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Southwest Florida

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Writer's Direct Dial Number: (239) 533-8325

June 6, 2016

JENNIFER SAPEN
BARRACO & ASSOCIATES, INC
2271 MCGREGOR BLVD
SUITE 100
FORT MYERS, FL 33901

Re: OAK VIEW RPD
DCI2016-00010 - Minor Plan Dev Application

Dear JENNIFER SAPEN :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

In order to accomplish an efficient sufficiency review process, staff will be scheduling a meeting to discuss the insufficiency comments in person prior to the resubmittal of the application.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo, AICP
Senior Planner

UPDATED TO INCLUDE COUNTY ATTORNEY COMMENTS

cc: Pamela Houck, Division Director
Brandon Dunn, Planning
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Marcus Evans, TIS Reviewer
John Fredyma, Assistant County Attorney
Susan L Hollingsworth, Development Review
DCI Zoning File
DCI Working File

LC ZTIS PD Application Sufficiency Checklist (Ord12-01)

3) Site Plan. The TIS must contain a drawing showing the proposed project access point(s) & location of all other access points on both sides of all streets being accessed within 660 feet for project entrances on arterial streets, within 330 feet for project entrances on collector streets & within 125 feet for project entrances on local streets. [AC-13-17]

The TIS [or master concept plan] does not appear to contain a drawing that shows the location of site access points in relation to non-site access points on both sides of the street within proximity of the site. Please review and revise the TIS [or master concept plan] accordingly. (5/20/2016 ME)

10) Miscellaneous items.

The site design parameters that are stated in the TIS do not appear to correspond to the parameters that are stated and/or depicted in the non-TIS submittals. The TIS and the MCP do not appear to agree with respect to the number of access points and the permissible directional movements at them. Please clarify how many access points are proposed for the site and what permissible movements (if any for the secondary access) are expected at each of them, and review and revise the TIS accordingly. (5/20/2016 ME)

The TIS review is not complete. Review comments are based upon information presented in the TIS in its present form. The TIS reviewer reserves the right to comment on and/or require revisions to any portion of the TIS, whether or not it was part of the original submittal or subsequent revisions, until the TIS has been fully approved. (5/20/2016 ME)

11) Contact. The Staff reviewer may be contacted with any questions relative to this LC ZTIS PD Application Sufficiency Checklist.

Please contact Marcus Evans by telephone at (239) 533-8355 or e-mail at mevans@leegov.com with any questions regarding the above review comments.

LC Environmental Sciences PD Application Sufficiency Checklist (Ord 12-01)

12j) Buffers. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses if the types of proposed uses require buffer separations, must be shown on the Master Concept Plan. [34-373(a)(6)i.]

From the aerial photography, the Buckingham Road right of way has overhead powerlines. Is there an easement on the subject property and if so show the easement on the MCP and illustrate the buffer width. The Type D buffer must have at least 7.5 feet of planting space outside of the easement and small trees must be setback ten feet and large trees 20 feet from powerlines according to LCEC/FPL planting guidelines.

16a4) Natural features-Preservation. How existing natural features will be preserved must be explained. The explanation must include an estimate of the ranges of existing and post development water table elevations, where appropriate. [34-373(b)(1)d.]

Will the indigenous preserve be used for surface water management? The Surface Water Management Plan states that there will be buffers surrounding the natural feature but does not state is it will be included in the surface water management calculations. This preserve is a requirement for the LDC and if a change in the water table occurs (more or less) it will change the habitat and could be detrimental to the health of the preserve. Please provide the water table elevations (existing and proposed) if the indigenous will be used to handle the surface water.

From the aerial photograph, the wetland preserve on the subject property continues to the adjacent property to the west. The adjacent property to the west has a lake to the north of the wetland. Does the neighboring property's lake tie into the wetlands? The wetland overlapping the adjacent property and the adjacent property lake tying into the wetland could affect the surface water management needed for the subject property. Please provide more information in the surface water management plan as to how the wetlands will be shared and how the existing adjacent lake ties into the system.

19) Miscellaneous items.

The proposed lakes is not sinuous even though the "Sinuous Lake Shoreline Detail" states it will be. Please illustrate a sinuous lake on the MCP.

Please label the 20 foot L.M.E. on the MCP.

Is the lake proposed to be greater than 12 feet deep?

FUTURE CONDITION: Prior to d.o. approval, the planted littoral shelf and deep lake trees (if required) must be located at the east side of the lake adjacent to Buckingham Road.

20) Contact. The Environmental Planner may be contacted regarding any questions on the LC Environmental Sciences Planned Development Application Sufficiency Checklist.

Please contact Beth Workman via e-mail at EWorkman@leegov.com with questions concerning environmental review.

1) Sufficiency Comments.

1. The Master Concept Plan needs to show the distances between the proposed project's driveways and the adjacent driveways/streets including the distance between the project's entrance and the emergency stabilized access.

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.

Lili Wu 533-8580 ext 48134

LC Public Hearing for Planned Development Application-Supplement D Checklist (Ord 12-01)

25) Contact. The Zoning Planner may be contacted regarding any questions on the LC Public Hearing for Planned Development Application-Supplement D Checklist.

ZONING COMMENTS, JUNE 2016

1. Request to rezone +/- 16.2 acres from Agrilcultual (AG-2) to Residential Planned Development (RPD) to allow the development of up to 60 single family and/or two family attached residential units with a maximum height of 35 feet.

Please check the draft request wording above.

2. Please see attached comments. Comments from the County Attorney ~~may be pending.~~ included.

3. Thank you for the LCU letter.

4. Can you put a general location map on the MCP?

5. Please specify if the surrounding uses are single-family or multi-family. On the MCP.

6. Schedule of uses - how many models?

7. Your Lee Plan analysis should include Policy 5.1.5

8. Please demonstrate how you will comply with the community meeting requirement below.

Sec. 33-1480. Applicability.
This division is applicable to Caloosahatchee Shores Planning Community (see Map 14 in Appendix I), described in Goal 21 of the Lee County Comprehensive Plan (Lee Plan).
(a) Scope. The provisions of this article apply to all development located in the Caloosahatchee Shores Planning Community, as defined in section 33-1481(a) and depicted in the Lee County Comprehensive Plan on Lee Plan Map 1 Special Treatment Areas (Page 2 of 8) and apply to all commercial, religious, institutional, multiple-family, and mixed use developments, including live-work units, except where the authority of a separate political jurisdiction supersedes County authority.
(b) Zoning. The provisions of this article apply to all requests to rezone property located within the Caloosahatchee Shores Community. Compliance with these provisions will be required to obtain zoning approval unless approved by variance or deviation.
(c) Development orders. The provisions of this article apply to all development orders and limited review development orders described in sections 10-174(1), 10-174(2) and 10-174(4)a. that are for property located within the Caloosahatchee Shores Community. Compliance with these

provisions will be required in order to obtain development order approval.
(d) Demonstrating compliance. Compliance with the standards set forth in this article must be demonstrated on the drawings or site development plans submitted in conjunction with an application for development order approval or with a building permit application if a development order is not required.
(Ord. No. 12-01, § 5, 1-10-12; Ord. No. 13-10, § 9, 5-28-13)
Sec. 33-1481. Planning community boundaries.
(a) Caloosahatchee Shores Planning Community. The boundaries of the Caloosahatchee Shores Planning Community are as depicted in the Lee County Comprehensive Plan on Lee Plan Map 1 Special Treatment Areas (Page 2 of 8) and in Appendix I on Map 14. The following overlays are located within the Caloosahatchee Shores Planning Community:
(1) Olga Planning Community Overlay. The boundaries of the Olga Community overlay district are as depicted in the Lee County Comprehensive Plan on Lee Plan Map 1 Special Treatment Areas (Page 2 of 8) and in Appendix I on Map 14.
(2) State Route 80 Corridor Overlay. The boundary of the State Route 80 Corridor overlay district is as depicted in Appendix I on Map 15 and is generally described as the linear corridor between State Route 80 and First Street from West Road to Buckingham Road/Old Olga Road.
(Ord. No. 12-01, § 5, 1-10-12; Ord. No. 13-10, § 9, 5-28-13)
Sec. 33-1482. Community review.
(a) Applications requiring review. The owner or agent applying for the following types of County approvals must conduct one publically advertised information session within the Caloosahatchee Shores Planning Community prior to obtaining approval or finding of sufficiency of the following:
(1) Development orders.
(2) Planned development zoning actions. This includes administrative deviations amending the approved master concept plan or other provisions of the zoning resolution.
(3) Special exception and variance requests.
(4) Conventional rezoning actions.
(b) Meeting requirements. The applicant is responsible for providing the meeting space, providing notice of the meeting, and providing security measures as needed. The meeting location will be determined by the applicant. Meetings may, but are not required to, be conducted before non-County formed boards, committees, associations, or planning panels. During the meeting, the agent will provide a general overview of the project for any interested citizens. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. The applicant is not required to receive an affirmative vote or approval of citizens present at the meeting.
(Ord. No. 12-01, § 5, 1-10-12; Ord. No. 13-10, § 9, 5-28-13)

Palermo, Anthony

From: Fredyma, John
Sent: Monday, June 06, 2016 2:38 PM
To: Palermo, Anthony
Cc: Houck, Pamela; Jakacki, Charles
Subject: RE: dci2016-00010 oak view rpd. 5/16 submittal.

Tony:

Please consider the following with respect to the above-referenced zoning application:

1. The legal description attached to the Title Opinion should be the same as the description provided pursuant to LDC Section 34-202(a)(1).
2. As noted by Chick, the legal description appearing on the Survey should also be the same as the description provided pursuant to LDC Section 34-202(a)(1).
3. The most recent field work for the Survey should have occurred subsequent to the issuance of the title opinion insofar as the survey is required to show all easements affecting the subject property, both recorded and unrecorded. The last field work was performed in August of 2015.
4. If the title work is updated, then the Survey should also be revised and the note for this matter updated.
5. The Existing Agricultural Use Affidavit did not include the two exhibits (A and B) referenced in the affidavit.
6. The deviation request from LDC Section 10-296(p)(1) is unclear and inconsistent. The narrative states there is only one location for this deviation, but two are shown on the MCP. Additionally, the narrative does not appear to describe what is shown on the MCP insofar as the project street(s) is/are all dead-ended.
7. The Schedule of Uses should be revised to indicate "signs" will be in accordance with both Chapter 34 and 33.
8. Insofar as the property is located in the Caloosahatchee Shores Community Plan Area, the results from a community meeting are also required in conjunction with the Zoning Application.

Please let me know if you have any other questions.

Thanks.

John

John J. Fredyma
Senior Assistant County Attorney
Lee County Attorney's Office
P.O. Box 398
Fort Myers, Florida 33902
(2115 Second Street - 33901)
Tel. 239/533-2236
Fax 239/485-2106
E-mail: JFredyma@leegov.com

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Under Florida law, e-mail addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Palermo, Anthony
Sent: Monday, June 06, 2016 9:56 AM
To: Fredyma, John
Subject: dci2016-00010 oak view rpd. 5/16 submittal.

John

Did you have any sufficiency comments on this case? Thank you.

Tony Palermo, AICP
Senior Planner
Lee County Community Development Department
Zoning Section
PO Box 398
Fort Myers, FL 33902-0398
#239-533-8325
apalermo@leegov.com

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Palermo, Anthony

From: Blackwell, Peter
Sent: Tuesday, May 24, 2016 7:47 AM
To: Palermo, Anthony
Cc: Dunn, Brandon
Subject: DCI2016-00010 Oak View RPD

Tony,

I have reviewed the application and have the following sufficiency comments:

On part 3G, the applicant states that the Future Land Use on the property is 16.2 acres of Suburban, but on Part 4D the applicant states that there is 15.2 acres of Suburban and 1 acre of Wetland. This discrepancy needs to be cleared up. The applicant should depict the Wetland FLUC on their application.

Part 3H has a typo, listing 26.2 acres.

Part 5A lists the potential units as 97.2. This should be "97" for clarity.

On Page 5 of 8 of their narrative, the applicant lists the acreage allocation for Urban Community but their property is in Suburban. This needs to be cleared up.

These are all the comments we have at this time.

Sincerely,

Peter Blackwell, AICP

Planner, Planning Division,
Lee County DCD
(239) 533-8312

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THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966 ♦ WWW.LEESCHOOLS.NET

DAWN M HUFF
LONG-RANGE PLANNER
Planning, Growth & School Capacity
Phone: 239-337-8142
FAX: 239-335-1460

STEVEN K. TEUBER
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VICE CHAIRMAN, DISTRICT 1

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DISTRICT 2

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DISTRICT 5

GREGORY K. ADKINS, ED. D.
SUPERINTENDENT

KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

May 23, 2016

Tony Palermo, AICP
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

RE: DCI2016-00010
Oak View RPD

Dear Mr. Palermo:

This letter is in response to your request for comments dated May 16, 2016 for the Oak View RPD in regard to educational impact. This project is located in the South Choice Zone, Sub Zone 2.

The request is for development of 60 single-family or two multi-family dwelling units and for the purpose of determining capacity, the greater impact will be utilized which is single-family. With regard to the inter-local agreement for school concurrency, the generation rates are created from the type of dwelling unit and further broken down by grade level.

For single-family homes, the generation rate is .295 and further broken down by grade level into the following, .147 for elementary, .071 for middle and .077 for high. A total of 18 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacities for elementary seats is not an issue within the Concurrency Service Area (CSA). For middle and high school, the development adds to the projected deficit for the CSA, however, there are sufficient seats available to serve the need within the contiguous CSA.

Thank you for your attention to this issue. If I may be of further assistance, please call.

Sincerely,

Dawn Huff

Dawn Huff,
Long Range Planner

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY	Lee School District
NAME/CASE NUMBER	Oak View RPD/DCI2016-00010
OWNER/AGENT	Buckingham 16 LLC
ITEM DESCRIPTION	various amendments; all impacts in East CSA, sub area E2
LOCATION	West side of Buckingham Rd north of Orange River Blvd
ACRES	16.80
CURRENT FLU	Suburban (S)
CURRENT ZONING	Agricultural (AG-2)

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
60	0	0

	Student Generation Rates			
STUDENT GENERATION	**SF**	**MF**	**MH**	**Projected Students**
Elementary School	0.147			8.82
Middle School	0.071			4.26
High School	0.077			4.62

Source: Lee County School District, May 23, 2016 letter

CSA SCHOOL NAME 2019/20	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
East CSA, Elementary	14,923	13,566	1,357	9	1348	91%	
East CSA, Middle	6,464	7,017	-553	4	-557	109%	
East CSA, High	7,702	7,891	-189	5	-194	103%	

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan

(2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)

(3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual

Prepared by: Dawn Huff, Long Range Planner

Palermo, Anthony

From: Jakacki, Charles
Sent: Wednesday, May 18, 2016 9:52 AM
To: Palermo, Anthony; Block, Alvin; Badamtchian, Chahram; Richardson, Nettie
Subject: DCI2016-00010 OAK VIEW RPD, INSUFFICIENCY

Staff Comments: 1) The legal description on the survey must match the verbage on the metes and bounds legal and sealed sketch provided. No less and accept language is permitted.

Chick Jakacki - Planner
Lee County DCD/Zoning
1500 Monroe St
Fort Myers, Florida 33902
239-533-8984

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