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September 6, 2011

Mr. Nicolas J. Watkins
Gray, Robinson Attorneys at Law
1221 Brickell Avenue
Miami, FL 33131

RE: 9901 Gladiolus Drive
STRAP # 33-45-24-00-00006.0010
Case No. ZVL2011-00051

Dear Mr. Watkins:

In response to your letter dated August 16, 2011, please be advised that the above-referenced property is zoned Commercial Planned Development (CPD) per Zoning Resolution Z-09-017 and is located in the Urban Community category according to the Future Land Use Map of Lee County.

To address your specific questions:

1. The zoning classification, CPD, was found consistent with the Lee Plan per Z-09-017 approved June 29, 2009. The zoning is still consistent with the Urban Community category per the Lee Plan.
2. Our records show two code enforcement violations for "lot mowing" (VIO2007-21543 and VIO2009-17286). Both cases were abated and closed. There are no zoning violations associated with this property as of this writing.
3. This question, inquiring about potential and pending legislation, is beyond the scope of a zoning verification letter.
4. The zoning per Zoning Resolution Z-09-017 goes with the property, regardless of ownership.
5. Duration of Planned Development zoning is governed under LDC Sec. 34-380. This Section of the LDC was recently amended, and the relevant portions of these amendments are attached. All development rights conferred by an adopted Master Concept Plan are valid for five years from the date the planned development was approved. Zoning Resolution Z-09-017 was approved June 29, 2009. This MCP will be effective until June 29, 2014, per this timeline. This proposed development does not meet the threshold of a "Large Project" which has a seven-year timeframe for development rights. An applicant must acquire a development order for a substantial portion of the project within five years before a master concept plan expires. Substantial portion is defined as 20% of the lots, square feet or the applicable measurements of intensity.

Your specific question addressed extending the life of the master concept plan that has not expired. An approved master concept plan that has not expired may be extended through an Administrative Amendment without a public hearing. Such an application cannot be made more than one year prior to the expiration date (June

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29, 2013 in this case.) This extension may not exceed five years. And only one extension may be granted administratively.

Requests for extensions in excess of five years may be granted through the public hearing process. The Lee County Board of County Commissioners may approve an extension for a time period no greater than 10 years from the date of original planned development approval. An application for a public hearing for a master concept plan extension must be completed not more than one year and not less than 120 days prior to the date the current master concept plan vacates.

Please also consider the Lee County Board of County Commissioners may consider approval of a "Resolution Pertaining to Extension of Unexpired Development Approvals." This resolution is in DRAFT form as of the writing of this letter. The intent is to create a process by which the county can authorize a four-year extension of expired master concept plans and other development approvals issued in recent years. Please contact our Zoning Division at (239) 533-8585 for details and the status of this proposed resolution.

6. You had questions relating to agricultural uses. Records from the zoning file for case #DCI2006-00102 the Villages on Gladiolus CPD show the property was utilized for cattle grazing since January 1, 2006, according to an affidavit provided by the applicant, attached. You will find the entirety of the property was utilized for this purpose. As is the case with other zoning conditions, Condition 8 Agricultural Uses, is applicable to the property. The conditions are independent of property ownership, lease or license. The agricultural use, per Condition 8, may continue and receive exemptions from the Lee County Property Appraiser's office provided no development orders have been approved, and provided the agricultural use is limited to cattle grazing. As of the writing of this letter, no development orders have been approved or applied for on this property. Other questions regarding the details of the past or present agricultural uses are beyond the scope of a zoning verification letter. I encourage you to contact Roger Alejo of the Lee County Property Appraiser's Office to make any further inquiries about the status of the agricultural exemption or the criteria their office use to evaluate agricultural uses and exemptions. Mr. Alejo is at (239) 533-6172.

Chapter 6, Article IV entitled "Flood Hazard Reduction," of the Land Development Code, contains provisions which regulate elevations of structures. Due to the location of this property, the regulations may affect how you develop the property. For additional information concerning the provisions of this portion of the LDC, please call (239) 533-8585 and ask for a Commercial Plans Reviewer.

Please be advised that the information provided herein is based on current regulations and may be subject to change as ordinances are enacted or amended.

Should you have further questions, please do not hesitate to contact our office.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division



Tony Palermo, AICP
Senior Planner

ADP/dxc