

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

WHEREAS, Equity Lifestyle Properties, Inc., filed an application on behalf of the property owner, Louise French Revocable Trust dated July 10, 2000, to rezone an 83± acre parcel from Agricultural (AG-2) to Mobile Home Planned Development (MHPD) in reference to Pine Lakes Country Club II (AKA French Property); and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on December 1 & 2, 2021. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to her Office on or before December 10, 2021; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2021-00004 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on April 6, 2022 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners 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

Rezone 83± acres from AG-2 to MHPD to allow development of 400 mobile home dwelling units with accessory uses and amenity areas.

The property is located in the Suburban 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 (MCP)/Development Parameters
 - a. MCP: Development must be substantially consistent with the one-page MCP entitled "Pine Lakes Country Club II, Master Concept Plan," prepared by Kimley Horn and Associates, date stamped July 16, 2021 (Exhibit C), except where modified by the conditions below.

- b. Land Development Code (LDC) and Lee Plan: Development must comply with the LDC and Lee Plan at the time of local development order approval, except where deviations are approved herein. Subsequent amendments to the MCP, conditions, or deviations may require further development approvals.
- c. Development Parameters: This MHPD is limited to a maximum of 400 mobile home dwelling units and accessory uses.

2. Uses and Site Development Regulations

a. Schedule of Uses

Accessory Uses and Structures
 Administrative Office
 Agricultural Uses (See Condition 3)
 Caretaker's Residence
 Clubs, Private, Country
 Dwelling Unit, Mobile Home
 Entrance Gates and Gatehouses
 Essential Services
 Essential Services Facilities, Group I
 Excavation - Water Retention
 Fences and Walls
 Home Occupation
 Models: Model Unit, Model Home (LDC §34-1954) (Condition 4)
 Parks, Group I
 Parking Lot, Accessory
 Real Estate Sales Office (See Condition 4)
 Recreation Facilities, Private, On-Site, Personal
 Rental or Leasing Establishment, Groups I and II (LDC §34-937)
 Residential Accessory Uses
 Signs
 Storage, Indoor
 Temporary uses

b. Site Development Regulations

Residential Development

Lot Size

Minimum Lot Area:	4,250 square feet
Minimum Lot Depth:	85 feet
Minimum Lot Width:	50 feet

Setbacks

Development Perimeter	5 feet
Street (public)	25 feet
Street (private)	15 feet
Side	5 feet
Rear	5 feet

Waterbody 5 feet

Accessory uses and setbacks must comply with LDC §34-1174 *et seq.* and LDC §34-2194.

Maximum Lot Coverage 60%

Maximum Height 35 feet

Nonresidential Uses

Lot Size

Minimum Lot Area: 10,000 square feet

Minimum Lot Depth: 100 feet

Minimum Lot Width: 100 feet

Setbacks

Development Perimeter 15 feet

Street (public) 25 feet

Street (private) 20 feet

Side 15 feet

Rear 20 feet

Water body 20 feet

Minimum building separation: 20 feet or one-half the building height for structures greater than 40 feet

Maximum Lot Coverage 45%

Maximum Height 35 feet

3. Agricultural Uses

Existing bona fide agricultural uses in the form of cattle pasture may continue on the property subject to the following:

- a. Termination of Agricultural Use. Agricultural uses must terminate on project areas receiving development order approval for vertical development and prior to county issuance of a vegetation removal permit. Development order approvals for plats, infrastructure improvements, landscaping, surface water management, or other non-vertical development do not trigger termination.
- b. Additional Clearing Prohibited. Clearing of native trees or other native vegetation, including understory, in agricultural areas is prohibited. Existing areas of bona fide agricultural use that include existing grass pasture(s) may be mowed, but may not be cleared or expanded. This prohibition does not preclude County approved requests for removal of invasive exotic vegetation.
- c. Proof of Termination. Upon approval of a local development order for vertical development and prior to issuance of a vegetation removal permit, the property

owner must provide written proof of the following, subject to approval by the County Attorney's Office:

- i. Affidavit. Sworn affidavit from the property owner confirming:
 - (1) Date agricultural uses ceased;
 - (2) Legal description of the property subject to the development order approved for vertical development;
 - (3) An affirmative statement acknowledging and agreeing agricultural uses are illegal and prohibited on the property, and that the owner covenants with the County they will not allow agricultural uses to resume until the property is rezoned to permit agriculture; and
 - (4) The affidavit constitutes a covenant between the property owner and the County binding on the owner and its successors. The covenant must be properly recorded in the public records of the County at the owner's expense.
- ii. Termination of Tax Exemption. Termination of the agricultural tax exemption for portions of the property subject to development order for vertical development. Proof of termination must include a copy of the request to terminate the tax exemption submitted to the Lee County Property Appraiser.

4. Model Units/Real Estate Sales
Real Estate Sales are limited to clubhouses and model units. Daily hours of operation are 8 a.m. to 8 p.m.
5. Vehicular Ingress and Egress
Ingress/egress points from the MHPD to the existing Pine Lakes Community must be consistent with either: (a) Resolution ZAB-85-097, allowing one access point; or (b) ADD2021-00147, if approved, allowing up to three access points. Modification of the access points depicted on the MCP must be approved in accordance with the LDC. If the right in/right out access point onto US 41 is not approved by FDOT, then the Property owner must amend the Master Concept Plan through the public hearing process.
6. Consistency with State Statute
Approval of this MHPD does not contravene Florida Statutes Chapter 723. Development must remain consistent with applicable state laws.

SECTION C. DEVIATIONS:

1. Connection Separation. Deviation (1) seeks relief from the LDC §10-285 Table 1, Connection Separation, requirement to provide a minimum separation of 660 feet for Principal Arterial roadways in Future Suburban Areas, to allow a minimum separation of 400 feet. This deviation is APPROVED, subject to the proposed access point on North Tamiami Trail/US 41 is subject to approval by Florida Department of Transportation.

SECTION D. EXHIBITS:

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

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. *As conditioned herein*, the proposed rezoning to MHPD:
 - a. Complies with the Lee Plan. See, Lee Plan Goals 2, 4, 5, 30, 39, 77, 124, 125, Objectives 2.1, 2.2, 5.1, 30.1, 135.1, and Policies 1.1.5, 2.1.1, 2.1.2, 2.2.1, 5.1.2, 5.1.5, 30.1.3, 30.1.4, 125.1.2, 135.1.9, 135.9.7; Lee Plan Maps 1A-B, 2A.
 - b. Complies with the LDC and other County regulations. See, LDC Chapters 10 and 34; LDC §33-1531 *et. seq.*
 - c. Is compatible with existing and planned uses in the area. See, Lee Plan Policies 1.1.5, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 135.1.9, 135.9.5; LDC §§ 34-411(c), (i), and (j).
 - d. Will not adversely affect environmentally critical areas and natural resources. See, Lee Plan Goals 77, Objectives 4.1, 77.1, Policy 5.1.2, Standard 4.1.4, LDC §34-411(h).
 - e. Will be served by urban services. See, Lee Plan Glossary, Map 4A-B, Goal 2; Objectives 2.1, 2.2, 4.1, 53.1, 56.1; Policies 2.2.1, 135.9.7 and Standards 4.1.1 and 4.1.2; LDC §34-411(d).
2. The Master Concept Plan reflects sufficient access to support the intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. See, Lee Plan Goal 39, Objective 39.1; LDC §34-411(d).
3. The proposed mix of uses is appropriate at the proposed location. See, Lee Plan Policies 1.1.5, 2.1.1, 5.1.5, and 135.1.9.
4. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. See, Lee Plan Policies 5.1.5, 135.9.6; See *also*, LDC Chapters 10, 33 and 34.
5. As conditioned herein, the deviations:
 - a. Enhance the objectives of the planned development; and

- b. Promote the intent of the LDC to protect the public health, safety, and welfare. See, §34-377(b)(4).

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

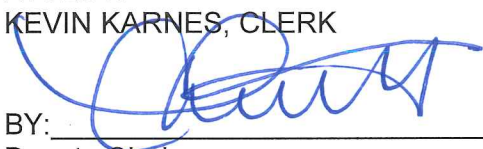
Commissioner Ruane made a motion to adopt the foregoing resolution, seconded by Commissioner Sandelli. The vote was as follows:

Adopted by unanimous consent.

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Absent

DULY PASSED AND ADOPTED this 6th day of April 2022.

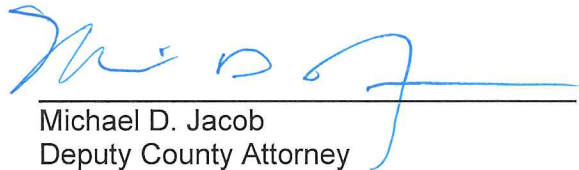
ATTEST:
KEVIN KARNES, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Cecil L Pendergrass, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


Michael D. Jacob
Deputy County Attorney
County Attorney's Office



RECEIVED
MINUTES OFFICE
2022 MAY 18 AM 11:06

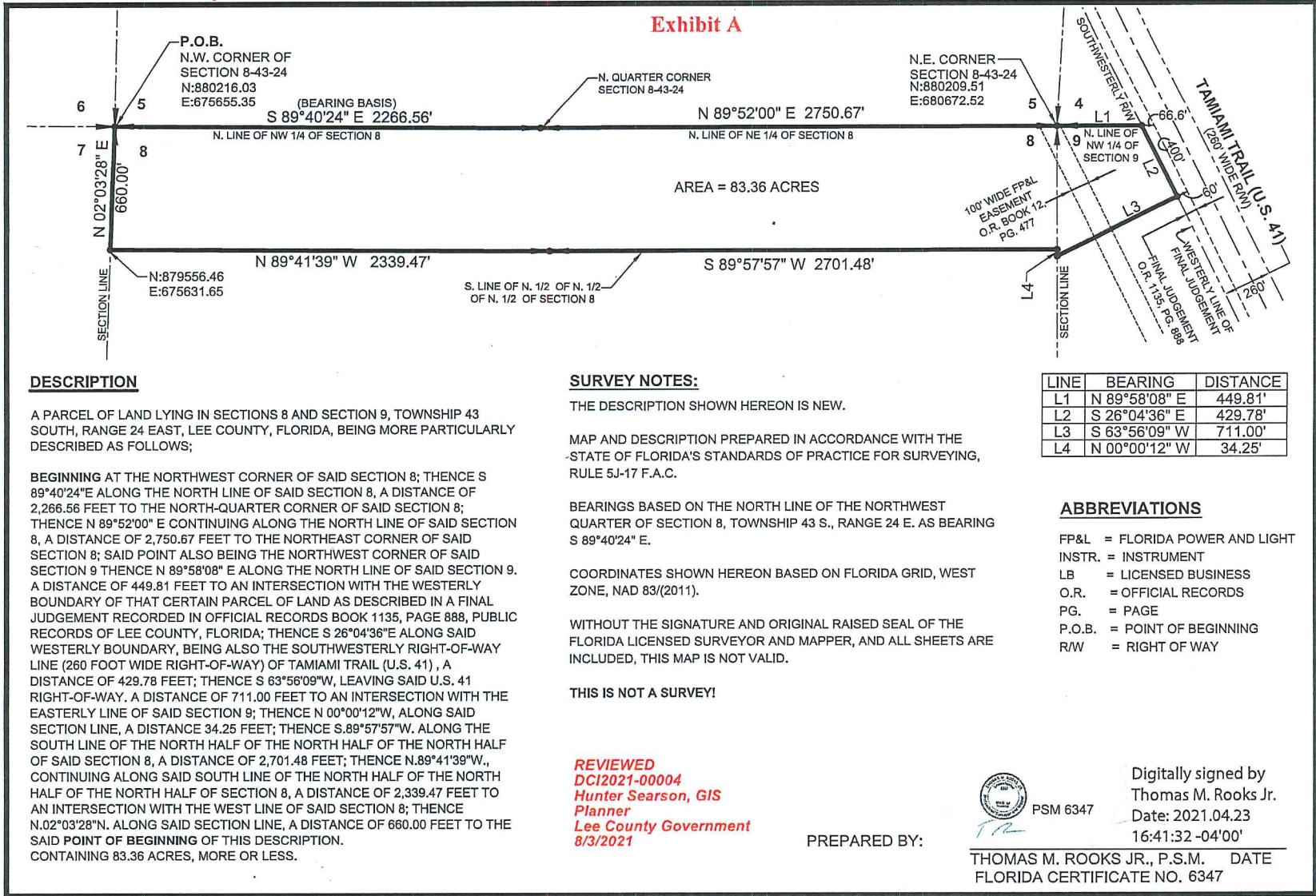


Exhibit A

AREA = 83.36 ACRES

DESCRIPTION

A PARCEL OF LAND LYING IN SECTIONS 8 AND SECTION 9, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 8; THENCE S 89°40'24"E ALONG THE NORTH LINE OF SAID SECTION 8, A DISTANCE OF 2,266.56 FEET TO THE NORTH-QUARTER CORNER OF SAID SECTION 8; THENCE N 89°52'00" E CONTINUING ALONG THE NORTH LINE OF SAID SECTION 8, A DISTANCE OF 2,750.67 FEET TO THE NORTHEAST CORNER OF SAID SECTION 8; SAID POINT ALSO BEING THE NORTHWEST CORNER OF SAID SECTION 9 THENCE N 89°58'08" E ALONG THE NORTH LINE OF SAID SECTION 9. A DISTANCE OF 449.81 FEET TO AN INTERSECTION WITH THE WESTERLY BOUNDARY OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN A FINAL JUDGEMENT RECORDED IN OFFICIAL RECORDS BOOK 1135, PAGE 888, PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S 26°04'36"E ALONG SAID WESTERLY BOUNDARY, BEING ALSO THE SOUTHWESTERLY RIGHT-OF-WAY LINE (260 FOOT WIDE RIGHT-OF-WAY) OF TAMAMI TRAIL (U.S. 41), A DISTANCE OF 429.78 FEET; THENCE S 63°56'09"W, LEAVING SAID U.S. 41 RIGHT-OF-WAY. A DISTANCE OF 711.00 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF SAID SECTION 9; THENCE N 00°00'12"W, ALONG SAID SECTION LINE, A DISTANCE 34.25 FEET; THENCE S.89°57'57"W. ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF SAID SECTION 8, A DISTANCE OF 2,701.48 FEET; THENCE N.89°41'39"W., CONTINUING ALONG SAID SOUTH LINE OF THE NORTH HALF OF THE NORTH HALF OF THE NORTH HALF OF SECTION 8, A DISTANCE OF 2,339.47 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID SECTION 8; THENCE N.02°03'28"N. ALONG SAID SECTION LINE, A DISTANCE OF 660.00 FEET TO THE SAID POINT OF BEGINNING OF THIS DESCRIPTION. CONTAINING 83.36 ACRES, MORE OR LESS.

SURVEY NOTES:

THE DESCRIPTION SHOWN HEREON IS NEW.
 MAP AND DESCRIPTION PREPARED IN ACCORDANCE WITH THE STATE OF FLORIDA'S STANDARDS OF PRACTICE FOR SURVEYING, RULE 5J-17 F.A.C.
 BEARINGS BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 8, TOWNSHIP 43 S., RANGE 24 E. AS BEARING S 89°40'24" E.
 COORDINATES SHOWN HEREON BASED ON FLORIDA GRID, WEST ZONE, NAD 83/(2011).
 WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER, AND ALL SHEETS ARE INCLUDED, THIS MAP IS NOT VALID.

THIS IS NOT A SURVEY!

REVIEWED
DCI2021-00004
 Hunter Searson, GIS
 Planner
 Lee County Government
 8/3/2021

LINE	BEARING	DISTANCE
L1	N 89°58'08" E	449.81'
L2	S 26°04'36" E	429.78'
L3	S 63°56'09" W	711.00'
L4	N 00°00'12" W	34.25'

ABBREVIATIONS

- FP&L = FLORIDA POWER AND LIGHT
- INSTR. = INSTRUMENT
- LB = LICENSED BUSINESS
- O.R. = OFFICIAL RECORDS
- PG. = PAGE
- P.O.B. = POINT OF BEGINNING
- R/W = RIGHT OF WAY



Digitally signed by
 Thomas M. Rooks Jr.
 Date: 2021.04.23
 16:41:32 -04'00'
 THOMAS M. ROOKS JR., P.S.M. DATE
 FLORIDA CERTIFICATE NO. 6347

PROJECT:
LOUIS FRENCH PARCEL

LOCATION:
 A PARCEL OF LAND LYING IN SECTIONS 8 & 9, T. 43 S., R. 24 E., LEE COUNTY, FLORIDA

CLIENT:
EQUITY LIFESTYLE PROPERTIES, INC
 TWO NORTH RIVERSIDE PLAZA, SUITE 800, CHICAGO, ILLINOIS 60606

CONSULTANT:

MORRIS DEPEU
 ENGINEERS • PLANNERS • SURVEYORS
 LANDSCAPE ARCHITECTS
 FL. CA. NO. 6520 / FL. CSPE. NO. 11829 / I.L.C. 00000333
 Fort Myers
 2314 Cleveland Avenue
 Fort Myers, Florida 33901
 (941) 337-0393
 Fax: (941) 337-0394
 Toll free: 866-337-7541
 Tallahassee
 113 South Monroe Street
 1st Floor
 Tallahassee, Florida 32301
 Toll free: 850-337-7541
 Destin
 5597 Highway 90
 Unit 201
 Santa Rosa Beach, Florida 32459
 Toll free: 866-337-7541

REVISIONS	DATE

PROJECT MANAGER: TMR
 DRAWING BY: TAB
 JURISDICTION: LEE COUNTY
 DATE: 04-23-2021
 SHEET TITLE:
DESCRIPTION DRAWING
 SHEET NUMBER: 1 OF 1

SCALE 1"=600'

JOB/FILE NUMBER:
 21040

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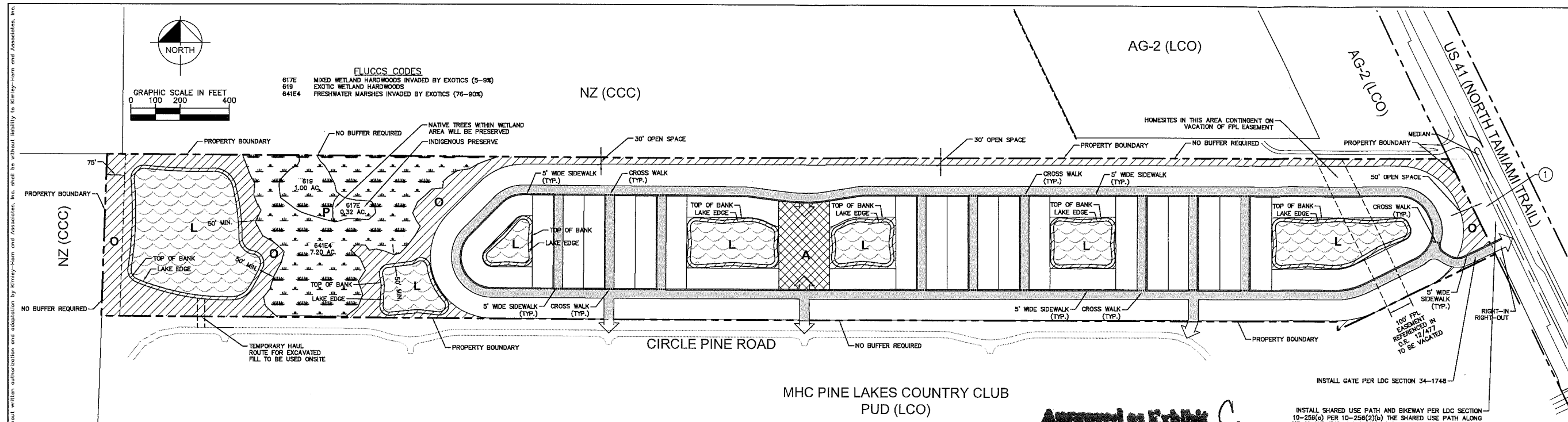
DCI2021-00004

Zoning

 Subject Property



EXHIBIT **B**



Approved as Exhibit C
MCP Page 1 of 1
Resolution # 7-21-022

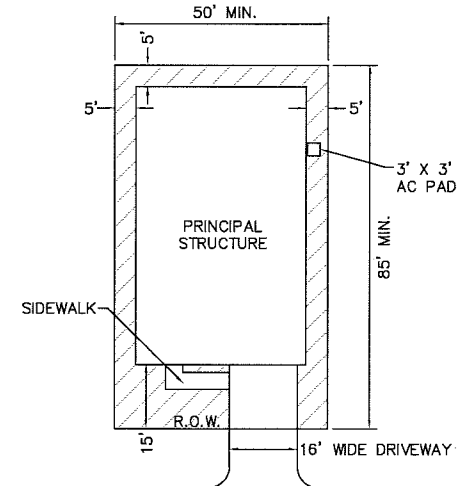
INSTALL SHARED USE PATH AND BIKEWAY PER LDC SECTION 10-256(4) PER 10-256(2)(b) THE SHARED USE PATH ALONG US 41 AND THE RIGHT-IN, RIGHT-OUT ON US 41 IS SUBJECT TO THE APPROVAL OF FDOT AND ISSUANCE OF A GENERAL USE PERMIT BY FDOT

LEGEND

- 40' WDE PRIVATE ROAD EASEMENT WITH CLOSED DRAINAGE
- PRESERVED WETLANDS
- COMMON OPEN SPACE
- AMENITY AREA
- LAKES
- FPL EASEMENT
- DEVIATION REQUEST

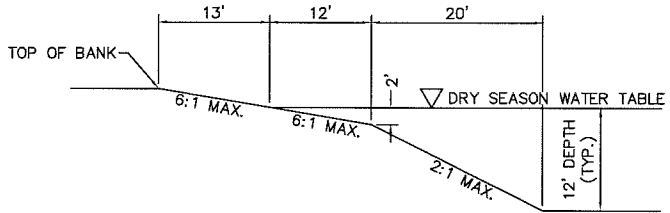
NOTE: AMENITY AREA FACILITIES MUST COMPLY WITH THE PARKING REGULATIONS SET FORTH IN LDC SECTIONS 10-250(a) AND 34-2001 THRU 34-2053 OR THE THEN CURRENT LDC PARKING REGULATION AT TIME OF DEVELOPMENT

PRIVATE OPEN SPACE DIAGRAM (N.T.S.)



MIN. LOT AREA = 4,250 SF
 MAX. BUILDING AREA = 2,600 SF
 DRIVEWAY AREA = 240 SF
 SIDEWALK AREA = 70 SF
 AC PAD AREA = 9 SF
 AREA AVAILABLE FOR PRIVATE OPEN SPACE = 1,331 SF
 MIN. 10% ONSITE OPEN SPACE = 425 SF

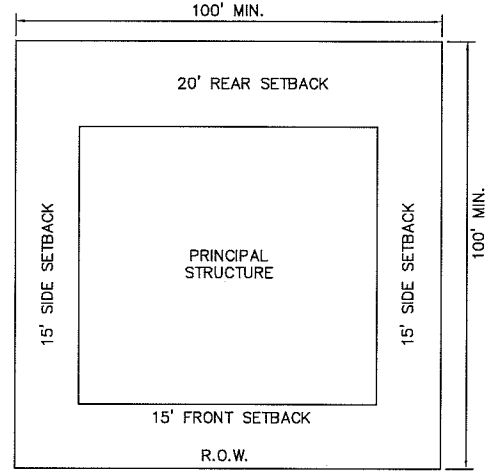
PRIVATE OPEN SPACE (TYP.)



TYPICAL LAKE SECTION (N.T.S.)

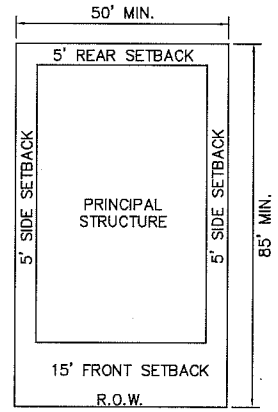
TYPICAL NON-RESIDENTIAL SITE INFORMATION (N.T.S.)

NOTE: 25' SETBACK FOR OFFSITE STREETS



TYPICAL RESIDENTIAL SITE INFORMATION (N.T.S.)

NOTE: 25' SETBACK FOR OFFSITE STREETS



LAND USE SUMMARY

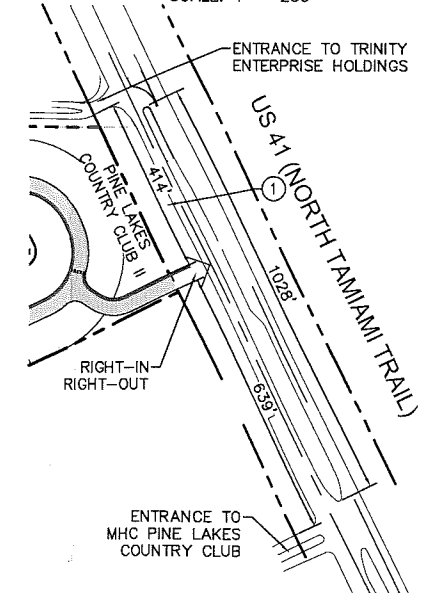
USE	AREA (AC.)
PRESERVE	8.52
ROADWAY	11.39
LAKES	11.09
RESIDENTIAL SITES	37.96
AMENITY AREA	1.70
COMMON OPEN SPACE	12.70
TOTAL	83.36

OPEN SPACE SUMMARY	
REQUIRED	
OPEN SPACE REQUIREMENTS: 30% OF PROJECT AREA AS COMMON OPEN SPACE WITH 10% ADDITIONAL OPEN SPACE TO BE DISTRIBUTED AS PRIVATE OPEN SPACE WITHIN INDIVIDUAL RESIDENTIAL SITES.	
OPEN SPACE REQUIRED	83.36 AC X 0.40 = 33.34 AC.
INDIGENOUS PRESERVE REQUIRED	33.34 AC X 0.50 = 16.67 AC.
INDIGENOUS LAND USE AREA AVAILABLE	0.32 AC.
PROVIDED	
LAKES	8.33 AC.
INDIGENOUS PRESERVE	0.32 AC.
OTHER PRESERVE	8.20 AC.
COMMON OPEN SPACE	12.70 AC.
PRIVATE OPEN SPACE	3.78 AC.
TOTAL OPEN SPACE PROVIDED	33.34 AC.

SETBACK TABLE	
TYPICAL NON-RESIDENTIAL SITE	
FRONT SETBACK	15'
REAR SETBACK	20'
SIDE SETBACK	15'
TYPICAL RESIDENTIAL SITE	
FRONT SETBACK	15'
REAR SETBACK	5'
SIDE SETBACK	5'
EXCAVATION SETBACKS	
LOCAL STREET BASEMENT	25'
ARTERIAL OR COLLECTOR STREET	50'

* LAKES CAN PROVIDE UP TO 25% OF REQUIRED OPEN SPACE. THEREFORE OF THE 11.09 AC. OF LAKES ONLY 8.33 AC. IS USED TO PROVIDE OPEN SPACE.

ADJACENT ACCESS POINT DETAIL (SCALE: 1" = 200')



Kimley»Horn

© 2021 KIMLEY-HORN AND ASSOCIATES, INC. 33901
 1412 JACKSON STREET, SUITE 100, TAMPA, FL 33604
 PHONE: 239-271-2650 FAX: 941-379-4352
 WWW.KIMLEY-HORN.COM REGISTRY NO. 686

REVISIONS

No.	DATE	BY

KVA PROJECT: CH8231100

DATE: JULY 2021

SCALE: AS SHOWN

DESIGNED BY: [Blank]

DRAWN BY: [Blank]

CHECKED BY: [Blank]

MASTER CONCEPT PLAN

PINE LAKES COUNTRY CLUB II

PREPARED FOR EQUITY LIFESTYLE PROPERTIES, INC.

LEE COUNTY FLORIDA

SHEET NUMBER 1 OF 1

Plotted: Biz Anderson, Proj.C, Sheet Set: Sbc, Layout: MCP, July 16, 2021, 12:52:12pm, K:\FTM_Clin\048231100 - ELS Fresh Forest\CAD\Submittal\2021-07-16_MCP\MCP.dwg
 This document, together with the concepts and design presented herein, is an instrument of service, is intended only for the specific purpose and client for which it was prepared. Issues of cost, budget, schedule, and other matters shall be without liability to Kimley-Horn and Associates, Inc.