

Kathleen "Katie" O. Berkey, AICP
Shareholder and Certified Land Planner
Board Certified Attorney, City, County, and
Local Government Law
Phone: 239.628.4919 Fax: 239.433.5933
KBerkey@beckerlawyers.com



Becker & Poliakoff
Six Mile Corporate Park
12140 Carissa Commerce Court, Suite 200
Fort Myers, Florida 33966

Northern Trust Building
4001 Tamiami Trail North, Suite 270
Naples, Florida 34103

June 21, 2024

VIA eCONNECT

Adam Mendez, Senior Planner, Zoning Section
Lee County Community Development
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901

**Re: The Nancy Lane Association, Inc. / Application for Administratively Amend a
Mobile Home Planned Development ("MHPD")**

Dear Mr. Mendez:

My Firm represents The Nancy Lane Association, Inc., a condominium association located at 35 Nancy Lane, Fort Myers Beach, Florida 33931 on San Carlos Island in unincorporated Lee County (the "Applicant"). The Condominium Property, which includes 74 residential Condominium Units, is generally located on the north side of Main Street, northwest of the Key West Express parking lot.

In the wake of Hurricane Ian, the Applicant wishes to rebuild the Condominium Property, and to allow individual Unit Owners to rebuild their respective Units, stronger and safer from future casualty events. For these reasons, the Applicant is seeking an administrative amendment to an existing Mobile Home Planned Development ("MHPD") to:

- (1) allow for the construction of conventionally built or modular single-family dwelling units as alternatives to mobile home development currently permitted under Zoning Resolution No. Z-86-216 (as amended);
- (2) maintain a minimum of six hundred (600) square feet of living space for each dwelling unit; and
- (3) require U.S. Department of Housing and Urban Development approval for mobile or manufactured homes.

Lee County Community Development

June 21, 2024

Page 2

No deviations are proposed as part of this request.

Consistent with ADD2023-00009 issued for Emily Lane as part of the Canal Pointe MHPD, the request herein qualifies for an administrative relief and maintains the original MHPD's compliance with the Lee Plan and the Lee County Land Development Code (the "Code"), pursuant to Section 34-174(i) of the Code, because the request will not: (1) increase the height, density, or intensity of the existing MHPD or adversely impact surrounding land uses; (2) affect public resources and public infrastructure committed to the support of the existing MHPD; (3) result in any reduction of total open space as shown on the approved Master Concept Plan (*enclosed* herein for ease of reference) or required by the Code, or require an amendment to the approved Master Concept Plan; (4) decrease the amount of indigenous native vegetation preservation required by the Code; or (5) change any buffer or landscaping areas. The proposed amendment, if approved, will also allow for development alternatives that are compatible with the surrounding area, as there are other conventionally built or modular single-family dwelling units already existing in the vicinity of the Condominium Property (e.g., 1529 Main Street and 792 Oak Street, Fort Myers Beach, Florida 33931).

Enclosed, please find the completed Application to Administratively Amend the MHPD and the following submittal requirements:

- Affidavit of Authorization Form;
- Disclosure of Interest Form;
- List of the Condominium Unit Owners' names, Unit numbers, addresses, folio numbers, and STRAP numbers;
- Written Consent to Application to Administratively Amend the MHPD Forms executed by no less than seventy-five percent (75%) of the Condominium Unit Owners and an Affidavit of Notice to the Unit Owners Form to reflect compliance with Section 34-201(a)(1)(c) of the Lee County Land Development Code;
- The metes and bounds legal description for the property submitted to condominium ownership recorded in the Lee County Public Records as part of the Amended and Restated Declaration of Condominium of Nancy Lane, a Condominium, at Official Record Book 4411 at Page 1994 *et seq.* on August 27, 2004 (the "Declaration");
- The Nancy Lane Condominium Plat recorded in the Lee County Public Records on August 27, 2004, as Exhibit "A" to the Declaration,¹ restating the metes and bounds legal description for the condominium property and containing the surveyor's certification;
- A copy of the Nancy Lane approved Master Concept Plan pursuant to Zoning Resolution

¹ Also recorded in the Lee County Public Records at Condominium Plat Book 8, Pages 216 *et seq.*

Lee County Community Development

June 21, 2024

Page 3

No. Z-86-216; and

- The Covenant of Unified Control recorded in the Lee County Public Records on January 24, 1989, related to the original MHPD rezoning action pursuant to Zoning Resolution No. Z-86-216.

The \$1,500.00 filing fee will be processed through eConnect. Thank you, and we look forward to working with you.

Very truly yours,



Kathleen O. Berkey

For the Firm

KOB/ ma

Enclosures

cc: Board of Directors, The Nancy Lane Association, Inc.