

MEMORANDUM

FROM

THE OFFICE OF

ZONING & DEVELOPMENT REVIEW

DATE: November 9, 1987

TO: Resolution File

FROM: David E. Crawford

RE: Cypress Lake Center, Case 85-3-1(c) DRI (DRI #7-8384-47)

Attached is a copy of the Ordinance issued by the Board of County Commissioners on November 9, 1987 which contains the Board's official action in response to a request for amendment to Cypress Lake Center Development of Regional Impact Development Order.

RESOLUTION Z-87-220

HEARING NUMBER 85-3-1(c) DRI
DRI NUMBER 7-8384-47

(1429z/1)

2392852

OFF REC 964 PG 3717

DEVELOPMENT ORDER AMENDMENT
FOR
CYPRESS LAKE CENTER
#7-8384-47

WHEREAS, a Development Order for the Cypress Lake Center Development of Regional Impact was adopted by the Board of County Commissioners on May 20, 1985; and

WHEREAS, a certified copy of the Development Order was forwarded to Arthur L. Moses, Authorized Representative of the Cypress Lake Venture, Ltd., the Southwest Florida Regional Planning Council, and the Florida Department of Community Affairs; and

WHEREAS, the project Development Order was in effect and no appellate proceedings for appeal were underway at the time of the amendment hearing; and

WHEREAS, the Southwest Florida Regional Planning Council had approved the proposed Development order amendment and the Florida Department of Community Affairs had reviewed the proposed Development Order amendment and had not objected; and

WHEREAS, Arthur L. Moses, Authorized Representative of the Vector Land Group, Inc., has been notified and agrees to the Development Order Amendment.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT THE DEVELOPMENT OF REGIONAL IMPACT DEVELOPMENT ORDER FOR THE CYPRESS LAKE CENTER, ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON MAY 20, 1985, IS HEREBY AMENDED AS DIRECTED BELOW:

SECTION ONE:

Transportation Section D., Alternative 1., of the Conclusions of Law is amended by adding the following:

e. The Board of County Commissioners, in its discretion, may equitably refund monies to the developer for transportation mitigation fees paid in excess of those reasonably necessary to mitigate the development's adverse impacts. If the total refunding of such fees equals or exceeds 15% of the mitigation amount required by the Development Order, it shall be deemed a substantial deviation. The refund in this case is not to exceed \$49,537 and is to be refunded only after staff has determined that all transportation commitments made in the Development Order have been met.

SECTION TWO:

This document shall constitute an amendment to the Development of Regional Impact Development Order of this Board, and is being issued in response to the changes requested by the authorized representative and approved by the Southwest Florida Regional Planning Council. All other terms and conditions of the Development Order, as previously amended, remain unchanged, except as explicitly stated herein.

10.50
BILLED

RECORDED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, D.C.

OFF
REC 964 PG 3718

SECTION THREE:

Certified copies of this amendment will be forwarded to the authorized representative, the Southwest Florida Regional Planning Council, the Florida Department of Community Development and other appropriate agencies. This amendment is rendered as of the date of transmittal, but shall 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. Upon this amendment becoming effective, notice of its adoption shall be rendered by the authorized representative of the development as provided in Chapter 380.06, Florida Statutes.

THE MOTION TO ADOPT this amendment was offered by Commissioner Wallace, and seconded by Commissioner Fussell, and upon a poll of the members present, the vote was as follows:

Commissioner Goss	Aye
Commissioner Bigelow	Absent
Commissioner Wallace	Aye
Commissioner Fussell	Aye
Commissioner Slisner	Aye

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, this 9th day of November, 1987.

RECORDED & RECORD VERIFIED
Charlie Green
CLERK CIRCUIT COURT
LEE COUNTY, FLA.
JAN 19 8 56 AM '88

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

BY: Bill Fussell
(Chairman)

ATTEST:

Charlie Green, Clerk

BY: Clara J. Wink
Deputy Clerk

APPROVED AS TO FORM

BY: [Signature]
County Attorney's Office