

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

WHEREAS, an application was filed by the property owner, Sun-N-Fun Mobile Home Owners Assoc., Inc., to rezone a 11.19± acre parcel from Agricultural (AG-2), Residential Single-Family (RS-1) and Residential Two-Family Conservation (TFC-2) to Mobile Home Planned Development (MHPD) in reference to Sun-N-Fun Mobile Home Park; and

WHEREAS, a public hearing was advertised and held on March 4, 2009 with the record held open for written submission on March 6, 2009, before the Lee County Zoning Hearing Examiner, Richard A. Gescheidt, who gave full consideration to the evidence in the record for Case #DCI2008-00015; and

WHEREAS, a second public hearing was advertised and held on May 4, 2009, 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 rezone a 11.19± acre parcel from AG-2, RS-1 and TFC-2 to MHPD, to allow open storage and private on-site recreational facilities for Sun-N-Fun Mobile Home Park. Potable water and sanitary sewer services are provided by Lee County Utilities. No development blasting is proposed. The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Master Concept Plan/Development Parameters: The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Sun-N-Fun, Sun-N-Fun Mobile Homeowners Association," dated August 12, 2008, date-stamped "RECEIVED MAY 12 2009, Community Development," attached hereto as Exhibit C, and except as modified by the conditions below. This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development.

If changes to the MCP or the Schedule of Uses, as recommended herein, are subsequently pursued, appropriate approvals will be required through the Public Hearing process.

2. Uses and Site Development Regulations

The following Limits apply to the project and uses:

a. Schedule of Uses

Accessory Uses and Structures  
Essential Services, Group I only  
Excavation, Water Retention Only  
Fences, Walls  
Recreational Facilities, Private on-site  
Signs in Accordance with Chapter 30  
Storage, Open, accessory, limited to use by residents of Sun 'n Fun Mobile  
Home Park and subject to Condition Number 4  
Temporary Uses

b. Site Development Regulations

Minimum Area:	11 acres
Minimum Setbacks from Development Perimeter for all structures, including Items contained in Storage area	15 feet
Minimum Setback from Internal lot lines	15 feet
Minimum Setback from Orange River Boulevard	25 feet
Maximum Height:	35 feet

3. Environmental Conditions

Prior to approval of a local development order, the following conditions must be met:

- a. The development order plans must delineate a minimum of 4.48 acres as common open space in substantial compliance with the approved MCP.
- b. Preservation in place or on-site relocation of all healthy Sabal palms with a minimum eight-foot clear trunk into the proposed landscape buffers. The relocation efforts must be done in a horticulturally correct manner per Lee County Extension Services Brochure LE8/2000A.
- c. Preservation of the existing mature slash pine, located along the west property line between the open storage area and mobile home residential uses.

- d. Preservation of all native trees located within the recreational area.
- e. All required landscaped buffers must be planted with native vegetation.

4. Accessory Open Storage Conditions:

- a. The open storage area is limited to a maximum of 3.02 acres as depicted on the MCP, revised March 5, 2009, Exhibit C hereto.
- b. The open storage area may only be utilized by residents of the Sun-N-Fun Mobile Home Park.
- c. Within 90 days of approval of the rezoning request, a development order must be submitted for installation of the six-foot high solid fence and landscaped buffers, as conditioned in Deviation Numbers 1 and 2. If the applicant fails to submit an application for a development order within the designated time frame the open storage will be in non-compliance with the Zoning Resolution and will be cited as such.
- d. The open storage area must be maintained in a dust-free manner.
- e. The open storage area must be accessed internally through the existing entrance from River Road. Access from Orange River Boulevard is prohibited.
- f. Permanent structures are prohibited in the accessory open storage area.
- g. Maintenance, repairs or other mechanical work is prohibited in the open storage area.
- h. The open storage area is limited to a maximum of 86 spaces, 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 space.
- i. Storage sheds or units ("pods") are prohibited within the open storage area.

5. Vehicular/Pedestrian Impacts: Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

6. Lee County Comprehensive Plan Consistency: Approval of this zoning 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 retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, 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. Compliance with Lee County 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 deviations approved as part of this planned development.
9. Development Order: A development order must be submitted and approved for the installation of the required landscaped buffers and wall.
10. Waste Management: Prior to any local development order approval for vertical development, the developer must provide facilities in compliance with LDC §10-261 and Solid Waste Ordinance #08-10 for the pick-up/disposal of solid waste and recyclables. The minimum area required for and specific locations of, these facilities will be reviewed at the time of local development order application.

#### SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from LDC §10-416(d)(4), which requires a Type "C" Buffer with an 8-foot-high wall, to not require the wall along the proposed internal lot lines. This deviation is APPROVED, SUBJECT TO the following conditions:
  - a. A Type "C" buffer, without a wall, consisting of 5 trees and 18 shrubs per 100 linear feet, must be planted along the 813.51(±) foot (northwestern) internal property line separating the open storage area from the residential dwelling lots.
  - b. A Type "C" buffer, without a wall, consisting of 5 trees and 18 shrubs per 100 linear feet, must be planted along the southern 170-foot internal separation between the open storage area and the recreation area.
2. Deviation (2) seeks relief from LDC §10-416(d)(4) (Note 1), which states that all trees and shrubs required in the buffer must be placed on the residential side of the wall to allow the proposed and existing vegetation, to be planted on the interior side of the existing chain-link fence along the eastern and northern property lines. This deviation is APPROVED, SUBJECT TO the following conditions:
  - a. Prior to approval by the Board of County Commissioners, the MCP and Deviation Number 2 must be revised to reflect LDC §10-421(a)(8) to allow

the plantings to be installed on the inside of the existing chain link fence, as conditioned.

- b. A Type "B" buffer, consisting of 5 trees and a double-staggered hedge row per 100 linear feet must be planted on the inside of the existing chain link fence along the southeastern portion of the property for approximately 631 feet.
3. Deviation (3) seeks relief from LDC §10-416(d)(6), which requires a 25-foot-wide Type "C" buffer with an 8-foot-high wall if roads, drives or parking areas are located less than 125 feet from an existing single-family residential subdivision or single-family residential lot, to permit a 6-foot-high solid fence, with a 15-foot-wide Type "C" buffer on the residential side of the fence. This deviation is APPROVED, SUBJECT TO the following conditions:
  - a) The six-foot high solid fence must be installed a minimum length of 780 feet along the eastern property perimeter in conjunction with a Type "C" buffer separating the open storage area and the abutting residential land uses. The plantings must be installed on the residential side of the solid fence and in substantial compliance with the cross-section depicted on the mcp. The plantings cannot be located within the detention area unless plant heights are increased.
  - b) A Type "B" buffer, with 5 trees per 100 linear feet and a double-staggered hedge row must be installed along the remaining 631± feet on the inside of the six-foot high chain link fence along the southeastern property boundary.
4. Deviation (4) seeks relief from LDC §34-1744(b)(2)a and states that a fence or wall located between a street right-of-way or easement and the minimum required street setback line may not exceed three feet in height, except that fences may be a maximum height of four feet so long as the fence is of open mesh screening and does not interfere with vehicle visibility requirements (see § 34-3131) at traffic access points. In this case, the 6-foot-high chain link fence should be located a minimum of 25 feet from the street right-of-way. Therefore, this deviation is required to permit approximately 145 feet of the existing 6-foot-high chain link fence along Orange River Boulevard to remain along the property boundary and the remainder of the fence along Orange River Boulevard to be located 20± feet from the property boundary. This deviation is APPROVED, SUBJECT TO the following conditions:
  - a. A Type "D" buffer, consisting of five (5) trees per 100 linear feet and a double-staggered hedge row, must be planted along the frontage of Orange River Boulevard for

approximately 145 feet, along the inside of the fence, where the fence is located on the property line.

- b. A Type "D" buffer, consisting of five (5) trees per 100 linear feet and a double-staggered hedge row, must be planted along the remaining 535± feet where the existing six-foot high chain link fence is set back 20 feet from the property line, with the exception of the area designated as a 20 x 20 utility easement.

#### 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 number for the subject property is: 02-44-25-08-0000B.00CE

#### SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
  - a. meets or exceeds all 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 rezoning satisfies the following criteria:
  - a. the proposed use or mix of uses is appropriate at the subject location; and
  - 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 deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote 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 4<sup>th</sup> day of May 2009.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Kathleen A. Motz  
Deputy Clerk

BY: Ray Judah  
Ray Judah  
Chair



Approved as to form by:

Robert Spickerman  
Robert Spickerman  
County Attorney's Office

RECEIVED  
MINUTES OFFICE

2009 MAY 18 AM 10:00

DESCRIPTION DRAWING  
IN SECTION 2,  
TOWNSHIP 44 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

LEGAL DESCRIPTION (PREPARED BY SURVEYOR)

A TRACT OR PARCEL OF LAND LYING IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 2; THENCE RUN ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 2, S. 00°43'30" E. A DISTANCE OF 815.00 FEET TO A THE POINT OF BEGINNING.

FROM SAID POINT OF BEGINNING CONTINUE ALONG SAID WEST SECTION LINE S. 00°43'30" E. A DISTANCE OF 483.57 FEET TO AN INTERSECTION WITH THE CURVED NORTHERLY RIGHT-OF-WAY LINE OF ORANGE RIVER BOULEVARD (STATE ROAD 80-A); THENCE RUN EASTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1170.92 FEET, A DELTA ANGLE OF 6°40'07", A CHORD BEARING OF S. 83°44'47" E., A CHORD LENGTH OF 136.20 FEET FOR AN ARC LENGTH OF 136.28 FEET; THENCE RUN ALONG SAID RIGHT-OF-WAY S. 80°24'44" E. A DISTANCE OF 373.99 FEET TO A POINT; THENCE RUN N. 01°03'44" W. A DISTANCE OF 68.05 FEET TO A POINT; THENCE RUN N. 88°51'08" E. A DISTANCE OF 1.00 FEET TO A POINT; THENCE RUN S. 01°03'44" E. A DISTANCE OF 68.24 FEET TO A POINT ON SAID RIGHT-OF-WAY LINE; THENCE RUN ALONG SAID RIGHT-OF-WAY LINE S. 80°24'44" E. A DISTANCE OF 172.06 FEET TO THE SOUTHWEST CORNER OF THE ORANGE RIVER HILLS SUBDIVISION, UNIT 1, AS RECORDED IN PLAT BOOK 29, PAGE 34, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN ALONG THE WEST LINE OF SAID SUBDIVISION N. 01°03'44" W. A DISTANCE OF 1411.05 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SECTION 2; THENCE RUN ALONG SAID NORTH LINE S. 89°27'00" W. A DISTANCE OF 169.11 FEET TO A POINT; THENCE DEPARTING SAID NORTH LINE RUN S. 01°03'44" E. A DISTANCE OF 813.51 FEET TO A POINT; THENCE RUN S. 89°16'35" W. A DISTANCE OF 83.39 FEET TO A POINT; THENCE RUN S. 00°43'25" E. A DISTANCE OF 54.22 FEET TO A POINT; THENCE RUN S. 89°16'35" W. A DISTANCE OF 200.58 FEET TO A POINT; THENCE RUN N. 00°43'25" W. A DISTANCE OF 54.22 FEET TO A POINT; THENCE RUN S. 89°16'35" W. A DISTANCE OF 216.83 FEET TO THE POINT OF BEGINNING.

CONTAINING WITHIN SAID BOUNDS 487,375 SQUARE FEET OR 11.189 ACRES.

RECEIVED  
DEC 03 2008

COMMUNITY DEVELOPMENT

DCI 2008-00015

NOTES:

ORIENTATION BASED ON THE WEST LINE OF SECTION 2 AS BEARING S. 00°43'30" E. AS SHOWN IN THE PARCEL III LEGAL DESCRIPTION IN O.R.B. 1019, PAGE 26 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THIS MAP IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS OR FREEDOM OF ENCUMBRANCES.

THIS SKETCH IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER AND BOTH SHEETS ARE INCLUDED.


THIS IS NOT A SURVEY.

EXHIBIT A

1 OF 2

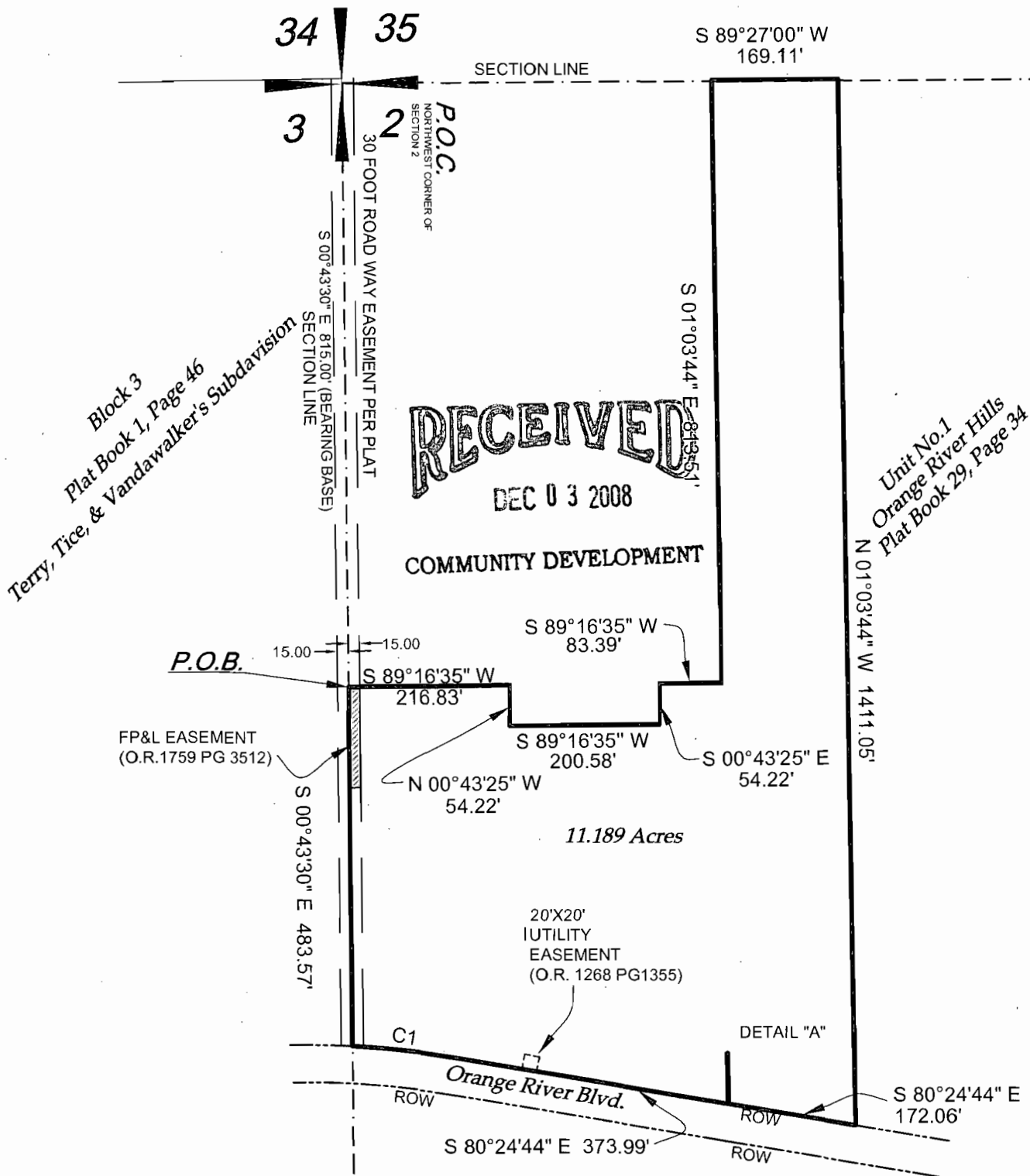
PREPARED BY:

ROBERT L. CARMELIA, P.S.M. DATE 11/20/08  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 6548

MDA PROJECT: 07117	DESCRIPTION DRAWING PARCEL OF LAND IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA	 ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS FL CA NO. 8532 / FL CERT NO. LB6881 / LC28000330	<ul style="list-style-type: none"><li>• Fort Myers</li><li>• Tallahassee</li><li>• Gainesville</li></ul> 2914 Cleveland Avenue Fort Myers, Florida 33901 (239) 337-3993 Fax: (239) 337-3994 Toll free: 888-337-7941	REVISIONS 11/18/08 REVISED NOTES PER COUNTY REVIEW LETTER
CHECKED BY: WBN	DRAWN BY: BMH			
DATE: 8-13-08	SUN-N-FUN MOBILE HOME Fort Myers, Florida			
SHEET 1 of 2				

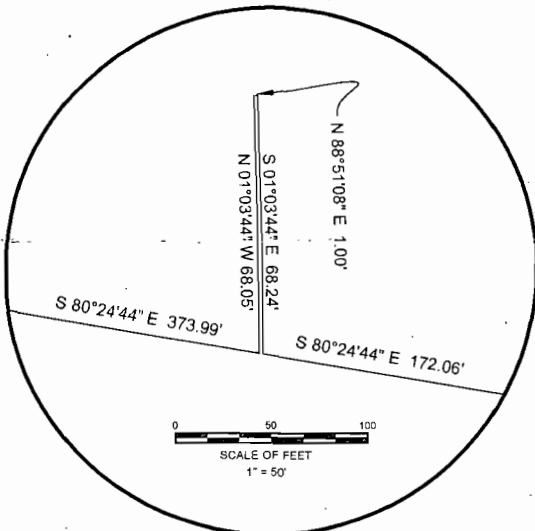


DESCRIPTION DRAWING  
IN SECTION 2,  
TOWNSHIP 44 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA



CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1170.92'	06°40'07"	136.28'	136.20'	S 83°44'52" E

DETAIL "A"



DCI 2008-00015

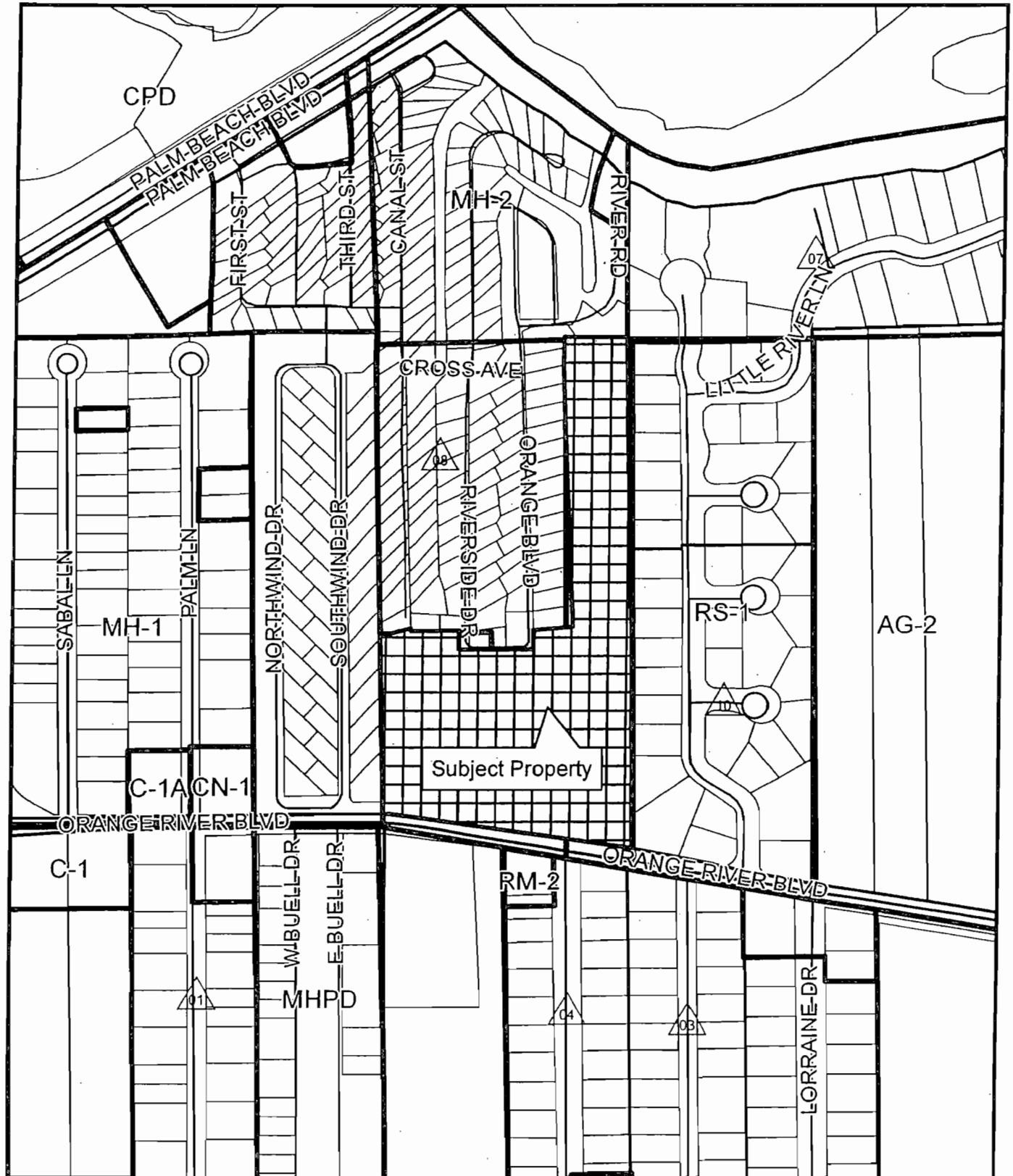
LEGEND

O.R. = OFFICIAL RECORDS  
P.G. = PAGE  
P.B. = PLAT BOOK  
P.O.B. = POINT OF COMMENCEMENT  
P.O.C. = POINT OF BEGINNING

EXHIBIT A

2 OF 2

MDA PROJECT: 07117	DESCRIPTION DRAWING PARCEL OF LAND IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA	MORRIS DEPEW ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS FL CA NO. 6532 / FL CERT NO. LB68891 / LC26000330	Fort Myers Tallahassee Gainesville 2914 Cleveland Avenue Fort Myers, Florida 33901 (239) 337-3920 Fax: (239) 337-5964 Toll free: 888-337-7041	REVISIONS
CHECKED BY: WBN	DRAWN BY: BMH			
DATE: 8-13-08	SUN-N-FUN MOBILE HOME Fort Myers, Florida			
SHEET 2 of 2				



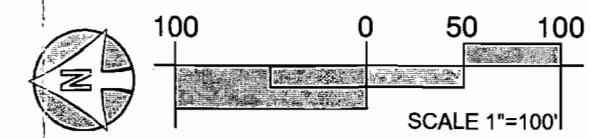
6' CLF FENCE (EXISTING)



URBAN COMMUNITY  
MH-2  
Mobile Home Residential

MAY 12 2009

COMMUNITY DEVELOPMENT



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