

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20030929

1. REQUESTED MOTION:

ACTION REQUESTED: APPROVE the first extension of the vacated zoning Master Concept Plan for University Plaza on Alico Road for a period not to exceed two (2) years from the date of the approval by the Board of County Commissioners.

WHY ACTION IS NECESSARY: Allows time extension.

WHAT ACTION ACCOMPLISHES: Extends zoning approval for two years.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 5

A4B

3. MEETING DATE:

09-02-2003

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE
 - ORDINANCE
 - ADMIN. CODE
 - OTHER (LDC)

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
- B. DEPARTMENT Community Development
- C. DIVISION Zoning
- BY M. Gibby

7. BACKGROUND:

This is an application to allow for the extension of the duration of rights for the approved Commercial Planned Development (CPD) Zoning Case 96-11-250.03Z 01.01 (Resolution Z-97-019). The subject property is located at 9900 Alico Rd. (south side of Alico Road between Ben Hill Griffin Parkway and Interstate 75). The subject property was originally zoned Commercial Planned Development (CPD) on May 19, 1997. Properties to the north are zoned Industrial Planned Development (IPD), Commercial Planned Development (CPD), and Mixed Use Planned Development (MPD). The only developed parcel is the IPD zoning (Coca-Cola distribution facility). To the east, across Ben Hill Griffin Parkway, is an undeveloped MPD zoned parcel within the Miromar Lakes development. To the south, is undeveloped MPD zoning approved for the Gulf Coast Town Center. To the west is Interstate 75.

This planned development was approved for a maximum total of 300,000 square feet of retail space and 10,000 square feet of office space, along with up to 120 hotel/motel units on twelve parcels. Uses included (but were not limited to) retail stores, convenience store, automobile service station (limited to three parcels), hotel/motel, professional and medical offices, and restaurants (standard and fast food).

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

A Department Director	B Purchasing or Contracts	C Human Rel.	D Other	E County Attorney	F County Administration	G County Manager
<i>M. Gibby</i>	N/A	N/A		<i>[Signature]</i>	<i>[Signature]</i> 8/14/03 <i>[Signature]</i> 8/20/03 <i>[Signature]</i> 8/20/03	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 8/14/03
Time: 1:00
Forwarded To:
8/15/03 8:45A.M.

RECEIVED
COUNTY ADMIN TO
8/15 1030
COUNTY ADMIN
FORWARDED TO
8/12/03
1100-1

PH

Although the Land Development Code was changed by Ordinance 03-16 addressing how extensions of planned developments may be granted, this application was found sufficient before the changes became effective on July 1, 2003. Therefore this application is being processed under the old regulations.

This request for extension of the Master Concept Plan is to be reviewed based upon the findings of fact contained in Section 34-381 (c) of the LDC. A statement of the necessary findings are listed along with the staff findings in **bold print**.

An approved master concept plan for a phase of or an entire planned development which has been vacated due to a failure to proceed on the applicant's part may be extended no more than two times by the Board of County Commissioners for a period of no more than two (2) years each and provided it does not extend the life of the master concept plan more than ten (10) years from the date of the original zoning action. Approval of this request as recommended would be the first extension, would not exceed two years, and would not extend the life for more than 10 years from the date of the original zoning action.

LDC Section 34-381 (c) (1):

- a. The master concept plan is consistent with the current Lee Plan, including but not limited to, density, intensity and concurrency requirements:

Staff Finding: The subject property was, and continues to be, located in the University Community, University Village Interchange, and Wetlands Future Land Use categories of the Lee Plan. The project remains consistent with the current Lee Plan. Zoning of the properties to the north, south, and east have changed since the original zoning approval for this project. These changes and the uses approved in those zoning districts are consistent and compatible with the land uses and intensity of use within this planned development.

- b. The development shown by the master concept plan has not become incompatible with existing and proposed uses in the surrounding area as the result of development approvals issues subsequent to the original approval of the master concept plan; and

Staff Finding: The development shown on the approved Master Concept Plan remains compatible with the existing and proposed uses in this area. The changes approved in the adjoining zoning districts include uses and intensity of use that are consistent and compatible with the uses and intensity of use approved in this planned development. In staff's opinion approval of this request is not expected to result in any incompatibilities with the adjoining properties.

- c. The development shown by the master concept plan will not, by itself or in conjunction with other development, place an unreasonable burden on essential service facilities.

Staff Finding: Staff does not expect that this development by itself or in conjunction with other developments will place an unreasonable burden on essential services in this area.

Based upon the above noted findings, staff recommends **APPROVAL** of this request for the first extension of the duration of the project for the maximum of two (2) years from the date of this approval by the Board of County Commissioners.