

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Sun-N-Fun Mobile Homeowners Association, Inc., filed an application for administrative approval to a Mobile Home Planned Development on a project known as Sun-N-Fun MHPD to amend the Master Concept Plan (MCP) as follows:

1. **To subdivide the 11.19 acre parcel into two parcels consisting of 3.02 acres for the open storage area and 8.17 acres for the private on-site recreational facilities;**
2. **To reduce the minimum side setback on the private-on site recreational facilities parcel from 15 feet to 8 feet for the existing bocce ball courts and from 15 feet to 11 feet for the existing storage shed; and,**
3. **A deviation from LDC Section 10-291(2) which requires that all development must abut and have access to a public or private street designed, constructed, or improved, to meet the minimum street design and construction standards established in Section 10-296 for a Category "C" road, to permit the existing road to remain in its current condition on the property located at 5558 Palm Beach Boulevard, described more particularly as:**

LEGAL DESCRIPTION: In Section 02, Township 44 South, Range 25 East, Lee County, Florida:

See Exhibit "A"

WHEREAS, the subject property is located in the Urban Community Future Land Use Category and the Fort Myers Shores Planning Community as designated by the Lee Plan; and

WHEREAS, the property was originally rezoned from AG-2, RS-1, and TFC-2 to MHPD in case number DCI2008-00015 and Resolution Z-09-007 to accommodate open storage and private on-site recreational facilities for residents of the Sun-N-Fun Mobile Home Park; and

WHEREAS, the open storage area, which is accessed through the mobile home park, is limited to a maximum of 86 spaces, including motor vehicles, limited to passenger cars, pickup trucks, golf carts, campers, boats, trailers, motor homes, or recreational vehicles (RVs) with conditions; and

WHEREAS, the private on-site recreational facilities include existing facilities such as horseshoe pits, bocce ball courts, golfing, a putting green and a picnic pavilion; and

WHEREAS, the open storage area and private on-site recreational facilities are ancillary uses for the exclusive use of the 250+ residents of the Sun-N-Fun mobile home community; and

WHEREAS, the Sun-N-Fun Mobile Home Owner's Association has determined it to be in their best interest to subdivide the existing 11.19 acre parcel into two separate parcels for insurance purposes and management of property owner assessment fees; and

WHEREAS, the two parcels will continue to serve as common elements of the mobile home community, with maintenance and operations maintained by the Sun-N-Fun Home Owner's Association; and

WHEREAS, the requested side setback reduction deviations on the private on-site recreational facility parcel are requested to address conditions of the existing structures (bocce ball court and storage shed) and do not constitute a change in current conditions or permit an increase to uses or intensity; and

WHEREAS, the deviation from LDC Section 10-291(2) which requires that all development must abut and have access to a public or private street designed, constructed, or improved, to meet the minimum street design and construction standards in Section 10-296 does not constitute a change in current conditions; and

WHEREAS, the open storage area is adequately accessed by River Road, an internal private road within Sun-N-Fun Mobile Home Park and is exclusively utilized by residents of Sun-N-Fun Mobile Home Park; and

WHEREAS, the MCP demonstrates 1.2 acres of open space in the open storage area and 7.03 acres of open space on the recreational facility parcel; and

WHEREAS, the open storage use was approved in Resolution Z-09-077 with a condition restricting the use to residents of the Sun-N-Fun Mobile Home Park, thereby not generating additional vehicular trips through the development; and

WHEREAS, the required fencing and landscaped buffers approved in Resolution Z-09-007 providing separation between the open storage facility, the adjacent single-family land uses, and between the open storage facility and the recreational uses will remain in full force and effect; and

WHEREAS, the applicant has submitted a request for a commercial lot split in case number LDO2009-00174 subject to approval this administrative amendment; 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 the Sun-N-Fun Mobile Home Planned Development (MHPD) is **APPROVED to amend the Master Concept Plan (MCP) as follows:**

1. **To subdivide the 11.19 acre parcel into two parcels consisting of 3.02 acres for the open storage area and 8.17 acres for the private on-site recreational facilities;**
2. **To reduce the minimum side setback on the private-on site recreational facilities parcel from 15 feet to eight feet for the existing bocce ball courts and from 15 feet to 11 feet for the existing storage shed; and,**
3. **A deviation from LDC Section 10-291(2) which requires that all development must abut and have access to a public or private street designed, constructed, or improved, to meet the minimum street design and construction standards established in Section 10-296 for a Category "C" road, to permit the existing road to remain in its current condition.**

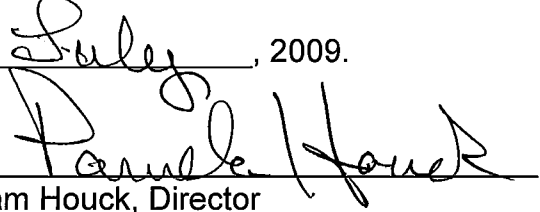
The APPROVAL is subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, dated July 1, 2009. Master Concept Plan for ADD2009-00049 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit "B".**
2. **The terms and conditions of the original zoning resolution, Z-09-007, remain in full force and effect.**
3. **Lot A (open storage parcel) must only be utilized for the purposes stated in Resolution Z-09-007, Condition 4 and this resolution. Any redevelopment of said parcel will be required to meet the minimum requirements set forth in LDC Section 10-291(2).**
4. **Lot B (recreational facilities) must only be used in accord with Resolution Z-09-007, and exclusively by the residents of Sun-N-Fun Mobile Home Park.**

5. Case number LDO2009-00174 for a commercial lot split must be approved in accordance with this Administrative Amendment.
6. The parcel consisting of the private on-site recreational facilities must not be developed into individual mobile home lots unless considered through the Public Hearing process.

DULY SIGNED this 16th day of July, 2009.

BY: _____


Pam Houck, Director
Division of Zoning
Department of Community Development

Exhibits:

- A. Legal Description (6 pages)
- B. Amended Master Concept Plan (MCP) stamped received July 1, 2009
- C. Zoning Resolution Z-09-007

EXHIBIT A

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

ADD 2009-00049

PARCEL B

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 138.20 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 632.81 FEET TO A POINT; THENCE DEPARTING SAID WEST LINE S. 88°56'16" W. A DISTANCE OF 169.10 FEET TO A POINT; THENCE RUN S. 01°03'44" E. A DISTANCE OF 33.75 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 355,644 SQUARE FEET OR 8.17 ACRES.

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

Applicant's Legal Checked
by BA 6-15-09

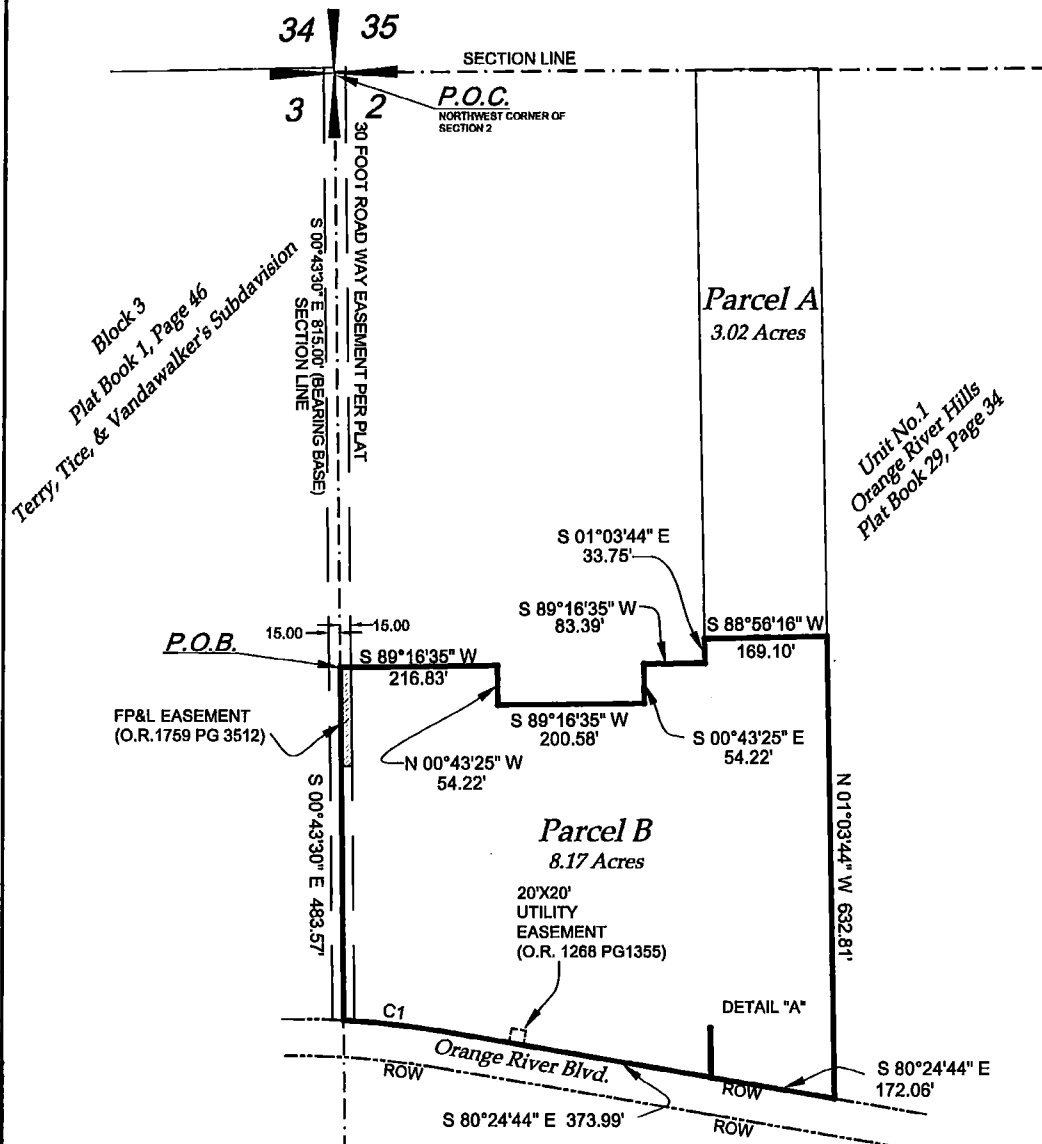
PREPARED BY:

Robert L. Carmelia 6/13/09
ROBERT L. CARMELIA, P.S.M. DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6548

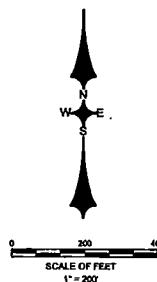
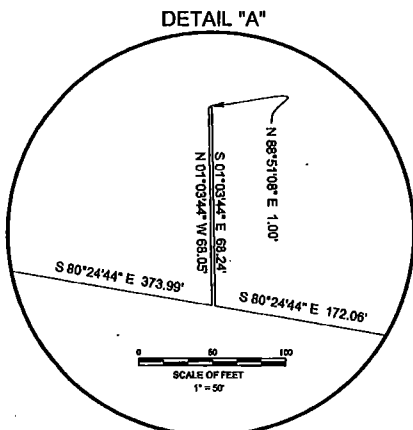
MIA PROJECT: 07117		DESCRIPTION DRAWING PARCEL OF LAND IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA		 MORRIS DEPEW ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS FL. CA NO. 6532 / FL. CERT. NO. 186881 / LC26000030	• Fort Myers • Tallahassee • Gainesville 8814 Cleveland Avenue Fort Myers, Florida 33901 (941) 537-7000 Fax: (941) 537-7001 Toll Free: 888-337-7511	REVISIONS
CHECKED BY: RLC	DRAWN BY: BMH	SUN-N-FUN MOBILE HOME Fort Myers, Florida				
DATE: 6-03-09	SHEET 1 of 2					

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

ADD 2009-00049



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



LEGEND

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

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

ADD 2009-00049

PARCEL A

LEGAL DESCRIPTION (PREPARED BY SURVEYOR)

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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; THENCE RUN N. 89°16'35" E. A DISTANCE OF 216.83 FEET TO A POINT; THENCE RUN S. 00°43'25" E. A DISTANCE OF 54.22 FEET TO A POINT; THENCE RUN N. 89°16'35" E. 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 N. 89°16'35" E. A DISTANCE OF 83.39 FEET TO A POINT; THENCE RUN N. 01°03'44" W. A DISTANCE OF 33.75 FEET TO THE POINT OF BEGINNING.
FROM SAID POINT OF BEGINNING CONTINUE N. 01°03'44" W. A DISTANCE OF 779.76 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID SECTION 2; THENCE RUN N. 89°27'00" E. A DISTANCE OF 169.11 FEET TO THE WEST LINE 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 S. 01°03'44" E. A DISTANCE OF 778.24 FEET TO A POINT; THENCE DEPARTING SAID WEST LINE RUN S. 88°56'16" W. A DISTANCE OF 169.10 FEET TO THE POINT OF BEGINNING.
CONTAINING WITHIN SAID BOUNDS 131,731 SQUARE FEET OR 3.02 ACRES.

NOTES:

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PREPARED BY:

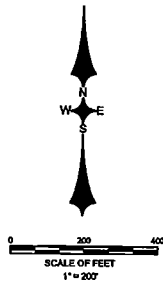
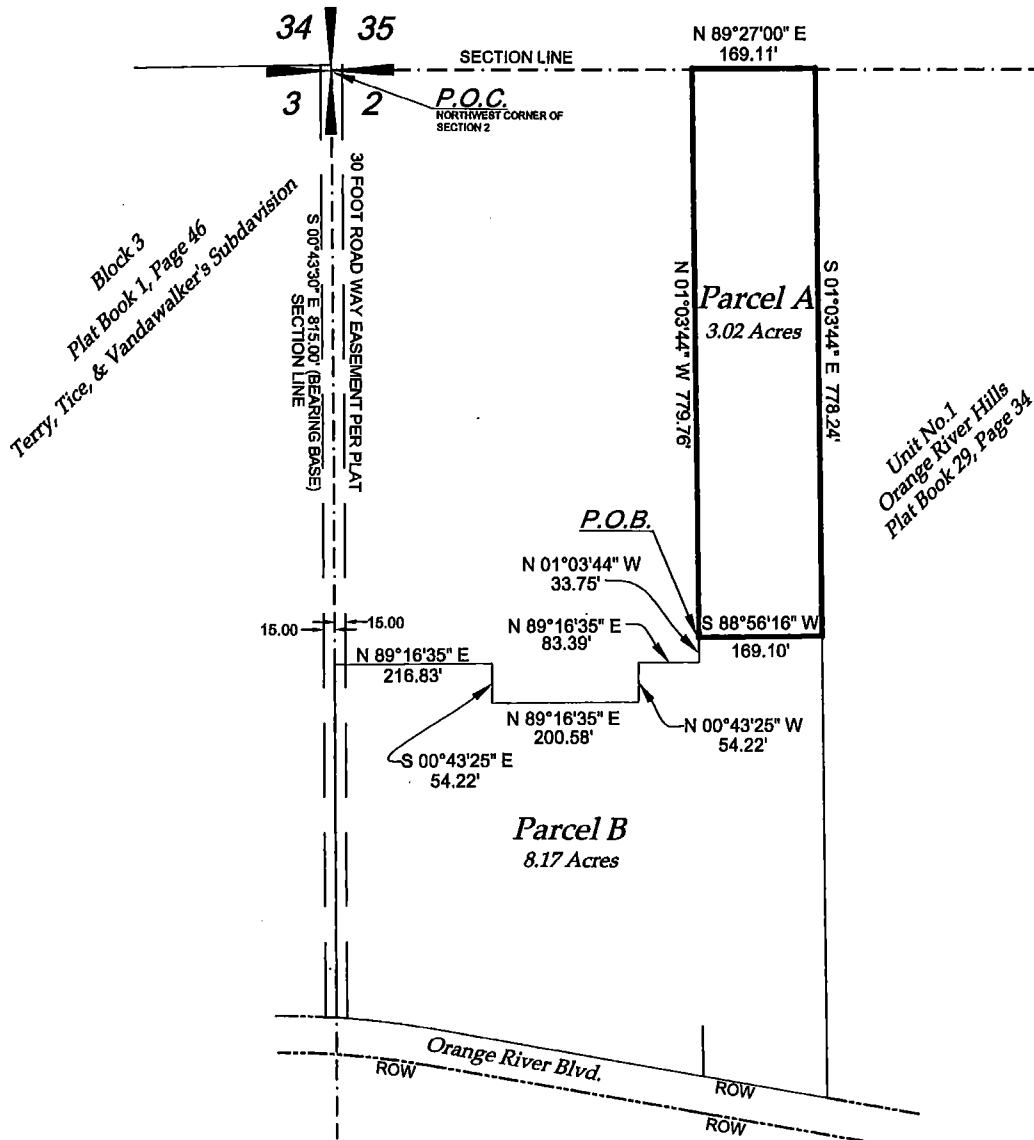
ROBERT L. CARMELIA, P.S.M. DATE 6/3/09
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6548

MCA 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. L96881 / LC260000330	• Fort Myers • Tallahassee • Gainesville 8814 Chandler Avenue Fort Myers, Florida 33904 (888) 337-0802 Fax: (239) 337-3894 Toll free 888-337-7341	REVISIONS
CHECKED BY: RLC	DRAWN BY: BMH			
DATE: 6-03-09	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

ADD 2009-00049



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MDA PROJECT: 07117 CHECKED BY: RLC DATE: 8-03-09 SHEET: 2 of 2	DESCRIPTION DRAWING PARCEL OF LAND IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA SUN-N-FUN MOBILE HOME Fort Myers, Florida	<div> <div> <div>MORRIS</div> <div>DEPEW</div> </div> <div> ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS </div> </div> <div> Fort Myers Tallahassee Gainesville 2811 Cleveland Avenue Fort Myers, Florida 33901 Phone: 941-337-3800 Fax: (941) 337-3804 Toll Free: 888-337-7341 </div> <div> FL. CA. NO. 6532 / FL. CERT. NO. L286891 / LC286000030 </div>	REVISIONS
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DESCRIPTION DRAWING
IN SECTION 2,
TOWNSHIP 44 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

LEGAL DESCRIPTION (PREPARED BY SURVEYOR)

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

ADD 2009-00049

Applicant's Legal Checked
by B. J. 6-15-09

NOTES:

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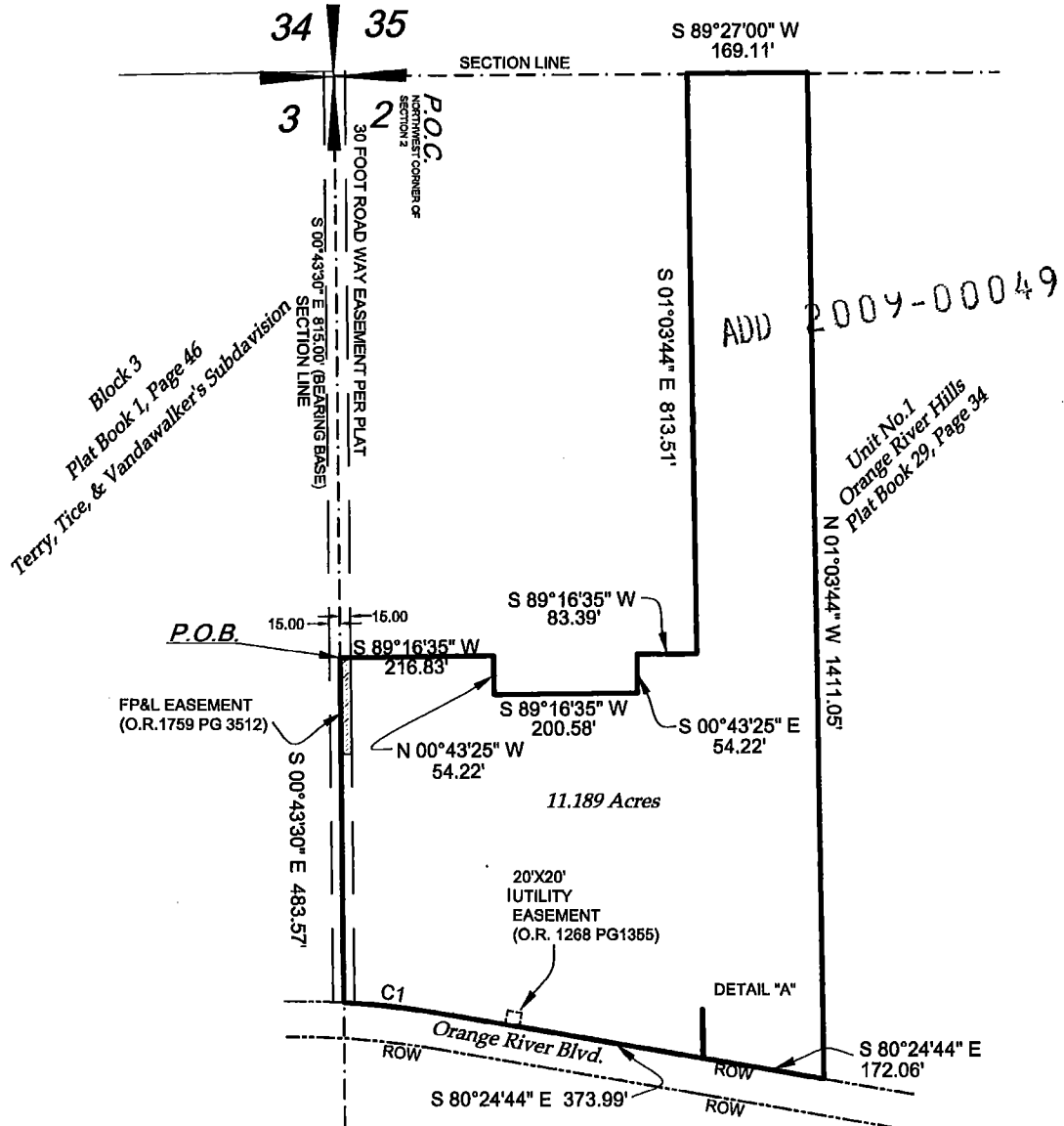
THIS IS NOT A SURVEY

PREPARED BY:

Robert L. Carmelia 6/13/09
ROBERT L. CARMELIA, P.S.M. DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6548

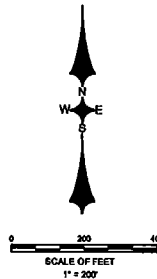
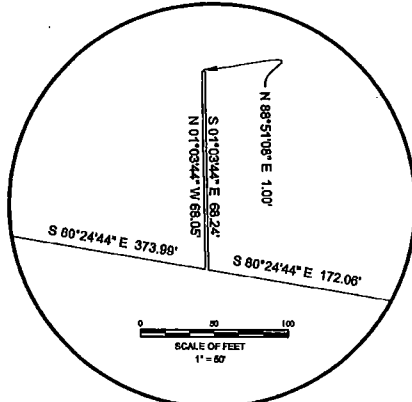
MDA PROJECT: 07117		DESCRIPTION DRAWING PARCEL OF LAND IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA		 MORRIS DEPEU ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS 2811 Cleveland Avenue Fort Myers, Florida 33909 (941) 327-3863 Fax: (941) 327-3864 Toll Free: 888-297-7341	REVISIONS 11/18/08 REVISED NOTES PER COUNTY REVIEW LETTER
CHECKED BY: WBN	DRAWN BY: BMH	DATE: 8-13-08			
SHEET 107117 - Sun N Fun Mobile Home Park (Dwg) 1717-0001-0001-0001 REV 2.dwg, 6/3/2009 11:58:22 AM		SUN-N-FUN MOBILE HOME Fort Myers, Florida			

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

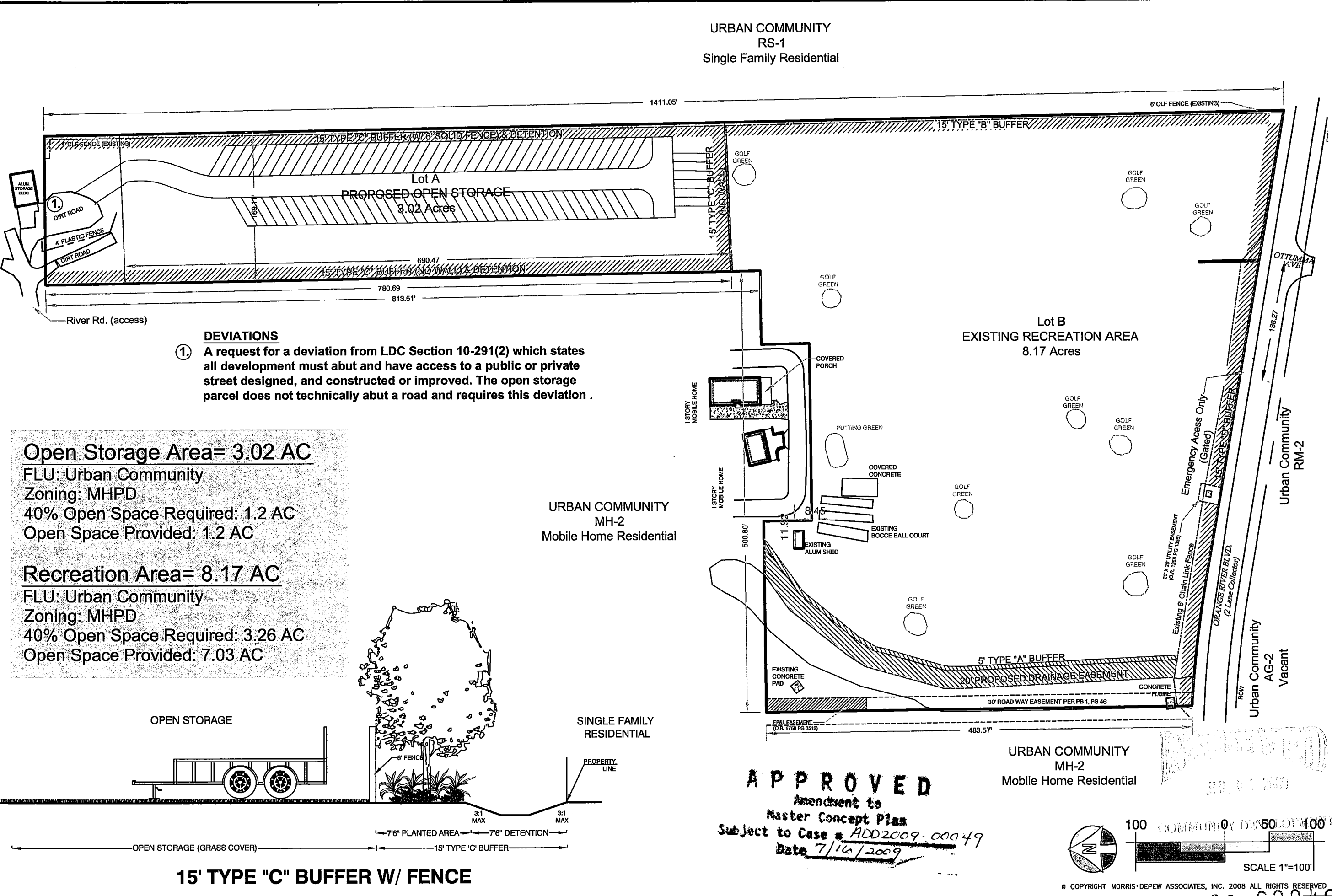
DETAIL "A"



LEGEND

O.R. = OFFICIAL RECORDS
P.G. = PAGE
P.B. = PLAT BOOK
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MDA PROJECT: 07117		DESCRIPTION DRAWING PARCEL OF LAND IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA		• Fort Myers • Tallahassee • Gainesville 3811 Cleveland Avenue Fort Myers, Florida 33901 (941) 251-2800 Fax (941) 251-2804 Toll free 888-337-7341		REVISIONS	
CHECKED BY: WBN	DRAWN BY: BMH	SUN-N-FUN MOBILE HOME Fort Myers, Florida		MORRIS DEPEW ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS		07117 25th Sun N Fun Mobile Home Park (Dwg) 07117-25001 2nd Edition REV 2.dwg, 6/2/2009 11:58:37 AM, P.A. NO. 6532 / FL CERT NO. LB6861 / LC26000330	
DATE: 8-13-08	SHEET						



DEVIATIONS

- ① A request for a deviation from LDC Section 10-291(2) which states all development must abut and have access to a public or private street designed, and constructed or improved. The open storage parcel does not technically abut a road and requires this deviation .

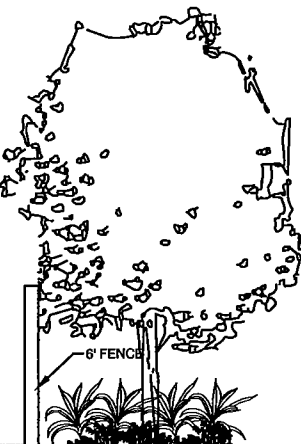
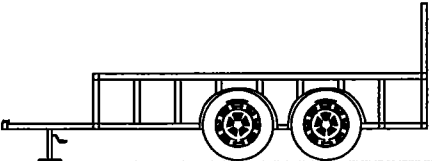
Open Storage Area= 3.02 AC

FLU: Urban Community
Zoning: MHPD
40% Open Space Required: 1.2 AC
Open Space Provided: 1.2 AC

Recreation Area= 8.17 AC

FLU: Urban Community
Zoning: MHPD
40% Open Space Required: 3.26 AC
Open Space Provided: 7.03 AC

OPEN STORAGE



SINGLE FAMILY
RESIDENTIAL

PROPERTY
LINE

15' TYPE "C" BUFFER W/ FENCE

REVISIONS	6/29/09
REVISED	
FOR MYERS	• Tallahassee
• Gainesville	
2914 Cleveland Avenue	
Fort Myers, Florida 33907	
(239) 337-5900	
(239) 337-5904	
Fax: (239) 337-7941	
FL CA NO. 6332 / FL CEST NO. LB6691 / LC26000330	
MORRIS	DEPEW
ENGINEERS PLANNERS SURVEYORS	
13150 S.W. 11th Street	
Fort Myers, FL 33907	
Exhibit B-2-B.1	
SUN-N-FUN	
Sun-N-Fun Mobile Homeowners Association	
Lee County, Florida	
MDA PROJECT:	07117
DESIGNED BY:	JJ
DRAWN BY:	AN
DATE:	8/12/08
SHEET	1

EXHIBIT C

ADD 2009-00049

RESOLUTION NUMBER Z-09-007

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 4th day of May 2009.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Kathleen A. Matz
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 1170.82 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 28, 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 813.61 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 200.68 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 218.83 FEET TO THE POINT OF BEGINNING.

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

RECEIVED
DEC 13 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:

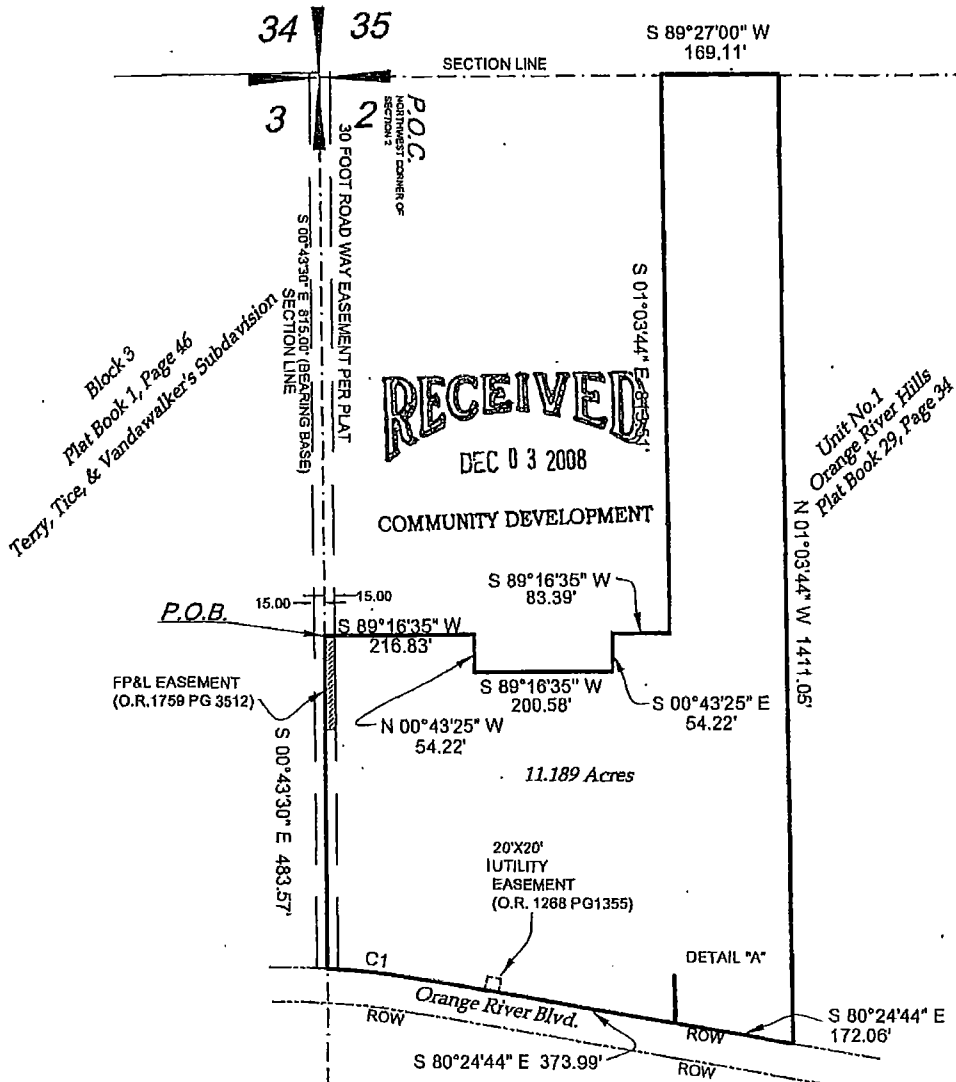
Robert L. Carmelia
ROBERT L. CARMELIA, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6548

MCA PROJECT: 07117		DESCRIPTION DRAWING		MORRIS		REVISIONS	
CHECKED BY: WBN		PARCEL OF LAND IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA		DEPEW		11/18/08 REVISED NOTES PER COUNTY REVIEW LETTER	
DATE: 8-13-08		SUN-N-FUN MOBILE HOME		ENGINEERS • PLANNERS • SURVEYORS			
SHEET 1 of 2		Fort Myers, Florida		Landscape Architects			

FL. CH. NO. 8632 / FL. CERT. NO. 124861 / L266200330

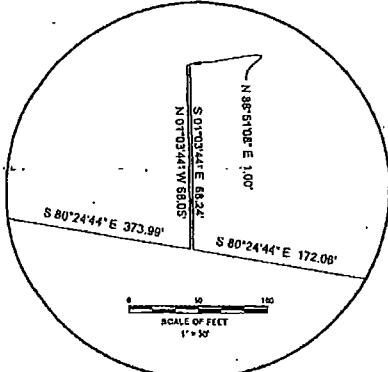
DESCRIPTION DRAWING

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



CURVE	RADIUS	DELTA ANGLE	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	1170.82'	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

MCA PROJECT 07117		DESCRIPTION DRAWING PARCEL OF LAND IN SECTION 2, TOWNSHIP 44 SOUTH, RANGE 26 EAST, LEE COUNTY FLORIDA				• Fort Myers • Tallahassee • Gainesville 1911 Cleveland Avenue Fort Myers, Florida 33901 Phone: 941-939-1000 Fax: 941-939-1001 Web: www.morrisdepew.com		REVISIONS	
CHECKED BY WBN	DRAWN BY BIM	DATE 8-13-08		SUN-N-FUN MOBILE HOME Fort Myers, Florida		ENGINEERS - PLANNERS - SURVEYORS LANDSCAPE ARCHITECTS FL DA NO. 6632 / FL CERT NO. 138661 / LC20000332			
SHEET 2 OF 2									

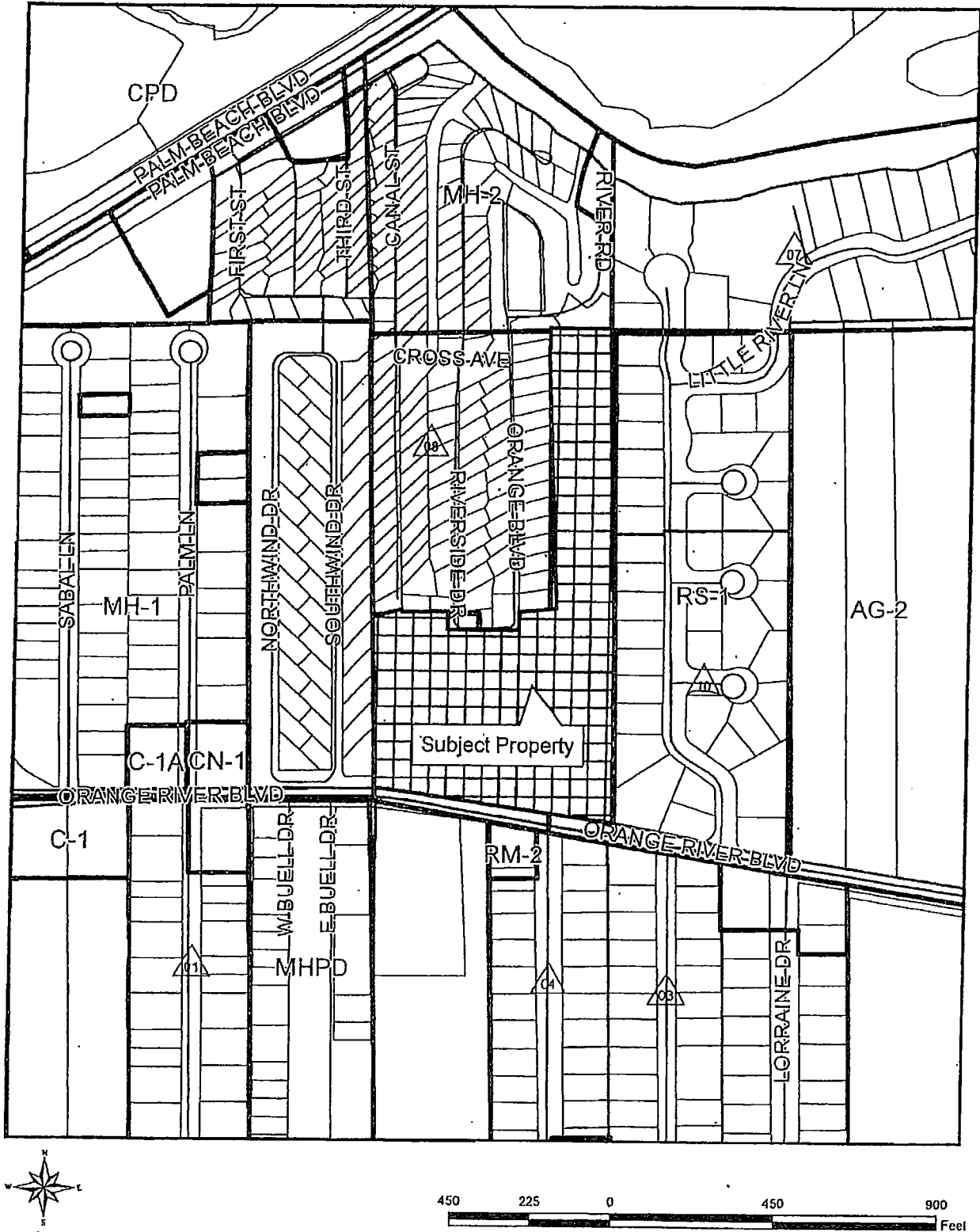


EXHIBIT B

