



To: Matt

March 14, 2005

RECEIVED  
MAR 16 2005

COMMUNITY DEVELOPMENT

Mr. Paul O'Connor, AICP  
Director, Division of Planning  
Lee County Department of Community Development  
P.O. Box 398  
Fort Myers, Florida 33902-0398

Re: CPA 2004-00007 Watermen Development Group Corp.  
Amendment to the Buckingham Rural Community Preserve

Dear Mr. O'Connor:

Thank you for your letter dated February 21, 2005 regarding the project above. Since we are unable to prepare a response by March 11, 2005, we understand that the proposed amendment will be moved to the next regular amendment cycle. As that cycle progresses, we further understand that new required submittal dates will be provided.

If you should have any questions or require additional information, please advise.

Very truly yours,

BARRACO AND ASSOCIATES, INC.

Stephen Sposato, AICP

c: Mr. Eddy Garcia, Waterman Development Group Corp.

21959



# Information Summary

Case #: CPA2004-00007

3/5/2004  
2:40:55PM

Description	Rec'd Date	Activity Target Date	Completed Date	Disposition	Completed By
Application Received	2/27/2004		2/27/2004	DONE	AME
CPT Application (Text)	2/27/2004	11/10/2004			AME

Description	Fees Revenue Account No.	Fee Amount
Text Amendment Flat Fee	LB5150715500.322000.9018	\$2,500.00

<b>Name Address</b>	<b>Case People Listing Qualifier</b>
-------------------------	--

BARRACO & ASSOCIATES, INC.  
2271 MCGREGOR BLVD  
FORT MYERS, FL 33901

WATERMEN DEVELOPMENT GROUP CORP  
8045 NW 155 STREET  
MIAMI LAKES, FL 33016

PROPERTY APPRAISER TEST PARCEL  
P O BOX 1546  
FORT MYERS, FL 33902



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (239)479-8578

Bob Janes  
District One

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Alblon  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

April 26, 2004

Dan DeLisi, AICP  
Barraco and Associates, Inc.  
2271 McGregor Boulevard  
Fort Myers, FL 33901

RE: CPA2004-00007 Waterman Development Group Amendment to the Buckingham Rural Community Preserve

Dear Mr. DeLisi:

Staff has completed a preliminary review of the application packet submitted and has found that the following items are needed from the applicant to make the application sufficient for a full review:

- 1) The applicant will need to submit responses to the following portions of the application dealing with increased development potential: Section IV (B) Public Facilities Impacts and Section IV (E) Internal Consistency with the Lee Plan. As the request proposes to extend urban utility services to a rural area, please also address Section IV(F)(2) regarding urban sprawl.
- 2) Please access the implications of the proposed comprehensive plan amendment with regard to Map 7, of the Future Land Use Map Series, and Objective 17.3 of the Lee Plan. Additional application request language and support documentation, as well as the relevant application fees, will be needed in order to create the development potential that staff understands you are seeking. The most recently adopted language for Objective 17.3 is shown below (amendment adopted October 23, 2003).

**OBJECTIVE 17.3: SEWER AND WATER.** In order to discourage unwanted urban development, central sewer and water lines will not be extended into the Buckingham Rural Community Preserve, except in the areas identified by Maps 6 and Map 7 as Future Water and Sanitary Sewer Service Areas, the existing Resource Recovery Facility and the adjacent Lee County Parks and Recreation Facility, and to the site of the proposed resource recovery 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)

- In order for an applicant to attain the necessary development approvals to extend sewer utilities to a site within the Buckingham Rural Community Preserve, Map 7 of the Future Land Use Map Series of the Lee Plan must be amended to include all relevant properties that are within the Lee County Utilities Franchise Area.
- In order for an applicant to attain the necessary development approvals to extend sewer utilities to a site within the Buckingham Rural Community Preserve, Objective 17.3 of the Lee County Comprehensive Plan would need to be amended to include all relevant properties that are not within the Lee County Utilities Sewer Franchise Area.

3) Please review Table 1(a) Summary of Residential Densities, footnote 7. Additional application request language and support documentation, as well as the relevant application fees, will be needed in order to create the Agricultural Planned Development potential that staff understands you are seeking.

4) Staff requests clarification on the following issues to assist in our review of the application:

- What standards constitute access to an agricultural use? What portion of the clustered development must be dedicated to agricultural uses? What minimum dimensions and vegetative conditions are required for the agricultural portion of an APD?

Although, specific guidelines would be addressed when the LDC is revised to implement an adopted Lee Plan amendment, it would be useful to include the general concept parameters now to allow the citizens of Buckingham a realistic vision of what long term impacts can be anticipated with the proposed changes to the Lee Plan.

- Staff has identified several contiguous vacant parcels within Buckingham that may be assembled to create developments with a minimum of 100 acres. Does the applicant propose that an APD only be allowed where 100+ acres are part of the same parcel at some date specific, not allowing for qualified lot assembly after that date? Please address the maximum feasible impact of the proposed plan amendment on the future development pattern of Buckingham.
- Please provide analysis to demonstrate that the proposed 100 acre minimum development size addresses a public need or a sound planning goal and does not simply provide an economic boon to a small group of property owners.
- How does the applicant propose to measure density for a clustered agricultural development?

The requested amendment does not appear to less out road right-of-way from the land area used to calculate density ("Gross density shall not exceed 1 dwelling unit per acre"). This proposed scenario allows a higher effective density than is allowed by the Lee Plan policies currently in place for the Buckingham Rural Community Preserve, facilitating 100 units on 100 acres rather than the 70-80 units on 100 acres currently feasible due to site design restrictions.

- For the purposes of sewer extensions, please define the "perimeter" of the Buckingham Community.

Please do not hesitate to call if you have any questions, or if I can be of assistance.

Sincerely,



Nichole M. Dishman,  
Planner, Division of Planning  
Department of Community Development

cc: case file

**From:** Kim Trebatoski  
**To:** Dishman, Nichole  
**Date:** 4/16/04 2:29PM  
**Subject:** Re: CPA 04-07

Thank you Nichole. I've read the proposed language change. There are no ES related issues with the proposed change. One question I have however is how will the "open space zoning" areas be protected as such. Will this be accomplished through some sort of restrictive use easement? Perhaps that would be addressed in the LDC if this amendment is adopted.

Kim Trebatoski  
Principal Environmental Planner  
DCD - Environmental Sciences  
trebatkm@leegov.com  
239-479-8183  
FAX 239-479-8319

>>> Nichole Dishman 04/16/04 07:04AM >>>

<http://www.leegov.com/dcd1/PlanAmendments/EAR2004/CPA200407A1.pdf> is the correct link. I think the problem is that the address below says COA200407A1 rather than CPA... Let me know if this still doesn't get it. Thanks.

Nichole Dishman, Planner  
Lee County Division of Planning  
PO Box 398  
Fort Myers, FL 33902-0398  
Phone# (239)479-8578

>>> Kim Trebatoski 04/15/04 01:58PM >>>

Nichole - I tried to access the website you gave me to review this amendment, but I get a message that it is no longer available. Help. This is the website info I have:  
<http://www.leegov.com/dcd1/PlanAmendments/EAR2004/COA200407A1.pdf>

Kim Trebatoski  
Principal Environmental Planner  
DCD - Environmental Sciences  
trebatkm@leegov.com  
239-479-8183  
FAX 239-479-8319

**Nichole Dishman - RE: CPA2004-00007 Text Amendment Buckingham Rural Community Preserve**

---

**From:** "Johnson, Dan" <DJohnson@sheriffleefl.org>  
**To:** "Nichole Dishman" <NDISHMAN@leegov.com>  
**Date:** 4/12/2004 7:40 AM  
**Subject:** RE: CPA2004-00007 Text Amendment Buckingham Rural Community Preserve

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It is policy of the Lee County Sheriff's Office to support community growth and we will do everything possible to accommodate the law enforcement needs. We anticipate that we will receive the reasonable and necessary funding to support the proposed changes and to provide adequate services to the Buckingham community.

Sincerely,

Major Dan Johnson  
Planning and Research

Subject: CPA2004-00007 Text Amendment Buckingham Rural Community Preserve

(239)479-8578

March 30, 2004

Public Service/Review Agencies  
See Distribution List

RE: CPA 04-07 - Privately Initiated Amendment to Lee Plan Policy 17.1.3

Planning Division staff requests your agency's help in reviewing the above referenced Lee Plan amendment. The applicant is proposing to amend the text of the Buckingham Rural Community Preserve Future Land Use Policy 17.1.3 to allow lot sizes to be reduced to ½ acre (where property is included within an "Agricultural Planned Development") and to allow the extension of utilities, under certain established conditions.

As discussed in the email distributed to many of you last week from Principal Planner Matt Noble, planning staff requests that your agency help to determine if the information submitted with the application is sufficient to allow staff and agency review, or if additional information is needed. Planning staff requests that your agency provide written comments as soon as possible but no later than April 15, 2004. A copy of the application and backup documentation can be found at <http://www.leegov.com/dcd1/PlanAmendments/EAR2004/CPA200407A1.pdf>

Staff will also be requesting that your agency provide substantive comments once the application is deemed sufficient for review.

file:///D:/temp/GW/00003.HTM

4/13/2004

Comments may be addressed to Nichole Dishman as the project reviewer. Thank you for your attention in this matter. If you have any questions, please do not hesitate to call.

Nichole Dishman, Planner  
Lee County Division of Planning  
PO Box 398  
Fort Myers, FL 33902-0398  
Phone# (239)479-8578

# MEMORANDUM

from the  
TRANSIT DIVISION



Your Ride Is Here.

LEE COUNTY  
RECEIVED  
04 APR -9 AM 11:48

COMM. DEV/  
PUB. WRKS. CNTR.  
SECOND FLOOR

**DATE:** April 7, 2004

**TO:** Nichole Dishman

**FROM:** Steve Myers *SM*

**RE:** **LEE PLAN PRIVATE AMENDMENT  
2004-07**

Lee County Transit staff has reviewed the above referenced Lee Plan Amendment application and has determined the information submitted with the application is sufficient to allow a complete and proper staff and agency review.

If you have any further questions regarding this request, please call me at 277-5012, ext. 2222.

**From:** Timothy Jones  
**To:** Dishman, Nichole  
**Date:** 4/2/04 4:55PM  
**Subject:** Re: CPA2004-00007 Text Amendment Buckingham Rural Community Preserve

Nicole,  
We do not see any legal issues in this proposal.

Timothy Jones  
Chief Assistant County Attorney  
Lee County, Florida  
Phone: 239-335-2236 Fax: 239-335-2606  
Email: [jonest@leegov.com](mailto:jonest@leegov.com)

>>> Nichole Dishman 3/30/2004 1:51:09 PM >>>

(239)479-8578

March 30, 2004

Public Service/Review Agencies  
See Distribution List

RE: CPA 04-07 - Privately Initiated Amendment to Lee Plan Policy 17.1.3

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Nichole Dishman, Planner  
Lee County Division of Planning  
PO Box 398  
Fort Myers, FL 33902-0398  
Phone# (239)479-8578

**CC:** Collins, Donna Marie

**From:** Chris Hansen  
**To:** NDISHMAN@leegov.com  
**Date:** 4/2/04 7:56AM  
**Subject:** Re: CPA2004-00007 Text Amendment Buckingham Rural Community Preserve

Nichole:

I assume that this proposed change will allow greater density and population. Is this a correct assumption? If so, what growth is expected in this area due to this change.

I am trying to plan for resources that would be needed by date certain. Any additional information would be appreciated.

Thanks,

Chief Chris Hansen, EMS Manager  
Lee County Division of Public Safety

>>> Nichole Dishman 03/30/04 13:51 PM >>>

(239)479-8578

March 30, 2004

Public Service/Review Agencies  
See Distribution List

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Nichole Dishman, Planner  
Lee County Division of Planning  
PO Box 398  
Fort Myers, FL 33902-0398  
Phone# (239)479-8578

**From:** Nichole Dishman  
**To:** Kathy, Babcock,  
**Date:** 3/30/04 3:21PM  
**Subject:** Re: CPA 04-07 - Privately Initiated Amendment to Lee Plan Policy 17.1.3

Absolutely. Thank you Kathy.

Nichole Dishman, Planner  
Lee County Division of Planning  
PO Box 398  
Fort Myers, FL 33902-0398  
Phone# (239)479-8578

>>> "Babcock, Kathy" <KathyMBa@Lee.K12.FL.US> 03/30/04 02:46PM >>>  
Nicole, could you add me to your distribution list for this kind of  
information? My e-mail address is [KathyMBa@lee.k12.fl.us](mailto:KathyMBa@lee.k12.fl.us)  
<<mailto:KathyMBa@lee.k12.fl.us>> . Thanks.

Kathy Babcock

Long Range Planner

The School District of Lee County

Telephone: (239) 479-4205

**CC:** Blackwell, Peter; Burris, Rick; Gonzalez, Brandy; Mudd, James; Noble, Matthew;  
O'Connor, Paul

**From:** Nichole Dishman  
**To:** Campbell, Gerald; Carroll, Mike; Collins, Donna Marie; Diaz, Rick; djohnson@sheriffleefl.org; Eckenrode, Pete; fire@cityftmyers.com; Hansen, Chris; Houck, Pam; jamesWM@lee.k12.fl.us; Jones, Timothy; Joyce, Rick; Lavender, James; Loveland, David; Murphy, Jerry; Myers, Steve; Ottolini, Roland; Pavese, Michael; rshoap@sheriffleefl.org; Sampson, Lindsey; Smith, Regina; ticefd@earthlink.net; Trebatoski, Kim; wbhorner@swfia.com ; Wegis, Howard; Wu, Lili; Yarbrough, John  
**Date:** 3/30/04 1:51PM  
**Subject:** CPA2004-00007 Text Amendment Buckingham Rural Community Preserve

(239)479-8578

March 30, 2004

Public Service/Review Agencies  
See Distribution List

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Comments may be addressed to Nichole Dishman as the project reviewer. Thank you for your attention in this matter. If you have any questions, please do not hesitate to call.

Nichole Dishman, Planner  
Lee County Division of Planning  
PO Box 398  
Fort Myers, FL 33902-0398  
Phone# (239)479-8578

**CC:** Burris, Rick; Miller, Janet; Noble, Matthew; O'Connor, Paul

**From:** Paul O'Connor  
**To:** Division of Planning  
**Date:** 3/26/04 9:55AM  
**Subject:** Privately Initiated Comp Plan Amendments

Following are the assignments for the Privately Initialed Comp Plan Amendments. The first name is the lead planner. As always, we are a team and need to help each other so don't think this list is intended to be exclusive.

We are still developing the sufficiency process, but you need to get your letters out to the relevant departments and agencies soon.

I am available to help on all of these, don't hesitate to ask for my participation in meetings and developing staff reports.

1. CPA 2004-01 - Small Scale Amendment (from General Commercial Interchange to Central Urban)- Leeward Yacht Club L.L.C., Leeward Yacht Club Mixed Use Planned Development (Hansen's Marina property @ S.R. 80 & I-75). **Brandy/Bob/Matt**

(EAR ROUND OF AMENDMENTS PRIVATE REQUESTS:)

2. CPA 2004-02 - Text Amendment, Sue Murphy, AICP, Estero, allow outdoor storage over one acre within a portion of the General Interchange land use category at Corkscrew & I-75. **Jim/Matt**

3. CPA 2004-03 - Text and FLUM Amendment, Weeks Landing L.L.C., Michele Pessin, Manager, Creation of the "Public Marine Mixed Use" category and application to Weeks Fish Camp property (23 acres). **Brandy/Matt**

4. CPA 2004-04 - FLUM Amendment, William Fitzgerald, Trustee, Amend from Outlying Suburban to Urban Community (54 acres) from Rural to Outlying Suburban (55 acres). **Peter/Rick**

5. CPA 2004-05 - Text Amendment, Pine Island, Pine Island Agriculture & Landowners' Association, Inc., Amend Policy 14.2.2. **Jim/Matt**

6. CPA 2004-06 - FLUM and Text Amendment, Florida Citrus Corporation, North East Lee County (Alva), Creation of the Rural Village land use category, Amend from Rural and Open Lands to the new Rural Village category for a 3,713 acre property. **Matt/Jim/Brandy**

7. CPA 2004-07 - Text Amendment, Watermen Development Group Corp., Buckingham, Amend Policy 17.1.3 to "allow lots to be clustered as part of an Agricultural Planned Development." **Nichole/Rick**

8. CPA 2004-08 - FLUM Amendment, Advance Homes, Inc., Mill Creek Florida Properties No. 3, L.L.C., Richard D. Fernandez, SW Florida Land 411 L.L.C., Development known as Oak Creek, Amend Rural to Suburban (10 acres), and Suburban to Rural (10 acres), North Fort Myers (near Raymond Lumber). **Matt/Brandy**

9. CPA 2004-09 - Text Amendment, Captiva Community Panel, Captiva, Proposing six additional policies. **Jim/Matt**

10. CPA 2004-10 - FLUM Amendment, Hawks Haven Investment, L.L.C., East Lee County (off S.R. 80), Amend approximately 1,623 acres of Rural and 79 acres of Suburban to Outlying Suburban with a density limit of 2 units per acre and Public Facilities (20 acres). **Matt/Brandy/Bob**

**CC:** Gibbs, Mary; Miller, Janet

# Interoffice Memo

**Date:** 03/25/2004

**To:** Matthew Noble, Principle Planner

**From:** Terry M. Kelley, Emergency Management Coordinator

**RE:** CPA2004-00007 Buckingham Planning Community Comprehensive Plan Amendment

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Staff has reviewed the submittal documents for the above-referenced development and have concluded there are no Public Safety/Emergency Management issues involved with the Buckingham Planning Community Comprehensive Plan Amendment. Therefore, we won't be issuing any comments or recommendations regarding this project.

T.K.

**From:** Lindsey Sampson  
**To:** Noble, Matthew  
**Date:** 3/24/04 6:53PM  
**Subject:** Re: 2004 Lee Plan Private Amendments - Summaries...

Matt,

I don't have any objections to the requested amendments that are summarized below.

Lindsey

Lindsey J. Sampson  
Lee County Solid Waste Division  
sampsolj@leegov.com  
Ph. 239-338-3302  
Fax 239-461-5871

>>> Matthew Noble 03/23/04 07:50AM >>>  
Good morning all,

Here is a brief summary for the Plan amendments that I email late yesterday:

1. CPA 2004-01 - Small Scale Amendment (from General Commercial Interchange to Central Urban)- Leeward Yacht Club L.L.C., Leeward Yacht Club Mixed Use Planned Development (Hansen's Marina property @ S.R. 80 & I-75).

(EAR ROUND OF AMENDMENTS PRIVATE REQUESTS:)

2. CPA 2004-02 - Text Amendment, Sue Murphy, AICP, Estero, allow outdoor storage over one acre within a portion of the General Interchange land use category at Corkscrew & I-75.

3. CPA 2004-03 - Text and FLUM Amendment, Weeks Landing L.L.C., Michele Pessin, Manager, Creation of the "Public Marine Mixed Use" category and application to Weeks Fish Camp property (23 acres).

4. CPA 2004-04 - FLUM Amendment, William Fitzgerald, Trustee, Amend from Outlying Suburban to Urban Community (54 acres) from Rural to Outlying Suburban (55 acres), located near Daniels Parkway & I-75.

5. CPA 2004-05 - Text Amendment, Pine Island, Pine Island Agriculture & Landowners' Association, Inc., Amend Policy 14.2.2.

6. CPA 2004-06 - FLUM and Text Amendment, Florida Citrus Corporation, North East Lee County (Alva), Creation of the Rural Village land use category, Amend from Rural and Open Lands to the new Rural Village category for a 3,713 acre property.

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Amend approximately 1,623 acres of Rural and 79 acres of Suburban to Outlying Suburban with a density limit of 2 units per acre and Public Facilities (20 acres).

Matthew A. Noble, Principal Planner  
Lee County Department of Community Development  
Division of Planning  
Email: [noblema@bcc.co.lee.fl.us](mailto:noblema@bcc.co.lee.fl.us)  
(239) 479-8548  
(941) 479-8319 FAX

**From:** Matthew Noble  
**To:** Campbell, Gerald; Carroll, Mike; Collins, Donna Marie; Diaz, Rick; Eckenrode, Pete; Hansen, Chris; Horner, Bill; Houck, Pam; jamesWM@lee.k12.fl.us; Jones, Timothy; Joyce, Rick; Lavender, James; Loveland, David; Murphy, Jerry; Myers, Steve; Ottolini, Roland; Pavese, Michael; rshoap@sheriffleefl.org; Sampson, Lindsey; Smith, Regina; Trebatoski, Kim; Wilson, John; Wu, Lili; Yarbrough, John  
**Date:** 3/23/04 7:50AM  
**Subject:** 2004 Lee Plan Private Amendments - Summaries...

Good morning all,

Here is a brief summary for the Plan amendments that I email late yesterday:

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(EAR ROUND OF AMENDMENTS PRIVATE REQUESTS:)

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Matthew A. Noble, Principal Planner  
Lee County Department of Community Development  
Division of Planning  
Email: noblema@bocc.co.lee.fl.us  
(239) 479-8548

(941) 479-8319 FAX

**CC:** Burris, Rick; Gibbs, Mary; Gonzalez, Brandy; Miller, Janet; O'Connor, Paul

# BUCKINGHAM PLANNING COMMUNITY

---

RECEIVED  
FEB 27 2004

PERMIT COUNTER

## COMPREHENSIVE PLAN AMENDMENT APPLICATION

SUBMITTED TO:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DIVISION OF PLANNING  
POST OFFICE BOX 398  
FORT MYERS, FLORIDA 33902-0398

**Barraco**  
and Associates, Inc.

2271 MCGREGOR BOULEVARD  
FORT MYERS, FLORIDA 33901  
(239) 461-3170

**ORIGINAL**

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ARTICLE BY RANDALL ARENDT

EXAMPLES OF COMMUNITIES FROM RURAL BY DESIGN

BUCKINGHAM SECTOR PLAN

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**LEE COUNTY**  
SOUTHWEST FLORIDA

**RECEIVED**  
FEB 27 2004

**PERMIT COUNTER**

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 2-27-04

REC'D BY: AE

APPLICATION FEE 2500.00

TIDEMARK NO: CRA2004-00007

THE FOLLOWING VERIFIED:

Zoning  Commissioner District   
Designation on FLUM  *no parcels*

(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.

2/26/04

*[Handwritten Signature]*

DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

**I. APPLICANT/AGENT/OWNER INFORMATION**

Watermen Development Group Corp.

APPLICANT  
8045 N.W. 155 Street  
ADDRESS  
Miami Lakes FL 33016  
CITY STATE ZIP  
(305) 828-0103 (305) 828-0147  
TELEPHONE NUMBER FAX NUMBER

See Attached List of Agents

AGENT\*  
ADDRESS  
CITY STATE ZIP  
TELEPHONE NUMBER FAX NUMBER

N/A

OWNER(s) OF RECORD  
ADDRESS  
CITY STATE ZIP  
TELEPHONE NUMBER FAX NUMBER

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

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

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

A. TYPE: (Check appropriate type)

Text Amendment

Future Land Use Map Series Amendment  
(Maps 1 thru 20)  
List Number(s) of Map(s) to be amended  
Map No. 1 \_\_\_\_\_

B. SUMMARY OF REQUEST (Brief explanation):

Amend Policy 17.1.3 to allow lots to be clustered as part of an Agricultural  
Planned Development with minum lot sizes of 1/2 acre.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

A. Property Location:

1. Site Address: Buckingham Planning Community

2. STRAP(s): N/A

B. Property Information

Total Acreage of Property: N/A

Total Acreage included in Request: N/A

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

Total Uplands: N/A

Total Wetlands: N/A

Current Zoning: See Attached Zoning Map

Current Future Land Use Designation: Buckingham Rural Community Preserve

Existing Land Use: See Attached Map

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

Lehigh Acres Commercial Overlay:           N/A          

Airport Noise Zone 2 or 3:           N/A          

Acquisition Area:           N/A          

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

Community Redevelopment Area:           N/A          

D. Proposed change for the Subject Property:  
Amend Policy 17.1.3

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density           N/A          

Commercial intensity           N/A          

Industrial intensity           N/A          

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density           N/A          

Commercial intensity           N/A          

Industrial intensity           N/A          

#### IV. AMENDMENT SUPPORT DOCUMENTATION

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

A. General Information and Maps

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

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

1. Provide any proposed text changes.
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.
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.
4. Map and describe existing zoning of the subject property and surrounding properties.
5. The legal description(s) for the property subject to the requested change. N/A
6. A copy of the deed(s) for the property subject to the requested change. N/A
7. An aerial map showing the subject property and surrounding properties.
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner. N/A

**B. Public Facilities Impacts N/A**

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

**1. Traffic Circulation Analysis N/A**

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

Long Range – 20-year Horizon: N/A

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

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

Short Range – 5-year CIP horizon:N/A

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
- b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;  
Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
- c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
- d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.

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

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

- Franchise Area, Basin, or District in which the property is located;

- Current LOS, and LOS standard of facilities serving the site;
  - Projected 2020 LOS under existing designation;
  - Projected 2020 LOS under proposed designation;
  - Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
  - Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).
3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including: N/A
- a. Fire protection with adequate response times;
  - b. Emergency medical service (EMS) provisions;
  - c. Law enforcement;
  - c. Solid Waste;
  - d. Mass Transit; and
  - e. Schools.

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

C. Environmental Impacts N/A

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

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

D. Impacts on Historic Resources N/A

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

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

E. Internal Consistency with the Lee Plan N/A

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment.

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

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

3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.

G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis. - See Attached Narrative

**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

**AFFIDAVIT**

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

*Daniel DeLisi*

February 26, 2004

Signature of owner or owner-authorized agent

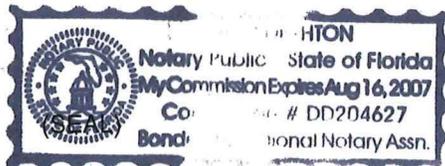
Date

Daniel DeLisi

Typed or printed name

STATE OF FLORIDA )  
COUNTY OF LEE )

The foregoing instrument was certified and subscribed before me this 26 day of Feb 2004, by Daniel DeLisi, who is personally known to me or who has produced \_\_\_\_\_ as identification.



*Amy Dighton*  
Signature of notary public

*Amy Dighton*  
Printed name of notary public

## AGENTS

Mr. Daniel DeLisi, AICP  
Barraco and Associates, Inc.  
2271 McGregor Boulevard  
Fort Myers, Florida 33901  
(239) 461-3170  
Fax: (239) 461-3169

Mr. Russell P. Schropp  
Henderson, Franklin, Starnes & Holt, P.A.  
Post Office Box 280  
Fort Myers, FL 33902-0280  
(239) 334-4121  
Fax: (239) 334-4100

# BUCKINGHAM PLANNING COMMUNITY

## PROPOSED TEXT AMENDMENT

**POLICY 17.1.3:** Any lot created in the Rural Community Preserve land use category after ~~the adoption of this amendment July 9, 1991~~ must have a minimum area of 43,560 square feet. Any residential planned development zoning granted in the Rural Community Preserve land use category will require a minimum size of one acre (43,560 square feet) for every residential lot. Lots that are created as part of an Agricultural Planned Development must have a minimum lot size of 1/2 acre and meet the following specifications:(Amended by Ordinance No. 00-22)

1. Gross density shall not exceed 1 dwelling unit per acre.
2. The total area of the Agricultural Planned Development will not be less than 100 acres.
3. The Agricultural Planned Development must incorporate equestrian facilities, cooperative farming or grazing or any similar agricultural activity where the agricultural use is central to the theme and character of the community and located such that all tracts within the development have access to the agricultural use.
4. The owner or agent must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. This meeting must be conducted before the application can be found sufficient. The intent of this meeting will be to facilitate compliance with the intent of maintaining an agricultural community.
5. Where the Planned Development is located on the perimeter of the Buckingham Community, utility infrastructure may be extended to meet the needs of the units within the planned development.

# BUCKINGHAM PLANNING COMMUNITY

## PROPOSED TEXT AMENDMENT INTENT

**POLICY 17.1.3:** Any lot created in the Rural Community Preserve land use category after ~~the adoption of this amendment~~ July 9, 1991 must have a minimum area of 43,560 square feet. Any residential planned development zoning granted in the Rural Community Preserve land use category will require a minimum size of one acre (43,560 square feet) for every residential lot. Lots that are created as part of an Agricultural Planned Development must have a minimum lot size of 1/2 acre and meet the following specifications:(Amended by Ordinance No. 00-22)

*Changing the phrase “the adoption date of this amendment” to the actual date in which this amendment was adopted, removes the ambiguity that could arise when this policy itself is amended. This change protects the community from a property owner making the case that “the adoption date of this amendment” could mean a subsequent amendment.*

**1. Gross density shall not exceed 1 dwelling unit per acre.**

*The intent of this amendment is to allow for clustering of units to create common openspace to be used for agricultural and recreational purposes, while still meeting the rural character of Buckingham. It is not the intent to increase total allowable density.*

**2. The total area of the Agricultural Planned Development will not be less than 100 acres.**

*The intent is to protect the community from a smaller property that could not realistically create an agricultural based community or do so in a meaningful way.*

**3. The Agricultural Planned Development must incorporate equestrian facilities, cooperative farming or grazing or any similar agricultural activity where the agricultural use is central to the theme and character of the community and located such that all tracts within the development have access to the agricultural use.**

*The intent is to specifically state what a developer must do to satisfy the criteria of keeping the development rural in nature. Requiring that all tracts have access to the agricultural uses is intended to protect against an applicant that would portion off a part of the community for an agricultural use and create a suburban subdivision in the other areas. In an equestrian community trails would need to be located throughout the community, and in a farming cooperative, pasture or grazing lands would need to be in a central location.*

**4. The owner or agent must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. This meeting must be conducted before the application can be found sufficient. The intent of this meeting will be to facilitate compliance with the intent of maintaining an agricultural community.**

*The intent of requiring the community meeting is to provide the community with an extra element of protection to ensure that this language is not used to allow for the creation of a typical suburban subdivision in parts of the community.*

*5. Where the Planned Development is located on the perimeter of the Buckingham Community, utility infrastructure may be extended to meet the needs of the units within the planned development.*

*The intent is to allow for the extension of water and sewer service to the approximately 600 acre property located along Buckingham road, while not opening up the extension of utilities to the entire community. Eliminating the use of well and septic will be an environmental benefit for this specific community, while not changing the intent of the Buckingham Plan – to limit growth through the limitation of utility extensions. This is the only community that can meet both the minimum acreage criteria and the location criteria to allow for the extension of utilities.*

## **BUCKINGHAM COMPREHENSIVE PLAN AMENDMENT**

### **NARRATIVE**

#### **History/Background**

The Buckingham Plan, one of the first community plans in Lee County, was initiated in response to the approval of developments that were inconsistent with the rural nature the residents of Buckingham envisioned for their community. The Buckingham Plan was adopted on January 25, 1991, and has since served to preserve the community's character as the surrounding area changed.

Several provisions of the Buckingham Plan were designed to limit growth in the Buckingham community in order to preserve a rural lifestyle. While these Comprehensive Plan Policies have so far achieved the desired goal, as development pressure increases and builds to a critical mass, it is necessary to enhance the Policy of the Buckingham Plan to better achieve the vision of a rural lifestyle.

The proposed amendment to Policy 17.1.3 is intended to provide an incentive to developers to create residential development that is rural or agricultural in nature. The amendment encourages development of an Agricultural Planned Development and residential community with a rural character, allowing the clustering of residential units to achieve that goal. It is not the goal of this proposed amendment to change the intent of the Buckingham Plan or alter the goal of preserving a rural community. Quite the opposite, the goal of the proposed amendment is to further the intent of the Buckingham Plan by encouraging developers to create open space areas for agricultural type uses.

#### **Intent of the Buckingham Plan**

The Buckingham Plan was initiated in early 1990 as a reaction to suburban and mobile home developments that were being granted approval. It was clear these types of developments would change the character of the Buckingham community, therefore a plan was established to articulate the community's vision for future growth. This impetus for creating the Buckingham Plan was clearly articulated in Page 5 of the Plan itself (attached).

*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 two exceptions to these criteria are the Valencia Village Mobile Home Park, which was zoned in 1984, and the Orange River Estates development which was approved by the County Commission on August 13, 1990 as an RPD with 7,500*

*square foot lots. Both of these developments have been vehemently and overwhelmingly opposed by the citizens of Buckingham, and it is mainly to prevent the future approval of similar developments that this comprehensive plan amendment has been submitted.*

In crafting this amendment, the applicant has been careful not to include language that would permit the typical 7,500 square foot lots from being permitted. The applicant is therefore proposing that even with clustering, minimum lot size will remain at one-half acre, consistent with other similar rural developments that exist (see attached examples).

The most vivid articulation of the Buckingham vision is found on Page 16 of the Buckingham Plan:

*The people of Buckingham prefer that Buckingham remain as a rural agricultural community. They are not opposed to growth, and they are not opposed to newcomers, who are not actively involved in farming, moving into Buckingham. They are, however, opposed to allowing the type of growth that would produce a future Buckingham where the smell of cow manure or the crowing of a rooster would be regarded as a public nuisance. They therefore believe that in order to maintain the integrity of the community as an agricultural area, it is important that new residents reside on at least one acre of land. Anything less than one acre of land would encourage people who are merely looking for a house in suburbia and not a true rural lifestyle.*

One of the primary mechanisms to protect against the further creation of suburbia in Buckingham was to require all newly created lots have a minimum area of 43,560 square feet (one acre). This policy has thus far succeeded in protecting the community against the development of suburban communities. While requiring a minimum of one-acre lots does protect against the development of a typical suburban planned subdivision, this policy does not in itself create a rural community.

### **Justification for Amendment**

Zoning for one-acre lots (or large lot zoning) is a planning tool commonly used to achieve a variety of goals. Rarely have one-acre lots been used to create or maintain agricultural uses. In fact, where the intent is to preserve agricultural uses, higher acreage figures are used (20 to 100 acres minimum lot size). Municipalities that have used large lot zoning have occasionally done so with the intent of eliminating affordable units. With increased development pressure that has recently come to the East Lee area, prices for lots in Buckingham will continue to rise, creating more pressure to convert larger tracts to one-acre lots. Unless incentives are created for developing agricultural communities, development pressures may end up creating a typical large lot, wealthy suburban area of Lee County, not the rural community intended in the Buckingham Plan (see attached article by Randall Arendt).

One local example of large lot zoning in Lee County is Briarcliff. The Briarcliff neighborhood is in the Rural Land Use Category and is made up entirely of single family lots that are one acre or greater. As development occurred in Lee County all around the Briarcliff neighborhood, the one-acre lots were purchased by suburban residents and developed as one-acre suburban homesites. The land prices in Briarcliff have increased as the area has become a moderate to high priced suburban area.

One-acre lots in and of themselves do not create rural communities. Large lot conventional zoning in rural areas tends to create sprawling subdivisions that eliminate the opportunities to use unbuilt rural lands for forestry, agriculture or recreation. These large tracts also tend to be platted in such a way as to ignore natural features, being laid on the land in a way that provides the largest number of lots possible with no other considerations. Property owners are restricted to the use of their few acres for recreational hobbies and are burdened with maintaining those acres. While many people have a desire to live in a rural environment, the time and dedication required to maintain their acreage can be overwhelming.

Clustering residential units, with the intent of preserving rural character elements such as farmland, woodland or open fields, the community as a whole could enjoy large expanses of open space that provide greater areas for general preservation of the natural and agricultural environment we consider characteristically rural and reduce individualized maintenance responsibilities. Creative use of buffers can preserve rural views or provide screening where needed. Limiting lot size and encouraging creative and innovative open space preservation reduces site disturbance and maximizes environmental benefits. This occurs not only because of the larger areas being left undisturbed, but increases regulatory control (i.e., very often single lots are exempt from regulations that protect ecological systems resulting in the destruction of natural systems, one homeowner at a time). Clustering preserves the rural atmosphere that can then provide enjoyment for both the village residents as well as the community. By limiting developable areas and creating common open space, there is greater assurance of preserving farmland, open fields and woodlands that can become part of a community. Creative rural land use planning can offer practical sound methods of ensuring significant usable open space is preserved every time a major parcel of land is subdivided.

The Buckingham Plan identifies elements important to the Buckingham Community. These include maintaining the agricultural characteristics of the community, preserving its historical heritage and protecting its environmental assets. The Plan emphasizes a rural community that will continue to grow without jeopardizing these unique attributes. Platting of large lot subdivisions forecloses any future options for using the majority of the unbuilt environment for preservation of the very characteristics the Buckingham Community has identified as being important. Protection of the community character can be much better achieved by locating lots away from critical areas of environmental concern. Identifying distinct physical development locations surrounded by a protected rural landscape generally used for agricultural, recreational and environmental protection purposes can assure continuance of the characteristics important to the community.

Open space zoning can also act as an incentive for farmland or rural preservation. As development pressure builds, landowners will continue to consider development of residential units for use of their property. Subdividing properties into one-acre lots is not necessarily as effective in maintaining a rural identity as retaining farmland or agricultural type uses (equestrian facilities, grazing, etc.). Through clustering and open space zoning, property owners will have an incentive to more closely implement the intent of rural preservation by retaining rural uses, and not replacing rural uses with residential uses.

The attached example communities were copied from Rural By Design: Maintaining Small Town Character, a book published by the American Planning Association to assist planners with implementing goals similar to the Buckingham Plan. The examples and the attached article by Randall Arendt show that lot size itself is not as important to the preservation of rural lands as the areas that are preserved as a result of cluster development. Much of the current planning practice argues that large lot zoning may eventually lead to destruction of the rural environment, rather than preservation.

## **Conclusion**

The Buckingham Plan has so far been successful in its effort to protect the rural character of the community. As development pressure builds in the area, the proposed modification that specifically encourages “rural” forms of development will enhance the community plan, providing a stronger likelihood that the rural character of the community is preserved.

**LETTER OF AUTHORIZATION**

The undersigned do hereby swear that they are the fee simple title holders and owners of record of property commonly known as Part of Section 17, Township 44 South, Range 26 East, Lee County, Florida, STRAP 17-44-26-00-00003.0000 and property commonly known as 8790 Buckingham Rd., Fort Myers, FL 33905, STRAP 20-44-26-00-00001.0000, and legally described in Exhibit A attached hereto.

The property described herein is the subject of an application for a Comprehensive Plan Amendment. We hereby designate Daniel DeLisi as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain a Comprehensive Plan Amendment on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

SIX STAR PROPERTIES, L.L.C. (Owner)

Kim Mack  
\_\_\_\_\_

Witness

Kim Mack  
\_\_\_\_\_

Print/Type Name of Witness

Rebecca J Rockow  
\_\_\_\_\_

Witness

Rebecca J Rockow  
\_\_\_\_\_

Print/Type Name of Witness

By: [Signature]  
\_\_\_\_\_

Michael M. Strayhorn, Managing Member

By: [Signature]  
\_\_\_\_\_

Dennis J. Fullenkamp, Managing Member

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 16 day of February, 2004 by MICHAEL M. STRAYHORN, Managing Member of SIX STAR PROPERTIES, L.L.C., a Florida limited liability company, on behalf of said company, who is personally known to me or who produced \_\_\_\_\_ as identification.

My Commission Expires:

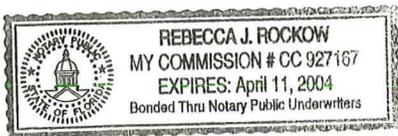
Rebecca J Rockow  
\_\_\_\_\_

Notary Public

Rebecca J Rockow  
\_\_\_\_\_

Print/Type Name of Notary

Commission No: \_\_\_\_\_



STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 16 day of February 2004 by DENNIS J. FULLENKAMP, Managing Member of SIX STAR PROPERTIES, L.L.C., a Florida limited liability company, on behalf of said company, who is personally known to me or who produced \_\_\_\_\_ as identification.

My Commission Expires:



Rebecca J. Rockow  
Notary Public  
Rebecca J. Rockow  
Print/Type Name of Notary  
Commission No: \_\_\_\_\_

**EXHIBIT "A"**

**THE WEST HALF OF THE FOLLOWING DESCRIBED TRACTS OF LAND:**

**THE POINT OF BEGINNING BEING THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 44 SOUTH, RANGE 26E; THENCE N.89°19'51"E., ALONG THE SOUTH LINE OF SAID SECTION 17, 5288.62 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 17; THENCE N.00°03'28"E., 1688.21 FEET ALONG THE EAST LINE OF SAID SECTION 17; THENCE S.89°07'26"W., 5301.24 FEET TO THE WEST LINE OF SAID SECTION 17; THENCE S.00°21'48"E., 1678.67 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 17 AND THE POINT OF BEGINNING.**

**ALSO, THE FOLLOWING DESCRIBED TRACT OF LAND, THE POINT OF BEGINNING BEING THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 26 EAST; THENCE N.89°19'51"E., ALONG THE NORTH LINE OF SAID SECTION 20, 5288.62 FEET TO THE NORTHEAST CORNER OF SAID SECTION 20; THENCE S.00°41'51"E. ALONG THE EAST LINE OF SAID SECTION 20, 201.79 FEET; THENCE S.89°07'20"W. 5288.05 FEET TO THE WEST LINE OF SAID SECTION 20; THENCE N.01°22'14"W., ALONG THE WEST LINE OF SAID SECTION 20, 221.33 FEET TO THE POINT OF BEGINNING.**

**AND**

**THE WEST ONE-HALF OF THE FOLLOWING DESCRIBED TRACT OF LAND:**

**COMMENCING AT THE SOUTHWEST CORNER OF SECTION 17, TOWNSHIP 44 SOUTH, RANGE 26 EAST; THENCE N.00°21'48"W., 1678.67 FEET TO A POINT OF BEGINNING; THENCE N.89°07'28"E., 5301.24 FEET TO THE EAST LINE OF SAID SECTION 17; THENCE N.00°03'28"E., ALONG THE EAST LINE OF SAID SECTION 17, 1900.00 FEET; THENCE S.89°07'33"W., 5314.70 FEET TO THE WEST LINE OF SAID SECTION 17; THENCE S.00°19'56"E., 923.27 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 17; THENCE S.00°21'48"E., 976.73 FEET TO THE POINT OF BEGINNING.**

**AND**

**THE WEST ONE-HALF OF THE FOLLOWING DESCRIBED TRACT OF LAND:**

**COMMENCING AT THE NORTHWEST CORNER OF SECTION 20, TOWNSHIP 44 SOUTH, RANGE 26 EAST; THENCE S.01°22'14"E., 221.33 FEET ALONG THE WEST LINE OF SAID SECTION 20 TO A POINT OF BEGINNING; THENCE N.89°07'20"E., 5288.05 FEET TO THE EAST LINE OF SAID SECTION 20; THENCE S.00°41'51"E., 1597.35 FEET ALONG THE EAST LINE OF SAID SECTION 20 TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF BUCKINGHAM ROAD; THENCE S.42°36'02"W., 229.41 FEET ALONG SAID RIGHT-OF-WAY TO THE P.C. OF A CURVE TO THE RIGHT, HAVING RADIUS 630.72 FEET; THENCE SOUTHWESTERLY THROUGH A CENTRAL ANGLE OF 47°34'00" AN ARC DISTANCE OF 523.62 FEET TO THE P.T. OF SAID CURVE; THENCE N.89°49'58"W. ALONG THE NORTHERLY RIGHT-OF-WAY OF SAID BUCKINGHAM ROAD, 4638.66 FEET TO THE WEST LINE OF SAID SECTION 20; THENCE N.01°22'14"W., ALONG THE WEST LINE OF SAID SECTION 20, A DISTANCE OF 1875.60 FEET TO THE POINT OF BEGINNING.**

**BEARINGS REFER TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 17, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, AS BEING N.89°19'51"E.**

**LESS 6.5 acres as described in that certain Deed between Rex H. White and Virginia V. White as recorded in Deed Book 273, Page 251, Public Records of Lee County, Florida.**

**LETTER OF AUTHORIZATION**

The undersigned do hereby swear that they are the fee simple title holders and owners of record of property commonly known as Part of Section 17, Township 44 South,, Range 26 East, Lee County, Florida, STRAP 17-44-26-00-00001.0000 and property commonly known as 8000 Buckingham Rd., Fort Myers, FL 33905, STRAP 20-44-26-00-00006.0000, and legally described in Exhibit A attached hereto.

The property described herein is the subject of an application for a Comprehensive Plan Amendment. We hereby designate Daniel DeLisi as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain a Comprehensive Plan Amendment on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Kim Mack  
Witness  
Kim MACK  
Print/Type Name of Witness

By: Michael M. Strayhorn  
Michael M. Strayhorn, Trustee of a trust agreement dated May 8, 2002

Rebecca J Rockow  
Witness  
Rebecca J Rockow  
Print/Type Name of Witness

By: Dennis J. Fullenkamp  
Dennis J. Fullenkamp, Trustee of a trust agreement dated May 8, 2002

Kim Mack  
Witness  
Kim MACK  
Print/Type Name of Witness

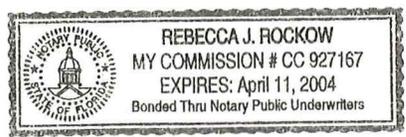
Rebecca J Rockow  
Witness  
Rebecca J Rockow  
Print/Type Name of Witness

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 16 day of February 2004 by MICHAEL M. STRAYHORN, Trustee of a trust agreement dated May 8, 2002. who is personally known to me or who produced \_\_\_\_\_ as identification.

My Commission Expires:

Rebecca J Rockow  
Notary Public  
Rebecca J Rockow  
Print/Type Name of Notary  
Commission No: \_\_\_\_\_



STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 16 day of February 2004 by DENNIS J. FULLENKAMP, Trustee of a trust agreement dated May 8, 2002, who is personally known to me or who produced \_\_\_\_\_ as identification.

My Commission Expires:

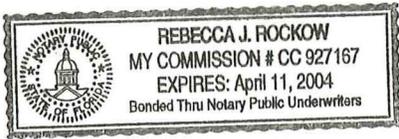
Rebecca J. Rockow

Notary Public

Rebecca J. Rockow

Print/Type Name of Notary

Commission No: \_\_\_\_\_



The East one-half of the following described tracts of land. The point of beginning being the Southwest corner of Section 17, Township 44 South, Range 26 East; thence N 89°19'51" E along the South line of said Section 17, 5288.62 feet to the Southeast corner of said Section 17; thence N 0°03'28" E, 1698.21 feet along the East line of said Section 17; thence S 89°07'26" W 5301.24 feet to the West line of said Section 17; thence S 0°21'48" E 1678.67 feet to the Southwest corner of said Section 17 and the POINT OF BEGINNING. ALSO the following described tract of land, the POINT OF BEGINNING being the Northwest corner of Section 20, Township 44 South, Range 26 East; thence N 89°19'51" E along the North line of said Section 20, 5288.62 feet to the Northeast corner of said Section 20; thence S 0°41'51" E along the East line of said Section, 201.79 feet; thence S 89°07'20" W, 5286.05 feet to the West line of said Section 20; thence N 01°22'14" W along the West line of said Section 20, 221.33 feet to the POINT OF BEGINNING.

AND

The East 1/2 of the following described tract of land.

Commencing at the Northwest corner of Section 20, Township 44 South, Range 26 East; thence S 01°22'14" E, 221.33 feet along the West line of said Section 20 to a point of beginning; thence N 89°07'20" E, 5286.05 feet to the East line of said Section 20; thence S 0°41'51" E, 1597.35 feet along the East line of said Section 20 to a point on the Northwesterly right-of-way line of Buckingham Road; thence S 42°36'02" W, 229.41 feet along said right-of-way to the P.C. of a curve to the right, having Radius 630.72 feet; thence Southwesterly through a Central Angle of 47°34'00" an Arc distance of 523.62 feet to the P.T. of said curve; thence N 89°49'58" W along the Northerly right-of-way of said Buckingham Road, 4638.65 feet to the West line of said Section 20; thence N 01°22'14" W along the West line of said Section 20, a distance of 1875.60 feet to the point of beginning.

AND

The East one-half of the following described tract of land.

Commencing at the Southwest corner of Section 17, Township 44 South, Range 26 East; thence N 0°21'48" W, 1678.67 feet to a POINT OF BEGINNING; thence N 89°07'26" E, 5301.24 feet to the East line of said Section 17; thence N 0°02'28" E along the East line of said Section, 1900.00 feet; thence S 89°07'33" W, 5314.70 feet to the West line of said Section 17; thence S 0°19'56" E, 923.27 feet to the West Quarter corner of said Section 17; thence S 0°21'48" E, 976.73 feet to the POINT OF BEGINNING.

LESS AND EXCEPT the following described parcel:

A tract of land in the Northeast Quarter of Section 20, Township 44 South, Range 26 East, lying North of Buckingham Road (SR #82A), Lee County, Florida, described as follows:

Beginning at the Northwest corner of the NE 1/4 of said Section 20; thence N 89°19'51" E along the North line of the NE 1/4 of said Section 20 a distance of 2189.31 feet to the centerline of an existing ditch; thence S 8°59'56" E, 1996.9 feet to a point on a curve to the right on the Northerly right-of-way line of said Buckingham Road at it's intersection with the centerline of said existing ditch. Said curve having radius 630.72 feet; thence Southwesterly through Central Angle of 46°20'45" an Arc distance of 510.18 feet to the P.T.; thence N 89°49'58" W, along the North right-of-way line of said Buckingham Road a distance of 2006.25 feet to the West line of said NE 1/4 of Section 20; thence N 1°01'45" W, along the West line of said NE 1/4 of Section 20 a distance of 2135.23 feet to the POINT OF BEGINNING.

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## PLANNING COMMISSIONERS JOURNAL

### "Open Space" Zoning: What It Is & Why It Works

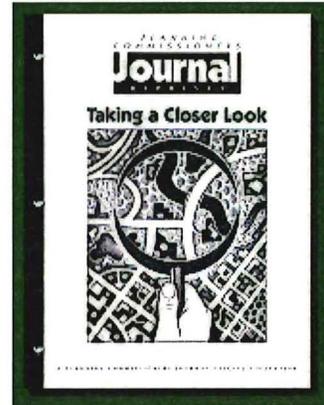
by *Randall Arendt*

**About the Author**

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PlannersWeb Home Page 

"Open Space Zoning" is included in our [Taking a Closer Look: Green Essentials](#) collection of articles from the Planning Commissioners Journal. The booklet is 3-hole punched, and delivered by 1st class mail.



*[From Issue 5, page 4, of the PCJ, July/August 1992]*

Local officials in most rural and suburbanizing areas have a long-term choice about which many are not fully aware. That is whether to continue implementing "conventional zoning", or whether to refine their existing land-use regulations to ensure the preservation of open space through creative development design.

Conventional zoning is essentially a blueprint for development, and development alone. Of course, zoning normally separates incompatible uses, and it does establish certain standards (such as maximum densities and minimum setbacks), but it typically does little to protect open space or to conserve rural character. The reason many subdivisions consist of nothing more than houselots and streets is because zoning and subdivision design standards usually require developers to provide nothing more. While many ordinances contain detailed standards for pavement thickness and culvert diameters, very few set any noteworthy standards for the quantity, quality and configuration of open space to be preserved.

Conventional zoning assigns a development designation to every acre of land, generally residential, commercial, or industrial. The only lands which are normally not designated for development are wetlands and floodplains. Conventional zoning has been accurately described as "planned sprawl," because every square foot of each development parcel is converted to front yards, back yards, streets, sidewalks, or driveways. Period. Nothing is left over to become open space, in this land-consumptive process.



Above photo is of conventional large lot zoning in Middletown, Rhode Island.



Above photo is of open space development in Lower Makefield Township, Pennsylvania, where over half of this 431 acre tract has been preserved as farmland (137 acres donated to a local farmland trust) or as woods and wetlands (100 acres). Houselots are about 1/2 acre in size. Buyer response has been very favorable, with sales outpacing similarly priced developments. The developer advertises the project as "a community that will be forever surrounded by acres of preserved farmland, open fields and woodlands."

[Editor's Note: The Center for Rural Massachusetts's Web site contains excellent [drawings comparing development under conventional zoning principles and development using open space/cluster principles](#)].

### **A Better Solution**

Local officials who are interested in ensuring that their communities will not ultimately become a seamless web of subdivisions, shopping centers and office or industrial parks now have a practical and effective alternative: compulsory open space zoning. This technique has been successfully implemented by a number of municipalities in New England and the Mid-Atlantic states, and by several counties in Virginia, Washington State and California.

In order to avoid disturbing the equity held by existing landowners, **open space zoning allows the same overall amount of development that is already permitted.** The key difference is that this technique requires new construction to be located on only a portion -- typically half -- of the parcel. The remaining open space is permanently protected under a conservation easement co-signed by a local conservation commission or land trust, and recorded in the registry of deeds.

As "open space zoning" is based upon the technique of "clustering," these two terms are used interchangeably throughout the rest of this article. It should also be noted that the cluster concept can be restricted to detached, single-family homes, each on its own down-sized houselot, in communities or in specific zoning districts where this is politically desirable. In other words, cluster housing is by no means limited to townhouses, apartments, or condominiums, as is typical in many PUDs (planned unit developments) and PRDs (planned residential developments). In fact, the classic rural village settlement pattern is a superb example of single-family clustering, sometimes with a central green constituting the permanently preserved open space.

### Cluster Design

The basic principle of cluster development is to group new homes onto part of the development parcel, so that the remainder can be preserved as unbuilt open space. The degree to which this accomplishes a significant saving of land, while providing an attractive and comfortable living environment, depends largely on the quality of the zoning regulations and the expertise of the development designer (preferably someone experienced in landscape architecture).

Although the concept of clustering is fairly simple, this "new" form of development has raised concerns among some residents of rural or suburbanizing areas because it is quite different from the conventional, standardized subdivision pattern with which most of us are very familiar. Interestingly, the conventional suburban model, commonplace in many growing communities, is actually a pattern that is at odds with the otherwise traditional rural landscape. It looks "at home" only in our sprawling metropolitan post-war suburbs, where it has become the predominant building pattern.

The purpose of this article is to first briefly explain what I believe are the major advantages of requiring clustered (open space) development, and then to discuss several of the concerns typically expressed at local meetings where the open space planning concept has been discussed.

### The Advantages of Open Space Development

The conventional approach to development results in the entire parcel being covered with houselots and subdivision streets. Communities which have had a lot of experience with this type of development ultimately realize that, as one parcel after another is eventually developed, their formerly open landscape evolves into a network of "wall-to-wall" subdivisions. [See Sidebar, ["Large Lot Zoning"](#) at the end of this article].

The beauty of open space zoning is that it is easy to administer, does not penalize the rural landowner, does not take development potential away from the developer, and is

extremely effective in permanently protecting a substantial proportion of every development tract. It does not require large public expenditures (to purchase development rights), and allows farmers and others to extract their rightful equity without seeing their entire land holding bulldozed for complete coverage by houselots.

This pattern of down-sized houselots and preserved open space offers distinct economic advantages to all parties. Developers can reduce the costs of building roads and, if applicable, water and sewer lines. Local governments save on snowplowing and on periodic road re-surfacing. And home buyers often pay less because of these cost savings.

Landowners who view their property as their "pension" no longer have to destroy their woods and fields in order to retire with a guaranteed income, as their equity is not diminished. Local governments do not have to raise property taxes to finance expensive open space acquisitions, and are not faced with the administrative complexities posed by TDR (transfer of development rights) systems. Developers are not placed under unreasonable constraints, and realtors gain a special marketing tool, in that views from the new houses will be guaranteed by conservation easements protecting the open space from future development.

### **Why Require Cluster Design?**

**Perhaps the most controversial issue surrounding the cluster concept is the suggestion that this open space approach be made mandatory.** The rationale is that there are certain types of irreplaceable natural resources which are extremely important to protect. Among these may be listed aquifers, riverfront land, fields and pastures. In addition, clustering allows flexibility in layout so that a developer can avoid impacting important wildlife habitat areas, such as deeryards, or scenic features of the rural landscape, such as large rock formations, hill crests, and mature tree-stands. It is a local decision whether to require the cluster approach when development is proposed on any or all of these resource lands.

There are several possible options to mandating open space. One is to require the cluster approach in only certain zoning districts, or when certain resources are present. Another alternative is to authorize the planning commission to require it only when the developer's conventional plan would destroy or remove more than a specified percentage of certain listed resources, leaving determination on a case-by-case basis. Whatever the choice, it is important -- in my view -- not to leave it to the developer to decide whether to opt for cluster development. [See Sidebars "[Requiring Open Space Design](#)" and "[West Manchester Township](#)" at the end of the article].

### **Questions About Cluster Development:**

**Will It Harmonize With Its Surroundings?** A concern I often hear is that cluster housing will not blend in with a town's rural character. It is true that some cluster developments done in the past have failed to harmonize with their surroundings. Recognizing this potential problem, a few communities are now requiring that new cluster plans consist of only detached, single family homes, each set on its own, down-sized individual lot, roughly resembling a traditional village pattern. This also ensures that everyone will have their own separate yard space, in addition to the larger "open space" which the cluster

approach creates.

The related issue of "impact upon surrounding property values" is also often raised. Along any part of the parcel perimeter where down-sized lots would adjoin standard-sized lots, communities can require buffer strips. Along other edges, this may not be desirable or logical, as lots which border permanently protected open space almost always enjoy higher property values. Indeed, **most realtors would attest to the fact that all lots within a well-designed cluster development usually gain enhanced value as a result of the protected open space.** [See Sidebar, "[Enhancing Property Values](#)" at the end of this article].

**"Open Space" Maintenance.** Another issue is maintenance of the open space created by clustering. If this space is recreational (playing fields, jogging trails, tennis courts), upkeep is typically handled by a homeowners' association, to which everyone is contractually obligated to contribute when they purchase their home. Home buyers sign a legally enforceable agreement which enables the homeowners' association to collect any unpaid dues.

If the open space is agricultural, there are several options. The agricultural open space can be sold "in fee" to the homeowners' association, which can in turn lease it to local farmers. Alternatively, the original farmer can retain ownership of it and sell only his "development rights." I favor the latter option, even if the farmer is planning to retire, because he could still sell the field to a younger farmer in the neighborhood at an affordable price reflecting the land's agricultural value -- not its potential building-lot value -- thus strengthening the local farming economy.

**Buffering Farm Operations.** In order to reduce potential conflicts between new residents and agricultural practices, communities are beginning to require that cluster lots be separated from the protected farmland by a "buffer" strip, typically 75 to 100 feet wide. Where it is not possible to use existing woodlands for this purpose, officials can require new buffer areas to be thickly planted with a variety of rapidly growing native trees and shrubs. A similar requirement should also be placed on conventional subdivisions when they abut working fields, but this is rarely done.

**Street Standards in Cluster Developments.** When cluster developments are designed with privately maintained road systems, planning boards are often asked to reduce their normal street construction standards. This has sometimes created substandard conditions, and is a practice which communities would be well-advised to resist. If subdivision street construction standards are excessive -- as they often are -- they should be revised for all types of new development, so that street width bears a reasonable relationship to the expected volume of traffic. [Editor's Note: On this point, see Joseph Molinaro's article, "Rethinking Residential Streets," in Issue 1 of the PCJ].

### **Sewerage and Septic Systems.**

Because of the shorter road system needed to serve lots in a cluster development, substantial savings are possible with respect to the construction of roads, sewers, and water lines. Where sewer service is unavailable, however, people have expressed concerns about siting septic systems on the smaller cluster lots. Recognizing this factor, officials are requiring such houselots to be located on that part of the parcel

where soils are most favorable for leaching fields. The flexibility of cluster design allows this to happen. On the other hand, in a conventional subdivision, septic systems are located wherever the soils manage to pass minimum health requirements, even on marginal soils whose long-term suitability is questionable. In addition, it should be noted that septic systems can be located beyond one's lot lines, on an easement within the protected open space.

### Summing Up:

Whether continuous coverage by large-lot subdivisions is more desirable than a mixture of village-sized cluster lots surrounded by permanently protected fields and woodland is a decision for residents and officials in each town. As long as everyone is clear about the ultimate consequences of the various development types which are available to them, these decisions can be made on an informed basis.

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### Sidebars:

#### Large Lot Zoning

One of the "solutions" that many conventional zoning ordinances use for presumably maintaining open space and rural character is large lot zoning -- that is establishing large, five to ten acre, minimum lot sizes in rural zoning districts. Although large lot zoning does reduce the number of homes that can be built, it also spreads out the homes in such a way that none of the remaining land is useable for farming, forestry, or even recreational trails. Houselots become "too large to mow, but too small to plow," and the greater distance between homes effectively stifles the emergence of any sense of neighborhood.

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#### Open Space: What Size and Shape?

Unless local regulations require the open space to be at least a certain size with specific minimum dimensions, it can end up being a long narrow fringe abutting rear lot lines and the parcel's outer perimeter. This can be easily avoided by clarifying, in the ordinance, that lots and roads shall not cover more than, say, 50% of the parcel, and that at least half of this open space must be shaped so as to be useable for active recreation or agriculture, for example.

### Requiring Open Space Design

Experience has shown that when clustering and open space preservation are left optional, only a small percentage of developers choose to take advantage of this approach. Most simply continue to do as they have always done: creating checkerboards of house lots and streets. This means that even though the clustering option is in the zoning ordinance, it remains essentially unused. The community is still left with conventional development patterns repeated over fields and woodlands.

If a community is reluctant to require clustering, it might consider the approach taken by Clallam County, Washington. The County recently revised its zoning from a density of one unit per five acres (which was creating non-functional "farmettes") to a minimum of thirty acres. However, the original one unit per five acres density remains available if the houselots are downsized so as not to consume more than fifteen to twenty percent of the parcel. Applying this kind of stiff "density penalty" to discourage land-consumptive farmettes may be a far more effective technique than offering meager density bonuses to encourage clustering.

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### West Manchester Township, Pennsylvania

West Manchester Township, in south-central Pennsylvania, last year amended its zoning ordinance to require open space development within an undeveloped portion of the township. The area had been zoned for single-family detached residential homes, on half acre or smaller lots. Before amending the ordinance, the township had prepared build-out maps showing what the area might look like if developed under the existing conventional zoning. These maps vividly showed the potential loss of the existing farmland and open space. The township also mapped out the open space it hoped to preserve to show landowners and developers exactly what was envisioned: interconnected open spaces crossing parcel lines.

Under the township's open space zoning provision, a developer first prepares a sketch plan showing the number of units that could be built under a conventional development pattern. This determines the allowable density that can be used when the project is designed in a clustered manner. According to Jan Dell, Assistant Township Administrator, allowing the same density was important to allay the concerns of affected landowners. At the same time, preserving views of open space would make developments more attractive to home buyers. One other note, West Manchester's open space zoning requirement only applies to developments involving more than fifteen acres.

Editor's Note: Manchester Twp. also made use of the design manual and video cited in the [Resources](#) sidebar.

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### "Build-Out" Maps

One of the most understandable, inexpensive and effective tools for showing local residents and officials the long-term result of implementing existing zoning and subdivision regulations is the "build-out" map. This map shows the probable location of new roads and houses which could legally be constructed on the vacant and buildable land remaining within the municipality (or a portion of the municipality). Because so many people assume their town is adequately protected by existing zoning, a build-out map, by graphically showing what might occur, can be a real "eye opener" for members of the community. To ensure accuracy, build-out maps must not project development into areas where natural or regulatory constraints would prevent it. The [Center for Rural Massachusetts](#) has available "A Manual of Build-Out Analysis," a step-by-step guide to the preparation of build-out maps.

### Enhancing Property Values

A recent study, "[An Examination of Market Appreciation for Clustered Housing with Permanent Open Space](#)," by Jeff Lacy at the Center for Rural Massachusetts comparing conventional and open space developments in two Massachusetts towns over long periods of time found that the value of homes in open space developments appreciated at a greater rate.

An interesting article by Philip Larsen, "Open Space That Sells," in *Land Development*, the publication of the National Association of Homebuilders, explores how well-planned open space can enhance a development's market value. As Larsen notes: "The key is to view the various open space requirements as opportunities rather than as liabilities. A look at the most successful projects in any region will reveal that open space has not been wasted. Projects that feature open space are projects that sell and, at the same time, provide environmental amenities and opportunities for recreation." *Land Development*, Summer 1992, p. 25.

[Return to text of article](#)

### Resources:

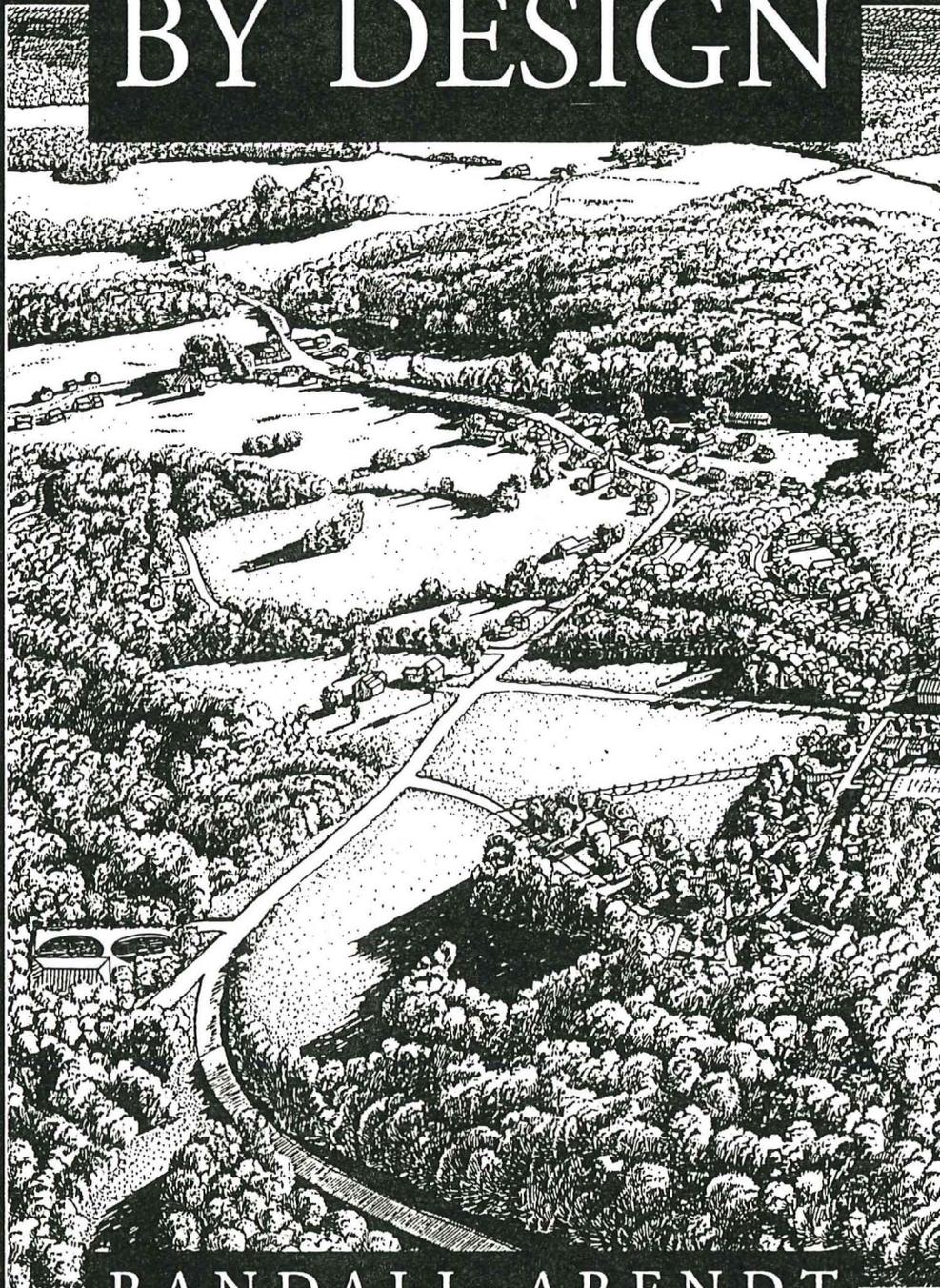
A valuable resource on open space development is "Dealing With Change in the Connecticut River Valley: A Design Manual for Conservation and Development," available for \$25 from the Lincoln Institute of Land Policy: (800) 848-7236.

"Rural Design," a 60-minute video of Randall Arendt's slide show, provides a very useful visual introduction to cluster design and related topics. It can be ordered from the American Planning Association: (312) 955-9100.

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# RURAL BY DESIGN



RANDALL ARENDT

With Elizabeth A. Brabec, Harry L. Dodson,  
Christine Reid, Robert D. Yaro

AMERICAN PLANNING ASSOCIATION

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Environmental Law Foundation, and Center for Rural Massachusetts

# Rural by Design:

## Maintaining Small Town Character

*by*

Randall Arendt, MRTPI

*Contributing Authors*

Elizabeth A. Brabec

Harry L. Dodson

Christine Reid

Robert D. Yaro

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Figure 14-1. These sketches illustrate the preexisting situation at Larking Hill in West Vincent Township, Chester County, Pennsylvania, contrasted with the developer's "by-right" checkerboard plan for 38 three-acre lots; a simple cluster of 54 one-acre lots providing 52 percent open space; and a more sophisticated alternative cluster combining estate lots, large suburban lots, and village lots to permanently preserve 68 percent of the parcel as open space. The fifth sketch shows the final approved plan with 62 percent open space and an extensive trail system. Source: Brandywine Conservancy, 1992.

tering would protect from development and visual intrusion. The greater the length of protected area, the larger the density credit. Similarly, points are increased when the preserved land is also opened for public access or for park purposes. To buffer existing conservation lands and to increase the amount of contiguous protected acreage, extra points are also given in proportion to the length of common boundary between the proposed open space and any adjoining parks, nature preserves, or properties under permanent conservation easement, a feature that should be of considerable interest to park professionals and local land trusts (Anderson, J., 1992).

An alternative to using density bonuses to provide incentives to create more compact development forms is to employ density *penalties* for squandering land in large-lot plats. On the Olympic peninsula in Washington, Clallam County officials have adopted an ordinance that would allow developers to build under current densities (one to five units per acre) only if they cluster. Those rejecting the cluster approach would not be allowed to develop at standard densities, but would be subject to new minimum parcel sizes of 30 acres (Bowers, 1991e). Unlike semiarid Gallatin County, where 20 or 30 acres is not a viable farming unit, climatic conditions in Clallam enable economic farming to occur on parcels of this size (underscoring the importance of drafting such area requirements carefully, based on local agricultural needs). (See also Chapter 18, "Retaining Farmland and Farmers.") A parallel restriction has been adopted for commercial forestland. Regulations incorporating a similar approach are on the books in another rural county at the opposite end of the Evergreen State. In Clark County, which borders Oregon, the basic 20-acre agricultural zoning contains an option allowing clustering to preserve approximately three-fourths of the farmland or forest resources on the development parcel. When the cluster option is chosen, densities are calculated more generously, on the basis of five acres per dwelling, plus two more houselots for every 20 acres of developable land. In other words, in these two Washington counties, the basic choice is between 20- or 30-acre divisions, and cluster-

ing a larger number of homes on approximately three-quarter-acre lots, with 75 percent open space preservation.

### THE FOLLY OF LARGE LOTS

However, it is also equally necessary for rural planners to respond to developers' other reservations about downsizing their houselots to preserve open space. Frequently cited is the belief that buyers really want to own larger acreages around their homes. In fact, that is probably what many prospective buyers tell their agents, not considering the time and costs involved in maintaining that land, and not even beginning to think about the greater possibilities for enjoying open space if they were to buy into a development that pooled most of the land into a really large resource area for all the homeowners to enjoy.

For many people the dream of owning rural acreage turns into a nightmare as they discover their enslavement to maintaining large pieces of land. Even a two-acre houselot, if not wooded, is "too large to mow and too small to plow." Commuters with full-time jobs have little time to look after much more than a basic three-quarter-acre houselot. The oft-expressed desire "to look out my window and not see my neighbor's house" reflects a psychological need that is sometimes better satisfied with creative site design and smaller lots. The schematic layout in Figure 14-3 illustrates how all homeowners can have permanently protected views over 80 acres of pasture or cropland, while being screened from their neighbors on either side by plantings of fast-growing native species. (See Chapter 20, "case example" of Trims's Ridge, Block Island, Rhode Island, for detailed illustrations of landscape buffers between homes on an otherwise open site.) The critical factor, when trying to provide privacy on an unwooded parcel, is not distance but buffering. This may be effectively achieved through fencing, hedges, or massing of new evergreen plantings.

On many of the larger "houselots" (say, from 2 to 20 acres) created in agricultural or ranching areas, much of the land is now growing up into weeds. This is not only unsightly but is sometimes a major problem for adjacent farmers. In some

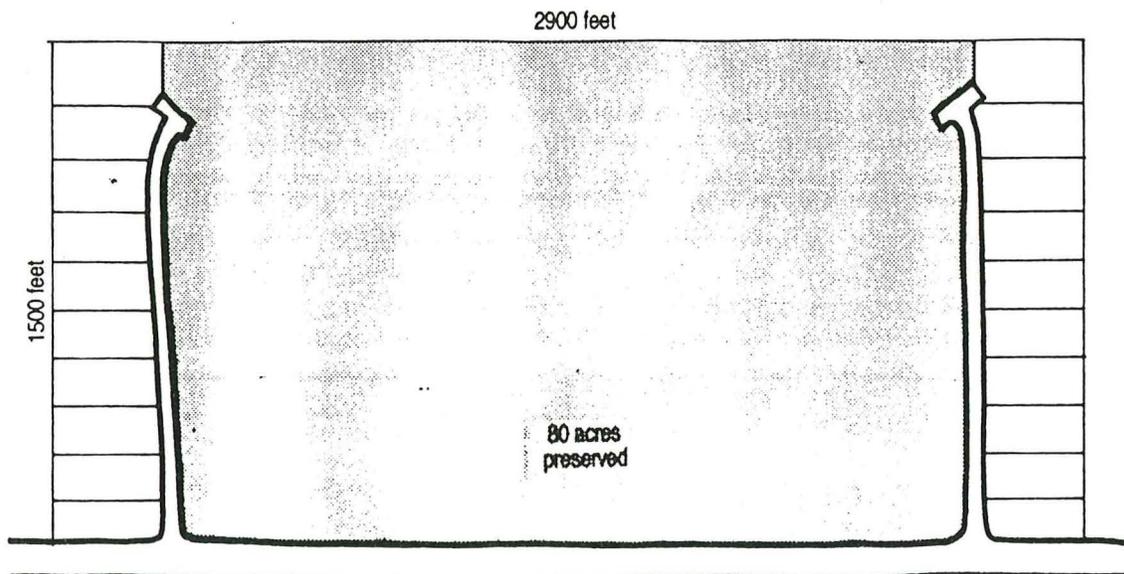


Figure 14-3. In this schematic diagram of a cluster plan for areas where base zoning density is very low, 20 one-acre houselots with permanent views of the rangeland or farmland have been created, while preserving 80 percent of the 100-acre tract as open space. They are accessed from gravel surfaced "country lanes" or shared drives, constructed to official standards appropriate for their light traffic load (see Chapter 11). The alternative would be to divide this resource into large lots or farmettes, in sizes that would not be viable for commercial production (but which would succeed in cluttering the countryside, despoiling the view, and needlessly removing another 80 acres from its traditional rural use).

western states, hundreds of thousands of dollars are spent annually on weed control, where the principal culprit is large parcel residential development. If every realtor who showed such properties were to wear a large lapel pin proclaiming "Beware of what you set your heart upon: some day it may be yours," possibly fewer well-intentioned suburbanites would make the mistake of buying multiacreage sites to use simply as houselots.

For those who desire extra land for their horses (a frequently cited reason for purchasing such large lots), a far better solution is at hand. In areas where the residential base density is two acres per dwelling, instead of 10 two-acre houselots with no place to ride except around one's houselot and individual stable, 10 families could share a 10-acre pasture or woodland trail system abutting their 10 one-acre houselots. By locating the stables within easy walking distance (but farther than horseflies

are likely to roam), residents may enjoy convenience without nuisance.

#### REDUCING UNCERTAINTY

However important it is to inform developers, realtors, and the public about the greater advantages offered by open space development design, perhaps the most critical element in this process involves reducing the uncertainty associated with the plan approval process itself. In most jurisdictions, the cards are stacked plainly in favor of conventional cookie-cutter development, and strongly against creative open space alternatives. Standard checkerboard subdivisions are a relatively easy "by right" proposition where the hurdles are few in number and low in height. The most unimaginative conventional plan can readily clear those hurdles, partly because there is so little to review and partly because it is usually very easy to meet the basic requirements for such de-



Figure 14-6. These three sketches, prepared by the Montgomery County (Pennsylvania) Planning Department, show a rural neighborhood and two alternative future scenarios. One is to become blanketed with wall-to-wall subdivisions, each consisting of a checkerboard of houselots and streets. Another is to preserve large blocks of land, with many open spaces adjoining one another, through cluster designs on each parcel. *Source:* Prepared by Montgomery County Planning Commission, October, 1990.



Figure 20-11b. Year-round trails meander through woodlands and traverse the ridges, while the golf course is used for cross-country ski trails during the long Colorado winter.

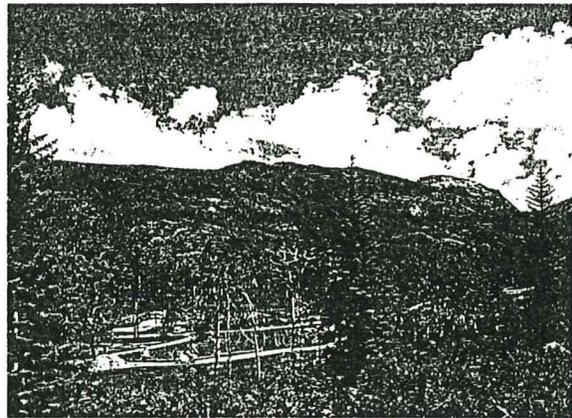


Figure 20-11d. Most of the surrounding slopes have been set aside as permanent preservation areas, with summer-and-winter trails for hiking, biking, and alpine skiing.

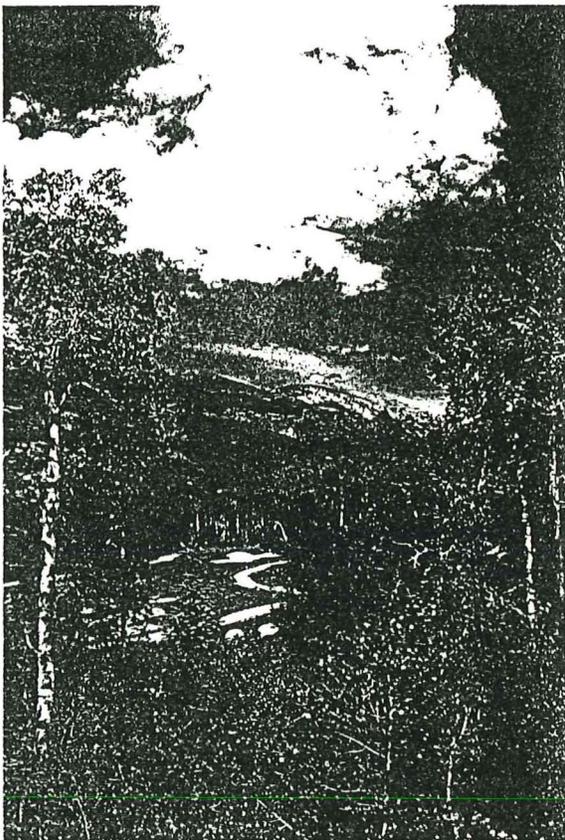


Figure 20-11c. Slow-growing aspen stands are protected on the hillsides and in a large grove within the development, which was designed around such natural features.

vision abuts on three sides. Most of the lots average one-half acre or slightly larger in size, more modestly proportioned than the developer was initially comfortable with (even for those adjoining the golf course), due to perceived demand for larger yards in this rural area. However, he ultimately agreed that the extensive trail network, and the large acreage of protected land adjacent to the vast majority of lots, could be used as positive marketing tools. In other words, the sales strategy can be based, in part, upon the development's recreational amenities, protected views, and accessible open space, features that competing subdivisions cannot match.

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## Strathmore Farms

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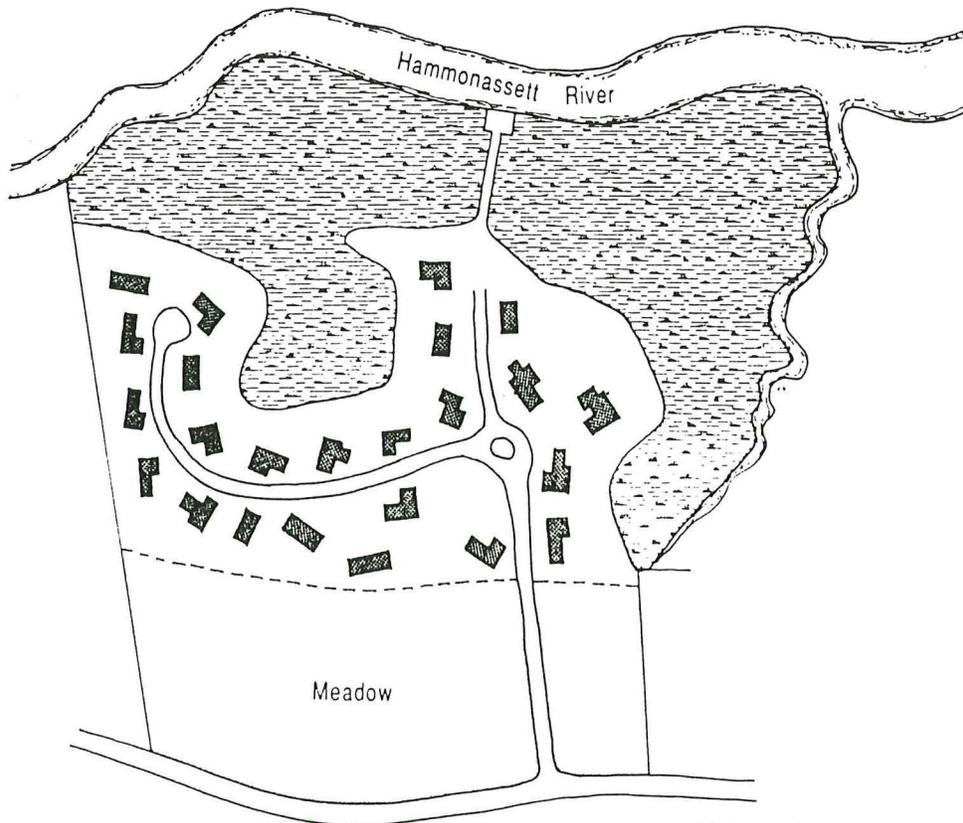
*Location:* River Road, Madison, Connecticut

*Date:* 1986-1992

*Site Designer:* Eric Anderson Associates, Guilford, Connecticut

*Developer:* Robert Dowler, Madison, Connecticut

Six acres of horse pasture separate Strathmore Farms' 25 single-family homes from River Road, helping to preserve the rural character of this country road and providing a visual and recre-



Strathmore Farms  
Madison, Connecticut

Scale in feet  
0' 100' 200' 300'

Figure 20-12a. Site plan of Strathmore Farms.

ational amenity that would not have been possible had the developer chosen to subdivide his 29-acre parcel into a conventional checkerboard pattern of houselots and streets.

Most of the homes also enjoy attractive views toward a tidal marsh along the Hammonasset River, bordering the property to the east. A short boardwalk (175-foot long) leads to a gazebo built at the river's edge, affording views up and down the meandering estuary. A small private dock at this location provides access to the river and to Long Island Sound, one mile downstream. Located 45 minutes from Hartford, Madison is also a two-hour drive from both New York City and Boston.

Within the site, homes are generally located 40 to 45 feet apart (from side to side) and typically sit

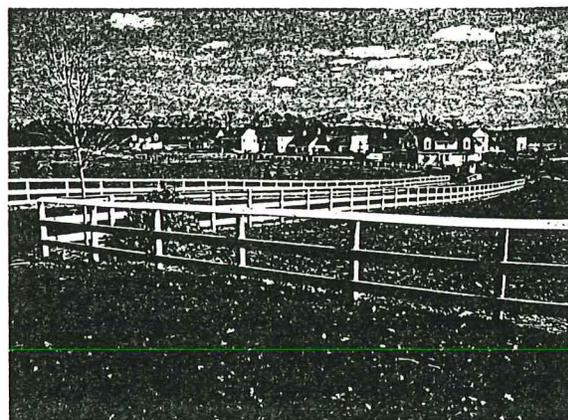


Figure 20-12b. View from the town road, across an enclosed six-acre horse pasture, toward eight homes overlooking this protected open space.

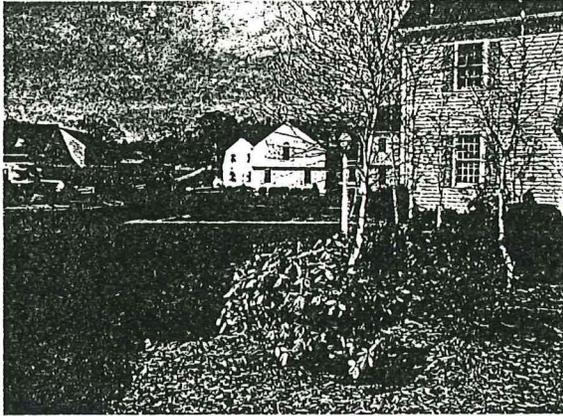


Figure 20-12c. Homes at Strathmore Farms are generally 40 to 50 feet apart, but all enjoy views of either the pasture or the tidal marshes.

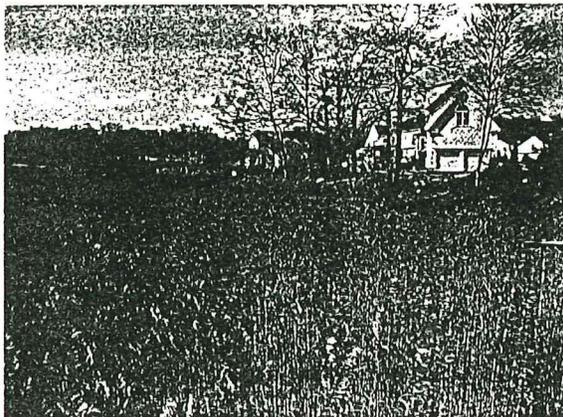


Figure 20-12d. Two-thirds of the homes are orientated toward the wetlands along the Hammonasset River, which provide nesting and feeding habitat for many varieties of waterfowl.

about 20 feet from the edge of the roadway, which itself has a paved width of 18 feet, helping to create the feeling of an informal rural neighborhood. All the land is commonly owned in this condominium development, but if individual lot lines existed, each home would sit on a lot of about 10,000 to 12,000 square feet. Half the homeowners are "empty-nesters," and half have children ranging in age from one to eighteen. Al-

though this village-scale arrangement was very unusual for new large-home developments in rural New England in this price range (about \$430,000 to \$640,000), units sold quickly and turnover has been very low. Homes come in four traditional architectural styles and range in size from 2,700 square feet to 4,900 square feet.

Homes are served by town water and by individual septic systems maintained by a homeowners' association.

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## Farmview

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*Location:* Lower Makefield Township, Pennsylvania

*Date:* 1987-present

*Site Designer:* Bob Heuser, Sullivan Associates, Philadelphia, Pennsylvania

*Developer:* Realen Homes, Berwyn, Pennsylvania

Set on a 431-acre site in Bucks County, 30 minutes north of Philadelphia, Farmview's 310 houselots cover just half the property. Located in a zone where the lot size minimum is one acre, the developers were permitted lots averaging 22,000 square feet (one-half acre), with 110 feet of street frontage (instead of 160 feet), under a special cluster zoning amendment adopted to encourage the conservation of 51 percent or more of a subdivision tract as permanent farmland. Overall density was determined by a concept plan (or "yield" plan) showing the number of lots achievable under a conventional layout.

The lot size reduction enabled 137 acres of highly productive farmland to be saved, in addition to more than 100 acres of woods and wetlands. Other design criteria required that resulting farm parcels contain at least 12 acres and be reasonably proportioned. Ownership of the cropland (which includes some of the best soils in the county) was transferred to the Farmland Preservation Corporation, a quasi-independent municipi-

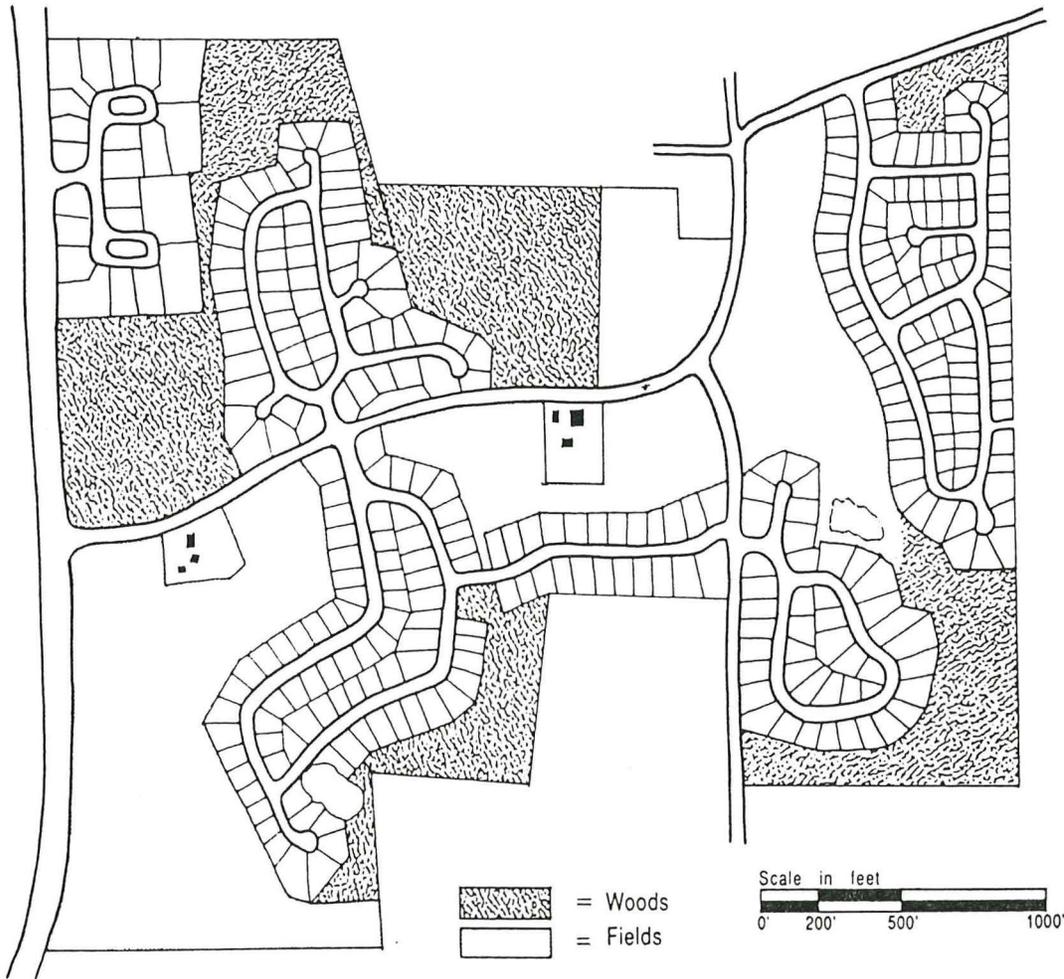


Figure 20-13a. Site plan of Farmview.

pal body that leases its holdings to two local farmers. Planted with sweet corn, alfalfa, rye, and soybeans, the farmland is separated from backyards by a vegetated buffer, required under the ordinance. Another design goal was to locate most of the houselots away from existing town roads, to maintain unblocked rural views.

Buyer response has been highly favorable, with sales outpacing those in all other subdivisions within its price range around the county, even during the sluggish 1991 market. Farmview's sales strategy, advertising "a community that will be forever surrounded by acres of preserved farm-

land, open fields and woodlands," has not gone unnoticed by competing developers: two more subdivisions with very similar land preservation arrangements have also been proposed and approved under Lower Makefield's new farmland cluster ordinance. Reductions in developed land area and lot width have also produced a shorter street system, saving on both construction and long-term public maintenance costs. All lots are served by public water and sewers.

Winner of an award from the Pennsylvania Planning Association, Farmview has begun to set an example in its area. Although the enabling

BUCKINGHAM SECTOR PLAN

PROPOSED AS AN AMENDMENT

TO THE LEE COUNTY

COMPREHENSIVE PLAN

Submitted by the  
Buckingham Preservation Committee  
September 20, 1990

ATTACHMENT B

## BUCKINGHAM: THE PAST

Buckingham is a quiet, rural community in East Lee County, Florida. Formerly named Twelve Mile Creek, Buckingham lies twelve miles northeast of Fort Myers and is connected to Fort Myers by the Orange and Caloosahatchee Rivers. Buckingham has a rich and colorful history, and more than one hundred years have passed since its first pioneer beginnings.

During the early years, beginning around 1864, many cattlemen, including Jacob Summerlin, drove their cattle southward from north Florida for shipment to distant markets. After traveling from ten to fifteen miles per day, the cattle were kept in "scrub pens" at night. One of the stopping points along the way was at Twelve Mile Creek. From there, the cattle were moved to Fort Myers and beyond to Punta Rassa, where they were then dispersed for shipment and sale.

Around 1884-1885, an early pioneer named Edward Marshall Williams moved to Lee County with his wife. They were from Bucks County, Pennsylvania. After settling at Twelve Mile Creek, the family grew citrus and vegetables, and raised cattle. In 1889, Williams called his homesite Buckingham, because the government had objected to the name of Twelve Mile Creek. The name either originated from Bucks County, or from Buckingham Smith, a nineteenth-century Federal Reclamation Commissioner and historian.

The original Twelve Mile Creek school was organized in 1883. Mr. F. J. Wilson had been holding private classes in a corn crib near his house. Land for a school was deeded by Mr. Wilson to Monroe County in 1886 with the restriction that the property be used only for school or community purposes. The first schoolhouse was a small log cabin built in 1886, and the first teacher actually began work in December of 1887. (Lee County was created from Monroe County in 1887.) The existing Buckingham Community Center--listed with the National Register of Historic Places--was constructed on the same site in 1895 and served as the second school house for the residents of Buckingham. Today, the 95 year old Community Center is an active community meeting place located in the heart of Buckingham.

Toward the end of the century, more and more families came to farm and operate cattle ranches. By 1890, Buckingham was a regular stop on the mail boat route. Large supplies of timber were coming from the woods throughout Buckingham. Later, the depression slowed growth in Lee County until the war years. By 1939, the population of Buckingham was approximately 100 people and citrus groves surrounded area homes, but 1942 was a year that would bring about a lasting change to the rural community.

Two months after the Japanese bombed Pearl Harbor, the Army Air Corps met with Lee County Commission Chairman Harry Stringfellow and Fort Myers Mayor Sam Fitzsimmons to discuss the formation of

a flexible gunnery school in the Buckingham area. In addition to Page Field airport in Fort Myers, land in Buckingham was set aside for a facility that would train men to handle the .50 caliber turret or waist guns. In March of 1942, 650 men arrived to begin building the facility which included a fire station, dental clinic, and temporary housing for base men. At its peak, the facility housed 16,000 men. This influx of Army personnel and their families had a major impact on Lee County's economy. Shortly after Germany surrendered on May 7, 1945, Buckingham Army Air Field was deactivated, buildings were torn down and airmen were shipped out. Still present today are the reminders of this exciting past: although overgrown with brush, concrete foundations can be found all over Buckingham fields. The Buckingham Army Airfield runways now house the Lee County Mosquito Control squadron.

Buckingham Cemetery on Cemetery Road is one of the oldest cemeteries in Lee County. Members of pioneer families rest there, along with veterans of every war to the present day. This cemetery is another of Buckingham's oldest landmarks. A longtime establishment is the Buckingham Store, a general store in the central Buckingham area where residents meet and have met for years. There has been some kind of general store in the same location since the turn of the century.

Today, the quiet, rural community of Buckingham has much of the same "Old Florida" character that it had years ago. Citrus

groves, large gardens, pastureland with horses and cattle all abound in an area that has been agriculturally zoned since land use regulations were first established in Lee County. Wildlife such as the black bear, bobcat, wild hog, wild turkey, eagle, and stork is abundant. There are approximately 930 homes in the greater Buckingham community, and most of these homes are of a rural ranch style -- diverse in character, yet fitting to the acreage they are built upon, surrounded by live oak, sabal palm, and slash pine trees. Lee County can be proud of this historically important and peaceful country neighborhood in the eastern portion of the county.

## BUCKINGHAM: THE PRESENT

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 two exceptions to these criteria are the Valencia Village Mobile Home Park, which was zoned in 1984; and the Orange River Estates development which was approved by the County Commission on August 13, 1990 as an RPD with 7500 square foot lots. Both of these developments have been vehemently and overwhelmingly opposed by the citizens of Buckingham, and it is mainly to prevent the future approval of similar developments that this comprehensive plan amendment has been submitted. Further, it is a primary objective of this study to document the rationale for restoring the rural land use category wherever appropriate as soon as legally possible.

Buckingham remains largely agricultural, but in the past decade several new subdivisions have been created with homesites of one acre or more that have blended in with the existing rural atmosphere quite easily. The people of Buckingham feel that this is a reasonable and necessary compromise with the needs of Lee

County to provide for growth and to provide alternative choices for people seeking a rural lifestyle. Buckingham is willing to absorb its fair share of Lee County's growth as long as it is predicated on a lot size of at least one acre and preferably larger. It is estimated that there are approximately 930 homes in the Buckingham area now, and the development of Valencia Village alone would increase that population by more than 65%. Orange River Estates by itself would increase the population by almost 25%. Together, these two projects could nearly double the present population of Buckingham.

A. SOILS AND GROUND WATER RECHARGE.

The soils within the Buckingham study area are typical of the Pine Flatwoods of South Florida. The predominant association in this area is the Oldsmar-Malabar-Immokalee series which are defined as nearly level, poorly drained, deep, sandy soils; some have a sandy, organic stained subsoil underlain by a loamy subsoil. Some have just a loamy subsoil, and some have just a sandy, organic stained subsoil. Within this generalized series, some of the more frequently occurring soils are Hallandale fine sand, Oldsmar sand, Malabar fine sand, Immokalee sand, Wabasso sand, Pineda fine sand, and Boca fine sand. These sandy soils are as good as any to be found in Lee County for septic tank suitability. In addition, the permeability of these sandy soils makes Buckingham an important groundwater recharge area for the

individual wells which are the only source of potable water in Buckingham. It is very possible that the sandy soils of Buckingham are providing recharge for aquifers of wider importance, and Lee County should perform the studies necessary to determine whether this is a recharge area of County significance.

There are scattered small wetlands throughout the study area, but it is the relative lack of wetlands that makes this such a prime agricultural area and so desirable for rural living. The Orange River is the most prominent physical feature of Buckingham and is the primary means of surface water drainage for the area. Only during the most intense summer storm events do the roadside swales and ditches convey water to the Orange River, which is then discharged into the Caloosahatchee River. During the vast majority of rainfall events, storm water percolates directly into the soil where it falls.

#### B. VEGETATION AND WILDLIFE.

The Buckingham study area contains a wide variety of vegetation. Along both sides of the Orange River are hardwood hammocks containing Oak trees, Sabal Palms and Maples. Many other varieties of native trees and shrubs exist within these riverside zones. Moving away from the river there are many acres of pine and palmetto flatwoods. It is within these pine flatwoods that

the isolated Cypress heads and sloughs can be found. Much of the Buckingham study area is devoted to agriculture, and there are many large tracts of pastureland and several tracts of citrus to be found scattered throughout the study area. Appendix "B" indicates the properties being utilized for active agriculture at present. The map does not include homes that might have a horse or a cow in the yard.

Wildlife is abundant within the Buckingham study area. Most of the birds and animals that are native to this part of Florida thrive in the Buckingham area, and it is also important habitat for several endangered species which reside in the study area or utilize it on an intermittent basis. There is documented evidence of the Florida panther and Florida black bear in this vicinity, and a black bear was killed on Orange River Boulevard in 1989.

#### C. PARKS AND RECREATION.

There is one existing public park and two new parks have recently been proposed for the Buckingham area. The existing park is located on Buckingham Road at the Buckingham Community Center. In addition to the Community Center building (formerly the Buckingham School) which is used intensively by various community groups, there is a small playground and picnic area. One of the proposed new parks will be a canoe launching area and picnic grounds located on the Orange River at Buckingham Road.

This park is to be constructed in conjunction with the proposed manatee theme park to be developed at the Florida Power and Light discharge canal located near State Road 80. The second proposed park is a new 129 acre regional park to be developed on Buckingham Road next to the proposed resource recovery facility. This park will have baseball fields, swimming pool, nature trails, amphitheater and equestrian facilities. Phase One of this new park is slated to begin in 1991.

#### D. COMMUNITY FACILITIES AND SERVICES.

1. SOLID WASTE. Solid waste is currently collected and transported to the Lee County Landfill by Gulf Disposal. In the future this waste will be collected and transported to the resource recovery facility which is proposed to be built on Buckingham Road within the study area. This \$150,000,000 facility is expected to greatly increase truck traffic in the southwestern part of the study area in the future.

2. FIRE PROTECTION. Buckingham lies within the Tice Fire District. There is one fire station located within the study area on Buckingham Road, and there is another station just outside the study area west of Interstate 75 on Tice Street. Buckingham enjoys excellent fire protection for a rural community.

3. WATER AND SEWER. Public water and sewer are not available within the Buckingham study area. It is generally outside the future urban service area as described in the Lee Plan. There is one exception to this, and that is that Valencia Village and Orange River Estates are designated on maps 6 and 7 of the Lee Plan which identify the future water and sewer service areas for Lee County Utilities. These areas have never been formally brought within the franchise boundaries of Lee County Utilities, and these maps should be amended if these properties are not developed at urban densities. All of the homes in the Buckingham study area utilize private wells and septic systems, and no problems have been reported, primarily due to the low densities and the good soil percolation qualities of the area.

4. MISCELLANEOUS: POLICE, ELECTRICITY AND TELEPHONE. The study area is served by the Lee County Sheriff's Department. The nearest substation is located approximately three miles north of the northern boundary on State Road 80 in Fort Myers Shores. Electricity is provided by Florida Power and Light to the Buckingham area. There is an existing substation located within the study area on Orange River Boulevard. Telephone service is provided by United Telephone System of Florida.

#### E. HOUSING

There are approximately 930 dwelling units within the Buckingham area, the vast majority of which are conventional single family

homes. There are a handful of mobile homes, usually on larger acreage. The quality of the housing in Buckingham is quite good on the average, but the size and quality of the homes range over the entire spectrum. One thing Buckingham is not, and that is an exclusive rural enclave for wealthy urban refugees. There is also an abundance, quite possibly an excess, of higher density housing on all sides of Buckingham, which is partially indicated by Exhibit "C." There is no conceivable scenario under which the land of Buckingham would become necessary to provide housing for Lee County at urban densities.

#### F. TRANSPORTATION.

There are four collector roads within the Buckingham study area : Tice Street, Orange River Boulevard, Staley Road and Buckingham Road. These four collectors provide adequate accessibility to Buckingham residents for travel between the various urban areas. The Lee County Traffic Report for 1989 indicates that Tice Street is operating at level of service "A", Orange River Boulevard at level of service "A", and Buckingham Road at level of service "A". I-75 is approximately one mile to the west of the western edge of the study area. State Road 80 lies approximately two miles north of the northern boundary of the study area, and State Road 82 borders the southwestern tip of the study area. The Lee County Trafficways Map and 2010 Needs Map shows several additional roads within the Buckingham study area. At this

point, the results of the ongoing Kimley-Horn right-of-way alignment study are anticipated to show whether or not there will be a projected demand for these road improvements in the future.

#### G. LAND USE.

Of the approximately 10,000 acres within the Buckingham study area, nearly forty percent are devoted to some type of agricultural use, mostly pasture and citrus. Of the remaining 6000 acres, approximately half is used for residential purposes (primarily single family homes on plots of one to ten acres) and the other acreage is either public uses or valuable environmental features such as cypress heads and the Orange River itself. One very significant feature of the study area is the Florida Power and Light powerline easement which runs in a north-south direction on the western edge of the study area. This power line easement and the land on either side of it has been extensively used by migrating wildlife and is a resource of countywide significance. Also of countywide significance is the Orange River itself, the head-waters of which run throughout Buckingham and which serves as an important manatee sanctuary near its confluence with the Caloosahatchee River.

## BUCKINGHAM: THE FUTURE

### A. INTRODUCTION

For several years the people of Buckingham have been concerned that the future existence of their community as an agricultural, low density residential area was threatened by the rapid growth of Lee County. This concern became especially acute in 1984 when the Board of County Commissioners approved the rezoning of Valencia Village for 612 mobile homes. Although there are several mobile home communities existing in the general vicinity, there had never been such a use approved within the boundaries of Buckingham itself. To further underscore the nature of the problem, the County Commission approved placing Valencia Village in the Suburban Land Use Category when the revised Lee Plan was adopted in the fall of 1984. The idea that Buckingham might somehow become just another suburb--and with mobile homes at that--was very discouraging to the near unanimous opinion of the Community.

The reality of Valencia Village as a dangerous precedent was apparent in 1988 when Florida Investors Realty requested a change in the land use designation for approximately 195 acres in three separate parcels which were owned adjacent to and near Valencia Village. Several arguments were made in support of this requested change, but the factor pressed most insistently always

was that Valencia Village was immediately adjacent to the west and was already designated Suburban on the land use map with zoning for 612 mobile homes. In due course, the Commission struck a compromise between the request of Florida Investors Realty and the opposition of the Community leaders and agreed in early 1989 to designate 129 acres of the original request to "Outlying Suburban", a newly-created category which allowed a maximum of three units per acre. Although the Commissioners must have clearly thought that this decision was a reasonable compromise, it was no more welcome in Buckingham than the original designation of Valencia Village as "Suburban", since it seemed to promise the continued slow unraveling of the rural lifestyle of the Buckingham Community.

Unfortunately, since the redesignation of the Florida Investors Property to Outlying Suburban was accomplished as part of a general round of comprehensive plan amendments, the only notification of this requested change was the general advertisement in the newspaper and word-of-mouth. There were no notices sent to adjoining landowners, and many of them were later shocked to discover that the land use map had been changed to allow this increase in density. Florida Investors still has a request pending to change the remaining 62 acres of nearby land to Outlying Suburban in the next round of comprehensive plan amendments.

On August 13, 1990, the Board of County Commissioners approved a request for Residential Planned Development zoning on Florida Investor's 129 acres (Orange River Estates) to allow a total of 217 homes, mostly on 75 x 100 square foot lots. This type of development is only marginally more compatible with Buckingham than the mobile home park, and when viewed in conjunction with the pending request for additional changes to the land use map, underscores the seriousness of the threat to Buckingham as a viable rural, agricultural community.

The Buckingham Community Club has been the single civic organization representing all residents of Buckingham for nearly 40 years. In response to this potential change in their rural lifestyle, the Community Club created the Buckingham Preservation Committee in 1989. The Buckingham Preservation Committee came to the conclusion that it could not be confident about the future form of development in Buckingham as long as the owners of individual parcels of land could request comprehensive plan changes and then have the property rezoned at will. The leaders of this group recognized that it would be necessary to prepare a sector plan as an amendment to the overall Lee Plan which described in very clear terms the desire of the Community to remain rural and agricultural.

On April 30, 1990 a meeting of the Buckingham Preservation Committee was held and attended by more than 100 citizens. Legal

counsel and planning experts were hired to assist in the preparation of a sector plan to be submitted in September of 1990. The Executive Committee of the Preservation Committee met weekly throughout July and August to develop the amendment to the Lee Plan for Buckingham, and a preliminary draft of that plan was unanimously approved by the Buckingham Preservation Committee on August 9, 1990.

#### THE GOAL

The people of Buckingham prefer that Buckingham remain as a rural agricultural community. They are not opposed to growth, and they are not opposed to newcomers, who are not actively involved in farming, moving into Buckingham. They are, however, opposed to allowing the type of growth that would produce a future Buckingham where the smell of cow manure or the crowing of a rooster would be regarded as a public nuisance. They therefore believe that in order to maintain the integrity of the community as an agricultural area, it is important that new residents reside on at least one acre of land. Anything less than one acre of land would encourage people who are merely looking for a house in suburbia and not a true rural lifestyle.

There are other important elements to the Buckingham Community, such as its rich historical heritage and important environmental assets. To encompass all of these desirable features of the Community that deserve protection, the following goal has been formulated and adopted by the Buckingham Preservation Committee:

GOAL To manage the future growth of Buckingham in order to support and 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.

Buckingham will grow in the future, and so long as it grows with people who value a rural lifestyle, this growth can be accommodated without jeopardizing the unique attributes of Buckingham. In the future, Buckingham will become more and more important as a green buffer area between the urban expanse of Fort Myers and Lehigh Acres: important for water recharge, important for the preservation of vegetation and wildlife, and important as an alternative for people who want to live in a rural atmosphere. The loss of Buckingham as an agricultural community would be a serious reduction in the quality of life for all citizens of Lee County.

#### C. THE MEANS

Several objectives and policies have been developed to accomplish the above goal, and, for the most part, they are very simple. The first objective relates to land use and reads as follows:

OBJECTIVE 18.1: Land Use. The primary land use designation for the Buckingham area is "Rural". Existing Public Facilities are also designated. After the adoption of this amendment, no land in the Buckingham Study Area shall be changed to a land use category more intense than Rural (including Public Facilities) unless a unanimous finding of overriding public necessity is first made by the full Board of County Commissioners.

This Objective basically states that there will be no further land use changes in the Buckingham area without a unanimous finding of overriding public necessity by the full Board of County Commissioners, and this includes public facilities. Buckingham has not been opposed to accommodating needed public facilities, as evidenced by the existing Mosquito Control Complex, Sunland Center, the Buckingham Exceptional Student Center, LCDOT Depot #2, and two previous land fills. Buckingham has done its fair share in providing for these needed public facilities, and if Buckingham is going to be asked to accommodate any more in the future, it should at least be done by unanimous vote of the Board of County Commissioners. There is a serious concern at present about the impact of the proposed Resource Recovery facility in the south-west corner of the community. This objective would also preclude the changing of any Rural category

to Outlying Suburban or any other more intense category without a unanimous vote of the full board.

The Buckingham Community perceives the approvals for Valencia Village and Orange River Estates as a serious threat to the continued rural lifestyle of Buckingham. Neither of these projects has been developed, and Valencia Village has actually gone bankrupt and been taken over by the FDIC. This would seem to be evidence of a serious market miscalculation on the part of the original developers. It is the sincere belief of the Buckingham Community that not only should Buckingham be reserved for agriculture and large lot developments with a minimum size of one acre, but also that the people who are attracted to live in Buckingham in the first place are not interested in high density developments such as Valencia Village and Orange River Estates. In response to this problem, Policy 18.1.1 states that:

POLICY 18.1.1: Any land not designated Rural or Public Facilities without a recorded subdivision plat shall revert to the Rural land use category upon the adoption of this amendment.

By virtue of their zoning, both Valencia Village and Orange River Estates would be "deemed consistent" with the Plan after the adoption of this policy. These projects could apply for and receive development orders consistent with their original zoning

as long as the Master Concept Plan that was approved in the original zoning was not changed. However, the effect of this Policy would be to require that any change to Valencia Village or Orange River Estates be made within the context of the Buckingham plan amendments and the Rural designation. The Buckingham Preservation Committee believes that Valencia Village and Orange River Estates are not marketable as presently zoned, and that when it comes time to rezone the properties to make them more acceptable to the market place, the Rural designation should govern.

The Lee County zoning ordinance has always allowed for the placement of a mobile home on five acres of land in an agriculturally zoned area--originally by means of special exception approval and more recently with rezoning to the AG-1 category. The Buckingham Preservation Committee has no objection to mobile homes on five acres, and AG-1 zoning is actually preferable to AG-2 zoning. There is a serious concern, however, that mobile homes on less than five acres or the establishment of RV parks of any density would be destructive to the rural atmosphere that Buckingham is seeking to preserve. To address this concern, the following policy is being proposed:

POLICY 18.1.2 No property within Buckingham shall be rezoned to MHPD or RVPD.

There has always been a small commercial center at the corner of Orange River Boulevard and Buckingham Road. A general store has been in this location for almost 100 years. (The Buckingham store is presently located on property that is zoned AG-2. The County Commission should initiate the rezoning of this property to CN-1.) This plan designates this general area as the future commercial hub of Buckingham, and it would prohibit new commercial activity within the Buckingham area that is not located within this area:

POLICY 18.1.3: The southeast and northeast corners of the intersection of Orange River Boulevard and Buckingham Road shall be designated as a minor commercial center for no more than 10,000 square feet of retail space and no more than 20,000 square feet of commercial space in total. This area will extend 300 feet eastward from the easterly Right Of Way of Buckingham Road, from Cemetery Road to a point 300 feet north of the intersection of Buckingham Road and Orange River Boulevard.

Existing commercial activity in the Buckingham area outside this node can and would be allowed to continue as a non-conforming use after the adoption of this Policy. Further, if any such non-conforming use were destroyed by fire or natural disaster, it could be rebuilt under the buildback policy of the Lee Plan (81.2.3).

Maintaining a minimum lot size is the heart of the Buckingham plan:

POLICY 18.1.4 Any lot created after the adoption of this amendment must have a minimum area of 43,560 square feet. Any residential planned development zoning which is approved after the adoption of this amendment shall require a minimum size of one acre (43,560 square feet) for every residential lot.

Under present County regulations, an agriculturally zoned lot in the Rural category can be developed if it has 39,500 square feet of property. If it happens to be a corner lot, it can be developed with even less land than that (33,600 square feet). This Policy would require a full acre for any lot created in the future, and that would include lots created within the context of Residential Planned Development zoning. The Residential Planned Development zoning could still give relief to the minimum dimension requirements as long as the minimum lot size of 43,560 square feet was maintained. Existing lots which are eligible for the Minimum Use Provision of the Lee Plan would continue to be eligible for a single family dwelling after the adoption of this amendment.

None of the foregoing should be interpreted to mean that the Buckingham Preservation Committee wants to encourage the

subdivision of property into one acre lots. The larger the parcel, the more suitable it is for agricultural activities and the more consistent it will be with the goal and objectives of the Buckingham plan. There is a longstanding tradition, however, that the minimum homestead size in Buckingham is one acre, and this plan maintains that traditional right.

An extremely important determinant of the character of any community is its transportation network. Accordingly, a rural agricultural community can be expected to have a modest road network. That is the case at the present time, even though the Buckingham Community is currently served by several collector roads, including Orange River Boulevard, Buckingham Road, and Tice Street. I-75 is located approximately one mile west of the western boundary of the Buckingham Community, SR 82 borders Buckingham on the south and SR 80 is accessible to the north via Orange River and Buckingham Road. Lee County has an ambitious list of road improvements for the future, and these improvements are shown on the 2010 Needs Plan and the Trafficways Map. Several of these road improvements, if implemented, would absolutely destroy the rural character of the Buckingham Community. In addition, several of the existing roads that currently have modest rights-of-way are proposed in the future to require 200 foot rights-of-way.

Many of these roads have been planned in an excess of caution, because the traffic engineers at the time could not be sure how future land uses in different areas would evolve. Now is the time to end this uncertainty and to recognize that Buckingham can and should remain as a rural agricultural community. If there is an authentic commitment to this goal on the part of the County, then it will no longer be necessary to provide such an extensive road network through the heart of Buckingham.

The extension of SR 31 would lead directly to the proposed Resource Recovery Facility, and this "improvement" would generate a large increase in garbage truck traffic through the center of Buckingham. On June 4, 1990 the head of Lee County Utilities promised the Buckingham Preservation Committee that the County would present a plan of access improvements to the proposed resource recovery facility. As of yet, these proposed changes have not been presented to the Committee, and as long as the Trafficways Map includes an extension of SR 31 leading to the Resource Recovery Facility, the Buckingham Preservation Committee will be opposed to the project in this location.

Another justification for these roads is that some of them are necessary to provide for through traffic. The ability of traffic models to accurately predict volumes twenty and thirty years into the future is very uncertain. In particular, the models are showing the need for high volumes of traffic to move between

Lehigh Acres and the City of Fort Myers as Lehigh Acres (and Fort Myers) grows larger and larger. However, it is not only likely but also necessary that Lehigh Acres will become much more self-sufficient in the future and provide more adequately for its own needs within Lehigh. As that happens, the growth in traffic going to and from Fort Myers should be correspondingly reduced. It should not be necessary to sacrifice the integrity and peace of the Buckingham Community in order to save five minutes from the trip to the dentist or the furniture store. The plan thus proposes a series of changes to the Trafficways Map and the 2010 Needs Map as follows:

OBJECTIVE 18.2: Transportation. To protect the rural character of the Buckingham area, the following amendments to the Trafficways Map and the 2010 Needs Plan shall be adopted in 1991:

- a. Delete the proposed extension of Luckett Road east of Buckingham Road.
- 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.

As Buckingham becomes more and more valuable as a greenbelt between Fort Myers and Lehigh Acres, it also becomes more important to migrating wildlife. As recently as 1989, there has been documented evidence of black bears and the Florida panther traversing this area. In particular, the area along the Florida Power and Light powerline easement seems to be functioning as a natural wildlife corridor and is largely undeveloped at the present time. The Lee Plan has already recognized the importance of wildlife corridors, and this would be an excellent opportunity to implement that policy in an area that is being threatened with suburbanization. To protect the wildlife of Lee County, the following Objective has been proposed:

OBJECTIVE 18.3: Conservation. During 1991, the County shall designate a wildlife corridor on both sides of the FP&L power line easement from Buckingham Road north to the Orange River, pursuant to policy 77.3.2 of the Lee Plan. 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.

d

The proposed resource recovery facility on Buckingham Road would lie at the very beginning of this wildlife corridor within Buckingham. This location had been viewed as one of the positive aspects of the proposed facility, since it was reported that the County would purchase at least 300 acres around the facility and possibly much more. There have been indications that the County may not be acquiring as much property as previously reported. It is absolutely essential that adequate buffering be provided for the facility, since this will also inaugurate the wildlife corridor on a solid footing. The County should purchase at least 300 acres and acquire conservation easements for another 300 adjoining acres. Any attempt to extend the municipal boundaries of Fort Myers in this vicinity beyond the presently adopted future urban reserve boundary should also be resisted. Fort Myers would not extend urban boundaries with the intent of promoting the establishment of a wildlife corridor.

(

The Orange River is the single most valuable natural resource in the Buckingham Community. Thousands of people enjoy canoeing this river every year, and the County has just recently made plans to establish a canoe launching area off Buckingham Road at the Orange River. There has also been a serious problem with a small number of individuals who, for whatever reason, desire to completely clear the banks of the Orange River along their property. This clearing is usually done under the protection of the agricultural exemption to the Tree Ordinance and, less

frequently, the single family exemption to the Tree Ordinance. This clearing destroys the habitat values of the riverside zone and degrades water quality through erosion and siltation. In order to protect the beauty and ecological function of the Orange River in the future, the following Policy has been proposed:

POLICY 18.3.1: After the adoption of this plan amendment, the agricultural and single-family exemption to the Tree Ordinance shall not apply within 40 feet of the Orange River.

There is no central water and sewer service within the Buckingham Community at present. However, both Valencia Village and Orange River Estates relied heavily on the fact that there are water and sewer lines nearby that could be extended to provide service to these parcels. A rural Community has no need for central water or sewer service. The extension of central water and sewer lines will only induce developers to seek higher densities, while the lack of water and sewer will serve as a natural incentive to keep the densities reduced. For this reason, Objective 18.4 is proposed:

OBJECTIVE 18.4: Sewer and Water. Central sewer and water lines shall not be extended into the Buckingham Study area after the adoption of this amendment in order

to insure consistency with the proposed urban service boundary and to discourage unwanted urban development.

The Objectives and Policies that have been submitted as part of the Buckingham Plan are all focused on promoting the Goal of maintaining Buckingham as a viable rural community. Although this goal is of utmost importance to the residents of Buckingham, it should also be important to other Lee County citizens. Buckingham provides an important natural buffer within the urbanized sections of Lee County. It is a natural greenbelt that provides significant wildlife and water recharge benefits, while at the same time providing an increasingly scarce alternative for rural living. There are many areas of Lee County that are designated rural on the Land Use Map, and there are many areas of Lee County that are sparsely populated. But of all these rural areas, the one that has developed the greatest sense of identity and purpose is Buckingham. This has been a true rural community for the last 100 years, and it should be a primary goal of the Lee Plan to ensure that it remains that way.

PROPOSED GOAL, OBJECTIVES AND POLICIES  
OF THE BUCKINGHAM PRESERVATION COMMITTEE  
September 20, 1990

GOAL 18: Buckingham. To manage the future growth of Buckingham in order to support and 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.

OBJECTIVE 18.1: Land Use. The primary land use designation for the Buckingham area is "Rural". Existing Public Facilities, are also designated. After the adoption of this amendment, no land in the Buckingham Study Area shall be changed to a land use category more intense than Rural (including Public Facilities) unless a unanimous finding of overriding public necessity is first made by the full Board of County Commissioners.

POLICY 18.1.1: Any land not designated Rural or Public Facilities without a recorded subdivision plat shall revert to the Rural land use category upon the adoption of this amendment.

POLICY 18.1.2: No property within Buckingham shall be rezoned to MHPD or RVPD.

POLICY 18.1.3: The southeast and northeast corners of the intersection of Orange River Boulevard and Buckingham Road shall be designated as a minor commercial center for no more than 10,000 square feet of retail space and no more than 20,000 square feet of commercial space in total. This area will extend 300 feet eastward from the easterly Right Of Way of Buckingham Road, from Cemetary Road to a point 300 feet north of the intersection of Buckingham Road and Orange River Boulevard.

POLICY 18.1.4: Any lot created after the adoption of this amendment must have a minimum area of 43,560 square feet. Any residential planned development zoning which is approved after the adoption of this amendment shall require a minimum size of one acre (43,560 square feet) for every residential lot.

OBJECTIVE 18.2: Transportation. To protect the rural character of the Buckingham area, the following amendments to the Trafficways Map and the 2010 Needs Plan shall be adopted in 1991:

- a. Delete the proposed extension of Lockett Road east of Buckingham Road.
- 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.

OBJECTIVE 18.3: Conservation. During 1991, the County shall designate a wildlife corridor on both sides of the FP&L power line easement from Buckingham Road north to the Orange River, pursuant to policy 77.3.2 of the Lee Plan. 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 18.3.1: After the adoption of this plan amendment, the agricultural and single-family exemption to the Tree Ordinance shall not apply within 40 feet of the Orange River.

OBJECTIVE 18.4: Sewer and Water. Central sewer and water lines shall not be extended into the Buckingham Study area after the adoption of this amendment in order to insure consistency with the urban service boundary, and to discourage unwanted urban development.

DEPARTMENT OF TRANSPORTATION & ENGINEERING

MEMORANDUM

DATE: November 2, 1990

TO: David Woods, Principal Planner, DCD/Planning Div. M 2474-90

FROM: Scott Gilbertson

SUBJECT: Buckingham Sector Plan

RECEIVED

NOV 6 1990

PLANNING  
DIVISION

Pursuant to your request, I have reviewed the Buckingham Sector Plan and offer the following comments.

We are still conducting modeling efforts in the Buckingham area for build-out conditions of the County. We, therefore, are not prepared to make final recommendations at this time, but our current efforts provide some preliminary indications in relation to objective 18.2 on transportation.

1. In reference to deletion of certain Trafficways Map roadways as identified by Items d, e and f, it is likely we will be able to accommodate this request.
2. Similarly, Item g, which refers to the restoration of the Buckingham Road connection to S.R. 82, will likely be accommodated; however, certain alignment changes are likely and we would suggest working with the Buckingham Preservation Committee on this matter.
3. In reference to item a of objective 18.2, we cannot concur in the request to delete the proposed extension of Lockett Road east of Buckingham Road; however, we are willing to look at the possibility of relocating this extension further south to align with West 12th Street in Lehigh Acres. Additionally, special treatment of the corridor, such as a depressed section, soundwalls and restricted or no access could be incorporated in order to minimize the impact on the Buckingham area.
4. Regarding Items b and c of the transportation objective, it is possible we may be able to accommodate this request; however, further modeling analysis is necessary before we could make such a recommendation.
5. Item h of the transportation objective requests that all future right-of-ways within Buckingham shall be no greater than 100 feet. This item may be feasible except for Buckingham Road and the Lockett Road extension.

David Woods  
M-2474-90  
November 2, 1990  
Page 2

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The discussion contained on pages 24 and 25 of the plan makes reference to Lehigh Acres becoming more self-sufficient in the future, which in turn will reduce the needs for through traffic in Buckingham. It should be noted that in our modeling efforts we have already increased the employment ratio in Lehigh; however, there is still a major demand for movements between Lehigh Acres and Fort Myers, and some type of through arterial facility, such as the Lockett Road Extension, will be needed at some time in the future.

We would appreciate the opportunity to work with the Buckingham Preservation group over the next several months as we formulate our final recommendations for revisions to the Trafficways Map. In the meantime, please feel free to contact me if additional comments or clarifications are needed at this time.

SMG/mlb

CC: George L. Crawford  
Terry Watson

(3944M)

# PAT/M 90-22

## BUCKINGHAM STUDY AREA

### PROPOSED FUTURE LAND USE REDESIGNATIONS



**FUTURE URBAN AREAS:**

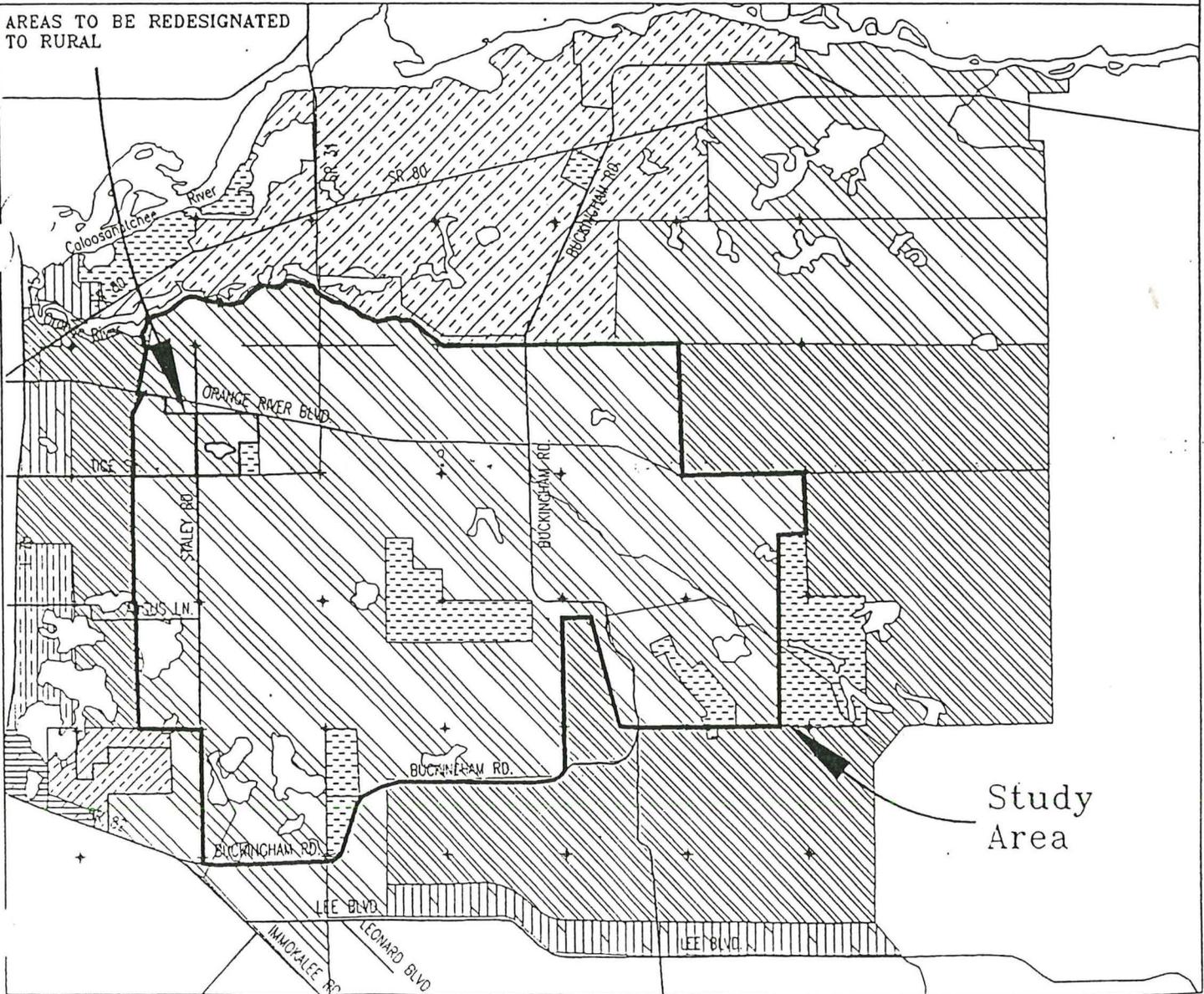
- INTENSIVE DEVELOPMENT
- CENTRAL URBAN
- URBAN COMMUNITY
- SUBURBAN
- OUTLYING SUBURBAN

- INDUSTRIAL DEVELOPMENT
- PUBLIC FACILITIES
- INTERCHANGE AREAS:**
- INDUSTRIAL
- GENERAL COMMERCIAL

**NON-URBAN AREAS:**

- RURAL
- ENVIRONMENTALLY CRITICAL AREAS:**
- RESOURCE PROTECTION AREAS AND TRANSITION ZONES

AREAS TO BE REDESIGNATED TO RURAL



MEMORANDUM  
FROM THE  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
DIVISION OF PLANNING

DATE: December 28, 1990

TO: Board of County Commissioners

FROM: Carol Waldrop  
Carol Waldrop  
Acting Planning Director

RE: REACTIVATED 1989 AMENDMENTS  
PAM 89-06 (RURAL TO OUTLYING SUBURBAN)

INTRODUCTION:

This request, initiated by John States, is to change the land use designation on two parcels which are in proximity to the current Outlying Suburban category in the Buckingham area of Lee County.

In 1988, these parcels were part of a requested amendment to the Lee Plan for three parcels owned by Mr. States. At that time, the Board of County Commissioners rejected changing the land use category of these two parcels from Rural to Outlying Suburban; however, the Board designated the largest parcel, currently known as "Orange River Estates," to Outlying Suburban. The owner then resubmitted these two parcels in the 1989 plan amendment cycle. On September 5, 1989, the Local Planning Agency recommended approval of this amendment with a density of three (3) units per acre.

REVISED ANALYSIS:

The following activities have taken place in the Buckingham area of Lee County, and especially with respect to the land uses near the subject parcels.

First, the Buckingham Preservation Committee was formulated with the Board of County Commissioner's support. The Buckingham Preservation Committee met numerous times with members of the community, developed its proposed sector plan, and then submitted it for inclusion to the Lee Plan as the Buckingham Sector Plan on September 20, 1990.

Second, on August 13, 1990, the Board of County Commissioners approved this developer's request for the Orange River Estates Master Concept Plan at a gross density of 1.67 units per acre.

Third, at the December 7, 1990 meeting of Lee County's Local Planning Agency, the applicant was willing to amend his original request for

Outlying Suburban at three units per acre maximum density to Outlying Suburban at two units per acre maximum density.

This incremental increasing of land use intensities was the impetus for the formation of the Buckingham Preservation Committee and the Buckingham Sector Plan. If adopted, this amendment would be contrary to the recommendations contained in the Buckingham Sector Plan (PAT/M 90-22).

**REVISED RECOMMENDATION:**

The staff recommends that the Board of County Commissioners not transmit to the Department of Community Affairs (DCA) this proposed amendment.

MOTION BY BOARD OF COUNTY COMMISSIONERS  
JANUARY 25, 1991  
PAT/M 90-22

LOPEZ-WOLFE: Move to approve PAT/M 90-22 with modifications as discussed. (See Exhibit #1 attached.)

JUDAH: Second.

DONALD SLISHER	<u>AYE</u>
VICKI LOPEZ-WOLFE	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUGLAS R. ST. CERNY	<u>AYE</u>
JOHN E. MANNING	<u>AYE</u>

MOTION APPROVED 5-0.

*Buckingham*

LEE COUNTY  
PLANNING DIVISION

# Rooftops may replace rural residences

## Buckingham growth imminent, despite preserve

BY WENDY FULLERTON  
wfullerton@news-press.com

Buckingham residents are bracing themselves for the sounds of hammers and cement trucks.

More than 1,600 homes are planned for the east Lee County community in the coming years, enough to possibly triple the current population of about 3,700.

Cow pastures are sprouting rooftops as planned developments take over wide open fields. Big red barns with tractors parked outside are disappearing. Riding horseback along Buckingham Road is becoming more and more hazardous as cars race by.

Long-time citizens are struggling to hold on to Buckingham's rural charm.

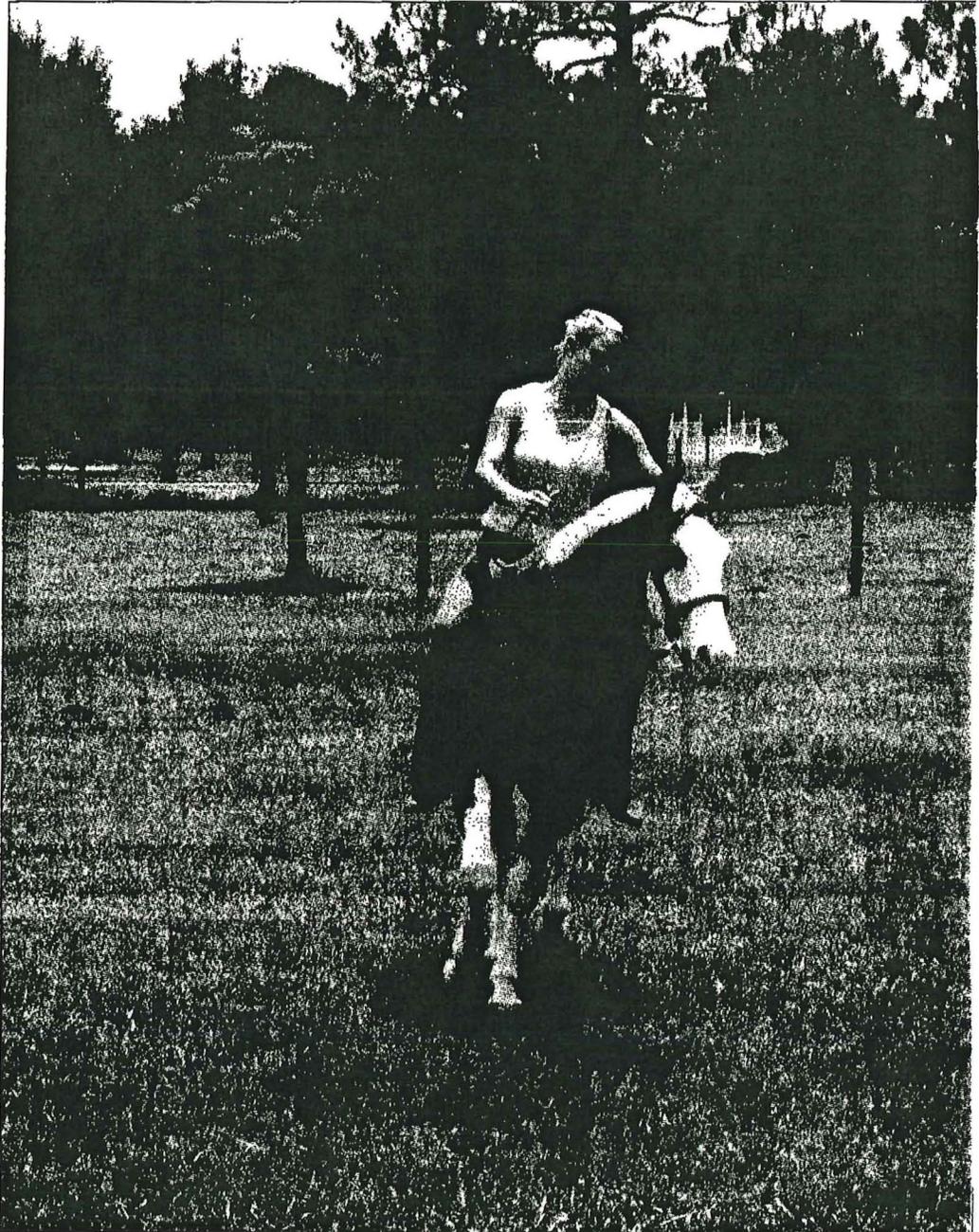
"It's just changed," said Betsy Burdette, a 21-year resident of Shady River Lane. Burdette bought the property next door to hers just so she can see horses rather than rooftops.

"We really liked it really rural. What can you do? Unless you buy the land you can't protect it," she said.

Residents look to Buckingham as the place where people raise horses and tend gardens.

That's slowly eroding with the addition of homes priced as high as \$500,000. New development could also produce the area's first home valued at a \$1 million.

See Buckingham / A5



News Star photo by Kim Hart

Brooke Lee, 24, a resident of Varsity Lakes, rides her horse Crackerjack on her husband's grandparents' property on Neal Road. As developers move in to build new communities, Buckingham residents fear the area's rural lifestyle will be lost.

Cont.

# Buckingham: Some residents, officials fear developers may seek annexation to Fort Myers to increase density

Continued from page A1

## Change coming

Some saw changes coming 14 years ago. Communities such as Bonita Springs and Cape Coral were growing at record paces. Farmland was fast being transformed into gated communities.

Buckingham residents banded together to protect their 16 square miles of rural life and formed the Buckingham Conservancy.

In 1991, the community became the first in the county to create its own identity and guidelines to maintain a rural lifestyle. The result was Buckingham Rural Community Preserve — 3,100 acres bordered on the east by the Orange River running southeast to the Able Canal and Buckingham Road to the west.

The preserve limits development to one house per acre. But even with the designation, residents remain vigilant in tracking potential projects to make sure developers adhere to the rural restrictions.

"I guess everybody is discovering us now," said Kelly Palmer, 64, a resident of Neal Road for nearly 30 years. "I knew sooner or later, more and more people would get tired of town and want the acreage."

## 'Buckingham boom'

Realtor Denny Grimes predicts the "Buckingham boom."

"Buckingham's sticking to their guns is going to be Buckingham's claim to fame," he said.

Grimes is the agent for Horse Creek, a new 113-home development on the oak tree-packed Orange River Boulevard property, that's advertising to "buy a piece of

quiet." Lot prices range from \$110,800 to nearly \$226,000 for two on the river.

Just a few years ago, one-acre lots sold for a few thousand dollars. Buckingham's current median home value is \$132,500.

Density restrictions are what attracted Horse Creek developer Dan Dodrill to the 220-acre site, which will have one home per acre.

"It's just old Florida, the way it used to be," he said. "I've lived in Lee County 33 years. I wish it looked the same as it did 33 years ago. On the other hand, there's been some nice additions.

"Growth is going to come to the area," he said. "I'm just a small part of it."

Some residents, however, aren't exactly thrilled to witness Horse Creek's debut.

"I hear the construction every day," said J. Marks, a 12-year resident of Orange River Loop, which runs near the development. She said the friendly neighbors and quiet atmosphere is what attracted her to Buckingham after living in a more congested area.

"We all walk our dogs and ride bikes along this road, but eventually we won't be able to because it will be so busy," she said, taking a break from an evening stroll with her two dogs. "I used to see woodstorks, eagles, hawks and all kinds of animals along this way, but they're all going to disappear...It's just going to get worse."

## Attracting attention

U.S. Home is shoring up plans for a 317-home golf course community that's caused quite a stir between Lee County and Fort Myers city officials in May.

Residents and some county officials said they fear the



Photo by Andrew West, The News-Press

Linda Wright, owner of the Buckingham Training Stables, prepares Chuck for a farrier, who was going to work on the horse's feet. Buckingham is on the verge of seeing a large amount of growth and residents are worried they will lose their rural lifestyle.

developer is seeking to annex the property into the city of Fort Myers to increase the density. The developer said it's an attempt to consolidate this project with other property it owns in the city limits.

Commissioner Ray Judah said he fears this project would be just the start, and would "undermine what the Buckingham rural preserve was intended to provide: that's the rural lifestyle."

"This is still a departure from the rural lifestyle Buckingham residents are seeking," he said.

City officials and the developer's attorney each claim that they were working to maintain the density requirements.

Traffic is another concern for residents, including 16-year-old Megan Lamont, whose family lives off of Idylwild Road within earshot of the new developments.

"We're not looking forward to more traffic and more people," she said. "We'll have to find new backroads for a faster way into town."

Developers have pledged to reduce the development's impacts on the area with added buffers and alternate access points to divert traffic off Buckingham Road.

Lee Commissioner John Albion said officials will fight the annexation if it does not appear to be in the best interests of Buckingham Preserve, "and therefore not in the best interests of the county,"

"If the developers remain within the boundaries set and work with us, I don't see it becoming a problem," he said.

## Growth trend

Sixty years ago, the Buckingham Army Air Field housed and trained aerial gunners before heading to Europe and the Pacific.

At its peak, 16,000 people were stationed there, working and living in 700 buildings. Soldiers moved out.

Cattle and citrus farmers moved in. Today, just 1 percent of the population is employed as farmers or fishermen.

Now, the community

Cont.

# LEHIGH NEWS STAR

DATE 6-23-04

whose median age is 41, is a mix of old-timers with rural roots, professional newcomers with jobs in Fort Myers or Naples and retirees who have built some impressive mansions on 5- and 10-acre spreads.

The median household income is \$51,068. Lee County's median household income is \$40,319.

Buckingham has some of the area's last big parcels of property, which makes it appealing to builders and developers.

It won't be long before plans call for widening the narrow two-lane Buckingham Road to four lanes to accommodate the growth, said the county's transportation planner Dave Loveland.

Developer Taylor Woodrow recently submitted plans for a 1,178-home community on the former Hunter Ranch, a 589-acre property along Buckingham Road next to the Buckingham Student Exceptional Center.

The project falls just north of the rural preserve boundary, so it is not subject to the same density requirements; two homes are allowed per acre.

Nearby residents have complained that the Mediterranean-style homes planned for the development are more fitting with Naples or Hollywood, not Buckingham.

Tom Spence, Taylor Woodrow's land development director, took the criticism as compliment.

"You have to be respectful in the fact they were there first," he said. "I understand they have a certain style they're looking for. But that style would get very old if everybody built that style."

It's that old-Florida style and life residents want pro-

ected.

Backyard creeks where children play from tree swings are part of that scenery, as are thick expanses of oak trees covering large lots.

It's one of the few places left where a person can keep cows, goats and chickens in the back yard, or buy a house with an airplane hangar for a garage.

The Buckingham Conservancy is devoted to keeping it that way. The non-profit group is made up of neighbors and friends "trying to protect that rural character that was the reason we all live there," said president Chris Bundschu, who moved there more than 20 years ago.

The conservancy was instrumental in getting the rural designation and continues to work hard to buy land for preservation before it gets sold for development.

And that's why developers find themselves meeting with residents before making their plans public and, often-times, changing their plans to address their concerns. For example, after consulting residents, Taylor Woodrow and U.S. Home added buffering and U.S. Home plans to redirect traffic away from Buckingham Road.

Without their support, county leaders have been less likely to approve developers' plans, and have been holding them to the current density restrictions.

Albion said he emphatically supports the preserve designation and warned city officials and developer U.S. Home that the county would take legal action if it's not adhered to.

"We're all going to work together to get to the right place," he said.

# Developers cultivating farmland

Lee, Collier losing 58 acres per day

BY WENDY FULLERTON  
wfullerton@news-press.com

Southwest Florida's rural roots are eroding at a rate of about 58 acres per day, about the size of the Edison Mall.

In just five years, Lee and Collier counties lost more than 105,000 acres of farmland, according to the 2002 Census of Agriculture released Thursday.

The report issued every five years by the U.S. Department of Agriculture provides the most up-to-date snapshot of farm life in Lee County and the rest of the nation.

Shocking? Not really in one of the fastest-growing areas of the country, where tourism and construction have replaced agriculture

news-press.com

■ In-depth: Special page on the growth and development in Southwest Florida

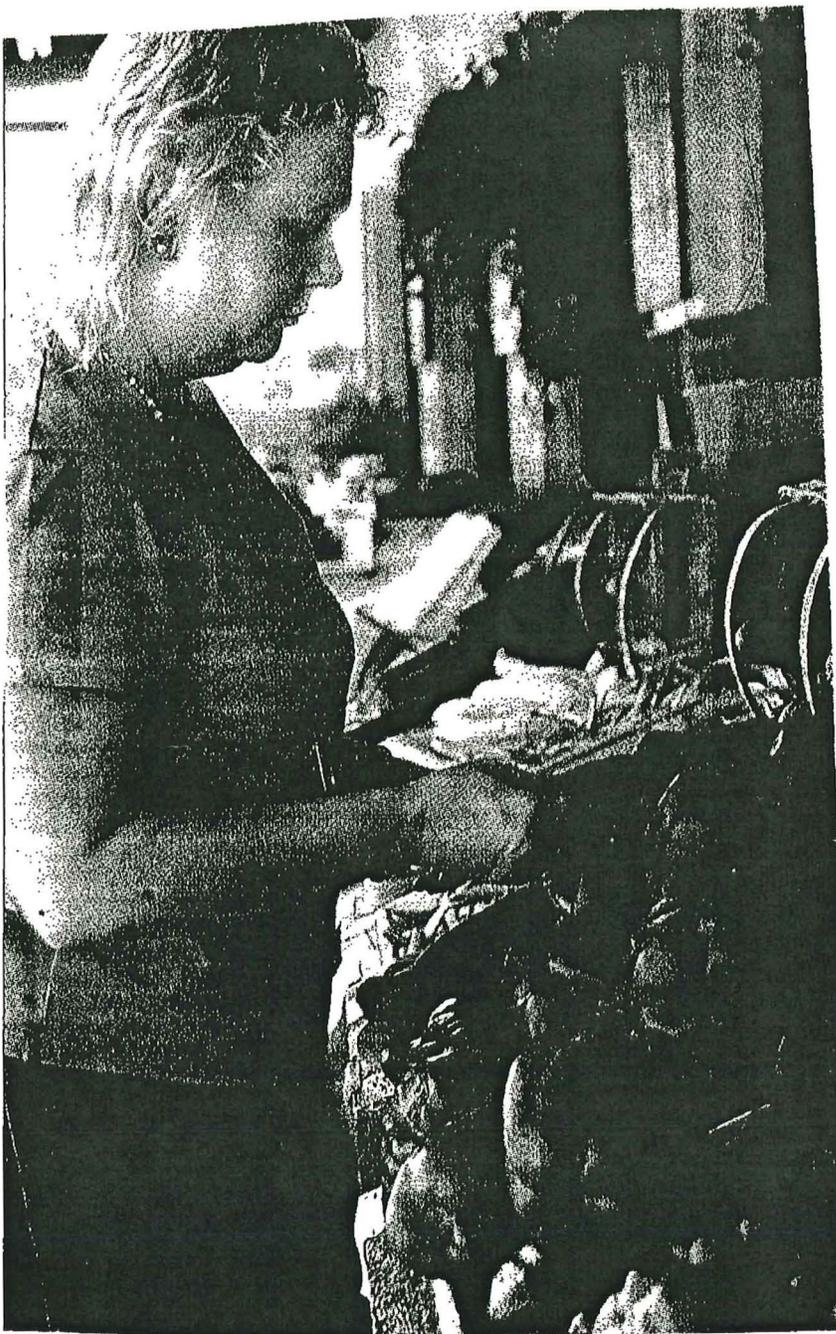
as the area's biggest industry.

The reality is farms are fast becoming housing developments, golf course communities and big box superstores to accommodate the thousands of people who move here each year.

Teetering at around 500,000, Lee's population gains this decade placed it in the top 1 percent of the country's more than 3,000 counties. Collier is fast approaching the 300,000-resident mark.

And projections show Lee and Collier each adding another 30,000 people by next year.

■ See FARMLAND A3

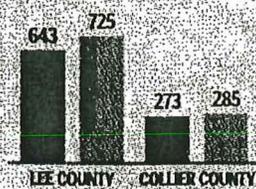


AMANDA INSCORE/THE NEWS-PRESS

■ Trudy Berkowitz of Cape Coral shops for fresh vegetables on Wednesday at Horace Brittain's produce stand at the State Farmer's Market in Fort Myers. "They've got the best stuff, and you can't beat the prices," Berkowitz said. Farmland in the area is becoming increasingly scarce as farms are sold to make way for development.

## Fewer farms worth more

Number of farms



Estimated value per farm



■ 2002  
■ 1997

SOURCE: USDA

THE NEWS-PRESS

Cont.

**FARMLAND**

■ Continued from A1

"It means the free, open space of farm land is disappearing," said Wayne Daltry, Lee County's Smart Growth director. And it makes preservation efforts, such as the county's Conservation 20/20 program and efforts to save the 90,000-acre Babcock Ranch, all the more worthwhile, he said.

Otherwise, "Development will consume it until this is no longer an attractive place."

Nationally, there are about 940 million acres of farms, down slightly from five years ago.

During that time, Lee County's fruit and vegetable harvest land was hit particularly hard, slashed from 7,039 acres to 3,254 acres in the five-year period.

Horace Brittain saw the signs surrounding his 100-acre farm off Colonial Boulevard. A new Wal-Mart Supercenter, golf course and houses, hundreds of houses.

"It's all around me," said the 61-year-old Fort Myers farmer. Eggplant is his specialty.

"They're running farmers out," he said. "It's matter of time before the land I'm farming is going to be swept up for development."

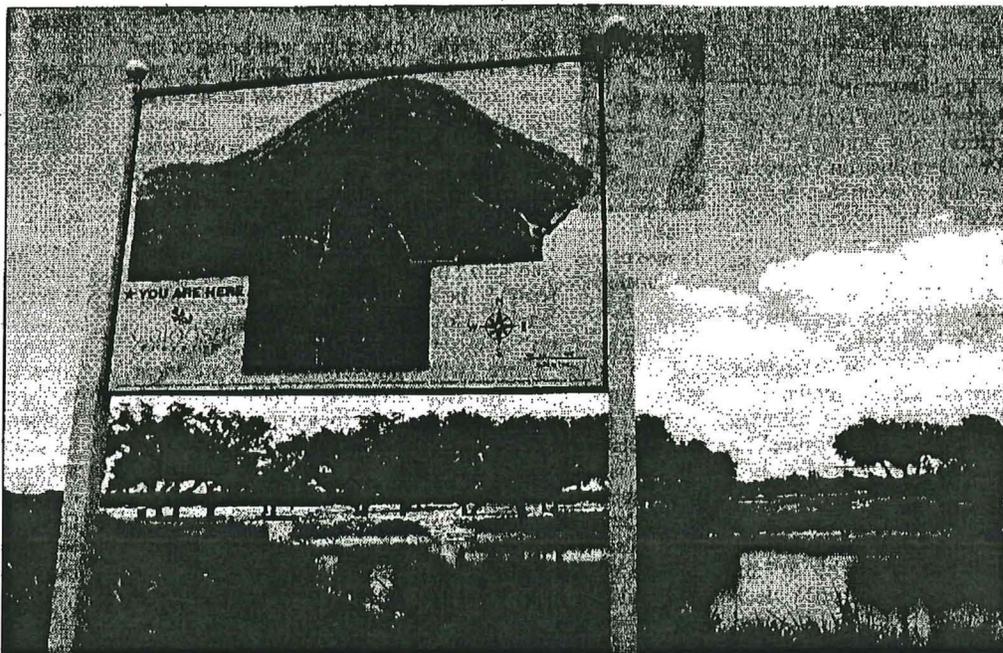
Developers are eyeing large parcels of agricultural land for their latest communities throughout Southwest Florida.

Berry Development Group, an arm of the Jack M. Berry citrus company, is developing Caloosa Preserve, a 133-home community on 240 acres just inside the Lee line.

Florida Citrus Co. is trying to rezone more than 3,700 acres of orange groves to allow for a residential development in Alva.

The Bonita Bay Group has an option to buy the 200-acre Wheeler Farms across the county line in Hendry. Lykes Brothers has a proposal to build a 3,300-home development in Glades.

"It makes me wonder what Americans are going to be eating," said Brittain, a farmer for



■ Caloosa Preserve, a new development on State Road 80 near the Lee and Hendry county line, was formerly a citrus farm and is now being converted by the owner to homesites.

AMANDA INSCORE/THE NEWS-PRESS

**Fewer farms worth more**

Farmland keeps disappearing as selling land becomes more profitable than growing crops. Here's a look at how farms and farmers in Lee and Collier counties compare to the rest of the state.

FARMERS	LEE	COLLIER	FLORIDA
Total	964	432	64,363
Primary occupation	329	148	22,998
Woman farmers	288	86	19,957
White farmers	923	395	60,195
Black farmers	8	0	1,363
Hispanic farmers	31	49	3,696
Average Age	55.1	53.7	57

	LEE COUNTY		COLLIER COUNTY		FLORIDA	
	2002	1997	2002	1997	2002	1997
Number of farms	643	725	273	285	44,081	45,808
Land in farms (acres)	126,484	134,649	180,852	278,417	10,414,877	10,659,777
Avg. farm size (acres)	197	186	662	977	236	233
Family-owned farms	522	564	184	176	37,119	37,138
Est. value (\$ per farm)	726,318	566,208	1,652,022	1,828,192	665,376	540,572
Est. value (\$ per acre)	3,293	2,773	2,660	1,859	2,836	2,344

SOURCE: USDA

THE NEWS-PRESS

more than 20 years. "There's going to be no such thing as fresh."

While Brittain is planning on farming as long as he is able, others are retreating, faced with increased regulations and declining sales.

The pressures are great, said Andy Neuberger of the Florida Farm Bureau, which represents

farmers and ranchers throughout Southwest Florida.

"For one, land is just prohibitively expensive," he said. "It has been for a number of years."

According to the agricultural census, the market price for an average farm in Lee County increased from \$566,208 to \$726,318.

But, he added, "There'll be

somebody around who will figure out how to make it. It's just something we have to deal with, it's not going to stop.

"The smart, good farmers will find a way to make money off the development. The more people that move into the county, the more potential customers for food or whatever it is they're selling."

That's what's driving A.J. Nyck and his 200-acre farm on Alico Road in southeastern Lee County.

First it was acorn squash. Now it's specialty peppers.

"We switched over when the market got to where we couldn't make the business work," he said.

Farming has been his way of life for decades. His father tilled the lands in the 1950s.

"It's that whole it's in our blood thing," he said. "It's what we've always done. I don't know what else we would do if we didn't farm."

"It's scary," he said. "If the U.S. gets to the point that in any time in a year they are depending on another country for the food, we are in trouble."

## Buckingham: Retaining its Old Florida style

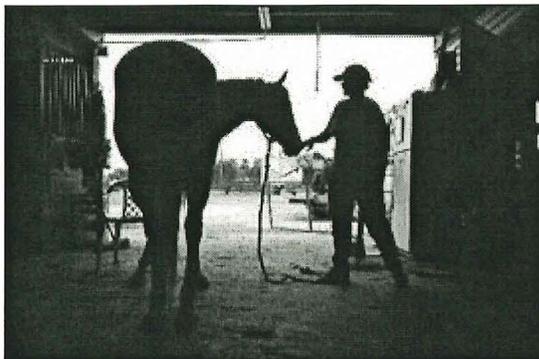
By **WENDY FULLERTON**, [wfullerton@news-press.com](mailto:wfullerton@news-press.com)

Published by [news-press.com](http://news-press.com) on May 22, 2004

Buckingham's peace and quiet is headed for some noisy days ahead.

More than 1,600 homes are planned for the east Lee County community in the coming years, enough to double, even triple, the current population of about 3,700.

Cow pastures are sprouting rooftops as planned developments take over wide open fields. Big red barns with tractors parked outside are disappearing. Riding horseback along Buckingham Road is becoming more and more hazardous as cars race by.



And residents — some with a sense of defeat — are clamoring for the good old days.

"It's just changed," said Betsy Burdette, a 21-year resident of Shady River Lane.

Burdette bought the property next door to hers just so she can see horses rather than rooftops.

"We really liked it really rural. What can you do? Unless you buy the land you can't protect it," she said.

Residents look to Buckingham as the place where people raise horses, tend gardens and recite colorful family yarns that bind together three or four generations in the same neighborhoods.

That's slowly eroding with the addition of homes priced as high as \$500,000. New development could also produce the area's first home valued at a \$1 million.

### Change coming

Some saw changes coming 14 years ago. Communities such as Bonita Springs and Cape Coral were growing at record paces. Farmland was fast being transformed into gated communities.

Buckingham residents banded together to protect their 16 square miles of rural life and formed the Buckingham Conservancy.

In 1991, the community became the first in the county to create its own identity and guidelines to maintain a rural lifestyle. The result was Buckingham Rural Community Preserve — 3,100 acres bordered on the east by the Orange River running southeast to the Able Canal and Buckingham Road to the west.

It's the only such preserve in the county, and it limits development to one house per acre. Initially, water and sewer lines were banned to discourage development, but that has been relaxed in specific cases over the years allowing development to inch closer.

Even with the designation, residents remain vigilant in tracking potential projects to make sure developers adhere to the rural restrictions.

"I guess everybody is discovering us now," said Kelly Palmer, 64, a resident of Neal Road for

Linda Wright, owner of the Buckingham Training Stables, prepares Chuck for a farrier. Buckingham is on the verge of seeing a large amount of growth, and residents are worried they will lose their rural lifestyle. **ANDREW WEST**/[news-press.com](http://news-press.com)

nearly 30 years. "I knew sooner or later, more and more people would get tired of town, and want the acreage."

Homes with acre-sized lots are going in across from Palmer's house, which sits on 2 1/2 acres. He's gone from horses to orange groves to a garden he cultivates himself.

### Boom for area

Realtor Denny Grimes predicts the "Buckingham boom."

"Buckingham's sticking to their guns is going to be Buckingham's claim to fame," he said.

Grimes is the agent for Horse Creek, a new 113-home development on the oak tree-packed Orange River Boulevard property, that's advertising to "buy a piece of quiet." Lot prices range from \$110,800 to nearly \$226,000 for two on the river.

Just a few years ago, one-acre lots sold for a few thousand dollars. Buckingham's current median home value is \$132,500.

Density restrictions are what attracted Horse Creek developer Dan Dodrill to the 220-acre site, which will have one home per acre.

"It's just old Florida, the way it used to be," he said. "I've lived in Lee County 33 years. I wish it looked the same as it did 33 years ago. On the other hand, there's been some nice additions.

"Growth is going to come to the area," he said. "I'm just a small part of it."

### Getting attention

U.S. Home is shoring up plans for a 317-home golf course community that's caused quite a stir between Lee County and Fort Myers city officials last week.

Residents and some county officials, like Commissioner Ray Judah, said they fear the developer is seeking to annex the 317-acre property into the city of Fort Myers to increase the density. The developer said it's an attempt to consolidate this project with other property it owns in the city limits.

Two other developers who created Parker Daniels and Palomino Estates both tripled the number of homes they were allowed to build along the environmentally sensitive Six Mile Cypress Slough Preserve by annexing into the city last year.

Judah said he fears this project would be just the start, and would "undermine what the Buckingham rural preserve was intended to provide: that's the rural lifestyle."

"This is still a departure from the rural lifestyle Buckingham residents are seeking," he said.

City officials and the developer's attorney each testified at last week's county commission meeting that they were working to maintain the density requirements, and reduce the development's impacts on the area with added buffers and alternate access points to divert traffic off Buckingham Road. A public hearing on the annexation has yet to be scheduled.

### WWII and growth

news-press.com

#### **Community profile:**

 [Stats, info for newcomers](#)

 [In-depth: Special section devoted to growth in Southwest Florida](#)

 [Readers' forum: Is Buckingham's rural lifestyle going to be threatened?](#)

Buckingham's development roots date back to World War II.

Sixty years ago, the Buckingham Army Air Field housed and trained aerial gunners, many of whom would operate machine guns aboard bombers in Europe and the Pacific.

At its peak, 16,000 people were stationed there, working and living in 700 buildings. Soldiers moved out.

The Lee County Mosquito Control District currently uses the air base. In addition to the air field, Buckingham General Store is a designated historic site. The Buckingham Community Center, home to dozens of bluegrass concerts each year, was a turn-of-the-century school.

Cattle and citrus farmers moved in. Today, just 1 percent of the population is employed as farmers or fishermen.

Now, the community whose median age is 41, is a mix of old-timers with rural roots, professional newcomers with jobs in Fort Myers or Naples and retirees who have built some impressive mansions on 5- and 10-acre spreads.

The median household income is \$51,068. Lee County's median household income is \$40,319.

Buckingham has some of the area's last big parcels of property, which makes it appealing to builders and developers.

County officials said it wouldn't be long before plans call for widening the narrow two-lane Buckingham Road to four lanes to accommodate the growth. County officials are compiling road projects through 2030 and Buckingham Road likely will be included, said transportation planner Dave Loveland.

This week, developer Taylor Woodrow is expected to submit plans for a 1,178-home community on the former Hunter Ranch, a 589-acre property along Buckingham Road next to the Buckingham Student Exceptional Center, a school for children with severe disabilities.

The project falls just north of the rural preserve boundary, so it is not subject to the same density requirements; two homes are allowed per acre.

Nearby residents have complained that the Mediterranean-style homes planned for the development are more fitting with Naples or Hollywood, not Buckingham.

Tom Spence, Taylor Woodrow's land development director, took the criticism as compliment.



"You have to be respectful in the fact they were there first," he said. "I understand they have a certain style they're looking for. But that style would get very old if everybody built that style."

It's that old-Florida style and life residents want protected.

Lisa Weir, 40, a bartender at Buckingham Blues Bar, said all the development has fueled discussions among her customers.

George Mills, 64, a lifelong resident of east Lee County, has lived at the same residence on Buckingham Road for the last 41 years. He thinks that the development is ruining the area and has seen drastic changes in the last 20

"They don't want the growth either," she said. "It's so pretty out here."

Backyard creeks where children play from tree swings are part of that scenery, as are thick expanses of oak trees

years. ANDREW WEST/news-press.com covering large lots.

It's one of the few places left where a person can keep cows, goats and chickens in the back yard, or buy a house with an airplane hangar for a garage, and taxi from the front door down the street and onto the runways of Lee County Mosquito Control like they can at the Buckingham Air Park.

The Buckingham Conservancy is devoted to keeping it that way. The nonprofit group is made up of neighbors and friends "trying to protect that rural character that was the reason we all live there," said Chris Bundschu, president.

That's why Bundschu moved there more than 20 years ago.

The conservancy was instrumental in getting the rural designation and continues to work hard to buy land for preservation before it gets sold for development.

And that's why developers find themselves meeting with residents before making their plans public and, oftentimes, changing their plans to address their concerns. For example, after consulting residents, Taylor Woodrow and U.S. Home added buffering and U.S. Home plans to redirect traffic away from Buckingham Road.

Without their support, county leaders have been less likely to approve developers' plans.

County commissioners last week said they would support the residents' efforts to protect their community as potential projects move forward, holding developers to the current density restrictions.

"It's important," Bundschu said. "The people that live here had the rural character as an important element of their choice."

Lee Commissioner John Albion said he emphatically supports the preserve designation and warned city officials and developer U.S. Home that the county would take legal action if it's not adhered to.

"We're all going to work together to get to the right place," he said.

[Back to Cape Coral](#)

Return to story: <http://www.news-press.com/news/cape/040522buckarchive.html>

## Wayne Gaither - Comprehensive Plan Amendment for Buckingham Community

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**From:** "Shellie Johnson" <ShellieJ@barraco.net>  
**To:** <wgaither@leegov.com>  
**Date:** 11/11/2005 8:46 AM  
**Subject:** Comprehensive Plan Amendment for Buckingham Community  
**CC:** <egarcia@watermengroup.com>

---

Wayne:

Please accept this email as formal withdrawal of the Comprehensive Plan Amendment, Case No. CPA2004-00007, applicant Waterman Development Group, Corp.

If you should have any questions, please do not hesitate to contact me at 461-3170. A confirmation that you have received this request would be appreciated. Thank you.

Shellie Johnson  
Barraco and Associates, Inc.  
<http://www.barraco.net>

File: 21959



File  
CPA 2004-07

**BUCKINGHAM CONSERVANCY, INC.**

**A Florida Non-Profit Corporation**

**4931 Shady River Lane, Fort Myers, Florida 33905**

June 24, 2004

Mr. Paul O'Connor, Director  
Lee County Division of Planning  
PO Box 398  
Ft. Myers, FL 33902

Re: Buckingham Comprehensive Plan Amendment

Dear Paul:

As you know, 15 years ago our the Buckingham Community requested and with Lee County's support the current Lee County Comprehensive Plan Buckingham Rural Community Preserve was adopted to protect our community's rural heritage and lifestyle.

For 15 years this Plan has provided our Community this rural vision and continuity. A new Buckingham single family subdivision, Horse Creek, has experienced very successful pre-sales complying with the main component of the Plan, minimum 1 acre lots.

The few items requiring Plan Amendments, such as the emergency provision of sewer and water to public owned facilities with failing private utility systems were addressed to everyone's satisfaction in a timely manner.

We believe the Plan is working well and is providing the vision and continuity the Community intended.

We therefore oppose the proposed Lee County Comprehensive Plan amendment to Policy 17.1.3, which would allow small lots within the Buckingham Rural Community Preserve, being requested by a potential purchaser and developer.

The Buckingham Conservancy appreciates Lee County's continued support of our vision for the Buckingham Rural Community Preserve.

Please let me know if you need any additional information.

Sincerely,

Buckingham Conservancy

Chris Bundschu, President

cc Lee County Commissioners

**PRESIDENT**  
Chris Bundschu, 693-1000

**VICE PRESIDENT**  
Bill Burdette, 936-1404

**TREASURER / SECRETARY**  
Betsy Burdette, 694-4738

**DIRECTORS**

<b>Don Blackburn</b> 931-9171	<b>Sarah Clarke</b> 694-6261	<b>Kerri Goldsmith</b> 581-5473	<b>George Kaplinski</b> 694-6281	<b>Bob Murray</b> 985-1200	<b>Mike Rippe</b> 694-0451	<b>Bruce Strayhorn</b> 334-1260	<b>Dick Workman</b> 694-0101
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**Wayne Gaither - Comprehensive Plan Amendment for Buckingham Community**

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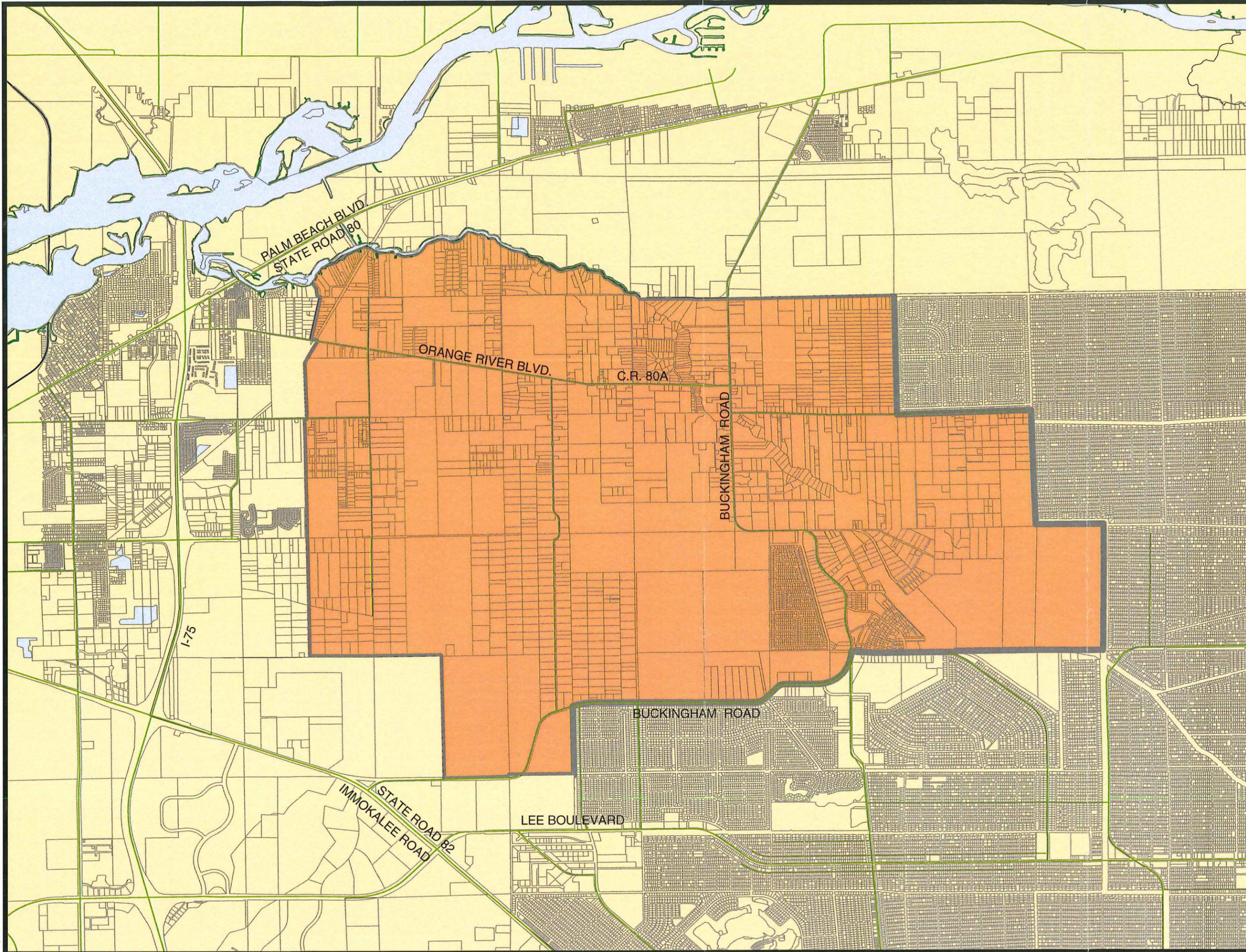
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File: 21959



**BUCKINGHAM PLANNING COMMUNITY**  
**LEE COUNTY, FLORIDA**

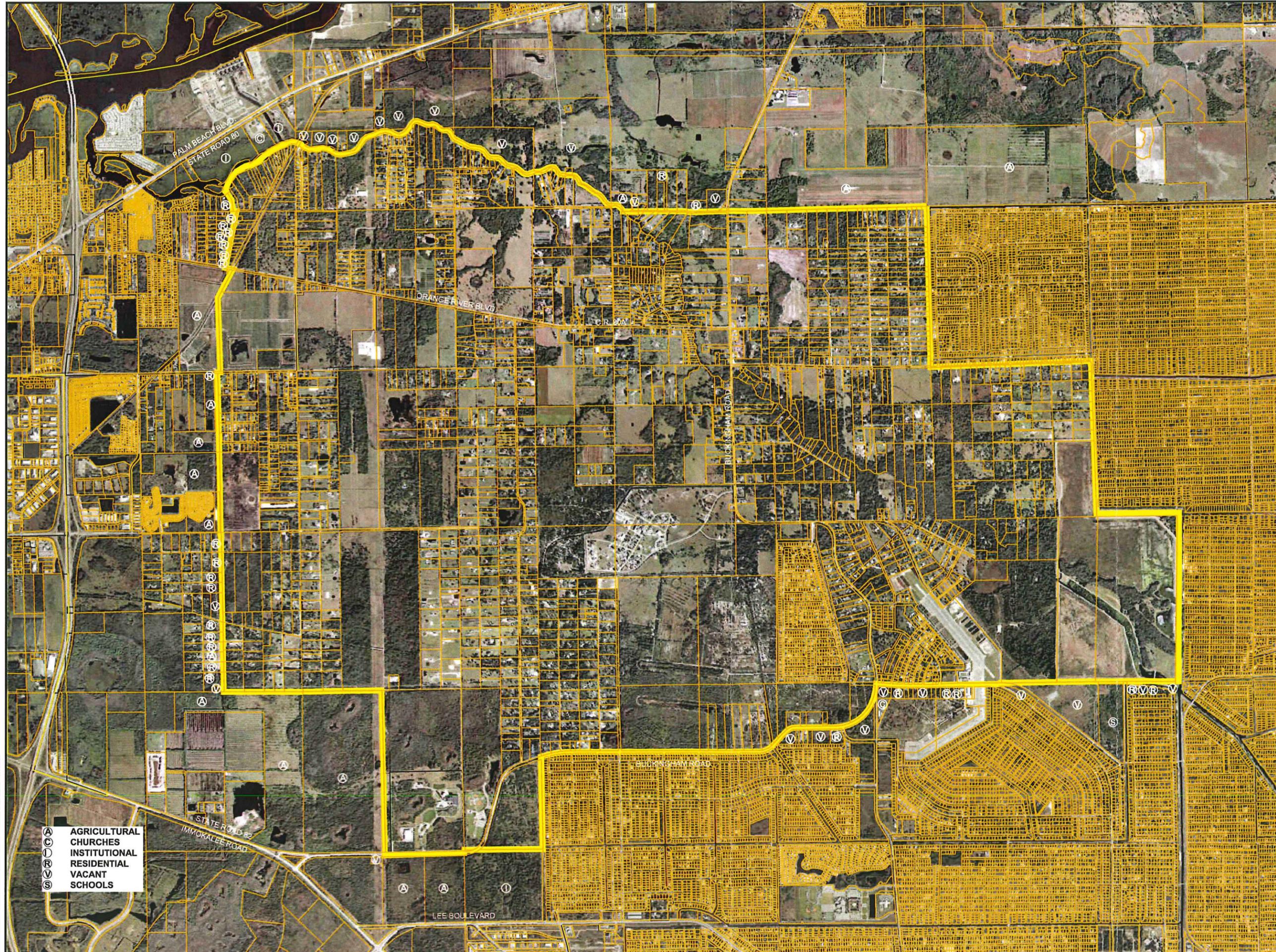
**MAP 1**

Source: Lee County Property Appraiser

0 750 1,500 3,000  
 Feet

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 and Associates, Inc.



**AERIAL PHOTOGRAPH, LAND USE AND ZONING MAP**  
**BUCKINGHAM PLANNING COMMUNITY**  
**LEE COUNTY, FLORIDA**

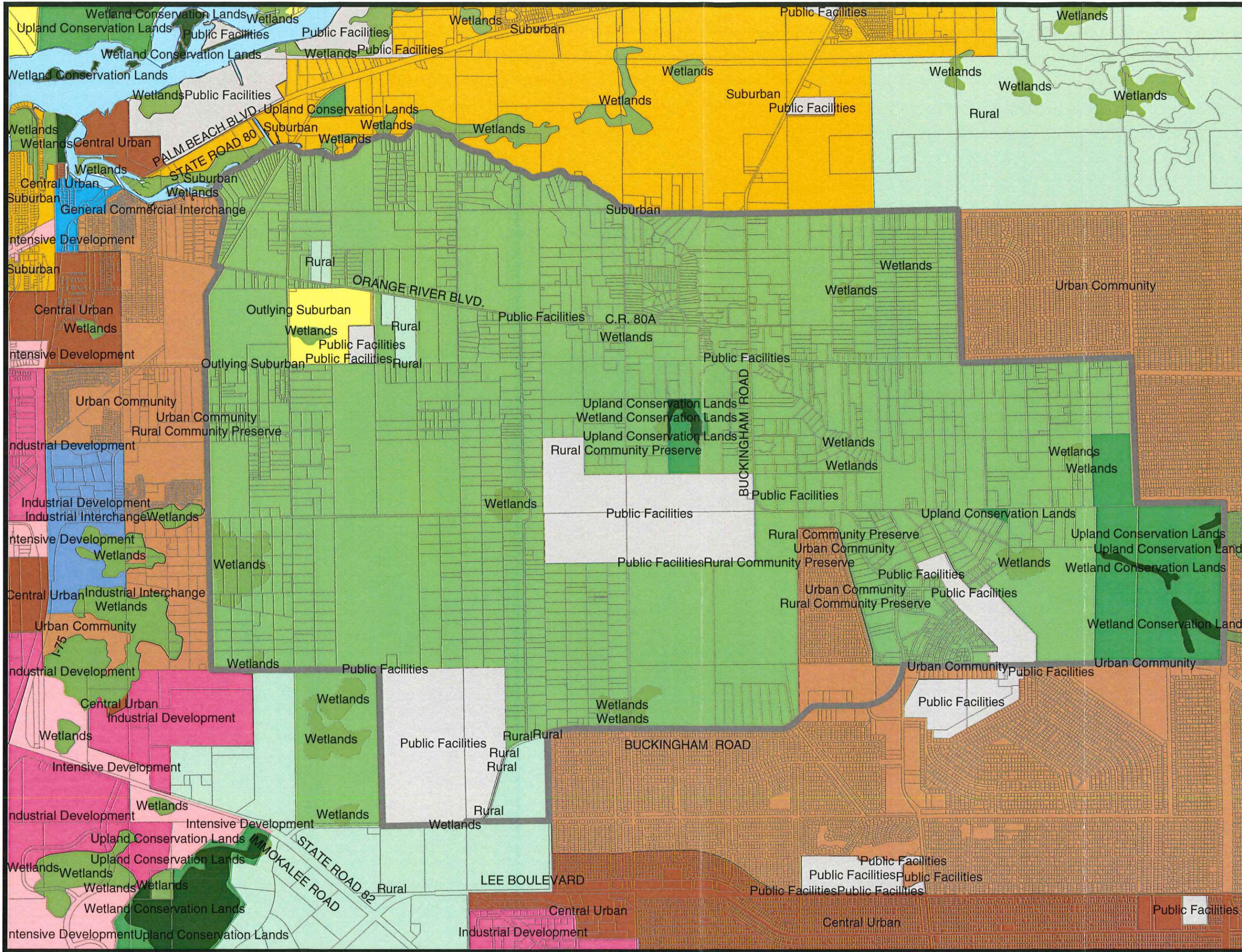
MAP 2



**Barraco**  
and Associates, Inc.

CIVIL ENGINEERING - LAND SURVEYING - LAND PLANNING - LANDSCAPE DESIGN  
 2271 McREGOR BLVD., POST OFFICE DRAWER 2800, FORT MYERS, FLORIDA 33902-2800  
 PHONE (239) 461-3170 - WWW.DBTFCO.NET - FAX (239) 461-3168  
 FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 1995 - SURVEYING LB-6940

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**FUTURE LAND USE MAP  
BUCKINGHAM PLANNING COMMUNITY  
LEE COUNTY, FLORIDA**

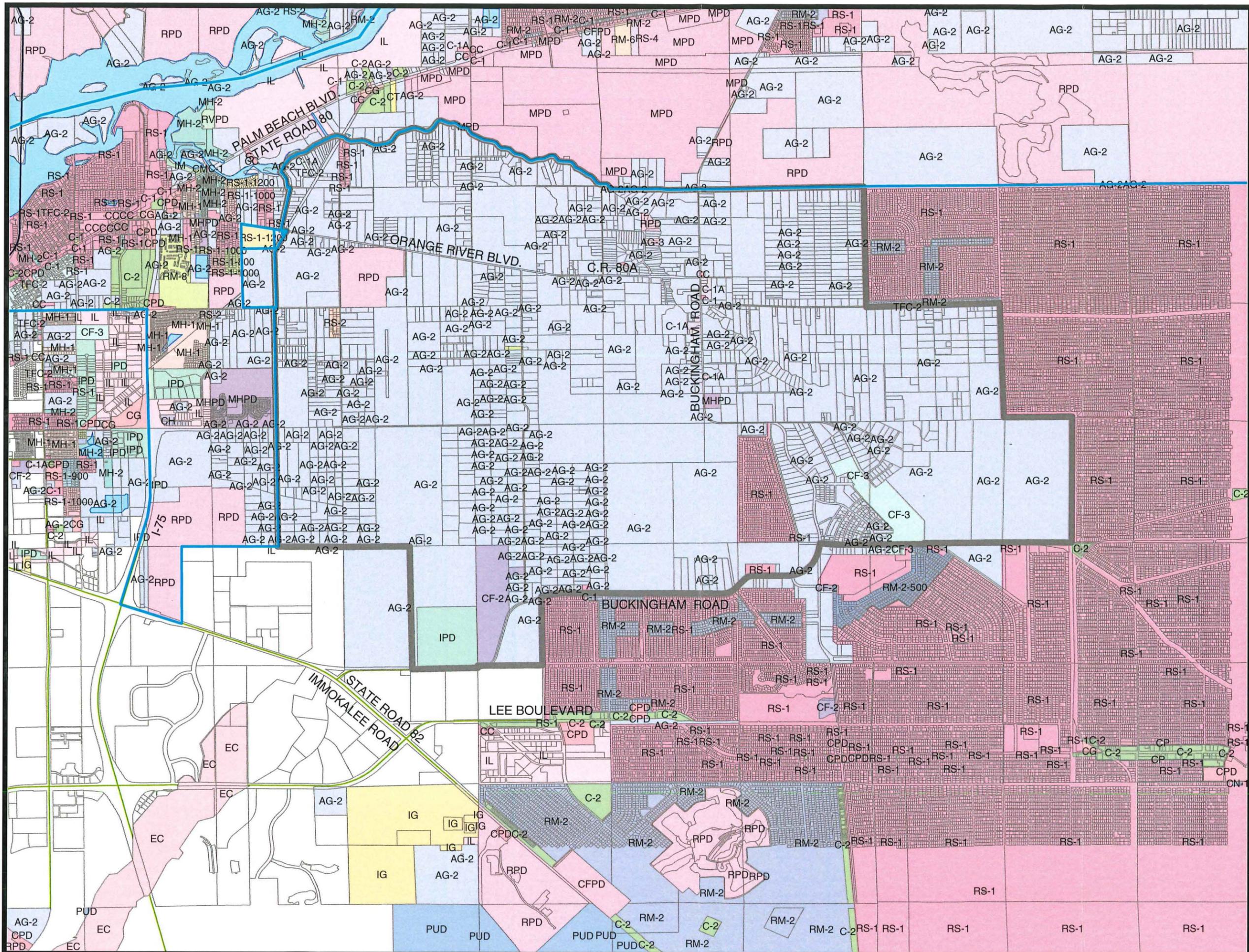
**MAP 3**

Source: Lee County Property Appraiser  
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**Barraco**  
and Associates, Inc.

Project: 21249 Filename: XXX



# ZONING MAP BUCKINGHAM PLANNING COMMUNITY LEE COUNTY, FLORIDA

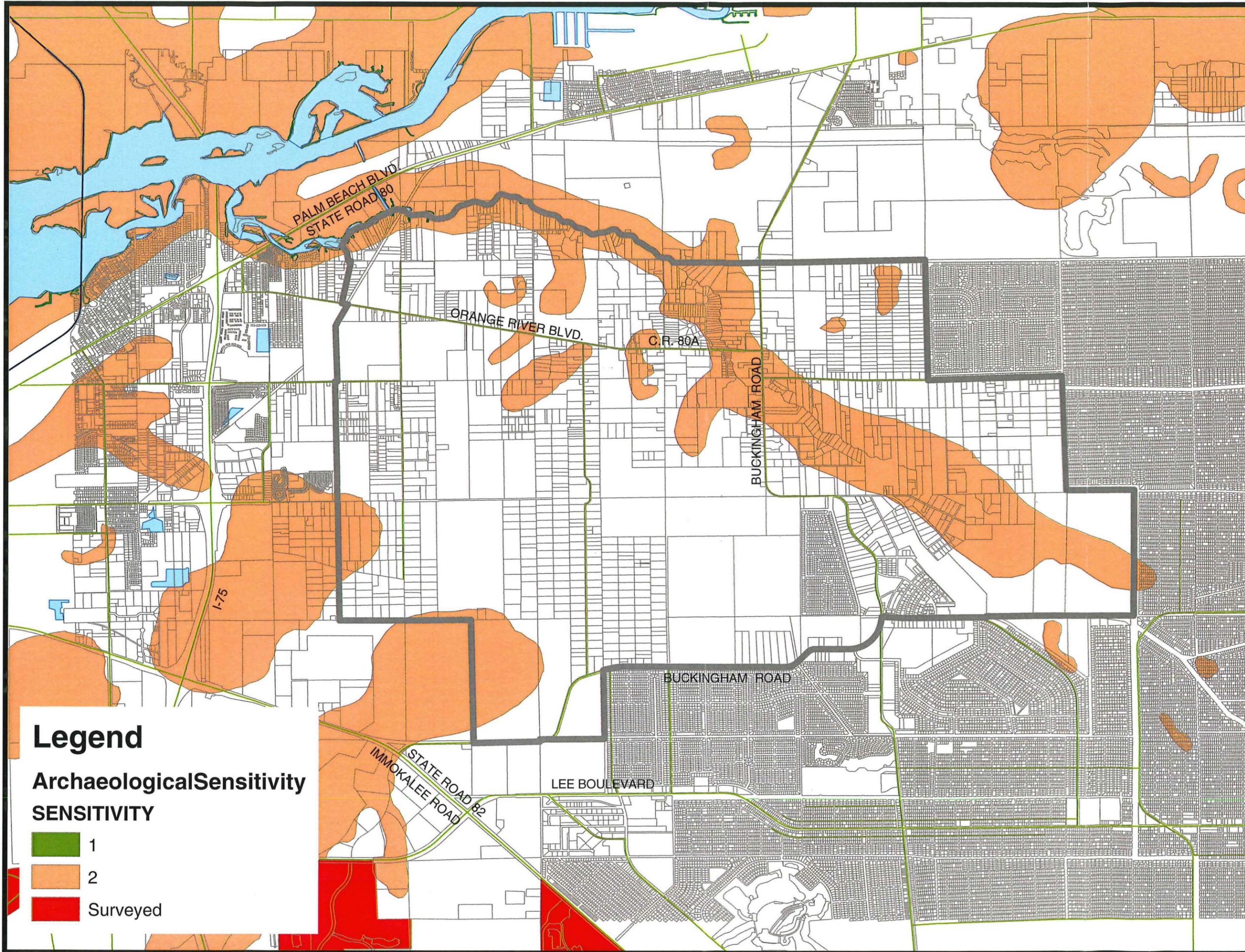
MAP 4

Source: Lee County Property Appraiser



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**Barraco**  
and Associates, Inc.



### Legend

#### Archaeological Sensitivity

- 1
- 2
- Surveyed



# ARCHEOLOGICAL SENSITIVITY MAP

## BUCKINGHAM PLANNING COMMUNITY

### LEE COUNTY, FLORIDA

MAP 5

Source: Lee County Property Appraiser

0 750 1,500 3,000  
Feet

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and Associates, Inc.