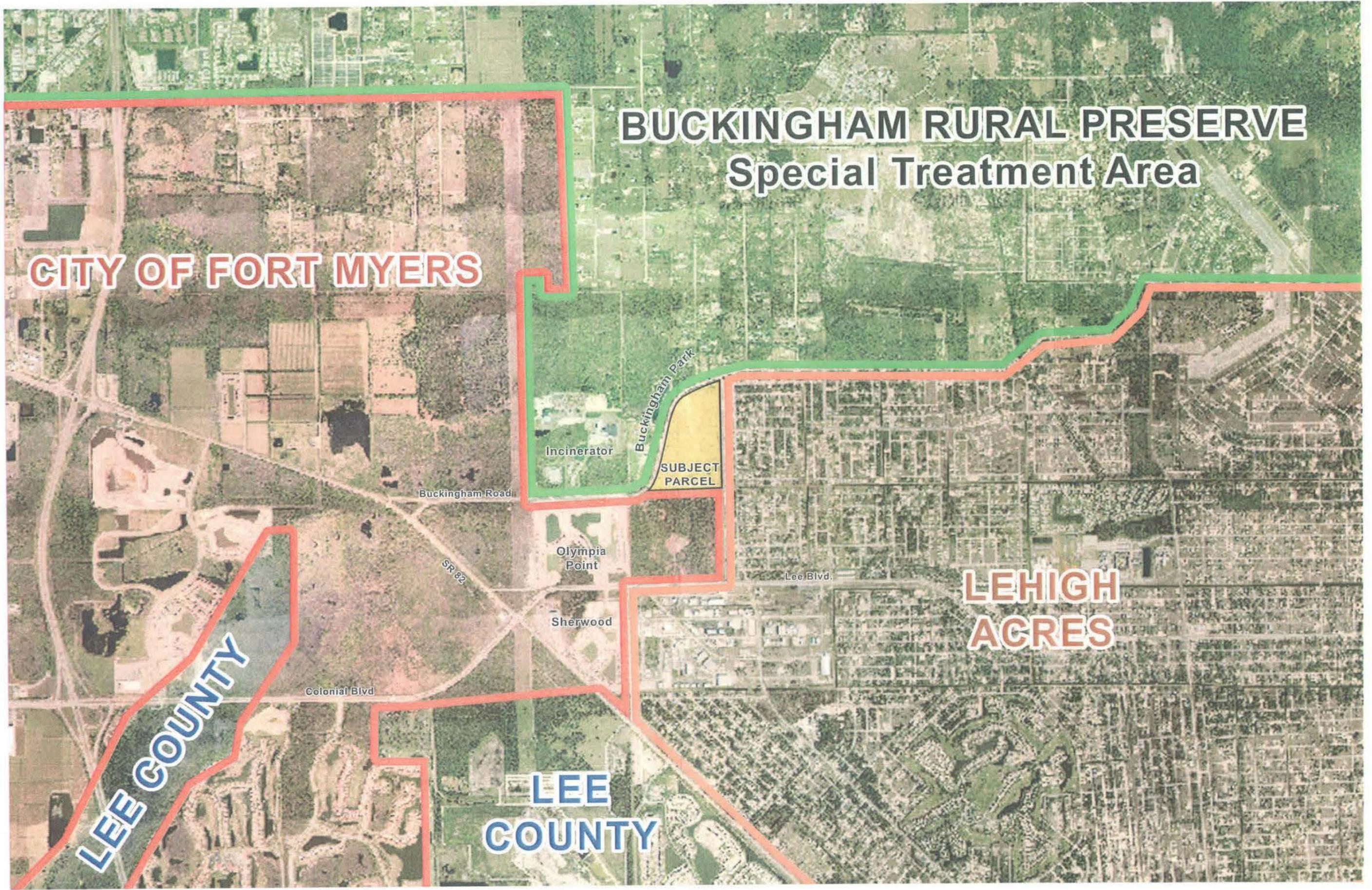
**LEHIGH
ACRES**

SR 82

Colonial Blvd

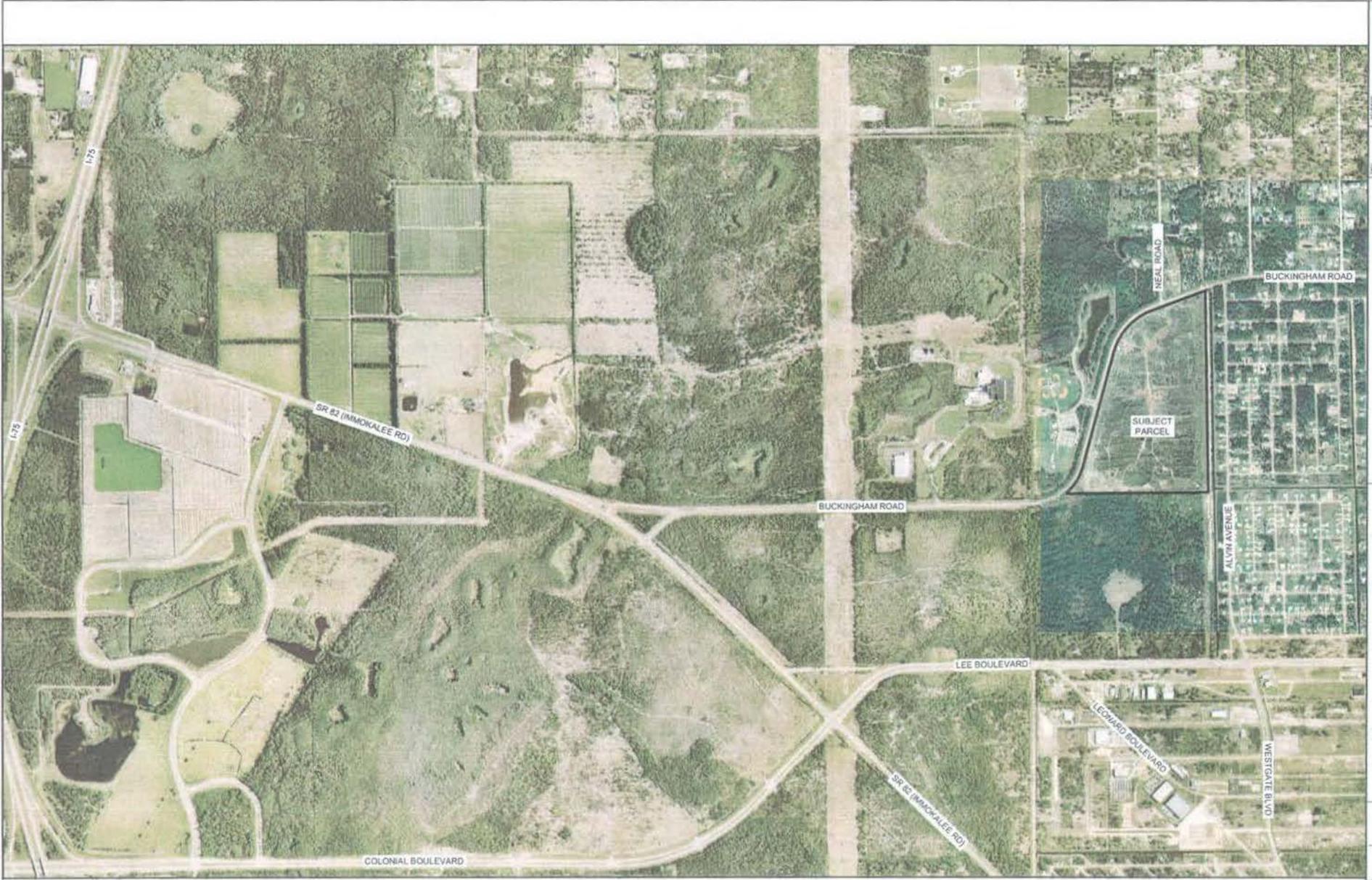
LEE COUNTY

**LEE
COUNTY**



MAPS

EXHIBITS

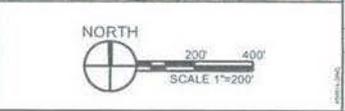


P:\2009 Projects\200910 WEBB BUCKINGHAM PARCEL\CAD\200910.dwg

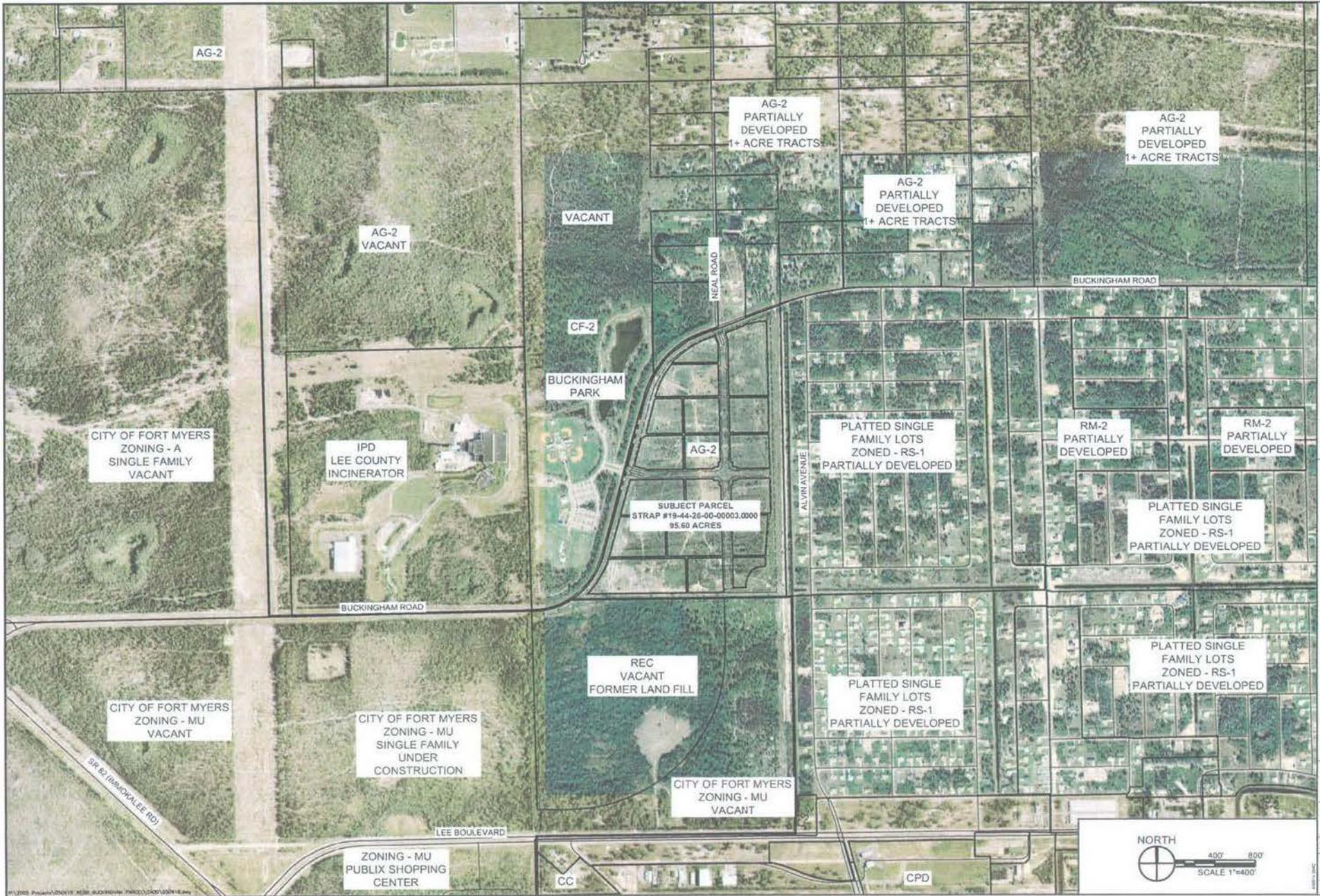


| | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Quatrone & Associates, Inc. Engineers, Planners, & Development Consultants 11800 West Palmetto, Suite 201 • Fort Myers, Florida 33912 • 239.436.3322 Contact us at: info@quatrone.com</p> | <p>WEBB BUCKINGHAM CPA EXHIBIT A-7 VICINITY AERIAL CARLTON LAND HOLDINGS, LLC LEE COUNTY, FLORIDA</p> |
| | <p>DATE: _____</p> <p>SCALE: _____</p> |

A-7



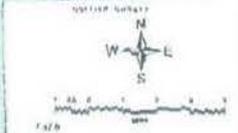
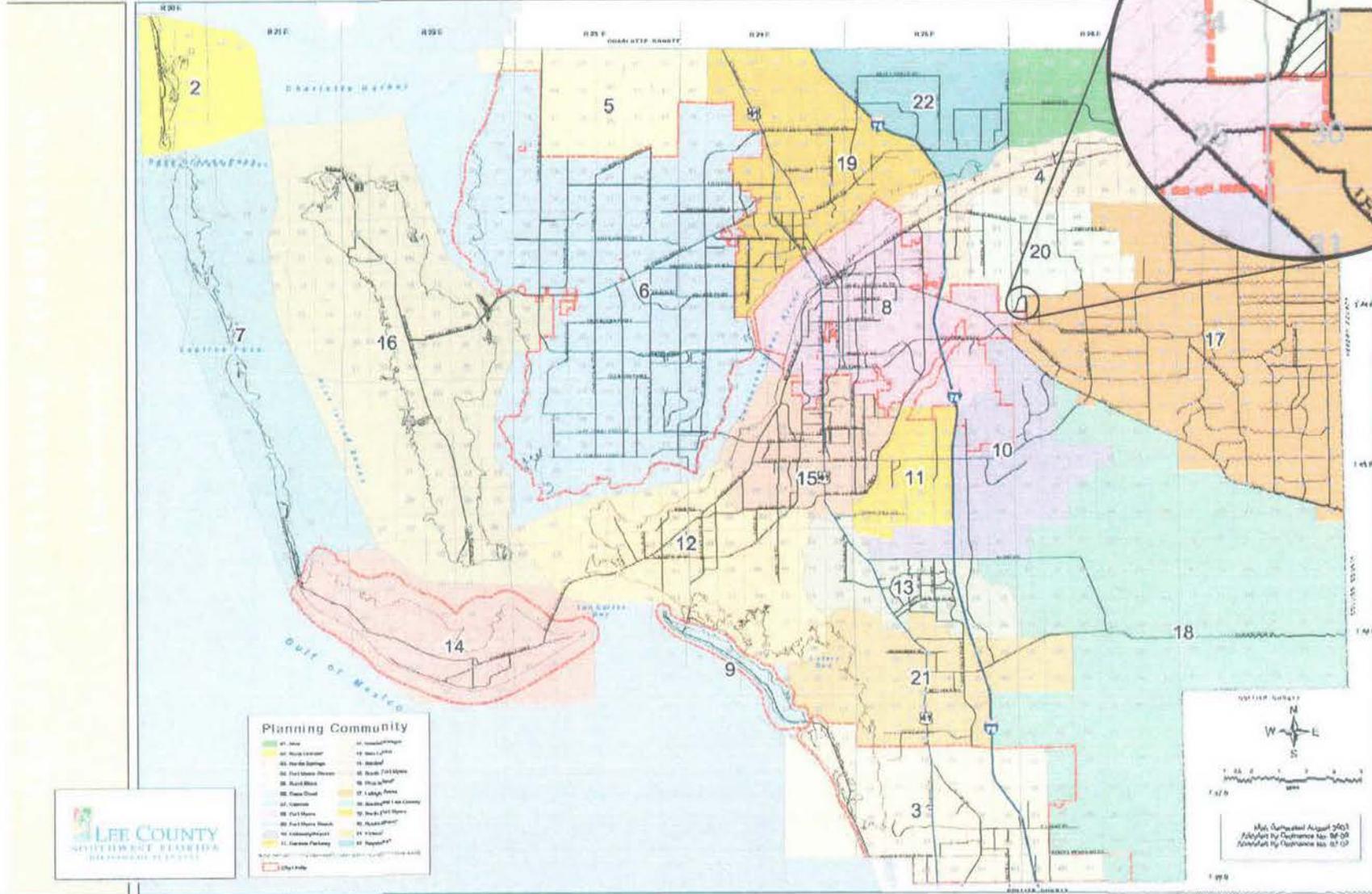
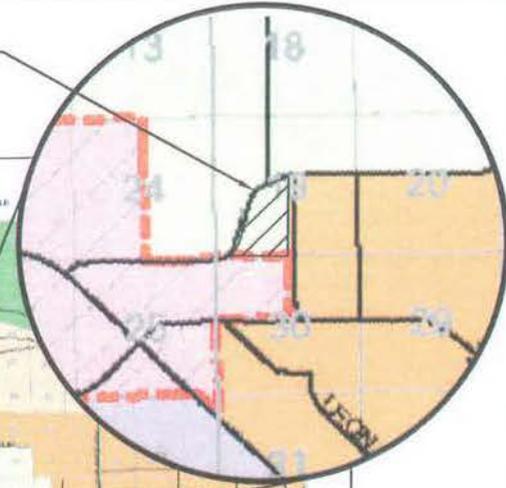
| | | | |
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| A-7 |  <p>Quatrone & Associates, Inc. Engineers, Planners, & Development Consultants 1100 West Parkway, Suite 30 • Fort Myers, Florida 33917 • 239-936-9222 www.quatrone.com</p> | <p>WEBB BUCKINGHAM CPA EXHIBIT A-7 PROJECT AERIAL CARLTON LAND HOLDINGS, LLC LEE COUNTY, FLORIDA</p> | <p>DATE: _____ SCALE: _____</p> |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|



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| <p>Quatrone & Associates, Inc. Engineers, Planners, & Development Consultants 11800 Metro Parkway, Suite 800 - Fort Myers, Florida 33912 - 239-934-0222 <small>Professional Seal Number: 12400</small></p> | <p>WEBB BUCKINGHAM CPA EXHIBIT A-3 & A-4 - EXISTING ZONING & LAND USES CARLTON LAND HOLDINGS, LLC LEE COUNTY, FLORIDA</p> |
| <p>A-3 & A-4</p> | |

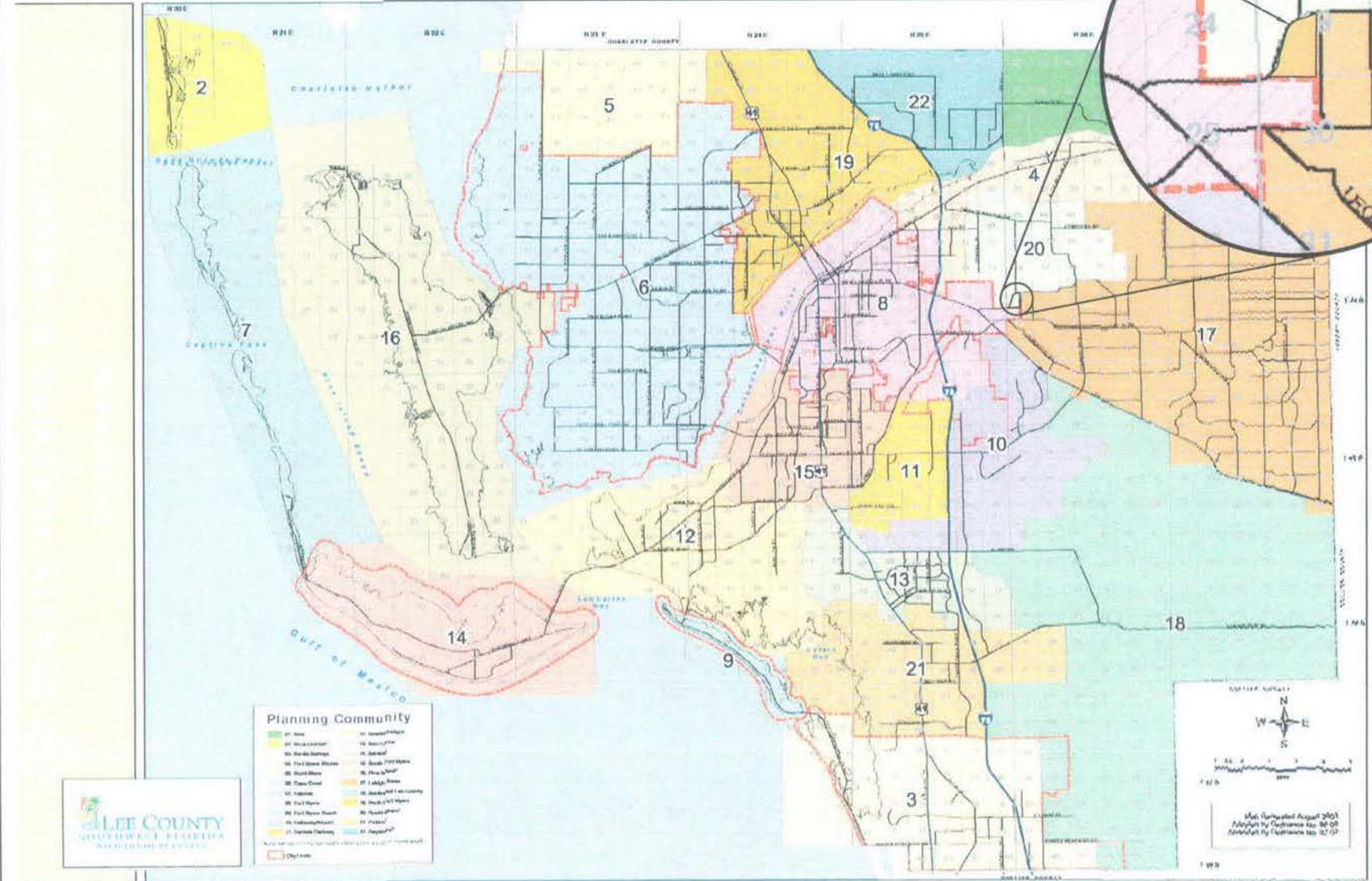
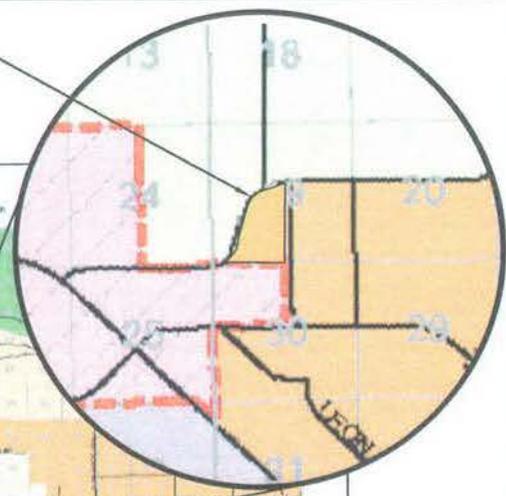
CURRENT PLANNING COMMUNITY MAP
SUBJECT PARCEL
STRAP #19-44-26-00-00003.0000, 95.60 ACRES
BUCKINGHAM PLANNING COMMUNITY



Map Prepared August 2003
 Prepared by Quattrone Associates, Inc.
 Checked by Quattrone Associates, Inc.

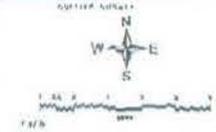
PROPOSED PLANNING COMMUNITY MAP

SUBJECT PARCEL
 STRAP #19-44-26-00-00003.0000, 95.60 ACRES
LEHIGH ACRES PLANNING COMMUNITY



Planning Community

| | |
|------------------------|--------------------|
| 01. Wetlands | 14. Medium Density |
| 02. Water Conservation | 15. Medium Density |
| 03. Medium Density | 16. Medium Density |
| 04. First Street Urban | 17. Medium Density |
| 05. Medium Density | 18. Medium Density |
| 06. Urban Core | 19. Medium Density |
| 07. Urban | 20. Medium Density |
| 08. First Street | 21. Medium Density |
| 09. First Street Urban | 22. Medium Density |
| 10. Urban Core | |
| 11. Urban | |
| 12. Urban | |
| 13. Urban | |



Map Prepared August 2005
 Prepared by Quattrone Inc. 04-09
 Adopted by Board of Commissioners May 07-07

DATE: _____
 REVISION: _____

WEBB BUCKINGHAM CPA
 EXHIBIT A-2b: PROPOSED PLANNING COMMUNITIES
 CARLTON LAND HOLDINGS, LLC
 LEE COUNTY, FLORIDA

Quattrone & Associates, Inc.
 Engineers, Planners, & Development Consultants
 11000 Main Parkway, Suite 200 - Fort Myers, Florida 33912 - 734-936-9222
 E-mail: q.a.associates@comcast.net

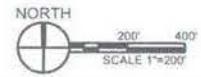
PLANNED BY: _____
 DATE: _____



BAGLEY ENVIRONMENTAL & PLANTING SERVICES
 4850 CEDAR HAMMOCK COURT
 FORT MYERS, FLORIDA 33905
 PH: 239-693-3919 FAX: 239-694-5405

CARLTON HOLDINGS PROPERTY
 PROPOSED *95.69 ACRE DEVELOPMENT
 LEE COUNTY, FLORIDA
 STRAP# 19-44-26-00-00003.0000
 SEPTEMBER 2000

| FLUCCS | Description | Acreage |
|------------|------------------------------------------------------------------|-----------|
| 740 / 835* | Disturbed Land / Solid Waste Disposal w/ Scattered Cabbage Palms | 88.88 Ac. |
| 832 | Electrical Transmission Lines | 6.72 Ac. |
| Soils | Description | Acreage |
| 69 | Mattacha Gravelly Fine Sand | 95.60 Ac. |



Quattrone & Associates, Inc.
 Engineers, Planners, & Development Consultants
 11065 State Parkway, Suite 30 • Fort Myers, Florida 33912 • 239-936-1222
Continued on Subdivision Survey Map

WEBB BUCKINGHAM CPA
 EXHIBIT C-1 and C-2 FLUCCS/SOILS MAP
 CARLTON LAND HOLDINGS, LLC
 LEE COUNTY, FLORIDA

C-1 & C-2

WEBB BUCKINGHAM CPA
(a.k.a. Carlton Property)
CPA2005-00002

**APPLICATION FOR A
COMPREHENSIVE PLAN
AMENDMENT**

**STRAP #19-44-26-00-00003.0000
LEE COUNTY, FLORIDA**

WEBB BUCKINGHAM CPA



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: _____

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

I. APPLICANT/AGENT/OWNER INFORMATION

CARLTON LAND HOLDINGS, LLC

APPLICANT

P.O. BOX 2491

ADDRESS

BONITA SPRINGS

FLORIDA

33413

CITY

STATE

ZIP

TELEPHONE NUMBER

FAX NUMBER

AL QUATTRONE – QUATTRONE AND ASSOCIATES, INC.

AGENT*

11000 METRO PARKWAY, SUITE 30

ADDRESS

FORT MYERS

FLORIDA

33912

CITY

STATE

ZIP

239/936-5222

TELEPHONE NUMBER

239/936-7228

FAX NUMBER

CARLTON LAND HOLDINGS, LLC

OWNER(S) OF RECORD

P.O. BOX 2491

ADDRESS

BONITA SPRINGS

FLORIDA

33413

CITY

STATE

ZIP

TELEPHONE NUMBER

FAX NUMBER

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

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

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

A. TYPE: (Check appropriate type)

- Text Amendment ✓ Future Land Use Map Series Amendment
(Maps 1 thru 20)
List Number(s) of Map(s) to be amended
Maps 1 and 16
-

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 Acres

Area of each Existing Future Land Use Category: Rural (95.60 Acres)

Total Uplands: 95.60 Acres

Total Wetlands: 0.00 Acres

Current Zoning: AG-2

Current Future Land Use Designation: RURAL

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 Future Land Use Map 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. 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.

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 zoning of the subject property and surrounding properties.

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. The legal description(s) for the property subject to the requested change.

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. A copy of the deed(s) for the property subject to the requested change.
See Attached.
7. An aerial map showing the subject property and surrounding properties.
See Attached Map – Exhibit A-7.
8. 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:

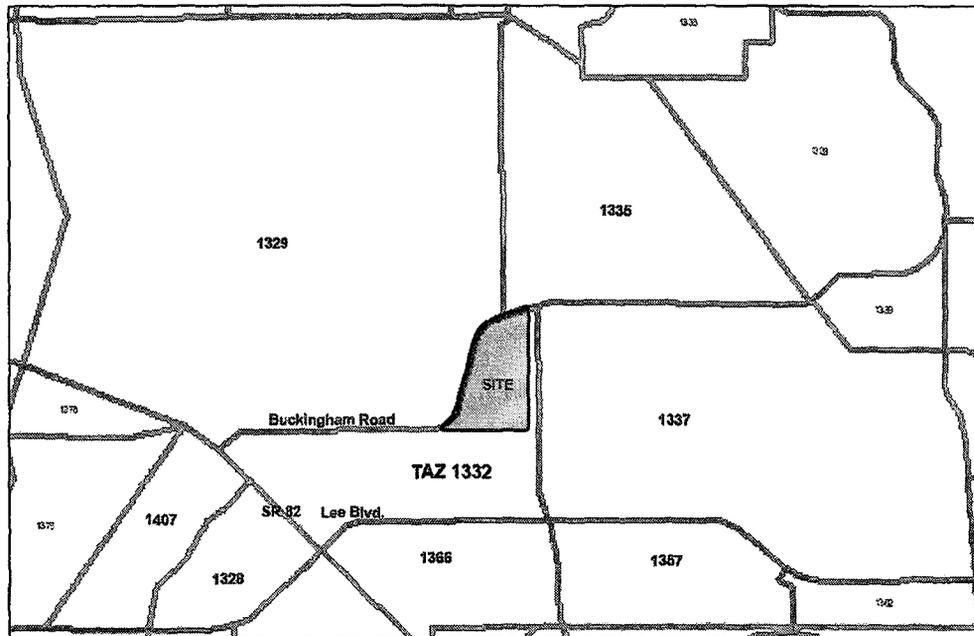
Long Range – 20-year Horizon:

- 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 on next page 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:

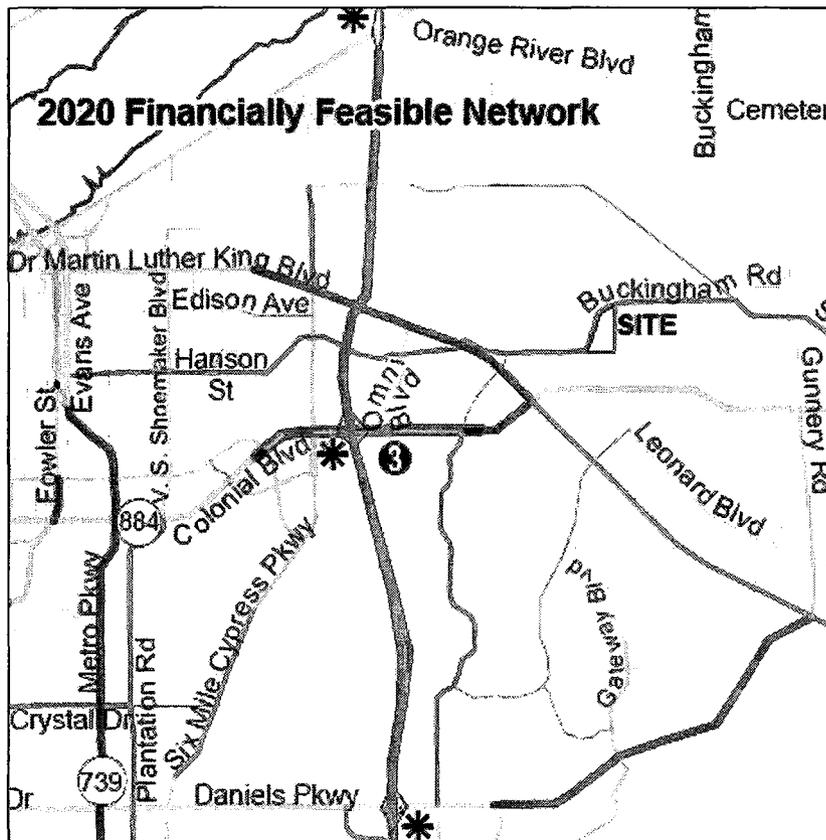
- **Up to 573 total residential units at up to 6 du/acre (maximum of 401 single-family units - 4.2 du/acre). However, former land fill status would restrict residential developments from occurring by both the market and environmentally. The single-family calculation is based on our experience with the 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:

- a. 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 |
|----------------------------------------|----------------------|--------------------|------------------|------------------|
| <i>Buckingham Road</i> | <i>2 Lane</i> | <i>Art</i> | <i>C</i> | <i>E</i> |
| <i>SR 82 W. of Buckingham</i> | <i>2 Lane</i> | <i>Art</i> | <i>D</i> | <i>E</i> |
| <i>SR 82 E. of Buckingham</i> | <i>2 Lane</i> | <i>Art</i> | <i>D</i> | <i>E</i> |
| <i>Interstate 75 N. of SR82</i> | <i>4 Lane</i> | <i>Art</i> | <i>E</i> | <i>C</i> |
| <i>Interstate 75 S. of SR82</i> | <i>4 Lane</i> | <i>Art</i> | <i>E</i> | <i>C</i> |
| <i>Alvin Avenue</i> | <i>2 Lane</i> | <i>Col</i> | <i>na</i> | <i>na</i> |
| <i>Lee Boulevard</i> | <i>6 Lane</i> | <i>Art</i> | <i>B</i> | <i>E</i> |
| <i>Colonial Boulevard</i> | <i>4 Lane</i> | <i>Art</i> | <i>B</i> | <i>E</i> |
| <i>Westgate Boulevard</i> | <i>4 Lane</i> | <i>Col</i> | <i>B</i> | <i>E</i> |
| <i>Gunnery Road</i> | <i>2 Lane</i> | <i>Art</i> | <i>B</i> | <i>D</i> |

- 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;

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).

- c. 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.

- d. 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.

- e. 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;

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

- 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 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). 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 due to the proposed possible development. Given the history of the parcel as a landfill the applicant does not intend 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;
 - c. Solid Waste;
 - d. Mass Transit; and
 - e. 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 with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
See Attached Map – Exhibit C-3.
4. A map delineating wetlands, aquifers 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.

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).

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 be 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 up to a maximum of \$2,255.00 |
| Small Scale Amendment (10 acres or less) | \$1,500.00 each |
| Text Amendment Flat Fee | \$2,500.00 each |

LETTERS

EXHIBITS



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

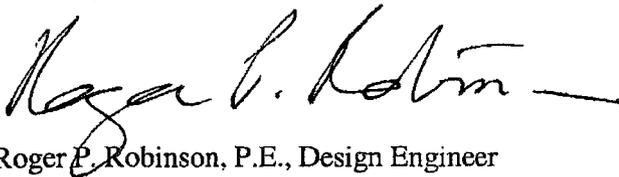
State and Local Regulatory Agencies. The owner will be responsible for the installation and/or upgrading of any off site sewer, water, and reclaimed water system mains or appurtenances required to meet Project and area wide needs.

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,

A handwritten signature in black ink, appearing to read "Roger P. Robinson", followed by a horizontal line.

Roger P. Robinson, P.E., Design Engineer

Cc: Saeed Kazemi, P.E., Robert Erickson, E. I.

05-09-18
301



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, Long Range Planner
Planning Department



FLORIDA DEPARTMENT OF STATE
Sue M. Cobb
Secretary of State
DIVISION OF HISTORICAL RESOURCES

September 25, 2006

Fred Drovdic, AICP
Quattrone & Associates, Inc.
11000 Metro Parkway, Suite 30
Fort Myers, FL 33912
Fax: 239-936-7228

Dear Mr. Drovdic:

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/>

500 S. Bronough Street • Tallahassee, FL 32399-0250 • <http://www.flheritage.com>

- | | | | |
|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------|
| <input type="checkbox"/> Director's Office (850) 245-6300 • FAX: 245-6435 | <input type="checkbox"/> Archaeological Research (850) 245-6444 • FAX: 245-6436 | <input type="checkbox"/> Historic Preservation (850) 245-6333 • FAX: 245-6437 | <input type="checkbox"/> Historical Museums (850) 245-6400 • FAX: 245-6433 |
| <input type="checkbox"/> Palm Beach Regional Office (561) 279-1475 • FAX: 279-1476 | <input type="checkbox"/> St. Augustine Regional Office (904) 825-5045 • FAX: 825-5044 | <input type="checkbox"/> Tampa Regional Office (813) 272-3843 • FAX: 272-2340 | |

Mike Scott
Sheriff



State of Florida
County of Lee

Mr. Fred Drovdlie
Quattrone & Associates, Inc...
11000 Metro Parkway, Suite 30
Fort Myers, FL. 33912

August 17, 2006

Dear Mr. Drovdlie:

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



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

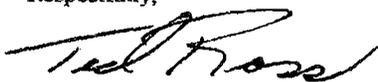
Attn: Fred Drowdlic

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

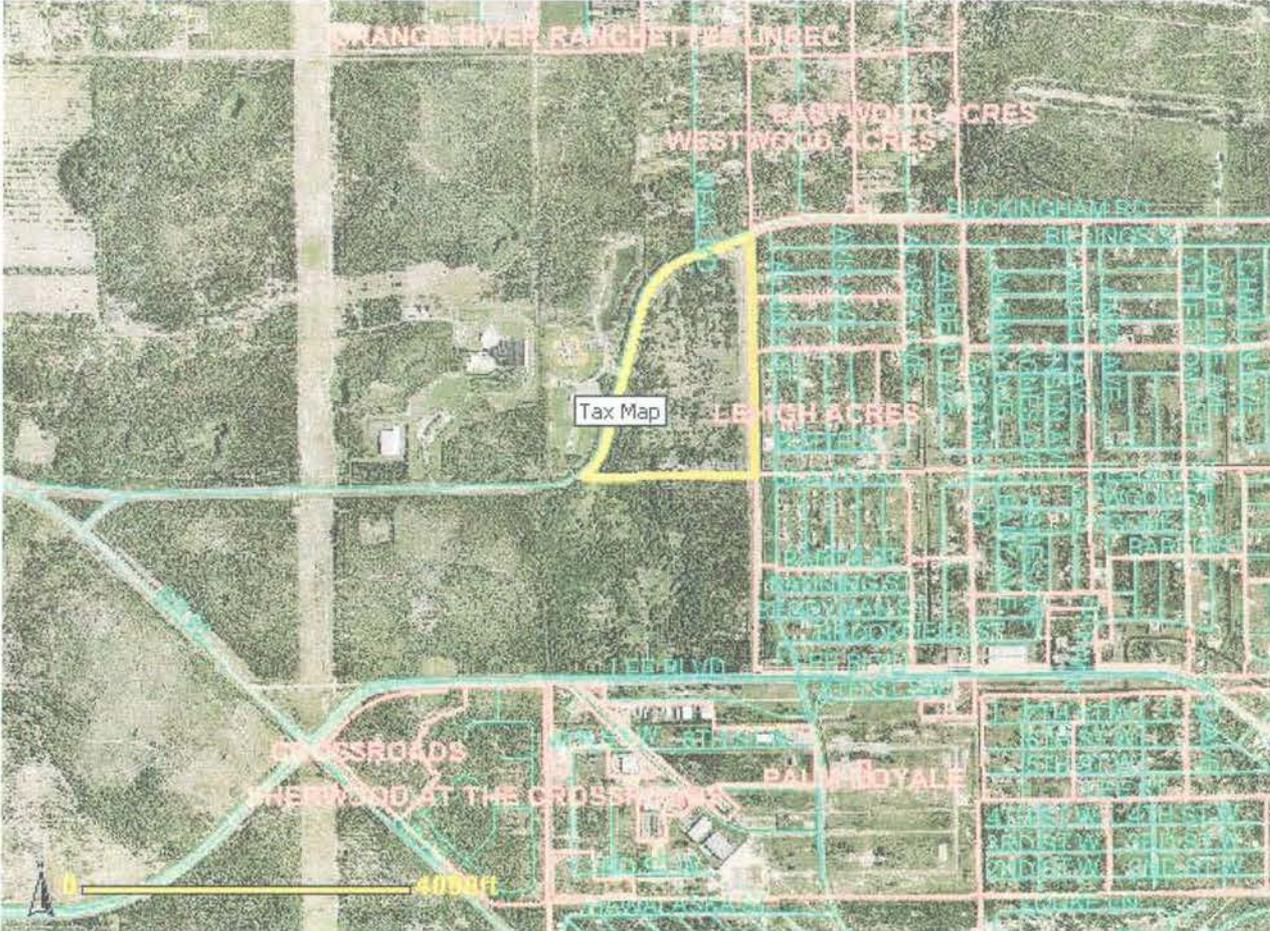
Smoke Detectors Save Lives

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





BUCKINGHAM CONSERVANCY, INC.

A Florida Non-Profit Corporation

4931 Shady River Lane, Fort Myers, Florida 33905

September 11, 2006

Paul O'Connor
Planning Director
Lee County
Post Office Box 398
Fort Myers, Florida, 33902-0398

RECEIVED
SEP 13 2006

COMMUNITY DEVELOPMENT

Dear Mr. O'Connor:

We have learned that County staff intends to amend the Lee Comprehensive Plan to remove land from the Buckingham Planning District and include it in the Lehigh Acres Planning District.

The officers and directors of the Buckingham Conservancy have reviewed the situation and steadfastly oppose the extraction of any property from the Buckingham Planning District.

We sincerely hope that this matter can be resolved at the county level. Please let us know if there is anything our organization can do to assist you in establishing policy that represents the best interests of our community.

Respectfully,

Bill Burdette,
Vice President

copy: Officers and Directors, Buckingham Conservancy, Inc.
Board of County Commissioners
Department of Community Development Director Mary Gibbs
Lee County Zoning Director Pam Houck
Lee County Attorney David Owen
Mike McDaniel, Florida Department of Community Affairs

PRESIDENT
Chris Bundschu, 693-1000

VICE PRESIDENT
Bill Burdette, 936-1404

TREASURER / SECRETARY
Betsy Burdette, 694-4738

DIRECTORS

Don Blackburn 931-9171 Sarah Clarke 694-6261 Kerri Goldsmith 561-5473 George Kaplinski 694-6261 Bob Murray 985-1200 Mike Rippe 694-0451 Bruce Strayhorn 334-1260 Dick Workman 694-0101



Engineers, Planners & Development Consultants

11000 Metro Parkway, Suite 30 • Fort Myers, Florida 33966
Tel: 239.936.5222 QAINC.NET Fax: 239.936.7228

November 22, 2006

Saeed Kazemi, P.E.
City Engineer
City of Fort Myers Public Works
2200 Second Street
Fort Myers, Florida 33902-2217
239.332.6822

S: REQUEST FOR LETTER OF CONFIRMATION
LEE COUNTY CASE: CPA2005-00002 (Comp. Plan Amend.)
PROJECT NAME: WEBB BUCKINGHAM CPA
STRAP: 19-44-26-00-00003.0000
ADDRESS: 9711 Buckingham Road, Lehigh Acres, Florida 33971

Dear Mr. Kazemi,

Thank you for meeting with Al and I on Monday November 20th. As discussed, I would like to request a letter from your department stating the City's intention to provide a public road connection from Lee Boulevard north to Buckingham Road from the City's property located at 5600 Lee Boulevard through our above referenced property.

As authorized agent for the property owners of the above reference property we would like this letter to serve as a commitment on our part to provide a public right-of-way dedication through our property to Buckingham Road.

Reception of this letter within a 3 week timeline is important. We have a December 13, 2006 hearing with the Lee County BoCC for final determination on the land use amendment. Without the land use amendment the owner will not be able to economically justify right-of-way dedication. The City's letter is vital to us successfully amending from the Rural category to a commercial and industrial category (Urban Community).

Thank you for your time and attention. We look forward to receiving your correspondence. If you have any questions or need additional information, please call me at this office.

Sincerely,
Quattrone & Associates, Inc.

Fred Drovdlc, AICP
Planning Director

