

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20030637

1. REQUESTED MOTION:

ACTION REQUESTED: APPROVE the second extension of the vacated Commercial Planned Development zoning Master Concept Plan for Caloosa Park (Village on the Park) to January 3, 2005.

WHY ACTION IS NECESSARY: Permits the second extension of a the Commercial Planned Development for a period not exceeding the maximum allowed 10 years from the date of the original zoning action (January 4, 1995).

WHAT ACTION ACCOMPLISHES: Allows the second extension of the original zoning approval of the Commercial Planned Development.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 5

A4B

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 Mary Gibbs

7. BACKGROUND:

This is an application to allow an extension of the duration of rights for the approved Commercial Planned Development portion of Zoning Case 94-11-29-DCI-03 (Resolution Z-94-065) for a period of 2 years. This would be the second extension for this CPD, the first being in June of 2001. The subject property is located at 45 Homestead Road South, Lehigh Acres. The subject property was zoned to Residential Planned Development and Commercial Planned Development on January 4, 1995. Adjacent property to the north (across Homestead Road) is zoned RPD and is vacant. This property is planned to be developed with a school and park. To the east (across Homestead Road) is AG-2 zoning developed as a park. To the south is mixed zoning of AG-2, vacant property and RM-8, multiple family residential. A portion of the AG-2 zoning is the subject of a rezoning to RPD to allow for residential development of the property. To the west is RM-2 zoning developed with duplexes and single family residences.

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>Mary Gibbs</i>				<i>J. Turner</i>	<i>8/7/03</i>	<i>M. Gibbs</i>
				<i>8/7/03</i>	<i>8/7/03</i>	<i>8/7/03</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: *8/1/03*
Time: *3:45 PM*
Forwarded To: *County Admin*
8/6/03 2PM

RECEIVED BY
COUNTY ADMIN *JD*
8-6-03
3:20
COUNTY ADMIN
FORWARDED TO: *JD*
8/6/03

This request for extension of the Master Concept Plan is to be reviewed based upon the findings of fact contained in Section 34-381(c) of the LDC. A statement of the necessary findings are listed on the following page 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: The Master Concept Plan provides three separate alternatives for the development of the commercial portion of the project. There has been no significant changes to the Lee Plan and the subject property is identified as a potential commercial site in the Lehigh Acres commercial study. Approval would still be consistent with the Lee Plan.

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: The development was deemed compatible with existing and proposed uses in the area in the original zoning approval. The land zoned RPD to the north is now owned by Lee County (purchased in 1995) and is planned to be developed for a school and park. This property was zoned and allowed for commercial uses when the land to the north was purchased by Lee County. This project remains compatible with existing and proposed uses in the area.

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: Although there has been continuing development in the Lehigh Acres area, this development was contemplated in the Lee Plan. Approval of the extension is not expected to place an unreasonable burden on essential service facilities.

The first extension approved on June 12, 2001 extended the duration of rights of the Commercial Planned Development (CPD) for 2 years from the date of that action. This application seeks a second extension of two years. Approval of a two year extension would extend the planned development to June 11, 2005, which is beyond the maximum ten years from the original zoning approval of January 4, 1995.

The Residential Planned Development (RPD) portion of this planned development has vacated and the property has been purchased by Lee County for the possible expansion of the adjoining park. This RPD will need to be rezoned to allow for the development of a park. The RPD portion is located north of Homestead Road, while the CPD is located south of the road. The split of this development still allows for reasonable development in the CPD, as extended in June of 2001.

Therefore, staff recommends **APPROVAL** of the extension to January 3, 2005. This would be the second extension and, as conditioned, would not exceed the maximum of ten (10) years allowed by the Land Development Code. This approval is only for the Commercial Planned Development, not for the Residential Planned Development.