

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20040146

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt resolution amending the Shell Point DRI Development Order Map H.

WHY ACTION IS NECESSARY: Florida Statutes requires Board approval of amendments to developments of regional impact.

WHAT ACTION ACCOMPLISHES: Amends the Master Development Plan (Map H) for the Shell Point DRI to an expedited process in accordance with Florida Statutes and the Lee County Land Development Code.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # 3

A12A

3. MEETING DATE:

02-24-2004

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:
(Specify)

- STATUTE 380.06(19)(e)(2)
- ORDINANCE LDC34-145(d)(1)c
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER
- B. DEPARTMENT County Attorney & DCD
- C. DIVISION Zoning & Land Use
- BY: *Donna Marie Collins*
Donna Marie Collins
Assistant County Attorney

7. BACKGROUND:

The Shell Point DRI was first adopted by the Board of County Commissioners in 1974 under the name Sandpiper Cove DRI. The Christian Missionary Alliance Foundation, Inc., has petitioned to amend the governing DRI development order by revising the Master Development Plan (Map H) to allow for the relocation of an access point along Davis Road on the west side of the project. The access point will be relocated approximately 957± feet to the north and aligned with Harbor Palm Drive.

The Lee County Land Development Code provides that after staff review and recommendation, certain amendments to DRI development orders may proceed directly to the Board of County Commissioners and will be scheduled on the Administrative Agenda of a regular weekly meeting. The Board may vote on this amendment based upon the recommendation of staff without review by the Hearing Examiner.

Staff supports the requested amendment to the DRI development order. The change will not create a likelihood of additional regional impact. Accordingly, staff recommends the Board adopt the attached Resolution amending Map H of the Shell Point DRI Development Order.

Attachment: Resolution amending the Master Development Plan (Map H) of the Shell Point DRI (2nd Development Order Amendment) w/exhibits

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
n/a	n/a	n/a	n/a	<i>[Signature]</i>	<i>OA</i>	<i>OM</i>	<i>RISK</i>	<i>GC</i>	<i>[Signature]</i>
					<i>2/10/04</i>	<i>2/11/04</i>	<i>2/10/04</i>	<i>2/10/04</i>	

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY COUNTY ADMIN:
<i>2/19/04</i>
<i>12:55 am SUT</i>
COUNTY ADMIN FORWARDED TO:
<i>2/12/04</i>
<i>7 am</i>

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, AMENDING THE SHELL POINT DRI DEVELOPMENT ORDER TO MODIFY THE MASTER PLAN OF DEVELOPMENT (MAP H).

WHEREAS, on December 18, 1973, the Board of County Commissioners of Lee County, Florida, heard at a public hearing an Application for Development Approval for the Sandpiper Cove Development of Regional Impact. After consideration of the consistency of the development with the regulations and the report from the Southwest Florida Regional Planning Council, the Lee County Board of Commissioners denied the application. The DRI was subsequently reconsidered by the Board on May 29, 1974. Based on certain modifications to the development plan, the DRI Development Order was approved by the Board of County Commissioners on July 12, 1974; and

WHEREAS, that DRI development order was further revised by the County on July 28, 1976; and

WHEREAS, the Sandpiper Cove DRI (now known as the Shell Point DRI) is subject to the terms set forth in the Final Consent Judgment of *Stardial Investment Company v. Lee County* in the United States District Court for the Middle District of Florida Case No. 83-77-CIV.FT.M-17 dated February 6, 1986; and

WHEREAS, the DRI Development Order was subsequently amended on March 19th, 2001 to incorporate the terms set forth in the Final Consent Judgement and to change the name of the project to the Shell Point DRI; and

WHEREAS, the Christian Missionary Alliance Foundation, Inc., has petitioned to amend the DRI Development Order by revising the Master Development Plan (Map H) to relocate an access onto Davis Road; and

WHEREAS, the proposed change to Map H does not constitute a substantial deviation and qualifies for expedited processing pursuant to Florida Statute §380.06(19)(e)2 and Land Development Code §34-145(d)(1)c.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA that:

1. The above stated recitals are incorporated into this Resolution by reference.
2. The Master Development Plan for the Shell Point DRI is hereby amended as reflected in the attached Exhibit "A" (Map H). In addition, a note on the Map explaining the use of the access point has been amended.

3. This Resolution constitutes the Second Development Order Amendment to the Shell Point Development of Regional Impact. All other terms and conditions of the Development Order as previously amended remain unchanged.

4. Certified copies of this Resolution will be forwarded to the Southwest Florida Regional Planning Council, the Florida Department of Community Affairs, and other appropriate agencies. This amendment is rendered as of the date of transmittal, but will not be effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Once effective, the Notice of Adoption of this Development Order Amendment must be recorded as provided for in Chapter 380, Florida Statutes.

The motion to adopt this Resolution was offered by Commissioner _____, and seconded by Commissioner _____, and, upon poll of the members present, the vote was as follows:

Robert P. Janes
Douglas R. St. Cerny
Ray Judah
Andrew W. Coy
John E. Albion

DULY PASSED AND ADOPTED this ____ day of _____ 2004.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

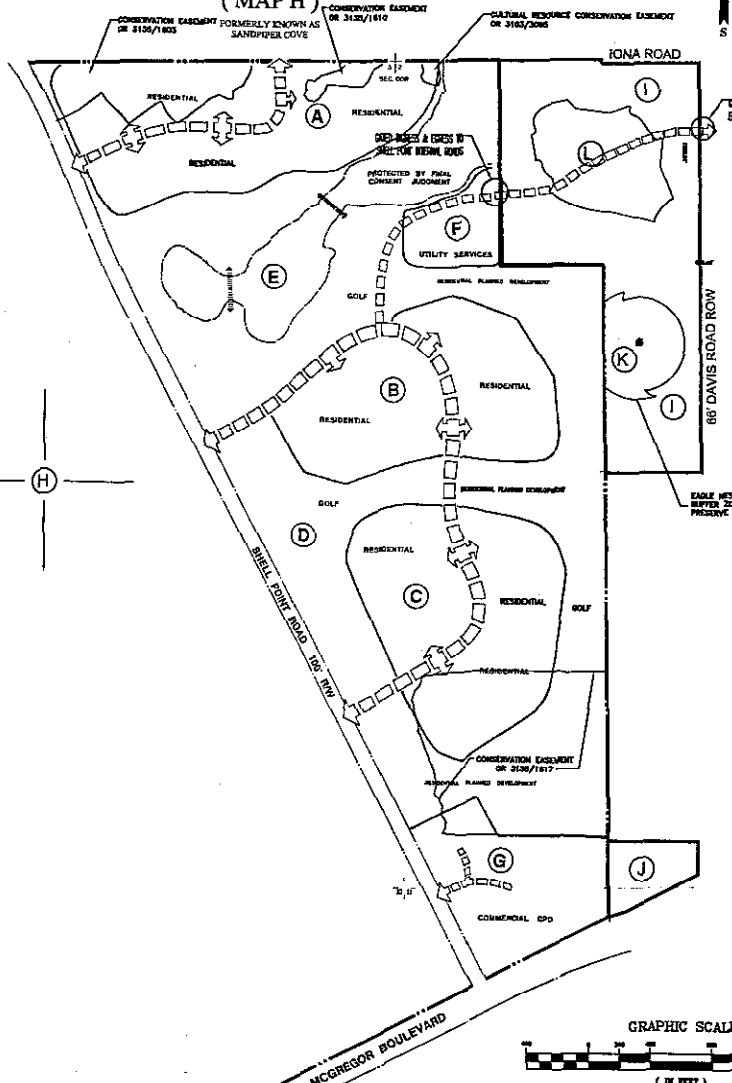
By: _____
John Albion, Chairman

APPROVED AS TO FORM:

By: _____
Donna Marie Collins
Office of the County Attorney

Attachment: Master Development Plan for Shell Point DRI (Map H) dated October 23, 2003

SHELL POINT MASTER PLAN OF DEVELOPMENT (MAP H)



RESIDENTIAL / COMMERCIAL SCHEDULE OF USES.

PARCEL	AREA (ACRES)	PROPOSED USES	MAXIMUM HEIGHT NO. FLOORS OVER PARKING
A	±42	SINGLE AND/OR MULTIFAMILY RESIDENTIAL USE. LIFE CARE UNITS (LCU) USE LIFE CARE UNITS FOR ONE (1) RESIDENTIAL UNIT IN ACCORDANCE WITH LIFE CARE 34-1(A)(4)(D) ACCESSORY USES. CLUBHOUSE AND RECREATIONAL FACILITIES. PRIVATE CLUB, PRO-HIGH UTILITY SERVICES, MOOD, HOMES, AND SALES OFFICES, PROJECT IDENTIFICATION SIGNS.	12
B	±36		
C	±39		
L	±11.5	UTILITY SERVICES	4
D	±116.73	GOLF AND TENNIS CLUB, COMMUNITY CENTER AND CLUBHOUSE, PRO SHOP, RESTAURANT/LOUNGE WITH ALCOHOLIC CONSUMPTION OF BEVERAGES, UTILITY SERVICES, WATER RESTRICTION AND MAINTENANCE FACILITIES.	3
I	±39.98		
E	±23	PROTECTED BY FINAL CONSENT JUDGMENT, PRESERVE DEVELOPMENT, SEASONALLY GROUP-OVERNIGHT, DORMANT, AND SITE IN ACCORDANCE PURSUANT TO FINAL CONSENT JUDGMENT.	N/A
F	±6.68	EAGLE NEST PROTECTION ZONE	N/A
F	±8	UTILITY SERVICES/MAINTENANCE	N/A

±322.87 ACRES - RESIDENTIAL, PRESERVES, AND OPEN SPACE TOTAL AREA

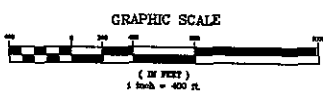
C	±20	HOTEL (118 ROOMS) AND RELATED ACCESSORY USES, INCLUDING MEETING ROOMS, GIFT SHOP, RESTAURANT AND BAR WITH CONSIGNMENT ON PREMISES.	12
D	3.78	COMMERCIAL 170,000 SQUARE FEET (GROSS FLOOR AREA) FOR RETAIL, CONSUMER SHOPPING, PERSONAL SERVICES, AUTOMOBILE SERVICE STATION, THEATRE, RESTAURANTS AND DRINKING ESTABLISHMENTS WITH CONSIGNMENT ON PREMISES, BUSINESS, MEDICAL AND PROFESSIONAL OFFICE USES, UTILITY SERVICES, ON-SITE STORAGE AND PROJECT IDENTIFICATION SIGNS.	

±23.78 ACRES - COMMERCIAL, PRESERVES, AND OPEN SPACE TOTAL AREA

±346.65 ACRES - TOTAL PROJECT AREA

- NUMBER OF RESIDENTIAL UNITS**
- 2,208 UNITS PURSUANT TO DRI DEVELOPMENT ORDER, JULY 12, 1974, AS AMENDED JULY 28, 1978.
 - 1,800 UNITS SHALL BE CLUSTERED IN ACCORDANCE WITH THIS MASTER CONCEPT PLAN. THE BALANCE OF 408 UNITS SHALL BE TRANSFERABLE IN ACCORDANCE WITH THE PROVISIONS OF THE FINAL CONSENT JUDGMENT.

- SPECIAL CONDITIONS -**
- ALL INTERNAL ROADS ARE PRIVATELY OWNED AND MAINTAINED.
 - THE STANDARD SECTION LINE SETBACK (25') ALONG THE NORTH PROPERTY LINE (SEC. 2-3) SHALL BE OBSERVED. ALL INTERNAL STREETS SHALL SUBSTITUTE FOR ALL OTHER REQUIRED SECTION AND HALF-SECTION SETBACKS.
 - BUILDINGS AND STRUCTURES MAY ENDOURCH UPON 25 FOOT WATERBODY SETBACK AREAS.
 - THE CHRISTIAN AND MISSIONARY ALLIANCE FOUNDATION, INC. MAY REASONABLY MODIFY THE CONCEPT PLAN BY RELOCATING UNITS, ROADS, AND AMENITIES SO LONG AS THE REVISED PLAN DOES NOT EXCEED THE NUMBER OF UNITS, EXPAND THE DEVELOPABLE AREA BOUNDARIES TO ENDOURCH ON AREA E OR EXCEED THE HEIGHT LIMITATIONS ESTABLISHED BY THIS JUDGMENT.
 - THE CHRISTIAN AND MISSIONARY ALLIANCE FOUNDATION, INC. MAY REASONABLY MODIFY THE LAYOUT AND MIX OF OFFICE, COMMERCIAL AND HOTEL USES SO LONG AS THE TOTAL COMMERCIAL DEVELOPMENT DOES NOT EXCEED THE SQUARE FOOTAGE, NUMBER OF HOTEL ROOMS, DEVELOPABLE AREA BOUNDARIES, AND HEIGHT LIMITATIONS ESTABLISHED BY THIS JUDGMENT.
 - ANY MODIFICATIONS MADE TO PARCELS I, J, K, & L SHALL BE IN ACCORDANCE WITH LOCAL AND STATE REGULATIONS.
- NOTES:**
- SHADED AREAS ARE PARCELS TO BE ADDED PURSUANT TO THIS AMENDMENT.
 - PARCEL M HAS BEEN REMOVED FROM THE DRI AND CONSISTS OF ENVIRONMENTALLY SENSITIVE LANDS CONVEYED TO THE TRUSTEES OF THE HISTORICAL IMPROVEMENT TRUST FUND OF THE STATE OF FLORIDA.



	<p>THE CHRISTIAN AND MISSIONARY ALLIANCE FOUNDATION 44th</p> <p>SHELL POINT VILLAGE 1500 SHELL POINT BOULEVARD FORT MYERS, FLORIDA 33908 1-941-456-1111</p>	<p>PROJECT: SHELL POINT "A PLANNED DEVELOPMENT PROJECT"</p> <p>CONCEPT: MASTER PLAN OF DEVELOPMENT (MAP H)</p> <p>LOCATION: 1ST COUNTY, FLORIDA SECTION 23, TOWNSHIP 16 SOUTH, RANGE 23 EAST</p>	<p>HARROP ENGINEERING COMPANY CIVIL & ENVIRONMENTAL ENGINEERS 1424-1 SOUTHEAST 17TH AVENUE CAPE CORRAL, FLORIDA 33909 TEL: (941) 456-0221 FAX: (941) 456-0223</p>	<p>JOB NO. 901 SHEET NO. 1 DATE PREPARED OF 1 DATE 08-18-88 DRAWN BY: CHC-SP CHECKED BY: 101-130-11</p>																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>REVISION</th> <th>BY</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>08/18/88</td> <td>FINAL PLAN</td> <td>CHC-SP</td> </tr> <tr> <td>2</td> <td>08/18/88</td> <td>REVISED PER COMMENTS</td> <td>CHC-SP</td> </tr> <tr> <td>3</td> <td>08/18/88</td> <td>REVISED PER COMMENTS</td> <td>CHC-SP</td> </tr> <tr> <td>4</td> <td>08/18/88</td> <td>REVISED PER COMMENTS</td> <td>CHC-SP</td> </tr> </tbody> </table>	NO.	DATE	REVISION	BY	1	08/18/88	FINAL PLAN	CHC-SP	2	08/18/88	REVISED PER COMMENTS	CHC-SP	3	08/18/88	REVISED PER COMMENTS	CHC-SP	4	08/18/88	REVISED PER COMMENTS	CHC-SP				
NO.	DATE	REVISION	BY																					
1	08/18/88	FINAL PLAN	CHC-SP																					
2	08/18/88	REVISED PER COMMENTS	CHC-SP																					
3	08/18/88	REVISED PER COMMENTS	CHC-SP																					
4	08/18/88	REVISED PER COMMENTS	CHC-SP																					

EXHIBIT A

G:\01003 - Eagle Preserve at Shell Point\DWG\01003-2004-2-10 P1-HALL HARROP ENG L1.dwg, 2/10/04 11:03:09 AM, acadwplot, 1:1