

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO:20020779

1. REQUESTED MOTION:

ACTION REQUESTED: APPROVE the extension of the vacant Zoning Master Concept Plan for DCI2002-00026, Daniels Falls CPD for a period not to exceed two (2) years from the date of extension. This development is located along the north side of Daniels Parkway, west of Fiddlesticks Boulevard and east of Sophomore Lane, 8870 Daniels Parkway.

WHY ACTION IS NECESSARY: To allow for the extension of the duration of rights for the approved Commercial Planned Development zoning.

WHAT THE ACTION ACCOMPLISHES: Allows the original zoning approval of the Commercial Planned Development to be extended for a maximum period of two (2) years pursuant to Land Development Code 34-381.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT # 5

A4A

3. MEETING DATE:

08-13-2002

4. AGENDA

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON

TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

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

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER _____
 - B. DEPARTMENT Community Development
 - C. DIVISION Development Services
- BY M. Gibbs

7. BACKGROUND:

This is an application to allow for the extension of the duration of rights for Daniels Falls CPD, which was approved as Commercial Planned Development in Zoning Case 96-02-271.03Z 01.01 on September 16, 1996.. The subject property is located at 8870 Daniels Pkwy. (on South side, West of Fiddlesticks Blvd., East of Sophomore Ln.). The project was approved as a mixed use commercial development consisting of 100,000 square feet of commercial space that must comply with the the Lee Plan Commercial Site Locational Standards; 96,000 square feet of other commercial uses; and not more than 150 hotel/motel rooms. The Master Concept Plan vacated five years from the date of that approval.

Daniels Parkway is located to the north and north of the road are properties zoned CPD. These lands exist as either vacant commercial lands or developed tracts (hotel, restaurant, and shopping center). Land to the west was rezoned to CPD Daniels Falls was approved and is under development as a church. To the east, lands were and remain zoned CPD and these are being developed as a shopping center (Publix and other businesses). Land to the south has been rezoned to RS-1 and is being developed as a single family subdivision. In 1996 the subject property was located in, and continues to be within, the Outlying Suburban future land use category of the Lee Plan.

The 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 on the following page.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
<u>M. Gibbs</u>	N/A	N/A		<u>John Medgar</u> 7/30/02	QA <u>JP</u> 7/30/02	OM <u>MS</u> 7/30/02	Risk <u>JP</u> 7/30/02	GC <u>MS</u> 7/31/02	<u>W. Gibbs</u>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

REC'D.
BY CO. ATTY.
7/29/02
11:52 AM
CO. ATTY.
FORWARDED TO:
20-02-6
7/29/02 3PM

8/1 9 AM
BY BH
FORWARDED TO:
COUNTY ADMIN.
7/30
20-02-6
COUNTY ADMIN.
RECEIVED BY AD

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 is consistent with the current Lee Plan. No substantial changes have occurred within the Lee Plan that would change the finding by the Board as part of the original zoning approval. The approved density and project layout will remain the same by approving the extension of the approved planned development. The project remains consistent with the concurrency requirements of Lee County.

- 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 issued subsequent to the original approval of the master concept plan; and

Staff Finding: The development shown on the master concept plan remains compatible with existing and proposed uses in the area. Although development has proceeded on adjoining lands, these are being done in conformance with their zoning approvals. Additionally, this development anticipated commercial development to the east and residential development to the south. Sufficient buffering is provided to the west within both this and the adjoining development to provide reasonable protection from any adverse impacts of development.

- 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 public facilities.

Staff Finding: The proposed development on the master concept plan continues to be able to be served by adequate essential public facilities to support the development.