Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

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June 27, 2016

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

Re: BLASINGIM ROAD RPD
DCI2016-00011 - Major 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or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn.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

Alvin Block, AICP
Principal Planner

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
Ohdet H. Kleinmann, 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 accordingly. (6/6/2016 ME)

7) Level of Service Analysis. The TIS for projects generating more than 100 net new trips during the A.M. or P.M. peak hour of the adjacent street must contain an analysis of the Level of Service for all links within the area of influence. [AC-13-17]

7a) The TIS must contain an analysis of the Level of Service for each of the projects access points and all intersections within one-quarter mile of the project. The analysis must follow the methods established in the most current edition of the HIGHWAY CAPACITY MANUAL for either signalized or unsignalized intersections. [AC-13-17]

The TIS does not appear to contain a LOS analysis for the project's access point and all intersections within one-quarter mile of the project. Please review and revise the TIS accordingly. (6/6/2016 ME)

10) Miscellaneous items.

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. (6/6/2016 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)

10) Environmental Issues. Certain property and environmental issues must be addressed and information provided (see Supplement D Form, Part 5.A. - 5.D.). [34-202(a)(8)]

What is the width of the proposed preserve? The LDC 10-415(c) states that projects over 10 acres in size requires the indigenous open space to be a minimum width of 40 feet and a minimum area of 1500 square feet.

Will there be a berm proposed around the perimeter of the property? If so, how will the preserve be protected from the impacts of the berm construction? The limits of construction to preserve pines is a full dripline and to preserve oaks is 3/4 dripline. The limits of the berm may require a full dripline of no impacts outside of the preserve line depending on the location of the species.

Please provide more detail of how the 0.20 acres will be protected from construction without minimizing the size of the proposed residential lots.

Will the preserve be utilized for surface water management? The Surface Water Management Plan (D) did not address the indigenous preserve. If it will be utilized, please provide the levels of water or conveyance that the future preserve area serves pre-development and how the preserve will function (water levels, species survivability) after development. The preserve is meeting a LDC requirement and the use of this area for water storage/pre-treatment must be addressed to ensure the the current indigenous FLUCCS can handle the water inundation.

The Surface Water Management Plan states that the current conveyance swale that runs west to east will remain to move water from the property. Please show and state how the indigenous preserve fits into this plan. If impacts occur to the indigenous preserve (i.e. grade change, water level change) it could adversely affect the plant material thus affecting the indigenous preserve acreage to meet the LDC. Please provide more information in the Surface Water Management Plan regarding protection of the indigenous preserve.

12i) Open Space Percentage. The percentage of open space must be shown on the Master Concept Plan unless the proposed development consists solely of conventional single-family dwelling units on lots of no less than 6,500 square feet. [34-373(a)(6)h.]

The MCP states that 0.99 acres of open space will be from the lake slope areas. Is this above control, within LME, or within the lake? The lake is bound by 25% of the required open space. So if the slope is within the lake it cannot be claimed twice. Show where the open space area from slopes is located on the MCP.

Provide a detail showing the rear yard drainage that is being claimed as open space. Is this in a common element open space tract? If not, please include it as a common element as part of the perimeter berm system.

Does the 3.74 acre rear yard drainage and perimeter berm exclude the 0.20 acres of indigenous preserve? These two must be separate and not claimed twice.

Please provide two cross sections on a separate sheet to the MCP showing Residential lots and rear yard perimeter berm interface. One cross section must show the residential lots, perimeter berm, rear yard drainage area , and indigenous preserve. The other must show the 15 foot wide Type D buffer (or 50 foot if deviation not sought) and perimeter berm.

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.]

Per LDC 10-415(b)(5) projects greater than 5 acres in size that abut an arterial or collector road and ahve existing native trees within 50 feet of the ROW must be designed to provide a 50 foot ROW buffer for tree preservation. The MCP shows a 15 foot Type D buffer with open space areas encompassing the proposed entry road. The FLUCCS for this area provided by Passarella and Associates indicates a 110 - Residential, Low Density FLUCCS. However, the aerials indicate pine overstory and grass understory with white picket fences criss crossing the property. Please provide the 50 foot wide tree preservation buffer on the MCP. If not, provide a deviation from the LDC with a justification. ES zoning staff encourage the applicant to keep the entry natural and construct the perimeter berm outside of the natural buffer. The existing vegeation may be used to meet code requirements for the ROW buffer as well as the indigenous open space.

Will there be a fence or wall proposed around the entire perimeter of the property? If so, please show at least a 7.5 foot setback from the property line to meet the LDC 34-1743.

Is the entry road 125 feet from the residential property to the northwest? If so, provide a 25 foot wide buffer with a wall setback at least 15 foot or a 30 foot buffer on the MCP.

14) Schedule of Deviations & Written Justification. A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan must be submitted. [34-373(a)(9)] {see Supplement D, Part 7}

Deviation #5 - requesting to use 100% of the lake for open space instead of 25% of the required open space.

Will the lake on MCP B be a deep lake?

How will the 100% of the open space being claimed from the lake (4.20 ac) enhance the overall project? The justification stated there would be more littorals which isn't an enhancement it is code unless the applicant is proposing more littorals above and beyond code.

Allowing this would also provide aesthetic enhancement for drivers along Blasingim Road and neighboring properties. How is this lake going to provide aesthetic enhancements for the public? The MCP B isn't providing anything out of the ordinary. Will there be sidewalks added to Blasingim Road so the public may enjoy the view of the lake? Will there be additional shade trees added along the eastern property line to provide shade and green space for the scenic view? Will there be a nature trail associated with the amenity center with benches for viewing the scenic open space lake? How about the addition of a small park associated with the amenity center?

ES zoning staff ask all these questions so that a concise condition of approval may be written.

16a) Surface Water Management Plan Description. A written description of the surface water management plan must be submitted that includes (see item #16a1 thru #16a5 below): [34-373(b)(1)]

Please label the 20 foot LME on the MCP.

17) Protected Species Survey. A protected species survey, as specified in LCLDC Section 10-473, is required for large developments (as defined in LCLDC Section 10-1 {more than 10 acres in size or more than 2 acres of impervious area}) . [34-373(b)(2)] {see Supplement D, Part 7}

SPECIES SURVEY: Were any heritage trees found on the site? Heritage trees are native species with a dbh of 20 inches or greater. The LDC requires them to be preserved in place or replaced with a 20 foot in height comparable native species. Please provide heritage tree information in the Species Survey.

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.

LC Zoning Action Legal Requirements Checklist (Ord 12-01)

11) Miscellaneous items.

Please refer to the attached comments from Chick Jakacki.

LC Public Hearing for Zoning Action Checklist (Ord. 12-01)

2) Application Submittal and Official Receipt Procedure. The following application procedure and requirements apply to all public hearing applications for rezoning, special exceptions, and variances. [34-201(b)]

2b) No application for public hearing may be accepted unless it is presented on the official forms provided by the department, or on County approved computer-generated forms containing the same information. [34-201(b)(2)]

Please review the Type of planned development application found on Page 1 of the application. Major PD has been marked, but please review LDC Section 34-341(b)(1). Review the application form and revise the form as may be needed.

Please review and revise as needed the Flood Hazard information on Page 9 of the application.

9) Legal Description & Sketch to Accompany Legal Description. A metes & bounds legal description along with a sketch of the legal description, prepared & sealed by a Florida Licensed Surveyor & Mapper, must be submitted unless the property consists of one or more undivided lots within a subdivision platted in accordance with FS, Ch. 177 {see LC Public Hearing Appl. Form, Part 3.C.}. [34-202(a)(1)]

Please refer to other comments found in this response.

10) Boundary Survey. A boundary survey of the subject property must be submitted unless the property is a not a Planned Development Application & consists of platted lots (see Item 10d below). The survey must be based upon the title certification submitted in accord with LCLDC Section 34-202(a)(3). {see LC Public Hearing Application Form, Part 3.D.}. [34-202(a)(2)]

Please refer to other comments found in this response.

15a) Structure Affidavit. If buildings or structures exist on the property,an affidavit, signed by the property owner or specified contract purchaser, must be submitted stating whether the buildings and structures will be removed {see LC Public Hearing Application Form, Part 3.I.2.}. [34-202(b)(3)]

A recent site visit and a review of current aerial photography finds existing buildings on the subject property. Please provide the required Structure Affidavit.

41) Potable Water & Sanitary Sewer Connection. A letter from the appropriate utility entity must be submitted indicating the utility entity's name and ability to provide service to support the proposed development. {see LC Public Hearing Application Form, Part 4.I.} [34-202(b)(8)]

The letter supplied from the Utility indicates the application is for single family and multiple family. This is inconsistent with the application seeking single family and two-family attached. Please review and revise the application, including the provision of a new letter (if needed) making sure the submittal is consistent.

43) Miscellaneous items.

See attached comments from the County Attorney's Office.

44) Contact. The Zoning Planner may be contacted regarding any questions on the LC Public Hearing for Zoning Action Checklist.

If you have any questions about this portion of the checklist, please feel free to contact Chip Block at 239-533-8371.

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

1) Type of Planned Development Application. The type of application must be indicated on the Form (see Supplement D, Cover Sheet and appurtenant notes). Only one (1) type may be indicated. [34-202(a)(8)]

Please review and revise the first page of the application making sure the correct type of application has been noted.

7) Environmental Issues. Certain property and environmental issues must be addressed and information provided (see Supplement D Form, Part 5.A. - 5.D.). [34-202(a)(8)]

Please refer to other comments found in this response.

9) Potable Water & Central Sewer. The applicant must indicate if the project will be connected to potable water and central sewer as part of any development of the property {see LC Public Hearing Application Form, Part 4.I.} [34-202(b)(8)]]

9a) Potable Water and Sanitary Sewer Connection. A letter from the appropriate utility entity indicating the utility entity's ability to provide service to support the proposed development must be submitted. [34-202(b)(8)]

The letter supplied from the Utility indicates the application is for single family and multiple family. This is inconsistent with the application seeking single family and two-family attached. Please review and revise the application, including the provision of a new letter (if needed) making sure the submittal is consistent.

10) Submittal Requirements. The following items must be submitted as part of any planned development Zoning Application. {See Supplement D Form, Part 7 for number of copies and other detailed requirements.} [34-373(a)(4)]

10l) Narrative Compliance Statements. Narrative explanations as to how the proposed development complies with several elements must be submitted {see Item 10l1, Item 10l2, & Item 10l3 below}. [34-373(a)(5)]

10l1) LEE Plan Compliance. A narrative explanation as to how the proposed development complies with the LEE Plan must be submitted. [34-373(a)(5)]

The applicant may want to consider expanding the discussion of compatibility found under Lee Plan Policy 5.2.4. There is significant discussion of surrounding and nearby developments but fails to discuss the compatibility with the immediately surrounding large lot single family residantial.

11) Master Concept Plan, Non-PRFPD. A graphic illustration (Master Concept Plan) of the proposed development, clearly legible depicting the correct scale for the drawing showing & identifying the following information required by LCLDC Section 34-373(a)(6)a. through Section 34-373(a)(6)i. must be submitted in both 24" X 36" size and 11" X 17" size. [34-373(a)(6)] {See Item 11a - Item 11s below.}

11b) Access. The exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development must be shown on the Master Concept Plan.[34-373(a)(6)b.].

Please provide the location of the proposed emergency access to Blasingim Road, in accordance with this Section.

11c) Lots. Where the subject property will be divided into lots or parcels, the plan must indicate the general location, configuration & approximate dimensions of the lots or parcels (including outparcels) as well as lot coverage, and the minimum proposed setbacks for principal structures must be shown on the Master Concept Plan. [34-373(a)(6)c.].

The application is indicating the proposal is to develop a subdivision. Please revise each version of the Master Concept Plan to provide the general location and configuration of the lots or parcels proposed within this development as required by this Section.

Please consider providing revised Property Development Regulations to address the regulations for the proposed Amenity Center.

11d) Lots-Uses. The proposed use of the lots or parcels must be keyed to the list of proposed uses submitted with the application must be shown on the Master Concept Plan. If the property development regulations for a specific zoning district will be used, then reference to the specific district will be sufficient. [34-373(a)(6)c.].

Different residential unit types have been proposed. In accordance with this Section, please revise the Plan to provide the location of the different unit types within this development on both versions of the Master Concept Plans.

The Schedule of Uses notes various Model types. Please revise the Master Concept Plan to show the proposed general location(s) for these Models. Please consider the removal of Model Units since the proposed development does not include multiple-family or townhouse units.

The Use of Sales is proposing a use not found within the Lee County LDC. If a temporary sales center is proposed, please note the location of this use on the Master Concept Plan.

Within the Schedule of Uses, why has Chapter 33 and Deviation 6 been included with the Use of Signs as part of this application?

11e) Individual Development Areas. Individual development areas (i.e. residential, retail, office, manufacturing, mixed use-listed, etc.) must be clearly identified on the Master Concept plan with detail showing the following information {see item 11e1 thru Item 11e6 below}. [34-373(a)(6)d.]

11e2) Building Heights. The maximum height, in feet and number of habitable stories for each building must be shown on the Master Concept Plan. If parking under the buildings is proposed, the number of stories proposed for parking must be indicated and included in the total maximum height of the building. [34-373(a)(6)d.ii.]

Please revise the Master Concept Plan to provide the information required by this Section.

11e3) Residential Dwelling Units. If residential, the maximum number of dwelling units by type must be shown on the Master Concept Plan. [34-373(a)(6)d.iii.]

Please revise the Master Concept Plan to show the location of the different housing unit types and the proposed numbers by type in accordance with this Section.

11e6) Commercial/Industrial Floor Area. If commercial or industrial, the type(s) of commercial and industrial and the total floor area of each type must be shown on the Master Concept Plan. [34-373(a)(6)d.vi.]

The Schedule of Uses appears to imply that there are going to be proposed commercial uses and other non-residential uses. Please revise the application and the Master Concept Plan to provide the location of these uses and the proposed development intensity.

In addition, it is suggested the applicant consider providing the maximum proposed floor area for the Amenity Center so that it may be accounted for as part of any final zoning action.

11f) Service Areas. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions must be shown on the Master Concept Plan. [34-373(a)(6)e.]

Please revise the Master Concept Plan to provide the general location of the service area(s) as required by this Section.

11g) Parks, Recreation Areas, Indigenous Areas, Flow-Ways. The general location of proposed parks and recreation areas and facilities, as well as indigenous areas and flow-ways to be preserved, restored or created must be shown on the Master Concept Plan. [34-373(a)(6)f.]

Please note the Amenity parking design for Plan B cannot be achieved as it proposes insufficient maneuvering room to allow an exiting vehicle to leave the parking lot in a forward motion (LDC Section 34-2015).

11k) Public Transit. Proposed access and facilities for public transit in accordance with LCLDC Sections 34-411(e) and Section 10-442 must be shown on the Master Concept Plan. [34-373(a)(6)j.]

Please advise if the development will be proposing access and facilities for public transit and show this information on the proposed Master Concept Plan.

11m) Deviations. The location of any requested deviations must be shown on the Master Concept Plan, keyed to the schedule of deviations, including drawings demonstrating the effect the requested deviations will have on the site plan. [34-373(a)(6)l.]

Deviation 1 appears to imply that more than one area will utilize this proposed Deviation, but the Justification appears to indicate the deviation will be applied in only one area. Please revise the Deviation as needed to clarify what is being requested.

In Deviation 2, although the Fire Prevention Code may address this request, individual fire protection districts may respond to an emergency with differing vehicles. Please contact the local fire protection district regarding this deviation to get their comments.

Deviation 3 proposes only one means of access to the development. Please revise the Master Concept Plan to better detail the proposed emergency access to further assist in how the deviation helps achieves the intent of the planned development while not adversely impacting the public health and safety. In addition, the Justification indicates a a boulevard divided entry. The Master Concept Plan does not show this entry feature.

13) Schedule of Uses. A schedule of uses keyed to the Master Concept Plan {see item #11d, above} as well as a summary for the entire property including the following information must be submitted {see Item #13a thru Item #13c below}. [34-373(a)(8)]

As part of individual responses within this checklist, staff has pointed out uses the applicant needs to address.

14) Schedule of Deviations & Written Justification. A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan must be submitted. The location of each requested deviation must be indicated on the Master Concept Plan {see Item #11m above}. [34-373(a)(9)]

Please refer to the comments found elsewhere within this response.

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

If you have any questions about this portion of the checklist, please contact Chip Block at 239-533-8371.

LC Public Works Short Checklist

1) Miscellaneous Items.

There is a concern regarding flooding in the vicinity of this project.

Where will the proposed project outfall their stormwater?

There appears to be a ditch on the north side of property strap 17-45-25-01-00000.0010 (12030 BLASINGIM RD., FORT MYERS FL 33966), which takes water from the east and moves it to the west, what is the proposal for this ditch?

2) The reviewer may be contacted for additional information regarding this Public Works checklist.

Steven Farah
Lee County Division of Natural Resources
1500 Monroe St., Third Floor
Fort Myers, FL 33901
Phone: 239.533.8829
Fax: 239.485.8408
E-mail: sfarah@leegov.com

Block, Alvin

From: Fredyma, John
Sent: Thursday, June 16, 2016 9:54 AM
To: Block, Alvin
Cc: Houck, Pamela
Subject: Blasingim Road RPD DCI2016-00011
Attachments: 201606160927.pdf

Chip,

Please consider the following with regard to the zoning application for the above-referenced project:

1. The proposed Schedule of Uses should be supplemented with the addition of the use **Entrance Gates, Gatehouses**, insofar as the proposed MCP indicates an optional gated entry. This use is not currently included on the proposed Schedule of Uses.
2. With regard to the MCP, please remove the first sheet. The sheet is unnecessary since it includes a number of items not otherwise permitted to be on or a part of the MCP.
3. The title work submitted by the Gray Robinson Law Office is legally <u>in</u>sufficient.

   Title work is required pursuant to LDC Section 34-202(a)(3) – as set out below, and it must be addressed to the Lee County Board of County Commissioners:

   <u>Certification of title and encumbrances.</u> Certification of title and encumbrances submitted for property subject to zoning approval must meet the following criteria:

   a. Form. The certification of title must be in one of the following forms:
   - *i. Title certificate or title opinion, no greater than 90 days old at the time of the initial development order submittal. The title certification submittal must be either an opinion of title meeting the Florida Bar Standards prepared by a licensed Florida attorney or a certification of title/title certification prepared by a title abstractor or company.*
   - ~~*ii. Ownership and encumbrance report, no greater than 30 days old at the time of the initial development order submittal.*~~
   - *iii. Title Insurance Policy with appropriate schedules, no greater than five years old at the time of the initial development order submittal and an affidavit of no change covering the period of time between issuance of the policy and the application date. If submission of a complete affidavit of no change is not possible, a title certificate <u>or</u> title opinion ~~or ownership and encumbrance report~~ must be submitted in the alternative.*

   b. Content. The certification of title must include, at a minimum, the following:
   - *i. The name of the owner or owners of the fee title;*
   - *ii. All mortgages secured by the property;*
   - *iii All easements encumbering the property;*
   - *iv. The legal description of the property; and*
   - *v. The certification of title documentation must be unequivocal.*

4. The Survey is also legally insufficient for the following reasons (See also LDC Sec. 34-202(a)(2):
   a. There is nobody identified as the intended beneficiary of survey. As such, this will be construed to mean the survey may be utilized by Lee County in processing this zoning application.
   b. The survey is incomplete since it is not signed or sealed.
   c. Survey Note 2 must be removed. Such matters should be addressed as a component of Survey Note 11.
   d. Survey Note 11 must be revised once appropriate title information is obtained.

e. The description of the subject property from LDC Sec. 34-202(a)(1) should also appear on the face of the survey.
f. Survey Related Items from Schedule B-2: This note will have to be revised to reference appropriate title information once it has been obtained/provided.
g. A significant northerly portion of the property, abutting Penzance Boulevard, is shaded as being "*as described in deed right-of-way D.B. 243, Pg. 60, L.C.R.*" Is this property within the developable area of the proposed CPD? If this is actually road r-o-w, then it may be inappropriate to delineate this area on the MCP as satisfying required open space or as being the location for certain project buffers (such a use would be inconsistent with the use of the area as road r-o-w and would be an overburdening of rights previously given away be a predecessor in title).

5. A related title matter shown on both the survey and the MCP is the easement for FP&L towards the southerly end of the property, shown being just north of the proposed cul-de-sac. The note on the MCP indicates the easement will be "vacated." Insofar as the subject property is not platted, the easement may not be vacated using Florida Chapter 177 nor the County's companion AC-13-1. The property owner will most likely have to secure release of the easement directly from FP&L as the apparent current easement holder.

Please let me know if you have any 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



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

Under Florida law, 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.

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TUTTLE ANN REGISTERED U.S. PAT. OFFICE
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Standard Ohio Form 601

WARRANTY DEED

DEED 243 PAGE 80 158668

Know all Men by these Presents

That T. Alfred Mitchell and Lois B. Mitchell, husband and wife

of the Village of Mt. Pleasant, County of Jefferson and State of Ohio Grantors, in consideration of the sum of - - - - - Ten Dollars and other valuable consideration - - - - - to them paid by Julian L. Hudson and Lena J. Hudson, husband and wife,

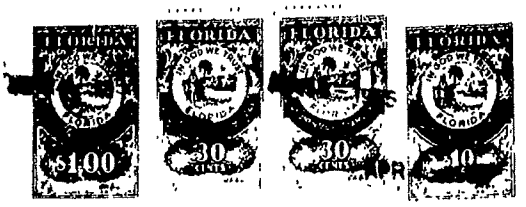
of the of County of Lee and State of Florida Grantees, the receipt whereof is hereby acknowledged, do hereby **grant, bargain, sell and convey** to the said Grantees Julian L. Hudson and Lena J. Hudson, husband and wife

their heirs and assigns forever, the following **Real Estate** situated in the County of Lee in the State of Florida, and in the of and bounded and described as follows.

A parcel of land lying in the northwest quarter of the northwest quarter of Section 5, Township 44 South, Range 26 East, which parcel is described as follows: From the southeast corner of said northwest quarter section run west along the south line thereof for 361 feet; thence deflect right 37° 32' and run north for 183.5 feet; thence deflect right 98° 46' and run southeasterly for 110 feet to the point of beginning of the lands hereby conveyed. From said point of beginning continue southeasterly along a prolongation of the last mentioned course for 100 feet; thence deflect left 78° 31' and run northeasterly for 240 feet more or less to the waters of the Caloosahatchee River; thence run northwesterly along said waters for 125 feet more or less to an intersection with a line through the point of beginning making an angle of 85° 09', southeast to northeast, with the southern boundary of the parcel herein described; thence run southwesterly along said line for 240 feet more or less to the point of beginning; together with an easement for roadway purposes over and across the south 50 feet of the northwest quarter of the southwest quarter of the northwest quarter, the South 25 feet, the east 30 feet on the north 33 feet of the northeast quarter of the southwest quarter of the southwest quarter of the northwest quarter and a strip of land 20 feet wide described as follows: From the southeast corner of said northwest quarter of the northwest quarter run west along the south line thereof for 361 feet to a point of beginning; From said point deflect right 37° 32' and run north for 163.56 feet; thence deflect right 98° 46' and run southeasterly for 202.86 feet; thence deflect left 78° 31' and run northeasterly for 20.41 feet to the southeast corner of the parcel hereby conveyed; thence deflect left 101° 29' and run northwesterly along the south line of said parcel and a prolongation thereof for 230.24 feet; thence deflect left 81°14' and run south for 186.00 feet to the south line of the northwest quarter of the northwest quarter; thence run east along said south line for 20 feet to the point of beginning.

Being the same property conveyed by Eugene Bernheimer and Sylvia Bernheimer by deed dated April 10th, 1953. and signed by

grantors in the presence of Notary Public May 15th, 1953 at Fort Myers, Lee County, Fla.





To have and to hold *said premises, with all the privileges and appurtenances thereunto belonging, to the said Grantees* Julian L. Hudson and Lena J. Hudson their *heirs and assigns forever*

And the said Grantors A. Alfred Mitchell and Lois E. Mitchell

for themselves *and* their *heirs do hereby covenant with the said Grantees* Julian L. Hudson and Lena J. Hudson their *heirs and assigns, that* they are *lawfully seized of the premises aforesaid; that the said premises are* **free and clear from all incumbrances whatsoever**

STATE OF FLORIDA, COUNTY OF LEE
FILED FOR RECORD
THIS 4th DAY OF April 1955
RECORD IN Deed BOOK 243
PAGE 60 AND RECORD VERIFIED
D. T. FARABEE, CLERK CIRCUIT COURT
BY [illegible], DEPUTY CLERK

DEED 243 PAGE 62

and that they *will forever* **Warrant and Defend** *the same, with the appurtenances, unto the said Grantee* s Julian L. Hudson and Lena J. Hudson their *heirs and assigns against the lawful claims of all persons whomsoever*

In Witness Whereof *the said Grantor* s T. Alfred Mitchell and Lois E. Mitchell

who hereby release s her *right of dower in the premises have hereunto set* their *hands, this* 4th *day of* ~~March~~ April *in the year of our Lord one thousand nine hundred and* Fifty-five (1955)

Signed and acknowledged in presence of

May B. Ibard
Lloyd G. Hendry

T. A. Mitchell
T. Alfred Mitchell

Lois E. Mitchell
Lois E. Mitchell

The State of ~~Ohio~~ Fla. ~~Jefferson~~ Lee **County** } SS

Be it Remembered *That on this* 4th *day of* ~~March~~ April *A.D. 1955, before me, the subscriber, a* Notary Public *in and for said county, personally came the above named* T. Alfred Mitchell and Lois E. Mitchell, husband and wife

the Grantor s *in the foregoing Deed, and acknowledged the signing of the same to be* their *voluntary act and deed, for the uses and purposes therein mentioned.*

In Testimony Whereof, *I have hereunto subscribed my name and affixed my official seal on the day and year last aforesaid.*

Lloyd G. Hendry
Notary Public
State of Florida at Large
6 1957

NOTARY PUBLIC STATE OF FLORIDA AT LARGE

Legal Description, Sketch, Boundary Survey and Title Certification Review Checklist

for DCI2011-00007 REVIEWED JUN 16, 2016

Legal description (34-202(a)(1)):

A metes and bounds legal description prepared by a Florida Licensed Surveyor and Mapper unless the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Ch. 177. If the subject property is one contiguous parcel, the legal description must specifically describe the entire continuous perimeter boundary of the property subject to the zoning action with accurate bearings and distances for every line. If the application seeks to rezone undivided, platted lots, then a complete legal description (i.e. lot, block, subdivision name, public records recording information) of the platted subject property is required.

Staff Comments: In order to be found sufficient a consolidation of metes and bounds legal description must be provided. Realizing one continuous legal cannot describe the perimeter being rezoned due to separation, a consolidation of contiguous parcels can be combined. Legals must be on 8 1/2 X 11" paper, See above for details.

Sketch to accompany legal description (34-202(a)(1)):

A sketch of the legal description, prepared by a Florida Licensed Surveyor and Mapper unless the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Ch. 177.

Staff Comments: Please submit a sealed sketch of each legal description requested above, per the parameters listed above,

Boundary survey (34-202(a)(2)):

A boundary survey of the subject property must be submitted, unless the property consists of one or more undivided lots within a subdivision platted in accordance with F.S. Ch. 177. The survey must be based upon the title certification submitted in accord with section 34-202(a)(3) and certified to the present owner as reflected in the title documentation submitted in accordance with section 34-202(a)(3). The boundary survey must identify and depict all easements affecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection.

All boundary surveys must meet the minimum technical standards for land surveying in the state, as set out in chapter 5J-17, F.A.C. The survey must be tied to the state plane coordinate system for the Florida West Zone (the most current adjustment is required) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner. The perimeter boundary must be clearly marked with a heavy line and must include the entire area to be developed.

If the subject property consists of one or more undivided lots within a subdivision, then a copy of the subdivision plat may be submitted in lieu of the boundary survey. However, if the dimensions of the subject property differ from those in the original plat, then a boundary survey, including a metes and bounds legal description will be required.

Staff Comments: 1) The boundary survey legal must show the same consolidation of parcels as requested in Legal Description LDC SEC 34-202(a)(1) comments above.

The boundary survey is must be tied to the revised title certificating requested

The survey is not tied to the Florida West Zone state plane coordinates as required.

All easements and encumbrances must be shown on survey.

The survey must be tied to requested revisions of the title work.

Certification of title and encumbrances (34-202(a)(3)):

Form. The certification of title must be in one of the following forms:

i. Title certificate or title opinion, no greater than 90 days old at the time of the initial development order submittal. The title certification submittal must be either an opinion of title meeting the Florida Bar Standards prepared by a licensed Florida attorney or a certification of title/title certification prepared by a title abstractor or company.

ii. Ownership and encumbrance report, no greater than 30 days old at the time of the initial development order submittal. NOT ACCEPTED BY COUNTY ATTORNEYS OFFICE.

iii. Title Insurance Policy with appropriate schedules, no greater than five years old at the time of the initial development order submittal and an affidavit of no change covering the period of time between issuance of the policy and the application date. If submission of a complete affidavit of no change is not possible, a title certificate, title opinion or ownership and encumbrance report must be submitted in the alternative.

Content. The certification of title must include, at a minimum, the following:

i. The name of the owner or owners of the fee title;
ii. All mortgages secured by the property;
iii. All easements encumbering the property;
iv. The legal description of the property; and
v. The certification of title documentation must be unequivocal.

Staff Comments: The title work must be rewritten to show the same legal descriptions as request for consolidation in comments for LDC SEC 34-202(a)(1) above. And comply with LDC SEC 34-202(a)(3).

The reviewer may be contacted regarding any questions related to the Legal Review:

Chick Jakacki
239-533-8984
cjakacki@leegov.com

THE SCHOOL DISTRICT OF LEE COUNTY

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

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DISTRICT 3

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DISTRICT 5

GREGORY K. ADKINS, ED. D.
SUPERINTENDENT

KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

June 14, 2016

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

RE: DCI2016-00011
Blasingim Road RPD

Dear Mr. Block:

This letter is in response to your request for comments dated June 1, 2016 for the Blasinghim Road RPD in regard to educational impact. This project is located in the South Choice Zone, Sub Zone 1.

The request is for development of 120 single-family and 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 36 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	Blasingim Road RPD/DCI2016-00011
OWNER/AGENT	Blasingim Road Property LLC
ITEM DESCRIPTION	various amendments; all impacts in South CSA, sub area S1
LOCATION	South on Penzance, west of Ben C Pratt/Six Mile Cypress
ACRES	24
CURRENT FLU	Central Urban (CU)
CURRENT ZONING	Agricultural (AG2)

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
120	0	0

	Student Generation Rates			
STUDENT GENERATION	**SF**	**MF**	**MH**	**Projected Students**
Elementary School	0.147			17.64
Middle School	0.071			8.52
High School	0.077			9.24

Source: Lee County School District, June 14, 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
South CSA, Elementary	12,413	10,726	1,687	18	1669	87%	
South CSA, Middle	5,621	5,803	-182	9	-191	103%	
South CSA, High	7,070	7,947	-877	9	-886	113%	

(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