ADD2024-00196 Lee County ePlan

THE NEIGHBORHOOD COMPANY

TAMALICO CENTER CPD AMENDMENT

Planned Development (PD) Amendment - Administrative

NARRATIVE REQUEST

BACKGROUND, REQUEST, AND FINDINGS

The Tamalico Center CPD rezoning, and Master Concept Plan approval was subject to conditions and deviations included in Resolution Z-92-045, which also included conditions, restrictions and limitations pertaining to State DRI #3-8990-102 Development Order for Tamalico Center. The CPD was specifically approved to allow for a maximum of 600,000 square feet of non-residential gross floor area.

The Florida Department of Transportation (FDOT) purchased 23.33+/- acres from the Tamalico Center DRI for the realignment of Alico Road thereby leaving the subject property fragmented and only a portion of the original DRI/CPD zoning district.

Subsequent to the FDOT taking, the original CPD zoning (Resolution #Z-92-045) was amended through case number DRI-2006-00010 (Resolution #Z-07-060) and expired prior to the development of the subject property. Resolution Z-07-060, approved the removal of four (4) parcels from the Tamalico Center DRI, and stated that the parcels must be rezoned prior to development and the future development must be consistent with the densities, intensities and general uses set forth in the Lee Plan.

An Administrative Amendment ADD2020-00091A approval was granted further amending the MCP under Z-07-060/DRI2006-00010 (See ADD2020-00091 Exhibit B) identifying four specific parcels (approximately 63.40 acres) within the Tamalico Center CPD, and which are as follows:

- Parcel R-1 (STRAP#: 06-46-25-00-00013.0050)
- Parcel R-2 (STRAP#: 06-46-25-00-00011.0000)
- Parcel R-3 (STRAP#: 06-46-25-00-00010.0020)
- Parcel R-4 (STRAP#: 06-46-25-00-00010.0090)

Parcels R-1 (STRAP#: 06-46-25-00-00013.0050) and Parcel R-2 (STRAP#: 06-46-25-00-00011.0000), approximately 61.40 acres of the prior 63.40 acres, are being rezoned from CPD (Tamalico Center CPD) to MPD (Dia Crossing MPD) per case number DCI2023-00020. This rezoning request of parcels R-1 and R-2 from the current Tamalico Center CPD to Dia Crossing MPD will result in Parcels R-3 and R-4 being "orphaned." Parcels R-3 and R-4 will retain the Tamalico Center CPD zoning and the boundary will be reduced in area from approximately 63.40 acres to approximately 2.00 acres (See proposed amended MCP).

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Unless subsequent rezonings or zoning amendments are obtained, all relevant conditions, development standards, and regulations associated with the CPD and LDC will remain applicable to any future development/redevelopment of the parcels. It should be further noted, Parcel R-3 received development order approval through DOS2020-00063, and has been developed under commercial building permit number COM2021-00977. Based on the analysis of the approved DO for the standalone development of Parcel R-3, there are no resulting non-conformities or impacts to the public's health safety and welfare through this current rezoning request. The future development of Parcel R-4 will be required to follow Lee County processes for regulatory review and development approval in the same manner that Parcel R-3 did and thus, will also not result in any non-conformities or impacts to the public's health, safety and welfare due to this current zoning amendment request.

Request Statement

The applicant is seeking an administrative amendment to address the following:

- Amend the Tamalico Center CPD MCP to recognize that parcels R-1: STRAP #06-46-25-00-00013.0050 and R-2: STRAP #06-46-25-00-00011.0000 are to be removed from the Tamalico Center CPD via the proposed rezoning under DCI2023-00020, and identifying that parcels R-3 - STRAP#: 06-46-25-00-00010.0020 and R-4 – STRAP #: 06-46-25-00-00010.0090 will remain within the Tamalico Center CPD, albeit with a revised CPD boundary that will contain much less acreage.

Findings/Review Criteria

The following addresses the findings/review criteria as outlined per Land Development Code (LDC) Sec. 34-173(j)(2):

a. Does not increase height, density or intensity of the development, except as permitted in chapter 2.

- This amendment does not increase height, density or intensity of the development.

b. Does not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development.

- The proposed request to amend the Tamalico Center CPD MCP will not result in substantial underutilization of public resources and public infrastructure which exist or are planned to support the existing or future development of the parcels within the CPD.

c. Does not result in a reduction of total open space provided on the master concept plan by more than ten percent.

- The proposed request to amend the Tamalico Center CPD MCP will not result in the reduction of total open space as provided on the approved and amended Master Concept Plan by more than ten percent as parcel R-3 has been developed and parcel R-4 will also have to meet all applicable state and local regulations at the time of development order approval.

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d. Does not decrease the amount of indigenous native vegetation preservation or open space areas below the amount required by the Code.

- The proposed request to amend the Tamalico Center CPD MCP is not intended to result in a decrease in the amount of indigenous native vegetation preservation or open space areas below the amount required by the Code as parcel R-3 has been developed. Consistent with the development of R-3, Parcel R-4 will also have to meet all applicable state and local regulations at time of development order approval to ensure compliance with any applicable indigenous native vegetation or open space requirements.

e. If changes to the buffer or landscaping areas are proposed, equivalent or better (by comparison with the approved Master Concept Plan) landscaping or buffering is provided.

- The proposed request to amend the Tamalico Center CPD MCP does not change the required buffer or landscaping applicable to the remaining parcels R-3 and R-4.

f. Does not adversely impact surrounding land uses.

- The proposed request to amend the Tamalico Center CPD MCP does not adversely impact surrounding land uses as the approved land uses within the CPD are not changing and all open space, buffers, and setback requirements will be met at time of development order approval for all parcels.

g. Is consistent with all applicable provisions of the Lee Plan and land development regulations in effect at the time of the amendment request.

- The proposed request to amend the Tamalico Center CPD MCP is consistent with all applicable provisions of the Lee Plan and LDC. The Lee Plan outlines the permitted density and intensities for each applicable Future Land Use Category as well as any additional planning requirements for development within the Planning Communities. There are no changes to the proposed intensity and commercial uses allowed in the Tamalico Center CPD that could be applied and further developed on the remaining parcels (R-3- and R-4), thus it remains consistent with the Urban Community future land use designation under Policy 1.1.4, Goal 6 and its subsequent supporting objectives and policies for commercial land uses. All urban services exist to support the existing and future development of the parcels to remain within the CPD.

  Applicable required open space, preserve area, buffers have not been amended and will remain consistent with the amended MCP to ensure compatibility with the surrounding uses at the time of development order approval. Based on the allowed commercial land uses within the CPD, the development parameters, and the documented traffic impact analysis for the CPD that remain in effect, there is no additional impact to the surrounding area and road network as result of the proposed amendment.

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