

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20050629

1. ACTION REQUESTED/PURPOSE: APPROVE the second extension of the vacated zoning Master Concept Plan for University Plaza CPD to May 18, 2007. The project is a 300,000 sq ft commercial development on 40 acres and is located at the southeast corner of Ben Hill Griffin Parkway and Alico Road.

2. WHAT ACTION ACCOMPLISHES: To allow the original zoning approval of the Commercial Planned Development to be extended a second time for the maximum period to May 18, 2007, pursuant to Land Development Code 34-381.

3. MANAGEMENT RECOMMENDATION: APPROVE requested extension to May 18, 2007

4. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT # 5

A 4 b

5. MEETING DATE:

6-14-05

6. Agenda:	7. Requirement/Purpose: (specify)	8. Request Initiated:
<input type="checkbox"/> Statute <input checked="" type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	<input type="checkbox"/> Statute <input type="checkbox"/> Ordinance <input type="checkbox"/> Admin. Code <input type="checkbox"/> Other	Commissioner _____ Department <u>Community Development</u> Division <u>Zoning</u> By: <u>M 6/15/05</u>

9. Background:

This is a request to allow for the extension of the duration of rights for the approved University Plaza Commercial Planned Development (Zoning Case 99-11-250.03Z 01 01). In 2004 the development was amended to provide for the future development of the Cleveland Clinic. The amendment allows development of 160,000 square feet of retail space and 140,000 square feet of office space. The development may include 120 hotel rooms in place of 24,000 square feet of retail space.

The subject property is located at 9900 Alico Road (SE corner of intersection of Interstate 75 and Alico Road). The project received the first extension of the planned development approval on September 2, 2003. 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 a developing MPD zoned parcel approved for the Gulf Coast Town Center. To the west is Interstate 75.

Staff recommends APPROVAL of this request for the reasons stated on the following page.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services <i>6/2/05</i>				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>Mary Gibbs</i>	<i>NA</i>	<i>NA</i>		<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

Rec. by CoAtty
Date: <i>6/14/05</i>
Time: _____
Forwarded To: _____

RECEIVED BY COUNTY ADMIN: <i>JD</i>
<i>6-14-05</i>
<i>2:11</i>
COUNTY ADMIN FORWARDED TO: <i>PP</i>
<i>6/12/05</i>
<i>4pm</i>

This request for extension of the Master Concept Plan is to be reviewed based upon the findings of facts 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**.

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

The Board of County Commissioners, after reviewing the recommendation of the staff, determines that:

1. The master concept plan is consistent with the current Lee Plan;

Staff Finding: **Staff finds that the subject property is still 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 changed prior to the last extension. Since the last extension no substantial changes have occurred in the zoning and within the Lee Plan.**

2. The master concept plan is compatible with existing and approved development in the planning community;

Staff Finding: **The proposed development on the approved Master Concept Plan remains compatible with the existing and proposed uses in this area. The changes approved to the south allowing for the development of the Gulf Coast Town Center and to the north for the Jetway Tradeport project allows uses and intensity of use which 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.**

3. The master concept plan will not, by itself or in conjunction with existing and approved development, place an unreasonable burden on essential public facilities; and

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. The proposed development will pay impacts fees to support the project, and will be required to provide for any site related improvements during the local development order process. The Gulf Coast Town Center project is a DRI and has entered into a Development Agreement to address how their road impacts will be addressed.**

4. The reasons the required development order is not approved is reasonably beyond the control of the applicant and the applicant is diligently pursuing approval of the required development order.

Staff Finding: **The applicant supplies documentation (see attachment) that demonstrates that the property was purchased by the current owner on December 31, 2003. Since that purchase the owner has filed and received approval of an Administrative Amendment of the planned development in December of 2004. The Owner has filed for a local development order for the Gulf Coast Town Center road through the Cleveland Clinic's property in February of 2005 (DOS2005-00038) and a separate local development order was also filed in February of 2005 for the Cleveland Clinic site development plan (DOS2005-00061). In staff's opinion, this provides sufficient evidence to show the owner has diligently pursued approval of the required development order. To this date, both of the referenced the development orders have not been approved.**

University Plaza Permit History				
Item	Submit Date	Approval Date	Reference #	Comments
Original CPD Zoning	N/A	5/19/1997	96-11-250.03Z01.01	Resolution Z-97-019
Two year extension	N/A	9/2/2003	Res Z-97-019	First Two Year Extension
Clinic Purchas Property				December 2003 - Several months of design meetings and meetings with county staff occurred between purchase and submittal of administrative amendments to determine project requirements and required amendments
Administrative Amendment	9/21/2004	12/15/2004	ADD 2004-00194	Approved
Clinic Drive SFWMD	5/6/2004	In Process	App. No 040405-17	Scheduled for the June Board
Clinic Drive D.O.	1/13/2005	In Process	DOS2005-00036	Plans are being revised based on County sufficiency comments dated 4/8/05
Clinic Site Plan SFWMD	2/18/2005	In Process	App No. 050218-22	Plans are being revised based on SFWMD sufficiency comments dated 3/18/05
Clinic Site Plan D.O.	2/23/2005	In Process	DOS2005-00061	Plans are being revised based on County sufficiency comments dated 4/18/2005