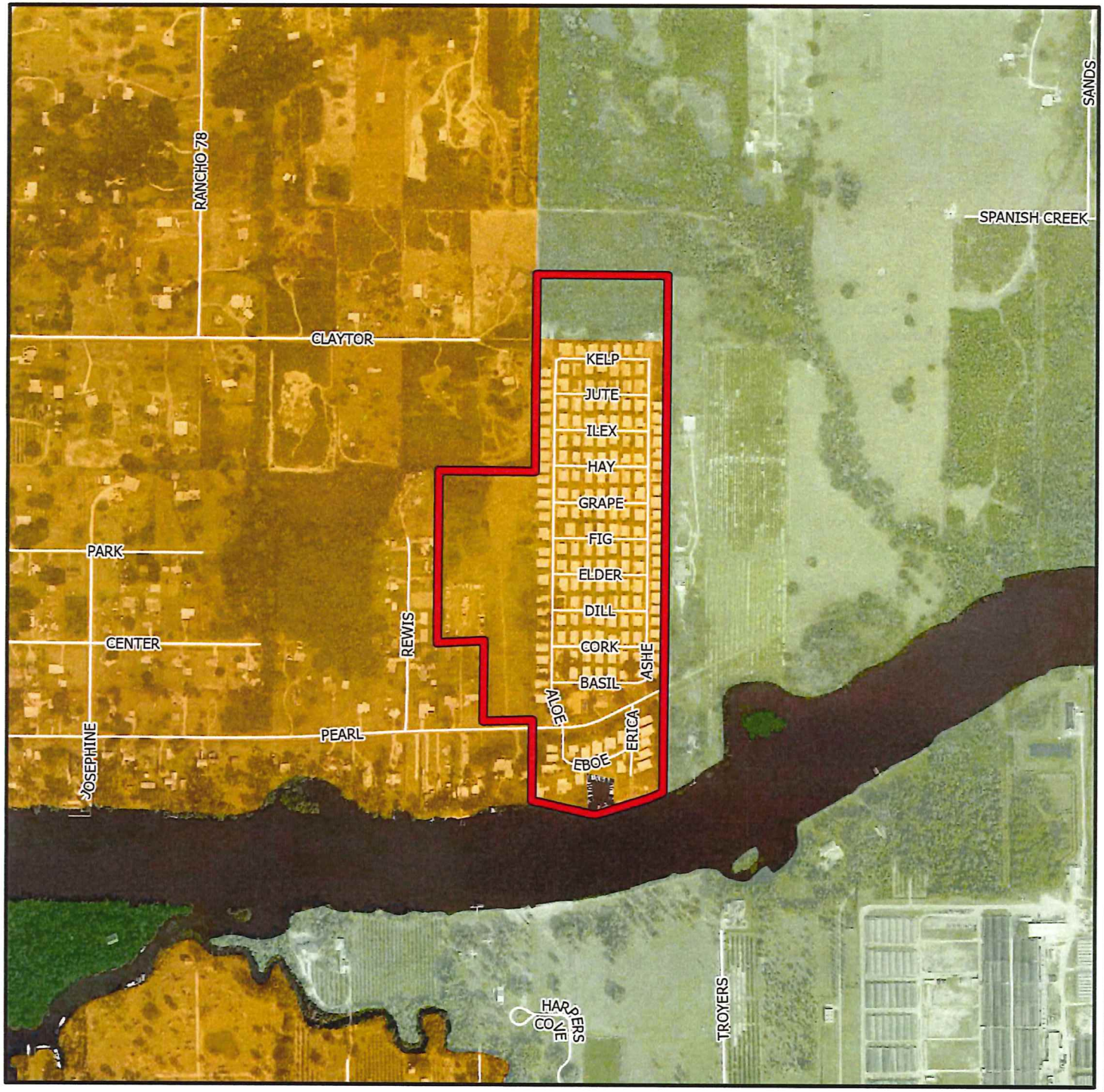
Summary of Hearing Examiner Recommendation

OAK PARK VILLAGE MHPD

Applicant seeks to expand the Oak Park Village mobile home community by adding outdoor storage areas for residents. No additional units are requested.

Detailed recommendation follows



DCI2021-00019

Future Land Use

- Subject Property
- Urban Community
- Rural
- Wetlands

N
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0 1,000
Feet

Lee County
Southwest Florida



DCI2021-00019

Aerial

Subject Property

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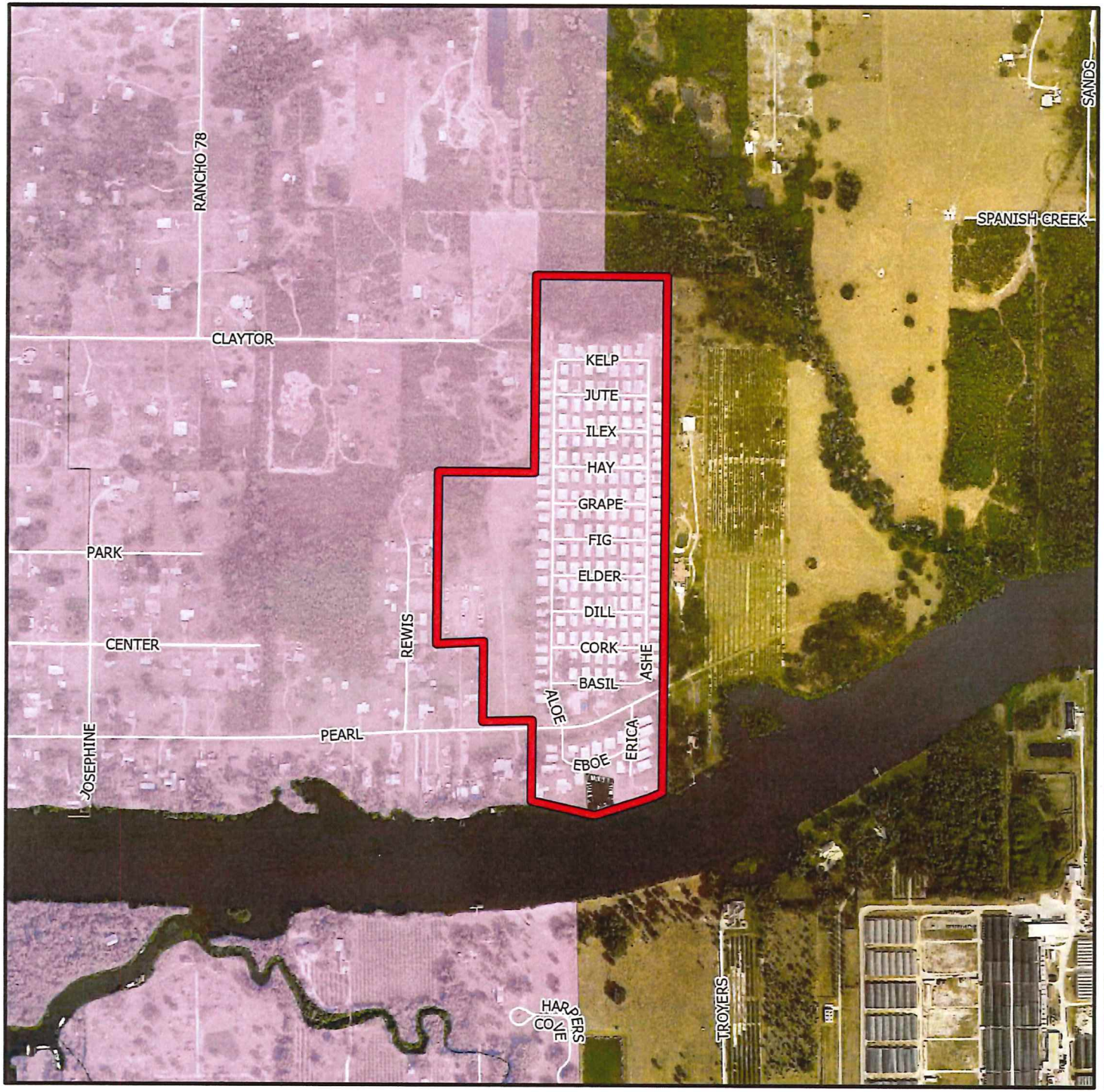
Lee County
Southwest Florida



DCI2021-00019

Mixed Use Overlay

Subject Property

Mixed Use Overlay

N
W E
S

0 1,000

Feet

Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2021-00019

Regarding: **OAK PARK VILLAGE MHPD**

Location: 21961 and 21981 Pearl Street
Northeast Planning Community
(District 5)

Hearing Date: **February 23, 2023**

I. Request

Rezone 51.19± acres from Mobile Home Conservation (MHC-1) and Mobile Home Planned Development (MHPD) to MHPD to:

- Combine two zoning districts and codify previous zoning approvals into a single resolution;
- Expand accessory storage area associated with the Oak Park Village;
- Establish a different access point to the storage area; and
- Allow for new well locations as depicted on the Master Concept Plan.

The final development plan includes a mobile home park with 208 dwelling units, accessory uses, and an ancillary open storage area.

The property's legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to the conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.[1] In satisfaction of this duty, the Hearing Examiner accepted testimony and evidence on the application to rezone to MHPD.

In preparing a recommendation to the Board, the Hearing Examiner must consider the Lee County Comprehensive Plan (Lee Plan), the Land Development Code

[1] LDC §34-145(d)(1)(a) & (2)(a).

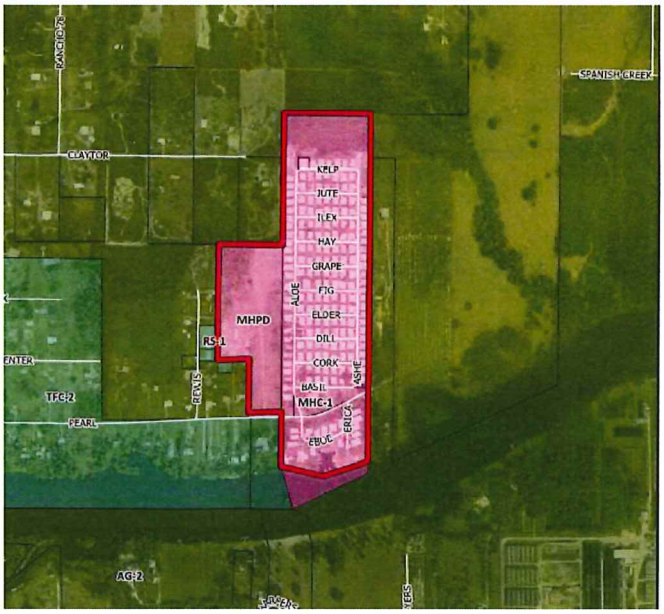
(LDC), and other applicable County regulations to the facts presented in a rezoning request.[2] Specifically, the Hearing Examiner must find the request compatible with surrounding uses and complies with Lee Plan and LDC requirements relating to transportation facilities, natural resources, and urban services.[3] The Hearing Examiner's recommendation must be based on competent and substantial evidence.[4]

Discussion supporting the recommendation of approval of the proposed MHPD follows below.

Synopsis of Request

The 51.19± acre property is in the Northeast Lee County Planning Community, Alva Plan Area.

The property has been partially developed with mobile homes since the 1970s.[5] Applicant identifies the site by three general areas: (1) the existing Oak Park Village north of Pearl Street; (2) two vacant lots adjoining Oak Park Village to the west; and (3) the existing Oak Park Village south of Pearl Street with docking facility.[6]



[2] LDC §34-145(d)(3).
[3] LDC §34-145(d)(4).
[4] Lee Co. Admin. Code 2-6, 3.3.A(2); LDC §34-83(a)(4)(a)(1)(a).
[5] *See* Staff Report (pg. 1). MHC-1 lands were rezoned by Resolution Z-70-056 with a Special Permit for a Mobile Home Park. *See* Staff Report (Attachment F). The property was then approved for a Special Exception/Variance in SEZ2000-00008/VAR2000-00064 to allow a sewage disposal system. *See* Staff Report (Attachment G). The property was then rezoned in Resolution Z-05-077 and VAR2004-00031 from Agricultural (AG-2), Mobile Home Residential (MH-2), and Commercial (C-1) to Mobile Home Conservation District (MHC-2) with a variance to allow a 10-foot setback for Parcel 2. *See* Staff Report (Attachment H).
[6] The existing park was declared a lot of record by operation of Ordinance 86-36.

The existing Oak Park Village site retains its MHC-1 conventional zoning. Applicant acquired the western lots with the intent to develop 25 single-family residences.[7] The Board rezoned the lots to MHPD consistent with that development plan.[8] Applicant later secured approval to permit storage on the MHPD lots before constructing residences to meet residents' demands.[9]

Applicant now seeks to unify Oak Park Village zoning and permit open storage on the two adjacent lots. The request does not increase density. In fact, the request reduces density from previous approvals.[10] The proposed site plan consists of the existing 208 dwelling units, accessory uses, a multi-slip docking facility, and the new open storage area.[11]

The proposed MHPD retains existing access on Pearl Street with an emergency access to the open storage area.

Staff recommended approval, finding the proposed MHPD satisfies LDC review criteria.

Zoning Review Criteria

Before recommending approval, the Hearing Examiner must find the request:

A. Complies with the Lee Plan;

B. Meets the LDC and other applicable County regulations or qualifies for deviations;

C. Is compatible with existing and planned uses in the surrounding area;

D. Will provide access sufficient to support the proposed development intensity;

E. Addresses impacts on transportation facilities through County regulations or conditions of approval;

F. Will not adversely affect environmentally critical/sensitive areas or natural resources; and

G. Will be served by urban services if located in a Future Urban area.[12]

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[7] Z-07-072A approved up to 25 single family dwelling units.
[8] *Id.*
[9] ADD2014-00216A permitted storage areas accessed by a gravel drive prior to development of residences.
[10] Z-07-072A permitted 25 dwelling units. The request removes single family units.
[11] *See* Applicant's Ex. 2: Master Concept Plan.
[12] LDC §34-145(d)(4)(a)(1).

When the requested zoning action is a planned development, the Hearing Examiner must also find:

H. The proposed use/mix of uses is appropriate at the proposed location;

I. Recommended conditions (1) provide sufficient safeguards to the public interest, and (2) reasonably relate to impacts on the public interest expected from the proposed development; and

J. Requested deviations (1) enhance achievement of the objectives of the planned development, and (2) promote the LDC's intent to protect public health, safety, and welfare.[13]

Character of the Area

The property is located in Alva, north of Pearl Street and east of Broadway Street. Vacant and residential lands surround the site. The southern boundary abuts the Caloosahatchee Canal/River.

Lee Plan Consistency and Compatibility

All planned developments must be consistent with the Lee Plan.[14] Rezoning requests must be compatible with existing/planned uses in the surrounding area.[15] Planned developments must be located to minimize negative effects of proposed uses on neighboring properties.[16]

The Lee Plan Future Land Use Map classifies the site as Urban Community.[17] Urban Community areas are characterized by a mix of relatively intense commercial and residential uses.[18] Predominant land uses are residential, commercial, public, and light industrial.[19] The request retains residential uses consistent with the Urban Community category.

The site lies within the Alva/Northeast Lee County Planning Community.[20] The proposal to support residential uses by offering on-site storage complies with planning community directives to retain the area's rural heritage.[21] The request proposes no increase in density or physical development. Providing residents with storage options adjacent to their homes reduces transportation needs to access stored items elsewhere.

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[13] LDC §34-145(d)(4)(a)(2).
[14] LDC 34-411(a).
[15] LDC §34-145(d)(4)(a).
[16] LDC §34-411(c) and (i).
[17] *See* Lee Plan Map 1-A, Policy 1.1.4; Staff Report (Attachment B).
[18] Lee Plan Policy 1.1.4.
[19] *Id.*
[20] Lee Plan Map 1-B and 2-A; Lee Plan Goal 27-28.
[21] Lee Plan Goal 27-28, Objectives 2.1, 2.2, Policies 2.2.1, 2.2.2; Staff Report (pg. 5).

Applicant provided sufficient evidence to demonstrate the request is consistent with the Lee Plan.

Rezoning requests must also demonstrate compatibility with the surrounding area. Applicant proposes to continue an established development in operation since the 1970s. County regulations ensure adjoining residents are buffered from storage areas by a visual screen.[22] Neighbors are further protected because the storage area is only accessible from within the project.[23]

The request is compatible with neighboring uses and consistent with the Lee Plan.

Transportation/Traffic

Planned developments must have access to roads with sufficient capacity to support proposed intensity.[24] Existing regulations or conditions of approval must address expected impacts on transportation facilities.[25]

The project retains existing access from Pearl Street.[26] Residents will access the outdoor storage area from within the MHPD.[27] Emergency vehicles can access the storage area via an easement connecting to Pearl Street.[28]

Applicant demonstrated the request provides sufficient access to support proposed development.[29]

Applicant obtained a waiver from providing a Traffic Impact Statement because the request does not create additional traffic impacts.[30] Staff concluded the request does not have a detrimental impact on the surrounding roadway system.[31]

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[22] LDC §34-3005(b), Z-07-072 deviation carried forward to Deviation 2.
[23] Routing traffic through the site ensures neighboring properties are not traversed by Oak Park residents accessing the storage area. *See* Staff Report (pg. 4), Lee Plan Policy 5.1.5.
[24] LDC §34-145(d)(4)(a)(1)(d); §34-411(d)(1).
[25] LDC §34-145(d)(4)(a)(1)(e); §34-411(d)(2).
[26] This segment of Pearl Street is a non-county maintained local road. *See* Staff Report (Attachment P).
[27] *See* Staff Report (pg. 5); Testimony of Fred Drovdlic and Dirk Danley.
[28] *See* MCP, Condition 7.
[29] LDC §34-145(d)(4)(a)(1)(d); Staff Report (pg. 5, Attachment O-P).
[30] *See* Staff Report (pg. 5, Attachment O-P). The request does not propose more units, and the storage area is solely for residents' use. Accordingly, no new traffic will be generated by the request. Further, the property is currently permitted for development of 25 single family residences. The request removes the ability to develop residential units on the adjoining lots, thereby reducing potential transportation impacts.
[31] *See* Staff Report (pg. 5, Attachment J).

Environmental and Natural Resources

Planned development design should reflect creative use of open space.[32] Developers must protect and preserve natural site features.[33] New development must not degrade surface water quality.[34]

Most of the site is improved with mobile homes. Applicant obtained waivers from environmental submittals given existing site conditions and the minimal impact the request poses.[35]

The site plan denotes conservation areas on the northern and western boundaries.[36] Open space is peppered throughout to accommodate site constraints.[37] Applicant seeks a deviation for open space to recognize the existing park developed prior to LDC requirements.[38]

The request must be compliant with the Manatee Protection Plan since boats may be in the proposed storage area and the project has an existing multi-slip facility.[39] Staff concluded the request remains consistent with the Plan.[40]

The proposal does not pose impacts to surface or ground waters.[41] Future development may require permitting from South Florida Water Management District.[42]

Public Services

Public/urban services are the facilities, capital improvements, and infrastructure necessary to support development.[43] The Lee Plan requires an evaluation of available urban services during the rezoning process.[44]

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[32] LDC §34-411(h).
[33] LDC §34-411(g).
[34] Lee Plan Policy 125.1.2.
[35] *See* Staff Report (Attachment O).
[36] *See* MCP. Conservation easements were previously recorded encompassing the 4+ acre portion in the north and the 1.1± acres along the west.
[37] *See* MCP.
[38] The LDC requires 40 percent open space, Applicant is providing 26 percent. Area A developed prior to the LDC regulation. Staff found overall the project provides 52 percent open space. *See* Staff Report (Attachment R).
[39] *See* Staff Report (pg. 5, Attachment S).
[40] *See* Staff Report (Attachment S); Lee Plan Policy 128.4.6.
[41] *See* Staff Report (pg. 5); Lee Plan Policy 115.1.2.
[42] *Id.*
[43] Lee Plan Glossary. Public services include public water/sewer, paved streets/roads, public transit, parks and recreation facilities, urban levels of police, fire, and emergency services, urban surface water management, schools, employment, industrial, and commercial centers, institutional, public, or administrative facilities, community facilities such as senior citizens centers, libraries, and community centers.
[44] Lee Plan Policy 2.2.1.

A host of urban services and infrastructure serve the property including roads, on-site wastewater treatment, police, fire, and emergency medical services.[45]

Deviations

"Deviations" are departures from LDC regulations.[46] Applicant seeks six deviations.[47] Most were previously approved or necessary to recognize existing site conditions. Staff supports the requested deviations.

The Hearing Examiner's standard of review requires a finding that the deviation:

1. Enhances achievement of objectives of the planned development; and
2. Preserves and promotes the general intent of the LDC to protect the public health, safety, and welfare.[48]

Applying LDC deviation standards of review to testimony and evidence in the record, the Hearing Examiner concludes the requested deviations meet approval criteria.[49]

Conditions

The county must administer the zoning process so proposed land uses acceptably minimize adverse impacts to adjacent property. Conditions must plausibly relate to anticipated impacts from the proposed development and must be pertinent to mitigation of those impacts on the public health, safety, and welfare.[50]

The MHPD will be subject to several conditions of approval. The conditions relate to impacts anticipated from the project.[51] The Hearing Examiner recommends:

1. Revisions to conditions to improve clarity; and
2. Deletion of conditions that restate LDC standards and criteria applicable to the project pursuant to Condition 1.

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[45] *See* Staff Report (pg. 5); Lee Plan Standards 4.1.1, 4.1.2, Policy 2.2.1. On-site wells serve the site.
[46] LDC §34-2.
[47] Applicant originally sought seven but withdrew one.
[48] LDC §34-145(d)(4).
[49] LDC §34-377(a)(4).
[50] LDC §34-932(b).
[51] LDC §34-83(b)(4)a.3.

Public

The LDC and Lee Plan require zoning applicants to hold an informational meeting in the Northeast Lee County Planning Community.[52] Applicant held two meetings.[53]

No members of the public appeared at hearing.

Conclusion

The Hearing Examiner concurs with staff's analysis and recommendation the requested rezoning to MHPD meets LDC approval criteria.

IV. Findings and Conclusions

The Hearing Examiner makes the following findings and conclusions based on the testimony and evidence in the record:

A. *As conditioned herein*, the proposed rezoning to MHPD:

1. Complies with the Lee Plan. *See,* Lee Plan Goals 2, 4, 5, 27, 28, 39, 125, 135, Objectives 2.1, 2.2, 5.1, 135.1, and Policies 1.1.4, 2.1.1, 2.1.2, 2.2.1, 5.1.2, 5.1.5, 27.1.6, 27.1.8, 28.1.7, 115.1.2, 128.4.6, 135.1.9; Lee Plan Maps 1A-B, 2A.

2. Complies with the LDC and other County regulations. *See*, LDC Chapters 10 and 34;

3. Is compatible with existing and planned uses in the area. *See,* Lee Plan Policies 1.1.4, 2.1.1, 2.1.2, 2.2.1, 5.1.5; LDC 34-411(c), (i), and (j).

4. Will not adversely affect environmentally critical areas and natural resources. *See,* Lee Plan Goals 77, Objectives 4.1, 77.1, Policy 5.1.2, Standard 4.1.4, LDC 34-411(h).

5. Provides access sufficient to support the proposed development intensity. Expected impacts to transportation facilities will be addressed by the conditions of approval and County regulations. Lee Plan Policies 39.1.1; LDC 2-261 *et seq.*, 10-287, 34-411(d).

[52] Lee Plan Policies 27.1.6, 27.1.8, 28.1.7. The meeting must be held before county staff can deem the application sufficient.
[53] The first meeting was held on May 5, 2021, with a subsequent meeting on September 24, 2021. *See* Staff Report Attachment M-N.

6. Will be served by urban services. *See,* Lee Plan Glossary, Map 4A-B, Goal 2; Objectives 2.1, 2.2, 4.1; Policies 2.2.1 and Standards 4.1.1 and 4.1.2; LDC 34-411(d).

B. The Master Concept Plan reflects sufficient access to support the intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. *See,* Lee Plan Goal 39, Objective 39.1; LDC 34-411(d).

C. The proposed mix of uses is appropriate at the proposed location. *See,* Lee Plan Policies 1.1.4, 2.1.1, 5.1.5, and 135.1.9.

D. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. *See,* Lee Plan Policies 5.1.5; *See also,* LDC Chapters 10 and 34.

E. As conditioned herein, the deviations:

1. Enhance the objectives of the planned development; and

2. Promote the intent of the LDC to protect the public health, safety, and welfare. *See,* 34-377(b)(4).

Date of Recommendation: May 8, 2023.

Amanda L. Rivera
Deputy Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

Exhibit A

KP Surveying, Inc.
LB NUMBER 8152
2802 W. Cypress Avenue S.E.
Fort Myers, Florida 33905
(239) 462-1901
www.kpsurveying.com

DESCRIPTION OF A PARCEL OF LAND LYING IN
SECTION 22, TOWNSHIP 43 SOUTH, RANGE 27 EAST
LEE COUNTY, FLORIDA

COMMENCING AT THE NORTHEAST CORNER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 27 EAST, THENCE S 00°16'01" W, ALONG THE EAST LINE OF SAID SECTION, A DISTANCE OF 1641.70' TO THE POINT OF BEGINNING;

THENCE S 89°25'49" E, ALONG THE NORTH BOUNDARY OF THE WEST HALF 1/2 OF THE S 1/2 OF THE N 1/2 OF THE SW 1/4 OF THE NW 1/4, OF SECTION 23, TOWNSHIP 43 SOUTH, RANGE 27 EAST, A DISTANCE OF 649.17'; THENCE S 00°18'48" W, A DISTANCE OF 2582.93'; TO THE TOP OF BANK OF THE CALOOSAHATCHEE RIVER; THENCE CONTINUE ALONG SAID TOP OF BANK THE FOLLOWING THREE COURSES, S 66°21'41"W FOR 76.91', S 72°21'37 W FOR 279.78' AND N 77°08'56" W FOR 321.48' TO THE WEST BOUNDARY OF BLOCK A OF THAT CERTAIN SUBDIVISION KNOWN AS FRANCIS W. PERRY'S SUBDIVISION, AS FILED AND RECORDED IN PLAT BOOK 1, PAGE 18; THENCE N 00°19'03" E, ALONG THE WEST BOUNDARY OF SAID BLOCK A, A DISTANCE OF 403.20', TO A POINT ON THE NORTH RIGHT OF WAY LINE OF PEARL STREET; THENCE S 88°30'57" W, ALONG SAID NORTH RIGHT OF WAY, A DISTANCE OF 245.11'; THENCE N 00°23'02" E, ALONG THE WESTERN BOUNDARY OF BLOCK K, OF THAT CERTAIN SUBDIVISION KNOWN AS A.M. STEVENS SUBDIVISION, AS FILED AND RECORDED IN PLAT BOOK 1, PAGE 28, A DISTANCE OF 401.36'; THENCE S 87°05'04" W, A DISTANCE OF 232.15', TO THE WEST BOUNDARY OF BLOCK J; THENCE N 00°21'29" E, ALONG THE WEST BOUNDARY OF SAID BLOCK J, A DISTANCE OF 861.48', TO THE NORTHWEST CORNER OF BLOCK J AND ALSO BEING THE SOUTH LINE OF RANCHO 78 SUBDIVISION; THENCE S 89°47'05" E, ALONG THE NORTH BOUNDARY OF BLOCK J, A DISTANCE OF 231.13, TO THE NORTHWEST CORNER OF BLOCK K; THENCE S 89°38'13" E, ALONG THE NORTH BOUNDARY OF BLOCK'S K AND L, A DISTANCE OF 244.56', TO THE NORTHEAST CORNER OF BLOCK L AND ALSO BEING THE EAST 1/4 CORNER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 27 EAST; THENCE N 00°20'32" E, ALONG THE EAST LINE OF SAID SECTION, A DISTANCE OF 657.57'; THENCE N 00°25'37" E, ALONG THE EAST BOUNDARY OF SAID SECTION, A DISTANCE OF 330.49'; TO THE POINT OF BEGINNING.

CONTAINING 51.19 ACRES MORE OR LESS.

REVIEWED
DCI2021-00019
Hunter Searson, GIS
Planner
Lee County Government
2/7/2022

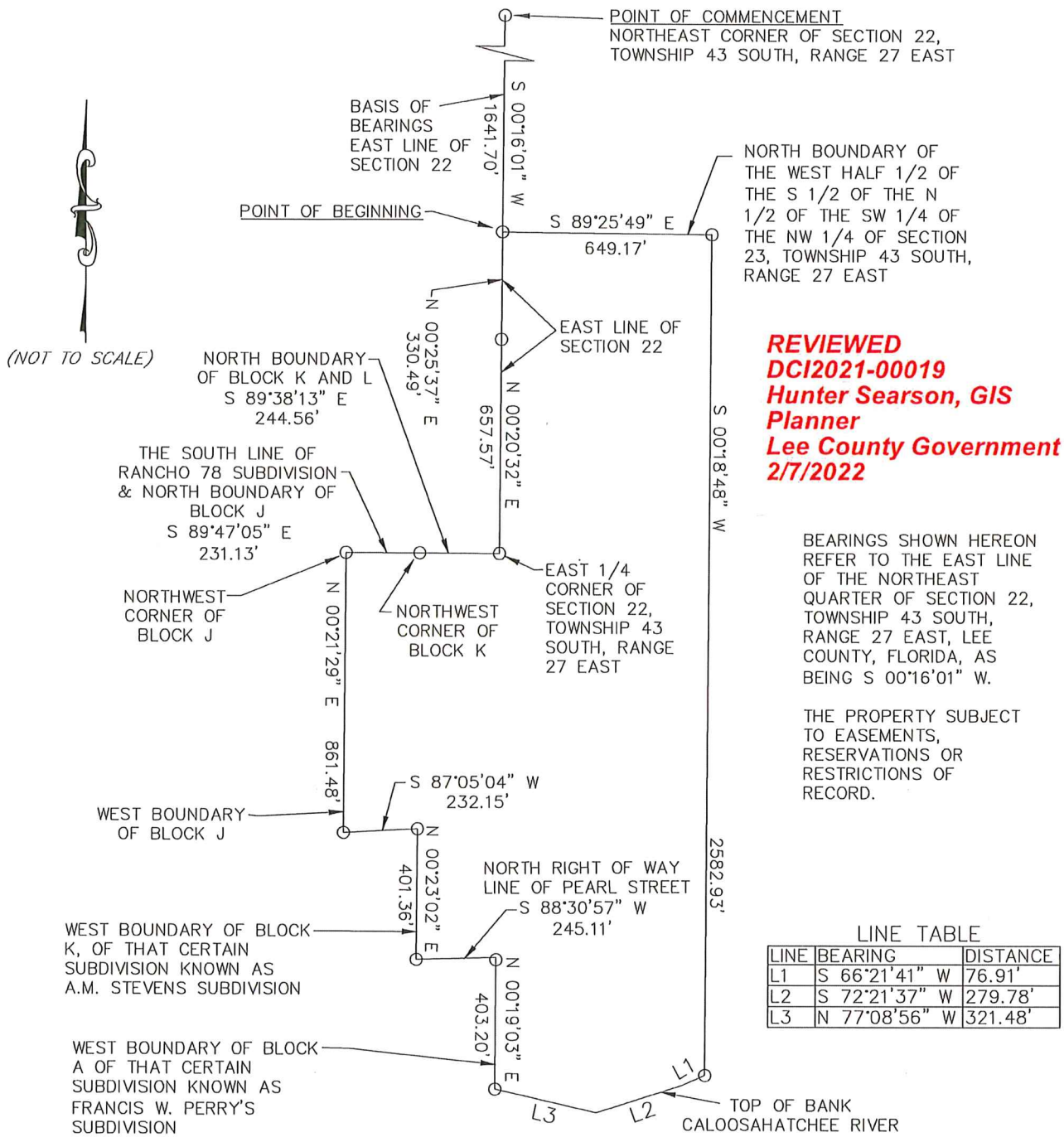
KENNETH PUFAHL
Digitally signed by KENNETH PUFAHL
Date: 2021.10.18 12:28:43 -04'00'

Ken Pufahl, P.S.M.

PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. 6126
DATE: 10/18/2021

Exhibit A

SKETCH TO ACCOMPANY DESCRIPTION



REVIEWED
DCI2021-00019
Hunter Searson, GIS Planner
Lee County Government
2/7/2022

BEARINGS SHOWN HEREON REFER TO THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 43 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA, AS BEING S 00°16'01" W.

THE PROPERTY SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 66°21'41" W	76.91'
L2	S 72°21'37" W	279.78'
L3	N 77°08'56" W	321.48'

*** THIS IS NOT A SURVEY ***

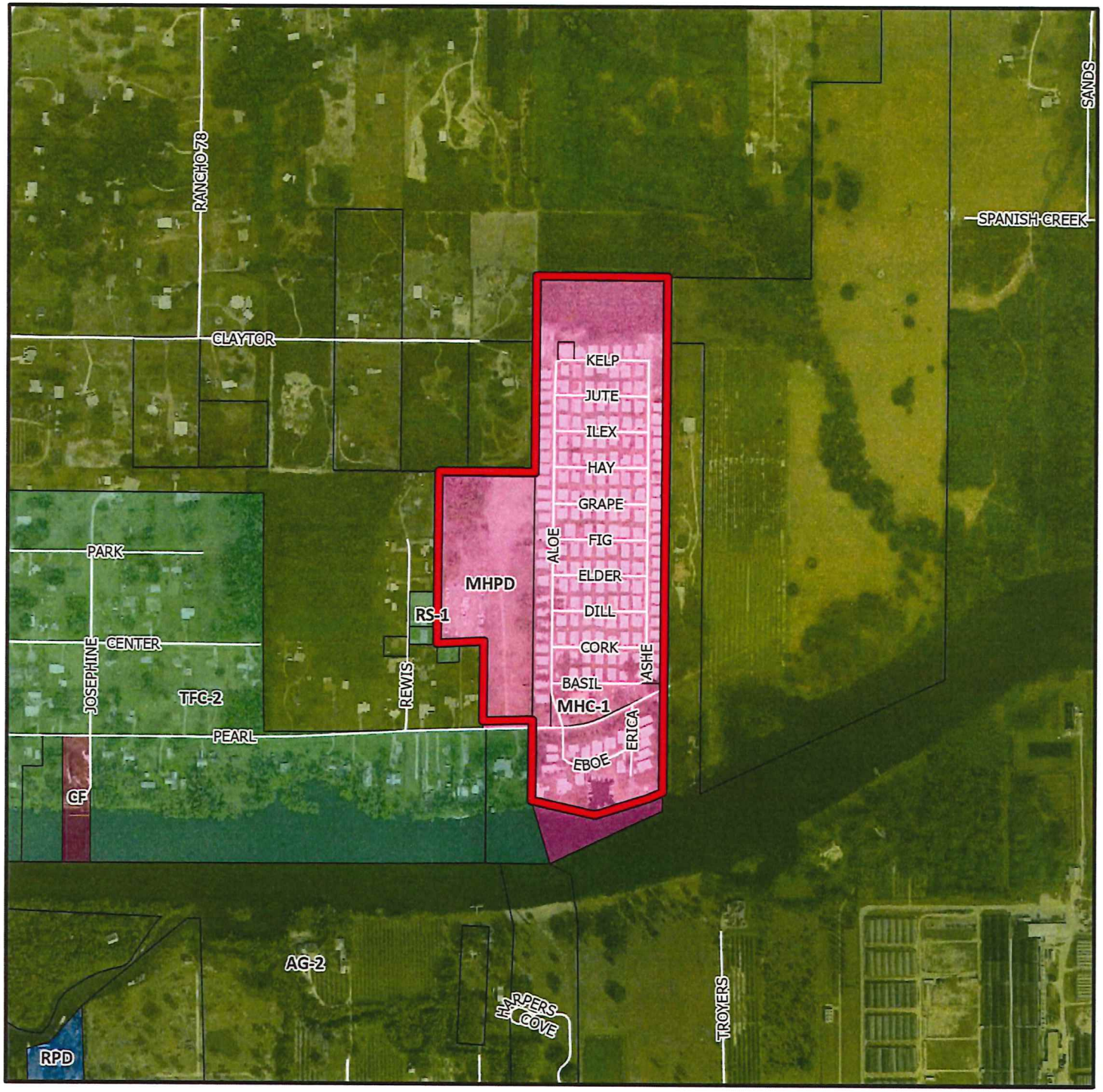
KENNETH PUFAHL

Digitally signed by KENNETH PUFAHL
Date: 2021.10.18 12:36:22 -04'00'

Ken Pufahl, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE No. 6126
DATE: 10/18/2021

KP Surveying, Inc.
LB NUMBER 8152
2802 W. Cypress Avenue S.E.
Fort Myers, Florida 33905
(239) 462-1901
www.kpsurveying.com

PROJECT No: 20-0039
DATE: 10/18/2021
SHEET 2 OF 2



DCI2021-00019

Zoning

Subject Property

N
W E
S

0 500 1,000
Feet

Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

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

1. Master Concept Plan (MCP) and Development Parameters

a. MCP. Development must be substantially consistent with the one-page MCP entitled "Master Concept Plan, Oak Park Village MHPD," prepared by Waldrop Engineering, last revised 11/16/2022 (Exhibit B1).

b. LDC and Lee Plan. Development must comply with the LDC and Lee Plan at time of development order approval except where granted by deviation herein. Subsequent amendments to this resolution or MCP may be subject to further development approvals.

c. Development Parameters. The MHPD is approved for a maximum of 208 mobile home dwelling units, with accessory uses, multi-slip docking facility, and an ancillary open storage area.

2. Schedule of Uses and Property Development Regulations

a. Schedule of Uses

Accessory Uses and Structures, Including Cabanas (Maximum of 500 Square Feet)
Administrative Offices
Club, Private, On-Site with the following Accessory Uses
- Consumption on Premises
- Food And Beverage Service, Limited
- Personal Services, Group I
- Community Gardens

Dwelling Unit, Mobile Home (Limited to 208 Dwelling Units)
Entrance Gates or Gatehouses
Essential Services
Essential Service Facilities: Group I and Group II (Subject to Condition 4)
Excavation: Water Retention
Fences, Walls
Multi-Slip Docking Facility (For Resident Use Only)
Parking Lot: Accessory
Real Estate Sales Office

Recreational Facilities, Personal, Private On-Site
Signs
Storage, Open (Limited to Trailers, RVs, Boats, and Other Vehicles/Goods of The Oak Park Village Co-Op Residents)
Temporary Uses

b. Site Development Regulations

Lot Size

Area A: Existing Mobile Home Park[54]

Area B: Outdoor Storage and Recreation Area

Minimum Lot Area:	10,000 square feet
Minimum Lot Width:	100 feet
Minimum Lot Depth:	100 feet

Setbacks

Development Perimeter	15 feet
Pearl Street	25 feet
Maximum Lot Coverage	60 percent[55]
Maximum Height	35 feet

3. Ordinance 86-36 Designation

The county previously recognized the MHPD residential portion as a lot of record under Ordinance 86-36. This resolution does not supersede the 86-36 designation.

4. Wastewater Treatment Facility

This resolution codifies SEZ2000-00008 and VAR2000-00064, which permits an on-site sewage disposal system (Essential Service Facilities, Group II) for the MHPD.

5. Clubhouse Parking

This resolution codifies VAR2000-00032, which reduces the parking requirement for the clubhouse from 59 parking spaces to 26 spaces.

[54] Property development regulations must be consistent with LDC §34-3274(3).
[55] Except as specified in LDC §34-3274(3).

6. Outdoor Storage Area

The "Open Storage" area identified on the MCP is subject to the following:

a. Use. Oak Park Village Mobile Home Park (Co-Op) residents have exclusive use. Storage is not open to the public.

b. Location. Permitted within the existing footprint as depicted on the MCP.

c. Unit Limitation. Limited to a maximum of 120 units. Units may include motor vehicles such as passenger cars, pickup trucks, golf carts, campers, boats, trailers and motor homes or recreational vehicles (RV's) or similar vehicles. Prohibited items for storage includes construction or farm equipment/materials, box trucks (rental/moving vehicles), utility/service trucks, tractor-trailer or semi-trailer trucks or any truck and trailer combination. Boats sitting on trailers will be counted as one unit.

d. Maintenance. Must be maintained in a dust-free manner.

e. Enclosure. Must be enclosed by a six-foot high chain link fence.

f. Buffer. A 15' Type "C" buffer must be provided along the southern and western boundaries of the Open Storage area, except for the gate. Plantings must include shrubs a minimum of 60 inches in height at the time of planting to provide a visual screen and may not be pruned to reduce height.

g. Maintenance Facility. A maintenance building/shed is permitted for use by Oak Park Village facilities managers to care for equipment serving MHPD property. The facility may not exceed 1,000 square feet. It may not be used for repairs or mechanical work on stored units, or for private storage of personal items of Oak Park residents.

h. Vehicle Maintenance Prohibited. Maintenance, repairs, or other mechanical work is prohibited on stored items.

7. Oak Park Village Access

Access for the MHPD is limited to the existing Oak Park Village entrances on Pearl Street consistent with the Special Permit issued in Zoning Resolution Z-70-56 and the site plan development order approved March 13, 1984.

8. Environmental Conditions

Developer must submit the following prior to development order approval for development beyond the existing footprint of the open storage area:

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 required state or federal permits.

b. A Florida scrub jay management plan per LDC §10-474 and Federal requirements if Florida scrub jay or evidence thereof are identified.

c. Development order plans must depict upland conservation area as "Gopher Tortoise Preserve" if impacts to gopher tortoise burrows are avoided or a FWC on-site relocation permit is obtained.

d. Development order plans must depict the 1.1± acre xeric oak community (Florida Land Use Classification Code 421) located north of the open storage area. The xeric oak community must be labeled "Upland Conservation Easement Area."

e. This resolution recognizes Developer complied with the recordation of two conservation easements for (i) the 1.1± acre xeric oak community and (ii) the 4± acres of scrub oak habitat located within Strap #23-43-27-00.-00002.0010.

f. Prior to buffer vegetation installation for the outdoor storage area, staff must perform a site inspection to ensure no listed species utilize the area where vegetation is to be installed. If listed species utilization is observed, necessary surveys, FWC or US Fish and Wildlife Service (FWS) approvals/permits will be required. If no listed species utilization is observed, no further surveys, FWC, or FWS approvals/permits are required. Buffer installation can only remove exotics. Native vegetation is to remain. Buffer area work may only occur outside Florida scrub jay nesting season (March 1-June 31).

9. State and Federal Permits

a. Generally. County development permits do not create rights to obtain permits from state or federal agencies and do not create liability on the part of the County if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

b. State Wetland Permits. Developer may not commence construction on development impacting wetlands until issuance of required state permits. Development activity must comply with state wetland permits and applicable local development permits.

DEVIATIONS

1. Withdrawn

2. **Storage Facilities**. Deviate from LDC §34-3005(b)(1), which requires commercial/ industrial outdoor storage to be shielded behind a continuous visual screen at least eight feet in height when visible from a residential use/zoning district; to allow a 6-foot high chain link fence with 60-inch landscaping to enclose the storage area.

   HEX Recommendation: Approval

3. **Open Space**. Deviate from LDC §34-935(g)(1)a, which requires 40 percent of the project's total area to be common open space; to allow 13 acres, or 26 percent of the project, to be common open space as depicted on the MCP.

   HEX Recommendation: Approval

4. **Perimeter Setback**. Deviate from LDC §34-935(b)(1)b, which requires buildings/ structures be set back from the development perimeter fifteen (15) feet if the property is zoned MHPD; to allow minimum setbacks of structures/buildings from development perimeter boundaries to be ten (10) feet for the existing Oak Park Village MHPD Boundary area consistent with the approved variance in Resolution Z-05-077.

   HEX Recommendation: Approval

5. **Lot Dimensions**. Deviate from LDC §34-935(e)(1)a where in MHPD districts, if the development contains/consists of a conventional subdivision for mobile homes, the lot dimensions and area specified in §34-736 for the MH-1, MH-2, MH-3 or MH-4 mobile home districts shall apply as appropriate, unless other lot areas/dimensions are approved by the Board of County Commissioners; to allow property dimensions consistent with the original subdivision as official lots of record.

   HEX Recommendation: Approval

6. **Setbacks**. Deviate from LDC §34-736 concerning setbacks from lot lines and separation of buildings for mobile homes in MHPDs where the front, side, and rear setback for the MH-1, MH-2, MH-3, or MH-4 mobile home district shall apply as

appropriate, unless other lot areas and dimensions are approved by the Board of County Commissioners; to allow setbacks as follows:

AREA A – EXISTING OAK PARK VILLAGE
Minimum Setbacks:
Consistent with LDC §34-3274(3)

AREA B – OUTDOOR STORAGE AND RECREATION AREA
Minimum Setbacks:
Pearl (Offsite) Street: 25 feet
Park perimeter (MHPD boundary AREA B):
15 feet Outdoor Storage Area: 15 feet
Water Body: 5 feet (MHC-1 regulations)

HEX Recommendation: Approval

7. **Right-of-Way Width**. Deviate from LDC §10-296(a), which requires public and private streets to be designed, constructed, and improved in accordance with the specifications set out in this section; to allow an 18-feet-wide accessway as shown on the MCP to provide access to the existing open storage area.

HEX Recommendation: Approval, *subject to* the following conditions:

- The accessway must be designed to meet requirements established by FDOT in the Florida Greenbook with consideration of the Plans Preparation Manual and guidance in AASHTO publications.

- At the time of development order, the accessway surface must be designed to provide a sufficiently stabilized limestone or gravel access to the open storage area based on the anticipated vehicle usage and adequately drained.

- Developer must demonstrate the accessway design and construction is sufficient to accommodate the anticipated vehicle usage prior to development.

Exhibits to Conditions:
B1 Master Concept Plan dated 11/16/2022

DCI2021-00019 Lee County ePlan

Additional Info Dated 11-16-2022

EXHIBIT B-1

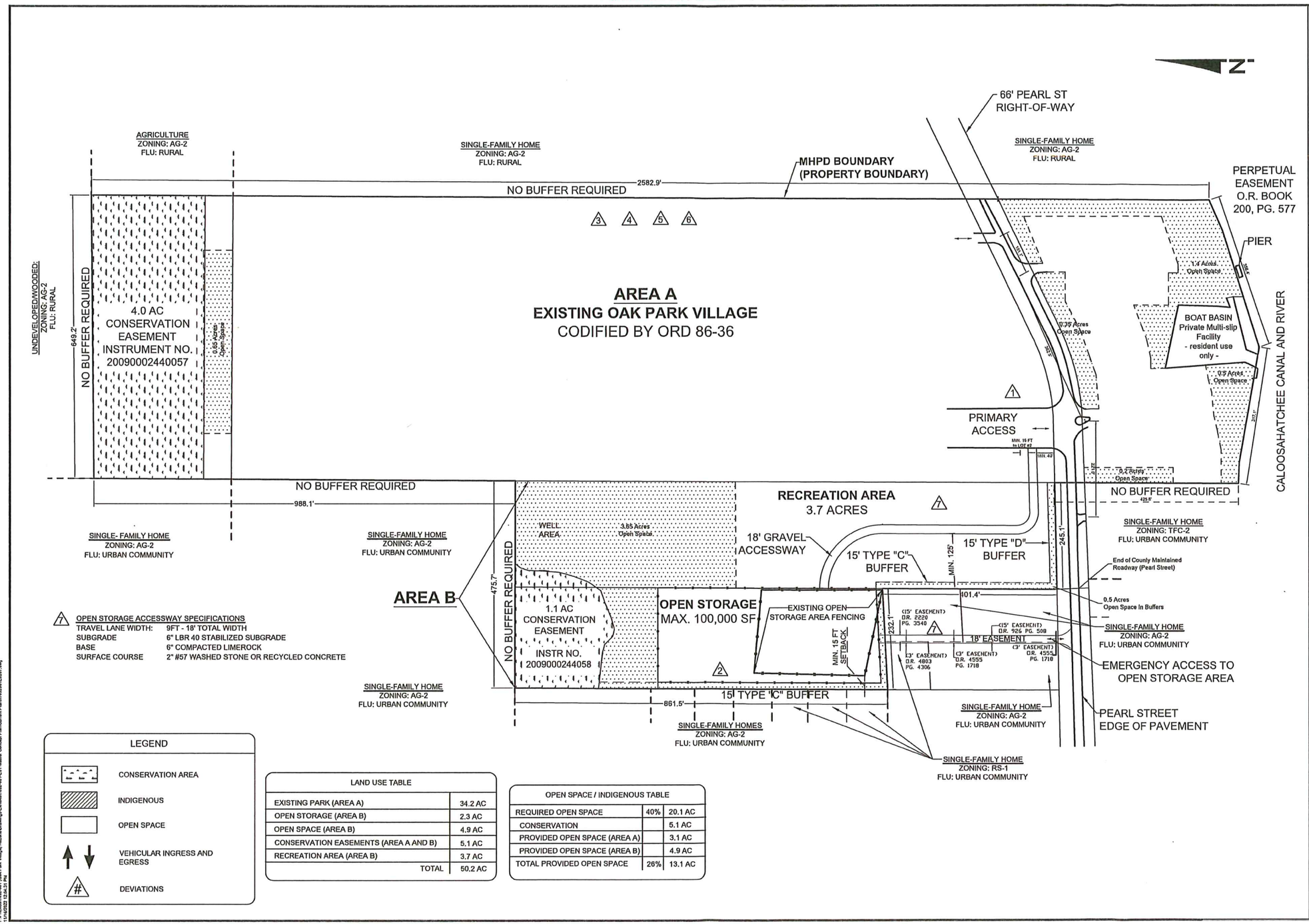
MASTER CONCEPT PLAN

OAK PARK VILLAGE MHPD

CLIENT: OAK PARK VILLAGE COOPERATIVE

LEE COUNTY

MOBILE HOME PLANNED DEVELOPMENT



7 OPEN STORAGE ACCESSWAY SPECIFICATIONS

TRAVEL LANE WIDTH:	9FT - 18' TOTAL WIDTH
SUBGRADE	6" LBR 40 STABILIZED SUBGRADE
BASE	6" COMPACTED LIMEROCK
SURFACE COURSE	2" #57 WASHED STONE OR RECYCLED CONCRETE

LEGEND

- CONSERVATION AREA
- INDIGENOUS
- OPEN SPACE
- VEHICULAR INGRESS AND EGRESS
- # DEVIATIONS

LAND USE TABLE	
EXISTING PARK (AREA A)	34.2 AC
OPEN STORAGE (AREA B)	2.3 AC
OPEN SPACE (AREA B)	4.9 AC
CONSERVATION EASEMENTS (AREA A AND B)	5.1 AC
RECREATION AREA (AREA B)	3.7 AC
TOTAL	50.2 AC

OPEN SPACE / INDIGENOUS TABLE		
REQUIRED OPEN SPACE	40%	20.1 AC
CONSERVATION		5.1 AC
PROVIDED OPEN SPACE (AREA A)		3.1 AC
PROVIDED OPEN SPACE (AREA B)		4.9 AC
TOTAL PROVIDED OPEN SPACE	26%	13.1 AC

WALDROP ENGINEERING
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28100 BONITA GRANDE DRIVE - SUITE 305 BONITA SPRINGS, FL 34135
P: 239-405-7777 F: 239-405-7899 EMAIL: info@waldropengineering.com

PLAN REVISIONS

09/07/2021
09/30/2021
11/23/2021
1/19/2022
4/7/2022
NA
11/15/2022

0 50 100 200
SCALE IN FEET

FLORIDA CERTIFICATE OF AUTHORIZATION #1673

SET NUMBER: 1092-001-01

SHEET : 1

F:\Projects\1092-001 (Oak Park Village) Rezone\Drawings\Exhibits\092-001-E01 Master Concept Plan\Current Plan\1092001E2307.dwg
11/16/2022 12:04:31 PM

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Dirk Danley, Jr., Principal Planner, date received February 9, 2023 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *PowerPoint Presentation:* Prepared by Lee County Staff, for Oak Park Village MHPD, DCI2021-00019, dated February 23, 2023 (multiple pages – 8.5"x11")[color]

3. *Revised Conditions:* In Attachment C of Staff Report (6 pages – 8.5"x11")

APPLICANT EXHIBITS

a. *48-Hour Notice:* Email from Fred Drovdlic, to Maria Perez, with copy to Dirk Danley, Jr., dated Tuesday, February 21, 2023 11:19 AM (3 pages – 8.5"x11")

1. *PowerPoint Presentation:* Prepared by RVI Planning and Landscape Architecture, for Oak Park Village MHPD, DCI2021-00019, dated February 23, 2023 (multiple pages – 8.5"x11")[color]

2. *Master Concept Plan:* Prepared by Waldrop Engineering, last revised November 15, 2022 (1 page – 11"x17")

3. *Master Concept Plan with Aerial:* Prepared by Waldrop Engineering, last revised November 15, 2022 (1 page – 11"x17")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Dirk Danley, Jr.

Applicant Representatives:

1. Fred Drovdlic
2. James Ink

Public Participants:

None

Exhibit E

INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.

B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.

B. A verbatim transcript may also be available for purchase from the court reporting service.