EXHIBITS

CASE # DCI2021-00019

CASE NAME: OAK PARK VILLAGE MHPD

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

ARE THERE ANY BOARD EXHIBITS? ____YES ____ NO

LOCATION OF BOARDS_____

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

EXHIBITS

Case # DCI2021-00019

APPLICANT

@. 24- Hour

#1 power point

#2 MCP 11x17

#3 MCP w/ aerial

#4

#5

#6

#7

#8

#9

#10

STAFF

#1 Staff Report

#2 power point

#3 revised conditions

#4

#5

#6

#7

#8

#9

#10

OTHER EXHIBITS

NAME	NUMBER	DESCRIPTION
	#	
	#	
	#	
	#	
	#	
	#	

ATTACHMENT C

A. Conditions

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Master Concept Plan, Oak Park Village MHPD" prepared by Waldrop Engineering, dated last revised on 11/15/2022, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

   Project density is limited to the development of a maximum of 208 mobile home dwelling units, with accessory uses and an ancillary open storage area.

2. The following limits apply to the project and uses.

   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 209 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 THE USE OF RESIDENTS 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
Property development regulations must be in accordance with LDC Section 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, except as specified in LDC Section 34-3274(3)
Maximum Height	35 feet

3. 86-36 Designation

The residential portion of the has been recognized as an 86-36 park and are subject to the relevant portions of the Land Development Code as it pertains to the 86-36 Ordinance designation. Approval of this resolution does not intend to supersede this designation.

4. Wastewater Treatment Facility

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

5. Clubhouse Parking

This resolution recognizes and codifies the variance approved in VAR2000-00032 which reduces the required number of parking spaces for the clubhouse from 59 parking spaces to 26 spaces.

6. Outdoor Storage Area

A. The accessory storage area may be used by the residents of the Oak Park Village Mobile Home Park (Co-Op) only.

B. The approved area for the accessory outdoor storage area is permitted within the existing footprint as depicted on the MCP. ~~The outdoor accessory storage area may not be altered or increased.~~

C. The accessory storage area is limited to a maximum of 120 units where units include motor vehicles such as passenger cars, pickup trucks, golf carts, campers, boats, trailers and motor homes or recreational vehicles (RV's) or the like. 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.

D. The accessory storage area must be maintained in a dust-free manner.

E. The accessory storage area must be enclosed by a six-foot high chain link fence.

F. A 15' 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.

G. A maintenance building or shed, a maximum of 1,000 square feet, is permitted but may not be used for repairs or mechanical work on stored units or for private storage of personal items of Oak Park residents. It is intended to be used by facilities managers of Oak Park Village for equipment to care for the Oak Village property.

H. Maintenance, repairs or other mechanical work is prohibited on items in the accessory storage area.

7. Oak Park Village Access

Access points for the MHPD will be limited to the existing Oak Park Village entrances on Pearl Street as it currently exists consistent with the Special Permit on June 2, 1970 (Zoning Resolution Z-70-56) and the site plan approval of development order 3-13-84. <u>During Development Order approval, the applicant must provide the connection point from Oak Park Village to the storage area consistent with the approved Master Concept Plan, and the access point to Pearl Street may then be used for emergency access only.</u>

8. 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 review and approval:

a) A current protected species survey as required by LDC Section 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 Section 10-474 and Federal requirements if Florida scrub jay or evidence thereof are identified on the site.

c) 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.

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) Within 30 days of the Lee County Board of Commission action approving this zoning request, the applicant must submit for Development Services 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. 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. This condition was previously satisfied.

f) 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. This condition was previously satisfied.

g) Prior to approval of a (limited) development order for installation of required buffer vegetation for the outdoor storage area, staff must perform a site inspection to ensure 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).

B. Deviations

1. Deviate from Lee County Land Development Code (LDC) §34-2020(4)k. to reduce the minimum required parking spaces for a clubhouse (meeting hall) from 59 parking spaces to 26 parking spaces.

Staff recommends **withdrawal** of this deviation.

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

   Staff continues to recommend **approval** of this deviation recommends the carryover of previously approved conditions for this proposed use.

3. Deviate from Section 34-935(g)(1)a. which requires 40 percent of the total area of the project 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.

   Staff recommends **approval** of this deviation.

4. Deviate from Section 34-935(b)(1)b. which requires all buildings and structures to be set back from the development perimeter a distance equal to fifteen (15) feet, if the subject property is, or will be zoned MHPD; to allow minimum setbacks of structures and 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.

   Staff recommends **approval** of this deviation.

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

   Staff recommends **approval** of this deviation.

6. Deviate from Section 34-736 concerning setbacks from lot lines and separation of buildings for mobile homes in mobile home planned developments 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:
   Oak Park Village Mobile Home Park subject to LDC Section
   AREA B – OUTDOOR STORAGE AND RECREATION AREA
   Minimum Setbacks:
   Pearl (Offsite) Street: 25 feet
   Park perimeter (MHPD boundary for AREA B): 15 feet Outdoor
   Storage Area: 15 feet
   Water Body: 5 feet (MHC-1 regulations)

Staff recommends approval of this deviation.

7. Deviate from Section 10-296(b), which requires public and private streets to be constructed and improved in accordance with the specifications set out in this section; to allow a low-volume, privately maintained, accessway not required to meet 10-296(b) except a gravel road with 18-foot width (9-foot travel lanes) per LDC Section 10-296(b), Note (1) that allows, "The right-of-way width to be determined by the Director of Development Services on privately maintained roadways."

   Development Services Staff recommends that the deviation language be modified as below:

   Deviation (7) seeks relief from Lee County Land Development Code (LDC) Section 10-296(a), which requires all 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.

   Development Services Staff recommends approval of this deviation, subject to the following conditions:

   - *The accessway must be designed to meet the 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.*

   - *Any future development will require the applicant to demonstrate that the accessway design and construction is sufficient to accommodate the anticipated vehicle usage.*

OAK PARK VILLAGE MHPD
DCI2021-00019

Planned Development Rezoning Request
DCD Staff presentation

STAFF'S EXHIBIT #) 2

Applicant Request

- request to rezone of approximately 51.19 acres from Mobile Home Conservation District (MHC-1) and Mobile Home Planned Development (MHPD) to Mobile Home Planned Development (MHPD) to:
  - Combine the two existing zoning districts and codify all previous zoning approvals into a single resolution;
  - Expand the 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.

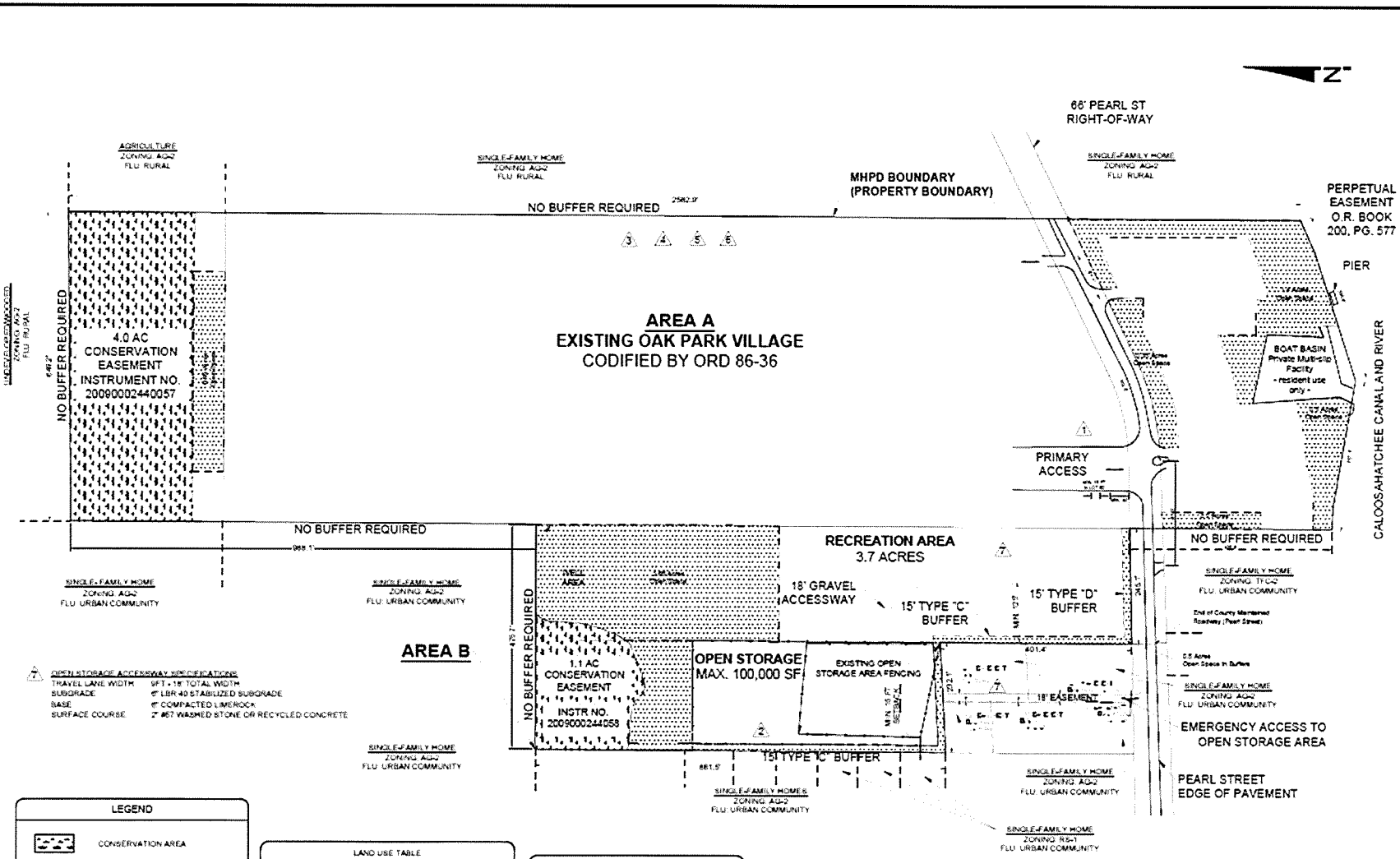
History of Parcel

- Eastern Portion:
  - Z-70-056, which rezoned a portion of the property from AU (AG-2, as converted) to RU-3A and BU-2A (CT and C-1 as converted) with a Special Permit for a Mobile Home Park, with conditions
  - SEZ2000-00008/VAR2000-00064 to allow for Essential Service Facilities, Group II for a sewage disposal system for the mobile home park
  - 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

History of Parcel

- Western Portion:
  - Resolution Z-07-072A to allow up to 25 single-family dwelling units, accessory uses, and open storage for the use of the residents of the community (Attachment I).
  - ADD2014-00216A approved an amendment to allow a phasing plan for the planned development, with conditions.


AG-2
AG-2
AG-2
AG-2
MHPD
MHC-1
Oak Park Village Co-Op
MHC-1
TFC-2

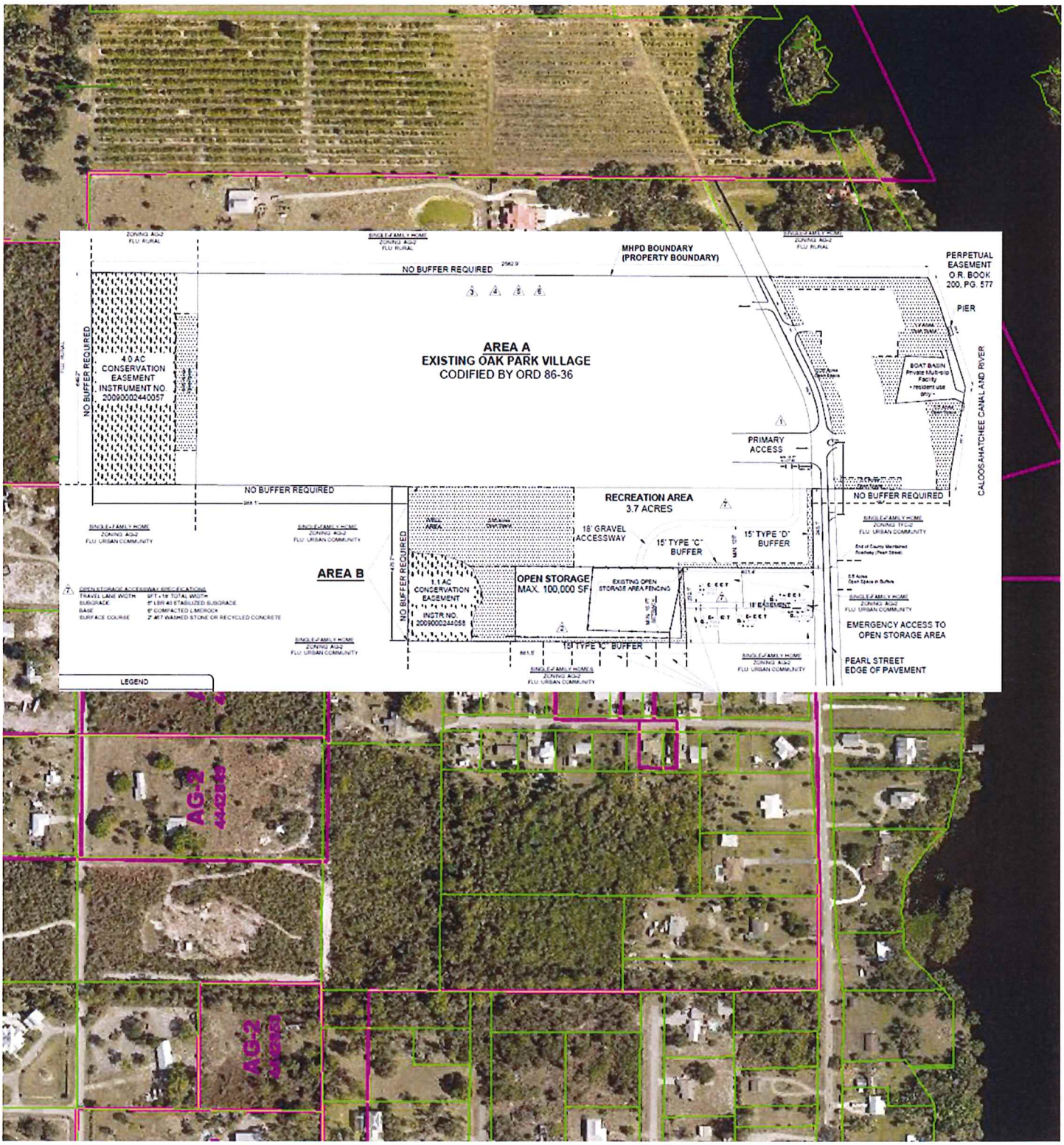


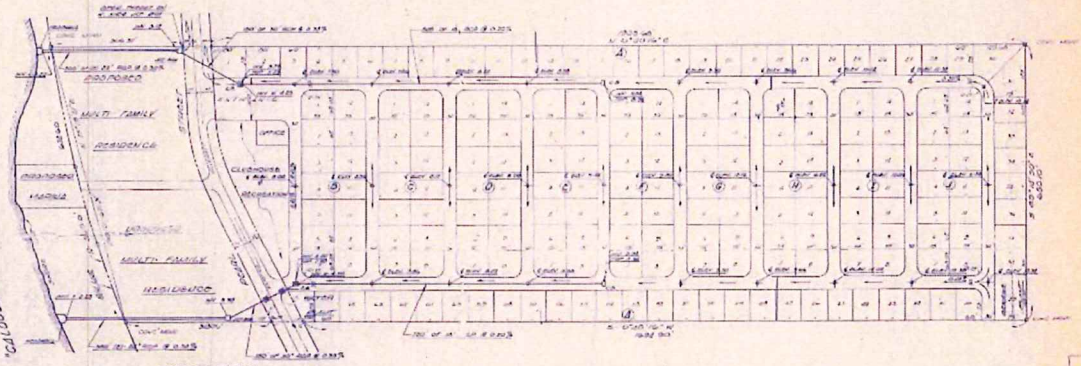
WALDROP ENGINEERING

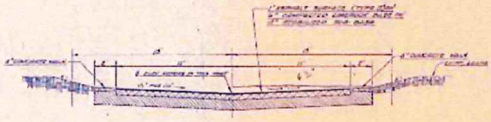
OAK PARK VILLAGE MHPD

MASTER CONCEPT PLAN

CLIENT: OAK PARK VILLAGE COOPERATIVE
LEE COUNTY
MOBILE HOME PLANNED DEVELOPMENT


MHPD BOUNDARY
(PROPERTY BOUNDARY)
NO BUFFER REQUIRED
PERPETUAL EASEMENT O.R. BOOK 200, PG. 577
PIER
AREA A
EXISTING OAK PARK VILLAGE
CODIFIED BY ORD 86-36
4.0 AC CONSERVATION EASEMENT INSTRUMENT NO. 200900024440057
PRIMARY ACCESS
RECREATION AREA
3.7 ACRES
18' GRAVEL ACCESSWAY
15' TYPE 'C' BUFFER
15' TYPE 'D' BUFFER
AREA B
1.1 AC CONSERVATION EASEMENT INSTR NO. 200900024440058
OPEN STORAGE MAX. 100,000 SF
EXISTING OPEN STORAGE AREA FENCING
15' TYPE 'C' BUFFER
EMERGENCY ACCESS TO OPEN STORAGE AREA
PEARL STREET EDGE OF PAVEMENT
CALOOSAHATCHEE CANAL AND RIVER
SINGLE-FAMILY HOME
ZONING: AG-2
FLU: URBAN COMMUNITY
SINGLE-FAMILY HOMES
ZONING: AG-2
FLU: URBAN COMMUNITY
LEGEND
AG-2





DRAINAGE PLAN

FOR

PROPOSED MOBILE HOME PARK

FOR

STEVENS LAYTON, INC.

TYPICAL STREET CROSS SECTION

NOTE: Material may not exceed more than 12" in depth at any point without written approval of the Director of Public Works.

ROBERT A. GILLOTTE, P.E.

OAK PARK

OAK PARK

THIS SITE PLAN APPROVED BY THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS PURSUANT TO SECTION ___ OF THE LEE COUNTY ZONING ORDINANCE 86-17. THIS APPROVAL CONFERS THE STATUS OF A NONCONFORMING LOT AS DEFINED TO ___ BY VIRTUE OF THE FOLLOWING

Decision-Making Criteria

- LDC Section 34-145(d)(4)a. establishes the decision making criteria for Planned Development Rezoning requests.
  - Complies with the Lee Plan;
  - Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
  - Is compatible with existing and planned uses in the surrounding area;
  - Will provide access sufficient to support the proposed development intensity;
  - The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
  - Will not adversely affect environmentally critical or sensitive areas and natural resources; and
  - Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

Decision-Making Criteria

- For Planned Development rezoning requests, the Hearing Examiner must also find:
  - The proposed use or mix of uses is appropriate at the proposed location;
  - The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
  - That each requested deviation:
    - Enhances the achievement of the objectives of the planned development; and
    - Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

Lee Plan Review

- Policy 1.1.3 – Urban Community Future Land Use Category
  - Relatively intense commercial and residential uses.
  - The built pattern and community plan does not intend for this level of intensity and density.
  - Existing residential to remain the same, expansion of storage area.

Lee Plan Review

- Objectives 2.1 and 2.2
  - Encourage new growth in future urban areas where adequate sufficient infrastructure exist.
  - The result of the rezoning will promote contiguous growth patterns within and urban area along the SR 80 Corridor.
  - Will have access to adequate public facilities and infrastructure.

Lee Plan Review

- Lee Plan Policy 5.1.5 - intends to protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of residential development.
  - Much of development to remain the same
  - Expansion of storage area to be buffered and screened
  - Access primarily from existing mobile home village

Lee Plan Review

- Goal 26 and 27 – Northeast Lee County and Alva Planned Community
  - Maintain, enhance, and support rural character and heritage.
  - Development will not increase density.
  - Expansion of storage area will be landscaped, entire storage area will need to be brought into compliance.

Lee Plan Review

- Goal 115 – Water Quality
  - Policies 115.1.2 - new development to not degrade surface and ground water quality and require the design of drainage systems that minimize nutrient loading and pollution in off-site charges.

Lee Plan Review

- Goal 128
  - Policy 128.4.6 – boat slips to be in compliance with Manatee Protection Plan.

Deviations

- Deviation 1 – Reduced Parking for Clubhouse – recommend withdrawal – VAR2000-00032
- Deviation 2 – Reduce required landscaping for storage area. carry over from previous planned development.
- Deviation 3 – Reduced Open Space.
- Deviation 4 – reduced structure setback to 10 feet from MHPD Boundary.
- Deviation 5 – reduced minimum lot dimensions.
- Deviation 6 – Reduced setbacks for MHPD
- Deviation 7 – Reduced roadway requirements for connection to storage area

Recommendation

- Staff finds that the request meets or exceeds the decision making criteria for planned development rezonings.
- Staff therefore recommends approval of this request as conditioned in Attachment C.

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

LEE COUNTY
HEARING EXAMINER
2023 FEB -9 PM 2:39

CASE NUMBER: DCI2021-00019
CASE NAME: OAK PARK VILLAGE MHPD
TYPE OF CASE: MINOR PLANNED DEVELOPMENT
HEARING EXAMINER DATE: FEBRUARY 23, 2023
SUFFICIENCY DATE: DECEMBER 20, 2022

REQUEST:

An application has been submitted by Fred Drovdlic, AICP of RVI Planning on behalf Oak Park Village Cooperative, Inc. C/O John Schouwink to request a rezoning of approximately 51.19 acres from Mobile Home Conservation District (MHC-1) and Mobile Home Planned Development (MHPD) to Mobile Home Planned Development (MHPD) to: combine the two existing zoning districts and codify all previous zoning approvals into a single resolution, expand the 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 for the subject property will include a mobile home park with 208 dwelling units, accessory uses, and an ancillary open storage area.

The subject property is located at 21961 and 21981 Pearl Street, Northeast Lee County Planning Community, Alva Community Plan Area, Lee County, FL. (District #5), STRAP Numbers 22-43-27-02-000J0.0000, 22-43-27-02-000K0.0000, and 23-43-27-02-00000.00CE.

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request, with the Conditions found in Attachment C.

HISTORY OF PARCEL AND CHARACTER OF THE AREA:

The subject property is located to the north and south side of Pearl Street, approximately 2/3 mile to the east of Broadway Street. The property is divided into the Mobile Home Conservation District (MHC-1) to the east, and Mobile Home Planned Development (MHPD) to the west.

The MHC-1 portion was rezoned by Resolution Z-70-056, which rezoned a portion of the property from AU (AG-2, as converted) to RU-3A and BU-2A (CT and C-1 as converted) with a Special Permit for a Mobile Home Park, with conditions (Attachment F). The subject property was then approved for a Special Exception and Variance in SEZ2000-00008/VAR2000-00064 to allow for Essential Service Facilities, Group II for a sewage disposal system for the mobile home park (Attachment G). The subject 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 (Attachment H).

Staff's Exhibit # 1

The portion zoned Mobile Home Planned Development (MHPD) was originally zoned by Resolution Z-07-072A to allow up to 25 single-family dwelling units, accessory uses, and open storage for the use of the residents of the community (Attachment I). ADD2014-00216A approved an amendment to allow a phasing plan for the planned development, with conditions (Attachment J).

The majority of the surrounding properties are developed with low density residential and agricultural uses. The surrounding development patterns can be characterized as follows:

North and West:

Properties to the north and west are zoned Agricultural (AG-2) and are in the Urban Community future land use category. These properties are developed with large lot residential uses.

East:

Properties to the east are zoned Agricultural (AG-2) and are in the Rural future land use category. These properties are developed with large lot residential and agricultural uses.

South:

To the south of the subject property is the Caloosahatchee River.

The subject property is also located in the Alva Community Plan Area and is subject to the Objectives and Policies of Goal 27 of the Lee Plan.

ANALYSIS

The applicant has provided a request statement that describes the nature of the request (Attachment D). The applicant requests a rezoning of approximately 51.19 acres from Mobile Home Conservation District (MHC-1) and Mobile Home Planned Development (MHPD) to Mobile Home Planned Development (MHPD) to:

I. Combine all properties under common ownership of the Oak Park Village Cooperative into a unified MHPD by amending and combining the Mobile Home Planned Development (Resolution Z-07-072A) and the existing MHC-1 zoned Oak Park Village Mobile Home Park.

II. Codify past zoning conditions, variances and administrative amendments in to the unified MHPD establishing development parameters that reflect the existing development and desired long-range buildout plan for the two western parcels <u>according to the qualification of the existing park as an official lot of record</u>.

III. Establish a development plan for the two parcels abutting the existing park:

    a. Remove the single-family use from the schedule of uses and amend the master concept plan to remove the singe-family lots and the phasing plan.

    b. Add Private, on-site recreational facilities and green space.

    c. Expand the outdoor stage area and amend condition 17 established in Resolution Z-07-072A.

    d. Modify Access points.

    e. Allow for new well locations.

Planned Development Rezoning:

Section 34-612 of the Lee County Land Development Code (LDC) describes the intent of the utilization of the Planned Development zoning district. The purpose of planned developments is to further implement the goals, objectives, and policies of the Lee Plan, while providing some degree of flexibility in the planning and design of proposed developments.

Section 34-145 of the Land Development Code (LDC) establishes the review criteria for all rezoning requests. Before recommending approval of a rezoning request, the Hearing Examiner must find the request:

a) Complies with the Lee Plan;
b) Meets the Land Development Code 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) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

For Planned Development rezoning requests, the Hearing Examiner must also find:

a) The proposed use or mix of uses is appropriate at the proposed location;
b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
c) That each requested deviation:

    1) Enhances the achievement of the objectives of the planned development; and
    2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

Master Concept Plan:

The applicant has provided a Master Concept Pan which depicts the area previously approved through Ordinance 86-36, recreation areas, the expanded storage area, the proposed access between the residential area and storage area, the existing boat basin and multi-slip docking facility, and deviations that are being sought for approval as part of this rezoning request (Attachment U).

86-36 Designation:

Ordinance 86-36 was approved by the Lee County Board of County Commissioners on December 3, 1986 to address Mobile Home Parks that were made non-conforming by the implementation of the Zoning Ordinance approved by Ordinance 86-17 (Attachment K). Subsequent to the approval of Ordinance 86-36, the lots, setbacks, density, open space, and roadways of Oak Park Mobile Home Village were recognized as conforming (Attachment L). This rezoning request includes land

protected by the Ordinance 86-36, and staff aims to retain the 86-36 designation by noting these areas on the Master Concept Plan.

Development Pattern Considerations:

The subject property is in the Urban Community future land use category, which is described in Lee Plan Policy 1.1.4 as a mixture of relatively intense commercial and residential uses, and have a distinctly urban character. The subject property is currently developed with mobile home residential neighborhood on the eastern half of the development and the western half is a mix of accessory open storage and outdoor recreation space. The mix of uses is appropriate to the future land use category, as these uses are typical in the urban areas of the County. Staff finds the proposed use consistent with Policy 1.1.4.

Objectives 2.1 and 2.2 encourage new growth in future urban areas where adequate facilities exist or are assured and where compact and contiguous development patterns can be created. Policy 2.2.1 encourages clustered mixed use development within Lee County where sufficient infrastructure exists. The subject property has historically been used as a residential community and the applicant has demonstrated that the request does not significantly increase demand on County infrastructure. Staff finds this Planned Development Rezoning consistent with Objective 2.1, Objective 2.2, and Policy 2.2.1.

Goal 5 of the Lee Plan establishes Objectives and Policies to provide sufficient land to accommodate the projected population to the year 2045 in attractive and safe neighborhoods with a mix of housing types and prices.

Policy 5.1.2 prohibits residential development where physical constraints or hazards exist or requires density and design to be adjusted accordingly to be sensitive to such constraints. This policy notes physical constraints include flood, storm, or hurricane hazards, environmental limitations, or characteristics that may endanger the residential community. The subject property does not have significant physical constraints to limit development. The subject property is not located in a Coastal High Hazard Area and is located in Flood Insurance Rate Map (FIRM) Zone AE-EL10 and X-Shaded. Staff notes that there is no intent to expand residential uses as part of this rezoning. Regardless of the lack of physical constraints evident on the subject property, the applicant will be required to meet the requirements of Chapter 2, Article XI of the Land Development Code regarding hurricane preparedness and mitigation. Staff finds the proposed development consistent with Lee Plan Policy 5.1.2.

Policy 5.1.5 of the Lee Plan intends to protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of residential development. Two changes to the subject property that should be considered in the context of external impacts include the expansion of the open storage area and the creation of a new route for the community to access the storage area. The storage area is intended expand northward further into the Oak Park Village property. The western boundary of the open storage area runs along residential uses. Resolution Z-07-072A approved a deviation for an alternative landscaping and screening design, and staff continues to recommend approval of this deviation as part of this request. Additionally, it should be noted that the community has elected to move the primary access to the storage area from an access point off of Pearl Street to an internally accessed easement which will provide benefit to the properties that neighbor the Oak Village Community. Staff finds the proposed rezoning consistent with Lee Plan Policy 5.1.5.

The subject property is in the Northeast Lee County and Alva Community Plan Areas as described in Goal 27 and Goal 28 of the Lee Plan. Both plans aim to maintain, enhance, and support the heritage and rural character of the area. Policies 27.1.6, 27.1.8, and 28.1.7 aim to enhance coordination within Northeast Lee County and Alva by promoting planning coordination and requiring public meetings for zoning actions in both the Alva and North Olga Community Plan Areas. The applicant provided the requisite meetings in both Alva and North Olga, and did not receive any significant feedback about the rezoning (Attachments M and N). Staff finds the request consistent with Goals 27 and 28 and Lee Plan Policies 27.1.7, 27.1.8, and 28.1.7.

Policy 115.1.2 requires new development and additions to existing development to not degrade surface and ground water quality. No additional impacts to surface and ground water quality are anticipated as part of this request. Future development of the property will require an Environmental Resource Permit from the South Florida Water Management District, and will be required to comply with state and local regulations as it pertains to water quality. The applicant has not requested deviations from any water quality requirements. Staff finds this planned development rezoning request consistent with Policy 115.1.2.

Policy 128.4.6 establishes the requirement for compliance with the Manatee Protection Plan as it pertains to boat slips in multi-slip docking facilities. Natural Resources staff provided analysis on the existing docking facility, and the potential for more slips associated with the storage area (Attachment S). Staff finds the request consistent with Policy 128.1.6.

Goal 135 of the Lee Plan addresses the necessity to meet housing needs as Lee County grows in population. Policy 135.1.9 states that the county will ensure a mix of residential housing types on a county wide basis through the planned development process. The proposed rezoning does not increase or decrease the already approved 208 dwelling units, which are intended to remain in the development. Staff finds the proposed rezoning consistent with Goal 135 and Policy 135.1.9.

Transportation Considerations:

The applicant has requested a waiver from the traffic impact statement due to the fact that the rezoning request will not increase trips (Attachment O). Infrastructure Planning staff provided a memorandum concurring with the de minimis impact on the roadway infrastructure (Attachment P).

Urban Services:

The subject property is serviced by the Alva Fire and EMS station, which is approximately 1.36 miles south, and a Sheriff's station 10.1 miles south of the property. The existing development is serviced by on-site wells and wastewater treatment.

DEVIATION REQUESTS:

The applicant seeks the following deviations for consideration as part of this Planned Development Rezoning (Attachment Q):

1. Deviate from Lee County Land Development Code (LDC) §34-2020(4)k. to reduce the minimum required parking spaces for a clubhouse (meeting hall) from 59 parking spaces to 26 parking spaces.

   Staff recommends **withdrawal** of this deviation and recommends the following condition that recognizes the previous Variance approval:

   - This resolution recognizes and codifies the variance approved in VAR2000-00032 which reduces the required number of parking spaces for the clubhouse from 59 parking spaces to 26 spaces.

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

   This deviation was approved by Resolution Z-07-072(a) and required a Type "C" buffer along the southern and western property lines of an open storage area, but required plantings to be a minimum 60 inches during installation. Staff continues to recommend **approval** of this deviation recommends the carryover of previously approved conditions for this proposed use.

3. Deviate from Section 34-935(g)(1)a. which requires 40 percent of the total area of the project 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.

   Environmental staff provide comment on the proposed deviation and notes that the applicant is bringing the site the greatest compliance possible while providing 52 percent open space overall (Attachment R). Staff recommends **approval** of this deviation.

4. Deviate from Section 34-935(b)(1)b. which requires all buildings and structures to be set back from the development perimeter a distance equal to fifteen (15) feet, if the subject property is, or will be zoned MHPD; to allow minimum setbacks of structures and 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.

   Staff recommends **approval** of this deviation.

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

   It is staff's intent that the site plan, lot dimensions and setbacks approved pursuant to Ordinance 86-36 continue to be applicable to this property. Staff recommends **approval** of this deviation.

6. Deviate from Section 34-736 concerning setbacks from lot lines and separation of buildings for mobile homes in mobile home planned developments 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:
Oak Park Village Mobile Home Park subject to LDC Section

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

It is staff's intent that the site plan, lot dimensions and setbacks approved pursuant to Ordinance 86-36 continue to be applicable to this property. Staff recommends **approval** of this deviation.

7. Deviate from Section 10-296(b), which requires public and private streets to be constructed and improved in accordance with the specifications set out in this section; to allow a low-volume, privately maintained, accessway not required to meet 10-296(b) except a gravel road with 18-foot width (9-foot travel lanes) per LDC Section 10-296(b), Note (1) that allows, "The right-of-way width to be determined by the Director of Development Services on privately maintained roadways."

   Development Services Staff recommends that the deviation language be modified as below:

   Deviation (7) *seeks relief from Lee County Land Development Code (LDC) Section 10-296(a), which requires all 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.*

   Development Services Staff recommends approval of this deviation, subject to the following conditions:

   - *The accessway must be designed to meet the 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.*

   - *Any future development will require the applicant to demonstrate that the accessway design and construction is sufficient to accommodate the anticipated vehicle usage.*

CONCLUSION:

Based on the analysis provided above, staff offers the following review of the decision-making criteria for the planned development rezoning request. Staff finds that the proposed request:

a) Complies with the Lee Plan

Based on the analysis above, staff finds that the request is consistent with the Lee Plan. The proposed use and density is compatible with existing and proposed uses, and meets or exceeds the objectives and policies above.

b) Meets this Code and other applicable County regulations or qualifies for deviations;

Except as deviated from herein, staff finds the proposed rezoning meets this Code and other County regulations.

c) Is compatible with existing and planned uses in the surrounding area;

The uses surrounding the subject property includes residential development and agricultural uses. As conditioned, the proposed use is consistent with surrounding existing and planned uses.

d) Will provide access sufficient to support the proposed development intensity;

Access to this development is proposed from Pearl Street. Staff finds that the roadway system provides sufficient access to the proposed development.

e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

Staff has reviewed the transportation impacts of the development, and has concluded that the request does not impact the roadway network in the area.

f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and

Staff has reviewed the potential environmental impacts and has determined that the requirements of the Land Development Code and Lee Plan, as well as recommended conditions of approval, sufficiently protect existing environmentally critical areas.

g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

Additionally,

a) The proposed use or mix of uses is appropriate at the proposed location;

The proposed uses are similar to what exists today. The changes proposed by the applicant to the subject property are minimal, and as conditioned, staff finds the proposed uses consistent with surrounding area.

b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and

Staff finds the proposed conditions appropriate for approval and, as conditioned, the public's interests are sufficiently addressed.

c) That each requested deviation enhances the achievement of the objectives of the planned development; and preserves and promotes the general intent of this Code to protect the public health, safety and welfare:

Staff recommends approval of the deviations sought by the applicant.

Staff, therefore, recommends approval of this rezoning request of approximately 51.19 acres from Mobile Home Conservation District (MHC-1) and Mobile Home Planned Development (MHPD) to Mobile Home Planned Development (MHPD) as conditioned in Attachment C.

ATTACHMENTS:

A. Expert Witness Information
B. Maps: Surrounding Zoning, Future Land Use and Aerial Photograph
C. Recommended Conditions and Deviations
D. Request Statement
E. Legal Description
F. Resolution Z-70-056
G. SEZ2000-00008 and VAR2000-00064
H. Resolution Z-05-077 and VAR2004-00031
I. Resolution Z-07-072A
J. ADD2014-00216A
K. Ordinance 86-36
L. 86-36 Designation Map
M. Alva Community Planning Meeting
N. North Olga Community Planning Meeting
O. Waiver of Submittal Requirements
P. Infrastructure Planning Memorandum
Q. Applicant Proposed Deviations and Conditions
R. Environmental Memorandum
S. Natural Resources Memorandum
T. Development Services Memorandum
U. Master Concept Plan

ATTACHMENT A

LEE COUNTY STAFF EXPERT WITNESS INFORMATION
PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(f)3.

Dirk Danley, AICP, Principal Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Elizabeth Workman, Principal Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Marcus Evans P.E., Senior Engineer, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in Traffic Engineering and Transportation Planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Brandon Dunn, Principal Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

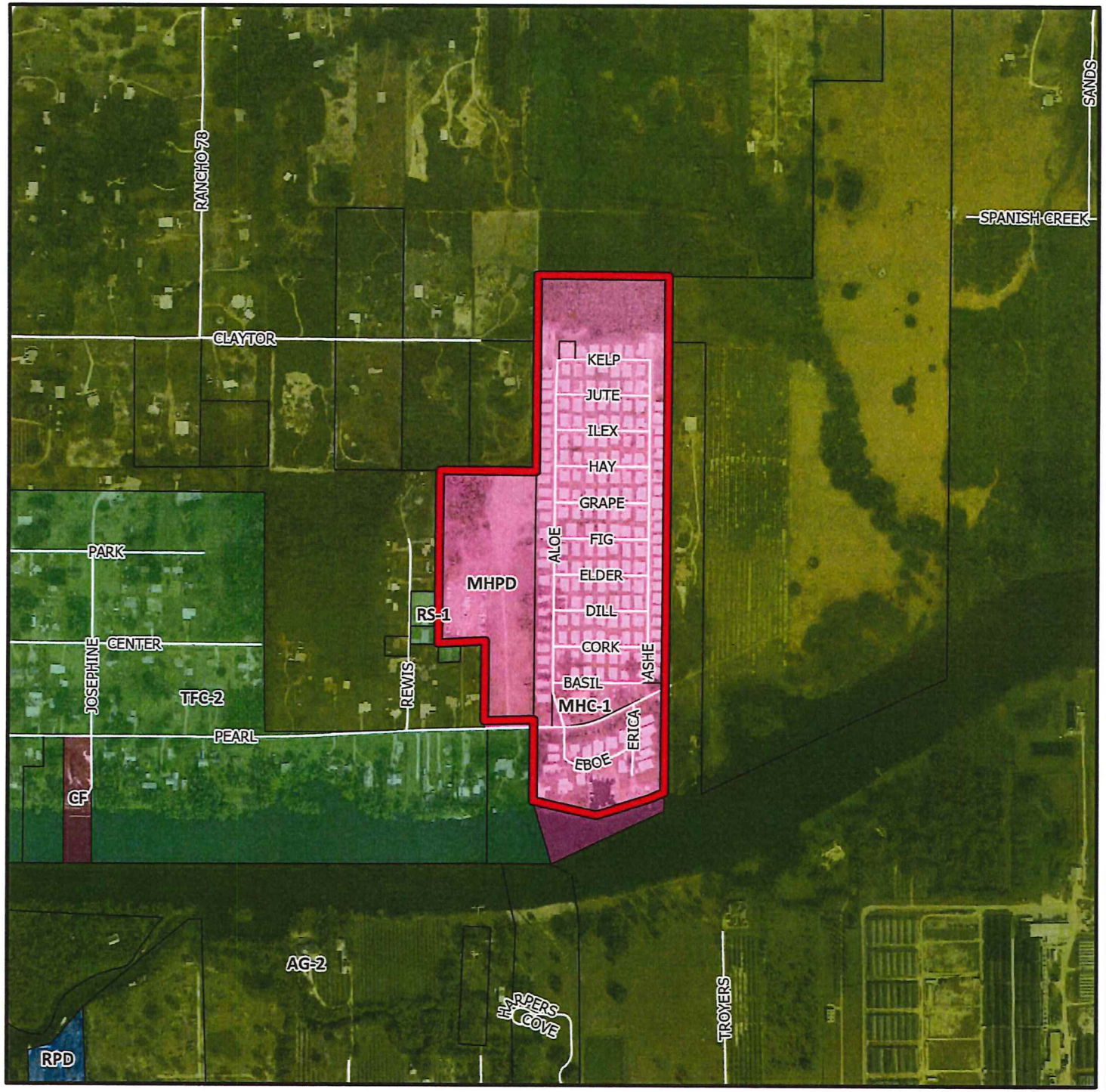
- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Rebecca Sweigert, Principal Environmental Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Nicholas DeFilippo, Senior Environmental Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.



DCI2021-00019

Zoning

ATTACHMENT B

Subject Property

N
W
E
S

0 500 1,000
Feet

Lee County
Southwest Florida



DCI2021-00019

Aerial

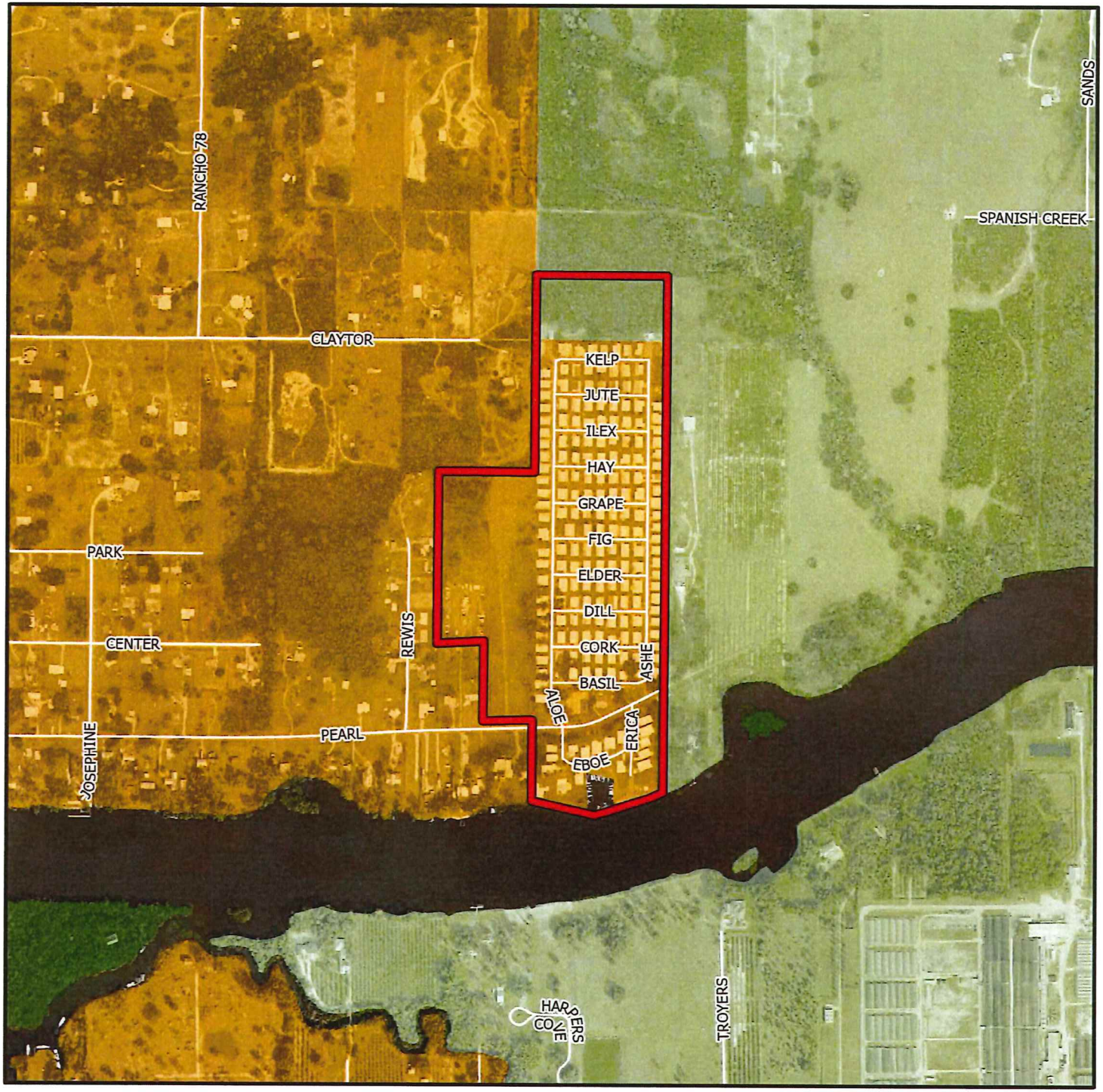
Subject Property

N
W
E
S

0 1,000

Feet

Lee County
Southwest Florida



DCI2021-00019

Future Land Use

Subject Property

Urban Community

Rural

Wetlands

N

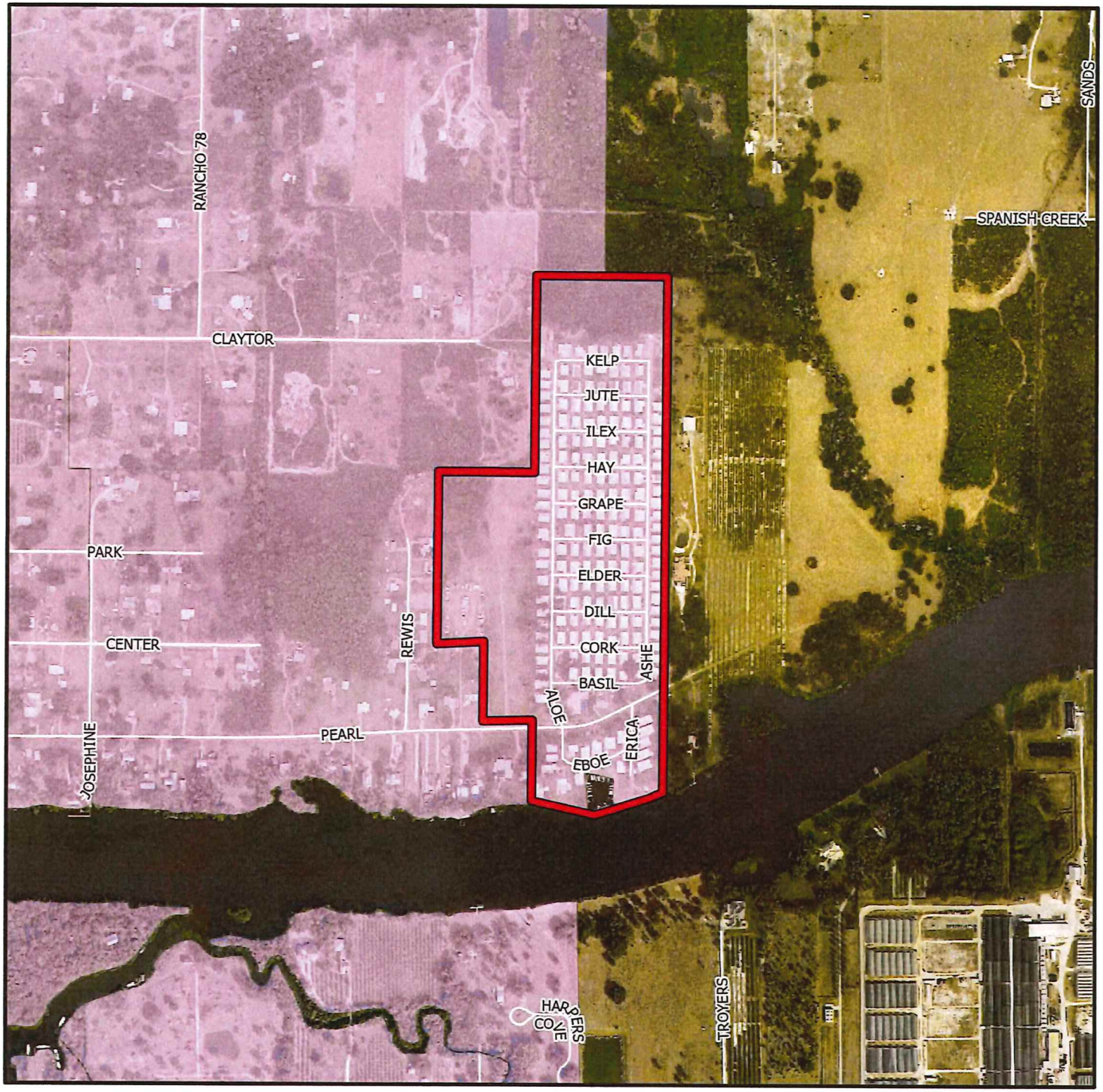
W E

S

0 1,000

Feet

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

ATTACHMENT C

A. Conditions

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Master Concept Plan, Oak Park Village MHPD" prepared by Waldrop Engineering, dated last revised on 11/15/2022, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

   Project density is limited to the development of a maximum of 208 mobile home dwelling units, with accessory uses and an ancillary open storage area.

2. The following limits apply to the project and uses.

   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 209 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 THE USE OF RESIDENTS 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
Property development regulations must be in accordance with LDC Section 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, except as specified in LDC Section 34-3274(3)
Maximum Height	35 feet

3. 86-36 Designation

The residential portion of the has been recognized as an 86-36 park and are subject to the relevant portions of the Land Development Code as it pertains to the 86-36 Ordinance designation. Approval of this resolution does not intend to supersede this designation.

4. Wastewater Treatment Facility

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

5. Clubhouse Parking

This resolution recognizes and codifies the variance approved in VAR2000-00032 which reduces the required number of parking spaces for the clubhouse from 59 parking spaces to 26 spaces.

6. Outdoor Storage Area

A. The accessory storage area may be used by the residents of the Oak Park Village Mobile Home Park (Co-Op) only.

B. The approved area for the accessory outdoor storage area is permitted within the existing footprint as depicted on the MCP. The outdoor accessory storage area may not be altered or increased.

C. The accessory storage area is limited to a maximum of 120 units where units include motor vehicles such as passenger cars, pickup trucks, golf carts, campers, boats, trailers and motor homes or recreational vehicles (RV's) or the like. 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.

D. The accessory storage area must be maintained in a dust-free manner.

E. The accessory storage area must be enclosed by a six-foot high chain link fence.

F. A 15' 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.

G. A maintenance building or shed, a maximum of 1,000 square feet, is permitted but may not be used for repairs or mechanical work on stored units or for private storage of personal items of Oak Park residents. It is intended to be used by facilities managers of Oak Park Village for equipment to care for the Oak Village property.

H. Maintenance, repairs or other mechanical work is prohibited on items in the accessory storage area.

7. Oak Park Village Access

Access points for the MHPD will be limited to the existing Oak Park Village entrances on Pearl Street as it currently exists consistent with the Special Permit on June 2, 1970 (Zoning Resolution Z-70-56) and the site plan approval of development order 3-13-84.

8. 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 review and approval:

a) A current protected species survey as required by LDC Section 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 Section 10-474 and Federal requirements if Florida scrub jay or evidence thereof are identified on the site.

c) 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.

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) Within 30 days of the Lee County Board of Commission action approving this zoning request, the applicant must submit for Development Services 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. 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. This condition was previously satisfied.

f) 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. This condition was previously satisfied.

g) Prior to approval of a (limited) development order for installation of required buffer vegetation for the outdoor storage area, staff must perform a site inspection to ensure 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).

B. Deviations

1. Deviate from Lee County Land Development Code (LDC) §34-2020(4)k. to reduce the minimum required parking spaces for a clubhouse (meeting hall) from 59 parking spaces to 26 parking spaces.

   Staff recommends **withdrawal** of this deviation.

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

   Staff continues to recommend **approval** of this deviation recommends the carryover of previously approved conditions for this proposed use.

3. Deviate from Section 34-935(g)(1)a. which requires 40 percent of the total area of the project 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.

   Staff recommends **approval** of this deviation.

4. Deviate from Section 34-935(b)(1)b. which requires all buildings and structures to be set back from the development perimeter a distance equal to fifteen (15) feet, if the subject property is, or will be zoned MHPD; to allow minimum setbacks of structures and 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.

   Staff recommends **approval** of this deviation.

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

   Staff recommends **approval** of this deviation.

6. Deviate from Section 34-736 concerning setbacks from lot lines and separation of buildings for mobile homes in mobile home planned developments 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:
   Oak Park Village Mobile Home Park subject to LDC Section
   AREA B – OUTDOOR STORAGE AND RECREATION AREA
   Minimum Setbacks:
   Pearl (Offsite) Street: 25 feet
   Park perimeter (MHPD boundary for AREA B): 15 feet Outdoor
   Storage Area: 15 feet
   Water Body: 5 feet (MHC-1 regulations)

   Staff recommends **approval** of this deviation.

7. Deviate from Section 10-296(b), which requires public and private streets to be constructed and improved in accordance with the specifications set out in this section; to allow a low-volume, privately maintained, accessway not required to meet 10-296(b) except a gravel road with 18-foot width (9-foot travel lanes) per LDC Section 10-296(b), Note (1) that allows, "The right-of-

way width to be determined by the Director of Development Services on privately maintained roadways."

Development Services Staff recommends that the deviation language be modified as below:

Deviation (7) *seeks relief from Lee County Land Development Code (LDC) Section 10-296(a), which requires all 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.*

Development Services Staff recommends approval of this deviation, subject to the following conditions:

- *The accessway must be designed to meet the 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.*

- *Any future development will require the applicant to demonstrate that the accessway design and construction is sufficient to accommodate the anticipated vehicle usage.*

WALDROP ENGINEERING
PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE

OAK PARK VILLAGE MHPD

Request Statement & Lee Plan Compliance Narrative

I. Request Statement

Oak Park Village Cooperative, Inc. (applicant) is requesting to rezone 51.15+/- acres generally located north of the Caloosahatchee River on the north side of Pearl Street, east of N. River Road and south of Clayton Road in the Alva, Florida.

Oak Park Village Cooperative seeks to:

1. Combine all properties under common ownership of the Oak Park Village Cooperative into a unified MHPD by amending and combining the Mobile Home Planned Development (Resolution Z-07-072A) and the existing MHC-1 zoned Oak Park Village Mobile Home Park.
2. Codify past zoning conditions, variances and administrative amendments in to the unified MHPD establishing development parameters that reflect the existing development and desired long-range buildout plan for the two western parcels according to the qualification of the existing park as an official lot of record.
3. Establish the development plan for the two parcels abutting the existing park that is a lot of record:
    - Remove the single-family use from the schedule of uses and amend the master concept plan to remove the singe-family lots including the phasing plan.
    - Private, on-site recreational facilities and green space.
    - Expand the outdoor stage area and amend condition 17 established in Z-07-072A.
    - Access points.
    - Allow for new well locations.

Recreational uses are typically considered accessory uses and therefore are required to be "attached" to a primary use within the same zoning district. Removing the single-family lots from the Master Concept Plan (MCP) and use from the schedule of uses in the existing MHPD make it necessary to establish the existing the Oak Park Village mobile home park as part of the overall MHPD zoning district, which will establish the recreational uses and outdoor storage as supporting the existing development.

II. Existing Conditions & Property History

Existing Conditions

The properties are identified as 21961 and 21981 Pearl Street ("Property) and by STRAPS 22-43-27-02-000J0.0000, 22-43-27-02-000K0.0000 and 23-43-27-02-00000.00CE. All properties are under common ownership of the Oak Park Village Cooperative, Inc.

The property identified as STRAP 23-43-27-02-00000.00CE is the common area for the fee-simple owned lots that are part of the Oak Park Village Cooperative for the fully developed Oak Park Village mobile home park of 208 units.

The other two parcels that are part of this request lie to the west of Oak Park Village and are zoned MHPD allowing single-family lots, outdoor storage and preserve area.

- The parcel abutting the park to the west, STRAP 22-43-27-02-000J0.0000, is undeveloped but mowed and well maintained with native trees and palms. It is zoned MHPD with a master concept plan for single-family residential lots and a central access road to the lots and the outdoor storage to the west that connects to Pearl Street approximately 250 feet west of the main entrance to Oak Park Village off Pearl Street at Aloe Street.
- The western most parcel, STRAP 22-43-27-02-000K0.0000, houses an outdoor storage area that is for Oak Park Village use only. It stores RV's, boats and other vehicles for the residents of Oak Park. It has been fenced and buffered in compliance with the MHPD conditions. Access to the storage area is by an 18-foot roadway easement over the four properties south to Pearl Street.

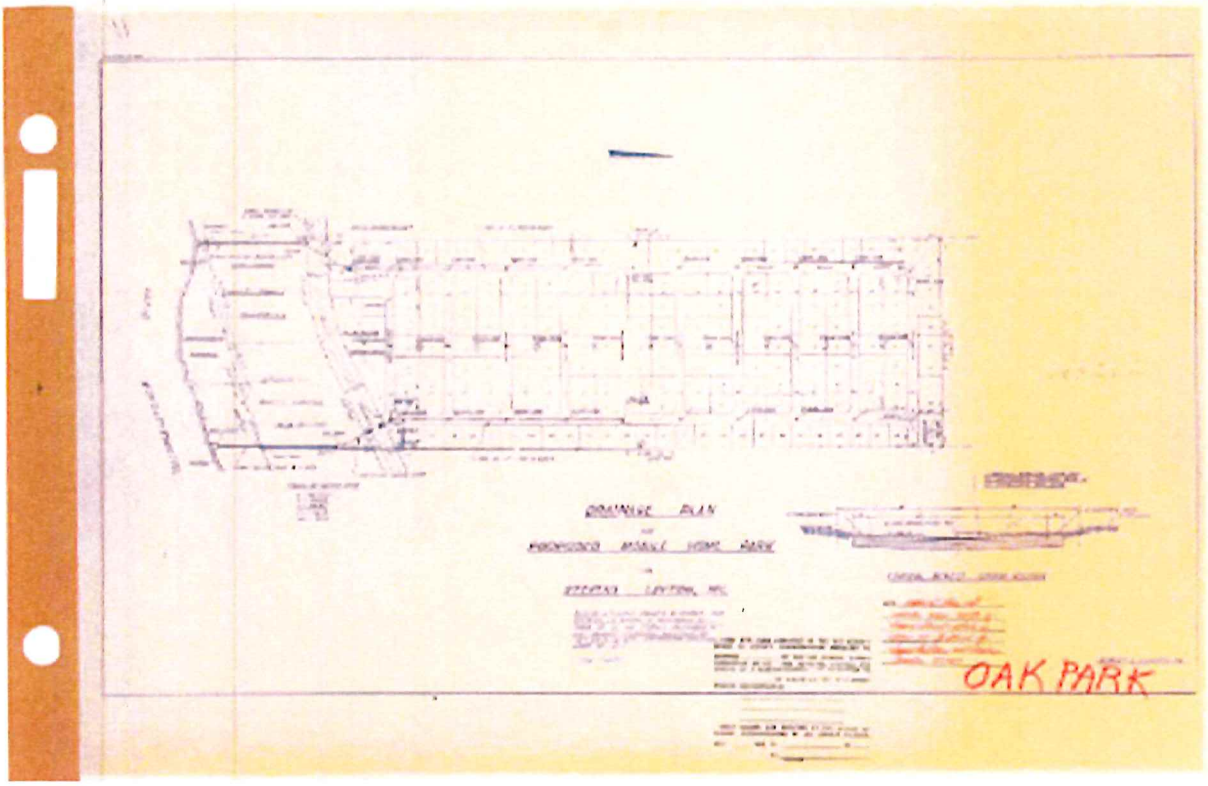
History

This mobile home park was originally granted a Special Permit on June 2, 1970 (Zoning Resolution Z-70-56). The property zoned C-1 (south side of Pearl Street) was originally zoned from AU to BU-2A by Zoning Resolution Z-70-56 – the same resolution that granted a Special Permit for the mobile home park.

The property was later rezoned to BU-2A to allow for the boat marina. The existing mobile home lots south of Pearl Street were then rezoned to MH-2 in November 1983 (Zoning Resolution ZAB-83-355). The MH-2 zoning district was created by the 1978 Zoning Ordinance.

Rezoning the Oak Park Village Mobile Home Park to MHC-1 (REZ2004-00037/Z-05-077) was to bring the entire park property into compliance with the lot areas and dimensions of the MHC-1 zoning district and to allow for open storage as the park did not comply with the property development regulations for the AG-2 zoning district and open storage was not a permitted use in that district. Additionally, the variance (VAR2004-00071/Z-05-077) for the park perimeter 10-foot setback brought nonconforming park to a conforming park.

The mobile home park is an official lot of record, pursuant to LDC Section 34-3272(1)(d), which allowed grandfathering of mobile home parks, including Oak Park Village, via Ordinance 86-36 where the requirement is that the park subsequently obtained on or before June 3, 1987, approval by the Board of County Commissioners of a site plan which identifies individual sites within the park and said sites meet the minimum lot size and setbacks consistent with the zoning regulations as set forth in Section 602.03 and its applicable subsection based on the date of the Resolution. A site plan, as required by Ordinance 86-36 and codified in LDC Section Sec. 34-3272(1)d.6., is met by the approval of the development order 3-13-84 (drainage plan pictured below).



The western two parcels occupying 11.54 +/- acres were rezoned to an MHPD (Z-07-072A) to allow for up to 25 single-family dwelling units. The zoning also established a 1.085+/- acre conservation area (Inst# 2009000244058) on the RPD zoned parcels and a 3.95+/- acre conservation area (Inst# 2009000244057) on the northern most portion of the MHC-1 property known as the existing Oak Park Village mobile home park. Also, condition 12 established improving the 18' road easement to a Type D surface and condition 17 established regulations for the outdoor storage area. The lots, road or any other improvements for the RPD were never pursued.

ADD2014-00216(A) added a phasing plan by amending condition 3 of Z-07-072A to allow the access road for the residential lots to be constructed prior to meeting all environmental conditions.

III. Development Location

The subject property is located a little more than ½ mile east of Broadway Street in Alva/North Olga area on Pearl Street that runs parallel to the Caloosahatchee River's northern bank. The Property is designated as Urban Community Future Land Use Category and within the Northeast Lee County planning community and the Alva and North Olga community planning areas.

Please refer to Table 1 below for a detailed inventory of the adjacent Future Land Use Categories, zoning districts, and existing land uses.

Table 1: Inventory of Surrounding Lands

	LEE PLAN FUTURE LAND USE	ZONING	EXISTING LAND USE
NORTH	Rural	AG-2	Undeveloped/wooded
SOUTH	Rural	AG-2	Caloosahatchee River
EAST	Rural	AG-2	Large lot home and agriculture
WEST	Urban Community	RS-1/AG-2	Single-family homes

IV. Public Infrastructure

As outlined in the enclosed application, the subject property is not currently serviced by existing public infrastructure but by on-site wastewater and wells.

V. Decision-Making Compliance

Sec. 34-936. - General conditions for all land uses.
(a) Compliance with use restrictions. Only those land uses enumerated in the documentation to the master concept plan are permitted in a planned development. The conditions of approval in the applicable zoning resolution shall be incorporated into covenants, restrictions and rules of operation binding on the developer, his successors and heirs, tenants-in-fee or leasehold.

RESPONSE: The application contains a separate document of Schedule of Uses, Site Development regulations and Proposed Conditions that accompany the Master Concept Plan. We understand the conditions of final approval will be binding on the operation of the proposed development program.

(b) Parking. Unless governed by alternative standards established by special conditions, parking for any use in this planned development will be governed by article VII, division 26, of this chapter in accordance with the actual use.

RESPONSE: Parking is not applicable to this application. Required parking for the existing mobile home has been established for the clubhouse in variance 2009-00032. The undeveloped parcels to the west of the existing park are not intended for parking other than the outdoor storage area which is addressed through conditions specific to this site. The remainder of the two parcels will not be sed for vehicles.

(c) Signs. Signage for any use in a planned development, not otherwise governed by special conditions, shall be controlled by general sign regulations currently in force.

RESPONSE: The signage will comply to the sign regulations currently in force.

(d) Sale of alcoholic beverages. Package sales and sale of alcoholic beverages for on-premises consumption shall be governed by the provisions of article VII, division 5, of this chapter and other special conditions set forth at the time of planned development approval.

RESPONSE: Any consumption on premises is for private club use by Oak Park Village Cooperative for resident use only. We acknowledge the governing provisions.

(e) Outdoor display of goods. Except in RPD and MHPD developments, all open display of goods for sale shall be set back from public rights-of-way no less than 25 feet. In the RPD and MHPD districts, the outdoor display or storage of goods for retail sale is prohibited.

RESPONSE: There will not be outdoor display or sales of goods.

(f) Outdoor storage of goods. Any and all storage of retail or wholesale goods shall be enclosed by a wall or opaque fence or solid hedge, not less than six feet in height, or otherwise completely visually buffered.

RESPONSE: The outdoor storage area was conditioned for chain link fence and 15' Type C buffer with 60-inch hedge in Z-07-072A. Similar conditions are being offered herein.

(g) Lighting. Lighting of the exterior and parking areas of the planned development uses shall be of the lowest intensity and energy use adequate for its purpose, and shall not create conditions of glare outside the area designated for commercial uses.

RESPONSE: The lighting plan will comply with LDC requirements.

VI. Comprehensive Plan Compliance

The following is an analysis of the request's consistency with goals, objectives and policies of the Lee County Comprehensive Plan.

POLICY 1.1.4: *The Urban Community areas are areas outside of Fort Myers and Cape Coral that are characterized by a mixture of relatively intense commercial and residential uses. Although the Urban Communities have a distinctly urban character, they should be developed at slightly lower densities. As in the Central Urban area, predominant land uses in the Urban Communities will be residential, commercial, public and quasi-public, and limited light industry (see Policy 7.1.6) with future development in this category encouraged to be developed as a mixed-use, as described in Objective 11.1, where appropriate. Standard density ranges from one dwelling unit per acre (1 du/acre) to six dwelling units per acre (6 du/acre), with a maximum total density of ten dwelling units per acre (10 du/acre).*

The subject property is located in the Northeast Lee County planning community and the Alva and North Olga community planning areas, which requires community meetings with each area.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.*

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created.*

The project was first granted by special permit in 1970. The primary parcel has been developed for 50 years. The additional parcels will be maintained as green space and private recreation uses by Oak Park Village residents only. Similarly, the outdoor storage of vehicles and similar items are to be conditioned for compatibility and for Oak Park residents only. All uses currently exist

and are compatible with surrounding uses and is consistent with a compact development in the Urban Community future land use category.

OBJECTIVE 4.1: WATER, SEWER, AND ENVIRONMENTAL STANDARDS. Consider water, sewer, and environmental standards during the rezoning process.

STANDARD 4.1.1: WATER.
6. If a development lies outside any service area as described above, the developer may: establish a community water system for the development...

The park has been on well water since initial construction and will continue without an urban level of services. The additional land that is to the west of the park allows for new well locations.

STANDARD 4.1.2: SEWER.
5. If a development lies outside any service area as described above, the developer may: establish a self-provided sanitary sewer system for the development...

The development lies outside urban services area. It has provided a sanitary sewer system since inception and will continue.

GOAL 27: NORTHEAST LEE COUNTY COMMUNITY PLAN. Maintain, enhance, and support the heritage and rural character, natural resources, and agricultural lands. Alva and North Olga will work cooperatively toward this goal through the objectives and policies that follow, and through their individual community plans. (Ordinance No. 11-14, 18-18)

The MHPD will not increase the density or intensity of the existing development and will maintain to the degree it ever has the heritage and rural nature of the NE Lee County area.

POLICY 27.1.6: Coordinate planning activities in the Alva and North Olga Community Plan area boundaries to maintain and enhance the rural character, natural resources, agriculture, and connectivity of Northeast Lee County. (Ordinance No. 18-18)

The MHPD will not increase the density or intensity of the existing development and will maintain to the degree it ever has the heritage and rural nature of the Alva and N. Olga area.

POLICY 27.1.8: The owner or agent of a rezoning or special exception request within the Northeast Lee County Community Plan area must conduct two public information meetings, in accordance with Policies 17.3.3 and 17.3.4, prior to the application being found sufficient. One meeting must be held within the Alva Community Plan area boundary and the other in the North Olga Community Plan area boundary. (Ordinance No. 18-18)

A community meeting will be held on May 5 to allow input from the planning community. It has been advertised in the News-Press on April 22 and will be held at the community building in Oak Park Village.

GOAL 28: ALVA COMMUNITY PLAN. Support and enhance the unique rural, historic, agricultural character and natural environment and resources of the Alva Community Plan area, including the rural village and surrounding area. (Ordinance No. 11-21, 18-18)

The MHPD will not increase the density or intensity of the existing development and will maintain to the degree it ever has the heritage and rural nature of the Alva and N. Olga area.

POLICY 28.1.7: Coordinate the Alva and North Olga Community Plans to achieve the Northeast Lee County Community Plan goal, objectives, and policies. (Ordinance No. 11-21, 18-18)

GOAL 29: NORTH OLGA COMMUNITY PLAN. Promote and support the unique rural character, heritage, economy, quality of life, and natural resources in the North Olga Community Plan area. (Ordinance No. 11-14, 18-06, 18-18)

The MHPD will not increase the density or intensity of the existing development and will maintain to the degree it ever has the heritage and rural nature of the Alva and N. Olga area.

OBJECTIVE 135.5: MOBILE HOMES. The county will provide adequate locations and standards for mobile homes, which are defined as residential units constructed to standards promulgated by HUD, through implementation of Chapter 34 of the Land Development Code. (Amended by Ordinance No. 94-30, 00-22, 07-17)

POLICY 135.5.2: The Land Development Code will continue to designate zoning categories for mobile home parks and to implement the requirements set forth in F.S. 773.083 Governmental Action Affecting the Removal of Mobile Home Owners. (Amended by Ordinance No. 94-30, 00-22, Amended and Relocated by Ordinance No. 07-17)

Oak Park Village was rezoned to MHC-1 in 2005. The purpose and intent of the MHC mobile home conservation residential district is to recognize and protect existing mobile home developments lawfully developed under either the 1962 zoning regulations (MHC-1) or the 1968 zoning regulations (MHC-2) that do not conform to the regulations set forth in this chapter for modern mobile home residential districts. It is intended through these mobile home conservation residential districts to accommodate lots, structures and residential uses which were legal under the previous zoning regulations but are nonconforming under the present regulations. This district is not available for new developments, but may be used only by property owners in existing developments that comply with the property development regulations or by the Board of County Commissioners upon its own initiative to achieve the purpose mentioned in this section.

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.

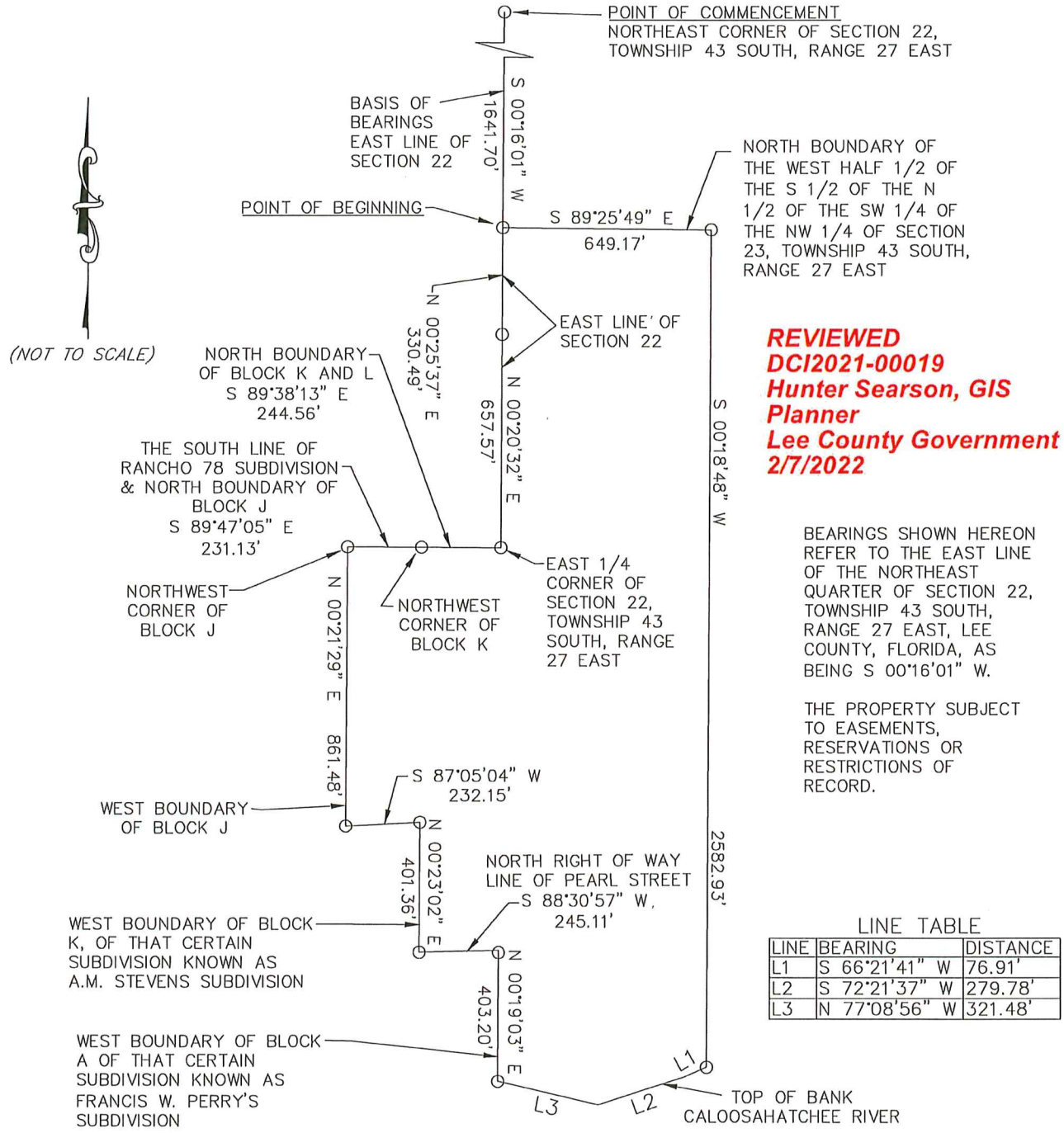
REVIEWED
DCI2021-00019
Hunter Searson, GIS
Planner
Lee County Government
2/7/2022

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

RESOLUTION NO. Z-70-56

The following resolution was offered by Commissioner Julian Hudson, seconded by Commissioner P. A. Geraci, and upon poll of members present, the vote was as follows:

Julian Hudson	aye
Kenneth Daniels	aye
Jim Sweeney	absent
P. A. Geraci	aye
Bruce J. Scott	aye

WHEREAS, Carl A. McCandless has applied for a zoning change from AU to RU-3-A and BU-2-A and a special permit for a mobile home park.

Blocks A,B. and C Francis W. Perry's subdivisio, as shown in Plat Book 1 page 18, in the Public Records of Lee County Fla. Sec. 23, Twp. 43, Rge. 27

WHEREAS, a public hearing of the Lee County Zoning Board was advertised and held, as required by law, and after hearing all interested parties and considering adjacent areas, the Zoning Board recommended that said request be approved.

WHEREAS, this Board after reviewing the records and recommendations of the Zoning Board and having given an opportunity for interested persons to be heard, after being duly sworn according to law, and upon due and proper consideration having been given to this matter, does hereby set aside, for the purpose of a clarification, the Zoning Board's recommendation;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners, Lee County, Florida, that the decision of the Zoning Board to approve a zoning change from AU to RU-3-A and BU-2-A and a special permit for a mobile home park be set aside for the purpose of a clarification and the petition be approved for a zoning change from AU to RU-3-A and BU-2-A and a special permit for site location only for a mobile home park. The final plans must be finalized and started within six months after the County Commissioners approval of site location and no work shall be started until the final plans are approved and said propertyis zoned accordingly.

The Zoning Director is hereby directed to make the necessary notations upon the maps and records of the Lee County Building and Zoning Department

PASSED AND ADOPTED this 2nd day of June, 1970

Heard April 27, 1970

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER DECISION

VARIANCE/SPECIAL EXCEPTION:	**CASE VAR2000-00064 & SEZ2000-00008**
APPLICANT:	**OAK PARK VILLAGE WASTE WATER TREATMENT PLANT**
HEARING DATE:	**NOVEMBER 1, 2000**

I. APPLICATION:

Filed by OAK PARK VILLAGE COOPERATIVE, INC., ATTN: RALPH SUTER, PRESIDENT, P. O. Box 38, Alva, FL 33920 (Applicant/Owner/Agent); PATRICK DAY, % TKW CONSULTING ENGINEERS, INC., 12553 New Brittany Blvd., Bldg. 32, Fort Myers, FL 33907 (Agent).

Requests are for:

1) A Special Exception in the AG-2 (Agricultural) zoning district for an Essential Service Facilities--Group II, Sewage Disposal or Treatment Facility per Land Development Code (LDC) Section 34-653; and

2) Variances in the AG-2 zoning district from the requirements of LDC Section 10-351(d)(2), that requires all above ground or partially above ground facilities (active and passive) to be set back at least 100 feet from any perimeter property line, to allow:

a. a 25-foot setback from the east and southeast property lines; and
b. a zero-foot setback from the south property line.

The subject property is located at Pearl Street, Alva (S.R. 80 to Alva, north on Broadway Road, east on Pearl Street to Oak Park Village), S27-T23S-R43E, Lee County, FL. (District #5)

The Strap # as furnished by the Applicant is: 23-43-27-00-00002.0010

II. STAFF RECOMMENDATION: APPROVE

The Department of Community Development Staff Report was prepared by Kay Deselem. The Staff Report is incorporated herein by this reference.

III. HEARING EXAMINER DECISION:

The undersigned Lee County Hearing Examiner APPROVES the Applicant's request and hereby grants a Special Exception to allow an Essential Service Facilities--Group II, Sewage Disposal or Treatment Facility in the AG-2 zoning district pursuant to LDC 34-653, and two Variances from the requirements of LDC Section 10-351(d)(2) to allow a 25-foot setback from

ATTACHMENT G

the east and southeast property lines and a zero-foot setback from the south property line, for the real estate described in Section VIII. Legal Description WITH THE FOLLOWING CONDITION(S):

1. Development of the waste water treatment plant must be consistent with the one-page Site Plan entitled "Oak Park Village WWTP," stamped "Received Sep 14 2000," last revised 08/25/00.

2. No additional dwelling units may be developed in conjunction with the removal of the existing waste water treatment plant.

3. The developer must provide a 20-foot-wide buffer that includes an 8-foot-high wall or berm, or a combination berm and wall, along the eastern property line from its southern property boundary north for a distance of 80 feet. This buffer must consist of five trees and a double staggered row of hedges that is 48 inches at installation and maintained at 60 inches of height so as to form a 60-inch-high continuous visual screen within one year after time of planting.

IV. HEARING EXAMINER DISCUSSION:

The Applicant, Oak Park Village Cooperative, Inc., in reference to Oak Park Village Waste Water Treatment Plant, is requesting a Special Exception and variances that will allow it to develop a Sewage Disposal or Treatment Facility (the plant), that will be set back 25 feet from the east and southeast property lines of the site and zero feet from the south property line (rather than 100 feet). The five-acre parcel is located in the AG-2 zoning district and the Rural land use category. The surrounding parcels are also located in the AG-2 zoning district. The properties to the north and east are in the Rural land use category and those to the south and west are in the Urban Community land use category.

The Applicant is a 199-unit mobile home park located at Pearl Street, Alva, Lee County, Florida. The purpose of the request is to replace/improve an existing wastewater plant that no longer meets the Florida Department of Environmental Protection (FDEP) standards for a portion of the existing plant. It was determined that a 27-year-old portion of the existing plant has deteriorated and that it must be replaced. It was also discovered that it would be impossible to do this unless an additional five acres of land is added to the existing mobile home park to accommodate the improvement.

When the design of the plant was completed, it was determined that the best location for the plant would require variances and a Special Exception. The place that the improvements will go will reduce the possibility of spills or other accidents because it reduces the distance from the portion of the plant that will remain and the location of the new portion. It also places the improvements further away from the well field for the site than a location that would meet the 100-foot setback required by the Land development Code.

The Staff has recommended approval of the requests with conditions that will ameliorate the reduced setbacks necessitated by the plant's location. The placement of the plant must be consistent with the one-page Site Plan entitled "Oak Park Village WWTP," stamped "Received Sep 14 2000," last revised 08/25/00. No additional dwelling units may be developed in conjunction with the removal of the existing plant.

To reduce the impact to adjacent properties caused by the reduced setbacks, the Applicant will provide a 20-foot-wide buffer that includes an 8-foot-high wall or berm, or combination berm and wall. This structure must extend along the eastern property line from the southern property boundary to the north for 80 feet. In addition to the wall/berm, there will be five trees and a double staggered row of hedges. They must be 48 inches high at installation, and maintained at 60 inches.

As conditioned, the variances and the Special Exception are consistent with the Lee Plan and Land Development Code and are compatible with the surrounding uses. The variances and the Special Exception are approved.

V. FINDINGS AND CONCLUSIONS:

Based upon the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

As to the Variances:

A. That there are exceptional or extraordinary conditions or circumstances that are inherent in the property in question.

B. That the exceptional or extraordinary conditions or circumstances are not the result of the actions of the Applicant taken subsequent to the adoption of the ordinance.

C. That the Variances granted, as conditioned, are the minimum variances that will relieve the Applicant of an unreasonable burden caused by the application of the regulation in question to his property.

D. That the granting of the Variances, as conditioned, will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

E. That the condition or situation of the specific piece of property, or the intended use of the property for which the Variances are sought, is not of a general or recurrent nature so as to make it more reasonable and practical to amend the ordinance.

As to the Special Exception:

A. That there exist changed or changing conditions that make approval of the request appropriate.

B. That the request, as conditioned, is consistent with the goals, objectives, policies and intent of the Lee Plan.

C. That the request, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed use.

D. That the request, as conditioned, will protect, conserve or preserve environmentally critical areas and natural resources.

E. That the request, as conditioned, will be compatible with existing or planned uses.

F. That the request, as conditioned, will not cause damage, hazard, nuisance or other detriment to persons or property.

G. That the requested use, as conditioned, will be in compliance with all general zoning provisions and supplemental regulations pertaining to the use set forth in Chapter 34, Land Development Code.

VI. PRESENTATION SUMMARY:

The Hearing Examiner introduced himself, explained the hearing process and placed all the participants under oath. Patrick Day, with TKW Consulting Engineers, introduced himself as the project manager for the variance and Special Exception requests. He described Oak Park as a manufactured home community in Alva that is completely built out.

Mr. Day stated that there were no water or wastewater facilities in the area; the Park supplies their own services and, every five years the plant permit has to be renewed. He indicated that upon renewing the permit this year an examination of the wastewater treatment plant, which was a steel plant that was 28 years old, revealed it had built up a lot of rust, therefore, the Applicant's determined that the plant would not last much longer. He noted that the Florida Department of Environmental Protection (FDEP) inspected the plant and concurred with the Applicant's determination. He indicated that when the 1998 renewal permit was issued, one of the conditions of the permit was that the Applicant apply for a substantial modification to replace the portion of the plant that was steel. He noted that a portion of plant outside the core, was not steel, and only the steel portions would be replaced.

Mr. Day indicated that because the project was built out there was no room to put any of the wastewater equipment within that property line, so the Oak Park residences purchased the five acres to the north of the site. They purchased it for two reasons; 1) to have room for the placement of the wastewater treatment plant; and 2) because the well fields are on the northern boundary and they felt it would give them some additional protection.

Mr. Day stated that during the permit renewal process they realized that the Lee County Land Development Code (LDC) Section 10-351 required that all above ground utility facilities maintain 100-foot setback from all perimeter property lines. He indicated that setback requirement would cause problems because the new plant would be located in two areas instead of placing it where the existing facility was to remain. If the setback was enforced, it would require the installation of force mains and pumps, there would be a larger chance for spillage and the plant would be closer to the well fields, which would not be an environmentally sound action.

Mr. Day explained that the variance requests were to move the waste water treatment plant 25 feet away from the eastern property line so it would be near the other plant and a proposed zero-foot setback from the properties to the north and south (also owned by Oak Park) because they wanted to be as close as possible to the other waste water plant. He noted that

there would be a 20-foot-wide buffer with an 8-foot-high wall provided from the eastern property and Staff had advised the Applicant to provide buffer Type "C" trees and Type "F" shrubs, with which the Applicant agreed.

Kay Deselem, Development Services Division, referred to the Staff Report prepared October 26, 2000 and indicated that Staff had recommended approval with conditions of the variances and the Special Exception as requested.

Ms. Deselem stated that the first condition identified the site plan. The second condition identified that, even though the Applicant was adding to the Park, no more dwelling units would be added as a result of the action. She explained that the mobile home park had been approved under an 86-36 [ordinance] action, which was done years ago to bring some conformity to the older mobile home parks. The third condition included the buffer that Mr. Day had mentioned.

The Hearing Examiner asked why a double hedge on the opposite side of the wall was proposed since there was an existing wall? Ms. Deselem explained it was to soften the effects of the wall and was a combination of Type "C" and Type "F" buffer plantings. Normally Type "F" would give them more space, because the abutting uses are unknown at the present time and believed that it would provide a more adequate buffer. The Hearing Examiner asked "even with the wall?" and Ms. Deselem replied "yes," adding that this was because buffering is normally on the opposite side of the wall for any project.

Ms. Deselem indicated that the Staff Report contained the findings and conclusions in support of both the variances and the Special Exception, the introduction which was explained by Mr. Day, discussion regarding neighborhood compatibility and the proposed conditions of approval.

The Hearing Examiner asked if the Applicant would be required to connect to public utilities if and when they are located within one-quarter mile of the project. Ms. Deselem stated that it was her understanding that they would be required to do so, however, she had not been able to determine that any extensions were proposed in the area. The Hearing Examiner placed the Applicant on notice that even though it may not be listed as a condition, it could be required in the future when public utility service was extended to the area.

Mr. Day stated that prior to the Variance and Special Exception process, they believed connecting to Lee County Utilities would be one of the methods to solve the problem, however, after discussing it with Lee County Utilities, was informed that it was not in the County's extension plans.

The Hearing Examiner stated that he would conduct a site inspection prior to rendering a decision and closed the hearing.

VII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL COUNTY STAFF:

1. Joan C. Henry, Assistant County Attorney, Lee County, P. O. Box 398, Fort Myers, FL 33902-0398

PUBLIC PARTICIPATION:

A. THE FOLLOWING PERSONS TESTIFIED OR SUBMITTED EVIDENCE FOR THE RECORD AT THE HEARING (SEE SECTION VI.):

For: NONE

Against: NONE

B. THE FOLLOWING PERSONS SUBMITTED A LETTER/COMMENT CARD, OR OTHERWISE REQUESTED A COPY OF THE HEARING EXAMINER DECISION:

For: NONE

Against: NONE

VIII. LEGAL DESCRIPTION:

The West 650.10' of:
The South half (S1/2) of the North half (N1/2) of the Southwest quarter (SW1/4) of the Northwest (NW1/4) of Section 23, Township 43 South, Range 27 East, Lee County, Florida.

IX. UNAUTHORIZED COMMUNICATIONS:

Unauthorized communications shall include any direct or indirect communication in any form, whether written, verbal or graphic, with the Hearing Examiner, or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, rezonings, special exceptions, or any other matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation. . . . [Administrative Code AC-2-5]

No person shall knowingly have or attempt to initiate an unauthorized communication with the Hearing Examiner or any county commissioner [or their staff]. . . . [LDC Section 34-52(a)(1), emphasis added]

Any person who knowingly makes or attempts to initiate an unauthorized communication . . . [may] be subject to civil or criminal penalties which may include: [Section 34-52(b)(1), emphasis added]

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the Hearing Examiner action which is the subject of the unauthorized communication. [LDC Section 34-52(b)(1)b.2.]; OR

A fine not exceeding $500.00 per offense, by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. [LDC Section 1-5(c)]

X. APPEALS:

This Decision becomes final on the date rendered. A Hearing Examiner Decision may be appealed to the Circuit Court in Lee County. Appeals must be filed within thirty (30) days of the date the Hearing Examiner Decision is rendered. Appeal is by Petition for Writ of Certiorari in accordance with Lee County Land Development Code Section 34-146.

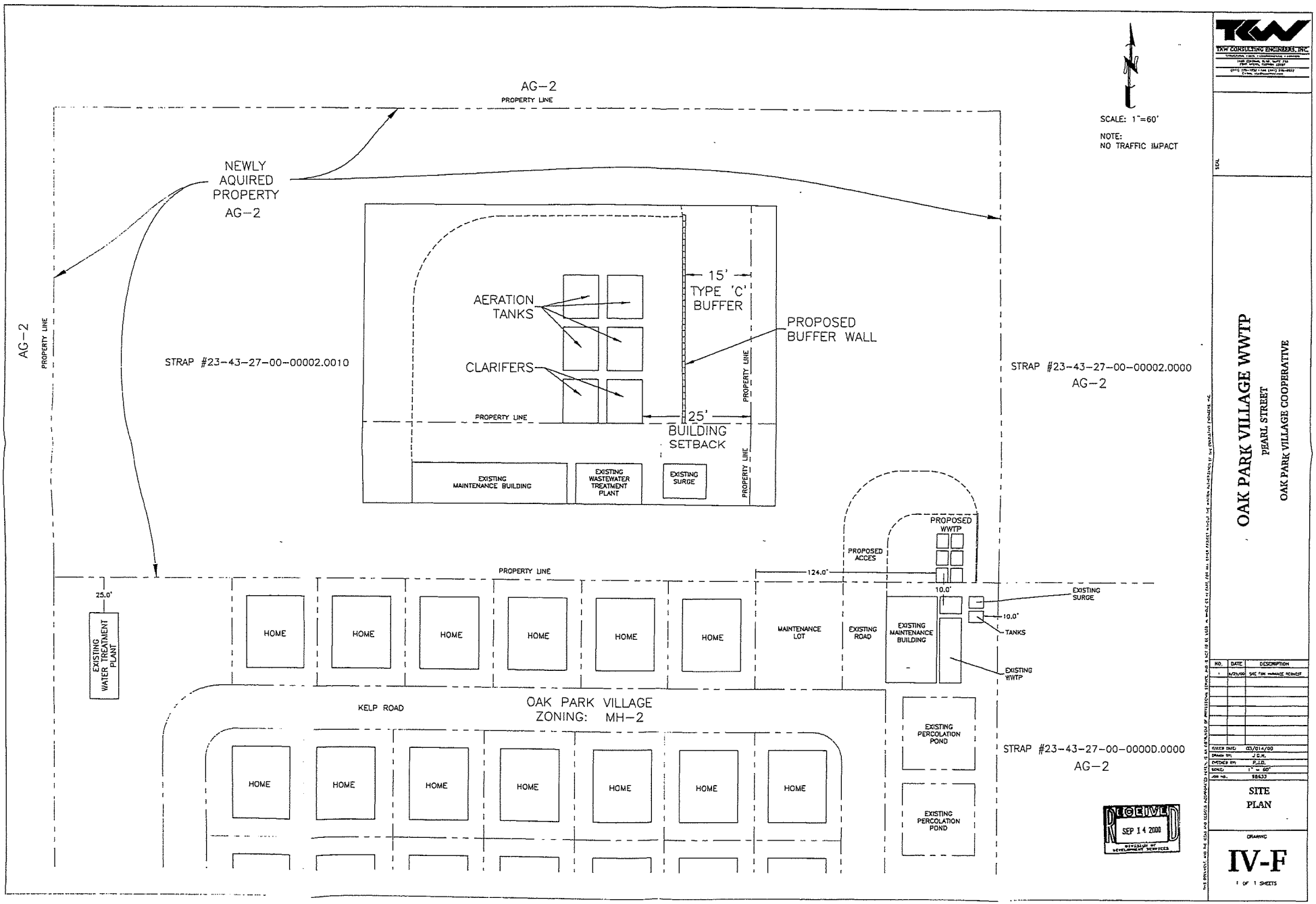
XI. COPIES OF TESTIMONY AND TRANSCRIPTS:

A. A complete verbatim transcript of the testimony presented at the hearing can be purchased from the court reporting service under contract to the Hearing Examiner's Office. The original documents and file in connection with this matter are located at the Lee County Department of Community Development, 1500 Monroe Street, Fort Myers, Florida.

B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

This decision is rendered this 6th day of November, 2000. Copies of this decision will be delivered to the offices of the Lee County Board of County Commissioners.

SALVATORE TERRITO
LEE COUNTY HEARING EXAMINER
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398
Telephone: 941/479-8100
Facsimile: 941/479-8106



TKW CONSULTING ENGINEERS, INC.

OAK PARK VILLAGE WWTP

PEARL STREET

OAK PARK VILLAGE COOPERATIVE

NO.	DATE	DESCRIPTION
1	8/29/00	SJC FOR MANAGE REQUEST

MASTER DWG:	00/014/00
DRAWN BY:	J.S.M.
CHECKED BY:	P.J.D.
SCALE:	1" = 60'
JOB NO.	98633

SITE PLAN

DRAWING

IV-F

1 OF 1 SHEETS

RESOLUTION NUMBER Z-05-077

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 a 37.83±-acre parcel from Agriculture (AG-2), Mobile Home Residential (MH-2), and Commercial (C-1) to Mobile Home Conservation (MHC-1) in reference to a project known as Oak Park Village; and,

WHEREAS, a public hearing was advertised and held on September 22, 2005, before the Lee County Zoning Hearing Examiner, Richard A. Gescheidt. Written submissions were requested by the Hearing Examiner at the close of hearing with a due date of October 7, 2005. The Hearing Examiner gave full consideration to the evidence in the record in preparing the recommendation to the Board of County Commissioners for Case #'s REZ2004-00037 and VAR2004-00071; and,

WHEREAS, a second public hearing was advertised and held on November 7, 2005, 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: 1) rezone a 40±-acre parcel from AG-2, MH-2, and C-1 to MHC-1; and, 2) obtain a variance in the MHC-1 zoning district perimeter setback criteria from 25 feet to 10 feet on parcel 2. The property is located in the Rural and Urban Community Future Land Use Category. The request was subsequently revised at the Hearing Examiner hearing to reduce the property subject to the rezoning request by 2.18 acres, resulting in a request to rezone 37.83± acres, and is legally described in attached Exhibit A. The zoning request is approved. The variance request is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS AS TO VARIANCE ON PARCEL 2:

1. The approval of the setback variance from 25 feet to 10 fee is limited to the perimeter of the existing Oak Park Village Mobile Home Park located both north and south of Pearl Street. This represents the 37.83±-acre property identified as Parcel 2 of attached Exhibit B.

SECTION C. 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: Site Map/Sketch
Exhibit C: Zoning Map (subject parcel identified with shading)

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

23-43-27-02-00000.00CE
23-43-27-00-00002.0010

SECTION D. FINDINGS AND CONCLUSIONS AS TO REQUEST TO REZONE TO MHC-1:

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

2. The MHC-1 rezoning, as approved:

   a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   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 uses permitted in the MHC-1 zoning district are appropriate at the subject location.

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

SECTION E. FINDINGS AND CONCLUSIONS AS TO PERIMETER SETBACK VARIANCE:

1. There are exceptional or extraordinary conditions or circumstances inherent to the property in question and those exceptional or extraordinary conditions or circumstances create a hardship on the property owner.

The existing mobile home lots north of Pearl Street were approved as nonconforming under Ordinance 86-36, which was designed to provide relief to parks that were developed in that era. The mobile homes have been in place for almost 30 years and granted a 10-foot, perimeter yard setback at time of development.

2. The exceptional or extraordinary conditions or circumstances are not the result of the actions of the applicant taken subsequent to the adoption of the ordinance. These conditions are the result of a condition that predated the adoption of the ordinance.

3. The Variance, if granted, is the minimum Variance that will relieve the Applicant of an unreasonable burden caused by the application of the regulation in question to his property.

4. The granting of the setback variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare. There will be no impact as the variance request amounts to what currently exists.

5. The condition or situation of the specific piece of property or the intended use of the property for which the variance is sought, is not of a general or recurrent nature so as to make it more reasonable and practical to amend the ordinance. The request for the setback variance is unique to the subject property alone and not of a general or recurrent nature.

6. The perimeter yard setback variance approval is limited to the perimeter of the existing Oak Park Village Mobile Home Park (STRAP# 23-43-27-02-00000.00CE) located both north and south of Pearl Street. This represents the 37.83+/- acres of the subject properties, defined as Parcel 2 of **Exhibit B** attached hereto.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Ray Judah, seconded by Commissioner John E. Albion and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 7th day of November 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michele G. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Tammara Hall, Chairwoman

Approved as to form by:

_____
Donna Marie Collins
County Attorney's Office

12/15/05 mgc
RECEIVED
MINUTES OFFICE

AM

EXHIBIT A
Legal Description,
Property located in Lee County,
Florida

Measured Metes and Bounds Description of *Portion* of Property subject to a change in Zoning

Beginning at the intersection of the West Section line of Section 23- Township 43 South - Range 27 East and the Northerly right-of-way of the Caloosahatchee River: thence N0°18'27"E for 2,607.82 feet along the section line; thence S89°30'49"E for 649.78 feet; thence S0°17'50"W for 2,438.20 feet; thence along the arc of a curve to the right, having a radius of 3,160 feet, a central angle of 12°11'52", a chord bearing of S75°51'15"W, a chord distance of 671.47 feet for a distance of 672.74 feet along the Northerly right-of-way line of said Caloosahatchee River, returning to the point of beginning.

± 37.83 Acres

Applicant's Legal Checked
by Lgm 12/09/2005
(Page 1 of 2)

RECEIVED
DEC 07 2005
COMMUNITY DEVELOPMENT

REZ 2004-00037
AND
VAR 2004-00071

N/A OAKPARK Zoning SHEET 2 OF 2	DESIGN BY: SBE DRAWN BY: SBE CHECKED BY: FLM PATH#:	OAK PARK VILLAGE PO BOX 38 ALVA, FLORIDA 33920 SECTIONS 22 & 23, TOWNSHIP 43 SOUTH, RANGE 27 EAST Lee County, Florida Zoning Boundary Sketch	NOTES: Improvements are not generally shown. Subject to easements and restrictions of record. Basis of bearings is Florida State Plane, NAD83, Florida West Zone. Not valid without signature and 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:EL 8, 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: 2/17/04 Added easements over features and revise boundary 4/14/05 Added an unsurveyed tract and bounds boundary/road ac 10/03/05 Changed vesting boundary

RESOLUTION NUMBER Z-07-072A

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.

COPY

ATTACHMENT I

11-3-08Z

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: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Ray Judah, Chair

Approved as to form by:

_____
Robert Spickerman
Assistant County Attorney
County Attorney's Office

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

RECEIVED
MINUTES OFFICE
CPV
2009 MAR 11 PM 3:06

Exhibit "A-1"

RECEIVED
NOV 12 2008
COMMUNITY DEVELOPMENT

Legal Description

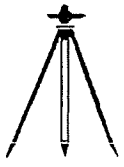
Section 22, Township 43 South, Range 27 East, Lee County, Florida

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:

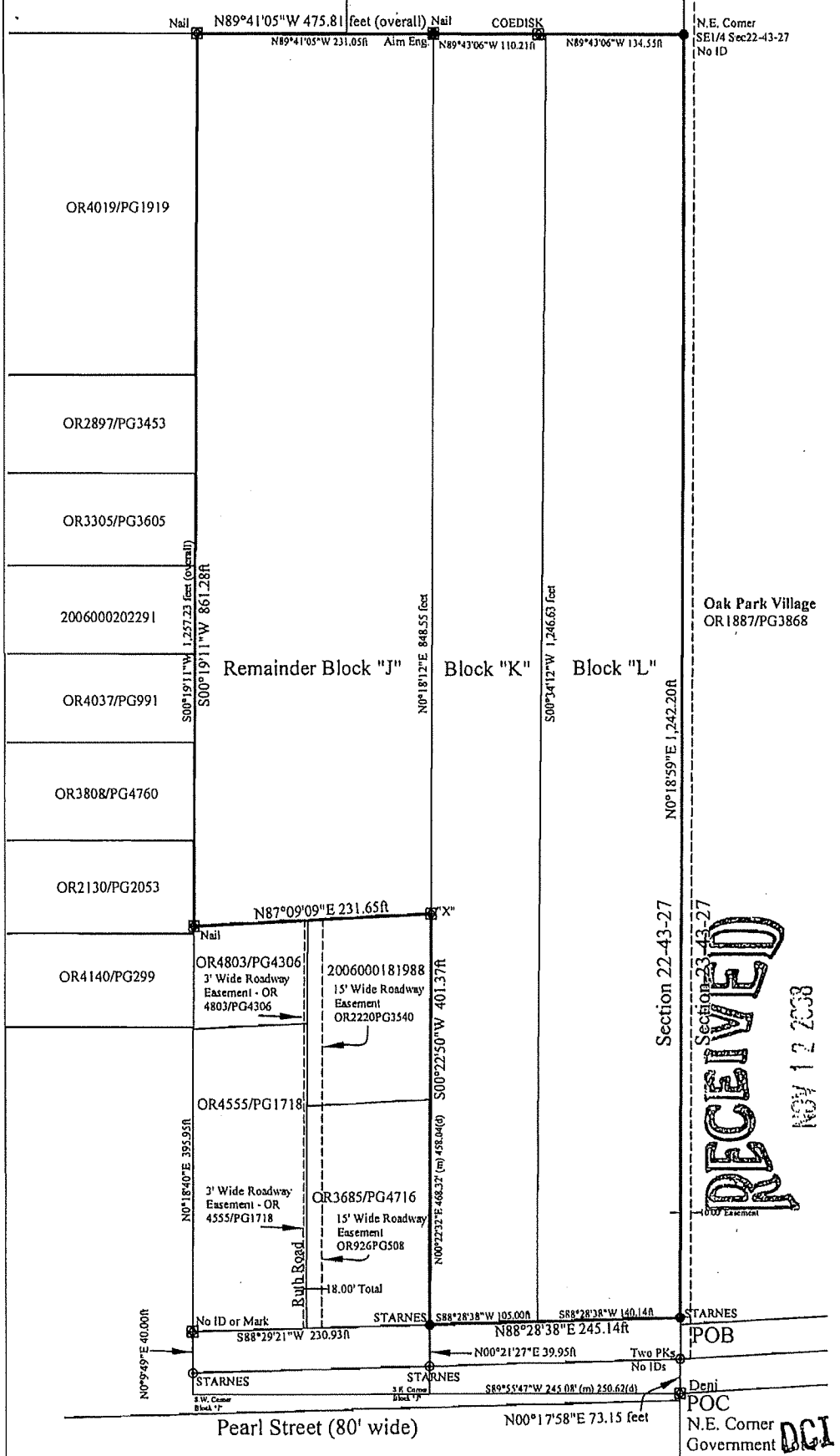
More particularly described as follows: Commencing at the Northeast corner of Government Lot 1, Section 22, Township 43 South, Range 27 East, run N00°17'58"E for 73.15 feet along the West line of Section 23, Township 43 South, Range 27 West to the POINT OF BEGINNING; thence run N00°18'59"E for 1,242.20 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.

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 22-43-27-02-00010.0000

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:

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±11.54 Acres

RECEIVED
NOV 12 2003

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

20' 0 40' 80' 120' 160' 200'

2006-00096

SCALE: 1"=150'	DESIGN BY: SDE DRAWN BY: SDE CHECKED BY: JLA DATE(S): Aug 3-10, 2005	OAK PARK VILLAGE PO BOX 30 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 5/17/05 Added common area features and resize boundary 6/10/05 Added measured metes and bounds boundary/resize 10/03/05 Changed resize boundary
CAD FILE: OAKPARK				
DWG NO: Boundary	P.S. R. Brubaker, PSM Measurement Science Corporation LB7359	Boundary Survey/Map		
SHEET 2 OF 2				

DCI2006-00096

Zoning Map

10/23/2007

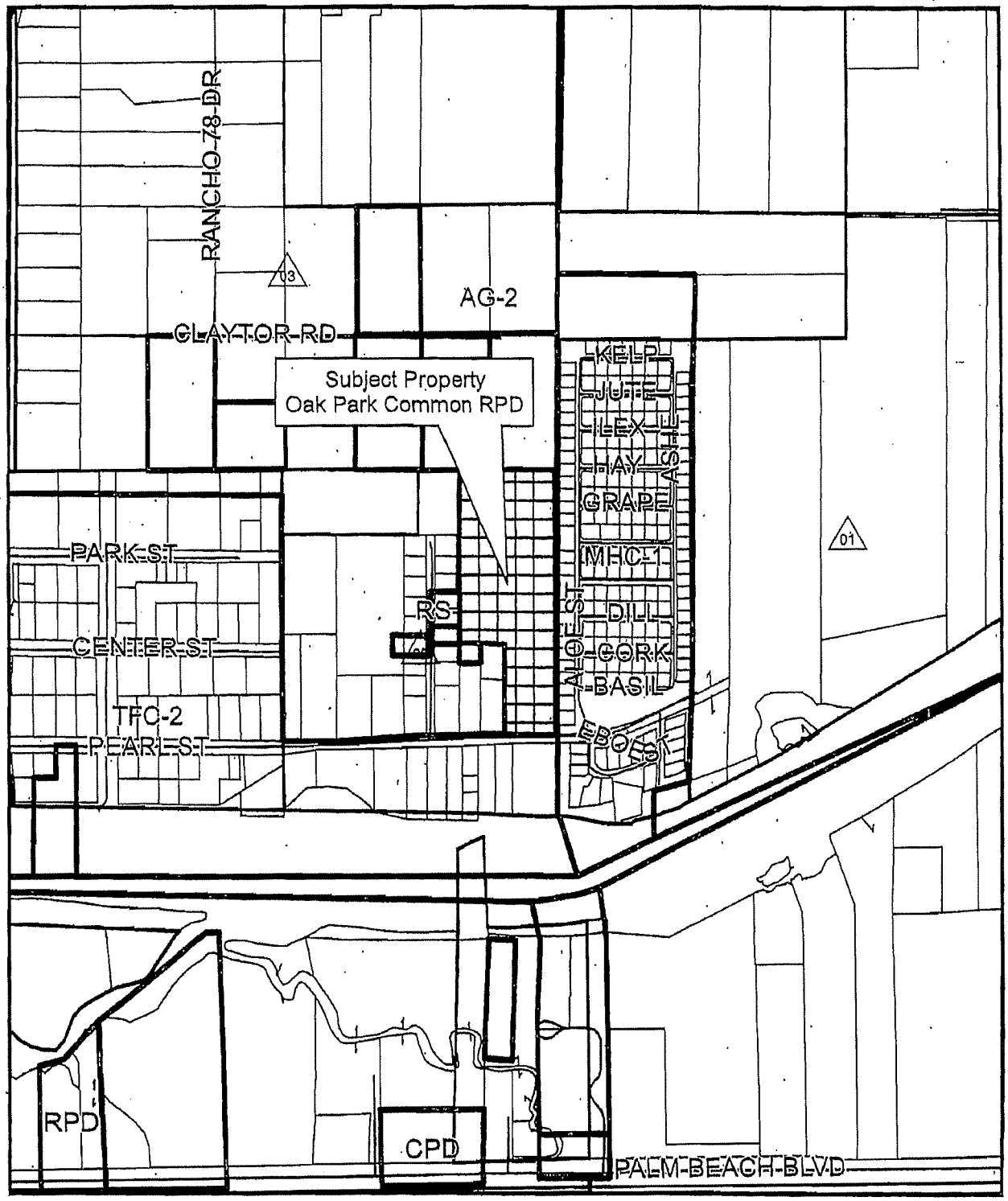
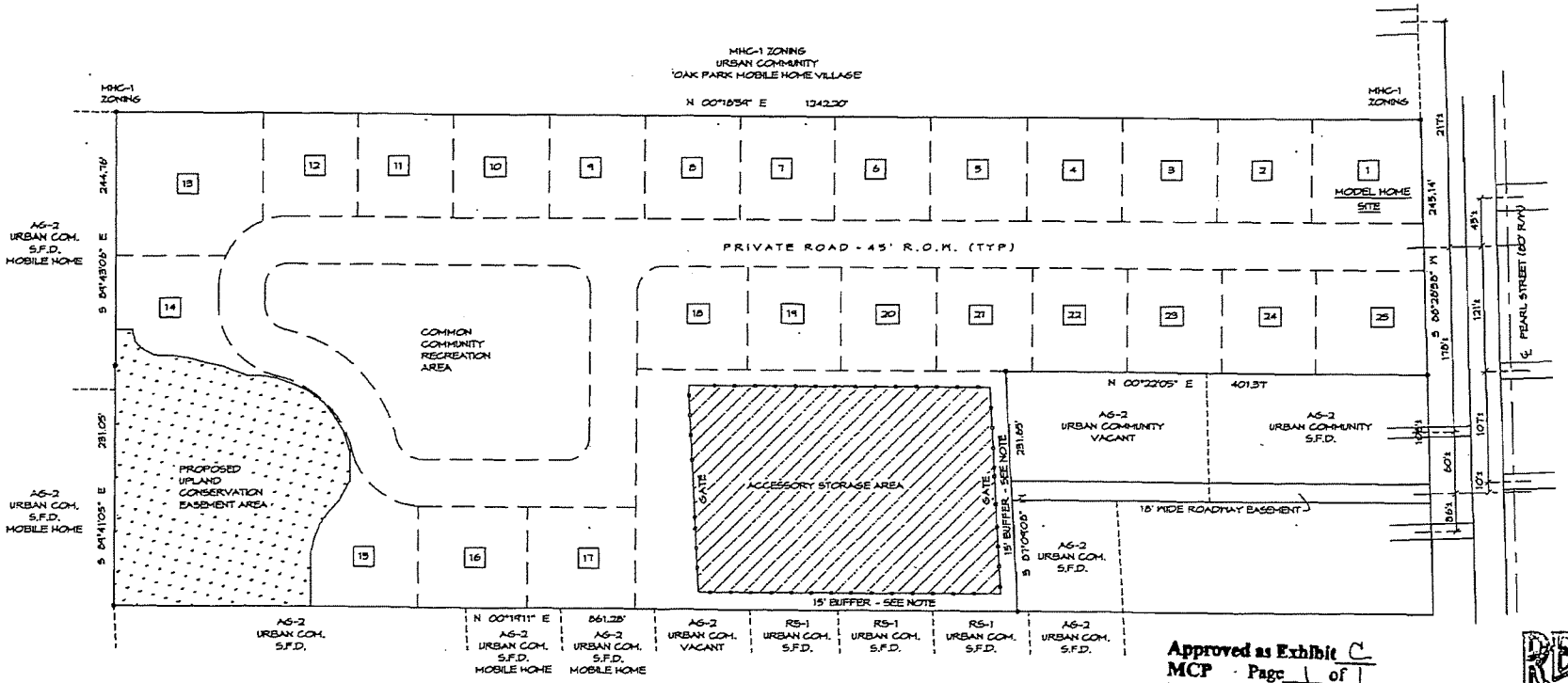


EXHIBIT B

MASTER CONCEPT PLAN
FOR
OAK PARK COMMON



Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-07-072A

PROPOSED UPLAND CONSERVATION EASEMENT DATA:
TOTAL AREA = 471,253 S.F. (11± ACRES)

BUFFER NOTES:

- 15' BUFFER TO RECEIVE 'C' TYPE BUFFER PLANTING

LEGEND:

CONSERVATION EASEMENT (XERIC OAKS)

CHAIN LINK FENCE

TOTAL AREA = 11.54± ACRES

TOTAL NUMBER OF LOTS = 25

AREA RESERVED FOR ACCESSORY STORAGE = 1.32± ACRES

MAXIMUM BUILDING HEIGHT = 35' (2 STORY)

LEE COUNTY LAND USE DESIGNATION: URBAN COMMUNITY

SEE RESOLUTION FOR DEVIATIONS

NORTH

SCALE: 1:50

50 0 50 100

RECEIVED
FEB 23 2009
COMMUNITY DEVELOPME

DCI 2006-00096

PREPARED BY:

david estes + associates, inc.
239.495.6251
02.04.2009

ADMINISTRATIVE AMENDMENT (PD) ADD2014-00216(A)

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

THIS REVISION IS TO AMEND CONDITION 3 IN RESOLUTION Z-07-072A.

WHEREAS, Oak Park Village Co-Op, Inc. filed an application for an administrative amendment to a Mobile Home Planned Development (MHPD) on a project known as Oak Park Village Co-Op to allow a phasing plan on property located at 21961 Pearl Street, described more particularly as:

LEGAL DESCRIPTION: In Section 22, Township 43 South, Range 27 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the subject property was rezoned to MHPD by resolution Z-07-072A, see Exhibit B, and is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the Master Concept Plan was approved for a maximum of 25 single-family dwelling units, accessory uses, and for the existing outdoor storage area, see Exhibit C; and

WHEREAS, the storage area is used by the residents of Oak Park Village Mobile Home Park that is located to the east of the storage area; and

WHEREAS, Development Order DOS2014-00065 has been submitted for Phase 1 which is to construct a gravel drive to the existing outdoor storage area, see Exhibit D, and is under review; and

WHEREAS, the applicant is seeking to amend the MHPD to allow the development to be divided into 2 phases to facilitate a feasible time frame for the growth of the development, see Exhibit E; and

WHEREAS, Phase 1 will include the improvements to the existing outdoor storage area as required by condition 17 in Resolution Z-07-072A; and a gravel road for access to the outdoor storage area; and

WHEREAS, Phase 2 will include the development of the remainder of the project as required by Resolution Z-07-072A; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Mobile Home Planned Development is **APPROVED subject to the following conditions:**

1. **The Development must be in compliance with the Phasing Plan, dated received December 19, 2014. Phasing Plan for ADD2014-00216 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit E.**

2. **Condition #3 from Resolution Z-07-072A is amended as follows:**

   "Prior to local development order approval for any development <u>of Phase 2</u> ~~beyond the existing footprint of the open storage area~~, the applicant must submit the ...."

3. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended above.**

4. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

DULY PASSED AND ADOPTED ON 3/18/2015

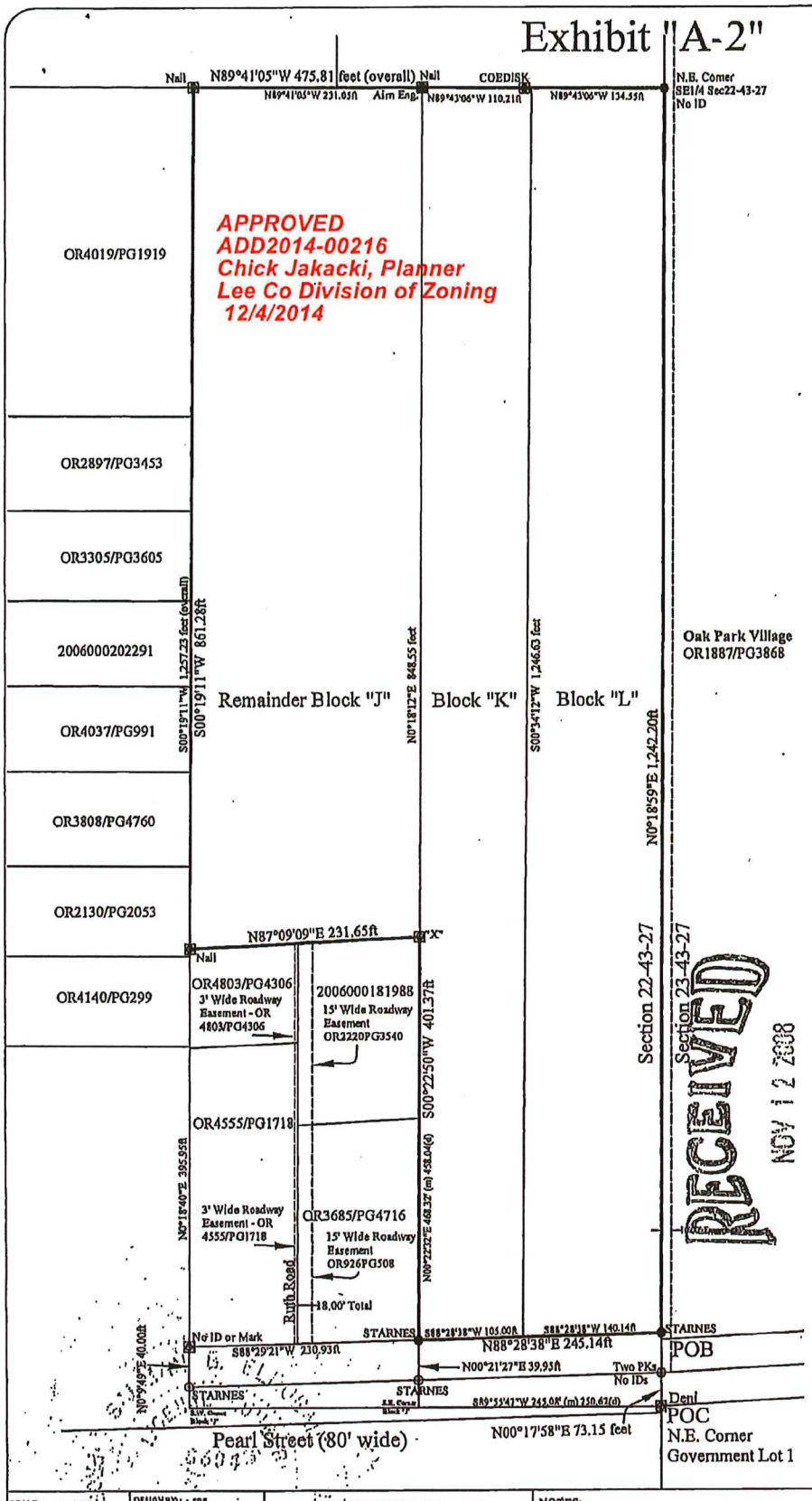
BY: Pam Houck
Electronically Signed by
Pam Houck, Director
Division of Zoning
Department of Community Development

Exhibits:
A – Legal Description
B - Z-07-072A
C – MCP
D – DOS2014-00065
E – Phasing Plan

ADD2014-00216 Lee County ePlan

EXHIBIT A

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:

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±11.54 Acres

RECEIVED
NOV 12 2008
COMMUNITY DEVELOPMENT

DCI 2006-00096

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

20' 0 40' 80' 120' 160' 200'

Applicant's Legal Checked by BJ 11-14-08

SCALE: 1"=150'	DESIGN BY: SBB DRAWN BY: JAH CHECKED BY: JAH	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 125124-0250D dated 09/19/84. Survey performed without the benefit of any title opinion, research or abstract.	DATE REVISIONS: 5/17/05 Added easement area for turn and revise boundary 6/19/06 Added measured ratios and bounds boundary notes 10/03/05 Changed scale to boundary
CAD FILE: OAKPARK	DATE: October 3, 2005			
DWG NO: Boundary				
SHEET 2 OF 2	S. B. Erbsen, PSM Halvorsen and Schoon Corporation LB7059	Boundary Survey/Map		

ADD2014-00216 Lee County ePlan

Exhibit B

RESOLUTION NUMBER Z-07-072A

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.

COPY

11-3-08Z

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: C Valencia
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Ray Judah
Ray Judah, Chair

Approved as to form by:

Robert Spickerman
Assistant County Attorney
County Attorney's Office

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

RECEIVED
MINUTES OFFICE
CPV
2009 MAR 11 PM 3:06

Exhibit "A-1"

RECEIVED
NOV 12 2008
COMMUNITY DEVELOPMENT

Legal Description

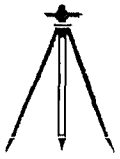
Section 22, Township 43 South, Range 27 East, Lee County, Florida

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:

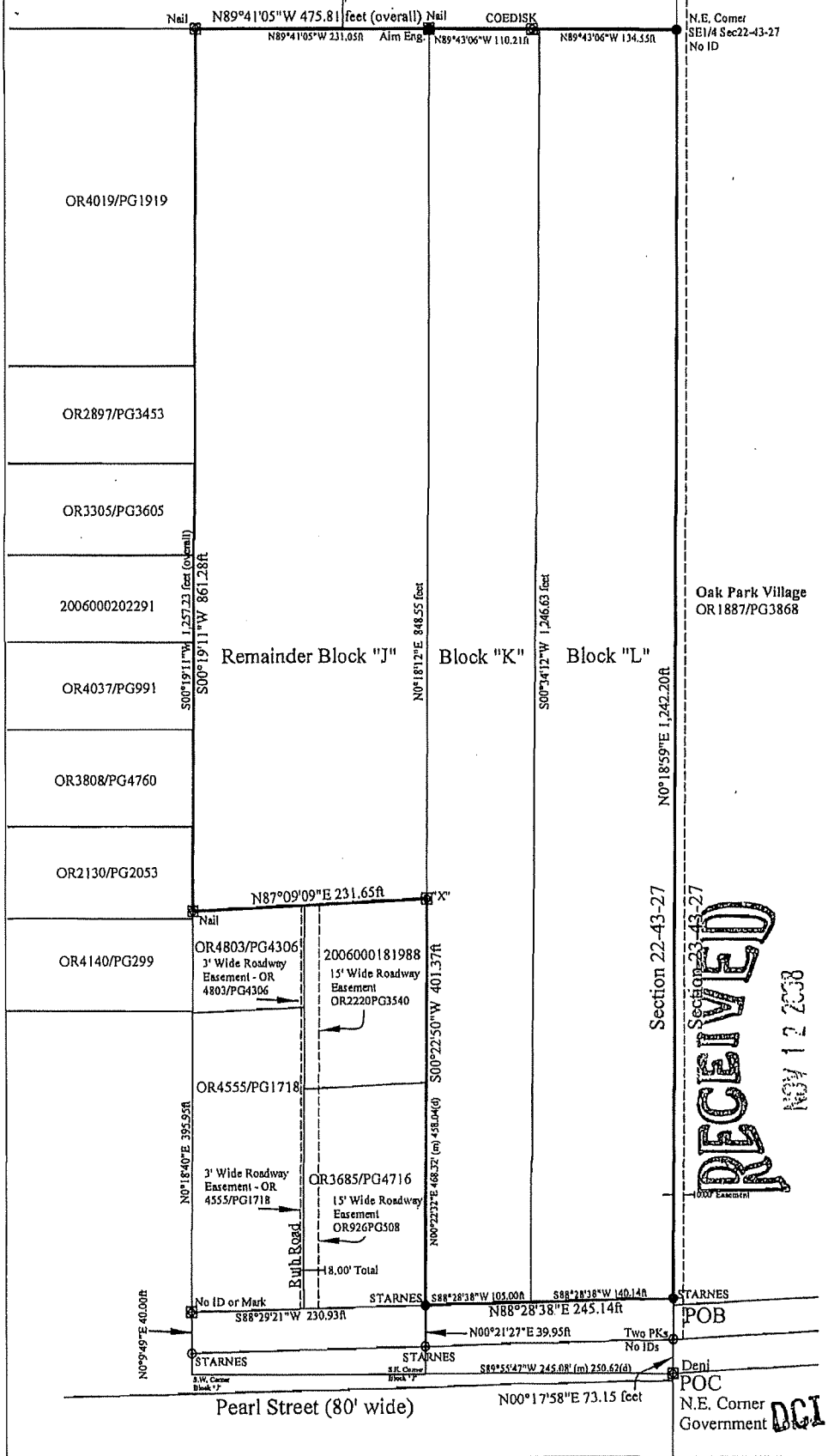
More particularly described as follows: Commencing at the Northeast corner of Government Lot 1, Section 22, Township 43 South, Range 27 East, run N00°17'58"E for 73.15 feet along the West line of Section 23, Township 43 South, Range 27 West to the POINT OF BEGINNING; thence run N00°18'59"E for 1,242.20 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.

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

RECEIVED
MAY 12 2006
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

20' 0 40' 80' 120' 160' 200'

2006-00096

SCALE: 1"=150'	DESIGN BY: SDE DRAWN BY: SDE CHECKED BY: JLM DATE(s): Apr 3-10, 2006	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 5/17/06 Added easement area features and revised boundary 6/10/05 Added measured angles and bounds boundary/realign 10/03/05 Changed scales boundary
CAD FILE: OAKPARK				
DWG NO: Boundary				
SHEET 2 OF 2	S. W. Ehrhardt, PSM Measurement Science Corporation LB7359	Boundary Survey/Map		

DCI2006-00096

Zoning Map

10/23/2007

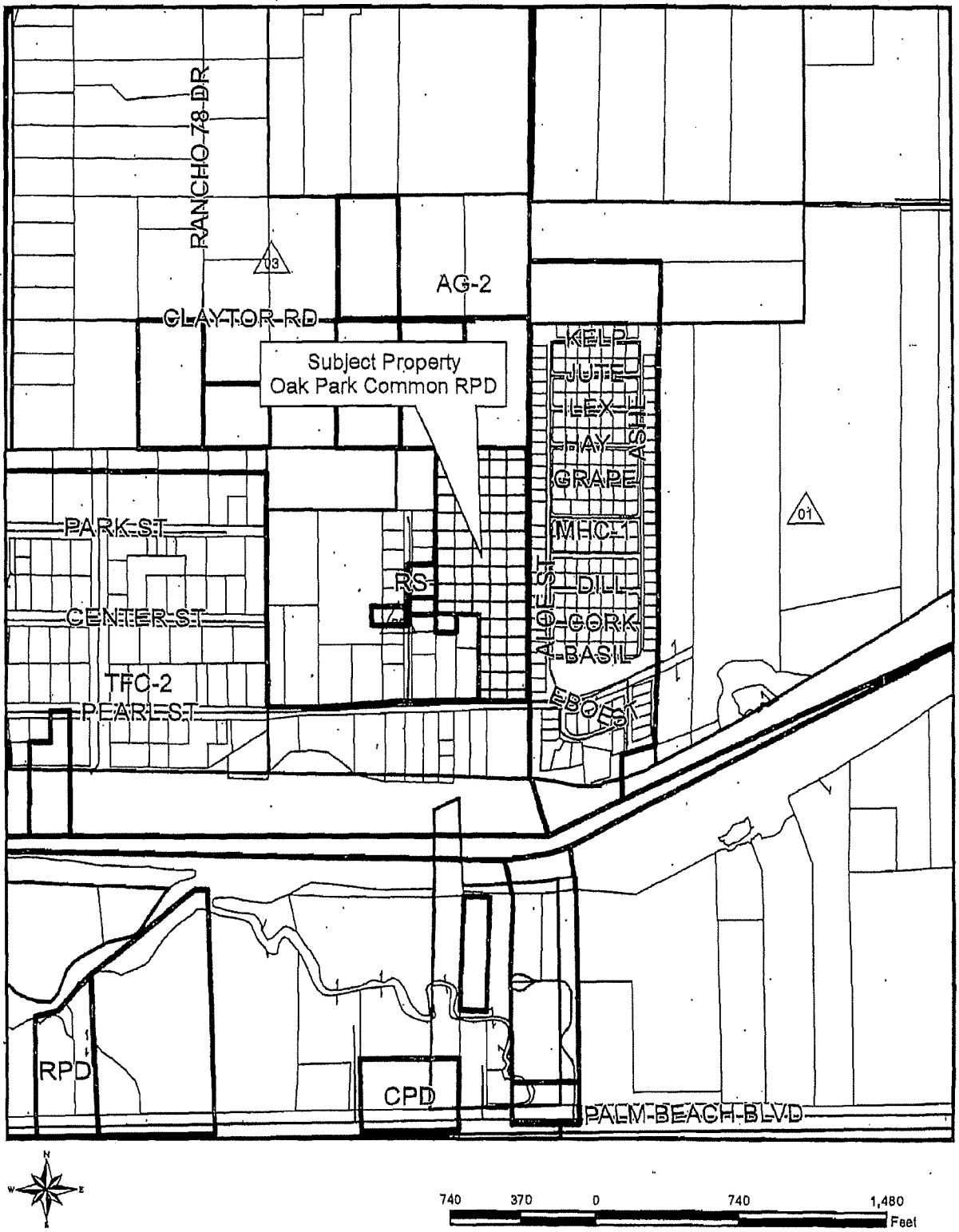


EXHIBIT B

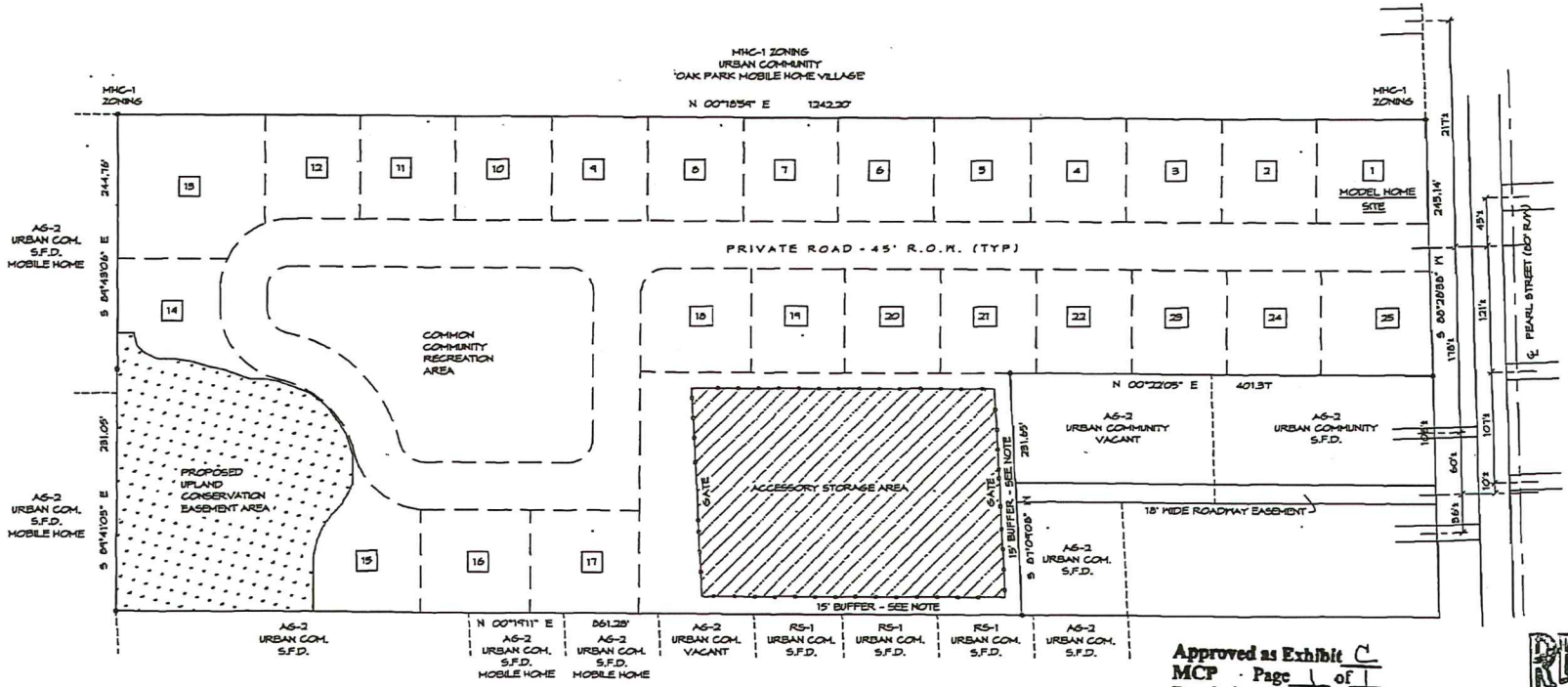
ADD2014-00216 Lee County ePlan

EXHIBIT C

MASTER CONCEPT PLAN

FOR

OAK PARK COMMON



Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-07-072A

RECEIVED
FEB 23 2009
COMMUNITY DEVELOPMENT

DCI 2006-00096

PROPOSED UPLAND CONSERVATION EASEMENT DATA:
TOTAL AREA = 41,253 S.F. (1.1± ACRES)

BUFFER NOTES:
- 15' BUFFER TO RECEIVE 'C' TYPE BUFFER PLANTING

LEGEND:
CONSERVATION EASEMENT (XERIC OAKS)
CHAIN LINK FENCE

TOTAL AREA = 11.54± ACRES
TOTAL NUMBER OF LOTS = 25
AREA RESERVED FOR ACCESSORY STORAGE = 1.32± ACRES
MAXIMUM BUILDING HEIGHT = 35' (2 STORY)
LEE COUNTY LAND USE DESIGNATION: URBAN COMMUNITY
SEE RESOLUTION FOR DEVIATIONS

NORTH

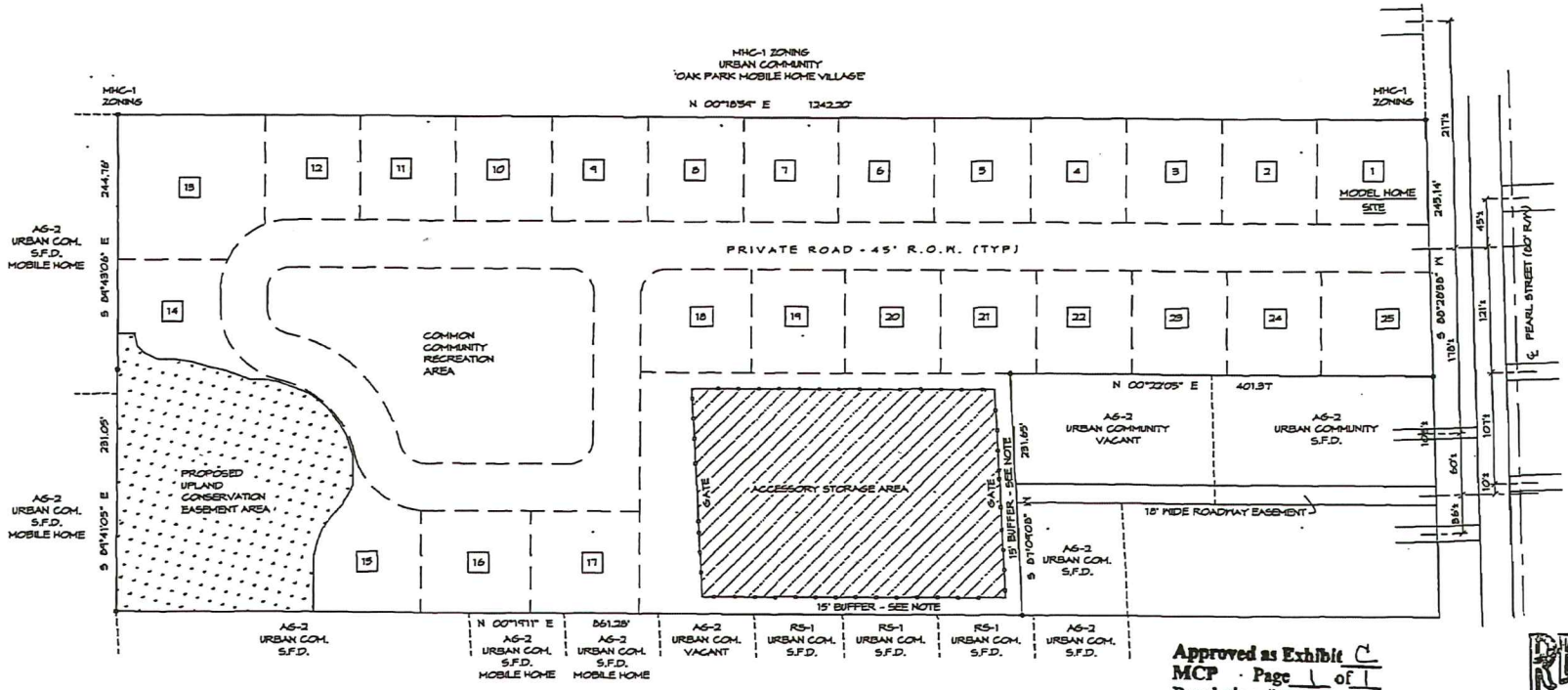
SCALE: 1:50
50 0 50 100

PREPARED BY:
david estes + associates, inc.
239.418.0251
01.09.2009

ADD2014-00216 Lee County ePlan

EXHIBIT C

MASTER CONCEPT PLAN
FOR
OAK PARK COMMON



Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-07-072A

RECEIVED
FEB 23 2009
COMMUNITY DEVELOPMENT

DCI 2006-00096

Exhibit C

PROPOSED UPLAND CONSERVATION EASEMENT DATA:
TOTAL AREA = 47,253 S.F. (1.1± ACRES)

BUFFER NOTES:
- 15' BUFFER TO RECEIVE 'C' TYPE BUFFER PLANTING

LEGEND:
CONSERVATION EASEMENT (XERIC OAKS)
CHAIN LINK FENCE

TOTAL AREA = 11.54± ACRES
TOTAL NUMBER OF LOTS = 25
AREA RESERVED FOR ACCESSORY STORAGE = 1.52± ACRES
MAXIMUM BUILDING HEIGHT = 35' (2 STORY)
LEE COUNTY LAND USE DESIGNATION: URBAN COMMUNITY
SEE RESOLUTION FOR DEVIATIONS

NORTH

SCALE: 1:50
50 0 50 100

PREPARED BY:
david estes + associates, inc.
239.985.8251
02.09.2009

ADD2014-00216 Lee County ePlan

Exhibit D

GENERAL NOTES

1. COASTAL SETBACK LINES DO NOT APPLY TO THIS PARCEL.
2. THERE ARE NO APPARENT ENVIROMENTALLY SENSITIVE LANDS ONSITE.
3. NO BURROWING OWL NESTS EXIST ON THIS PARCEL.
4. THERE WILL BE NO ADVERSE IMPACTS TO GROUND OR SURFACE WATERS, WETLANDS, FLOODPLAINS OR RIVERINE AREAS OR KNOWN ARCHEOLOGICAL SITE EXPECTED BY THE DEVELOPMENT OF THIS SITE.
5. ALL ELEVATIONS ARE BASED UPON NAVD 1988.
6. SOD ALL SWALES, BERMS, RETENTION/DETENTION AREAS, AND SLOPES WITHIN LIMITS OF CONSTRUCTION.
7. WATER SERVICE IS NOT EXISTING AND WILL BE PROVIDED BY ONSITE WELL.
8. SANITARY SEWER SERVICE WILL BE PROVIDED BY ONSITE SEPTIC SYSTEM. SANITARY SEWER SERVICE WILL BE CONVERTED TO CONNECTION LEE COUNTY UTILITIES.
9. THIS PARCEL IS ZONED "MHPD".
10. THIS PROJECT LIES IN THE LEHIGH ACRES FIRE CONTROL DISTRICT.
11. FUTURE LAND USE CLASSIFICATION "URBAN COMMUNITY"
12. THE EXISTING VEGETATIVE COVER INCLUDES PINE TREES AND PALMETTOS.
13. THIS PROJECT WILL BE CONSTRUCTED IN ONE PHASE AS SHOWN ON THESE PLANS.
14. ANY DEVIATIONS FROM THESE PLANS BY THE OWNER OR CONTRACTOR REQUIRES PRIOR APPROVAL OF THE ENGINEER.
15. THE ENGINEER CERTIFIES THAT THE SITE CAN BE USED SAFELY FOR BUILDING PURPOSES, WITHOUT UNDUE DANGER FROM FLOOD OR ADVERSE SOIL OR FOUNDATION CONDITIONS. PROVIDED ALL APPROPRIATE BUILDING CODES ARE FOLLOWED.
16. THE CURRENT FLORIDA LAND USE AND COVER CLASSIFICATION FOR THIS SITE IS SITE IS 110 "RESIDENTIAL" AND 740 "PREVIOUSLY DISTURBED".
17. FIRM RATE FLOOD ZONE "X".
18. NO RESIDENTIAL UNITS ARE PROPOSED.
19. SOIL CLASSIFICATION FOR THIS PARCEL IS SCS #55 COCOA FINE SAND, #17 DAYTONA SAND, AND 72 BRADENTON FINE SAND. THE PARCEL IS NOT SUBJECT TO FRESHWATER PONDING OR SALTWATER INUNDATION.
20. EACH CONTRACTOR WILL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS PRIOR TO THE START OF ANY CONSTRUCTION.
21. DEVELOPMENT REGULATIONS SETBACKS PRINCIPAL STRUCTURE: FROM NORTH PROPERTY LINE (REARE): 38 FT FROM STREETS WEST PROPERTY LINE, BELL BLVD: 85 FT FROM STREETS EAST PROPERTY LINE, PORTLAND AVED: 85 FT FROM STREETS SOUTH PROPERTY LINE, MEADOW ROAD: 115 FT STRUCTURE HEIGHT: 30 FT. (A.F.F.), 35 MAX. PER CODE.
22. THERE APPEAR TO BE NO JURISDICTIONAL WETLANDS PRESENT ON SITE.
23. IF THE PARKING LOT IS TO BE USED AT NIGHT, ADEQUATE LIGHTING SHALL BE PROVIDED FOR THE DRIVEWAYS, INGRESS & EGRESS POINTS, AND PARKING AREAS. SUCH LIGHTING SHALL BE ARRANGED AND DIRECTED AS TO ELIMINATE GLARE ON ANY OTHER USE.
24. A MIN. OF SIXTY (60) SQ. FT. OF GARBAGE COLLECTION AND TWENTY FOUR (24) SQ. FT. OF RECYCLABLE COLLECTION SHALL BE PROVIDED ON SITE PER B.O.C.C. ORDINANCE NO. 08-10.
25. WHERE BURNING OF DEBRIS IS ALLOWED, CONTRACTOR IS RESPONSIBLE FOR OBTAINING PERMITS FROM FORESTRY SERVICE, FIRE DEPT. AND DEP WHEN APPLICABLE.
26. A 24 HOUR MINIMUM NOTICE PERIOD IS REQUIRED FOR INSPECTIONS.
27. CONTRACTOR TO FOLLOW THE INSPECTION AND NOTIFICATION REQUIREMENTS OF THE LEE COUNTY LAND DEVELOPMENT CODE.
28. NO INVASIVE EXOTICS EXIST ON SITE AT THIS TIME – AS PER ORDINANCE 90-05 THE SITE SHALL BE MAINTAINED FREE FROM INVASIVE EXOTICS (AUSTRALIAN PINE, BRAZILIAN PEPPER MELALEUCA, DOWNY ROSEMYRTLE & EARLEAF ACACIA). THIS SITE SHALL BE MAINTAINED FREE OF THESE SPECIES IN PERPETUITY. METHOD OF REMOVAL SHALL BE BY HAND TOOLS OR MECHANICAL EQUIP.
29. LEE COUNTY STRAP NO. 22-43-27-02-000J0.0000
30. ANY PROJECT INDENTIFICATION SIGNS INSTALLED ON THE PROPERTY WILL BE IN ACCORDANCE WITH LEE COUNTY ORDINANCE #95-26 AND ANY AMENDING ORDINANCES. SIGN DESIGN CRITERIA AND INFORMATION WILL BE SUPPLIED AT THE TIME OF SIGN PERMIT APPLICATION.

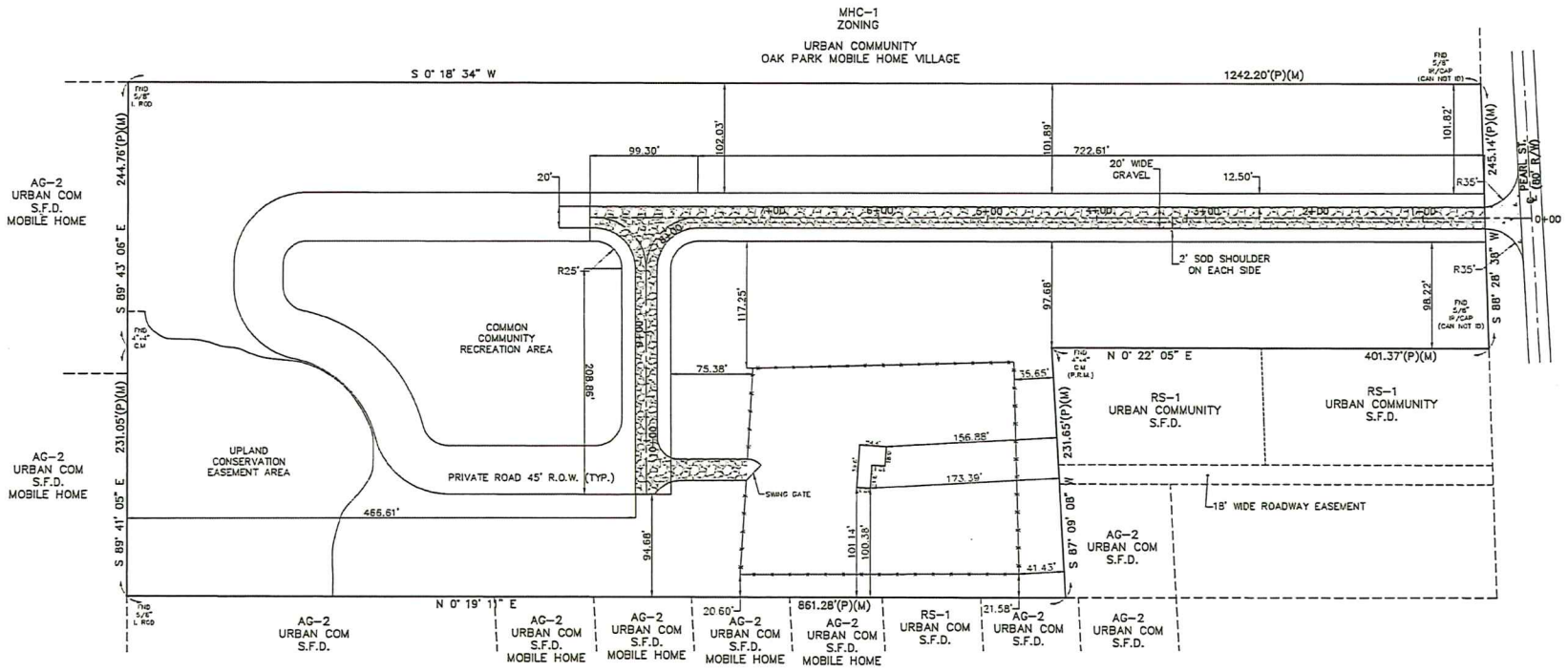
GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)
1 inch = 50 ft.

LAND USE TABLE

Description	Square Feet	Acres	% of Project
Project Site Area	502,510 SF	11.54 Ac	100%
Existing Concrete Area To Be Removed	0 SF	0.00 Ac	0%
Existing Building Area	705 SF	0.02 Ac	0.14%
Proposed Building Area	0 SF	0.00 Ac	0%
Proposed Concrete Area	0 SF	0.00 Ac	0%
Proposed Parking Area	0 SF	0.00 Ac	0%
Total Impervious Area	22,620 SF	0.52 Ac	4.28%
Total Pervious Area	479,890 SF	11.02 Ac	95.72%



LIS ARCHITECTURE ENGINEERING LAND SURVEYING
3170 Via Del Rey Blvd
Fort Myers, FL 33905
Phone: (239) 334-8448
Fax: (239) 334-8449
Certificate of Authorization #LB 1107
ROBERT W. CASE
FLORIDA P.E. #44613
Digitally signed by Robert W. Case, P.E.
DN: cn=Robert W. Case, P.E., o=LIS Engineering, LLC, ou=FL PE No 44613, email=BobcatLISEngineering@att.net, c=US
Date: 2014.08.18 13:56:58 -04'00'

OAK PARK

21961 PEARL STREET, ALVA, FL 33920

SITE DIMENSION PLAN (PHASE I)

SCALE: 1" = 50'-0"

DATE: JULY 28, 2014

SHEET C3

OAKPARK

ADD2014-00216 Lee County ePlan

PHASE I

PHASE II

RECEIVED

12/19/2014

COMMUNITY DEVELOPMENT

ADD2014-00216

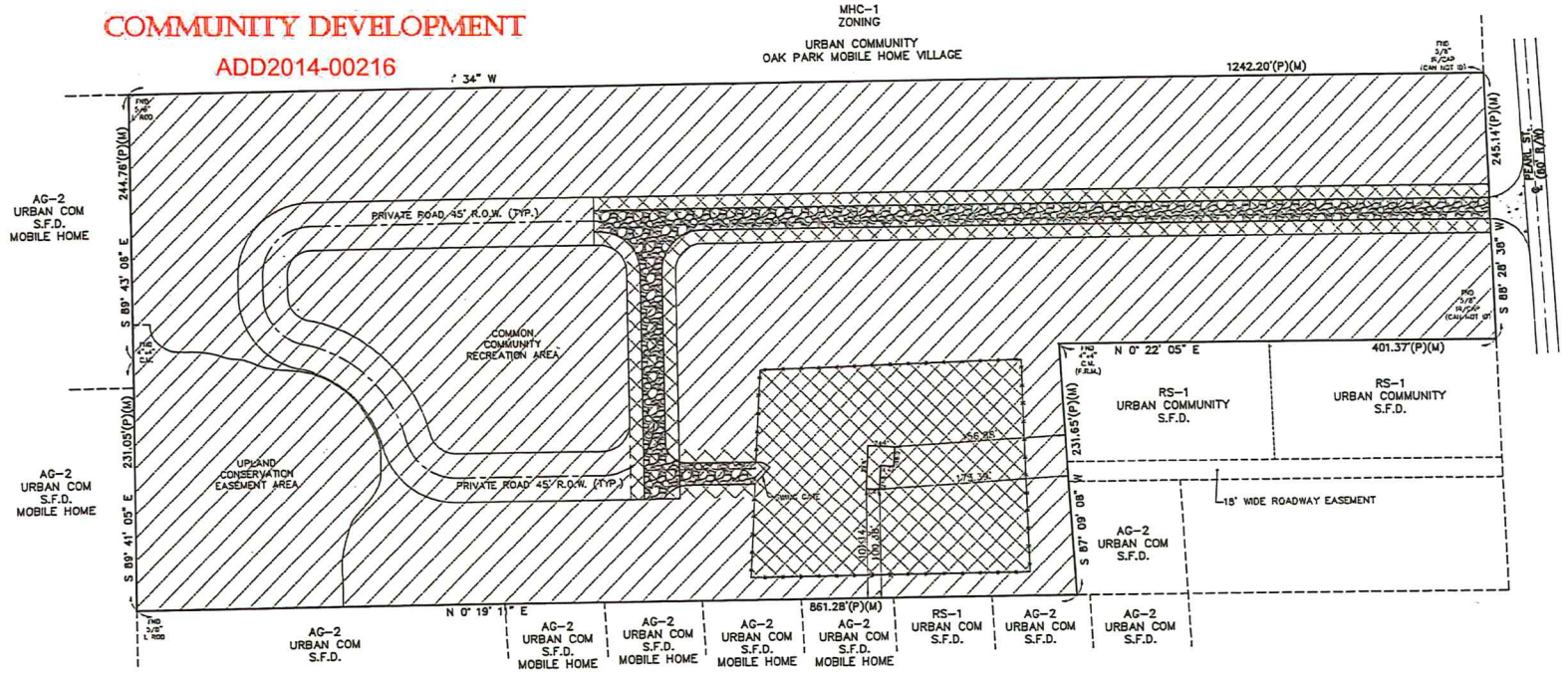
Exhibit E

GRAPHIC SCALE

50 0 25 50 100 200

(IN FEET)

1 inch = 50 ft.



OAK PARK

21961 PEARL STREET, ALVA, FL 33920

PHASING PLAN

LIS ARCHITECTURE ENGINEERING LAND SURVEYING

SCALE: 1" = 60'-0"

DATE: JULY 28, 2014

SHEET C5

LEE COUNTY ORDINANCE # 86-36

~~AN ORDINANCE AMENDING SECTION 602.01 OF LEE~~ COUNTY ORDINANCE NO. 86-17, THE LEE COUNTY ZONING ORDINANCE, SO AS TO CHANGE THE LOT OF RECORD REQUIREMENTS FOR MOBILE HOME AND RECREATIONAL VEHICLE PARKS AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, THAT

SECTION ONE:

Section 602.01 of Lee County Ordinance No. 86-17, the Lee County Zoning Ordinance, is hereby amended to read as follows, the underlined language being an addition to the previously adopted text and deleted language being shown by strikeovers.

602.01 LOT OF RECORD

For the purposes of this section only, a lot of record is a lot which conformed to the minimum lot size for the use permitted for that lot in its zoning district at such time that the lot was created, but which lot fails to conform to the minimum lot size requirements which are established by this Zoning Ordinance.

For the purpose of this section a lot is created on such date that one of the following conditions occur.

1. The date that a deed for said lot is lawfully recorded in the Public Records of Lee County, Florida; or

2. The date that a subdivision plat has been lawfully recorded in the Public Records of Lee County, Florida; and the lot is a part of said subdivision; or

3. The date that a site plan for a development was approved by the Board of County Commissioners pursuant to Resolution as long as said development subsequently recorded a subdivision plat that had been approved by the Board of County Commissioners in the Public Records of Lee County, Florida and the lot is a part of said subdivision/; or

4. In the case of mobile home or recreational vehicle parks, the date when said park was approved by Resolution for rezoning or a Special Permit for such use; provided, however, that the park subsequently obtained or subsequently obtains, on or before June 3, 1987, approval by the Board of County Commissioners of a site plan which identifies individual sites within the park and said sites meet the minimum lot size and setbacks consistent with the zoning regulations as set forth in Section 602.03 and its applicable subsection based on the date of the Resolution. Any park which was lawfully established prior to the effective date of the County's 1962 Zoning Regulations shall be governed by the requirements of Section 602.03.A. as long as said park satisfies the remaining minimum documentary requirements and Board approval set forth in this provision. For purposes of this subsection, "site plan" means any one or more of the following, whichever is applicable:

a. A sealed and signed survey showing individual lots by both course and distance; or

b. An unrecorded subdivision plat prepared and certified by a professional engineer or surveyor; or

c. A condominium plot plan prepared and recorded pursuant to Chapter 718, Florida Statutes; or

d. A park plan prepared and submitted with a prospectus pursuant to Chapter 723, Florida Statutes, provided that said prospectus has been approved by the Florida Department of Business Regulation and is of sufficient accuracy, size and legibility to enable the Director to administer this Ordinance; or

e. A site plan approved in accordance with Lee County Administrative Code Policy F-0015; or

f. A site plan approved pursuant to a preliminary or final development order; or

g. A rectified aerial with a minimum scale of 1 inch equal to 100 feet (1" = 100') and which has each site delineated and identified by its number and shows individual lot measurements with a reasonable degree of accuracy; or

h. Any other document which shows lot lines with enough specificity to enable the Director to apply the provisions of this Ordinance with respect to minimum lot size, lot widths and setback requirements.

Any of the foregoing documents which has not been or is not formally approved by the Board of County Commissioners shall not be sufficient to satisfy the provisions of this subsection. The burden of proof that any of the foregoing documents have received Board approval shall be that of the owner.

A. Lots of record may be developed subject to all of the following provisions:

1. All other regulations of this Ordinance are met;

2. No division of any parcel may be permitted which creates a lot with width, depth, or area below the minimum requirements stated in this Ordinance.

3. Contiguous lots of records may be combined and redivided to create larger dimension lots of record as long as such recombination includes all parts of all lots and existing allowable density is not increased.

4. For mobile home or recreational vehicle lots of record, the following shall also apply:

a. All mobile homes or recreational vehicles including any attachments

shall be placed at least five (5) feet from any body of water or waterway.

b. All mobile homes or recreational vehicles shall have a minimum separation of ten (10) feet between units (body to body) and appurtenances thereto. Each unit shall be permitted to have eaves which encroach not more than one foot into the ten (10) foot separation.

c. Sites or lots located within a park shall not be reconfigured or reduced in dimension so as to increase the density for which the park was originally created.

B. The burden of proof that the lot is legally nonconforming and lawfully existed at the specified date, shall be with the owner.

SECTION TWO:

This Ordinance shall become effective immediately upon receipt of the official acknowledgment of the Secretary of State of Florida that this ordinance has been filed with said office.

This Ordinance was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Bigelow, and seconded by Commissioner Slisher, and upon a poll of the members present the vote was as follows:

PORTER J. GOSS	AYE
CHARLES BIGELOW	AYE
MARY ANN WALLACE	NAY
WILLIAM FUSSELL	AYE
DONALD D. SLISHER	AYE

DULY PASSED AND ADOPTED by the Board of County Commissioners of Lee County, Florida this 3rd day of December, 1986.

ATTEST:
CHARLIE GREEN, CLERK

By: Mary Armentrout
Deputy Clerk

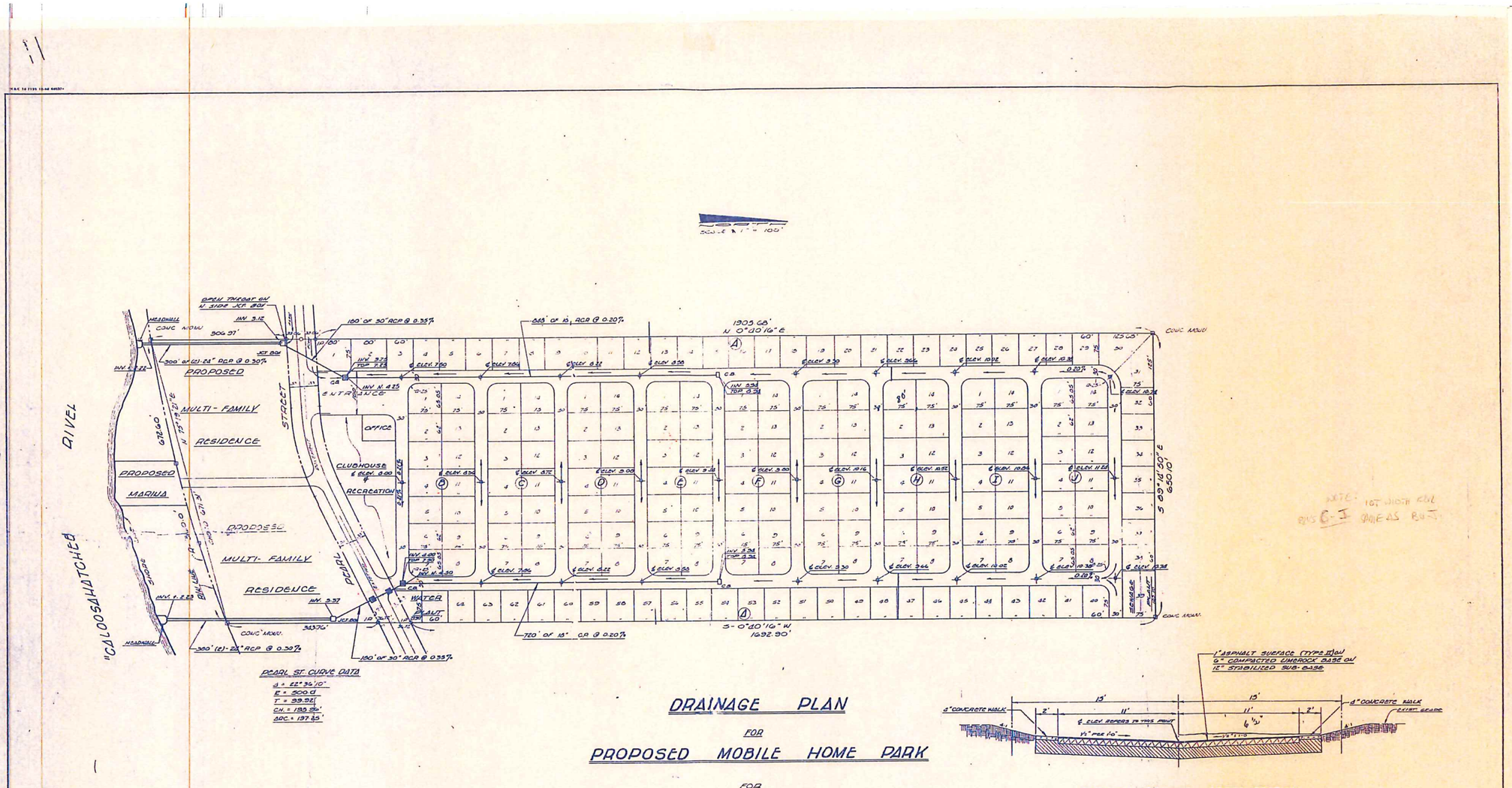
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Bill Fussell
Chairman

APPROVED AS TO FORM:

By: Marianne Fowler
County Attorney's Office

OAK PARK 1 OF 1



DRAINAGE PLAN

FOR

PROPOSED MOBILE HOME PARK

FOR

STEVENS LAYTON, INC.

BLOCKS A, B AND C, FRANCIS W. PERRY'S SUB-DIVISION, AS SHOWN IN PLATBOOK No. 1, PAGE 18, IN THE PUBLIC RECORDS OFF LEE COUNTY, FLORIDA SECTION 23, TWP 43 S, R 27E, CONTAINING 39 ACRES MORE OR LESS.

OAK PARK

THIS SITE PLAN APPROVED BY THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS PURSUANT TO SECTION _____ OF THE LEE COUNTY ZONING ORDINANCE (86-17). THIS APPROVAL CONFERS THE STATUS OF A NONCONFORMING LOT OF RECORD TO _____ BY VIRTUE OF THE FOLLOWING ZONING RESOLUTION(S):

_____

_____

_____

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA.

THIS _____ DAY OF _____ 19 ____.

BY _____
CHAIRMAN

TYPICAL STREET CROSS SECTION

NOTE: approval does not include area South of Pearl Street which is shown as "proposed" for Sam & Ruthie and Pauline Camelia 9/17/87

ROBERT A. GHIOTTO, P.E.

OAK PARK 1

NOTE: 1ST DISTR RDL BIG C-I AREAS BUT

ATTACHMENT L

WALDROP ENGINEERING
PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE
FORT MYERS Bonita Springs Tampa Orlando Sarasota
1514 Broadway, Suite 201, Fort Myers, FL 33901
p. (239) 344-0000 f. (239) 344-3444

NOTICE OF PUBLIC INFORMATION MEETING

DATE: Wednesday, May 5, 2021

TIME: 4:30 PM

ADDRESS: Oak Park Village Community Building, 21961 Pearl St, Alva, FL 33920

In accordance with North Olga Planning Community, Section 33-1663, of the Lee County Land Development Code, the Applicant, Oak Park Village Cooperative, Inc., will be presenting information to the public on the following request:

> *Oak Park Village Cooperative, Inc. seeks to rezone the current community and two undeveloped parcels, which are undeveloped single-family lots under common ownership abutting to the west, to a Mobile Home Planned Development to allow the current park to continue and expand open storage for residents and passive recreation and green space.*

The meeting will be held at 4:30 p.m. on Wednesday, May 5, at the Oak Park Village Community Building located at the entrance to the park at the northeast corner of Aloe and Pearl Street, specifically at 21961 Pearl St, Alva, FL 33920. For questions please contact:

Waldrop Engineering, P.A. c/o Fred Drovdlic
1514 Broadway, Suite 201, Fort Myers, FL 33901
(239) 989-3370 OR fred.drovdlic@waldropengineering.com

ATTACHMENT M

The News-Press media group
news-press.com A GANNETT COMPANY

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: WALDROP ENGINEERING

Address: 28100 BONITA GRANDE DR
BONITA SPRINGS FL 34135
USA

Ad No.: 0004700870
Net Amt: $145.91

Run Times: 1

No. of Affidavits: 1

Run Dates: 04/22/21

Text of Ad:

NOTICE OF PUBLIC INFORMATION MEETING

DATE: Wednesday, May 5, 2021
TIME: 4:30 PM
ADDRESS: Oak Park Village Community Building, 21961 Pearl St, Alva, FL 33920
In accordance with North Olga Planning Community, Section 33-1663, of the Lee County Land Development Code, the Applicant, Oak Park Village Cooperative, Inc., will be presenting information to the public on the following request:
Oak Park Village Cooperative, Inc. seeks to rezone the current community and two undeveloped parcels, which are undeveloped single-family lots under common ownership abutting to the west, to a Mobile Home Planned Development to allow the current park to continue and expand open storage for residents and passive recreation and green space.
The meeting will be held at 4:30 p.m. on Wednesday, May 5, at the Oak Park Village Community Building located at the entrance to the park at the northeast corner of Aloe and Pearl Street, specifically at 21961 Pearl St, Alva, FL 33920. For questions please contact:
Waldrop Engineering, P.A. c/o Fred Drovdlic
1514 Broadway, Suite 201, Fort Myers, FL 33901
(239) 989-3370 OR fred.drovdlic@waldropengineering.com
AD#4700870 April 22, 2021

LEE COUNTY
OAK PARK VILLAGE MHPD ZONING

Public Information Meeting
Oak Park Village Clubhouse

May 5, 2021

Name	Address	E-Mail Address (PLEASE PRINT CLEARLY)
John Schawaisk	7 Fig	noatroni@gmail.com
Bobbi Jo Donahue	12 Elder	Bjdonahue@yahoo.com
Carolyn Mona-Nietsche	1 Grape	CaRolyN@OakParkVillage.com
Don Clootier	14 Cork	doncloutier1012@gmail.com
Joe Bluemel	18 ASHE	Jbluemel2@gmail.com

The News-Press
media group
news-press.com A GANNETT COMPANY

Classified Ad Receipt
(For Info Only - NOT A BILL)

Customer: WALDROP ENGINEERING

Address: 28100 BONITA GRANDE DR
BONITA SPRINGS FL 34135
USA

Ad No.: 0004905666
Net Amt: $123.77

Run Times: 1

No. of Affidavits: 1

Run Dates: 09/10/21

Text of Ad:

NOTICE OF ZONING ACTION FOR OAK PARK VILLAGE
DATE: Friday, September 24, 2021
TIME: 4:30 PM
ADDRESS: The Boathouse Tiki Bar & Grill - Fort Myers, 17101 State Rd 31, Fort Myers, FL 33905
In accordance with the Policy 27.1.8 of the Lee County Comprehensive Plan (Lee Plan), the Applicant, Oak Park Village Cooperative, Inc., will be presenting information to the public on the following request:
Oak Park Village Cooperative, Inc. seeks to rezone the current community and two undeveloped parcels, which are undeveloped single-family lots under common ownership abutting to the west, to a Mobile Home Planned Development to allow the current park to continue and expand open storage for residents and passive recreation and green space.
The existing mobile home park and your homes will not be affected.
For questions please contact:
Waldrop Engineering, P.A.
c/o Fred Drovdlic
1514 Broadway, Suite 201,
Fort Myers, FL 33901
(239) 318-6707 OR fred.drovdlic@waldropengineering.com
AD# 4905666 9/10/21

ATTACHMENT N

NOTICE OF ZONING ACTION FOR OAK PARK VILLAGE

DATE: Friday, September 24, 2021

TIME: 4:30 PM

ADDRESS: The Boathouse Tiki Bar & Grill - Fort Myers, 17101 State Rd 31, Fort Myers, FL 33905

In accordance with the Policy 27.1.8 of the Lee County Comprehensive Plan (Lee Plan), the Applicant, Oak Park Village Cooperative, Inc., will be presenting information to the public on the following request:

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The existing mobile home park and your homes will not be affected.

For questions please contact:
Waldrop Engineering, P.A. c/o Fred Drovdlic
1514 Broadway, Suite 201, Fort Myers, FL 33901
(239) 318-6707 OR fred.drovdlic@waldropengineering.com

0004905666 / FNP-0000002582

The News-Press
media group
news-press.com A GANNETT COMPANY

Attn:
WALDROP ENGINEERING
28100 BONITA GRANDE DR
BONITA SPRINGS, FL 34135

STATE OF FLORIDA COUNTY OF LEE:
Before the undersigned authority personally appeared Nicole Jacobs, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

NOTICE OF ZONING ACTION FOR OAK PARK VILLAGE DATE: Friday, September 24, 2021 TIME: 4:30 PM ADDRESS: The Boathouse Tiki Bar & Grill - Fort Myers, 17101 State R

In the Twentieth Judicial Circuit Court was published in said newspaper editions dated in the issues of:

09/10/2021

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper editions dated:

Sworn to and Subscribed before me this 10th of September 2021, by legal clerk who is personally known to me.

Nicole Jacobs
Affiant

Notary State of Wisconsin, County of Brown

7/27/25
My commission expires

# of Affidavits 1

This is not an invoice

SARAH BERTELSEN
Notary Public
State of Wisconsin

NOTICE OF ZONING ACTION FOR
OAK PARK VILLAGE
DATE: Friday, September 24, 2021
TIME: 4:30 PM
ADDRESS: The Boathouse Tiki Bar & Grill - Fort Myers, 17101 State Rd 31, Fort Myers, FL 33905
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1514 Broadway, Suite 201,
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(239) 318-6707 OR fred.drovdlic@waldropengineering.com
AD# 4905666 9/10/21

NOTICE OF ZONING ACTION FOR OAK PARK VILLAGE

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For questions please contact:
Waldrop Engineering, P.A. c/o Fred Drovdlic
1514 Broadway, Suite 201, Fort Myers, FL 33901
(239) 318-6707 OR fred.drovdlic@waldropengineering.com

LEE COUNTY
OAK PARK VILLAGE MHPD ZONING

Public Information Meeting

September 24, 2021

Name	Address	E-Mail Address (PLEASE PRINT CLEARLY)
Carolyn Mona Hietala	1 Grape Alva	Carolyn@OakPark-Village.com
Barbara Jo Donahue	12 Elder ST Alva	Bjdonawho@yahoo.com

REQUEST FOR SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

Upon written request, the Director may modify the submittal requirements for Public Hearings, Development Orders, Limited Review Development Orders and other Administrative Action Applications where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS
(indicate the appropriate application type)

- ☐ Public Hearing - General Requirements **(34-202)**
- ☐ Public Hearing - Mining Excavation Planned Development **(12-110)**
- ☒ Public Hearing - Additional Requirements for:
  - ☐ Development of Regional Impact **(34-202(b)(1))**
  - ☒ Planned Developments **(34-202(b)(2))**
  - ☐ Planned Development Amendment **(34-202(b)(2))**
  - ☐ Rezonings other than Planned Developments **(34-202(b)(3))**
  - ☐ Special Exceptions **(34-202(b)(5))**
  - ☐ Variances **(34-202(b)(6))**
  - ☐ Limited Amendment to Existing Mine Zoning Approval **[12-121(j)]**
  - ☐ Private Recreational Facilities Planned Development **(34-941(g))**
- ☐ Development Order - Submittal Requirements **(10-152)**
  - ☐ Application Form and Contents **(10-153)**
  - ☐ Additional Required Submittals **(10-154)**
- ☐ Limited Review Development Order – Submittal Requirements **(10-152)**
  - ☐ Required Submittals **(10-175)**
- ☐ Administrative Action Application Requirements **[34-203]**

State the Type of Administrative Application: _____

PLEASE PRINT OR TYPE:

STRAP Number: 22-43-27-02-000J0.0000, 22-43-27-02-000K0.0000, 23-43-27-02-00000.00CE
Name of Project: Oak Park Village MHPD

Name of Agent: Fred Drovdlic, AICP
Street Address: 1514 Broadway
City, State, Zip: Fort Myers, FL 33901
Phone Number: (239) 319-0026 Email Address: Fred.Drovdlic@waldropengineering.com

Name of Applicant*: Oak Park Village Cooperative, Inc.
Street Address: 21961 PEARL ST
City, State, Zip: ALVA, FL 33920
Phone Number: _____ Email Address: _____

***If applicant is not the owner, a letter of authorization from the owner must be submitted.**

LEE COUNTY COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET), FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

ATTACHMENT O

A. **SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:**

	Section Number	Requirement
#1	34-203(e)(2)	Traffic Impact Study
#2	34-373(a)(4)c.	FLUCCS Map
#3	34-373(a)(4)b.iii.	Rare & Unique Upland Habitat Map
#4	34-373(a)(4)b.v.	Existing and Historic Flow-Ways Map
#5	34-373(b)(2)	Protected Species Survey
#6	34-373(a)(4)(b)(i)	Soils Map
#7		
#8		
#9		

B. **SCOPE OF PROJECT AND REASON(s) FOR REQUEST:**

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Signature of Applicant

2021-04-09
Date

FOR STAFF USE ONLY

DIRECTOR'S DECISION:

- ☐ **Request Denied**
- ☐ **Request Approved**
- ☐ **Request Approved Per Attached Comments**

Director Signature

Date

Lee County
Southwest Florida

DEPARTMENT OF COMMUNITY DEVELOPMENT

Memo

To: Dirk A Danley Jr., Planner, Principal

From: Md Rakibul Alam, Senior Transportation Planner

Date: Jan 18, 2023

Subject: Oak Park Village MHPD (DCI2021-00019) Transportation-Related Analysis

Proposed Development

This application is requesting to bring the current Oak Park Village that is zoned Mobile Home Conservation Residential (MHC-1) into a unified MHPD with the two additional parcels zoned MHPD, which are zoned as undeveloped single-family lots and outdoor storage, all of which are under common ownership of the Oak Park Village Cooperative, Inc. Additionally, this request intends to codify past zoning conditions into the unified MHPD.

Site Location

The properties are located north of the Caloosahatchee River on the north of the Pearl Street, east of the N. River Rd and south of the Clayton Rd in Alva, Florida.

Site Access

Access to the proposed development will be provided by the existing three Oak Park Village driveways on Pearl Street without making any changes except to eliminate one access onto Pearl Street improving intersection separation. This segment of Pearl Street. is a non-county maintained local road.

An emergency access to the outdoor storage area was proposed via the 18-foot wide road easement that runs between the properties from Pearl Street north to the Oak Park Village property. However, this segment of Pearl St. is a county maintained local road.

TIS Review

A TIS waiver was requested as the trips estimated to be reduced and the access proposed to be remained unaltered.

Conclusion

The proposed project will not have a detrimental impact on the surrounding roadway system.

WALDROP ENGINEERING
PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE

Oak Park Village MHPD

Schedule of Uses & Site Development Regulations

A. SCHEDULE OF USES

- Accessory uses and structures, including cabanas (maximum 500 square feet)
- Administrative offices
- Boat ramps and dockage (existing only for resident use)
- Club, Private, On-site with the following accessory uses:
    - Consumption on Premises, indoor and outdoor
    - Food and Beverage Services, Limited
    - Personal services, Group I only
    - Community Gardens
- Entrance Gates or Gatehouse
- Essential services
- Essential service facilities: Group I
- Excavation, Water Retention
- Fences, walls
- Private Multi-slip Facility (existing only for resident use)
- Parking lot, Accessory
- Real Estate Sales Office
- Recreational Facilities, Personal
- Recreational Facilities, Private, On-site
- Signs
- Storage, Open (limited to trailers, RV's, boats, and other vehicles/goods of Oak Park Village Co-Op residents)
- Temporary uses

ATTACHMENT Q

B. SITE DEVELOPMENT REGULATIONS

Development of the MHPD will comply with the following Property Development Regulations:

1. AREA A – Existing Mobile Home Park

Per LDC 34-3272(3)(c) for mobile home lots of record:

1. All mobile homes, including any attachments, must be placed at least five feet (5) from any body of water or waterway.
2. All mobile homes must have a minimum separation of ten feet (10) between units (body to body) and appurtenances thereto. Each unit will be permitted to have eaves which encroach not more than one foot (1) into the ten-foot (10) separation.
3. Sites or lots located within a park may not be reconfigured or reduced in dimension so as to increase the density for which the park was originally created.

Oak Park Village mobile home park became a lot of record when the park was originally granted a Special Permit on June 2, 1970 (Zoning Resolution Z-70-56) and the site plan requirements was met with the approval of development order 3-13-84.

2. AREA B – Outdoor Storage and Recreation Area

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

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

C. CONDITIONS OF APPROVAL

1. The minimum required parking spaces for the clubhouse (meeting hall) is 26 parking spaces (as approved per VAR2009-00032).
2. Outdoor Storage Area
    a. The accessory storage area may be used by the residents of the Oak Park Village Mobile Home Park (Co-Op) only.
    b. The approved area for the accessory outdoor storage area is permitted within the existing footprint as depicted on the MCP. The outdoor accessory storage area may not be altered or increased.
    c. The accessory storage area is limited to a maximum of 120 units where units include motor vehicles such as passenger cars, pickup trucks, golf carts, campers, boats, trailers and motor homes or recreational vehicles (RV's) or the like. 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.

d. The accessory storage area must be maintained in a dust-free manner.
e. The accessory storage area must be enclosed by a six-foot high chain link fence.
f. A 15' 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.
g. A maintenance building or shed, a maximum of 1,000 square feet, is permitted but may not be used for repairs mechanical work on stored units or for private storage of personal items of Oak Park residents. It is intended to be used by facilities managers of Oak Park Village for equipment to care for the Oak Village property.
h. Maintenance, repairs or other mechanical work is prohibited on items in the accessory storage area.

3. Access to the outdoor storage area is via the 18-foot wide road easement that runs between the properties from Pearl Street north to the Oak Park Village property. This access easement must be upgraded to a Type D surface.
4. Access points for the MHPD will be limited to the existing Oak Park Village entrances on Pearl Street as currently exist consistent with the Special Permit on June 2, 1970 (Zoning Resolution Z-70-56) and the site plan approval of development order 3-13-84.

WALDROP ENGINEERING
PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE

OAK PARK VILLAGE MHPD

Schedule of Deviations and Written Justification

DEVIATIONS

1. Deviate from Lee County Land Development Code (LDC) §34-2020(4)k. to reduce the minimum required parking spaces for a clubhouse (meeting hall) from 59 parking spaces to 26 parking spaces.

   JUSTIFICATION: Approved under VAR2009-00032.

2. Deviate from LDC Section 34-3005(b)(1) that requires all commercial or industrial outdoor storage to be shielded behind a continuous visual screening at least eight feet in height when visible from a residential use or residential zoning district; to allow a 6' high chain link fence with 60" landscaping to enclose the storage area.

   JUSTIFICATION: Approved as Condition 17.c. under Z-07-072(A) that included a 6' high chain link fence with 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. This condition is repeated as Condition 2.f. in the Schedule of Uses and Development Parameters document in this submittal.

   It should be noted that the open storage area is for resident of Oak Park Village only, not a commercial storage area for public rent.

3. Deviate from Section 34-935 (g) (1) a. requiring 40 percent of the total area of the project to be common open space; to allow 13 acres, or 26% of the project, to be common open space as depicted on the MCP.

   JUSTIFICATION: Oak Park Village existing mobile home park has been developed prior to 1987 and is considered a legal lot of record according to Ordinance 86-36. As such the open space requirements of 40% for an MHPD were not part of the code at that time. Therefore, the deviation addresses the inability to precisely identify all open space in the existing park and to acknowledge that the 40% is unable to be met within the existing park (AREA A on the MCP).

   The additional two parcels that are not part of the existing Oak Park Village are 11.45 acres. They are to be used for passive recreation and outdoor storage. The large majority of the two parcels will remain as they are today. Depicted on the MCP is 6.0 acres of open space within the 11.54 acres of the two parcels which equals 52%. We exceed the requirement outside of the existing park.

4. Deviate from Section 34-935 (b) (1) b. requiring minimum setbacks of structures and buildings from development perimeter boundaries where all buildings and structures must be set back from the development perimeter a distance equal to the greater of fifteen (15) feet, if the subject property is, or will be zoned MHPD; to allow minimum setbacks of structures and 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.

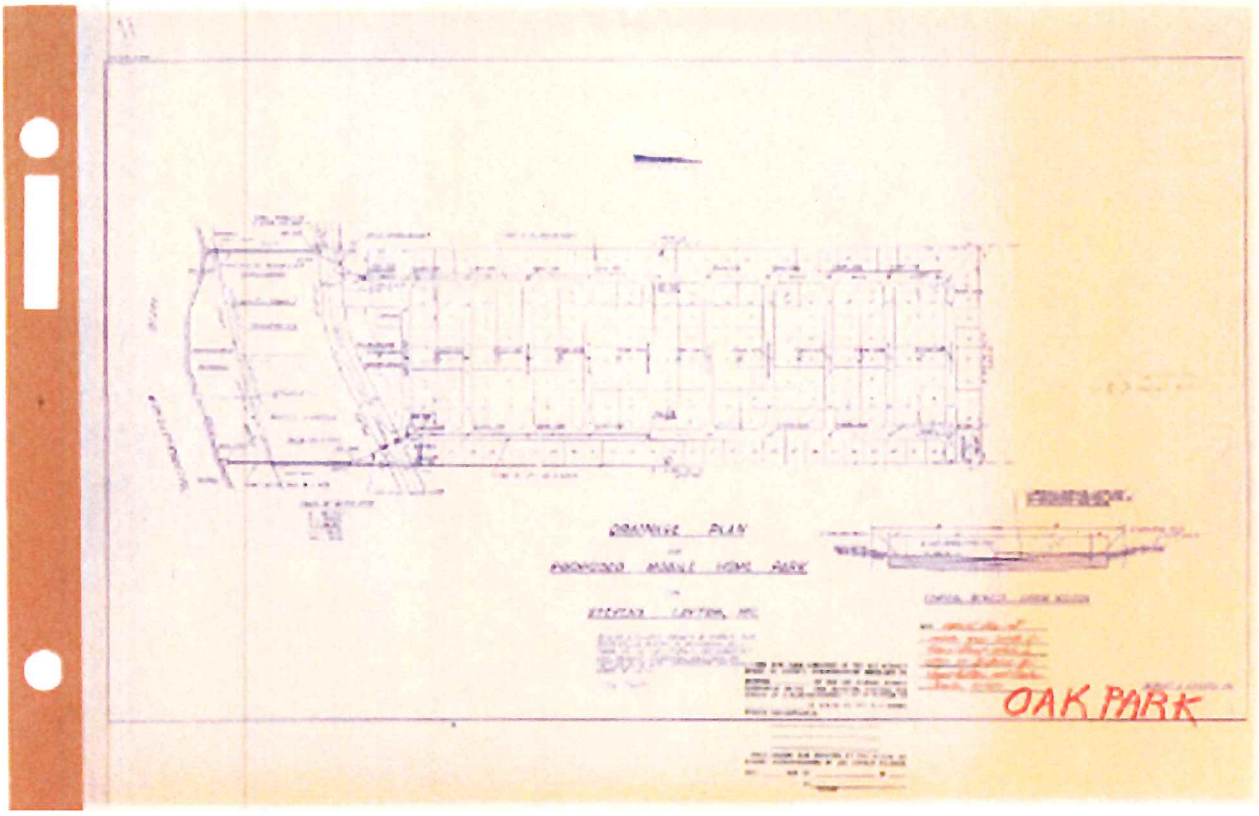
   JUSTIFICATION: Oak Park Village was rezoned MHC-1 with a companion variance in Resolution Z-05-077 that approved a perimeter setback of 10 feet.

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

   JUSTIFICATION: Oak Park Village mobile home park became a lot of record when the park was originally granted a Special Permit on June 2, 1970 (Zoning Resolution Z-70-56). The property zoned C-1 (south side of Pearl Street) was originally zoned from AU to BU-2A by Zoning Resolution Z-70-56 – the same resolution that granted a Special Permit for the mobile home park. The property was later rezoned to BU-2A to allow for the boat marina. The existing mobile home lots south of Pearl Street were then rezoned to MH-2 in November 1983 (Zoning Resolution ZAB-83-355).

   The mobile home park is a lot of record, pursuant to LDC Section 34-3272(1)(d), which allowed grandfathering of mobile home parks, including Oak Park Village, via Ordinance 86-36, where the requirement is that the park subsequently obtained on or before June 3, 1987, approval by the Board of County Commissioners of a site plan which identifies individual sites within the park and said sites meet the minimum lot size and setbacks consistent with the zoning regulations as set forth in Section 602.03 and its applicable subsection based on the date of the Resolution.

   A site plan as required by Ordinance 86-36 and codified in LDC Section Sec. 34-3272(1)d.6., the lot or record is met by the approval of the development order 3-13-84 (drainage plan pictured below).



Additionally, the intent of this rezoning is to bring all properties owned by Oak Park Village Co-Op under a common MHPD and in doing so codify the existing Oak Park Village development, which was noted as a legal conforming development when zoned MHC-1 and granted a perimeter setback variance in Z-05-077. The MHPD regulations are greater than MHC-1 since they use MH-1, MH-2, MH-3 or MH-4 mobile home districts development parameters. Therefore, the deviation for lot area, lot width and lot depth are necessary to reflect the existing park as developed.

6. Deviate from Section 34-736 concerning setbacks from lot lines and separation of buildings for mobile homes in mobile home planned developments where the front, side and rear setbacks 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:

Oak Park Village mobile home park became a lot of record when the park was originally granted a Special Permit on June 2, 1970 (Zoning Resolution Z-70-56) and the site plan requirement was met with the approval of development order 3-13-84.

AREA B – OUTDOOR STORAGE AND RECREATION AREA

Minimum Setbacks:

Pearl (Offsite) Street:	25 feet
Park perimeter (MHPD boundary for AREA B):	15 feet
Outdoor Storage Area:	15 feet
Water Body:	5 feet (MHC-1 regulations)

JUSTIFICATION: The intent of the rezoning was to bring all properties owned by Oak Park Village Co-Op under a common MHPD and in doing so codify the existing Oak Park Village development according to the designation of the existing mobile home park as an official lot of record by Ordinance 86-36 and codified in LDC Section Sec. 34-3272(1)d.6. Oak Park Village mobile home park became a lot of record when the park was originally granted a Special Permit on June 2, 1970 (Zoning Resolution Z-70-56) and the site plan requirements was met with the approval of development order 3-13-84.

All of the internal design has been established and is codified., which was noted as a legal conforming development when zoned MHC-1 and granted a perimeter setback variance in Z-05-077. The MHPD regulations are greater than MHC-1 since they use MH-1, MH-2, MH-3 or MH-4 mobile home districts development parameters. Therefore, the deviation for setbacks is necessary to reflect the existing park as developed and MHC-1 regulations.

7. Deviate from Section 10-296(b) that requires public and private streets to be constructed and improved in accordance with the specifications set out in this section; to allow a low-volume, privately maintained, accessway not required to meet 10-296(b) accept a gravel road with 18' width (9' travel lanes) per 10-296(b), Note (1) that allows, "The right-of-way width to be determined by the Director of Transportation on public roadways and by the Director of Development Services on privately maintained roadways."

JUSTIFICATION: Per meeting with staff and meeting with the Oak Park Village Board the attached MCP shows a revised entrance to the outdoor storage area that is now entirely on property owned by Oak Park Village. This means that the use of the 18' easement as the primary access to the outdoor storage area will discontinue at the time of local development order and will revert to an emergency access only.

The revised entrance fits the Lee County Land Development Code Section 10-296(L)(4) of a privately maintained accessway which is not required to meet the minimum roadway right-of-way widths specified in subsection (b) of this section because it meets the following three requirements:

a. **Does not provide access to residential units;**
b. **Does not have back-out parking; and**
c. **Does not proposed utilities adjacent to the accessway.**

As defined in LDC 10-1 an accessway means, "land that is used or intended to be used for ingress or egress to abutting parcels of land and is not dedicated to the public. Accessways

include access points to commercial, industrial and other types of developments, except a single parcel of land containing two or fewer dwelling units in a single structure."

As a low-volume, privately maintained, accessway not requiring to meet 10-296(b), we propose a gravel road with 18' width (9' travel lanes) per 10-296(b), Note (1) that allows, "The right-of-way width to be determined by the Director of Transportation on public roadways and by the Director of Development Services on privately maintained roadways."

The outdoor storage area access is for residents only on private land owned and maintained entirely by Oak Park Village Cooperative. The accessway is entered by turning off Pearl Street to Aloe Street and turning west through the southern part of Lot 1 (1 Aloe Street, STRAP 23-43-27-02-00014.0010). Pearl Street County maintenance ends approximately 400 feet west of the entrance to Oak Park at Aloe Street making this a private roadway.

ATTACHMENT R

Toussaint, Tracy

From: Danley Jr, Dirk
Sent: Thursday, February 9, 2023 11:57 AM
To: Toussaint, Tracy
Subject: Attachment R - FW: DCI2021-00019 - Env Staff report

From: Workman, Elizabeth <EWorkman@leegov.com>
Sent: Monday, February 6, 2023 11:34 AM
To: Danley Jr, Dirk <DDanleyJr@leegov.com>
Subject: RE: DCI2021-00019 - Env Staff report

The applicant is requesting two deviations that pertain to environmental sciences review and staff recommends approval of them both.

Deviation #2 from LDC 34-3005(b)1 that requires an eight-foot-high visual screen when open storage on industrial or commercial is visible from a residential use to allow a six-foot-high visual screen. The previous conditions of zoning resolution Z-07-027(A) allowed a six-foot-high visual screen that included a Type-C buffer with 60-inches-in-height shrubs. Staff recommends approval of deviation #2 to provide the same condition to what was approved per Condition 17c of zoning resolution Z-07-027(A) as follows:

Prior to development order approval, the landscape plans must depict a Type-C buffer that specifies 60-inch-in-heigh shrubs and a six-foot-in-height fence around open storage area.

Deviation #3 from LDC Section 34-935(g)(1)a. that requires 40 percent of the total of the project to be common open space; to allow 13 acres, or 26 percent of the project to be common open space.

Staff recommends approval. The applicant is bringing the project up to code to the maximum extent possible in Area A as depicted on the MCP. The project was developed prior to the requirement of 40 percent open space. In addition, the subject property is part of Oak Park Village and together provide 52 percent open space.

Lee County
Southwest Florida

Beth Workman | Principal Planner
Department of Community Development, Zoning Section
1500 Monroe Street, Fort Myers, FL 33901

office: (239) 533-8793
email: eworkman@leegov.com
web: www.leegov.com

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From: Danley Jr, Dirk <DDanleyJr@leegov.com>
Sent: Thursday, February 2, 2023 4:23 PM
To: Workman, Elizabeth <EWorkman@leegov.com>
Subject: DCI2021-00019 - Env Staff report

Publishes Wednesday!

Dirk Danley Jr, AICP | Principal Planner
Department of Community Development
1500 Monroe Street, Fort Myers, FL 33901
office: (239) 533-8317
email: ddanley2@leegov.com
web: www.leegov.com
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Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

The storage of boats which have access to the boat launch must be compliant with the Manatee Protection Plan (Policy 128.4.6). The use Storage, open (limited to trailers, RVs, boats and other vehicles/goods of Oak Park Village Co-Op Residents) is considered an expansion of dry boat slips beyond the existing wet boat slips located within the boat basin. Please submit a Manatee Protection Plan Evaluation which address the amount of slips permissible in the Oak Park Mobile Home Village. A Manatee Protection Plan Evaluation has been completed. The summary provided by email from Lesli Haynes on July 28, 2022 is as follows: "As requested, we've reviewed the below listed property for consistency with the Lee County Manatee Protection Plan (MPP). Based on current conditions and data, the project ranks out as follows. The full score sheet is attached for reference.

Facility	Corps reach	Shore ft	existing "slips"	ratio	rounded	Slips per 100'	max slip	expansion
Oak Park Village	32	1,189	not provided	11.89	12	unlimited	unlimited	
				0	0			
								unlimited

In accordance with Section 8.4 of the MPP, this project qualifies as Preferred. As such, this property is unrestricted and can have an unlimited amount of slips and remain compliant with the MPP. Please note that assumptions have been made about the depth and presence of submerged aquatic vegetation that may need to be specifically addressed by the applicant. Mitigation measures for new slips at this project include but are not limited to: 1) Standard manatee construction conditions; 2) Manatee education activities as required per section 8.4.5. Note that the MPP determination does not alleviate the need to comply with zoning and all other applicable local, state and federal regulations, some or all of which may be more restrictive."

Lee County
Southwest Florida

Becky Sweigert | Principal Environmental Planner

Community Development – Planning Section

1500 Monroe Street, Fort Myers, FL 33901

office: (239) 533-8552

email: rsweigert@leegov.com

web: www.leegov.com

Connect With Us On Social Media

Lee County
Southwest Florida

Department of Community Development
Development Services Section

MEMORANDUM

Date: 01/17/2023

To: Dirk Danley, AICP

From: Brian Roberts BR

Subject: DCI2021-00019 Oak Park Village MHPD

The applicant is proposing to rezone 51.19+/- acres from Mobile Home Conservation Residential (MH-1) and Mobile Home Planned Development (MHPD) to Mobile Home Planned Development (MHPD) to memorialize past approvals and to provide a unified development under a single MHPD zoning district. Development Services has reviewed the Master Concept Plan (MCP) and requested deviations with respect to Chapter 10 technical standards and offers the following comments:

> **Deviation (7)** that requires public and private streets to be constructed and improved in accordance with the specifications set out in this section; to allow a low-volume, privately maintained, accessway not required to meet 10-296(b) accept a gravel road with 18' width (9' travel lanes) per 10-296(b), Note (1) that allows, "The right-of-way width to be determined by the Director of Transportation on public roadways and by the Director of Development Services on privately maintained roadways."
>
> Development Services Staff recommends that the deviation language be modified as below:
>
> ***Deviation (7)*** *seeks relief from Lee County Land Development Code (LDC) Section 10-296(a) which requires all public and private streets to be designed, constructed, and improved in accordance with the specifications set out in this section to allow an 18' accessway as shown on the MCP to provide access to the existing open storage area.*
>
> Development Services Staff recommends the following conditions:
>
> *The accessway must be designed to meet the 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.*
>
> *Any future development will require the applicant to demonstrate that the accessway design and construction is sufficient to accommodate the anticipated vehicle usage.*

The LDC in Section 10-1 defines an **accessway** as "land that is used or intended to be used for ingress or egress to abutting parcels of land and is not dedicated to the public." The subject accessway will be privately maintained by the Oak Park Village Cooperative and provides access to the existing open storage area as shown on the Master Concept Plan. Additionally, LDC 10-1 defines a **street** as "an accessway that affords the principal means of ingress or egress for two or more parcel of land." As shown on the MCP the proposed

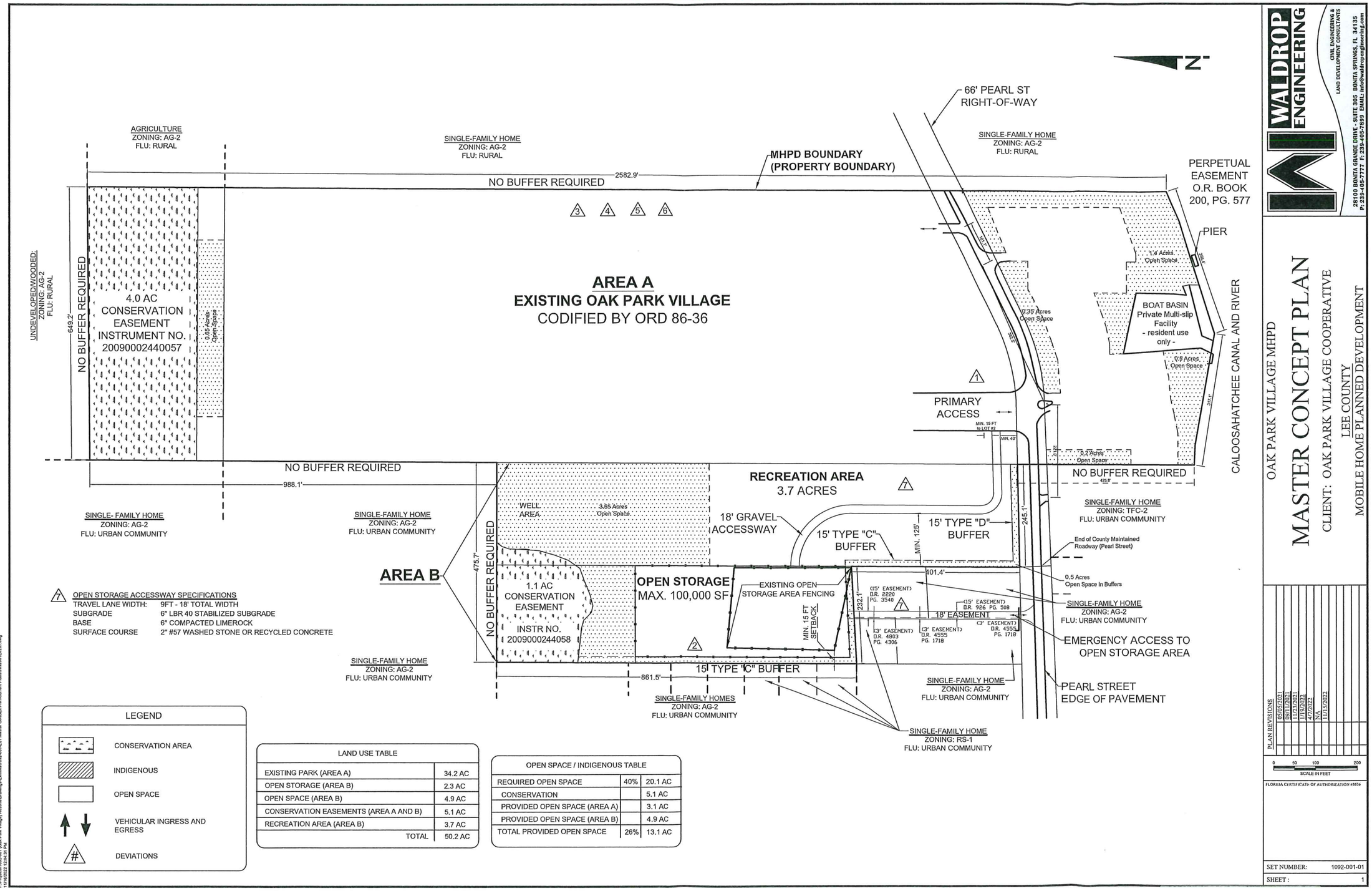
accessway will be providing access to two parcels of land and meets the street definition. LDC 10-296(a) requires all public and private streets to be designed in accordance with the specifications set out in Section 10-296.

The subject development is located in the Urban Community Future Land Use (FLU) Category. In LDC Section 10-296 private streets, in the Urban FLU, require several improvements such as asphaltic pavement, right-of-way widths, sidewalks, planting areas, minimum travel lane width, and closed drainage. These requirements are overly burdensome given the anticipated vehicle usage. The accessway will provide access, through the adjacent parcel, to the existing open storage used by Oak Park residents. The subject accessway is not open to public usage and will only accommodate Oak Park residents. LDC 10-296(d)(3) allows deviations from the standards contained in Section 10-296 if the deviation(s) meet the standards and criterial established by FDOT in the Florida Greenbook with consideration of the Plans Preparation Manual and guidance in AASHTO publications.

The Guideline for Geometric Design of Low-Volume Roads (2019), an AASHTO publication, does allow for unpaved roads "for all functional subclasses of low-volume roads" as well as alternative cross sections. Staff has recommended a condition requiring the applicant, at the time of development order, to demonstrate compliance with these requirements.

Please contact me if you have any further questions.

Additional Info Dated 11-16-2022



F:\Projects\1092-001 (Oak Park Village) Rezone\Drawings-Exhibits\1092-001-E01 Master Concept Plan\Current Plans\10220016297.dwg
11/15/2022 10:43:08 AM

ATTACHMENT U

Perez, Maria

From: Fred Drovdlic <fdrovdlic@rviplanning.com>
Sent: Tuesday, February 21, 2023 11:19 AM
To: Perez, Maria
Cc: Danley Jr, Dirk
Subject: [EXTERNAL] RE: DCI2021-00019 OAK PARK VILLAGE MHPD - 48-Hour Letter
Attachments: DCI2021-00019 48-hour Letter-Applicant.pdf

Maria,

Attached is the applicant's 48-hour letter.

Fred Drovdlic, AICP
Director of Planning

Opening the Outdoors for 40 Years!

RVi Planning + Landscape Architecture
1514 Broadway, Suite 201 • Fort Myers, FL 33901
239.989.3370 Mobile • 239.318.6707 Direct • 239.344.0000 Main
www.rviplanning.com

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From: Perez, Maria <MPerez@leegov.com>
Sent: Tuesday, February 21, 2023 10:02 AM
To: Nootron1@gmail.com; bobc@lis-e.com; Fred Drovdlic <fred.drovdlic@waldropengineering.com>; Danley Jr, Dirk <DDanleyJr@leegov.com>
Cc: Carpenter, Deborah <DCarpenter@leegov.com>; Sweigert, Rebecca <RSweigert@leegov.com>; Toussaint, Tracy <TToussaint@leegov.com>; Princing, Jamie <JPrincing@leegov.com>; Workman, Elizabeth <EWorkman@leegov.com>; Boone, Tina <TBoone@leegov.com>; Schaefer, Lauren <LSchaefer@leegov.com>; Ennis, Audra <AEnnis@leegov.com>; McNulty, Shawn <SMcNulty@leegov.com>; DeFilippo, Nicholas <NDeFilippo@leegov.com>; Kleinmann, Ohdet H <OKleinmann@leegov.com>; Henderson, Abby <AHenderson@leegov.com>; Werst, Lee <LWerst@leegov.com>; Baucom, Warren <WBaucom@leegov.com>; Rozdolski, Mikki <MRozdolski@leegov.com>; Sulzer, Jessica <JSulzer@leegov.com>; Swindle, Amanda <ASwindle@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>; Danley Jr, Dirk <DDanleyJr@leegov.com>; Adams, Joseph <JADAMS@leegov.com>; Jacob, Michael <MJacob@leegov.com>
Subject: DCI2021-00019 OAK PARK VILLAGE MHPD

Good afternoon. Ms. Amanda L. Rivera will be the Hearing Examiner presiding over the subject zoning case scheduled to be heard February 23, 2023.

I have attached instructions on how to submit 48-hour notice and the exhibit list. Please do not pre-label your exhibits.

A court reporter will not be present. The applicant may hire a court reporter if they wish to have one present. Thank you.

APPLICANT'S EXH # a

We have upgraded our equipment in our hearing room. I have attached the new project layout so PowerPoint Presentations may be prepared to fit the screen. Thank you.

MARIA D. PEREZ
ADMINISTRATIVE SPECIALIST SENIOR
LEE COUNTY HEARING EXAMINER'S OFFICE
BOARD OF COUNTY COMMISSIONERS
P.O. Box 398
(1500 Monroe Street)
Fort Myers, Florida 33902
Tel: (239) 533-8100

E-mail: perezmd@leegov.com

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Please note our general office email address: hex@leegov.com

February 21, 2023

Ms. Amanda Rivera
Hearing Examiner
The Office of the Lee County Hearing Examiner

S: DCI2021-00019 48-hour Letter
Oak Park Village MHPD

Dear Madame Hearing Examiner:

This memo is to address clarifications prior to the scheduled hearing on February 23 at 1:00 pm regarding a potential condition for zoning.

> *Staff and applicant have discussed a need for a condition that serves to "trigger" the restriction of the 18' easement that provides access to Oak Park's outdoor storage area to an emergency only access as depicted on the MCP.*
>
> *The ultimate intent of the use of the legal access easement is for emergency only. The construction of the proposed new access into the outdoor storage area is the long-term solution. Until the time when the outdoor storage area is improved there is not an action that would convert this access to secondary leaving the circumstance unclear. We suggest language such as, "At the time of certificate of compliance for the expansion of the outdoor storage the 18' access easement is to be restricted to emergency purposes only" or other similar language.*

If you have any further questions, please do not hesitate to contact me directly at (239) 318-6707 or fdrovdlic@rviplanning.com.

Sincerely,

RVi Planning + Landscape Architecture

Fred Drovdlic, AICP
Planning Director

RVi Planning + Landscape Architecture

OAK PARK VILLAGE MHPD
DCI2021-00019

LEE COUNTY HEARING EXAMINER

February 23, 2023

APPLICANT'S EXHIBIT
#1

Applicant:
Oak Park Village Cooperative

Land Use Planner:
Fred Drovdlic, AICP – RVi Planning

Project Engineer:
Jim Ink, P.E. – Ink Engineering

Environmental:
David Key

PROJECT TEAM

DCI2021-00019
HEX PRESENTATION

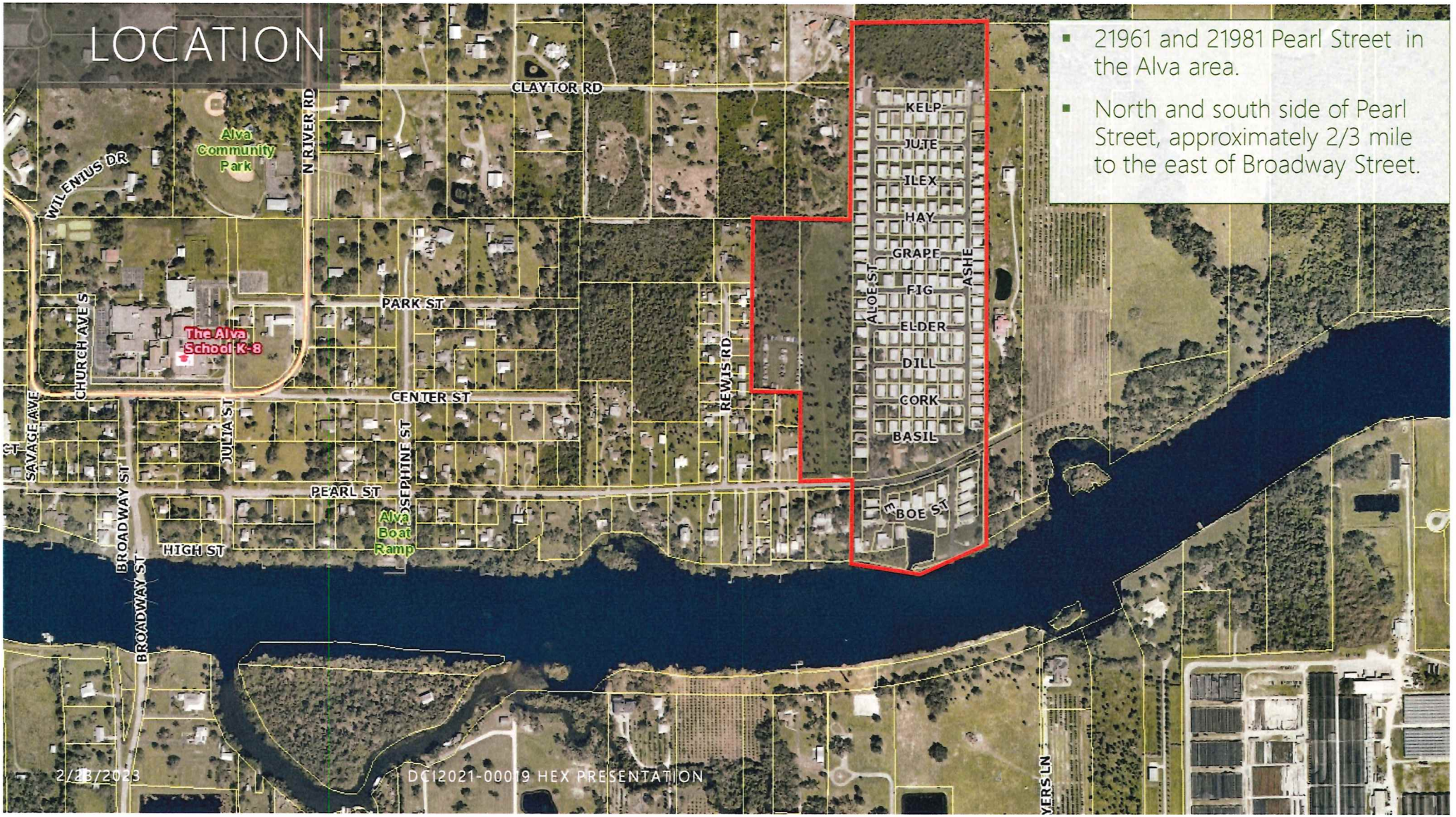
Rezoning of approximately 51.19 acres from Mobile Home Conservation District (MHC-1) and Mobile Home Planned Development (MHPD) to Mobile Home Planned Development (MHPD) to:

- combine the two existing zoning districts and codify all previous zoning approvals into a single resolution,
- expand and establish a different access point to the accessory storage area associated with the Oak Park Village,
- allow for new well locations as depicted on the Master Concept Plan.

REQUEST

DCI2021-00019
OAK PARK VILLAGE MHPD

LOCATION



- 21961 and 21981 Pearl Street in the Alva area.
- North and south side of Pearl Street, approximately 2/3 mile to the east of Broadway Street.

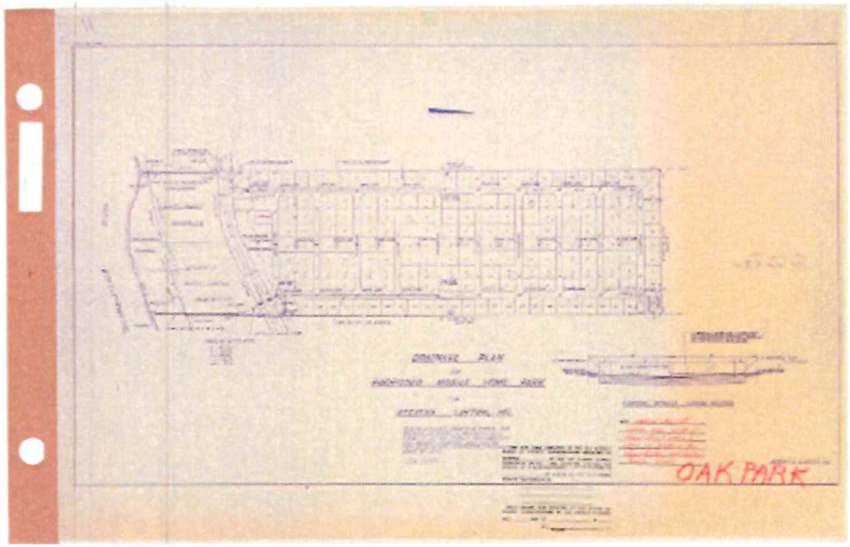


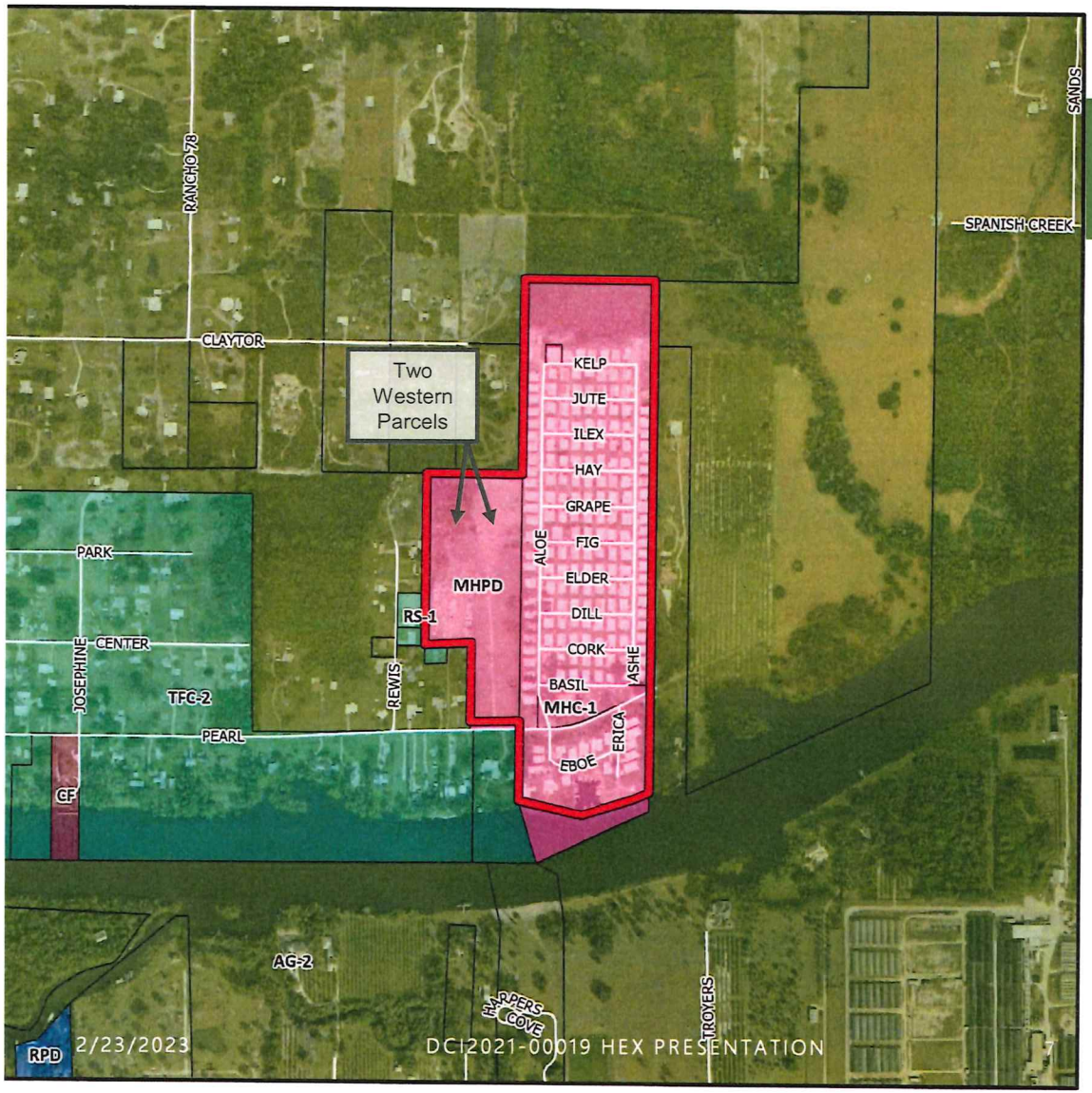
SITE INFORMATION

- Three total parcels of 51+/- acres: divided into the original park (eastern parcel) and two additional parcels abutting to west zoned MHPD.
- The residential (eastern) portion of the has been recognized as an 86-36 park.
- Public meetings held in Alva and Olde Olga – no opposition

HISTORY OF SITE

- ✓ The MHC-1 portion was rezoned by Resolution Z-70-056, which rezoned a portion of the property from AU (AG-2, as converted) to RU-3A and BU-2A (CT and C-1 as converted) with a Special Permit for a Mobile Home Park.
- ✓ Special Exception and Variance in SEZ2000-00008/VAR2000-00064 to allow a sewage disposal system.
- ✓ 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.
- ✓ The Mobile Home Planned Development (MHPD) portion was originally zoned by Resolution Z-07-072A to allow up to 25 single-family dwelling units, accessory uses, and open storage for the use of the residents of the community.
- ✓ ADD2014-00216A approved an amendment to allow a phasing plan for the planned development.





ZONING REQUEST

CURRENT

Mobile Home Community (MHC-1) and Mobile Home Planned Development (MHPD)

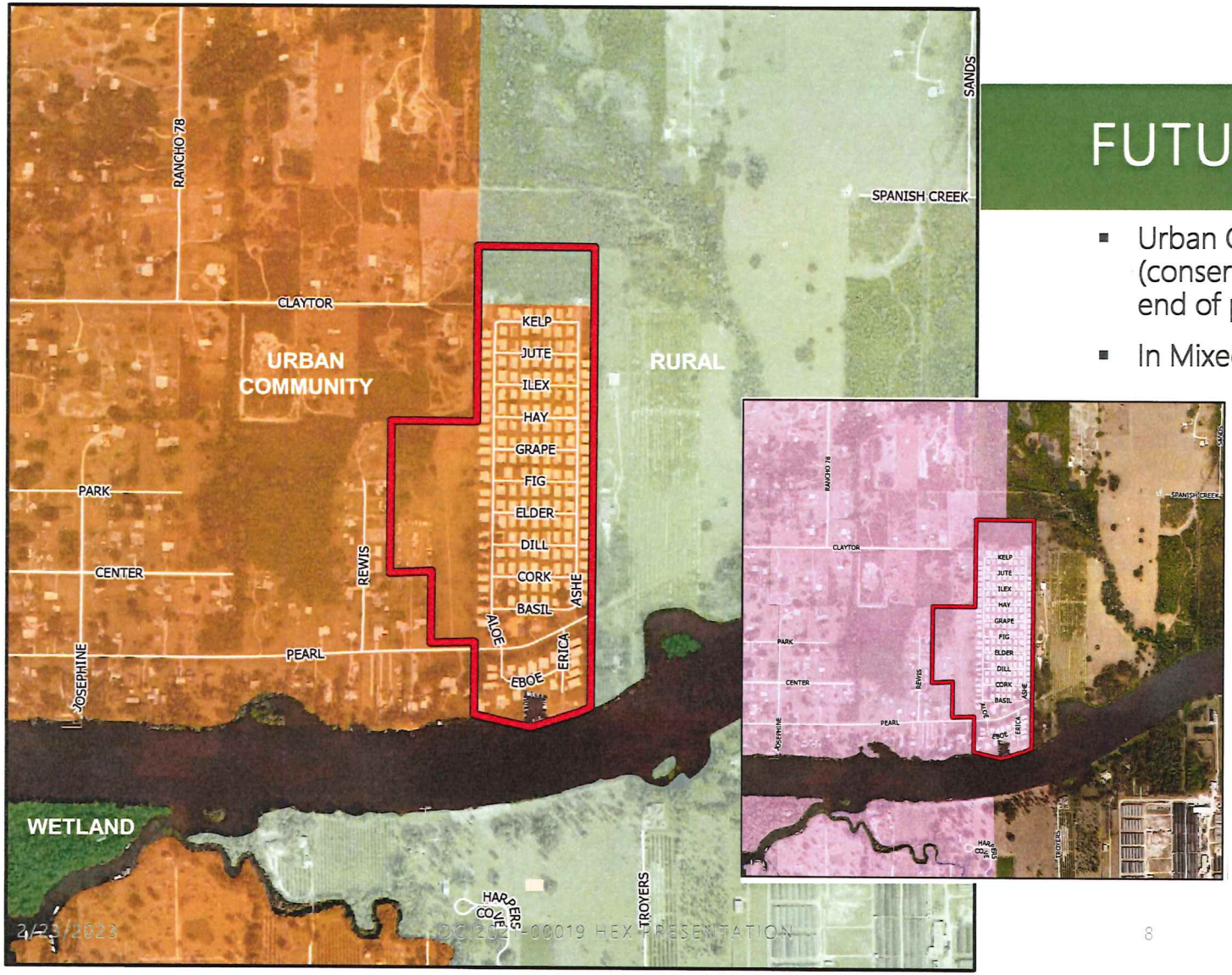
PROPOSED

Mobile Home Planned Development (MHPD)

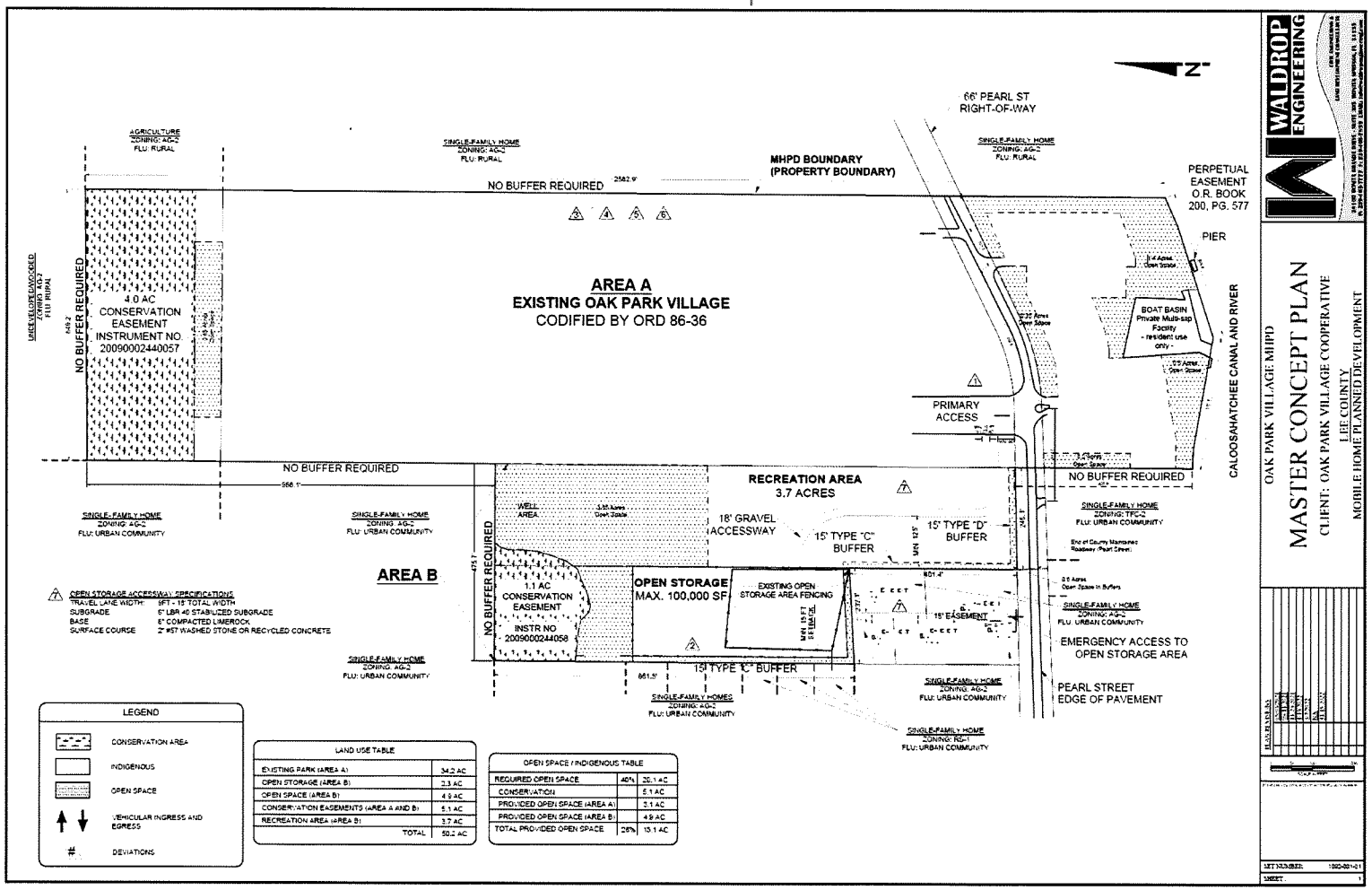
- Combine all properties under common ownership of the Oak Park Village Cooperative into a unified MHPD
- Codify past zoning conditions, variances and administrative amendments to reflect the existing development and desired long-range buildout plan for the two western parcels according to the qualification of the existing park as an official lot of record.
- Development plan for the two western parcels:
  - Amend the MCP to remove the SF lots phasing plan.
  - Add Private, on-site recreational facilities and green space.
  - Expand the outdoor stage area and modify access points.
  - Allow for new well locations.

FUTURE LAND USE

- Urban Community and Rural (conservation easement at north end of property)
- In Mixed Use Overlay

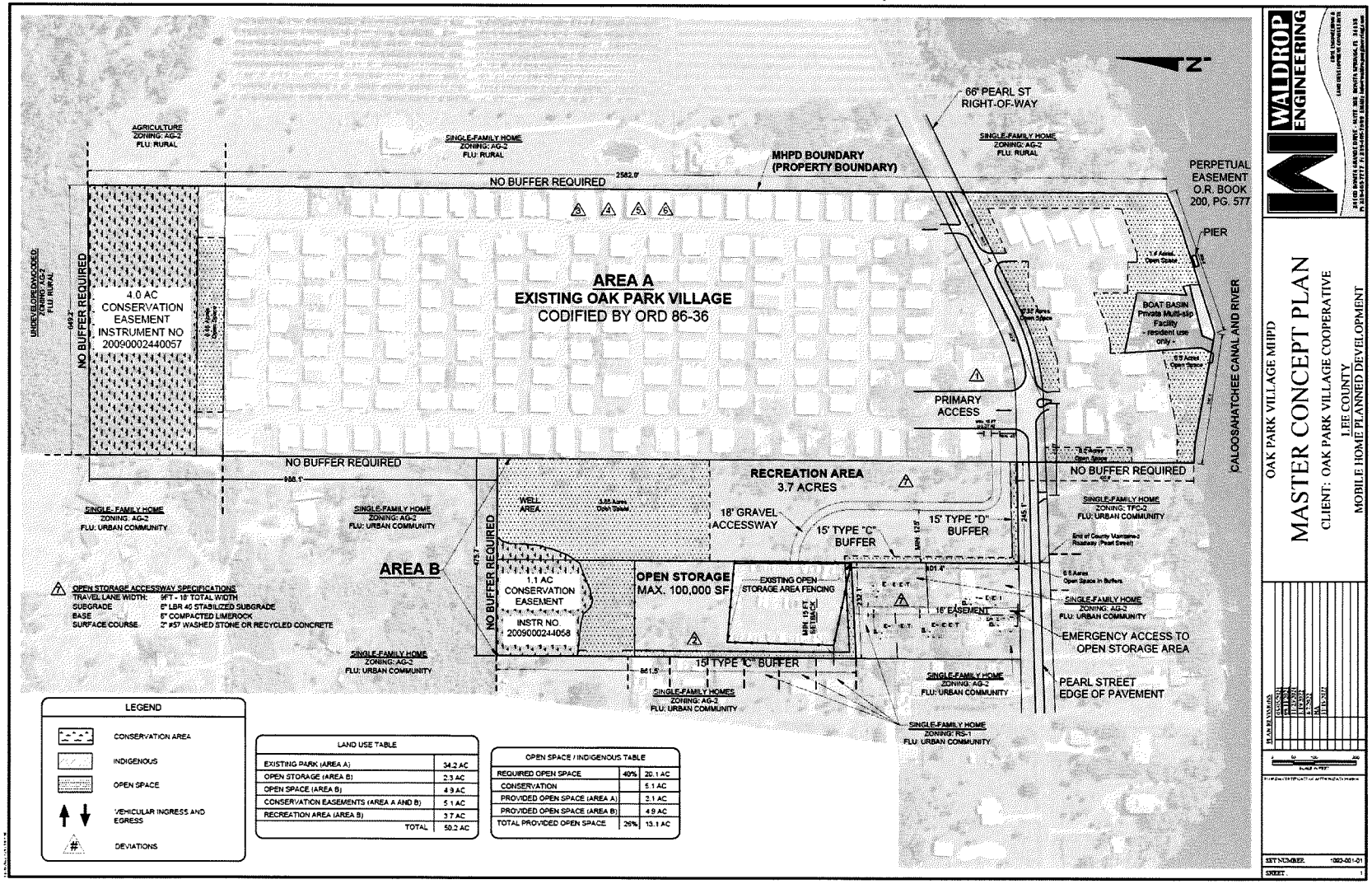


Master Concept Plan



- AREA A is the existing park
- AREA B includes the undeveloped western two parcels.
- Changes to western parcels include:
  - ✓ Expansion of outdoor storage
  - ✓ Eventual new access to outdoor storage through existing Oak Park Village entrance
  - ✓ Establishment of open space areas throughout and allowance for passive recreation on western parcels.
  - ✓ Allowance for wells

Aerial View of Master Concept Plan



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)		2.1 AC
PROVIDED OPEN SPACE (AREA B)		4.9 AC
TOTAL PROVIDED OPEN SPACE	26%	13.1 AC

WALDROP ENGINEERING

OAK PARK VILLAGE MHPD

MASTER CONCEPT PLAN

CLIENT: OAK PARK VILLAGE COOPERATIVE

LEE COUNTY

MOBILE HOME PLANNED DEVELOPMENT

PLAN REVISIONS

SET NUMBER: 1902-001-01

SHEET: 1

DEVIATIONS

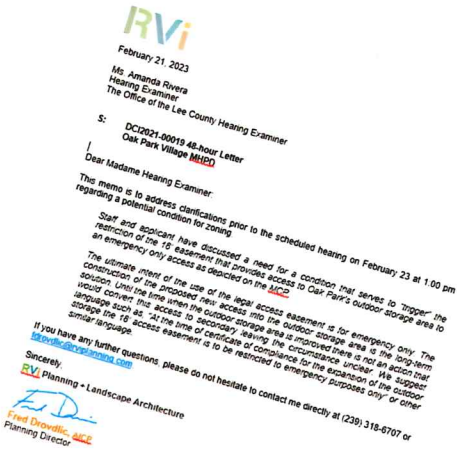
Seven Total Deviations Requested

Six recommended for approval, one recommended withdrawn – applicant agrees as deviation #1 is included in Condition 5 (Attachment C)

1. Reduction of clubhouse Parking – withdrawn
2. Reduced fence height for outdoor storage with enhanced landscaping (previously approved)
3. Common open space reduction from 40% to 26% (actual open space is much more)
4. Setback reduction for main park (previously approved)
5. Setbacks for subdivision of lots in mobile home park (86-36)
6. Establishment of setbacks for new MHPD (codifying existing development)
7. Street access for outdoor storage

48-HOUR LETTER

Need for a condition that serves to "trigger" the restriction of the 18' easement that provides access to Oak Park's outdoor storage area to an emergency only access as depicted on the MCP.



RVi

February 21, 2023

Ms. Amanda Rivera
Hearing Examiner
The Office of the Lee County Hearing Examiner

s: DCI2021-00019 48-hour Letter
Oak Park Village MHPD

Dear Madame Hearing Examiner

This memo is to address clarifications prior to the scheduled hearing on February 23 at 1:00 pm regarding a potential condition for zoning

Staff and applicant have discussed a need for a condition that serves to "trigger" the restriction of the 18' easement that provides access to Oak Park's outdoor storage area to an emergency only access as depicted on the MCP.

The ultimate intent of the use of the legal access easement is for emergency only. The construction of the proposed new access into the outdoor storage area is the long-term solution. Until the time when the outdoor storage area is improved there is not an action that would convert this access to secondary leaving the circumstance unclear. We suggest language such as, "At the time of certificate of compliance for the expansion of the outdoor storage the 18' access easement is to be restricted to emergency purposes only" or other similar language.

If you have any further questions, please do not hesitate to contact me directly at (239) 318-6707 or frivelle@rvplanning.com

Sincerely,

RVi Planning + Landscape Architecture

Fred Drivelle, AICP
Planning Director

DISCUSSION:

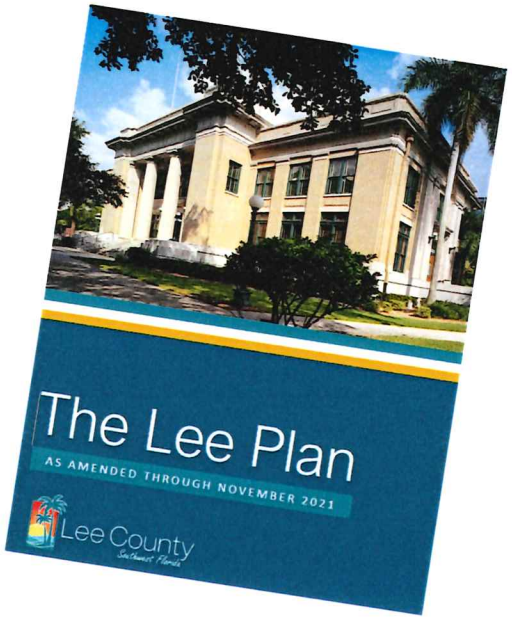
The ultimate intent of the use of the legal access easement is for emergency only. The construction of the proposed new access into the outdoor storage area is the long-term solution. Until the time when the outdoor storage area is improved there is not an action that would convert this access to secondary leaving the circumstance unclear. We suggest language such as,

- "At the time of certificate of compliance for the expansion of the outdoor storage the 18' access easement is to be restricted to emergency purposes only."

CONSISTENCY WITH LEE COUNTY COMPREHENSIVE PLAN

Staff finds the request is consistent with the Lee Plan's policies, goals, objectives and standards:

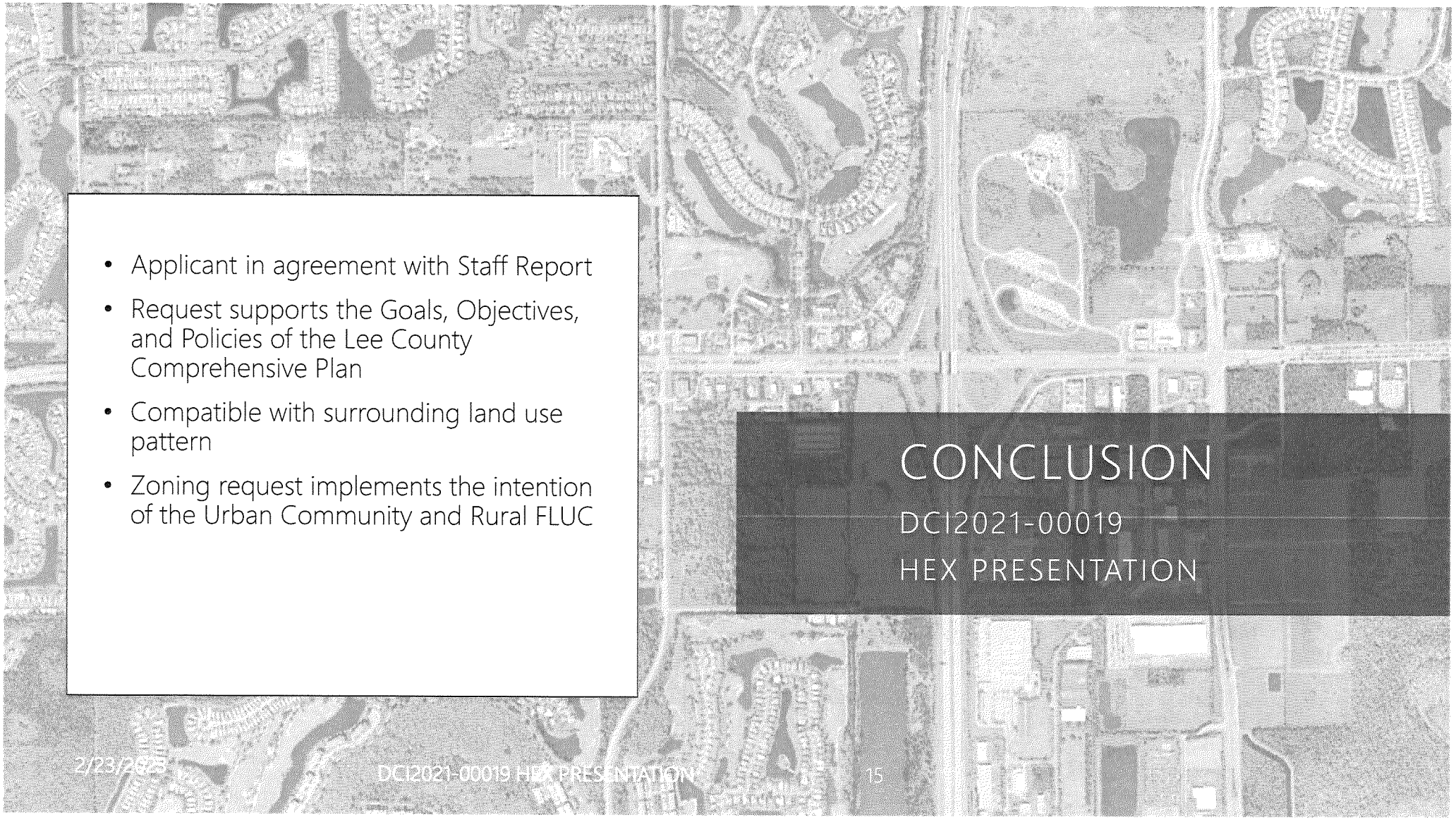
- Policy 1.1.4
- Objective 2.1 & Objective 2.2: Policies 2.2.1
- Standards 4.1.1, 4.1.2
- Policies 5.1.2, 5.1.5
- Policy 115.1.2, 128.4.6 and Goal 135



DECISION MAKING CRITERIA

Staff finds request is complies with LDC 34-145(4)a.1.b and a.2

- ✓ Complies with Lee Plan
- ✓ Meets code for requested deviations
- ✓ Is compatible with existing and planned uses in the surrounding area
- ✓ The proposed use or mixes of uses is appropriate at the proposed location given similar uses and intensities to the south, east and west
- ✓ Provide access to roadways and necessary urban services
- ✓ The expected impacts on transportation facilities will be addressed prior to site development
- ✓ Will not adversely affect environmentally critical or sensitive areas and natural resources

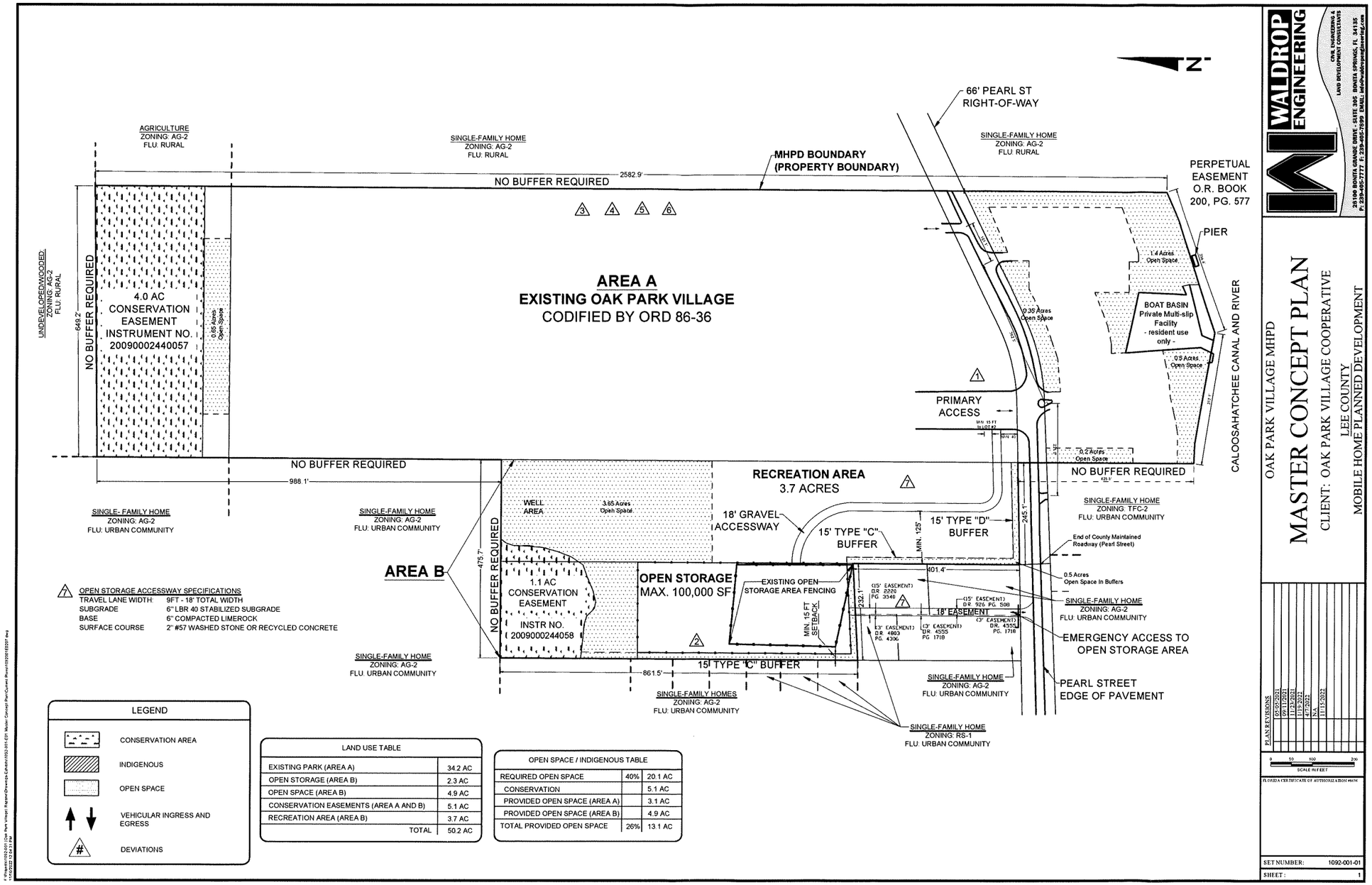


- Applicant in agreement with Staff Report
- Request supports the Goals, Objectives, and Policies of the Lee County Comprehensive Plan
- Compatible with surrounding land use pattern
- Zoning request implements the intention of the Urban Community and Rural FLUC

CONCLUSION

DCI2021-00019

HEX PRESENTATION



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
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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

MASTER CONCEPT PLAN

OAK PARK VILLAGE MHPD

CLIENT: OAK PARK VILLAGE COOPERATIVE

LEE COUNTY

MOBILE HOME PLANNED DEVELOPMENT

PLAN REVISIONS

05/07/2021
09/17/2021
11/3/2021
11/9/2021
4/7/2022
N/A
11/15/2022

0 50 100 200
SCALE IN FEET

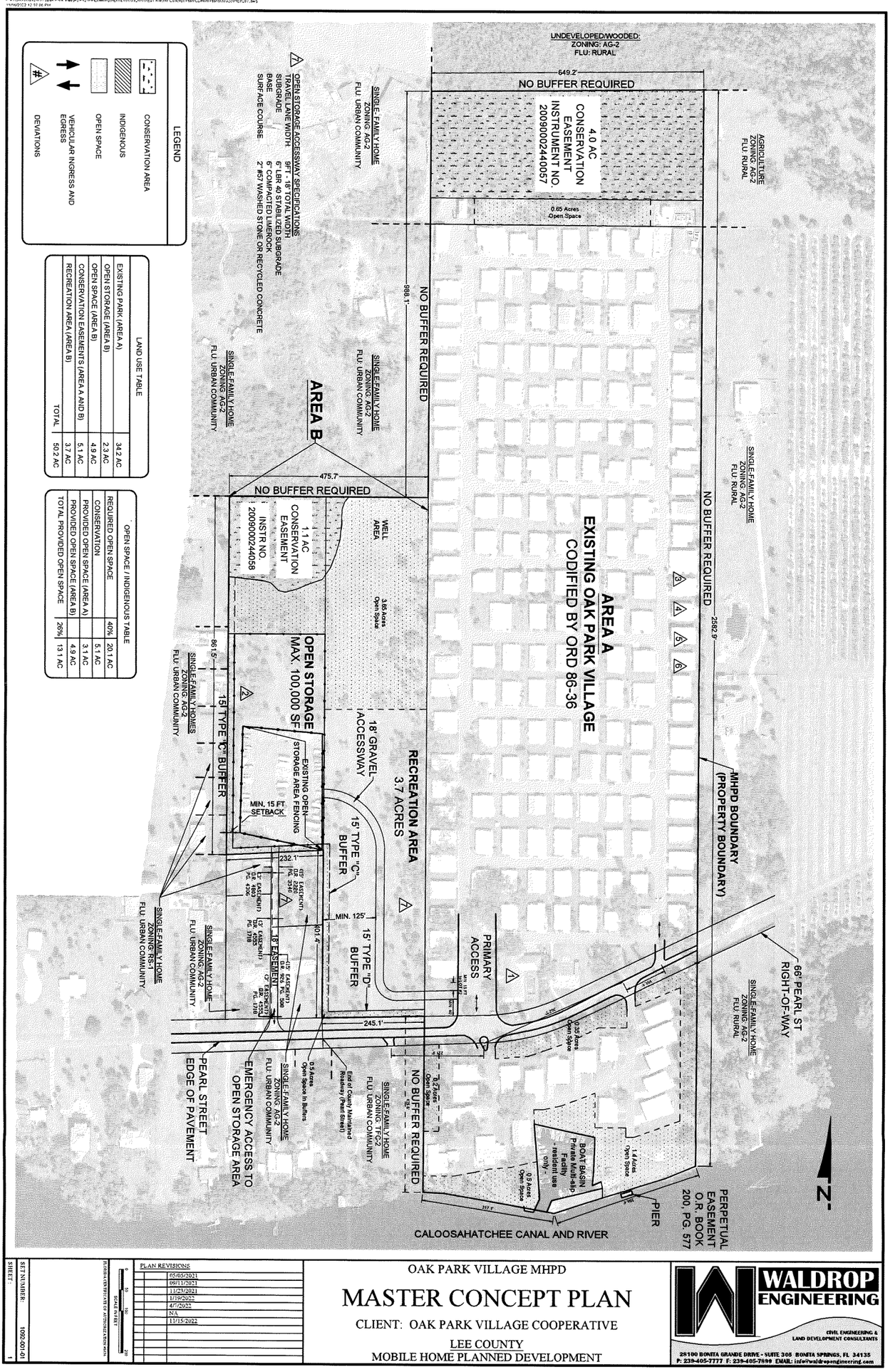
FLORIDA CERTIFICATE OF AUTHORIZATION #6134

SET NUMBER: 1092-001-01

SHEET: 1

APPLICANT'S EXHIBIT
#2
DCI 2021-00019

I:\Projects\1092\001-Oak Park Village\Engineering\Zoning\1092-001-EXH Master Concept Plan\Current Plans\1092001EXH.dwg
11/15/2022 3:43:21 PM



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
11/29/2021
1/19/2022
4/7/2022
NA
12/15/2022

SCALE: 1" = 100'

SHEET NUMBER: 1092-001-01
SHEET: 1

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

APPLICANT'S EXHIBIT
#3
DC12021-00019