MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

DATE: April 12, 2017

TO: Commissioner John Manning
Chairman

FROM: Michael D. Jacob
Michael D. Jacob
Deputy County Attorney

RE: BOCC ZONING RESOLUTION FROM THE APRIL 5, 2017 MEETING
ZONING RESOLUTION OAK VIEW RPD, Z-17-005, CASE #DCI2016-00010

Attached is the original resolution adopted by the Board at the April 5, 2017, zoning meeting. The resolution has been reviewed and approved as to form and is ready for the Chair's signature. After the Chair signs the resolution, please forward to the Minutes Department for attestation and further processing.

Thank you for your assistance with respect to the above. Should you have any questions, please do not hesitate to contact me.

MDJ:tlb
Attachment

Via e-mail only: Jamie Baker, Administrative Assistant, DCD/Administration & Support
Eileen Gabrick, Minutes Office Manager, Lee County Clerk of Courts

RECEIVED
MINUTES OFFICE
2017 APR 17 AM 9:21

RESOLUTION NUMBER Z-17-005

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, Randy Thibaut filed an application on behalf of the property owner, Buckingham 16 LLC, to rezone a 16.2± acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Oak View RPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on February 1, 2017; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2016-00010 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on April 5, 2017 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a 16.2± acre parcel from AG-2 to RPD, to allow development of up to 60 single-family and/or two-family attached residential units on property legally described in Exhibit A.

Maximum building height will be 35 feet.

The property is located in the Suburban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Development of this project must be consistent with the three-page Master Concept Plan (MCP) entitled "Oak View," prepared by Barraco and Associates, Inc., stamped received APR 05 2017, and attached hereto as Exhibit C, except as modified by the conditions below. Development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

This zoning approval allows a maximum of 60 dwelling units

2. Uses and Site Development Regulations

a. Schedule of Uses

Accessory Uses and Structures
Administrative Office
Agricultural Uses (*subject to* Condition 8)
Dwelling Units – Single-family, two-family attached (Maximum 60 units)
Entrance Gates and Gatehouses
Essential Services
Essential Services Facilities, Group I
Excavation, Water Detention and Retention
Fences, Walls
Home Occupation
Models: (S*ubject to* Condition 9)
Model Homes with Real Estate Sales
Parking Lot, Accessory, Temporary
Recreational Facilities, Private On-Site (Recreation Area only) – may include clubhouse and residential amenities.
Maximum building area: 10,000 square feet.
No consumption on premises.
Signs
Temporary Uses

b. Site Development Regulations

DEVELOPMENT REGULATIONS	SINGLE-FAMILY R-1	TWO-FAMILY ATTACHED R-2	RECREATIONAL AMENITIES
Minimum Lot Width	50 Feet	30 Feet Per Unit	100 Feet
Minimum Lot Depth	130 Feet	120 Feet	100 Feet
Minimum Lot Area	6,500 S/F	3,600 S/F	10,000 S/F
Maximum Height	35 Feet	35 Feet	35 Feet
Maximum Lot Coverage	45%	60%	30%
Minimum Setbacks			
Buckingham Road	25 Feet	25 Feet	25 Feet
Private Roads	20 Feet *	20 Feet *	20 Feet *
Side	5 Feet	5 Feet/0 Feet **	10 Feet
Rear	10 Feet	10 Feet	10 Feet
Accessory	Per LDC	Per LDC	Per LDC
Preserve	20 Feet	20 Feet	20 Feet
Waterbody	25 Feet	25 Feet	25 Feet

* 15 feet for side entry garages
** 0 feet applies to internal lot line only

3. Single-Family/Two-Family

Single-family dwelling units may be developed on the R-1 and/or R-2 areas noted on the MCP. Two-family attached dwelling units are permitted in areas labeled R-2.

4. No Blasting

Blasting is prohibited.

5. Vehicular/Pedestrian Impacts

Zoning approval does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

6. Lee Plan Consistency

Zoning approval does not guarantee local development order approval. Future development order must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1 (b), as well as the remainder of the Lee Plan.

7. State/Federal Permits

Issuance of a county development permit does not establish a right to obtain permits from state or federal agencies. Further, it does not establish liability on the part of the County if the developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions that result in a violation of state or federal law.

8. Agricultural Uses

The continuation of existing bona fide agricultural uses on the property in the form of cattle grazing and hay production is permitted in compliance with the following:

a. Bona fide agricultural uses in existence at the time this zoning application was filed, and described in Exhibit D to this resolution, may continue until approval of a local development order for the area containing those uses.

b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.

c. Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:

    i. Termination of all agricultural use on the portions of property included in the development order application/approval. Proof must include a sworn affidavit from the titleholder of the property that includes:

ii. the date the agricultural uses ceased;

iii. the legal description of the property subject to the development order;

iv. an affirmative statement that the owner acknowledges and agrees that agricultural uses are illegal and prohibited on the property and a covenant that the owner will not allow further agricultural use of the property until the property is rezoned to permit agricultural use;

v. a statement that the affidavit constitutes a covenant with the County intended to be binding on the owner and its assignees and successors in interest; and

vi. The covenant must be recorded in the public records of Lee County at the owner's expense.

d. Proof of termination of the agricultural tax exemption for the portion of the property included in the development order application/approval. Proof of termination must include a copy of the request to terminate the tax exemption provided to the Property Appraiser.

9. Model Homes/Real Estate Sales

In addition to the requirements set forth in the LDC, model homes and real estate sales activity must comply with the following:

a. Model home sites must be designated on the development order plans.

b. The number of model homes may not exceed 8 at one time.

c. Model home temporary parking areas, model units, model display groups, model display centers, and speculative homes are not permitted.

d. Real estate sales are limited to the model homes, and within recreational area buildings and/or clubhouse.

e. Hours of operation for models and real estate sales: Monday through Sunday, from 8:00 a.m. to 8:00 p.m.

10. Signs Along Western Property Boundary

The developer will install notification signs every 200 feet along the western property boundary to advise Oak View residents of the boundary between Oak View and the Verandah. These signs may not exceed one and one-half square feet in area per sign.

11. Landscaping on Buckingham Road

The development order must require an enhanced 25 foot Type "D" buffer along Buckingham Road including 10 trees per 100 linear feet (which must include live oaks and no palms).

SECTION C. DEVIATIONS:

1. Lots. Deviation (1) seeks relief from the LDC §10-254(c) requirement to provide side lot lines to be, as nearly as practical, at right angles to straight street lines and radial to curve street lines, to allow the lot design shown on the MCP in the areas where Deviation 1 is to be applied. This deviation is APPROVED.

2. Cul-de-sac. Deviation (2) seeks relief from the LDC §10-296(p)(1) requirement to provide a dead-end street to be closed at one end by a circular turnaround, to allow an alternative turnaround. This deviation is APPROVED, SUBJECT TO the following condition:

   Prior to development order approval, the developer must submit documentation from the Fort Myers Shore Fire Department chief confirming the alternate turn-around design is sufficient for emergency-response equipment and vehicle access.

3. Lot Depth. Deviation (3) seeks relief from the LDC §10-703, to allow lot size to be measured in the manner shown on the MCP for the last lot at the terminal end of small dead end roadways without cul-de-sacs. This deviation is APPROVED.

4. Required Street Access. Deviation (4) seeks relief from the LDC §10-291(3) requirement to provide developments of more than five acres to provide more than one means of ingress or egress, to allow one primary access and one emergency stabilized access. This deviation is APPROVED, SUBJECT TO following conditions:

   a. The development order must include a project access to Buckingham Road and a secondary, emergency stabilized access consistent with MCP.

   b. Prior to development order approval, the developer must provide written documentation from the Fort Myers Shores Fire Protection and Rescue District confirming the access points are acceptable and will provide adequate access for emergency vehicles.

SECTION D. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Existing Agricultural Use Affidavit

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The request for RPD zoning on the 16.2 acre parcel is consistent with the Lee Plan. *See*, Lee Plan Vision Statement - Paragraph 4 (Fort Myers Shores Planning Community); Goals 2, 5, 11, 21, 53, 56, 77, 107; Objectives 1.1, 2.1, 2.2, 5.1, 21.6; Policies 1.1.1, 1.1.5, 1.7.6, 2.1.1, 4.1.1, 9.2.2, 21.6.3, 135.1.9; and Lee Plan Tables 1(b). Lee Plan Maps 1, 6, 7 and 16.

3. As conditioned, the RPD zoning designation:

   a. is consistent with County regulations. *See*, LDC §§ 10-416, 33-1482, 34-341(a), 34-411, 34-413, 34-491, 34-612(2), 34-931(b), 34-932, 34-934, 34-935, 34-936, 34-2175(b)(5);

   b. is compatible with existing or planned uses in the surrounding area. *See*, Lee Plan Goal 5; Objectives 2.1, 2.2; and Policies 2.1.1, 5.1.5, 5.2.4, 9.2.2;

   c. will not adversely affect environmentally sensitive areas or natural resources. *See*, Lee Plan Goal 107; Objectives 77.1, 77.3; and Policies 4.1.1, 61.3.1, 61.3.6, 61.3.11; LDC §34-411(g); and

   d. will provide access sufficient to support the proposed development intensity. *See*, Lee Plan Policy 39.1.1.

4. The expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. *See,* Lee Plan Goal 11; Standard 11.3; and Policies 4.1.2, 38.1.6.

5. Urban services are available to serve the development. These services include public water and sewer, paved streets, parks and recreational facilities, police, fire, and emergency services, urban surface water management, schools, commercial/employment centers and libraries. *See,* Lee Plan Goal 11; Standards 11.1, 11.2, 11.3; Policies 2.2.1, 2.2.2; and Maps 6 and 7.

6. Residential development is appropriate at the proposed location. *See,* Lee Plan Goals 5; and Policies 1.1.1, 1.1.5, 2.1.1, 2.2.2, 5.1.2, 5.1.5, 135.9.5, and 135.9.6.

7. County regulations and recommended conditions of approval provide sufficient safeguards to protect the public interest. *See*, Lee Plan Policies 5.1.5; and LDC §§ 34-411, and 34-932(c).

8. The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts expected from the proposed development. *See*, Lee Plan Objective 4.1; Policy 5.1.5; and LDC §§ 34-145(d)(4)a.2.b), 34-411

9. The requested deviations enhance the planned development and preserve the intent of the LDC to protect the public health, safety and welfare. *See*, LDC §§34-145(d)(4)a.2.c), 34-377(a)(4).

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

Commissioner Pendergrass made a motion to adopt the foregoing resolution, seconded by Commissioner Hamman. The vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 5th day of April 2017.

ATTEST:
LINDA DOGGETT, CLERK

BY: Michelle Miller
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: John Manning
John Manning, Chair

SEAL
BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

Michael D. Jacob
Deputy County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
2017 APR 18 AM 11:10

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

DESCRIPTION

Parcel in
Section 32, Township 43 South, Range 26 East
Lee County, Florida

A tract or parcel of land lying in Section 32, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Commencing at the Northeast Corner of the Southeast Quarter (SE 1/4) of said Section 32 run N89°46'37"W along the North line of said Fraction for 416.53 feet to an intersection with the Northwesterly right of way line of Buckingham Road, (60 feet wide right of way) and the POINT OF BEGINNING.

From said Point of Beginning run S24°22'35"W along said Northwesterly right of way line of Buckingham Road for 1,215.62 feet to an intersection with the North line of the South 230 feet of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section 32; thence run S89°36'26"W along said North line for 378.27 feet to an intersection with the West line of line of said Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4); thence run N00°41'30"W along said West line for 1,113.40 feet to an intersection with the North line of said Southeast Quarter (SE 1/4); thence run S89°46'37"E along said North line for 893.43 feet to the POINT OF BEGINNING.
Containing 16.21 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS 2007) and are based on the North line of the Southeast Quarter (SE 1/4) of Section 32 to bear N89°46'37"W.

Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

10/10/16

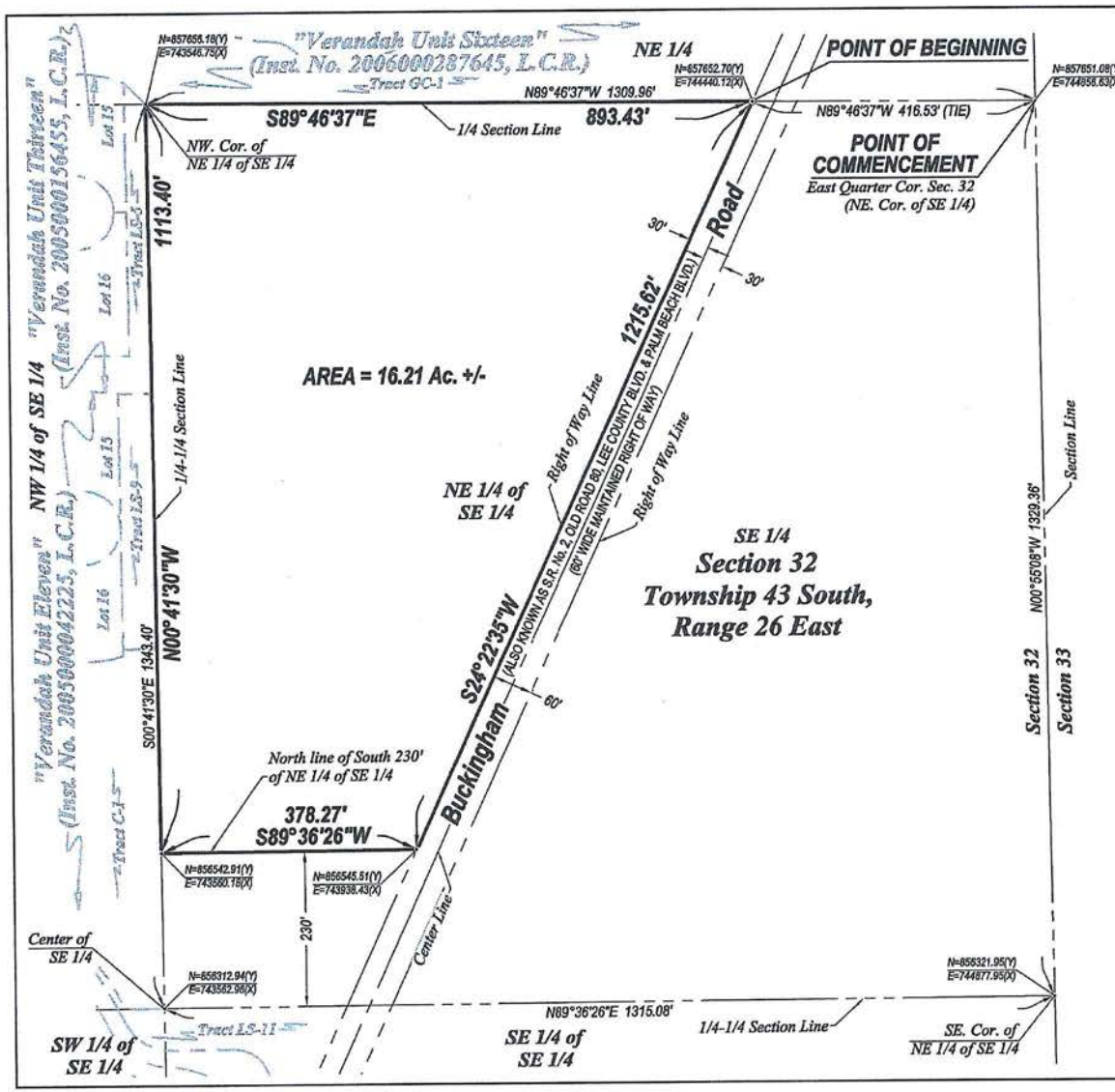
L:\23354 - LSI 3600 Buckingham Road\Survey\Descriptions\Sketch\23354SK01.doc

DCI 2016-00010

RECEIVED
OCT 11 2016
COMMUNITY DEVELOPMENT

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

EXHIBIT A



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OCT 11 2016
COMMUNITY DEVELOPMENT

DCI 2016-00010

Applicant's Legal Checked by BS 10/12/16

N
W E
S
0 100 200
SCALE IN FEET

NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. D.B. - DENOTES DEED BOOK.
3. D.E. - DENOTES DRAINAGE EASEMENT.
4. INST. No.- DENOTES INSTRUMENT NUMBER, LEE COUNTY PUBLIC RECORDS.
5. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
6. (P) - DENOTES PLAT.
7. P.B. - DENOTES PLAT BOOK.
8. PG. - DENOTES PAGE.
9. P.U.E. - DENOTES PUBLIC UTILITY EASEMENT.
10. BEARINGS AS SHOWN ARE STATE PLANE FLORIDA WEST ZONE (NAD1983 (NSRS 2007)) ARE BASED ON THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 32 TO BEAR N89°46'37"W.
11. DESCRIPTION IS ATTACHED.

THIS IS NOT A SURVEY

10/10/16

SCOTT A. WHEELER (FOR THE FIRM - LB-6940) DATE SIGNED:
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 McGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

Land Solutions inc.
10471 BEN C. PRATT / SIX MILE
CYPRESS PKWY. #402
FORT MYERS, FL 33966
PHONE (239) 482-1500
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

A Parcel of Land in Section 32, Township 43 South, Range 26 East, Lee County, Florida

PROJECT SURVEYOR

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME	23354SK01.DWG
LAYOUT	2
LOCATION	J:\23354\DWG\SURVEYING\SKETCH.
PLOT DATE	THU, 3-17-2016 - 9:18 AM
PLOT BY	PETER OLSEN

DRAWING DATA

SURVEY DATE	02-17-2016
DRAWN BY	P. OLSEN
CHECKED BY	SAW
SCALE	1"=200'
FIELD BOOK	

PLAN REVISIONS

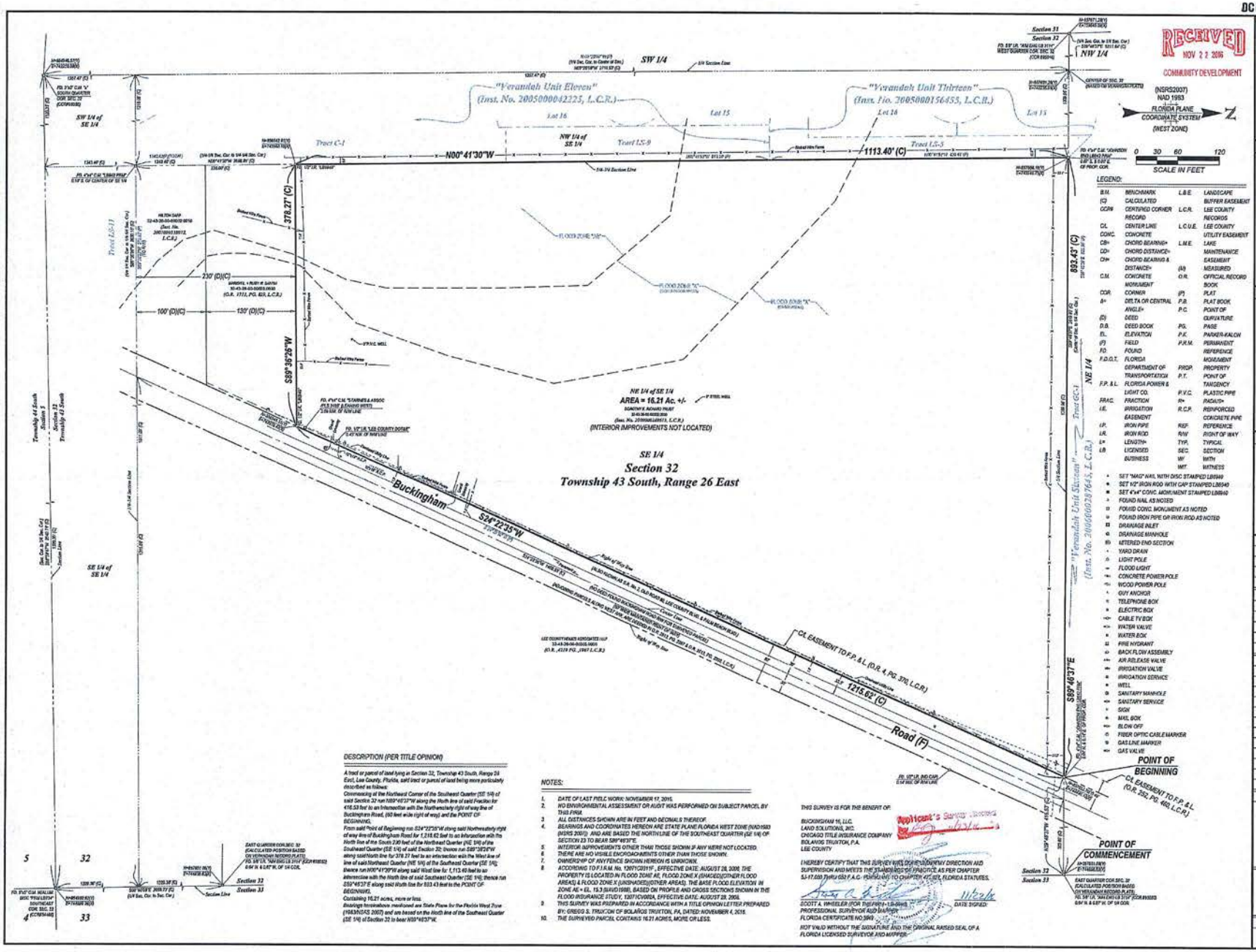
STRAP NUMBERS

32-43-26-00-00002.0000

SKETCH TO ACCOMPANY DESCRIPTION

PROJECT / FILE NO.	SHEET NUMBER
23354 32-43-26	2 OF 2

DCI 2016-00010



RECEIVED
NOV 22 2016
COMMUNITY DEVELOPMENT

(NSRS2007)
NAD 1983
FLORIDA PLANE
COORDINATE SYSTEM
(WEST ZONE)

0 30 60 120
SCALE IN FEET

LEGEND:

B.M.	BENCHMARK	L.B.E.	LANDSCAPE BUFFER EASEMENT
(C)	CALCULATED		
CCR#	CERTIFIED CORNER RECORD	L.C.R.	LEE COUNTY RECORDS
C/L	CENTER LINE	L.C.U.E.	LEE COUNTY UTILITY EASEMENT
CONC.	CONCRETE	L.M.E.	LAKE MAINTENANCE EASEMENT
CB=	CHORD BEARING=		
CD=	CHORD DISTANCE=		
CH=	CHORD BEARING & DISTANCE=	(M)	MEASURED
C.M.	CONCRETE MONUMENT	O.R.	OFFICIAL RECORD BOOK
COR.	CORNER	(P)	PLAT
Δ=	DELTA OR CENTRAL ANGLE=	P.B.	PLAT BOOK
		P.C.	POINT OF CURVATURE
(D)	DEED		
D.B.	DEED BOOK	PG.	PAGE
EL.	ELEVATION	P.K.	PARKER-KALON
(F)	FIELD	P.R.M.	PERMANENT REFERENCE MONUMENT
F.D.	FOUND		
F.D.O.T.	FLORIDA DEPARTMENT OF TRANSPORTATION	PROP.	PROPERTY
		P.T.	POINT OF TANGENCY
F.P. & L.	FLORIDA POWER & LIGHT CO.	P.V.C.	PLASTIC PIPE
FRAC.	FRACTION	R=	RADIUS=
I.E.	IRRIGATION EASEMENT	R.C.P.	REINFORCED CONCRETE PIPE
I.P.	IRON PIPE	REF.	REFERENCE
I.R.	IRON ROD	R/W	RIGHT OF WAY
L=	LENGTH=	TYP.	TYPICAL
LB	LICENSED BUSINESS	SEC.	SECTION
		W/	WITH
		WIT.	WITNESS

- SET "MAG" NAIL WITH DISC STAMPED LB6949
- SET 1/2" IRON ROD WITH CAP STAMPED LB6949
- SET 4"x4" CONC. MONUMENT STAMPED LB6949
- FOUND NAIL AS NOTED
- FD/SID CONC. MONUMENT AS NOTED
- FOUND IRON PIPE OR IRON ROD AS NOTED
- DRAINAGE INLET
- DRAINAGE MANHOLE
- METERED END SECTION
- YARD DRAIN
- LIGHT POLE
- FLOOD LIGHT
- CONCRETE POWER POLE
- WOOD POWER POLE
- GUY ANCHOR
- TELEPHONE BOX
- ELECTRIC BOX
- CABLE TV BOX
- WATER VALVE
- WATER BOX
- FIRE HYDRANT
- BACK FLOW ASSEMBLY
- AIR RELEASE VALVE
- IRRIGATION VALVE
- IRRIGATION SERVICE
- WELL
- SANITARY MANHOLE
- SANITARY SERVICE
- SIGN
- MAIL BOX
- BLOW OFF
- FIBER OPTIC CABLE MARKER
- GAS LINE MARKER
- GAS VALVE

DESCRIPTION (PER TITLE OPINION)

A tract or parcel of land lying in Section 32, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Commencing at the Northeast Corner of the Southeast Quarter (SE 1/4) of said Section 32 run N89°46'37"W along the North line of said Fraction for 416.53 feet to an Intersection with the Northeasterly right of way line of Buckingham Road, (60 feet wide right of way) and the POINT OF BEGINNING.

From said "Point of Beginning run S24°22'35"W along said Northeasterly right of way line of Buckingham Road for 1,215.62 feet to an Intersection with the North line of the South 2.00 feet of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section 32; thence run S89°36'26"W along said North line for 378.27 feet to an intersection with the West line of line of said Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4); thence run N00°41'30"W along said West line for 1,113.40 feet to an intersection with the North line of said Southeast Quarter (SE 1/4); thence run S89°46'37"E along said North line for 893.43 feet to the POINT OF BEGINNING.

Containing 16.21 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS 2007) and are based on the North line of the Southeast Quarter (SE 1/4) of Section 32 to bear N89°46'37"W.

NOTES:

1. DATE OF LAST FIELD WORK: NOVEMBER 17, 2016.
2. NO ENVIRONMENTAL ASSESSMENT OR AUDIT WAS PERFORMED ON SUBJECT PARCEL BY THIS FIRM.
3. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
4. BEARINGS AND COORDINATES HEREON ARE STATE PLANE FLORIDA WEST ZONE (NAD1983 (NSRS 2007)) AND ARE BASED THE NORTHLINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 23 TO BEAR S89°46'37"E.
5. INTERIOR IMPROVEMENTS OTHER THAN THOSE SHOWN IF ANY WERE NOT LOCATED.
6. THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN THOSE SHOWN.
7. OWNERSHIP OF ANY FENCE SHOWN HEREON IS UNKNOWN.
8. ACCORDING TO F.I.R.M. No. 12071C0311F, EFFECTIVE DATE: AUGUST 28, 2008, THE PROPERTY IS LOCATED IN FLOOD ZONE AE, FLOOD ZONE X (SHADED)(OTHER FLOOD AREAS) & FLOOD ZONE X (UNSHADED)(OTHER AREAS), THE BASE FLOOD ELEVATION IN ZONE AE = EL. 15.3 (NAVD1988), BASED ON PROFILE AND CROSS SECTIONS SHOWN IN THE FLOOD INSURANCE STUDY, 12071CV000A, EFFECTIVE DATE: AUGUST 28, 2008.
9. THIS SURVEY WAS PREPARED IN ACCORDANCE WITH A TITLE OPINION LETTER PREPARED BY: GREGG S. TRUYON OF BOLANOS TRUXTON, PA, DATED: NOVEMBER 4, 2016.
10. THE SURVEYED PARCEL CONTAINS 16.21 ACRES, MORE OR LESS.

THIS SURVEY IS FOR THE BENEFIT OF:

BUCKINGHAM 16, LLC.
LAND SOLUTIONS, INC.
CHICAGO TITLE INSURANCE COMPANY
BOLANOS TRUXTON, P.A.
LEE COUNTY

Applicant's Survey Received
NOV 22 2016
COMMUNITY DEVELOPMENT

I HEREBY CERTIFY THAT THIS SURVEY WAS DONE UNDER MY DIRECTION AND SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS PER CHAPTER 5J-17.050 THRU 052 F.A.C. PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

SCOTT A. WHEELER (FOR THE FIRM) LB-6949
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO.5949

DATE SIGNED: 11/22/16

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

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PHONE (239) 461-3170
FAX (239) 461-3165
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7865 - SURVEYING LB-6949

PREPARED FOR

Land Solutions inc.
10471 BEN C. PRATT / SIX MILE CYPRESS PKWY. #402
FORT MYERS, FL 33966
PHONE (239) 482-1500
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

A Parcel of Land in Section 32, Township 43 South, Range 26 East, Lee County, Florida

PROJECT SURVEYOR

SCOTT A. WHEELER — LICENSED PROFESSIONAL SURVEYOR AND MAPPER — 5949 — STATE OF FLORIDA

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME	23354S02.DWG
LAYOUT	1
LOCATION	J:\23354\DWG\SURVEY\NOTE
PLOT DATE	FRI, 11-18-2016 - 2:41 PM
PLOT BY	BRANDON HARDY

DRAWING DATA

SURVEY DATE	11-17-2016
DRAWN BY	P. OLSEN/B. HARDY
CHECKED BY	SAW
SCALE	1"=60'
FIELD BOOK	345/10, 343/13, 375/3

PLAN REVISIONS

04-06-2016	ADD TITLE OPINION LETTER.
06-16-2016	ADD METES + BOUNDS LEGAL
07-25-2016	ADD POC/POB + TIE
11-10-2016	REVISED NOTE 3 AND DESC
11-17-2016	UPDATE SURVEY

STRAP NUMBERS

32-43-26-00-00002.0000

BOUNDARY SURVEY

PROJECT / FILE NO.	SHEET NUMBER
23354 32-43-26	1 OF 1

DCI2016-00010

ZONING

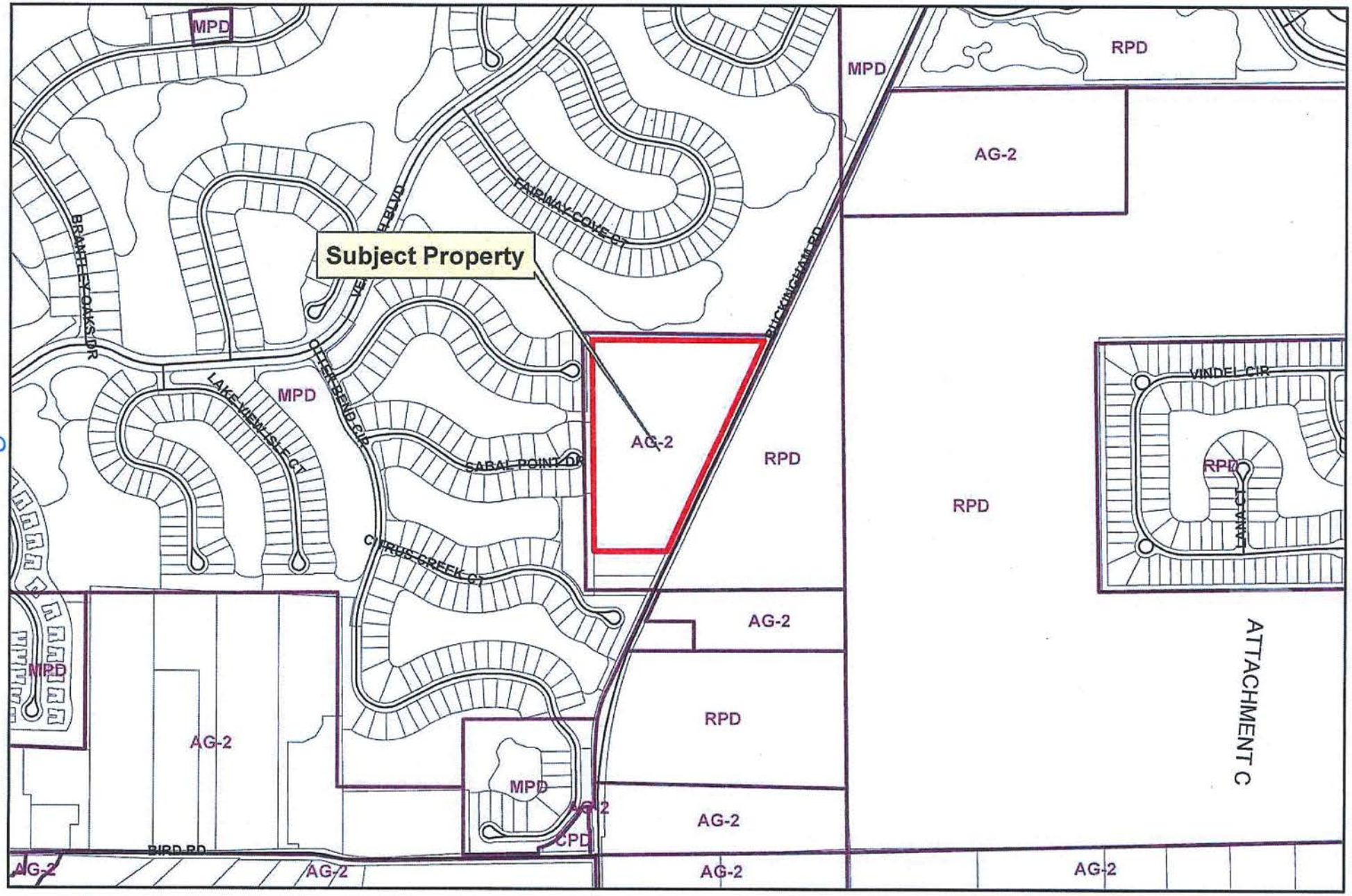

EXHIBIT B

ATTACHMENT C

MASTER CONCEPT PLAN

FOR

OAK VIEW

RESIDENTIAL PLANNED DEVELOPMENT

DCI2016-00010

PART OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST
FORT MYERS, LEE COUNTY, FLORIDA

PROJECT DATA

SITE ADDRESS
3600 BUCKINGHAM ROAD
FORT MYERS, FLORIDA 33905

PROJECT DATUM
FLORIDA STATE PLANE WEST ZONE (NAD1983/90)
NATIONAL GEODETIC VERTICAL DATUM (NGVD) 1929

ZONING
CURRENT: AG-2
PROPOSED: RPD

RECORD PLAT
-

FLOOD ZONE
ACCORDING TO F.I.R.M. NO. 12071C0311F, MAP REVISED: AUGUST 28, 2008, THE PROPERTY IS LOCATED IN ZONE "AE" & "X"

STRAP NUMBERS
32-43-26-00-00002.0000

PERMIT REQUIREMENTS

AGENCY	STATUS	NOTES
S. FLORIDA WATER MANAGEMENT DISTRICT	PENDING	-
LEE COUNTY DEVELOPMENT ORDER	PENDING	-
FLORIDA DEPARTMENT OF HEALTH	PENDING	-
FLORIDA DEPT. OF ENVIRONMENTAL PROTECTION	PENDING	-
F.D.O.T. CONNECTION PERMIT	PENDING	-
F.D.O.T. DRAINAGE CONNECTION PERMIT	PENDING	-
F.D.O.T. UTILITY PERMIT	PENDING	-
ARMY CORPS OF ENGINEERS	PENDING	-
F.D.E.P. NOTICE OF INTENT	PENDING	-

NOTE: CONTRACTOR MUST OBTAIN AND KEEP ON FILE A COPY OF ALL PERMITS REQUIRED PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY

DESIGN TEAM

PROJECT ENGINEER
CARL A BARRACO

PROJECT MANAGEMENT
STEVE COLEMAN

DESIGN ENGINEER
TIM GAVIN

PROJECT SURVEYOR
SCOTT A. WHEELER, PSM

LEAD DESIGN TECHNICIAN
WES KAYNE

SITE PLANNING
ANGELICA CARLEY

DESIGN STAFF
JAN BILDZUKEWICZ

LANDSCAPE DESIGN
BY OTHERS

QUALITY CONTROL
CHRIS VAN BUSKIRK

LAND PLANNER
JENNIFER SAPEN

THESE PLANS MAY HAVE BEEN MODIFIED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.

ALL DIMENSIONS ARE IN FEET.



PROJECT LOCATION

N
W E
S

LOCATION MAP

0 750 1500 3000
SCALE IN FEET

811 KNOW WHAT'S BELOW ALWAYS CALL 811 BEFORE YOU DIG
It's fast. It's free. It's the law.
www.sunshine811.com

INDEX OF DRAWINGS

SHEET	DESCRIPTION	XREF	DRAWING NAME
1	COVER SHEET AND LOCATION MAP	A	23354Z01.DWG
2	MASTER CONCEPT PLAN	B	23354Z02.DWG
3	DETAILS AND DEVIATIONS	-	23354Z03.DWG

RECEIVED
APR 05 2017
COMMUNITY DEVELOPMENT

CROSS-REFERENCED DRAWINGS:

XREF	DESCRIPTION	DRAWING NAME
A	AERIAL PHOTOGRAPH	LOC2015.JPG
B	BASE PLAN	23354Z00.DWG

Approved as Exhibit C
MCP Page 1 of 3
Resolution # Z-17-005

PLAN STATUS

NOT FOR CONSTRUCTION

Barraco and Associates, Inc.
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LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 McGREGOR BLVD., SUITE 100
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PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR
Land Solutions inc.
10471 BEN C. PRATT / SIX MILE
CYPRESS PKWY. #402
FORT MYERS, FL 33966
PHONE (239) 482-1500
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

OAK VIEW

LEE COUNTY, FLORIDA

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FILE NAME	23354-Z01.DWG
LOCATION	J:\23354\DWG\ZONING\
PLOT DATE	WED. 4-5-2017 - 8:10 AM
PLOT BY	JENNIFER SAPEN

CROSS REFERENCED DRAWINGS

MASTER = BAI-COVER-1.DWG

PLAN REVISIONS

7-25-16	PER LEE COUNTY COMMENTS
10-26-16	PER LEE COUNTY
1-18-17	PER LEE COUNTY
1-24-17	FOR 48 HOUR LETTER

PLAN STATUS

NOT FOR CONSTRUCTION

COVER SHEET AND LOCATION MAP

PROJECT / FILE NO.	SHEET NUMBER
23354	1

LEGEND

LAKE | OPEN SPACE | INDIGENOUS PRESERVE | DEVIATION REQUEST (#)

0 30 60 120
SCALE IN FEET

W S N E

LAND USE: SINGLE FAMILY RESIDENTIAL
ZONING: MPD
FLU: SUBURBAN

EXISTING OFFSITE WALL

NO BUFFER REQUIRED

INDIGENOUS PRESERVE
1.03 AC

R-1
RESIDENTIAL

R-1 OR R-2
RESIDENTIAL

1 2 3

45' RIGHT OF WAY

LAND USE: SINGLE FAMILY RESIDENTIAL
ZONING: AG-2
FLU: SUBURBAN

NO BUFFER REQUIRED

R-1
RESIDENTIAL

R-1
RESIDENTIAL

EXISTING OFFSITE WALL

RESIDENTIAL

1 2 3

EMERGENCY STABILIZED ACCESS

R-1
RESIDENTIAL

20' LME

MODEL HOMES

R-1 OR R-2
RESIDENTIAL

R-1 OR R-2

LAKE
2 AC

LAKE EDGES WILL BE SINUOUS IN ACCORDANCE WITH LEE COUNTY LAND DEVELOPMENT CODE REGULATIONS

LITTORAL SHELF TO BE LOCATED ON THE EAST SIDE OF LAKE. IF A DEEP LAKE IS CONSTRUCTED, DEEP LAKE TREES TO BE LOCATED ON THE EAST SIDE OF THE LAKE.

RESIDENTIAL

NO BUFFER REQUIRED

LAND USE: RECREATION / GOLF
ZONING: MPD
FLU: SUBURBAN

BUCKINGHAM ROAD
(60' WIDE 2 LANE ARTERIAL)

± 223' TO NEAREST DRIVEWAY

± 1,800' TO NEAREST INTERSECTION

50'

25' WIDE ENHANCED TYPE "D" LANDSCAPE BUFFER
10 TREES PER 100 LF AND DOUBLE HEDGE
± 780'

RECREATION AREA

C/L EASEMENT TO FP&L
(O.R. 4, PAGE 370, L.C.R.)
(3.5' WEST OF BUCKINGHAM R/W)

OPTIONAL GATED ENTRY

4

±5,104' TO NEAREST INTERSECTION

LAND USE: VACANT
ZONING: RPD
FLU: SUB OUTLYING SUBURBAN

REQUIRED INDIGENOUS PRESERVE

4.78 @ 50% = 2.39 AC

PROVIDED INDIGENOUS PRESERVE

EXISTING / PROVIDED = 1.03 AC*

*NOTE: PER LDC SECTION 10-415 (b) EXISTING INDIGENOUS VEGETATION HAS BEEN PRESERVED.

REQUIRED OPEN SPACE

PROJECT SIZE:	16.21 AC
R-1	- 4.25 AC
	11.96 AC
11.96 @ 40% =	4.78 AC
REQUIRED OPEN SPACE =	4.78 AC

PROVIDED OPEN SPACE

PRESERVE	1.03 AC
LAKE (4.78 X .25%)	1.20 AC
LAKE SLOPE	.50 AC
RECREATION AREA	.30 AC
BUCKINGHAM BUFFER	.48 AC
REAR YARD DRAINAGE & PERIMETER BERM	1.27 AC
TOTAL	4.78 AC

Approved as Exhibit C
MCP Page 2 of 3
Resolution # Z-17-005

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ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

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WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

OAK VIEW

LEE COUNTY, FLORIDA

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FILE NAME	23354-Z02.DWG
LOCATION	J:\23354\DWG\ZONING\
PLOT DATE	WED. 4-5-2017 - 8:11 AM
PLOT BY	JENNIFER SAPEN

CROSS REFERENCED DRAWINGS

BASEPLAN = 23354-Z00.DWG

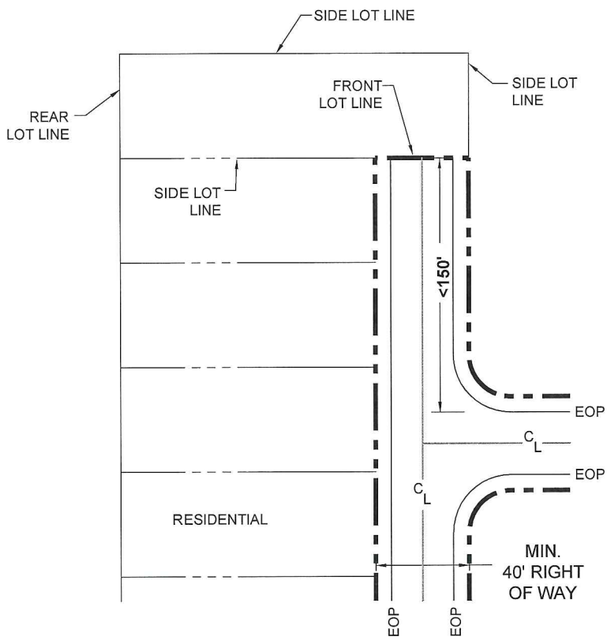
PLAN REVISIONS	
7-25-16	PER LEE COUNTY COMMENTS
10-26-16	PER LEE COUNTY
1-18-17	PER LEE COUNTY
1-24-17	FOR 48 HOUR LETTER

PLAN STATUS

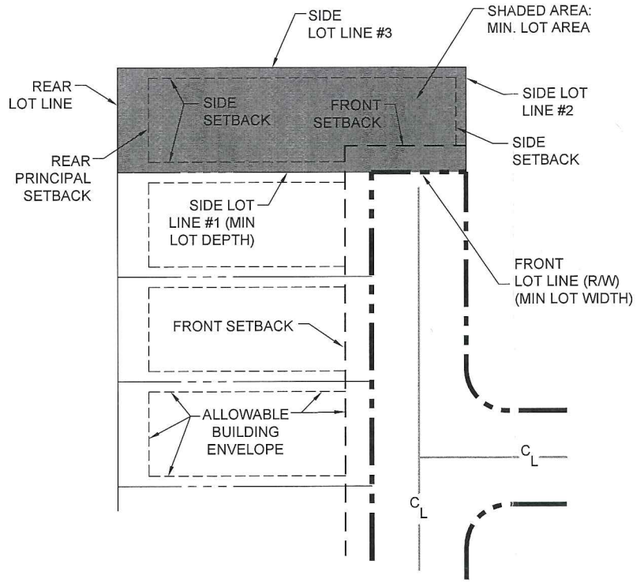
MASTER CONCEPT PLAN

PROJECT / FILE NO.	SHEET NUMBER
23354	2

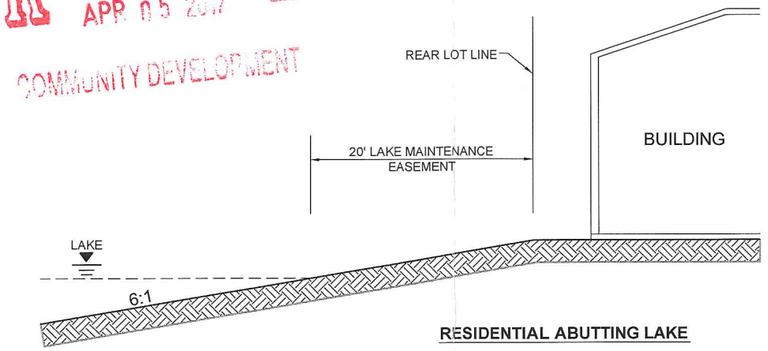
DEVIATION 1 RIGHT ANGLE SIDE LOT LINE
DEVIATION 2 DEAD-END DETAIL



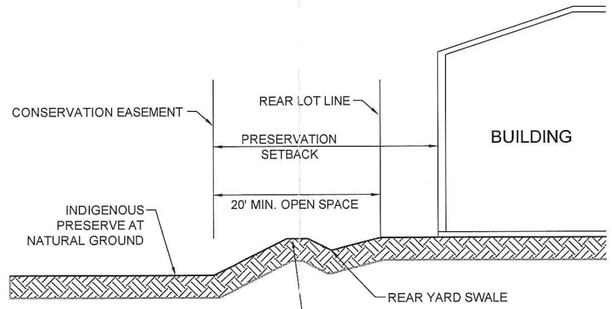
DEVIATION 3 LOT SIZE DETAIL



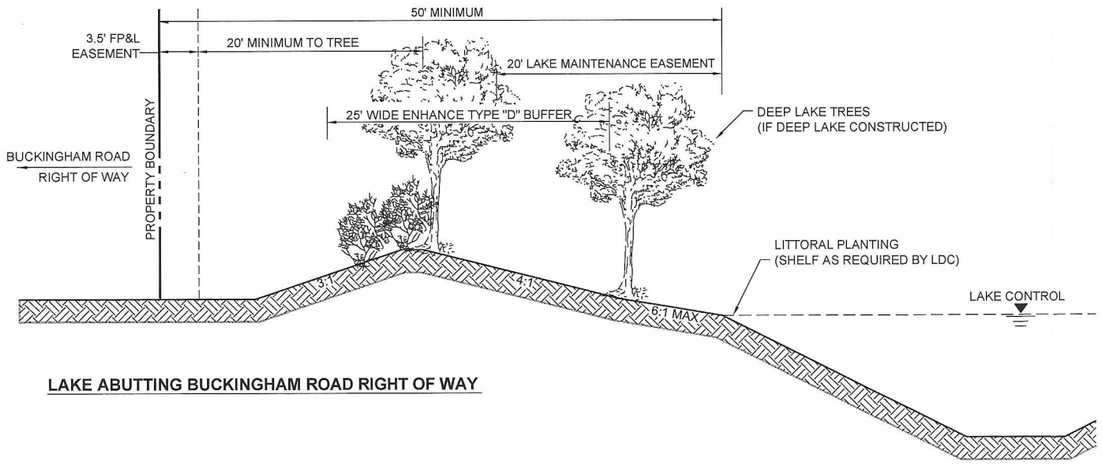
RECEIVED
APR 05 2017
COMMUNITY DEVELOPMENT



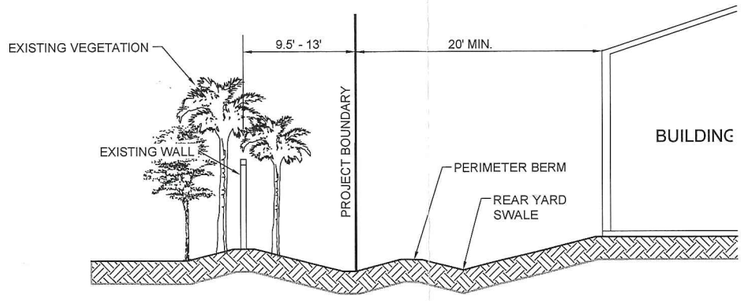
RESIDENTIAL ABUTTING LAKE



RESIDENTIAL ABUTTING PRESERVE



LAKE ABUTTING BUCKINGHAM ROAD RIGHT OF WAY



RESIDENTIAL ABUTTING VERANDAH

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MCP Page 3 of 3
Resolution # Z-17-005

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PREPARED FOR

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PROJECT DESCRIPTION

OAK VIEW

LEE COUNTY, FLORIDA

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FILE NAME	23354-Z03.DWG
LOCATION	J:\23354\DWG\ZONING\
PLOT DATE	WED. 4-5-2017 - 8:11 AM
PLOT BY	JENNIFER SAPEN

CROSS REFERENCED DRAWINGS

PLAN REVISIONS

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10-26-16	PER LEE COUNTY
1-18-17	PER LEE COUNTY
1-24-17	FOR 48 HOUR LETTER

PLAN STATUS

DEVIATIONS AND DETAILS

PROJECT / FILE NO.	SHEET NUMBER
23354	3



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PROJECT DESCRIPTION

OAK VIEW

LEE COUNTY, FLORIDA

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FILE NAME	23354-EXHIBITB.DWG
LOCATION	J:\23354\DWG\ZONING\
PLOT DATE	FRI. 9-30-2016 - 2:13 PM
PLOT BY	ANGELICA HARDY

CROSS REFERENCED DRAWINGS

BASEPLAN = 23354-Z00.DWG

PLAN REVISIONS

PLAN STATUS

EXHIBIT B

AGRICULTURAL USES AT TIME OF ZONING APPLICATION MAP

PROJECT / FILE NO.	SHEET NUMBER
23354	1

EXISTING AGRICULTURAL USE AFFIDAVIT

STATE OF Florida
COUNTY OF Lee

BEFORE ME, the undersigned authority, on this 3rd day of March, 2016, personally appeared _____, who is the _____ of 32-43-26-00-00002.0000, and who is personally known to me or who produced _____ _____ as identification and who did take an oath, who deposes and says as follows:

1. That I am the Buckingham 16, LLC/Managing Member of the property more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

2. The agricultural uses that currently exist on the referenced property include hay production and/or cattle grazing. The location of this use is depicted on Exhibit "B" (entitled the "Agricultural Uses at Time of Zoning Application Map").

3. The existing agricultural activities will remain active until approval of a local Development Order affecting the property described in Exhibit "A" and depicted on Exhibit "B".

FURTHER AFFIANT SAYETH NAUGHT.

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SEP 30 2016
COMMUNITY DEVELOPMENT
DCI 2016-00010

_____
Randy Thibaut
Managing Member

SWORN TO and subscribed before me on the date and year first above written.

(Notary Seal)

SUSAN JANEEN JONES
Notary Public - State of Florida
My Comm. Expires Nov 19, 2016
Commission # EE 852905

_____
Signature of Notary Public

Susan J. Jones
(Print, type or stamp commissioned name and Commission Number of Notary Public)

EXHIBIT D