

M E M O R A N D U M

TO: Howard Tipton, Town Manager

FROM: Allen Parsons, AICP,
Director, Planning, Zoning and Building Department

REPORT DATE: March 15, 2024

MEETING DATE: April 1, 2024

SUBJECT: Extension of Site Development Plan Order 2022-03: Commercial Development at 3120 and 3150 Gulf of Mexico Drive

Recommended Action

Approve Site Development Plan Extension Order 2024-01.

Background

A time expiration extension request has been filed for a commercial development comprised of two buildings totaling 14,408 square feet, located at 3120 and 3150 Gulf of Mexico Drive by the owner. Site Development Plan Order 2022-03 was approved by the Planning & Zoning Board on April 19, 2022.

Per Town Code, the Site Development Plan Order would expire on April 19, 2024. Mark Ursini, on behalf of the owner, 3150 GMD, LLC, has submitted a letter (see attached) outlining the reasons for the requested extension, and is requesting a six (6) month extension of the approved Site Development Plan Order, which would extend the Order until October 19, 2024.

Section 158.029 of the Town Code provides that the Town Commission, “may extend a Site Development Plan period of approval only if special conditions and circumstances exist which do not result from the voluntary actions of the Applicant, representative or agents, which have caused an unforeseeable delay in the ability of the Applicant to submit a complete application for a Building Permit or obtain a final Certificate of Occupancy for all phases of the project. Economic conditions or financing problems shall not, absent other relevant considerations, form the basis for an extension of the period of approval”.

Section 158.029 of the Town Code also states the Town Commission may extend the approval period if it determines that no material benefit would be derived to the Town by requesting the Applicant to resubmit an application for Site Development Plan approval.

Based on the letter provided, the owners’ request is partially based upon impacts associated with the COVID-19 pandemic, permitting challenges with the Southwest Florida Water Management District, the Florida Department of Transportation and implementing drainage system requirements that will serve both the project and assist with localized flooding in the vicinity. The owners contend that they were hindered in their efforts to pursue building approvals, which they indicated caused unforeseeable delays to complete their intended development. The owners are not seeking any further modifications to the previously approved Development Order, and all conditions of approval contained therein would remain valid.

Extension of Site Development Plan Order 2022-03

Commercial Development at 3120 and 3150 Gulf of Mexico Drive
Town Commission Regular Meeting – April 1, 2024

The owners have communicated with staff that an extension will allow time to submit a building permit in approximately 60 days, following securing necessary agency approvals.

Staff has no basis to conclude that the owners' assertions are not relevant. Staff is of the opinion that a six-month extension is limited in scope and that there would be no material benefit to having the applicant resubmit a new application for Site Development Plan approval.

Staff Recommendation

Approve Site Development Plan Extension Order 2024-01.

Attachments

- A. Site Development Plan Order 2024-01 (Available in Town Clerk's Office)
- B. Applicant's Request (Available in Town Clerk's Office)

End of Agenda Item