

GIS Tracking Sheet

Case No.:

Intake Date:

DCI 2011-00031

Project Name:

STRAP Number(s):

Planner Name:

Ext.

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date:

INTAKE:

LEGAL SUFFICIENT

YES

NO

Initials:

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date:

Hearing Examiner Decision

Board of County Commissioner's Resolution

Administrative Approval

Blue Sheet

Zoning Notes:

12/20/11

MAP UPDATED

YES

NO

Initials:

cd

If not, give brief explanation:

ZONE: MPD: 500 969

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Karen B. Hawes
County Manager

Michael D. Hunt
County Attorney

Diana M. Parker
County Hearing Examiner

December 09, 2011

NANCY BENHAM
21961 PEARL STREET
ALVA FL 33920

Re: OAK PARK VILLAGE COOP
BCCR11-10-01 Extension (F)
DCI2011-00031

Dear NANCY BENHAM:

In accord with BCCR11-10-01, development permits meeting certain criteria are entitled to one 4-year extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution, Z-07-072, DCI2011-00031, OAK PARK VILLAGE COOP, is hereby extended for the following:

APPROVAL OF A 4-YEAR EXTENSION FROM NOVEMBER 3, 2015 TO NOVEMBER 3, 2019 FOR OAK PARK COMMON RPD.

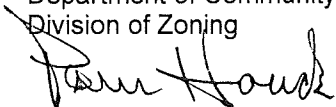
No additional extensions under BCCR11-10-01 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under BCCR11-10-01, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning



Pam Houck
Director

BOARD OF COUNTY COMMISSIONERS

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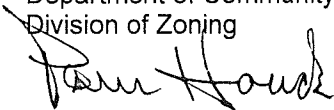
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This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under BCCR11-10-01, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning



Pam Houck
Director

Richardson, Nettie

From: Richardson, Nettie
Sent: Tuesday, November 29, 2011 1:54 PM
To: 'Bob and Nancy'
Subject: RE: Oak Park Case No. DCI2011-00031

Nancy,

Here is how it works..

On November 3, 2008 Res. Z-07-072A was approved. Add 5 years to that date (that is how long an MCP is valid) which gives the project to Nov. 3, 2013 .

HB7207 (a 2-year extension) is available for projects that expire between Jan. 1, 2012 thru Jan. 1, 2014 (which Oak Park would expire). The extension letter will grant the extension to Nov. 3, 2015. The deadline to request this extension is Dec. 31, 2011 (which you have met).

Resolution 11-10-01 (a 4 –year extension was passed by the Board of County Commissioners on October 11, 2011) is available for projects approved between Jan. 2, 2006 thru June 30, 2012 (which Oak Park was). The extension letter will grant the extension to Nov. 3, 2019. The deadline to request this extension is September 30, 2012. You need to submit a letter requesting this extension with the fee of \$200.

I hope this clears up the matter. If not, do not hesitate to contact me.

Nettie Richardson
Principal Planner
Lee County Zoning
1500 Monroe Street
Fort Myers, Florida 33901
(239) 533-8786

From: Bob and Nancy [mailto:alvabob@comcast.net]
Sent: Tuesday, November 29, 2011 10:59 AM
To: Richardson, Nettie
Subject: Oak Park Case No. DCI2011-00031

Good Morning Nettie,

We have company so I will not be available the rest of the day. I found your email address from prior correspondence.

We have a couple of board members who were under the impression the four-year extension was under State HB 7207 to what they thought was an original six year period. Is this correct?

Also, they thought Lee County would not provide any extensions. I told them it was something that was recently passed by the County. Would you please provide me with the date this occurred under County Resolution 11-10-01?

The lady at the desk where we submitted our original request with the \$200 check said all the dates

would appear on the final approval. I understood that with the two extensions the date would be 2019. If I remember correctly I think the month would be October. Are these correct?

I also understood that the two-year extension is in accordance with HB 7207 and the four-year extension is in accordance with Lee County Resolution No 11-10-01. Are these correct?

Thank you for your assistance.

Nancy Benham, President
Oak Park Village Cooperative, Inc.

Oak Park Village Cooperative

21961 Pearl Street

Alva, Florida 33920

239 728 2109

Fax 239 728 2954

Email opo728@aim.com

728-8811

DCI 2011-00031

November 7, 2011

Lee County Community Development
1500 Monroe Street
Fort Myers, FL 33901

RECEIVED
NOV 07 2011
CJH
COMMUNITY DEVELOPMENT

Subject: Extension of Case No. DCI2006-00096

22432702000J00000

To Whom It May Concern:

22432702000K00000

Res 2-07-72

" 07-72A

We, (Oak Park Village Cooperative) are requesting a 4-year extension of our approved Master Concept Plan. The need for this extension is due to economic reasons as depicted in our local area and across the nation. We remain hopeful that we will be able to proceed with our project in the future.

According to HB 7207, and Lee County Resolution # 11-10-01, we qualify for this extension based on "... a resolution to extend unexpired Master Concept Plans, Development Orders, and Concurrency Certificates issued between January, 2006 and August, 2011"; our project falls within these parameters.

Please do not hesitate to contact us should you have any questions or require any additional information.

Sincerely,

Nancy Benham
Nancy Benham, President
Oak Park Village Cooperative

Enclosed: Check for \$200.00

DCI 2011-00040

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

WHEREAS, an application was filed by the property owner, Oak park Villages CO-OP, Inc., to rezone a 11.54± acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Oak Park Common RPD; and

WHEREAS, a public hearing was advertised and held on December 5, 2007, before the Lee County Zoning Hearing Examiner, Richard A. Gescheidt, who gave full consideration to the evidence in the record Case #DCI2006-00096. The Hearing Examiner recommended denial of the request, but provided suggested conditions of approval in the event the Board chose to approved the request; and,

WHEREAS, a second public hearing was advertised and held on March 17, 2008, before the Lee County Board of Commissioners, who 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 11.54± acre parcel from AG-2 to RPD, to allow 31 single-family residential dwelling units with a maximum height of 35 feet or two stories. Water and wastewater services will be provided by private on-site facilities. No development blasting is being requested. The property is located in the Urban Community Land Use Category and is legally described in attached Exhibit A.

SECTION B. ACTION ON THE REQUEST:

The Board hereby remands this application back to the Lee County Hearing Examiner for the following reasons:

1. The Hearing Examiner is to receive input from the applicant and County Staff on how best to provide for outdoor storage and include mobile home or residential uses.
2. To conduct further discussion and seek clarification as to the availability of the capacity of the Oak Park potable water and wastewater treatment facility to accept the additional residential units proposed.

3. The Hearing Examiner is to accept further discussion and testimony regarding any conservation easements associated with the rezoning application.
4. All parties are to explore further means of abatement and fine mitigation for Lee County Code Enforcement Cases VIO2004-06720 and VIO2005-16647.

SECTION C. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description
 Exhibit B: Zoning Map (subject parcel identified with shading)

The applicant has indicated that the STRAP numbers for the subject property are:

22-43-27-02-000J0.0000 and 22-43-27-02-000K0.0000

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

Robert P. Janes	Aye
A. Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Franklin B. Mann	Aye

DULY PASSED AND ADOPTED this 17th day of March 2008.

ATTEST:
 CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
 OF LEE COUNTY, FLORIDA

BY: *Kathleen A. Motz*
 Deputy Clerk

BY: *Ray Judah*
 Ray Judah
 Chair



Approved as to form by:

Robert Spickerman
 Robert Spickerman
 Assistant County Attorney

RECEIVED
 MINUTES OFFICE

KAM
 2008 APR 23 AM 10:07

Metes and Bounds Boundary (as field measured)

Commencing at the Northeast corner of Government Lot 1, Section 22, Township 43 South, Range 27 East, run N00°17'58"E along the West line of Section 23, Township 43 South, Range 27 West for 73.15 feet to the POINT OF BEGINNING; thence run N00°18'59"E for 1,242.20 feet to the West Quarter of said Section 23; thence N89°41'05"W along the quarter section line for 475.81 feet; thence run S00°19'11"W for 861.28 feet; thence run N87°09'09"E for 231.65 feet to the West line of Block "K"; thence run S00°22'50"W for 401.37 feet; thence N88°28'38"E for 245.14 feet returning to the POINT OF BEGINNING.

±11.54 Acres

RECEIVED

JUL - 6 2007

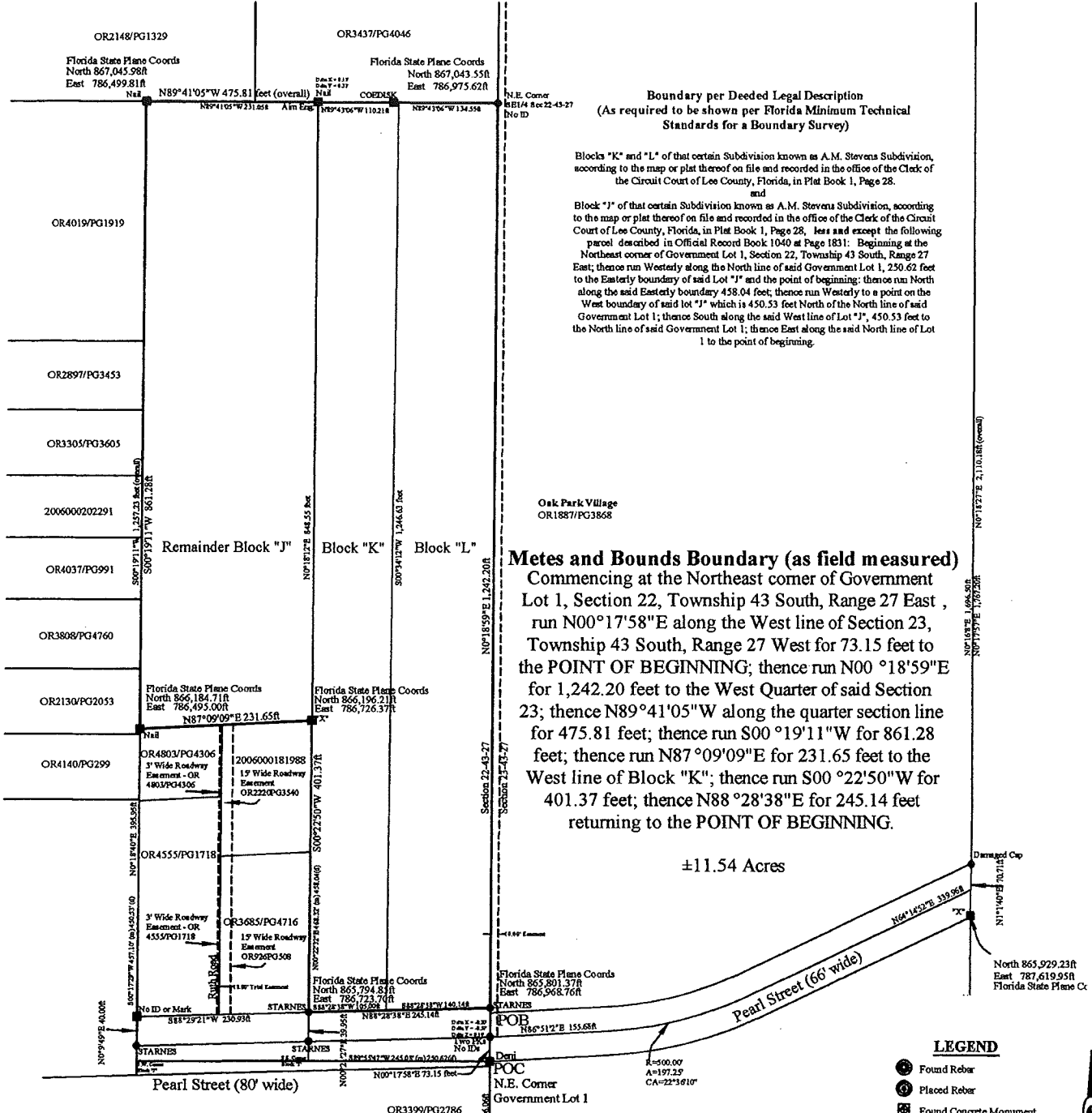
DCI 2006-00096

COMMUNITY DEVELOPMENT

Certified to:
Oak Park Village Co-op, Inc.
Suntrust Bank, NA
Exceptional Engineering, Inc.

EXHIBIT A
 1 OF 2

SCALE: N/A	DESIGN BY: EBE DRAWN BY: EBE CHECKED BY: EJM DATE: AUG 2 2007	OAK PARK VILLAGE PO BOX 38 ALVA, FLORIDA 33920 SECTIONS 22 & 23, TOWNSHIP 43 SOUTH, RANGE 27 EAST Lee County, Florida	NOTES: Improvements are not shown. May be subject to additional easements and restrictions. Basis of bearings is Florida State Plane, NAD83, Florida West Zone. Not valid without raised seal of a Florida Licensed Surveyor and Mapper. Elevations are in NGVD29, and are based on a Benchmark in SR80 bridge, ±1,800' South of the site. Property has A7; EL8, B and C flood zones per FEMA 125124-0250B dated 09/19/84. Survey performed without the benefit of any title opinion, research or abstract.	DATE	REVISIONS
CAD FILE: OAKPARK	S. P. Erskine, FSI Measurement Science Corporation 187292			5/17/05 Added common area features and revised boundary 6/10/05 Added measured notes and term to boundary notes 10/23/05 Cleared revised boundary	
DWG NO: Description					
SHEET 1 OF 2		Measured Legal Description			



RECEIVED
JUL - 6 2007

2006-00096

Certified to:
Oak Park Village Co-op, Inc.
Suntrust Bank, NA
Exceptional Engineering, Inc.

COMMUNITY DEVELOPMENT

SCALE: 1"=200'	DESIGN BY: SBE DRAWN BY: SBE CHECKED BY: JLM DATE: 06/19/06	OAK PARK VILLAGE PO BOX 38 ALVA, FLORIDA 33920 SECTIONS 22 & 23, TOWNSHIP 43 SOUTH, RANGE 27 EAST Lee County, Florida	NOTES: Improvements are not shown. May be subject to additional easements and restrictions. Basis of bearings is Florida State Plane, NAD83, Florida West Zone. Not valid without raised seal of a Florida Licensed Surveyor and Mapper. Elevations are in NGVD29, and are based on a Benchmark in SR80 bridge, 41,800' South of the site. Property has A7, EL8, B and C flood zones per FEMA 125124-0250B dated 09/19/84. Survey performed without the benefit of any title opinion, research or abstract.	DATE REVISIONS 3/17/06 Added common area features and revised boundary 6/10/06 Added measured areas and blocks boundary notes 10/01/06 Changed rebar boundary
CAD FILE: OAKPARK	SHEET 2 OF 2	Boundary Survey/Map		

Zoning Map

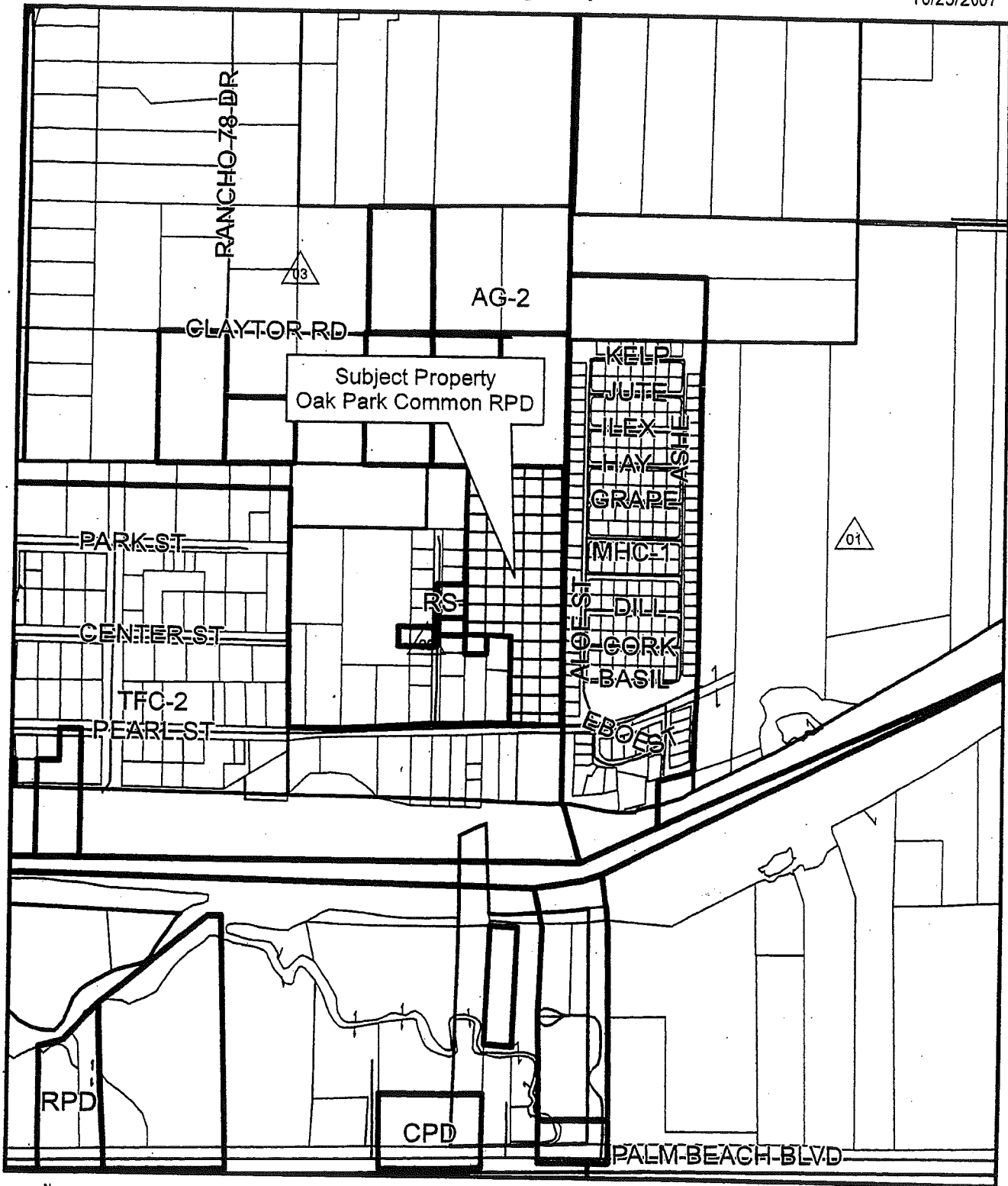


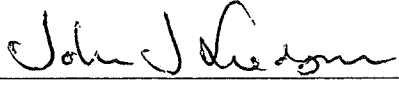
EXHIBIT B

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

BY HAND DELIVERY

DATE: April 18, 2008

TO: Lee County Board of
County Commissioners

FROM: 
John J. Fredyma
Assistant County Attorney

RE: Code Enforcement Case – Oak Park Village Coop, Inc. (VIO2004-06720)

On March 17, 2008, the Board heard the rezoning request of Oak Park Village Coop, Inc. The request was subsequently remanded back to the Hearing Examiner for further consideration. In conjunction with the rezoning was a tangential discussion by the Board with regard to an outstanding code enforcement case affecting the property.

On August 9, 2004, based upon the evidence and testimony presented, the Hearing Examiner concluded the property was in violation of County regulations since it was used for unpermitted open storage. An opportunity to abate the violation was given over the next two years, but the violation continued. On June 19, 2006, the Hearing Examiner imposed a fine in the amount of \$50 per day until such time as the violation is abated. The violation can be abated either by the removal of the boats, trailers and other items currently stored on the property, or by rezoning the site such that open storage becomes a permitted use.

The Board expressed a desire to see the accruing fine halted or "stayed" until abatement of the violation could be achieved, ostensibly in conjunction with the remanded rezoning. The Board also stated a desire to assume the responsibility for the future mitigation of the accrued code enforcement fine resulting from the open storage violation. Unfortunately, State statutes and County regulations preclude compliance with the Board's requests.

The governing regulations mandate that a fine imposed in a code enforcement case continue to accrue until the violation is abated or the outstanding fine has been reduced to a judgment through the Florida Court System. See §162.09(3), Florida Statutes (F.S.), Lee County Land Development Code (LDC) §2-427(c) and Rule 1.11 of Lee County Administrative Code (AC) Section 2-14. Alternatively, an accruing fine may be stayed pending the outcome of an appeal filed in the Circuit Court, but only if a request to stay the fine is filed and approved by the court. Consequently, the Board does not have the legal authority to order a stay of the accrual of the fine.

A similar result occurs with regard to the issue of Board mitigation of the accrued fine. The Board has delegated the authority and right to mitigate fines/liens to the Hearing Examiner. See LDC §2-427(b)(3) and AC Section 2-14, Rules 1.11(d) and 1.12. Notwithstanding that delegation of authority, once the underlying code violation is abated, the Board has the authority to execute

Re: Code Enforcement Case – Oak Park Village Coop, Inc. (VIO2004-06720)

a (full) release of lien or satisfaction of lien: In either instance, the effect would be a full release of any accrued lien or fine, without regard to the County's actual, administrative or procedural cost in the code enforcement action.

The fine in the code case will continue to accrue until the underlying violation is abated. Once abated, the Board can either choose to take jurisdiction of the issue of abatement by issuing a full release of the accrued fine, or it can allow the matter to remain under the jurisdiction of the Hearing Examiner for any subsequent request by the property owners to mitigate the accrued fine.

JJF/mms

cc (via e-mail only):

David M. Owen, County Attorney
Andrea R. Fraser, Deputy County Attorney
Donna Marie Collins, Acting Chief Assistant County Attorney, Land Use
Mary Gibbs, Director, Community Development, DCD Administration & Support
Robert Stewart, Building Official, DCD Development Services
Rick Roberts, Chief Code Enforcement Officer, DCD Development Services

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

WHEREAS, an application was filed by the property owner, Oak Park Village Co-op, Inc., to rezone 11.54± acres from Agricultural (AG-2) to a Residential Planned Development (RPD), in reference to Oak Park Common RPD; and,

WHEREAS, the initial public hearing was advertised and held on December 5, 2007, before the Lee County Zoning Hearing Examiner, Richard A. Gescheidt, who gave full consideration to the evidence in the record for Case #DCI2006-00096; and

WHEREAS, a second public hearing was advertised and held on March 17, 2008, before the Board of Commissioners who, based upon all testimony and evidence in the record, remanded the case to the Hearing Examiner for further consideration; and

WHEREAS, a third public hearing was advertised and held on August 28, 2008 before the Lee County Hearing Examiner on the remanded issues; and

WHEREAS, a fourth public hearing was advertised and held on November 3, 2008, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested person.

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

SECTION A. REQUEST

The applicant filed a request to rezone 11.54 +/- acres from AG-2 to RPD to permit 25 single-family residential dwelling units with a maximum height of 35 feet/2 stories. No development blasting was requested. The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is DENIED. Instead, a rezoning to Mobile Home Planned Development (MHPD) is APPROVED, SUBJECT TO the conditions and deviation 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. Master Concept Plan/Development Parameters - Development must be consistent with the single-page Master Concept Plan (MCP) entitled "Master Concept Plan for Oak Park Common" dated 02-09-2009 and stamped "RECEIVED FEB 23 2009 COMMUNITY DEVELOPMENT" attached hereto as Exhibit C, except as modified by the conditions below.

This development must comply with LDC at time of local development order approval, except as may be granted by conditions as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

2. Uses and Site Development Regulations

The following Limits apply to the project and uses:

a. Schedule of Uses

Accessory Uses, buildings and structures, must be constructed on the same parcel ancillary to the principal dwelling unit and in a manner reflective of the architectural style of the dwelling unit. Also including, an outdoor storage area, subject to Condition 17

Dwelling units, single-family dwelling only, limited to a maximum of 25 units and subject to Condition 15

Essential Services

Essential Service Facilities - Groups I and II to accommodate on-site potable water treatment facility

Excavation, water retention with no blasting. The removal of excavated material off-site is prohibited

Fences and Walls

Home Occupation, in accordance with LDC §§34-1771 through 34-1772

Model Home, in compliance with Condition 4

Recreational Facilities, Private on-site

Signs, in compliance with LDC Chapter 30

b. Site Development Regulations

Single-family

Minimum Lot Width:	82 feet
Minimum Lot Depth:	94 feet
Minimum Lot Area:	8,000 square feet
Minimum Upland Conservation Area Setback:	30 feet
Minimum Street Setback:	20 feet
Minimum Side Setback:	10 feet
Minimum Side Setback for Corner Lots:	15 feet
Minimum Rear Setback:	20 feet
Maximum Lot Coverage:	45%
Maximum Building Height:	35 feet/2 stories

Accessory Structures

Side Setback:	10 feet
Rear Setback:	10 feet
Upland Conservation Area Setback:	30 feet

3. Environmental Conditions:

Prior to local development order approval for any development beyond the existing footprint of the open storage area, the applicant must submit the following for the Lee County Division of Environmental Sciences Staff (DES) review and approval:

- a) A current protected species survey as required by LDC §10-473, including species-specific Florida scrub jay and gopher tortoise surveys, as well as any required state and/or federal permits.
- b) A Florida scrub jay management plan per LDC §10-474 and Federal requirements if Florida scrub jay or evidence there of are identified on the site.
- c) A gopher tortoise management plan per LDC §10-474 and state requirements, if gopher tortoises are found burrowing on site. The applicant must also submit all communication with Florida Fish and Wildlife Conservation Commission (FWC) verifying that on-site preservation of the gopher tortoises through avoidance or relocation was attempted before pursuing off-site relocation options.
- d) If impacts to gopher tortoise burrows are unavoidable, a copy of the appropriate gopher tortoise permit issued by the Florida Fish and Wildlife Conservation Commissioner (FWC) must be submitted to DES prior to excavation and moving of any gopher tortoises. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and DES.
- e) Development order plans must depict the upland conservation area as "Gopher Tortoise Preserve" if impacts to gopher tortoise burrows are avoided or a FWC on-site relocation permit is obtained.
- f) Development order plans must depict the 1.1± acre xeric oak community (Florida Land Use Classification Code 421) located within the 11.54 acres project site as recorded in the conservation easement. The xeric oak community must be labeled "Upland Conservation Easement Area."
- g) Within 30 days of the Lee County Board of Commission action approving this zoning request, the applicant must submit for DES review and approval, a draft conservation easement for the 1.1± acre xeric oak community located within the 11.54± acres project site. Lee County must be a party of record within the conservation easement dedication.

- h) Within 30 days of the Lee County Board of Commission action approving this zoning request, the applicant must submit for DES review and approval of a conservation easement for the 4± acres of scrub oak habitat located within Strap #23-43-27-00-00002.0010. Lee County must be a party of record within the conservation easement dedication.
 - i) The two required conservation easements must be recorded in the public records within 90 days of the Lee County Board of County Commission action approving the zoning request.
 - j) Prior to approval of a (limited) development order for installation of required buffer vegetation for the existing outdoor storage area, DES must perform a site inspection to insure there is no listed species utilization of the area along the perimeter of the existing open storage where vegetation is to be installed. If listed species utilization is observed then all necessary surveys, FWC and/or US Fish and Wildlife Service (FWS) approvals and/or permits will be required. If no listed species utilization is observed, then no further surveys, FWC and/or FWS approvals and/or permit will be required at that time, but buffer installation will involve the removal of exotics only, all native vegetation is to remain and installation of the required buffer plantings. Buffer area work may only occur outside Florida scrub jay nesting season (March 1-June 31).
4. Model Home: A model home is permitted in compliance with the following conditions:
- a) A maximum of one model home is permitted.
 - b) The model home must be located as depicted on Lot Number 1 on the MCP.
 - c) Hours of operation for the model home are restricted to 9:00 a.m. through 6:00 p.m. Sunday through Saturday.
 - d) The model home site must be designated on the development order plans.
 - e) Prior to model home construction, the lot upon which the home will be constructed must be shown on a preliminary plat. The preliminary plat must be filed concurrently with the local development order application. The model home must comply with the setbacks set forth in the property development regulations for this project.
 - f) The model home use will be valid for a period of three years from the date of issuance of a Certificate of Occupancy of a model home per LDC § 34-1954(d)(1).
5. Vehicular or Pedestrian Traffic Impacts: Approval of this rezoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with LDC may be required to obtain a local development order.

6. Lee County Comprehensive Plan Acreage Allocation: Approval of this rezoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with the residential use as well as all other Lee County Comprehensive Plan provisions.
7. Concurrency: Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
8. Land Development Code: This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by conditions approved as part of this planned development.
9. Agricultural Uses: The subject property does not have an agricultural exemption according to the Lee County Property Appraiser records. A notarized agricultural affidavit was provided by the applicant. As such, no agricultural uses are approved by virtue of this rezoning and any agricultural activities will have to cease upon rezoning if the application is approved.
10. Blasting: No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
11. Natural Resources: Prior to approval of a local development order, a surface water management plan must be submitted for review and approval by the Lee County Division of Natural Resources in accordance with LDC § 34-373(b).
12. Access Easement: The 18-foot wide roadway easement, which currently provides access to the existing storage area, must be upgraded from its existing condition to a Category "D" stabilized surface. The access improvements must be demonstrated and submitted for review and approval through the local development order process.
13. Future Development: Any future or proposed development requires adoption of a revised MCP through the public hearing process.
14. Subdivision of Property: The subject property may not be subdivided through the limited development order review process.
15. Dwelling Unit: "Dwelling Unit: single-family" will be allowed as a permitted use upon amendment of the LDC to permit the use of Dwelling Unit: single-family as a permitted use in LDC §34-934, within the MHPD district.
16. Public Works
 - a. The development must connect to a municipal potable water system. Individual wells are prohibited within this MHPD.

- b. Sanitary sewer service may be accomplished through the utilization of individual septic systems subject to all local, state and federal permitting requirements.
- c. Wastewater treatment facilities are prohibited within this MHPD.
- d. Prior to local development order approval for any improvement(s) to the subject parcel, the developer must provide certification of availability of potable water. This certification may apply to a municipal system if applicable or the existing Oak Park system. In the alternative, the developer must amend the MHPD and revise the MCP to include the location of an on-site potable water treatment facility. Lee County Public Works staff would not object to approval of this amendment administratively at the discretion of the Lee County Division of Zoning.

17. Accessory Outdoor Storage Area:

- a. The accessory storage area may be used by the residents of this MHPD and the residents of the Oak Park Village Mobile Home Park (Co-Op).
- b. The approved area for the accessory outdoor storage area is permitted within the existing footprint. The outdoor accessory storage area may not be altered or increased.
- c. The accessory storage area must be enclosed by a six-foot high chain link fence.
- d. The accessory storage area must be maintained in a dust-free manner.
- e. The accessory storage area must be depicted on the approved MCP.
- f. Permanent structures are prohibited in the accessory storage area.
- g. Maintenance, repairs or other mechanical work is prohibited on items in the accessory storage area.
- h. The accessory storage area is limited to a maximum of 70 units, including motor vehicles, limited to passenger cars, pickup trucks, golf carts, campers, boats, trailers and motor homes or recreational vehicles (RV's). Storage of construction or farm equipment or materials, box trucks (rental/moving vehicles), utility/service trucks, tractor-trailer or semi-trailer trucks or any truck and trailer combination are prohibited. Boats sitting on trailers will be considered as one unit.
- i. Storage sheds or units ("pods") are prohibited within the accessory storage area.
- j. A Type "C" buffer must be provided along the southern and western boundaries of the accessory storage area with the exception of the gate. The plantings must include shrubs, a minimum of 60 inches in height at the time of planting, intended to provide a visual screening and may not be pruned to reduce height.

18. Local Development Order Required: The applicant must submit a local development order for review and approval for the landscaped buffer and road improvements to ensure compliance with the approved conditions.

SECTION C. DEVIATION:

1. Project Ingress/Egress - Deviation (1) seeks relief from the LDC §10-291(3) requirement to provide two or more means of ingress and egress for residential projects with an area of five or more acres, to allow a single access to the development as depicted on the approved MCP. This deviation is APPROVED, SUBJECT TO the following conditions:
- a. The 18-foot wide roadway easement which currently provides access to the existing storage area, must be upgraded pursuant to Condition 12 of this Resolution to be able to utilized as an "emergency only" access to the residential portion of the site.
 - b. An unobstructed driveway, a minimum of 18 feet in width and aligned with the existing gates, must be accommodated within the storage area to provide a clear path for emergency vehicles.
 - c. Prior to issuance of a development order, a letter of "no objection" from the Alva Fire District approving utilization of the 18-foot wide roadway easement for an "emergency only" access must be submitted.
 - d. Maintenance of the 18-foot wide roadway easement for use as an emergency access must be addressed in the property or homeowner's association documentation.
 - e. A notice to all future property owners must be recorded by the developer in the public records prior to the issuance of a local development order allow construction of the access to the development. The notice must articulate the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

The applicant has indicated that the STRAP numbers for the subject property are: 22-43-27-02-000J0.0000 and 22-43-27-02-000K0.0000

SECTION E. FINDINGS AND CONCLUSIONS:

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

2. The rezoning to MHPD, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area;
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
 - e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning to MHPD satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location;
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviation, as conditioned, enhances achievement of the planned development objectives, and preserves and promotes the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 3rd day of November 2008.

ATTEST:
CHARLIE GREEN, CLERK

BY: *CRaleucian*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Ray Judah*
Ray Judah, Chair

Approved as to form by:

Robert Spickerman
Robert Spickerman
Assistant County Attorney
County Attorney's Office



RECEIVED
MINUTES OFFICE
CPV
2009 MAR 11 PM 3:06

Exhibit "A-1"

RECEIVED
NOV 12 2008

Legal Description COMMUNITY DEVELOPMENT

Section 22, Township 43 South, Range 27 East, Lee County, Florida

Parcels 22-43-27-02-000K0.0000 and 22-43-27-02-000J0.0000

Blocks "K" and "L" of that certain Subdivision known as A.M. Stevens Subdivision, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 1, Page 28, and Block "J" of that certain Subdivision known as A.M. Stevens Subdivision, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 1, Page 28, *less and except* that parcel described in Official Record Book 1040 at Page 1831:

More particularly described as follows: Commencing at the Northeast corner of Government Lot 1, Section 22, Township 43 South, Range 27 East, run N00°17'58"E for 73.15 feet along the West line of Section 23, Township 43 South, Range 27 West to the POINT OF BEGINNING; thence run N00°18'59"E for 1,242.20 feet along the West line of said Section 23, being also the Easterly line of Block "L" of said A.M. Stevens Subdivision, to the West Quarter of said Section 23, and the Northeasterly corner of said Block "L"; thence N89°41'05"W for 475.81 feet along the quarter section line, being also the Northerly line of said Blocks "J", "K" and "L", for 475.81 feet; thence run S00°19'11"W for 861.28 feet along the Westerly line of said Block "J"; thence run N87°09'09"E for 231.65 feet to the Westerly line of Block "K"; thence run S00°22'50"W for 401.37 feet along the Westerly line of said Block "K" to the Northerly line of the right of way for Pearl Street; thence N88°28'38"E for 245.14 feet along said Northerly line returning to the POINT OF BEGINNING.

DCI 2006-00096 #11.54 Acres





S. B. Elrubale, PSM LS6394
Measurement Science Corporation LB7359
PO Box 2549, Fort Myers Beach, FL 33932
(239) 437-7405

Exhibit "A-2"

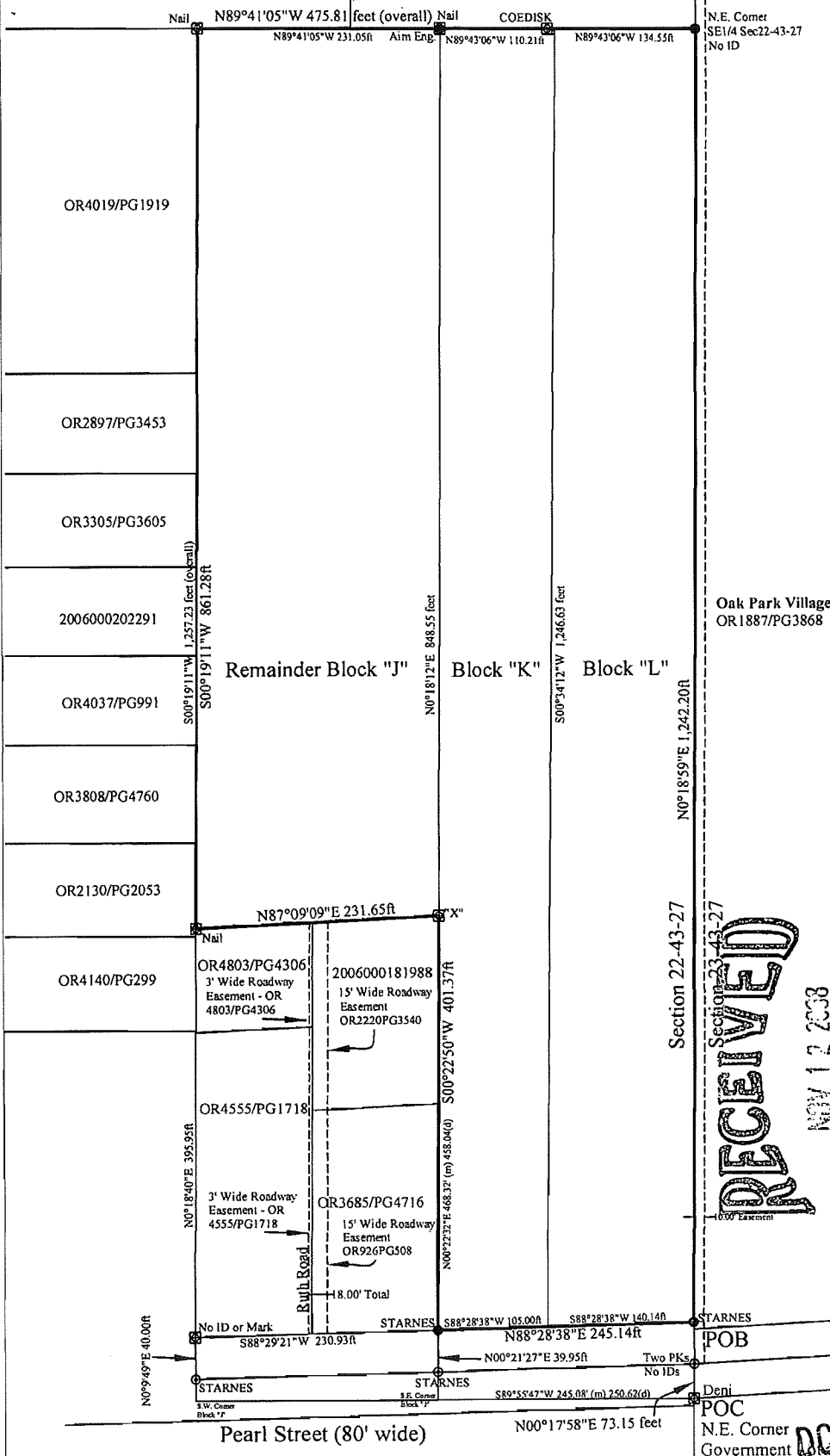
Legal Description

Section 22, Township 43 South, Range 27 East, Lee County, Florida
 Parcels 22-43-27-02-000K0.0000 and 22-43-27-02-000J0.0000

Blocks "K" and "L" of that certain Subdivision known as A.M. Stevens Subdivision, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 1, Page 28, and Block "J" of that certain Subdivision known as A.M. Stevens Subdivision, according to the map or plat thereof on file and recorded in the office of the Clerk of the Circuit Court of Lee County, Florida, in Plat Book 1, Page 28, *less and except* that parcel described in Official Record Book 1040 at Page 1831:

More particularly described as follows:
 Commencing at the Northeast corner of Government Lot 1, Section 22, Township 43 South, Range 27 East, run N00°17'58"E for 73.15 feet along the West line of Section 23, Township 43 South, Range 27 West to the POINT OF BEGINNING; thence run N00°18'59"E for 1,242.20 feet along the West line of said Section 23, being also the Easterly line of Block "L" of said A.M. Stevens Subdivision, to the West Quarter of said Section 23, and the Northeasterly corner of said Block "L"; thence N89°41'05"W for 475.81 feet along the quarter section line, being also the Northerly line of said Blocks "J", "K" and "L", for 475.81 feet; thence run S00°19'11"W for 861.28 feet along the Westerly line of said Block "J"; thence run N87°09'09"E for 231.65 feet to the Westerly line of Block "K"; thence run S00°22'50"W for 401.37 feet along the Westerly line of said Block "K" to the Northerly line of the right of way for Pearl Street; thence N88°28'38"E for 245.14 feet along said Northerly line returning to the POINT OF BEGINNING.

±11.54 Acres



COMMUNITY DEVELOPMENT

LEGEND

- ⊙ Found Rebar
- ⊙ Placed Rebar
- ⊙ Found Concrete Monument
- ⊙ Found BM
- ⊙ Found Nail w Washer
- ⊙ Water Valve or Meter
- ⊙ ManHole
- ⊙ Fire Hydrant
- Pole
- drainage
- (d) - per deed
- (p) - per plat
- (c) - calculated
- (m) - as measured



2006-00096

SCALE: 1"=150'	DESIGN BY: SBE
CAD FILE: OAKPARK	DRAWN BY: SBE
DWG NO: Boundary	CHECKED BY: JLM
SHEET 2 OF 2	DATE: Aug 3-10, 2001
	S. Br. Ervata, PGM Measurement Science Corporation 187359

OAK PARK VILLAGE	
PO BOX 38	
ALVA, FLORIDA 33920	
SECTIONS 22 & 23, TOWNSHIP 43 SOUTH, RANGE 27 EAST	
Lee County, Florida	
Boundary Survey/Map	

NOTES:
 Improvements are not shown.
 May be subject to additional easements and restrictions.
 Basis of bearings is Florida State Plane, NAD83, Florida West Zone.
 Not valid without raised seal of a Florida Licensed Surveyor and Mapper.
 Elevations are in NGVD29, and are based on a Benchmark in SR80 bridge, +1,800' South of the site.
 Property has A7,ELR, B and C flood zones per FEMA 125124-0250B dated 09/19/84.
 Survey performed without the benefit of any title opinion, research or abstract.

DATE	REVISIONS
5/12/01	Added common area features and revised boundary
6/16/01	Added measured meter and revised boundary
10/03/03	Checked revised boundary

