RESOLUTION NUMBER Z-23-011

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

WHEREAS, Waldrop Engineering, Inc., filed an application on behalf of the property owner, Oak Park Village cooperative, Inc., to rezone a 51.19± acre parcel from Mobile Home Conservation (MHC-1) and Mobile Home Planned Development (MHPD) to MHPD in reference to Oak Park Village MHPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on February 23, 2023; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2021-00019 and recommended Approval of the Request; and

WHEREAS, a second public hearing was advertised and held on June 7, 2023 before the Lee County Board of Commissioners; and,

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

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

SECTION A. REQUEST

The applicant filed a request to rezone a 51.19± acre parcel from MHC-1 and 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 is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS

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

1. 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 C).

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[1]

[1] Property development regulations must be consistent with LDC §34-3274(3).

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[2]
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.

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.

[2] Except as specified in LDC §34-3274(3).

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.

SECTION C. DEVIATIONS

1. Deviation (1) Withdrawn.

2. Storage Facilities. Deviation (2) seeks relief from the 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. This deviation is APPROVED.

3. Open Space. Deviation (3) seeks relief from the 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. This deviation is APPROVED.

4. Perimeter Setback. Deviation (4) seeks relief from the 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. This deviation is APPROVED.

5. Lot Dimensions. Deviation (5) seeks relief from the 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. This deviation is APPROVED.

6. Setbacks. Deviation (6) seeks relief from the 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)

This deviation is APPROVED.

7. Right-of-Way Width. Deviation (7) seeks relief from the 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. This deviation is APPROVED, 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.

SECTION D. EXHIBITS

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

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

SECTION E. FINDINGS AND CONCLUSIONS

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

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

   a. 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.

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

   c. 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).

   d. 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).

   e. 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).

   f. 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).

2. 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).

3. 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.

4. 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.

5. As conditioned herein, the deviations:

   a. Enhance the objectives of the planned development; and

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

SECTION F. SCRIVENER'S ERRORS

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

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

Adopted by unanimous consent.

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 7th day of June 2023.

ATTEST:
KEVIN KARNES, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Brian Hamman, Chair

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY FLORIDA

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

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

RECEIVED
MINUTES OFFICE
MB
2023 JUN 12 PM 2:33

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.

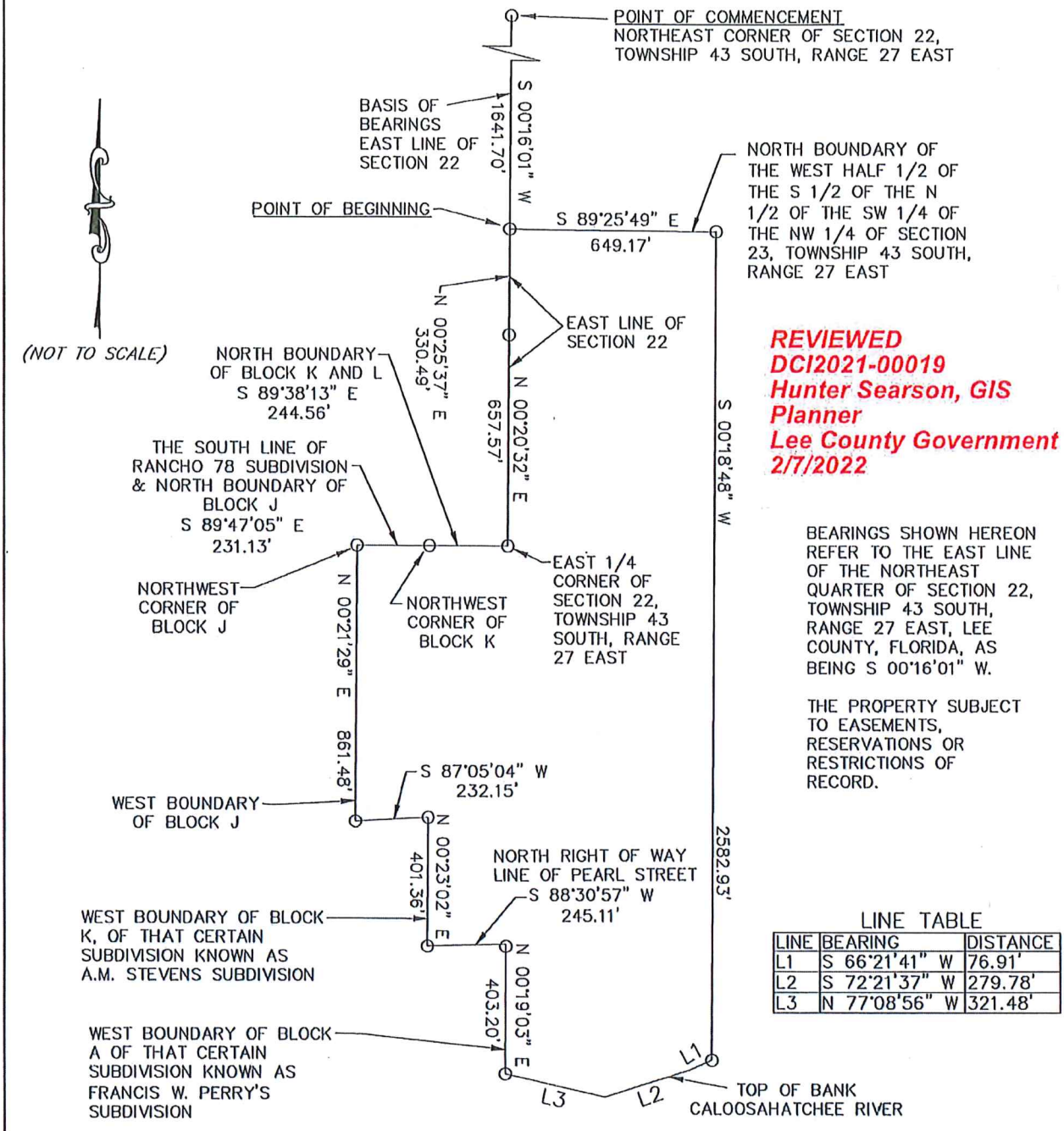
REVIEWED
DCI2021-00019
Hunter Searson, GIS
Planner
Lee County Government
2/7/2022

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 ***

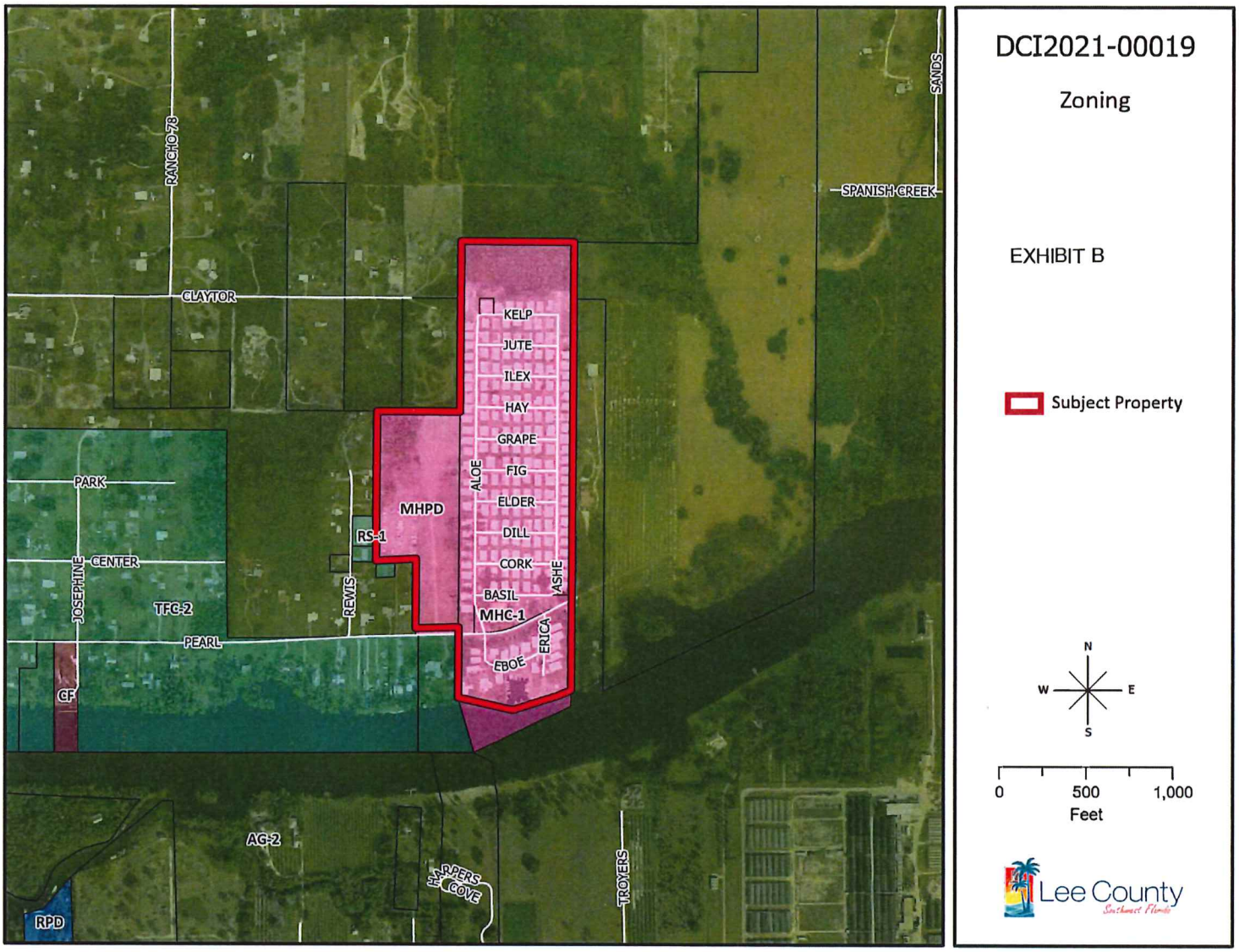
KENNETH PUFAHL

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

EXHIBIT B

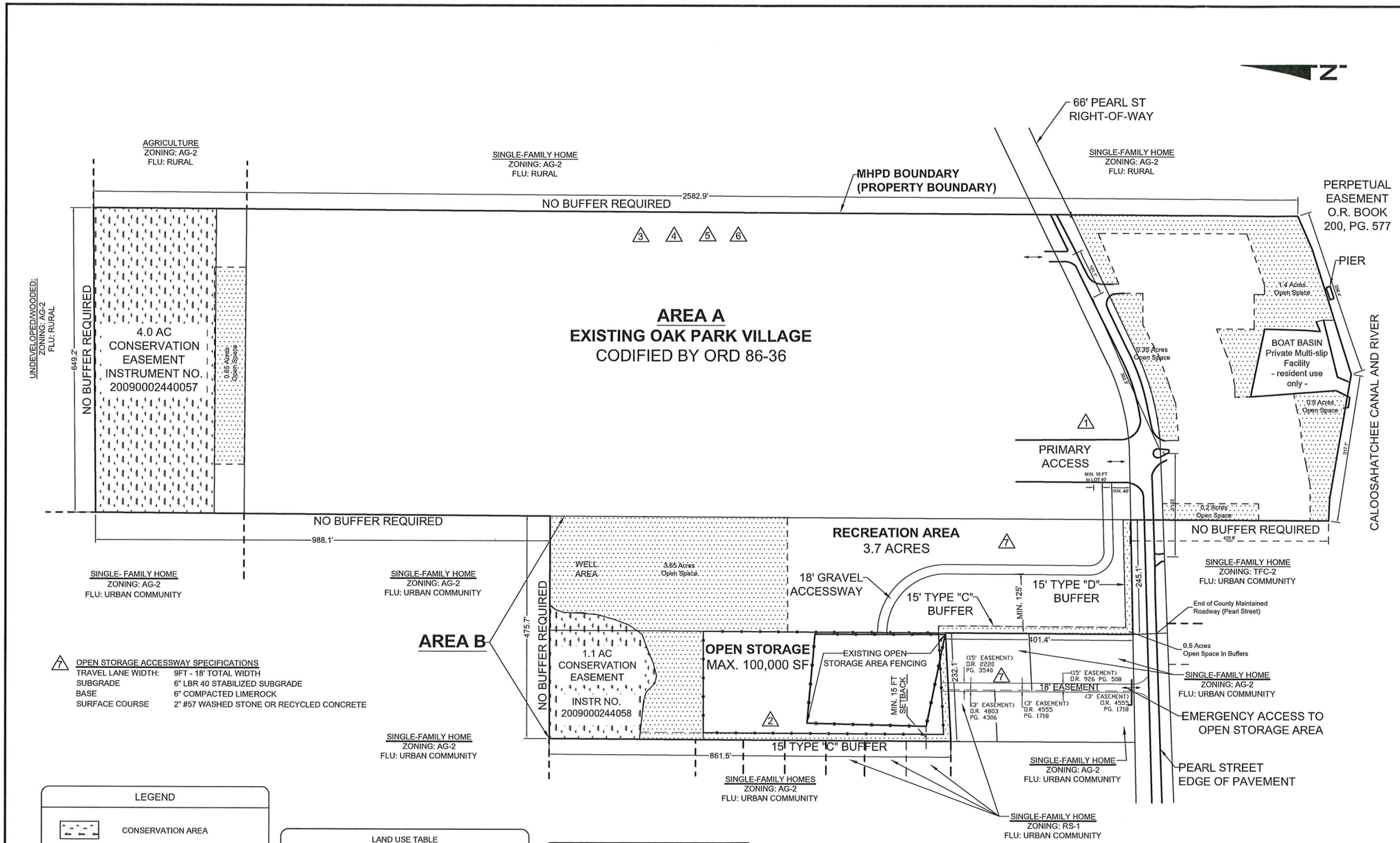
Subject Property

N
W
E
S

0 500 1,000
Feet

Lee County
Southwest Florida

Additional Info Dated 11-16-2022



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

Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-23-011

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

OAK PARK VILLAGE MHPD

MASTER CONCEPT PLAN

CLIENT: OAK PARK VILLAGE COOPERATIVE

LEE COUNTY

MOBILE HOME PLANNED DEVELOPMENT

PLAN REVISIONS

05/05/2021	
09/11/2021	
11/23/2021	
1/19/2022	
4/7/2022	
NA	
11/15/2022	

0 50 100 200
SCALE IN FEET

FLORIDA CERTIFICATE OF AUTHORIZATION #8636

SET NUMBER: 1092-001-01

SHEET : 1

F:\Projects\1092-001 (Oak Park Village) Rezone\Drawings-Exhibits\1092-001-E01 Master Concept Plan\Current Plans\1092001E0207.dwg
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