

ADMINISTRATIVE AMENDMENT (PD) ADD2013-00112

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, RaceTrac Petroleum Inc. filed an application for an administrative amendment to an Industrial Planned Development (IPD) known as Formosa Commerce Center, for development of a convenience food and beverage store with fuel pumps for deviations from the following sections of the Land Development Code (LDC):

- 1) Section 34-1353(g)(1) that prohibits flat-roof canopies and requires canopies to be consistent with the architectural design and features of the principal structure to allow a flat-roof canopy that is consistent with the architectural design of the principal structure.
- 2) Section 34-1353(g)(3) that requires canopies to be one color, consistent with the predominant color of the principal structure, to allow a multiple colored canopy.

WHEREAS, the subject property is located at 16371 Lee Road, described more particularly as:

LEGAL DESCRIPTION: In Section 04, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A".

WHEREAS, the applicant has indicated the property's current STRAP number is 04-46-25-05-00000.001A; and

WHEREAS, the subject property is located in the Industrial Development Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the property is zoned Industrial Planned Development (IPD) by Zoning Resolution Z-11-020; and

WHEREAS, the LDC provides for certain administrative changes to planned development master concept plans; and

WHEREAS, the applicant has provided examples of three other convenience food and beverage stores with fuel pumps that are located on Alico Road that do not meet the provisions of LDC Section 34-1383, including canopy design and color; and

WHEREAS, these three convenience stores were approved prior to June 23, 2009, the effective date of Ordinance 09-23 that established the regulations from which deviations are sought; and

WHEREAS, the nonconformities of the three convenience stores located on Alico Road does not establish a precedent for the deviations the applicant is requesting; and

WHEREAS, the purpose and intent of LDC Section 34-1383 is to insure that uses, such as convenience food and beverage stores, with or without gas pumps, do not adversely impact adjacent land uses, specifically residential uses; and

WHEREAS, the proposed convenience food and beverage store is located in an IPD that allows industrial and limited commercial development and no residential uses; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to an IPD known as Formosa Commerce Center, for development of a convenience food and beverage store with fuel pumps for deviations from the following sections of the LDC:

- 1) Section 34-1353(g)(1) that prohibits flat-roof canopies and requires canopies to be consistent with the architectural design and features of the principal structure to allow a flat-roof canopy that is consistent with the architectural design of the principal structure.
- 2) Section 34-1353(g)(3) that requires canopies to be one color, consistent with the predominant color of the principal structure, to allow a multiple colored canopy.

is APPROVED, subject to the following conditions:

1. Approval is limited to a multiple colored flat-roof canopy that is consistent with the architectural design of the principal structure in substantial compliance with the Sign Elevation Plans (see Exhibit B).
2. The terms and conditions of Resolution Z-11-020 remains in full force and effect.
3. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then,

at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

DULY SIGNED this 27th day of August, 2013.

BY: 

Pete Eckenrode, Director
Division of Development Services
Department of Community Development

Exhibits:

- A – Legal Description
- B – Sign Elevation Plan