



City of
Bonita Springs

9101 BONITA BEACH ROAD
BONITA SPRINGS, FL 34135
TEL: (239) 949-6262
FAX: (239) 949-6239
www.cityofbonitasprings.org

Jay Arend
Mayor

Richard Ferreira
Councilman
District One

Alex Grantt
Councilman
District Two

Patrick McCourt
Councilman
District Three

John Joyce
Councilman
District Four

Martha Simons
Councilwoman
District Five

Ben L. Nelson, Jr.
Councilman
District Six

Gary A. Price
City Manager
Tel. (239) 949-6238

Audrey E. Vance
City Attorney
Tel. (239) 949-6254

City Clerk/Treasurer
Tel: (239) 949-6250

Public Works
Tel: (239) 949-6246

Code Enforcement
Tel: (239) 949-6257

Parks & Recreation
Tel: (239) 992-2556

October 1, 2007

To Chip

LEE COUNTY
RECEIVED

07 OCT -2 AM 9:09

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

Chuck J. Basinait, Esquire
Henderson Franklin
1715 Monroe Street
Fort Myers, Florida 33901

RE: Parklands/Lee State DRI #06-8384-43
Date November 18, 2011 to 2014


Parklands West State DRI #4-8788-82
Termination Date March 11, 2015 to 2018

Dear Chuck:

Attached are copies of draft Greensheets and proposed Resolutions pertaining to the statutory extension of the phase, buildout and expiration dates for the development of regional impacts referenced above.

Please review these documents and let me know if revisions are necessary. I intend to schedule this matter before Bonita Springs City Council as part of the Consent Agenda Item on October 17, 2007, beginning at 9:00 am. By copy of this letter, I am advising those below of the same. Should you have any questions concerning the above, please do not hesitate to contact me.

Sincerely yours,


Audrey E. Vance
City Attorney

AEV/dfg
Enclosure

cc: Barbara Barnes-Buchanan, Assistant City Manager
Dianne Lynn, City Clerk
James LaRue, AICP, LaRue Planning & Management Services
Mary Gibbs, AICP, Director, LCCD
Dan Trescott, DRI Coordinator, SW Florida Regional
Planning Council, 1926 Victoria Avenue
Fort Myers, Florida 33901

DRI 2004-00004

AGENDA ITEM SUMMARY**REQUESTED MOTION:**

Adopt a Resolution of the City of Bonita Springs pertaining to the statutory extension of phase, build out, and expiration dates for Parklands/Lee Development of Regional Impact, State DRI#6-8384-43 to November 18, 2014.

MEETING DATE: October 17, 2007**AGENDA:****REQUIREMENT/PURPOSE: (Specify)****REQUESTOR OF INFORMATION:**

	PRESENTATIONS	X	STATUTE §380.06(19)(c)
X	CONSENT		ORDINANCE
	PUBLIC HEARING		ADMIN. CODE
	APPEALS		OTHER
	MAYOR AND COUNCIL MEMBER'S REPORTS		
	CITY ATTORNEY		
	CITY MANAGER		

Audrey E. Vance
City Attorney

BACKGROUND:

The Florida Legislature adopted an amendment to Florida Statutes § 380.06(19)(c), which due to poor market conditions throughout the State of Florida, developers of DRI's were granted a three (3) year extension of all phase, build out, and expiration dates for developments of regional impact that are under active construction on July 1, 2007. For Parklands Lee, this means that the termination date for this project is changed from November 18, 2011 to November 18, 2014 (unless City Council at another date extends the date further pursuant to other reasons permissible under Florida Statutes § 380.06).

Attachment: Resolution

STAFF RECOMMENDATIONS:

Adopt the Resolution extending the phase, build out and termination dates of the Parkland/Lee State DRI#06-8384-43.

REVIEWED BY:

City Manager: _____

City Attorney: _____

City Clerk: _____

COUNCIL ACTION:

___ **APPROVED**

___ **DENIED**

___ **DEFERRED**

___ **OTHER**

CITY OF BONITA SPRINGS, FLORIDA

RESOLUTION NO. 07-__

A RESOLUTION OF THE CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA; PERTAINING TO THE STATUTORY EXTENSION OF PHASE, BUILDOUT, AND EXPIRATION DATES FOR PARKLANDS/LEE DEVELOPMENT OF REGIONAL IMPACT, STATE DRI#06-8384-43; PROVIDING FINDINGS OF FACT, CONCLUSIONS OF LAW, ACTION ON REQUEST AND CONDITIONS OF APPROVAL, LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS, TRANSMITTAL AND EFFECTIVE DATE.

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

WHEREAS, HB7203 provides, among other things, for an amendment to Florida Statutes §380.06(19)(c), so as to grant a three (3) year extension of all phase, buildout, 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 (3) 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 Florida Statutes §380.06(19)(c); and,

WHEREAS, the Parklands/Lee Development of Regional Impact 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 authorization of law.

NOW, THEREFORE, BE IT RESOLVED by the Bonita Springs City Council that Parklands/Lee Development of Regional Impact is hereby amended as follows with strike-through text indicating deletions and underlined text indicating additions to the provisions of the DRI Development Order as follows:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

Parklands/Lee qualifies for the statutory three (3) year extension to all phase, buildout and expiration dates granted by the 2007 Florida Legislature, amending Florida Statutes §380.06(19) (c). Bonita Springs City Council hereby grants an extension pursuant to this Resolution as an amendment to the Parklands/Lee

DRI Development Order to November 18, 2014. Under HB7203, the three (3) year extension is not a substantial deviation, and 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 Florida Statutes §380.06(19)(c).

II. BUILDOUT AND TERMINATION DATES

This project has a buildout date of November 18, 2014. There is no stated termination date for this project.

III. TRANSMITTAL AND EFFECTIVE DATE

The City will forward copies of this development order to the Southwest Florida Regional Planning Council, the developer and the appropriate state agencies. This development order is rendered as of the date of that transmittal, that will not be effective until the expiration of the statutory appeal (forty-five (45) days from rendition) or until FDCA has completed their review and has determined not to take an appeal should that occur prior to the expiration of the forty-five (45) day period, or until the completion of any appellate proceedings, whichever time is greater. In accordance with the requirements of Florida Statutes §380.06(15)(f), once this development order is effective, the developer must record its notice of adoption in the Office of the Clerk of the Circuit Court of Lee County.

Dully passed and enacted by City Council of the City of Bonita Springs, Lee County, Florida, this _____ day of _____, 2007.

This Resolution shall take effect immediately upon adoption.

AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Vote:

Arend
Ferreira
Grantt
Joyce

McCourt
Nelson
Simons

Date filed with City Clerk: _____

BONITA SPRINGS CITY COUNCIL		GREEN SHEET:	07-10-0562
AGENDA ITEM SUMMARY			
REQUESTED MOTION:			
Adopt a Resolution of the City of Bonita Springs pertaining to the statutory extension of phase, build out, and expiration dates for Parkland West Development of Regional Impact, State DRI#4-8788-82 to March 11, 2018.			
MEETING DATE: October 17, 2007			
AGENDA:		REQUIREMENT/PURPOSE: (Specify)	REQUESTOR OF INFORMATION:
<input type="checkbox"/>	PRESENTATIONS	<input checked="" type="checkbox"/> STATUTE §380.06(19)(C)	Audrey E. Vance City Attorney
<input checked="" type="checkbox"/>	CONSENT	ORDINANCE	
<input type="checkbox"/>	PUBLIC HEARING	ADMIN. CODE	
<input type="checkbox"/>	APPEALS	OTHER	
<input type="checkbox"/>	MAYOR AND COUNCIL MEMBER'S REPORTS		
<input type="checkbox"/>	CITY ATTORNEY		
<input type="checkbox"/>	CITY MANAGER		
BACKGROUND:			
The Florida Legislature adopted an amendment to Florida Statutes § 380.06(19)(c), which due to poor market conditions throughout the State of Florida, developers of DRI's were granted a three (3) year extension of all phase, buildout, and expiration dates for developments of regional impact that are under active construction on July 1, 2007. For Parklands West, this means that the termination date for this project is March 11, 2018 (unless City Council at another date extends the date further pursuant to other reasons permissible under Florida Statutes § 380.06).			
Attachment: Resolution			
STAFF RECOMMENDATIONS:			
Adopt the Resolution extending the phase, build out and termination dates of the Parkland West State DRI#4-8788-82.			
REVIEWED BY:			
City Manager: _____			
City Attorney: _____			
City Clerk: _____			
COUNCIL ACTION:			
<input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> DEFERRED <input type="checkbox"/> OTHER			

CITY OF BONITA SPRINGS, FLORIDA

RESOLUTION NO. 07-__

A RESOLUTION OF THE CITY OF BONITA SPRINGS, LEE COUNTY, FLORIDA; PERTAINING TO THE STATUTORY EXTENSION OF PHASE, BUILDOUT, AND EXPIRATION DATES FOR PARKLAND WEST DEVELOPMENT OF REGIONAL IMPACT, STATE DRI#4-8788-82; PROVIDING FINDINGS OF FACT, CONCLUSIONS OF LAW, ACTION ON REQUEST AND CONDITIONS OF APPROVAL, LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS, TRANSMITTAL AND EFFECTIVE DATE.

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

WHEREAS, HB7203 provides, among other things, for an amendment to Florida Statutes §380.06(19)(c), so as to grant a three (3) year extension of all phase, buildout, 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 (3) 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 Florida Statutes §380.06(19)(c); and,

WHEREAS, Parkland West 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 authorization of law.

NOW, THEREFORE, BE IT RESOLVED by the Bonita Springs City Council that Parkland West Development of Regional Impact is hereby amended with the following changes to be added to the next Development Order amendment, in addition to any additional time entitled by law at the time of the request.

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

- a) Parkland West qualifies for the statutory three (3) year extension to all phase, buildout and expiration dates granted by the 2007 Florida Legislature, amending Florida Statutes §380.06(19)(c). Bonita Springs City Council hereby grants an extension pursuant to this

Resolution as an amendment to the Parkland West DRI Development Order. Under HB7203, the three (3) year extension is not a substantial deviation, and 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 Florida Statutes §380.06(19)(c).

II. BUILDOUT AND TERMINATION DATES

The termination date for this project is March 11, 2018.

III. TRANSMITTAL AND EFFECTIVE DATE

The City will forward copies of this development order to the Southwest Florida Regional Planning Council, the developer and the appropriate state agencies. This development order is rendered as of the date of that transmittal, that will not be effective until the expiration of the statutory appeal (forty-five (45) days from rendition) or until FDCA has completed their review and has determined not to take an appeal should that occur prior to the expiration of the forty-five (45) day period, or until the completion of any appellate proceedings, whichever time is greater. In accordance with the requirements of Florida Statutes §380.06(15)(f), once this development order is effective, the developer must record its notice of adoption in the Office of the Clerk of the Circuit Court of Lee County.

Dully passed and enacted by City Council of the City of Bonita Springs, Lee County, Florida, this _____ day of _____, 2007.

This Resolution shall take effect immediately upon adoption.

AUTHENTICATION:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Vote:

Arend
Ferreira
Grantt
Joyce

McCourt
Nelson
Simons

Date filed with City Clerk: _____