

RESOLUTION NUMBER Z-98-061

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

WHEREAS, Forest Park Property Owners Association filed an application to rezone a 1.00±-acre parcel from Conventional Mobile Home District (MH-2) to Mobile Home Planned Development (MHPD); and

WHEREAS, Forest Park Property Owners Association, the owner of the subject parcel, authorized Thomas B. Hart, Esquire, c/o Humphrey & Knott, to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on July 29, 1998 before the Lee County Hearing Examiner who gave full consideration to the evidence in the record (Case # 98-02-165.02Z 01.01); and

WHEREAS, a second public hearing was advertised and held on August 31, 1998, 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 the record, and the testimony of all interested persons.

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

SECTION A. REQUEST:

The applicant filed a request to rezone a 1.0±-acre parcel from Conventional Mobile Home District (MH-2) to Mobile Home Planned Development (MHPD) in the Suburban Land Use Category. The legal description of the subject property is set forth in Exhibit A attached to this resolution. The request is hereby APPROVED subject to the conditions and deviations set forth in Sections B and C below.

SECTION B. CONDITIONS:

1. The development of this project must be consistent with the Master Concept Plan (MCP) identified as "Forest Park Addition Master Concept Plan," prepared by Gary Muller, AICP, dated 05/98, stamped "Received 06/02/98", except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code (LDC) at the time of local Development Order approval, except as may be granted by deviation as part of this planned development. Should changes to the MCP be required as a result, appropriate approvals will be necessary.

2. The following are the permitted uses within this planned development:

Accessory uses, buildings and structures, including:  
Carports, garages  
Docks  
Fences, walls  
Non-roofed accessory structures

8/31/98

Screen room additions  
Dwelling unit: mobile home  
Essential services  
Essential service facilities, Group I  
Excavation: water retention, existing only  
Home occupation, no outside help  
Recreational facilities, personal and private  
Signs in compliance with LDC Section 30

3. Prior to issuance of a Certificate of Completion (CC) for local Development Order, the Developer must:
  - (a) receive a CC for the installation of a new eight-inch water line along Forest Park Drive; and,
  - (b) receive a CC for the installation of a new fire hydrant at the end of Peace Lake Court. The fire hydrant may be relocated in compliance with Section 10-385 of the Land Development Code; and,
  - (c) widen existing pavement to 20 feet and provide pre-treatment of storm water run-off in a shallow swale constructed along the edge of the pavement.
4. The seven sabal palms and five South Florida slash pines located within the common open space, as identified on the MCP, must be preserved and protected from development activities. If fewer trees are determined to be located in the designated area than the number listed here, then the lower number of trees will be preserved.
5. This zoning approval does not indicate the project's vehicular or pedestrian traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a local Development Order, consistent with local regulations.
6. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the 2020 Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b), of the Lee Plan.

#### SECTION C. DEVIATIONS:

Deviation (1) requests relief from the requirement in LDC Section 10-296, Table 3, which requires that a two-way privately maintained local street with open drainage provide a minimum right-of-way (ROW) width of 45 feet; to allow a 20-foot-wide access way. The deviation is hereby APPROVED subject to Condition 3(c).

Deviation (2) requests relief from the requirement in LDC Section 10-296(k)(1)a, which requires that dead end streets must be closed at one end by a circular turnaround with a minimum outside pavement diameter of 90 feet; to allow a cul-de-sac with a pavement diameter of 60 feet. The deviation is hereby APPROVED.

Deviation (3) requests relief from the requirement in LDC Section 10-385(c)(1), which requires that water mains for one and two-family developments be no less than eight inches in diameter and

constructed in an external loop; to allow the continued use and extension of an existing 2-inch water line. The deviation is hereby APPROVED subject to Condition 3(a) and (b).

Deviation (4) requests relief from LDC Section 35-935 which requires that mobile home planned developments have at least 30 percent common open space, out of the required 40 percent total open space; to allow a 5.5 percent common open space (approximately 2,400 square feet) between the proposed roadway and the northern property line of the subject property. The deviation is hereby APPROVED, subject to Condition 4.

#### SECTION D. EXHIBITS:

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

- Exhibit A. The legal description and STRAP number of the subject property.
- Exhibit B. A reduced copy of the Forest Park Addition Master Concept Plan.
- Exhibit C. A map depicting the subject parcel (shaded in) in relation to the surrounding area.

#### SECTION E. FINDINGS AND CONCLUSIONS:

1. The Applicant proved entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and any other applicable code or regulation.
2. The request, as conditioned:
  - a. will meet or exceed 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; and
  - d. will not adversely affect environmentally critical areas and natural resources.
3. The proposed use or mix of uses is appropriate at the subject location.
4. The development will not place an undue burden upon existing transportation or planned infrastructure facilities and it will be served by streets with the capacity to carry traffic generated by the development.
5. The approved deviations, as conditioned, enhance the achievement of the objectives of the planned development, and preserve and promote the general intent of Chapter 34, Land Development Code, to protect the public health, safety and welfare.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest, and the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
7. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

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

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 31st day of August, 1998.

ATTEST:  
CHARLIE GREEN, CLERK

BY:   
Deputy Clerk

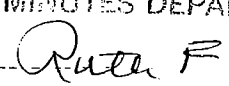
BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:   
Chairman

Approved as to form by:

  
County Attorney's Office

MINUTES DEPARTMENT

  
FILED SEP 03 1998

## EXHIBIT A

### LEGAL DESCRIPTION

Description (Official Record Book 1895, Page 290)

That certain parcel of land lying in the North Half (N½) of the Northwest Quarter (NW¼) of Section 36, Township 43 South, Range 24 East, Lee County, Florida, and being more particularly described as follows:

From the Northwest corner of said Section 36, run S89°46'50"E along the North line of said Section 36 and the centerline of a roadway easement 50 feet wide, 25 feet either side of said centerline as declared by C.C.M. Book 5, Page 661, Public Records of Lee County, Florida for 1,650 feet to the POINT OF BEGINNING;

THENCE continue S89°46'50"E along the North line of said Section 36 and the centerline of said roadway easement 50 feet wide, for 330.00 feet;

THENCE run S00°19'40"E for 659.68 feet to a point on the North line of the South Half (S½) of the North Half (N½) of the Northwest Quarter (NW¼) of said Section 36;

THENCE run N89°47'10"W along the North line of the South Half (S½) of the North Half (N½) of the Northwest Quarter (NW¼) of said Section 36 for 330.00 feet to a point said point being S89°47'10"E and 1,650.00 feet from the Northwest corner of the South Half (S½) of the North Half (N½) of the Northwest Quarter (NW¼) of said Section 36;

THENCE run N00°19'40"W for 659.71 feet to the POINT OF BEGINNING.

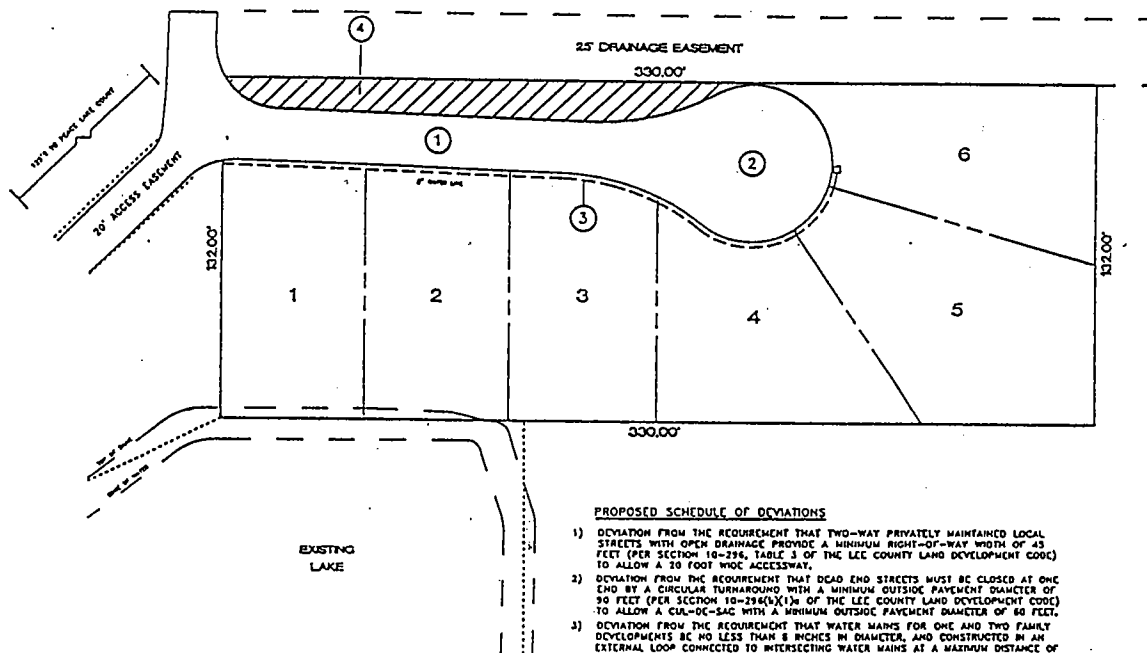
Less the South 528 feet of the parcel herein described.

Subject to easements, restrictions and reservations of record.

### STRAP NUMBER

The applicant has indicated the STRAP # of the subject property is 36-43-24-00-00001.0020.

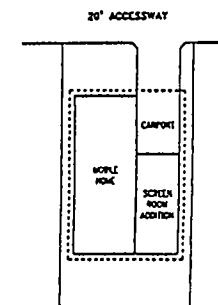
	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5	LOT 6
LOT AREA	5,400 S.F.	8,400 S.F.	3,217 S.F.	8,733 S.F.	7,074 S.F.	2,815 S.F.
LOT WIDTH	55 FEET	55 FEET	55 FEET	62 FEET	55 FEET	46 FEET
LOT DEPTH	98 FEET	98 FEET	96 FEET	72 FEET	133 FEET	101 FEET
STREET SETBACKS:	20 FEET	20 FEET	20 FEET	20 FEET	20 FEET	20 FEET
SHOULDER SETBACKS:	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET
REAR SETBACKS:	17 FEET	17 FEET	16 FEET	7 FEET	10 FEET	10 FEET
WATER BODY SETBACKS:	N/A	N/A	N/A	N/A	N/A	N/A
LOT COVERAGE:	30%	30%	30%	30%	30%	30%

 $r = 20'$ 

### PROPOSED SCHEDULE OF DEVIATIONS

- 1) DEVIATION FROM THE REQUIREMENT THAT TWO-WAY PRIVATELY MAINTAINED LOCAL STREETS WITH OPEN DRAINAGE PROVIDE A MINIMUM RIGHT-OF-WAY WIDTH OF 45 FEET (PER SECTION 18-396, TABLE 3 OF THE LEE COUNTY LAND DEVELOPMENT CODE) TO A 30-FOOT RIGHT-OF-WAY WIDTH.
- 2) DEVIATION FROM THE REQUIREMENT THAT DEAD END STREETS MUST BE CLOSED AT ONE END BY A CIRCULAR TURNAROUND WITH A MINIMUM OUTSIDE PAYMENT DIAMETER OF 90 FEET (PER SECTION 18-394(c)(1) OF THE LEE COUNTY LAND DEVELOPMENT CODE) TO A CIRCULAR TURNAROUND WITH A MINIMUM DIAMETER OF 60 FEET.
- 3) DEVIATION FROM THE REQUIREMENT THAT WATER MAINS FOR ONE AND TWO FAMILY DEVELOPMENTS BE NO LESS THAN 8 INCHES IN DIAMETER, AND CONSTRUCTED IN AN EXISTING LOOP CONFIGURATION TO INTERSECTING WATER MAINS AT A MINIMUM DISTANCE OF 100 FEET (PER SECTION 18-392 OF THE LEE COUNTY LAND DEVELOPMENT CODE) TO ALLOW THE CONTINUED USE AND EXTENSION OF AN EXISTING 8 INCH WATER LINE.
- 4) DEVIATION FROM THE REQUIREMENT THAT IN RESIDENTIAL OR MOBILE HOME PLANNED DEVELOPMENT DISTRICTS, OPEN SPACE BE PROVIDED TO BE NOT LESS THAN 10 PERCENT BE COMMON OPEN SPACE, EXCEPT THAT THIS MAY BE REDUCED TO 30 PERCENT WHEN THE REMAINING 10 PERCENT IS DISTRIBUTED TO INDIVIDUAL DWELLING UNITS HAVING ACCESS TO PRIVATELY MAINTAINED LOCAL STREETS (PER SECTION 18-393(c)(1), OF THE LEE COUNTY LAND DEVELOPMENT CODE) TO PROVIDE ACCESS TO PRIVATELY MAINTAINED LOCAL STREETS FOR PRIVATELY MAINTAINED LOCAL STREETS.

### CONCEPTUAL LOT LAYOUT



SPECIFIC SITE DEVELOPMENT PARAMETERS FOR INDIVIDUAL LOTS ARE INDICATED IN THE TABLE ABOVE THE PROPOSED SITE PLAN.

### PROPOSED SCHEDULE OF USES

ACCESSORY USES, BUILDINGS, AND STRUCTURES  
GARAGES AND CARAGES  
DOCKS, SEAWALLS  
FENCES, WALLS  
MONOROOFS ACCESSORY STRUCTURES  
SCREEN ROOM ADDITIONS  
DWELLING UNITS; MOBILE HOME  
ESSENTIAL SERVICES  
ESSENTIAL SERVICE FACILITIES; GROUP 1  
ESSENTIAL; WATER ACTIVITIES (EXISTING ONLY)  
HOME OCCUPATIONS; NO OUTSIDE HELP  
PARK TRAILER  
RECREATIONAL FACILITIES; PERSONAL AND PRIVATE  
RESIDENTIAL ACCESSORY USES  
SIGNS IN COMPLIANCE WITH LOC CHAPTER 30

## NOTES

- 1) ALL PROPERTY DEVELOPMENT REGULATIONS WILL MEET THE MINIMUM REQUIREMENTS OF THE MH-1 ZONING DISTRICT UNLESS OTHERWISE NOTED ON THIS PLAN.
- 2) PROPERTY TO THE NORTH IS ZONED MH-3 AND ADJUTING PARCELS TO THE SOUTH EAST AND WEST ARE ZONED MH-1 SO PERMITTER BUTTERING WILL NOT BE REQUIRED.
- 3) ALL BUTTERING AND LANDSCAPING WILL BE IN ACCORDANCE WITH THE REQUIREMENTS ESTABLISHED IN DIVISION 10, ARTICLE II, DIVISION 6 OF THE LEE COUNTY DEVELOPMENT CODE.
- 4) ON-SITE PARKING WILL BE IN ACCORDANCE WITH THE REQUIREMENTS ESTABLISHED IN SECTION 34-2020(1)(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE.
- 5) PUBLIC TRANSPORTATION IS PRESENTLY AVAILABLE ALONG HART ROAD, HOWEVER, NO PUBLIC TRANSIT FACILITIES ARE REQUIRED ON SITE DUE TO THE SIZE OF THE PROPOSED DEVELOPMENT.

PROJECT # 72-10-000  
PROJECT TYPE 1

EXHIBIT "B"



SEC 30, TWP 43N, R02E 24E,  
LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN  
FOREST PARK ADDITION

9703

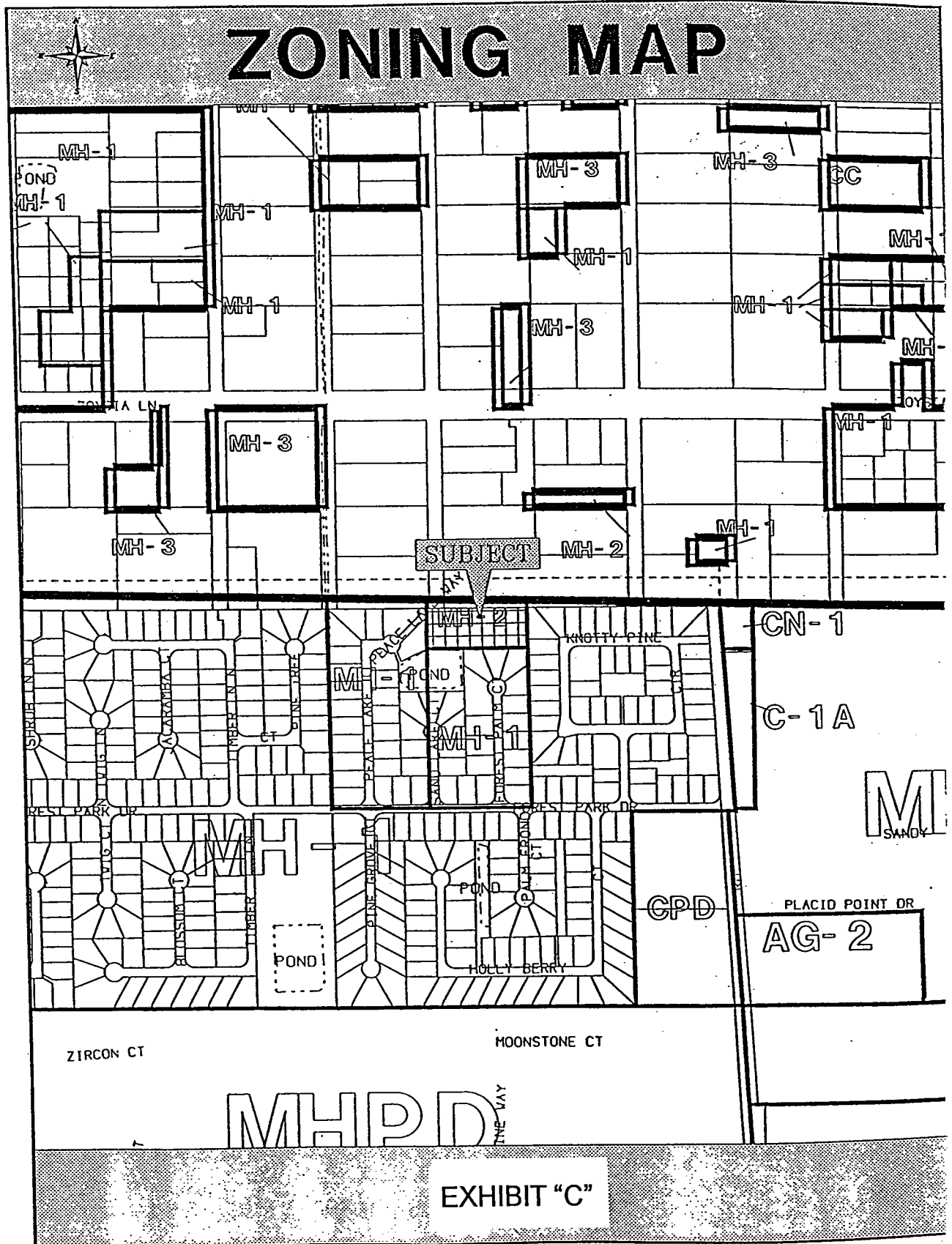
APPROVED

## Master Concept Plan

Site Plan # 98-061 Page 1 Of 1

Subject to conditions in Resolution Z-98-061

Zoning Case # 98-02-165.6 301.01



08-08-165-02-2-01-01  
08-08-165-02-2-01-01