



EXHIBITS

from HEX hearing

CASE #: DC12008-00015

CASE NAME: Sun n-fun

Attach a copy of this form to the top of packet of the exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? ☐ YES ☒ NO

LOCATION OF BOARDS:

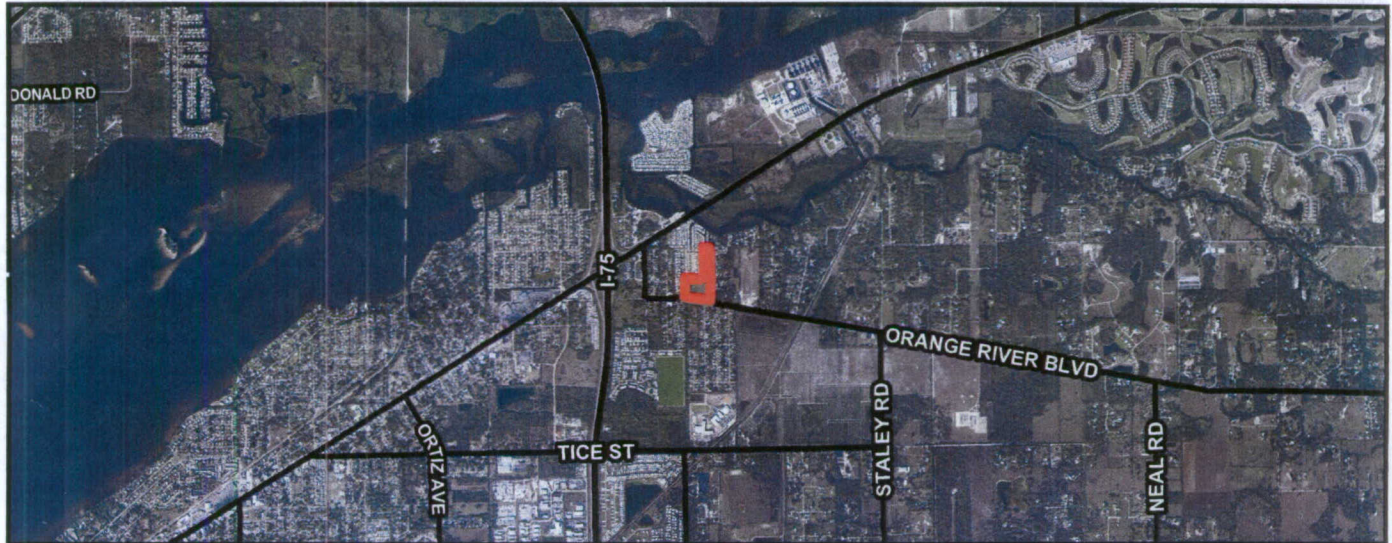
If there are any board exhibits, attach another copy of this form to boards for identification purposes.



This map drawn for visual purposes only.
Not to be used for official zoning map.

2008 Aerial Photography
Printed Feb. 27, 2009

Sun 'n Fun
DCI2008-00015



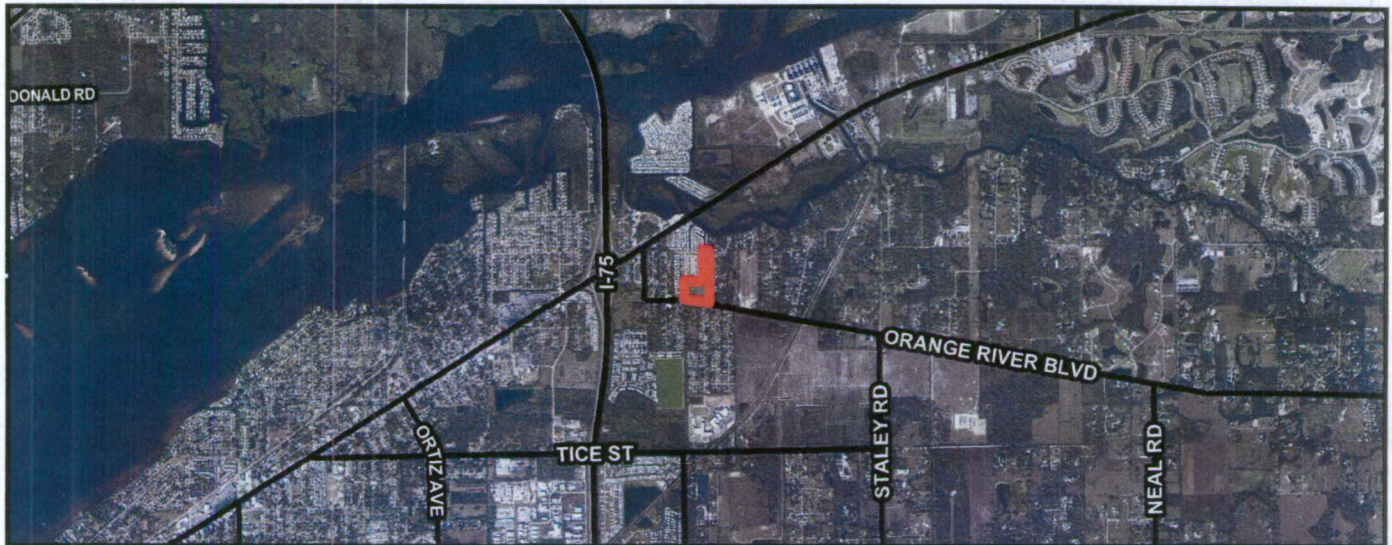
STAFF'S EXHIBIT # 1
Completed 3/4/2009
DCI2008-00015



This map drawn for visual purposes only.
Not to be used for official zoning map.

2008 Aerial Photography
Printed Feb. 27, 2009

Sun 'n Fun
DCI2008-00015



Hines, Lisa

From: Stephen Lang [slangman@comcast.net]
Sent: Friday, February 27, 2009 11:53 AM
To: Hines, Lisa
Subject: Deviation Request for Fencing, Sun -N- Fun Mobil Home Park

Attachments: _DSC0006.jpg; _DSC0007.jpg



_DSC0006.jpg (573 KB)



_DSC0007.jpg (612 KB)

Lisa,
Recently it has come to my attention that Sun-N Fun Mobil Home Owners Association, Inc. has requested a deviation from the Land Development Code (LDC) for fencing which will abut the back of my property at 1521 Sunkist Way. Presently the LDC requires a set back with an 8' high masonry wall & appropriate landscape buffer. The deviation requested is to use a 6' high vinyl fence with a set back and landscaping. The public hearing for this matter is March 4, 2009. My family and I will be out of town on that date. I would like to request that the deviation not be granted across the back of my property and for 30 feet on each side, rather staying with present Lee County Ordinances and the LDC. Your time in this matter is appreciated.

Stephen Lang

1521 Sunkist Way

Ft. Myers Fl. 33905

Phone: (239) 694-6375

Strap #: 02-44-25-07-0000B.0160

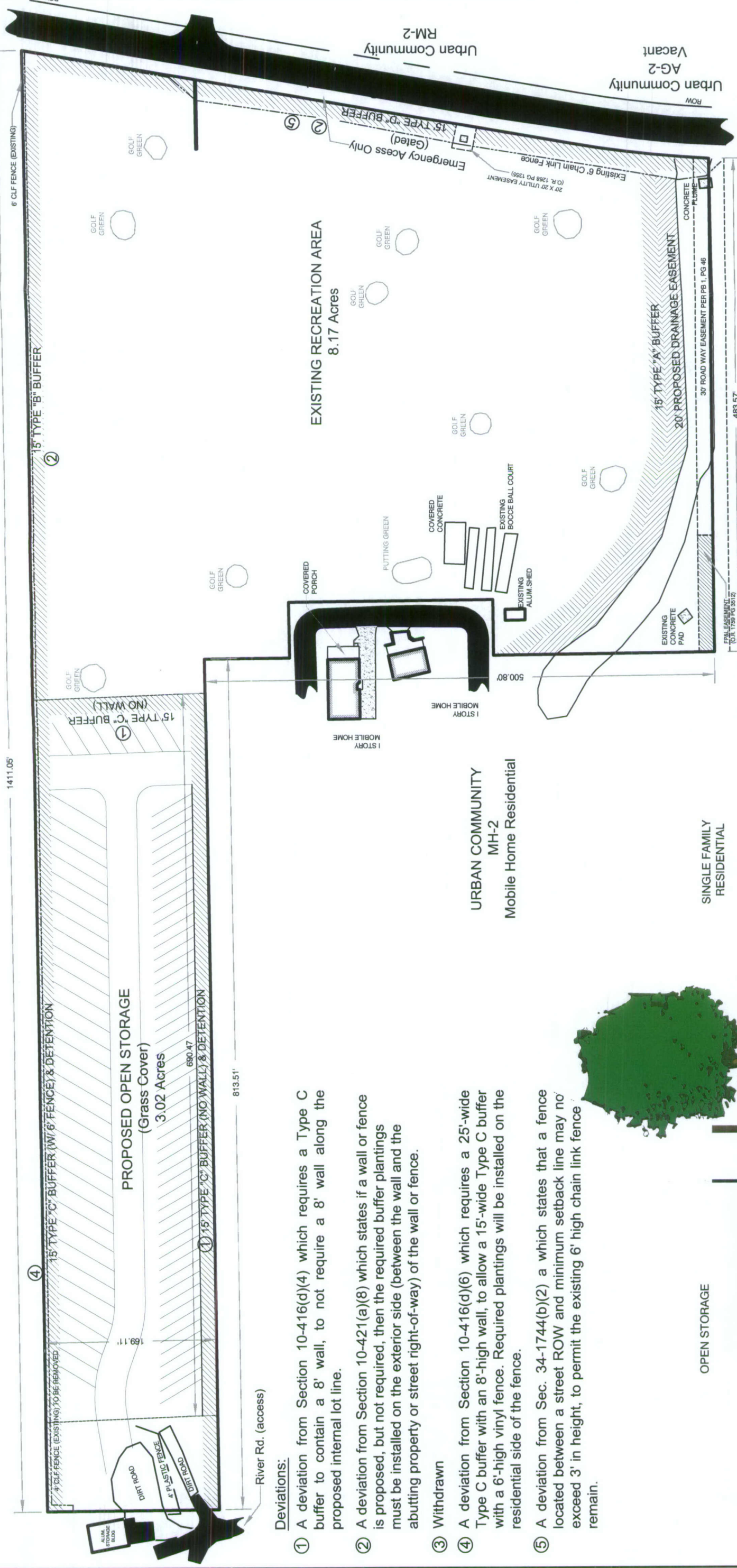
View from my property;

STAFF'S EXHIBIT #2
3/4/2009
[Signature]

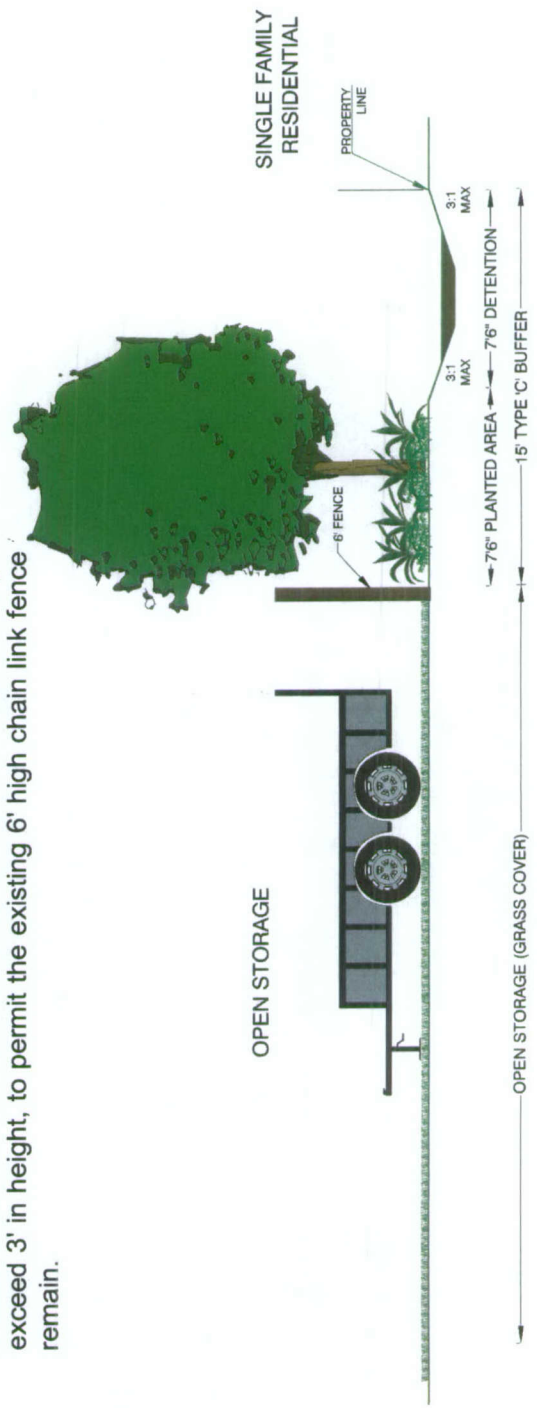




URBAN COMMUNITY
RS-1
Single Family Residential



- Deviations:
- ① A deviation from Section 10-416(d)(4) which requires a Type C buffer to contain a 8' wall, to not require a 8' wall along the proposed internal lot line.
 - ② A deviation from Section 10-421(a)(8) which states if a wall or fence is proposed, but not required, then the required buffer plantings must be installed on the exterior side (between the wall and the abutting property or street right-of-way) of the wall or fence.
 - ③ Withdrawn
 - ④ A deviation from Section 10-416(d)(6) which requires a 25'-wide Type C buffer with an 8'-high wall, to allow a 15'-wide Type C buffer with a 6'-high vinyl fence. Required plantings will be installed on the residential side of the fence.
 - ⑤ A deviation from Sec. 34-1744(b)(2) a which states that a fence located between a street ROW and minimum setback line may not exceed 3' in height, to permit the existing 6' high chain link fence remain.



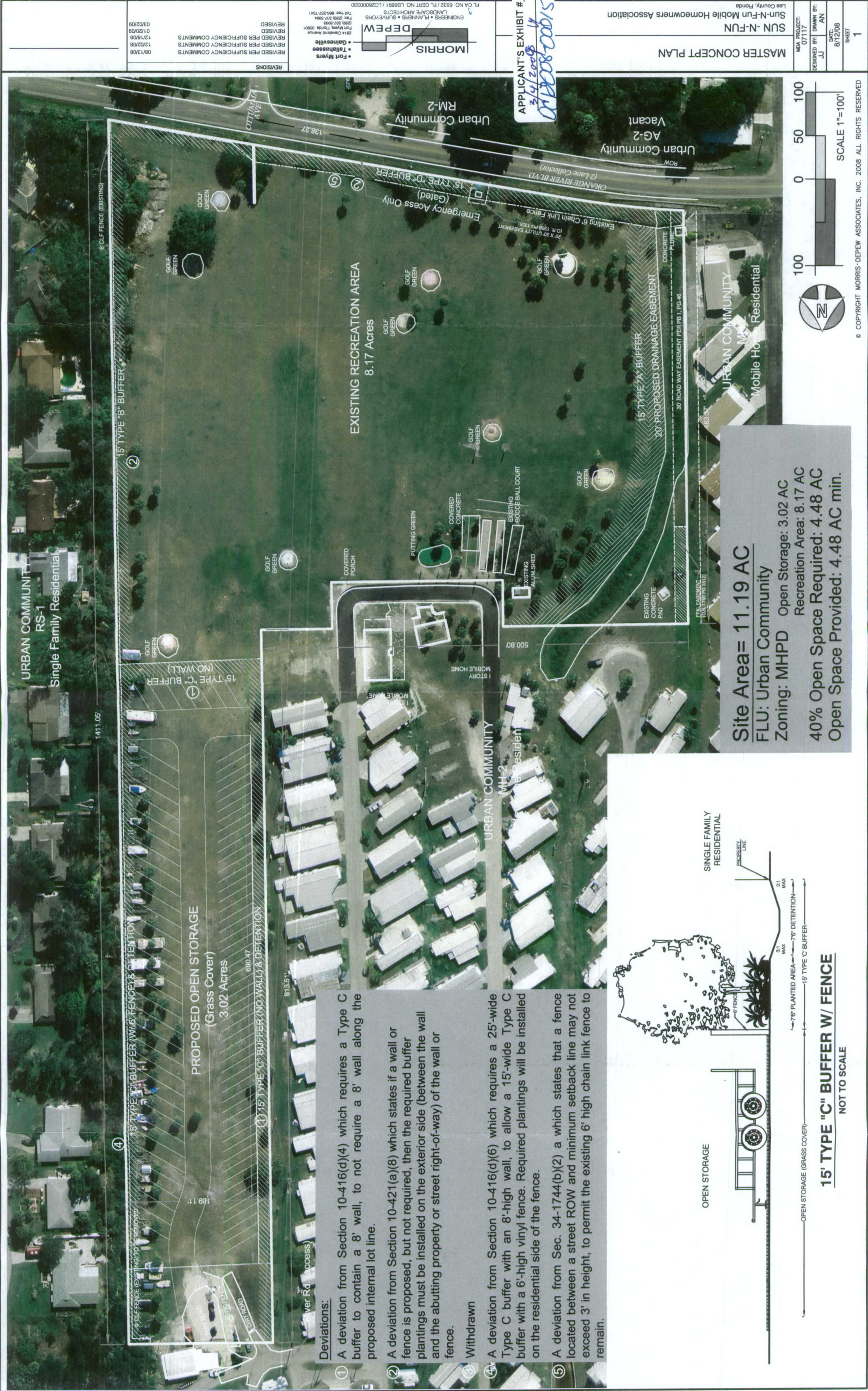
15' TYPE "C" BUFFER W/ FENCE
NOT TO SCALE

Site Area= 11.19 AC
FLU: Urban Community
Zoning: MHPD Open Storage: 3.02 AC
Recreation Area: 8.17 AC
40% Open Space Required: 4.48 AC
Open Space Provided: 4.48 AC min.

URBAN COMMUNITY
MH-2
Mobile Home Residential

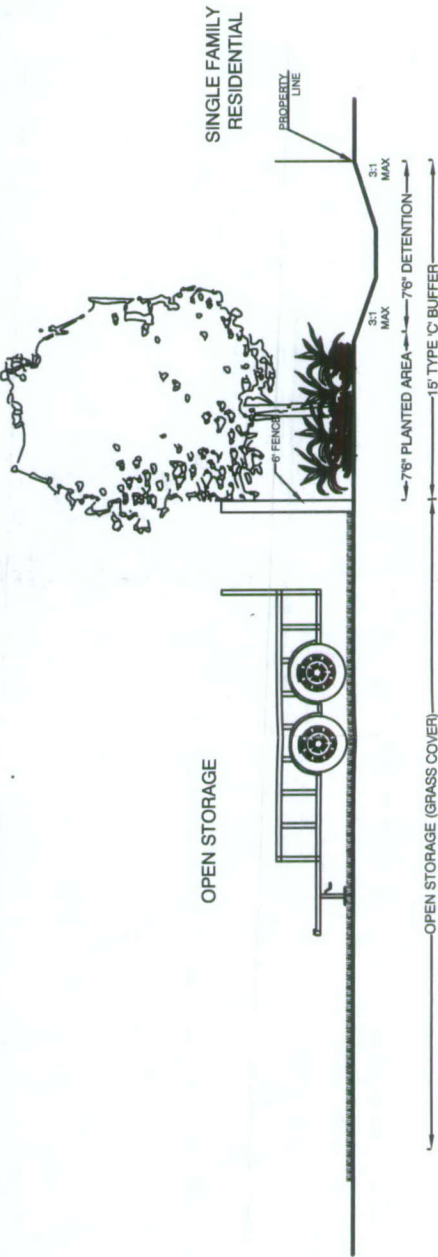
APPLICANT'S EXHIBIT # 1
3/4/2009
2012008-00015



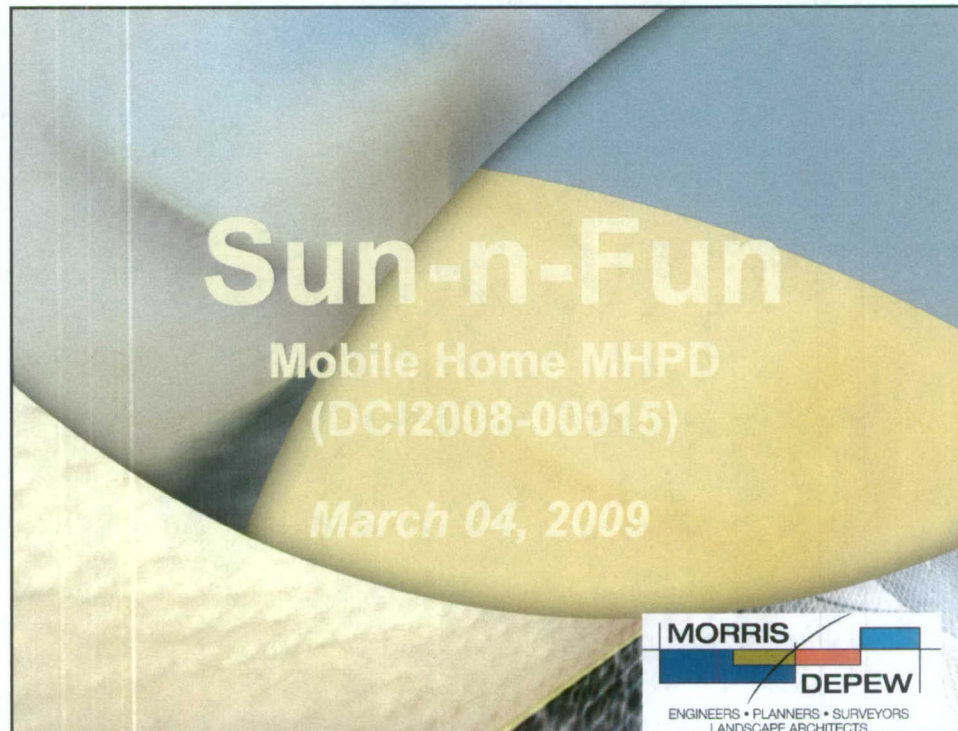


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Zoning: MHPD Open Storage: 3.02 AC
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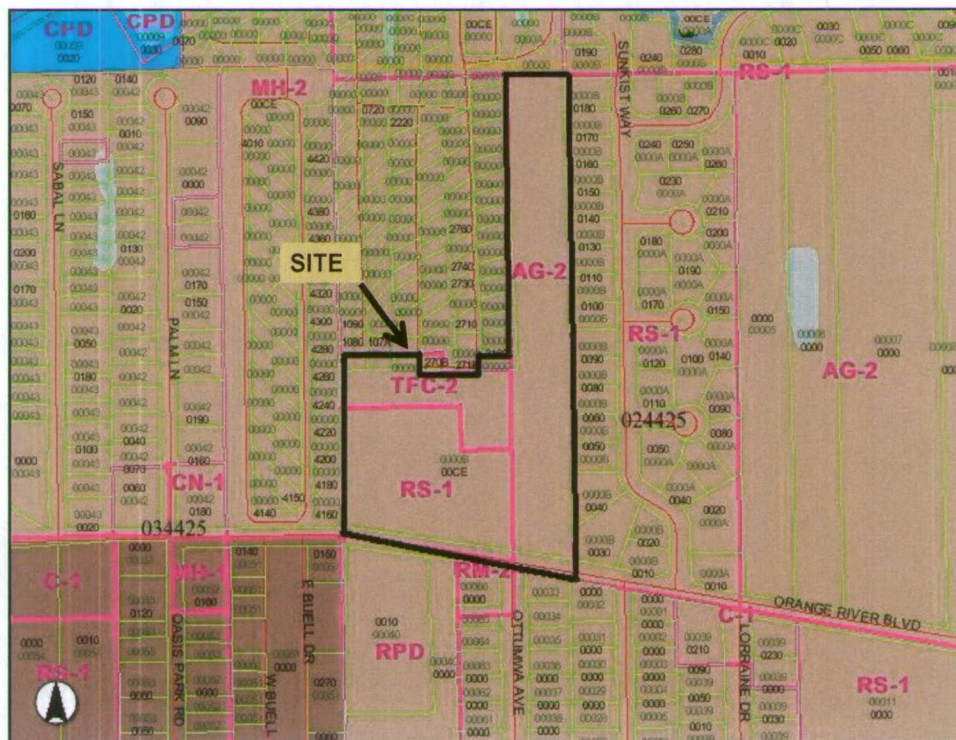
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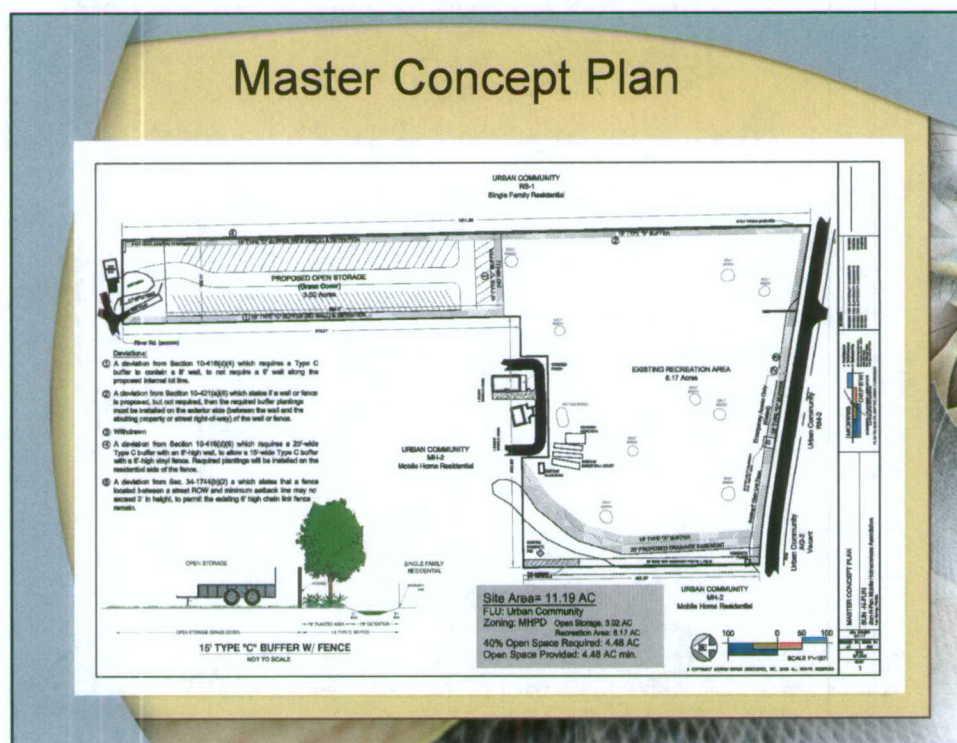


15' TYPE "C" BUFFER W/ FENCE
NOT TO SCALE



APPLICANT'S EXHIBIT #3
3/4/2008
Composite
DCI2008-00015





Lee Plan Compliance

Lee Plan

Policy 1.1.4

- *The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses....*
- *Although the Urban Communities have a distinctly urban character, they should be developed a slightly lower densities...*
- *As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6)...*

Lee Plan

Policy 2.2.1 - Rezonings and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

Lee Plan

Policy 5.1.5 – Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment....

Lee Plan

Policy 5.1.6 - *Maintain development regulations that require high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design.*

Lee Plan

Policy 21.6.3 *The owner or agent for any Planned Development request within the Caloosahatchee Shores Community must conduct one public informational session where the agent will provide a general overview of the project for any interested*

June Planning Committee Minutes

Monday, June 23, 2008

EAST LEE COUNTY COUNCIL PLANNING COMMITTEE
TICE FIRE HOUSE, FORT MYERS, FL
JUNE 23, 2008

Meeting was called to order at 5PM. Members present were as follows: Janet Tripp, Jerry Kaemmerer, Clarence D. Bowman, Ken Breffle, and Nora Harmon. Absent were Gordon Brandt, and Richard Korf. Also attending were Rosalie Prestanti, Doug Vaught, and Ed Kimball.

SUN-N-FUN MOBILE HOME PARK presentation was made by Mr. David Depew, Morris Depew Company. This organization is requesting rezoning of present storage area to comply with the Lee County Zoning requirements. Janet Tripp made a motion to approve this action which was seconded by Ken Breffle. All approved.

Lee Plan

Goal 77: Development Design Requirements -

To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

**Compliance
with the Land
Development Code**

Deviations



From Orange River Blvd
looking north



From Southwind Drive
looking west

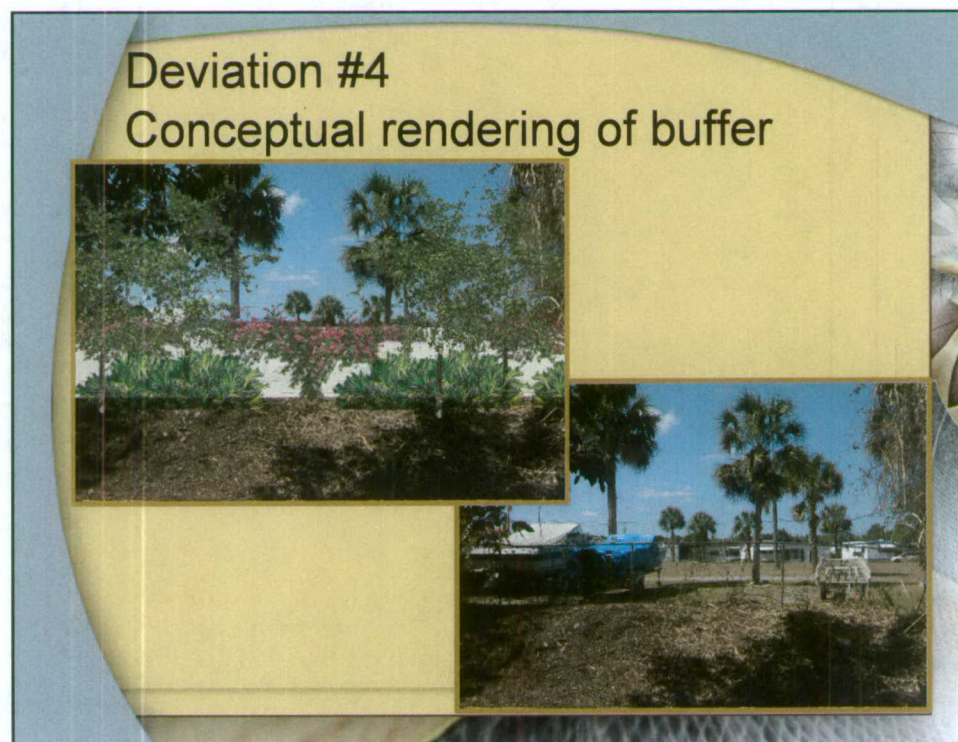
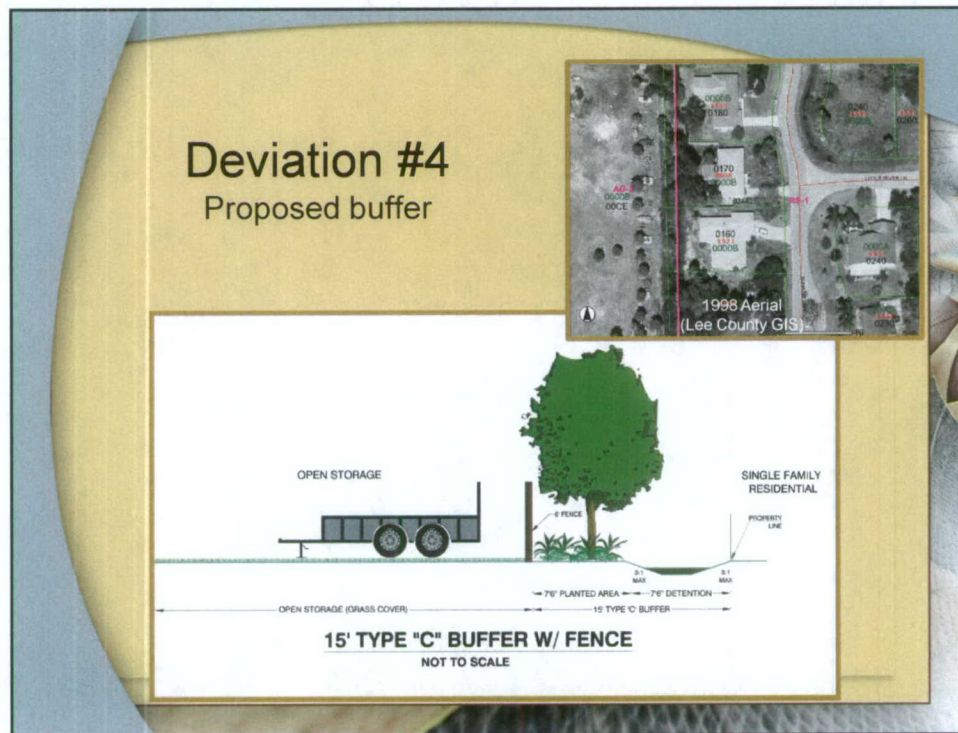
Deviations #1 and #4

Proposed buffers



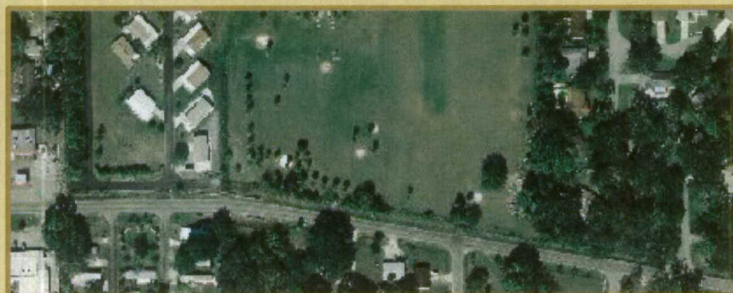
#1) Deviation from Sec. 10-416(d)(4) which requires a Type C buffer with an 8' high masonry wall.

#4) Deviation from 10-416(d)(6) which requires a 25'-wide Type C buffer with an 8' high wall if roads, drives or parking areas are located less than 125' from a SFR use.



Deviations #2 and #5

Proposed buffer – southern property line



#2) A deviation from Sec. 10-421(a)(8) to permit the existing 6' chain link fence to remain in place, with the required buffer plantings installed on the interior side of the fence.

#5) A deviation from Sec. 34-1744(b)(2)a to permit the existing 6' high chain link fence to remain.

Deviation #3

Withdrawn per Staff's
recommendation

Consistency with Design Standards

LDC Consistency/Design Standards

(a) All planned developments shall be consistent with the provisions of the Lee Plan.

Applicant has demonstrated compliance with the goals, objectives and policies of the Lee Plan.

LDC Consistency/Design Standards

(b) All planned developments, unless otherwise excepted, shall be designed and constructed in accordance with the provisions of all applicable county development regulations in force at that time.

Applicant will comply with the LDC, except as approved by deviation.

LDC Consistency/Design Standards

(c) The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water.

As conditioned, the proposed development will minimize negative impacts on surrounding land uses through buffering and setbacks.

LDC Consistency/Design Standards

(f) Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.

The proposed development, as conditioned, will not create nuisance or create hazards.

LDC Consistency/Design Standards

(g) Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation....

As conditioned by Staff, mature native trees will be preserved on-site.

LDC Consistency/Design Standards

(h) A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.

The proposed development ensures open space will be provided for park residents.

LDC Consistency/Design Standards

(i) Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.

The proposed site plan minimizes negative impacts on surrounding land uses.

LDC Consistency/Design Standards

(m) In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.

The site has been designed to provide adequate buffering where necessary.

Findings and Conclusions

Findings

The applicant has proved entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan, this land development code, and any other applicable code or regulation.

Findings

- *Meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request.*
- *Is consistent with the densities, intensities and general uses set forth in the Lee Plan.*
- *Is compatible with existing or planned uses in the surrounding area.*
- *Will not adversely affect environmentally critical areas or natural resources.*

Findings

- *Will not place an undue burden on infrastructure*
- *Urban services are available to serve the project*
- *As conditioned, the public's interest is sufficiently safeguarded*
- *As conditioned, the request is compatible with existing or planned uses in the surrounding area*

Respectfully request a
recommendation of
approval as conditioned.

MORRIS

DEPEW

ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS

Fort Myers | Gainesville | Tallahassee

March 5, 2009

Honorable Richard Gescheidt
Lee County Hearing Examiner
1500 Monroe St.
2nd Floor

-Via Hand Delivery

**RE: Sun-n-Fun MHPD
DCI2008-00015**

Dear Mr. Gescheidt:

Per the Hearing Officer's Order for Continuance in reference to DCI2008-00015 heard on March 4, 2009, please find attached Applicant's Amended Master Concept Plan.

Regards,
Morris-Depew Associates, Inc.

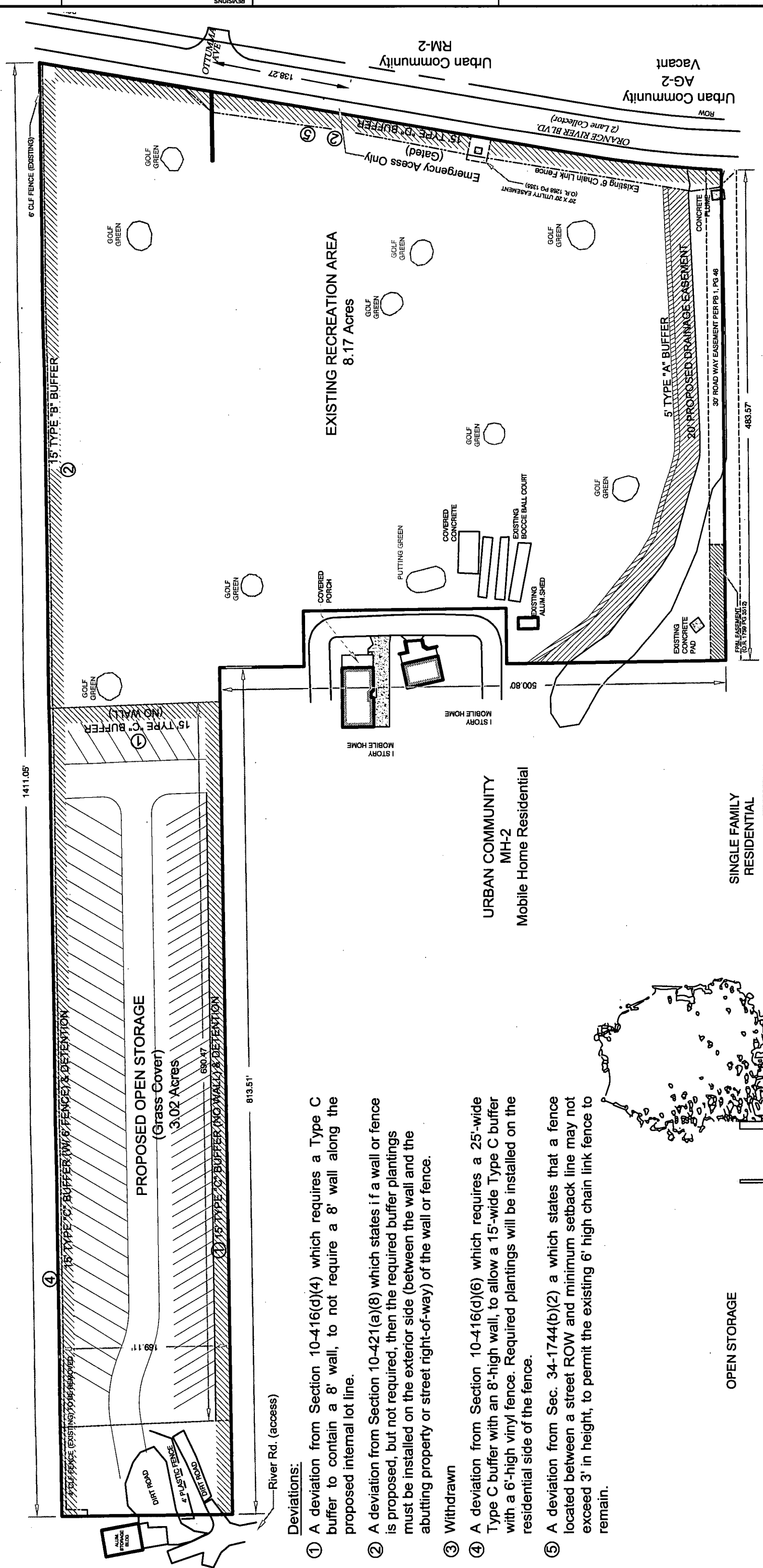

Jodi Joseph
Planner

Cc: Ms. Lisa Hines
Mr. Bob Snyder

LEE COUNTY
HEARING EXAMINER
09 MAR -5 PM 3:51

DCI2008-00015
Applicant's Eeph. 4
Post hrg. Submittal
Written Submission

URBAN COMMUNITY
RS-1
Single Family Residential



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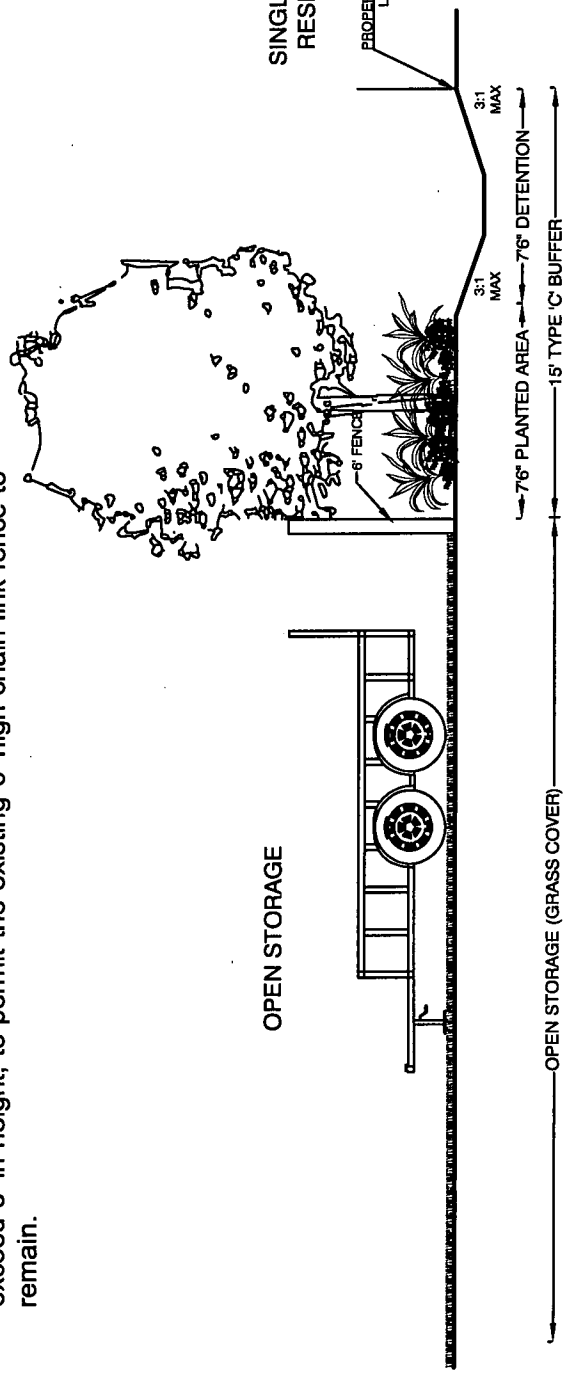
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