

 LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stillwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

LEE COUNTY
RECEIVED

07 OCT 10 PM 1:07

(239) 533-2236

Facsimile (239) 485-2106

COMM. DEV./
PUB. WRKS. CNTR.
SECOND FLOOR

October 10, 2007

VIA FEDERAL EXPRESS No. 8619 1396 3854

Department of Community Affairs
Division of Community Planning
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

Re: VILLAGES OF SAN CARLOS DRI
State DRI #81-1
House Bill 7203
LU-07-07-953.K.

Dear Sir or Madam:

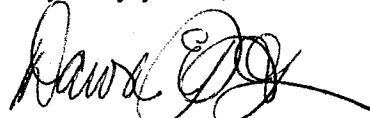
On September 25, 2007, the Lee County Board of Commissioners extended the phase, buildout, and termination dates of the Villages of San Carlos DRI. The three-year extension was granted in response to the legislature's amendment to Section 380.06(19)(c), F.S., pursuant to House Bill 7203.

In response to the House Bill, the Office of the County Attorney and Department of Community Development staff reviewed each DRI approved in Lee County to determine eligibility for the statutory extension. Together, the County Attorney's Office and Department of Community Development confirmed the Villages of San Carlos DRI was eligible for the three-year extension of all phase, buildout, and expiration dates.

The enclosed resolution is provided for the Department's records.

With kind regards, I am

Very truly yours,



Dawn E. Perry-Lehnert
Assistant County Attorney

S:\LUDPL\Letter\HB7203 Villages of San Carlos - DCA Form Letter.wpd

DRI 2005-00005

Department of Community Affairs
October 10, 2007
Page 2

Re: Villages of San Carlos DRI
House Bill 7203
LU-07-07-953.K.

DPL:tlb

Enclosure: Resolution No. 07-09-46 in reference to the Villages of San Carlos DRI

cc: w/enclosure

Mary Gibbs, Director, Department of Community Development

Pam Houck, Director, Zoning Division

Chip Block, Principal Planner, Zoning Division

Dan Trescott, SW Florida Regional Planning Council

Bernard Piawah, Principal Planner, State of Florida Department of Community
Affairs, Division of Community Planning, 2555 Shumard Oak Boulevard,
Tallahassee, FL 32399-2100

Russell Schropp, Esquire, Henderson Franklin
(Certified 7002 0860 0000 5190 9995)

Alan C. Freeman, President, Southwest Florida Capital Corporation
(Certified 7002 0860 0000 5190 9223)

RESOLUTION NO. 07-09-46

RESOLUTION PERTAINING TO STATUTORY EXTENSION
OF PHASE, BUILD OUT, AND EXPIRATION DATES FOR
THE VILLAGES OF SAN CARLOS DRI.

WHEREAS, the Governor of the State of Florida signed House Bill 7203 (Engrossed 3) into law on June 19, 2007 (hereinafter HB7203); and,

WHEREAS, HB7203 provides, among other things, for an amendment to Florida Statutes, Section 380.06(19)(c), so as to grant a three-year extension of all phase, build out, and expiration dates for Developments of Regional Impact that are under active construction on July 1, 2007; and,

WHEREAS, the statutory extension is in recognition of the 2007 real estate market conditions; and,

WHEREAS, HB7203 provides that the three-year extension is not a substantial deviation, is not subject to further Development of Regional Impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under Section 380.06(19)(c), Florida Statutes; and,

WHEREAS, the Villages of San Carlos DRI has been determined to be under active construction on July 1, 2007; and, therefore, is entitled to the statutory extension of all phase, buildout, and expiration dates by operation of law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Lee County, Florida, that the Villages of San Carlos DRI is hereby amended as follows with strikethrough text indicating deletions and underlined text indicating additions to the provisions of the DRI Development Order as follows:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

...
C. The project phasing schedule, attached as Exhibit B, consists of two phases with buildout in ~~2010~~2013. The land use parameters are as set forth in attached Exhibit C and the development plan is depicted on Map H attached as Exhibit D.
...

I. Villages of San Carlos DRI qualified for the statutory three-year extension to all phase, buildout and expiration dates granted by the 2007 Florida Legislature under House Bill 7203 (amending F.S. §380.06(19)(c)) and signed into law on June 19, 2007. The Board of County Commissioners granted the extension pursuant to Lee County

Resolution 07-09-46, as the Third Amendment to the Villages of San Carlos DRI Development Order, adopted on September 25, 2007. Under HB7203, the three-year extension is not a substantial deviation, is not subject to further Development of Regional Impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under F.S. §380.06(19)(c).

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS.

...

L. Buildout and Termination Dates. The project has a buildout date of December 31, ~~2010~~2013, and a termination date of December 31, ~~2016~~2019. This term is based on the recognition that a local Development Order, which is valid for six years, may be obtained prior to December 31, ~~2010~~2013. No permits for development will be issued by the County subsequent to the termination date unless the conditions set forth in §380.06(15)(g) are applicable.

...

O. Protection of Development Rights. Assuming the project can comply with the County's Concurrency Management Program at the time development permits are requested, the project will not be subject to down-zoning, unit density reduction, intensity reduction or prohibition of development until December 31, ~~2011~~2014. If the County demonstrates at a public hearing that substantial changes have occurred in the conditions underlying the approval of this Development Order, or finds that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Lee County to be essential to public health, safety and welfare, then down-zoning unit density reduction or prohibition of development may occur.

IV. EXHIBIT B. LAND USE TABLE (PHASING SCHEDULE).

Exhibit B to the Villages of San Carlos DRI Development Order is hereby amended to reflect an extension of the phase dates as indicated on the attached Exhibit.

V. TRANSMITTAL AND EFFECTIVE DATE.

The County will forward certified copies of this Development Order to the SWFRPC, the Developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. In accordance with the requirements of §380.06(15)(f), Florida Statutes, once this development order is effective, the Developer must record notice of its adoption in the office of the Clerk of the Circuit Court of Lee County.

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

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

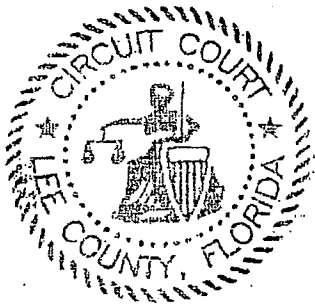
DULY PASSED AND ADOPTED this 25th day of September 2007.

ATTEST:
CHARLIE GREEN, CLERK

BY: Kathleen A. Nick
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Robert P. Janes
Robert P. Janes, Chair



Approved as to form by:

Dawn E. Perry-Lehnert
Dawn E. Perry-Lehnert
County Attorney's Office

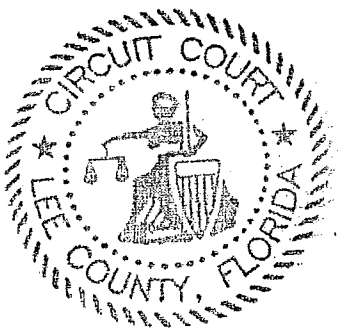
State of Florida
County of Lee

I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 10th day of October, A.D. 2007

CHARLIE GREEN, CLERK

By: Marcia Wilson
Deputy Clerk



Chip
Billie
Boyan

BLUESHEET DOCUMENT
CONFIRMATION
FROM
THE DIVISION OF PUBLIC RESOURCES

P 101
7

DATE: 10/11/07

TO: Mary Gibbs
Comm. Sec.

FROM: Georgia Sekulski, Admin Assistant

Meeting Date 9-25-07

Blue Sheet# 20071748

Item# C3a

Subject: Resolution / SAN CARLOS DRI

THE ABOVE-REFERENCED DOCUMENT(S) IS BEING RETURNED TO YOU FOR THE FOLLOWING REASON(S):

There are blank spaces that need to be filled in.

Attachment or Exhibit referred to in document is not attached.

Please obtain the signature(s) of the second party to this document and RETURN ONE ORIGINAL TO MINUTES.

✓
This document is now fully executed and the Minutes Department has an ORIGINAL or COPY for their records. As the originator of this document, it is being returned to you so that your office may provide copies or prepare transmittal letters to individuals involved with this subject matter.

Original(s) Attached

✓
Copy(s) Attached

Other

DRI 2005-00005

RESOLUTION NO. 07-09-46

RESOLUTION PERTAINING TO STATUTORY EXTENSION
OF PHASE, BUILD OUT, AND EXPIRATION DATES FOR
THE VILLAGES OF SAN CARLOS DRI.

WHEREAS, the Governor of the State of Florida signed House Bill 7203 (Engrossed 3) into law on June 19, 2007 (hereinafter HB7203); and,

WHEREAS, HB7203 provides, among other things, for an amendment to Florida Statutes, Section 380.06(19)(c), so as to grant a three-year extension of all phase, build out, and expiration dates for Developments of Regional Impact that are under active construction on July 1, 2007; and,

WHEREAS, the statutory extension is in recognition of the 2007 real estate market conditions; and,

WHEREAS, HB7203 provides that the three-year extension is not a substantial deviation, is not subject to further Development of Regional Impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under Section 380.06(19)(c), Florida Statutes; and,

WHEREAS, the Villages of San Carlos DRI has been determined to be under active construction on July 1, 2007; and, therefore, is entitled to the statutory extension of all phase, buildout, and expiration dates by operation of law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Lee County, Florida, that the Villages of San Carlos DRI is hereby amended as follows with strikethrough text indicating deletions and underlined text indicating additions to the provisions of the DRI Development Order as follows:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW

...

C. The project phasing schedule, attached as Exhibit B, consists of two phases with buildout in ~~2010~~2013. The land use parameters are as set forth in attached Exhibit C and the development plan is depicted on Map H attached as Exhibit D.

...

I. Villages of San Carlos DRI qualified for the statutory three-year extension to all phase, buildout and expiration dates granted by the 2007 Florida Legislature under House Bill 7203 (amending F.S. §380.06(19)(c)) and signed into law on June 19, 2007. The Board of County Commissioners granted the extension pursuant to Lee County

DRI 2005-00008

Resolution 07-09-46, as the Third Amendment to the Villages of San Carlos DRI Development Order, adopted on September 25, 2007. Under HB7203, the three-year extension is not a substantial deviation, is not subject to further Development of Regional Impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under F.S. §380.06(19)(c).

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS.

...

L. Buildout and Termination Dates. The project has a buildout date of December 31, ~~2010~~2013, and a termination date of December 31, ~~2016~~2019. This term is based on the recognition that a local Development Order, which is valid for six years, may be obtained prior to December 31, ~~2010~~2013. No permits for development will be issued by the County subsequent to the termination date unless the conditions set forth in §380.06(15)(g) are applicable.

...

O. Protection of Development Rights. Assuming the project can comply with the County's Concurrency Management Program at the time development permits are requested, the project will not be subject to down-zoning, unit density reduction, intensity reduction or prohibition of development until December 31, ~~2014~~2014. If the County demonstrates at a public hearing that substantial changes have occurred in the conditions underlying the approval of this Development Order, or finds that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by Lee County to be essential to public health, safety and welfare, then down-zoning unit density reduction or prohibition of development may occur.

IV. EXHIBIT B, LAND USE TABLE (PHASING SCHEDULE).

Exhibit B to the Villages of San Carlos DRI Development Order is hereby amended to reflect an extension of the phase dates as indicated on the attached Exhibit.

V. TRANSMITTAL AND EFFECTIVE DATE.

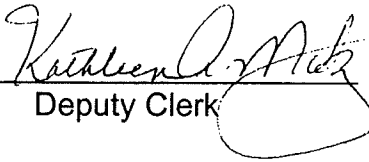
The County will forward certified copies of this Development Order to the SWFRPC, the Developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeal period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. In accordance with the requirements of §380.06(15)(f), Florida Statutes, once this development order is effective, the Developer must record notice of its adoption in the office of the Clerk of the Circuit Court of Lee County.

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

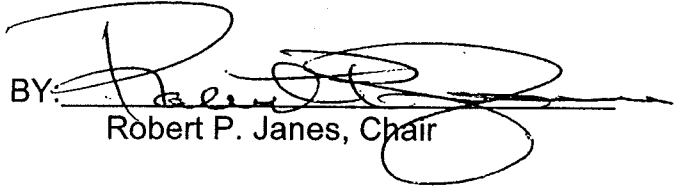
Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

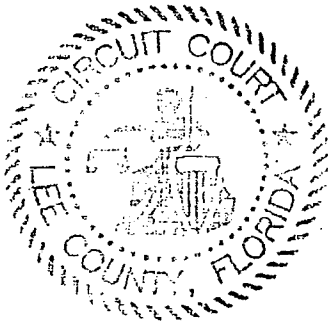
DULY PASSED AND ADOPTED this 25th day of September 2007.

ATTEST:
CHARLIE GREEN, CLERK

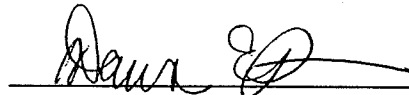
BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Robert P. Janes, Chair



Approved as to form by:


Dawn E. Perry-Lehnert
County Attorney's Office