

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20030642

1. REQUESTED MOTION:

ACTION REQUESTED: APPROVE the second extension of the vacated zoning Master Concept Plan for Charmed Circle Commercial Plaza in Lehigh Acres until January 30, 2004

WHY ACTION IS NECESSARY: Allows for a second extension of the duration of rights for the approved Commercial Planned Development.

WHAT ACTION ACCOMPLISHES: Allows the second extension of the original zoning approval of the Commercial Planned Development for a maximum period that does not exceed the Land Development Code requirement of 10 years from the original zoning approval.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 5

A4A

3. MEETING DATE:

08-19-2003

4. AGENDA

- CONSENT ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE
 - ORDINANCE
 - ADMIN. CODE
 - OTHER (LDC)

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
- B. DEPARTMENT Community Development
- C. DIVISION Zoning
- BY Nancy G. [Signature]

7. BACKGROUND:

This is an application to allow an extension of the duration of rights for the approved Charmed Circle Commercial Plaza Planned Development Zoning Case 93-11-30-DCI-02 (Resolution Z-93-093). If approved, this would be the second extension of this planned development. The subject property is located at 200, 204, & 226 Joel Boulevard and 201 & 203 Archer Street, Lehigh Acres. The subject property was zoned for CPD, in January of 1994. Adjacent property to the north (across Joel Boulevard) is zoned C-1A and is developed with commercial uses. To the east is RM-2 property both developed as single family residential and vacant property. To the south is RS-1 zoning developed as single family residences and vacant property. And to the west, across Country Club Parkway is RM-2 zoning, developed as multiple family residential.

Although the Land Development Code was changed by Ordinance 03-16 addressing how extensions of planned developments may be granted, this application was found sufficient before the changes became effective on July 1, 2003. Therefore this application is being processed under the old regulations.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL						
A Department Director	B Purchasing or Contracts	C Human Rel.	D Other	E County Attorney	F County Administration	G County Manager
<i>Nancy G. [Signature]</i>	N/A	N/A	N/A	<i>[Signature]</i>	<i>Officer 8/5/03</i> <i>[Signature]</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *8/4/03*
Time: *9:15 am*

Forwarded To:
County Admin
8/19/03 10:30 AM

RECEIVED BY
COUNTY ADMIN *TD*
8-4-03
11:00
COUNTY ADMIN
FORWARDED TO: *BN*
[Signature]

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

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 no more than two times by the Board of County Commissioners for a period of no more than two (2) years each and provided it does not extend the life of the master concept plan more than ten (10) years from the date of the original zoning action. Approval of this request would be the second extension, would not exceed a duration of two years, and would not extend the life for more than 10 years from the date of the original zoning action.

LDC Section 34-381(c)(1):

An approved master concept plan may be extended as follows:

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

Staff Finding: **There have been no substantial changes in the Lee Plan. The original planned development was found consistent with the Lee Plan at the time of original zoning and at the first extension of this planned development. The planned development, therefore, remains consistent with the Lee Plan, compatible with the surrounding neighborhoods, and will have to meet concurrency requirements at the time of local development order.**

b. 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: **This planned development remains compatible with existing and future surrounding land uses in the adjoining neighborhoods.**

c. 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: **There has been continuing development in this area. The development by itself nor in conjunction with other development is not expected to place an unreasonable burden on the essential service facilities in this area.**

This planned development has been extended once by the Board of County Commissioners on May 29, 2001 for a period of two years from the date of extension. This application seeks another two year extension. If this request is approved, it would extend the duration of rights for this planned development to May 28, 2005. The original planned development zoning was granted on January 31, 1994. LDC Section 34-381(c)(3) allows not more than 2 extensions while not exceeding more than 10 years from the date of the original approval. Approval of this request would extend the approval beyond the permitted 10 year limitation.

Staff therefore, recommends **APPROVAL** of the extension to January 30, 2004. This limited extension would be the maximum allowed by the Land Development Code, which is 10 years from January 31, 1994.