

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20021473

1. REQUESTED MOTION:

ACTION REQUESTED: APPROVE the extension of the vacated Master Concept Plan for Deer Lake residential planned development for a period not to exceed two (2) years from the date of extension and not more than 10 years from the date of the original approval (March 7, 1994).

WHY ACTION IS NECESSARY: To allow for the extension of the duration of rights for the approved Residential Planned Development.

WHAT ACTION ACCOMPLISHES: To allow the original zoning approval of the Residential Planned Development to be extended for a maximum period of two (2) years pursuant to Land Development Code 34-381 to a date not to exceed March 6, 2004.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 2

A4A

3. MEETING DATE:

02-04-2003

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE
- ORDINANCE LDC 34-381 (C) (1)
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
- B. DEPARTMENT Community Development
- C. DIVISION Development Services
- BY _____

7. BACKGROUND:

This is an application to allow for the extension of the duration of rights for the approved Residential Planned Development Zoning Case 93-12-07-DCI-01, Resolution Z-93-095, which was amended by Resolution Z-93-095. The subject property is located on the west side of Six Mile Cypress Parkway. The subject property was rezoned from PUD to RPD and CPD on March 7, 1994. Adjacent property to the north and west is within the City of Fort Myers and is being developed as Heritage Palms, a mixed use residential project. To the south is a vacant CPD zoned parcel. To the east is Ben C. Pratt/Six Mile Cypress Parkway. Then, EC zoned land, Six Mile Cypress Slough.

The applicant only seeks an extension of the residential portion of this project (Deer Lake). The RPD portion is owned and controlled by the applicant in this case, while the CPD is owned and controlled by another owner. The owner of the CPD will also have to ask for an extension or go through the public hearing process in order to proceed with development in the future.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	Risk	GC	
	N/A	N/A		<i>[Signature]</i>	<i>[Signature]</i> 2/23/03	<i>[Signature]</i> 2/23/03	<i>[Signature]</i> 1/23/03	<i>[Signature]</i> 1/23/03	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 2/21/03
Time: 3:44 pm
Forwarded To:
City Admin
2/23/03 1:30 PM

RECEIVED BY
ADMIN. TD
1-23-03
ADMIN.
FORWARDED TO: BKH
1/23/03

This request for extension of the Master Concept Plan is to be reviewed based upon the findings of fact contained in Section 34-381(9)(1) of the LDC. A statement of the necessary findings are listed along with the staff findings in **bold print**.

(4) An approved master concept plan may be extended as follows:

a. An approved master concept plan for a phase of or an entire planned development which has been vacated due to a failure to proceed on the applicant's part may be extended by the Board of County Commissioners for a period of no more than two (2) years from the date of the extension based upon the following findings of fact:

1. The master concept plan is consistent with the current Lee Plan, including, but not limited to, density, intensity and concurrency requirements:

Staff Finding: **The original Master Concept Plan, MCP was found consistent with the Lee Plan. There have been no substantial changes to the Lee Plan that would now make this planned development inconsistent with the Lee Plan. In 1994, the subject property was located in the Central Urban land use category and today continues to be found in this same future land use category of the Lee Plan.**

2. The development shown by the master concept plan has not become incompatible with existing and proposed uses in the surrounding area as the result of development approvals issues subsequent to the original approval of the master concept plan; and

Staff Finding: **Although there have been changes in the zoning and land use of nearby properties, this property was committed for both commercial and residential development. The commercial portion of the property has not sought any local development permits, but the residential portion has and is continuing to develop. The use of adjoining property has continued to change from vacant lands to residential development within the City of Fort Myers. The continuation of the original zoning and land uses within the residential portion of this project remains consistent with the development originally approved by the Board of County Commissioners in this development.**

3. The development shown by the master concept plan will not, by itself or in conjunction with other development, place an unreasonable burden on essential service facilities.

Staff Finding: **Existing urban services were found sufficient to support the original development. The project is not found to place an unreasonable burden on essential service facilities in the area given the expansion of services and the improvement of infrastructure which has occurred in the area.**

Based upon the above noted findings, staff supports the extension of the residential development for the maximum permitted time frame. In this instance, the extension would be for less than 2 years to March 6, 2004. This represents exactly 10 years from the date of the original approval. No other extension beyond this date can be permitted, in accordance with the current Land Development Code. Staff therefore recommends APPROVAL of this request for the residential portion extending the duration of the project to March 6, 2004.