

**Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT**

CASE NUMBER & NAME:	DCI2018-10022, Vintage Commerce Center CPD
TYPE OF CASE:	Planned Development
HEARING EXAMINER DATE:	November 22, 2019
SUFFICIENCY DATE:	August 7, 2019
ACREAGE:	33.95± acres

SUMMARY:

The property is currently zoned Commercial Planned Development, CPD. The applicant desires to keep the current zoning approval while requesting approval of an alternative development plan.

Currently, the CPD (Resolution Number Z-05-019) permits development of a maximum of 300,000 square feet of floor area. Of that, a total of 30,000 square feet can be office use and within this office intensity, up to 15,000 square feet can be medical office.

The request is to allow a development alternative for: up to 350,000 square feet of floor area for commercial/office/light industrial use; 300 hotel/motel units; and, an option to develop up to 308 multiple-family dwelling units by reducing the allowed non-residential floor area by 200 square feet for each dwelling unit developed. The proposed Master Concept Plan designates a 14 acre parcel for residential development; 196 dwelling units is the maximum number of units that could be permitted using standard density. Dwelling units exceeding the standard density must be requested as bonus density units in accordance with Chapter 2 of the Lee County Land Development Code. The applicant did not submit an application requesting bonus density.

The staff recommendation contained in this staff report is contingent upon adoption of two comprehensive plan amendments that were transmitted by the Board of County Commissioners on September 18, 2019.

CPA2018-10012: Amend Table 1(b) 2030 population allocation to provide additional residential development in the General Interchange category within the Gateway/Airport Planning Community.

CPA2018-10013: Amend the Future Land Use Map designation on 33.95+/- acres from Industrial Commercial Interchange to General Interchange located on the northeast corner of Alico Road and Three Oaks Parkway.

In the event these amendments are not adopted, the zoning request will be inconsistent with the comprehensive plan.

RECOMMENDATION:

Staff recommends APPROVAL of the requested CPD amendment as conditioned in Attachment C. These recommended conditions incorporate those originally adopted in Zoning Resolution Z-05-019, with additional conditions related to the applicant's proposed development alternative.

FINDINGS:

Staff finds, in accordance with LDC Section 34-145(d)(4)a.1, that the project, as conditioned:

- a) Allows uses and development intensity consistent with the Lee Plan, and the proposed mix of uses is appropriate at the proposed location;
- b) Meets the Lee County Land Development Code and other applicable County regulations or qualifies for deviations;
- c) Is compatible with existing and planned uses in the surrounding area;
- d) Will provide access sufficient to support the proposed development intensity;
- e) Provides for the expected impacts of the project on transportation facilities to be addressed by existing County regulations and conditions of approval, and to be further evaluated at the time of local development order;
- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- g) Is located in a Future Urban land use category and will be served by sufficient urban services, as defined in the Lee Plan.

In addition, staff finds, in accordance with LDC Section 34-145(d)(4)a.2, that:

- a) The proposed mix of uses, as conditioned, is appropriate at the proposed location;
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- c) Each deviation recommended for approval has been found to:
 - 1) Enhance the achievement of the objectives of the planned development; and
 - 2) Preserve and promote the general intent of this Code to protect the public health, safety and welfare.

SUBJECT PROPERTY:

Location

The subject property, approximately 33.95 acres in size, is generally located at the northeast corner of Alico Road and Three Oaks Pkwy.

Zoning and Lee Plan

The subject property is currently zoned Commercial Planned Development (CPD), adopted in Resolution Number Z-05-019. There are no subsequent amendments. The current Lee Plan Future Land Use designation is Industrial Commercial Interchange; however, CPA2018-10013 to change the future land use category to General Interchange has been transmitted by the Board of County Commissioners. CPA2018-10012, if adopted, will allow additional residential area within the Gateway/Airport planning community.

Development Orders

DOS2006-00060 was filed in March, 2006. This case was vacated.

Current Development and Use

The Lee County Property Appraiser classifies the property as vacant commercial and there are no exemptions on the property.

CHARACTER OF THE AREA:

North

The property to the north is property zoned CPD by Resolution Number Z-03-017A, as amended, for development of up to 351,000 square feet of commercial uses and 125 hotel rooms. The Lee Plan designates the subject property as Industrial Commercial Interchange. There have been no local development orders to develop this property, and the property is vacant.

East

To the east is the southbound exit ramp for I-75.

South

To the south is Alico Road. South of Alico Road is CPD zoning for Alico Interchange Commerce Park. The last amendment to this portion of the CPD was granted with the adoption of Resolution Number Z-09-041. The zoning is approved for a maximum of 992 dwelling units, 400 hotel rooms, and 2,042,000 square feet of commercial retail & office uses. The Lee Plan designates this property as Urban Community. The property is currently being developed with a residential subdivision.

West

To the west is Three Oaks Parkway. West of Three Oaks Parkway is Three Oaks Marketplace Mixed Use Planned Development (MPD). This was originally adopted in Resolution Number Z-16-013, and was recently amended and codified in Resolution Number Z-18-037 (attached). The site is currently vacant, with DOS2017-00066 issued for a subdivision and single phase infrastructure improvements. DOS2019-00124 has been filed and is under review for a 4 story, 119 unit hotel. This property is designated as Industrial Commercial Interchange.

MASTER CONCEPT PLAN (MCP):

Two MCP's are proposed:

MCP Option A - The existing MCP for the property approved by Resolution Z-05-019.

MCP Option B – A development alternative MCP consisting of up to 350,000 square feet of commercial/office/light industrial development and 300 hotel/motel units. The applicant provides no further breakdown of how much of the 350,000 square feet of floor area would be devoted to each of these general use categories, nor is the allocation of square footage depicted on the MCP. The proposed residential uses are limited to an area of 14 acres identified as Parcel A on the MCP.

Development under MCP Option B proposes two accesses from Three Oaks Parkway and a right-in access from Alico Road. An access to this property from Alico Road is inconsistent

with Map 3K of the Lee Plan. In addition, access from Alico Road to the property was denied by FDOT.

DEVIATIONS:

Resolution Z-05-019 (Attachment E) approved four of six requested deviations. These have been incorporated into the codified actions found in Condition 2 of Attachment C.

The applicant has requested three deviations for the proposed alternative development plan, "MCP Option B".

Deviation (1) seeks relief from LDC §10-329(d)(1)a.3 requirement to provide a 50-foot-wide setback from road rights-of-way and private property lines for water retention excavation, to allow a 25-foot-wide setback.

The applicant suggests the following condition as part of any approval of this request:

The developer must provide adequate protection for wayward vehicles along Alico Road and the east property line of the subject property. The elements of protection will be reviewed during the development order process and are subject to the approval of the Director of Development Services. Similarly, the setback along the eastern property line is approved with the condition the lake is adequately buffered from the adjoining property line with berms and/or landscaping to deter unauthorized access. These elements can also be reviewed during the development order process and subject to the approval of the Development Services Division.

Staff Comments: Staff recommends **WITHDRAWAL** of this deviation. The Master Concept Plan (MCP Option B) does not depict water retention activities adjacent to Alico Road or private property lines. The water retention depicted on the MCP adjacent to I-75 appears to meet the setback requirements. The deviation is therefore unnecessary.

Deviation (2) seeks relief from LDC §30-153(2)a.4 requiring on-site identification signs must be setback a minimum of 15 feet from any street right-of-way or easement, and 10 feet from any other property line, to allow project identification signs in a median within the project's internal road right-of-way.

The applicant suggests the following condition as part of any approval of this request.

The identification signs are placed and constructed in accordance with LDC §30-93, visibility triangle safe sight distance requirements.

Staff Comments: The requested deviation has been approved for MCP Option A. Staff recommends **APPROVAL** of the requested deviation for the alternative development plan (MCP Option B) as well. The condition offered by the applicant restates the requirements of LDC Sec. 30-93(a) for visibility, which is not necessary.

Deviation (3) seeks relief from LDC §10-296(k)(1), which requires dead-end streets to be closed at one end by a circular turnaround for vehicles, to allow the dead-end accessway as shown on the Master Concept Plan to be constructed without a cul-de-sac.

The applicant suggests the following conditions as part of any approval of this request.

- a. Vehicles and emergency vehicles must be able to turn left and/or right into a parking lot and continue in a forward motion to the site exits.
- b. Prior to local development order approval, the developer must submit a letter to Development Services from the local fire authority approving this condition.

Staff Comments: Staff recommends **DENIAL** of this deviation. The Master Concept Plan (MCP Option B) depicts that the deviation would be potentially effective only at the easternmost end of the road/drive located between Parcel C and Outparcel 12. There is insufficient justification this design is necessary on the 33.95 acre site. The applicant has not provided design details that demonstrate how emergency vehicles will be able to access a drive, maneuver within and exit the parking lot. This request should be considered at the time of local development order.

LEE COUNTY COMPREHENSIVE PLAN (Lee Plan):

On September 18, 2019 the Board of County Commissioners voted to transmit two comprehensive plan amendments, CPA2018-10012 and CPA2018-10013. These applications amend the Future Land Use Map designation on the 33.95± acre property from Industrial Commercial Interchange to General Interchange and add residential development in the General Interchange category within the Gateway/Airport Planning Community on Lee Plan Table 1(b).

The following analysis is provided assuming the Lee Plan amendments are adopted prior to any action on this zoning case by the Board. If these CPA applications are not adopted, then the proposed zoning amendments are inconsistent with the Lee County Comprehensive Plan because the proposed residential component cannot be permitted within the Industrial Commercial Interchange.

The transmitted comprehensive plan amendment (CPA2018-10013) proposes a change in the Lee Plan Future Land Use Map designation to General Interchange. This future land use category is described in Lee Plan Policy 1.3.2. and is generally described as an area primarily intended for land uses that serving the traveling public. The interchange area permits a broad range of uses including tourist and general commercial, light industrial/commercial uses and multi-family dwelling units. Residential density ranges from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre), with a maximum density of twenty-two dwelling units per acre (22 du/acre) utilizing Bonus Density. The proposed development includes all uses contemplated for the General Interchange land use category. As conditioned, the residential will be limited to a 14 acre site, which will support a maximum of 196 dwelling units. The applicant seeks the potential development of 308 dwelling units, 112 units over the standard density range. The additional units must be requested as bonus density in accordance with Chapter 2 of the Land Development Code.

Goal 2 of the Lee Plan addresses Growth Management, while **Objective 2.1** addresses Development Location. The site is located north of Alico Road and west of I-75 in an area predominantly reserved for commercial and light industrial use with Industrial Commercial Interchange and Industrial Development future land use categories. The previously mentioned CPA applications propose to change the future land use category to General Interchange, which allows for residential uses. Development is occurring in this area and approval of the zoning request will not result in urban sprawl, the cost of extending services to support urban development is minimized, and large tracts of land are not being bypassed in favor of

development more distant from services. This request is consistent with **Objective 2.1** of the Lee Plan, contingent on adoption of the CPA applications.

Objective 2.2 and related Policies address development timing, directing new growth into portions of the County where adequate urban services exist.

Access: The site is located north of Alico Road with proposed access to Three Oaks Parkway and a proposed entrance from Alico Road. Access to Alico Road is subject to Florida Department of Transportation (FDOT) approval. The location of the proposed right-in to the development from Alico Road is not supported by FDOT and the requested access is inconsistent with Map 3K of the Lee Plan. The site has sufficient access from Three Oaks Parkway.

Water & Sewer: The November 29, 2018 letter from Lee County Utilities (Attachment G) reports the site is within the Future Services Area for Lee County Utilities. Potable water and sanitary sewer lines have been installed along Three Oaks Parkway, but the lines have not been conveyed to, or accepted by, Lee County Utilities. Lee County Utilities indicates it may have sufficient capacity for the applicant estimated demand of 145,000 gallons of water and sewage per day. **Objective 4.1** requires consideration of water and sewer during the rezoning process, and ensures the standards in **Standards 4.1.1 and 4.1.2** are met prior to issuance of a local development order. .

Fire/EMS: The site is within the San Carlos Park Fire Protection and Rescue Service District. Stations are located 3 to 4 miles away located on Sanibel Boulevard and Island Park Road. A future fire station is proposed along Oriole Road to the west. Public Safety staff has reviewed the application, identifying no issues with the proposed development.

Sheriff: The site is shown in the South District of the Lee County Sheriff's Office. The CPA includes a letter from the Sheriff's office indicating the development will not affect their ability to provide core services.

Transit: The site is north of and fronts on Alico Road, at the intersection of Three Oaks Parkway. LeeTran Route 60 travels east and west along Alico Road and south along Three Oaks Parkway. Bus stops are located along Alico Road to the west of the site and south along Three Oaks Parkway.

Schools: There are a sufficient number of classroom seats available to serve the needs of the estimated 46 school-aged children generated by the project.

Policy 2.2.1 provides that a rezoning must be evaluated as to the availability and proximity of requisite infrastructure and compatibility with surrounding land uses. The only development adjoining this project is the Alico Crossroads Center CPD which is predominantly native open space and road access adjacent to the north property line of the subject property. In staff's opinion, this proposed development can be served by adequate infrastructure, provided the potable water and sanitary sewer lines are conveyed to and accepted by Lee County Utilities. This will have to be assured during the local development order process consistent with **Objective 2.2, Policy 2.2.1, and Standards 4.1.1 and 4.1.2.**

The project proposes an option for residential development on Tract A, located in the northern portion of this site. Tract A is abutting a native open space area depicted on the approved Master Concept Plan for the Alico Crossings Center CPD. The overall project is located within Airport Noise Zone C. The LDC indicates any use permitted in Chapter 34 is allowed to be developed on the properties located in Airport Noise Zone C, provided a condition is included indicating the subject property is subject to noises created by and incidental to the operations of the Airport. A condition has been included in staff's conditions of approval. As conditioned in the recommended actions the rezoning is consistent with **Lee Plan Policy 5.1.2, Policy 5.1.5, Objective 47.2, and Policy 47.2.1**. This was also disclosed and analyzed as part of the CPA amendment seeking the General Interchange future land use category. The site is proximate to areas located along Alico Road, the I-75 Interchange, Southwest Florida International Airport, and lands along Ben Hill Griffin Parkway consistent with **Lee Plan Policy 5.1.3** and proximity to employment areas.

The project proposes up to 350,000 square feet of commercial/office/light industrial uses. As conditioned, staff finds the proposed commercial and light industrial development proposes sufficient vehicular access, screening and buffering, and infrastructure to support the development. The site is proximate to other similar centers and avoids negative impacts on surrounding land uses and traffic circulation. The request is consistent with **Policies 6.1.1, 6.1.3, 6.1.4, 6.1.5, and 6.1.7**.

Some light industrial use consisting of mini-warehouse and public warehouse is proposed. The proposed General Interchange future land use category includes the opportunity for development of light industrial use. These uses are not expected to result in air emissions, impacts to environmental resources, impacts to adjoining land uses, impacts to the transportation facilities, and will not require traffic to travel through predominantly residential areas. This is consistent with **Lee Plan Policies 7.1.1, 7.1.2, and 7.1.9**.

TRANSPORTATION:

Infrastructure Planning staff has reviewed the application for public hearing and their full set of comments are found as Attachment H. In summary, it is reported the proposed accesses to the project will be provided via a proposed right-in/right-out only and a full access driveway on Three Oaks Pkwy and a proposed right-in only on Alico Rd. Three Oaks Pkwy is an arterial maintained by Lee County, while Alico Rd (from Three Oaks Pkwy to I-75) is an arterial maintained by the State. The proposed right-in only access on Alico Rd is not a designated access point on Map 3K of Lee Plan, and is therefore inconsistent. Furthermore, FDOT staff indicate that the request for the right-in only on Alico Rd for this project has been denied. Attachment I is an email from FDOT.

Attachment J is a memorandum from the Development Services Section. In summary, the analysis considered development of 350,000 square feet of floor area (considered as a shopping center) and 300 hotel rooms (Table 3 of attachment). When compared to the current zoning, Table 4 of the attachment contemplates a reduction of 1,046 two-way daily trips. It is anticipated the following road sections are expected to be significantly impacted:

- Lee Road from San Carlos Boulevard to Alico Road; and
- Oriole Road from San Carlos Boulevard to Alico Road.

Table 5 of the attachment indicates Alico Road from Three Oaks Parkway to I-75 in the future, with and without the development, will have a Level of Service F. The Level of Service for Lee Road from San Carlos Boulevard to Alico Road will also fail in the future, with or without the

development. Development Services staff recommends conditions to the zoning approval that limit new trip generation, require outdoor seating for restaurants be included in the overall gross floor area, maintenance of a running inventory of development intensity to ensure compliance with the allowed maximum intensity, evaluation of turn lane analysis at the time of each local development order, and compliance with the LDC unless a deviation is granted.

ENVIRONMENT:

Attachment N to this report is the full Environmental Sciences staff report. The following provides a summary of that report.

The applicant submitted a Protected Species Assessment that was completed in October of 2018. The report indicates the site is primarily Pine Flatwoods with less than 25% exotics. The applicant proposes to preserve 2.55 acres of the 21.66 acres of Pine Flatwood to meet the indigenous requirements. The remainder of the site consists of disturbed land, fallow pasture, spoil areas and ditches. The Protected Species Assessment is Exhibit A attached to the ES staff report, and no species listed species were observed on the subject parcel.

LDC Section 10-415 requires proposed developments to provide open space based on the use and size of the development. Vintage Commerce Center is proposing commercial and residential uses on land that is considered a large development (over 10 acres in size). The applicant has provided Master Concept Plan received on October 9, 2019 that states that commercial tracts will provide 30% open space and the residential tracts will provide 40% open space in compliance with LDC Section 34-414(c). Half of the required open space must include indigenous open space in accordance with LDC §10-415(b)(1)(a). The applicant is providing a 2.55 acre indigenous preserve to meet the indigenous open space requirements and utilizing the indigenous open space credits per LDC §10-415(b)(3). The indigenous open space credits are allocated based on the size and width of the indigenous preserve. Vintage Commerce Center qualifies for 125% indigenous credit since the size of the preserve is over one acre and the minimum width is 75 feet. The 125% indigenous credit will result in 3.18 acres of indigenous open space. A condition has been offered that the open space will be met at the time of local development order approval.

SOUTHWEST FLORIDA INTERNATIONAL AIRPORT (LDC Section 34-1101 et seq.):

Lee County Port Authority staff has supplied comments on the application, found as Attachment K. In summary, the comments indicate that the property is located along the extended centerline of the future parallel runway and will be subject to numerous daily overflights. The southeastern corner of the site is in Airport Noise Zone C, though the proposed residential development area is not. Staff has included a condition providing the notification statement as required by LDC Sec. 34-1104(a) of the LDC.

Development of this site is subject to the requirement for a Tall Structure Permit as described in the LDC Section 34-1009 and 34-1010, and a determination of no hazard from the FAA pursuant to 14 CFR Part 77. The Letter provides a more detailed explanation of the Airport Obstruction Notification Zone.

Lighting associated to this development is requested by Port Authority staff to be angled downward to mitigate potential hazard.

SCHOOL DISTRICT OF LEE COUNTY

Attachment L is a letter from the School District. This considered the original application request for 400 multiple-family dwelling units, which was expected to generate a total of 46

school-aged children. Staff, therefore, concludes that adequate seats are available to serve the development.

CONCLUSION:

Staff recommends APPROVAL of the amendment to the planned development zoning, subject to the conditions provided in Attachment C. The applicant desires to retain the existing, approved, MCP while allowing for an alternative development proposal. The recommendation of approval is contingent upon the adoption of the two comprehensive plan amendments previously transmitted by the Board. In the event the amendments are denied, the zoning request will be inconsistent with the Lee Plan and must be denied as well.

ATTACHMENTS:

- A. Expert Witness Information
- B. Maps
 - Zoning
 - Future Land Use
 - Aerial
- C. Conditions and Deviations
- D. Applicant's Supporting Documentation
 - Request Statement
 - Demonstration of Compatibility
 - Schedule of Uses
 - Deviations and Justifications
 - Traffic Impact Statement
- E. Resolution Z-05-019
- F. Surrounding Zoning Actions
 - Resolution Z-03-017A
 - Resolution Z-08-029
 - ADD2006-00225
 - ADD2010-00016
 - Resolution Z-18-037
- G. Lee County Utilities Letter of November 8, 2018
- H. Memorandum from Infrastructure Planning
- I. Email from the Florida Department of Transportation
- J. Memorandum from Development Services
- K. Letter from the Lee County Port Authority
- L. Letter from the School District of Lee County
- M. CPA2018-10012 and CPA2018-10013
- N. Environmental Sciences Staff Report
- O. Legal Description
- P. Master Concept Plan, "MCP Option A" and "MCP Option B"

LEE COUNTY STAFF EXPERT WITNESS INFORMATION
PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(f)3.

Case Number: DCI2018-10022
Project Name: Vintage Commerce Center CPD
Hearing Examiner Date: November 22, 2019

Alvin Block, AICP; Planner, Principal; Zoning; 1500 Monroe Street; Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Beth Workman; Senior Planner; Zoning; 1500 Monroe Street, Fort Myers, FL 33901

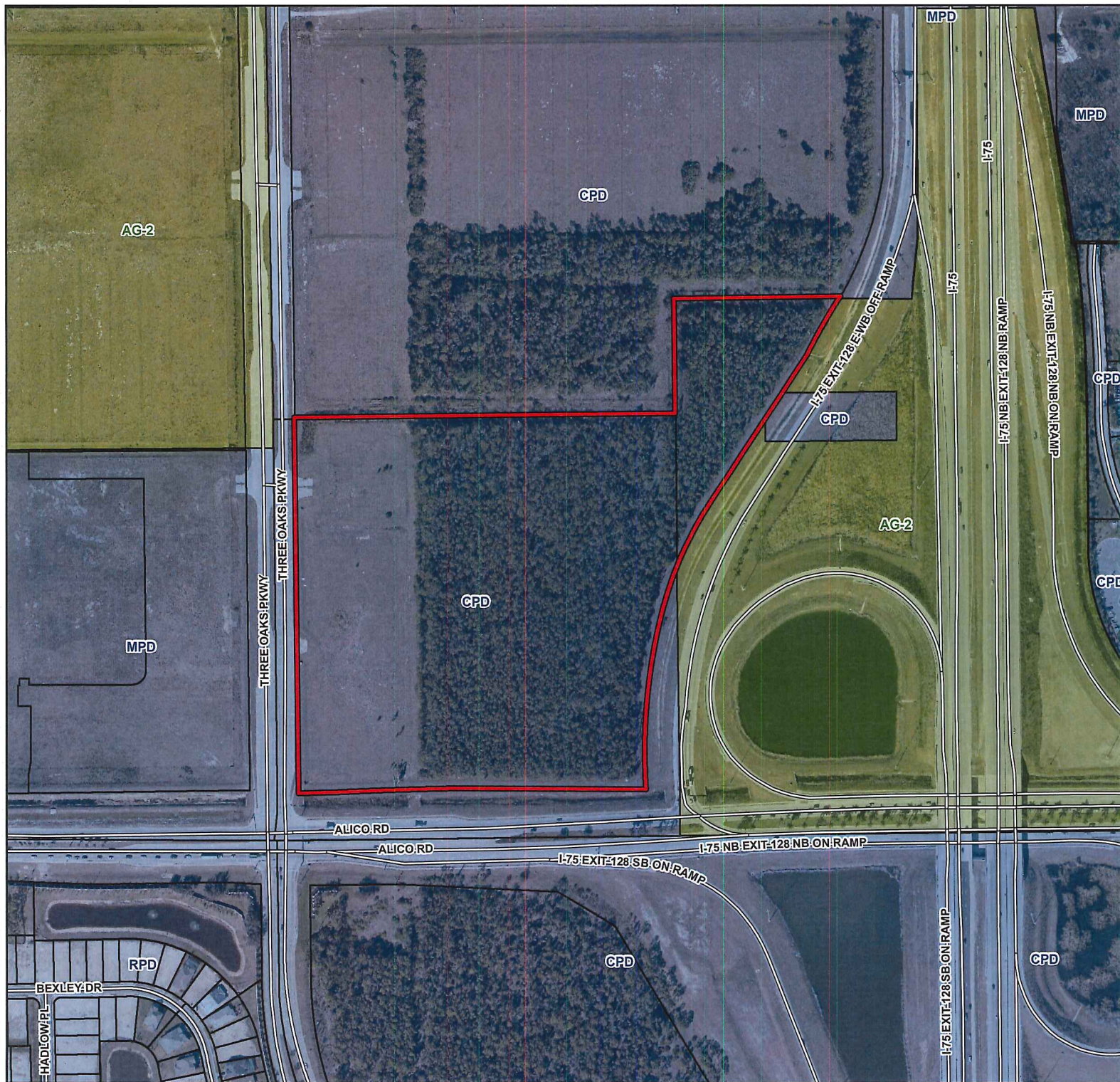
- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in Environmental matters
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Marcus Evans; Engineer, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in Transportation Engineering Planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Brandon Dunn; Planner, Principal; Planning, 1500 Monroe Street, Fort Myers, FL 33901

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.



DCI2018-10022 Zoning

Legend

 Subject Parcel



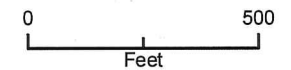
0 500
Feet

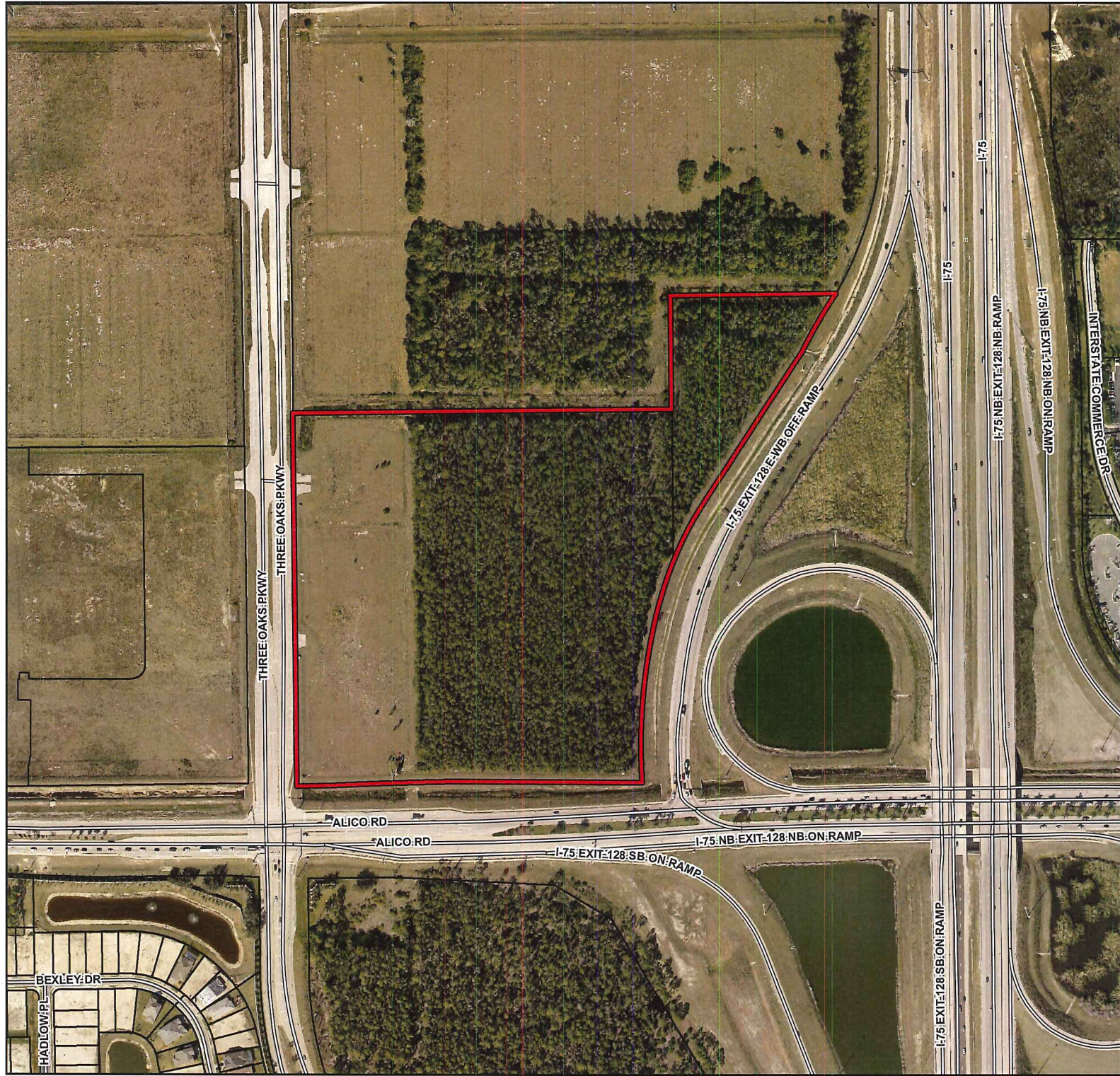
ATTACHMENT B

DCI2018-10022 Future Land Use

Legend

-  Subject Parcel
-  Urban Community
-  Industrial
-  Commercial
-  Interchange
-  University Village
-  Interchange
-  Tradeport
-  Wetlands





DCI2018-10022
Aerial

Legend

 Subject Parcel



0 500
Feet

CONDITIONS:

1. The development of this project must be consistent with one of the following Master Concept Plans, except as modified by the conditions herein:
 - a. "MCP Option A" the one-page Master Concept Plan (MCP) entitled "VINTAGE COMMERCE CENTER CPD stamped received MAY 17 2005, except as modified below; or
 - b. "MCP Option B", the one-page Master Concept Plan for Vintage Commerce Center CPD, stamped received on October 29, 2019.

As part of the first local development order for this planned development, the applicant must commit to development of the site consistent with one of the above Master Concept Plans. Development must be consistent with the following conditions:

- "MCP Option A" development must be consistent with Condition 2 below.
- "MCP Option B" development must be consistent with Condition 3 below.

Development must comply with all requirements of the Lee County Land Development Code (LDC) at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary in accordance with the LDC.

If the development is developed in phases, local development order submittals must include a running inventory showing the overall number of residential units, number of hotel rooms, and total floor area (in terms of square feet) that have been constructed, are approved to be constructed, and are in the development approval process.

2. Development consistent with "MCP Option A" is subject to the following conditions and deviations, originally adopted in Resolution Number Z-05-019 as modified in the following.
 - a. The terms and conditions of the original Resolution Z-99-097 have been incorporated into this zoning action. Upon approval of this zoning action, Resolution Z-99-097 will become null and void.
 - b. The following limits apply to the project and uses:

Schedule of Uses

~~Agricultural Uses (See Condition f., below)~~

ATM

Auto Parts Store with or without installation service

Automobile Service Station

Auto Repair and Service, Groups I & II

Banks and Financial Establishments, Groups I & II

Bar or Cocktail Lounge

Boat Sales

Car Wash –Tract B only

Clothing Store, General

ATTACHMENT C

Contractor and Builders, Group I
Convenience Food and Beverage Store –Tract B only and limited to one (1) having a
maximum of 16 fuel pumps
Department Store –Tract A only
Drive Through Facility for Any Permitted Use
Drugstore
Entrance Gates and Gatehouses
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention
Hardware Store –Tract A only
Health Care Facility, Group III
Hobby, Toy and Game Shops
Household and Office Furnishings, Groups I & II
Insurance Companies
Laundromat
Laundry or Dry Cleaning, Group I
Lawn and Garden Supply Store
Medical Office
Non-Store Retailers, All Groups
Package Store
Paint, Glass and Wallpaper
Parking Lot, Accessory and Temporary
Personal Services, Groups I through III
Pet Services
Pet Shop
Pharmacy
Printing and Publishing
Rental or Leasing Establishments, Group II
Repair Shops, Groups I & II
Restaurants, Groups I through IV
Restaurant, fast food –Tract B only.
Social Services, Group I
Specialty Retail, Groups I through IV
Supermarket –Tract A only
Studios
Temporary Uses
Used Merchandise Store, Group I

Site Development Regulations

- (1) The project may be developed with a maximum of 300,000 square feet of floor area. This can be comprised of all retail, or up to 30,000 square feet may be office use--of which up to 15,000 square feet may be medical office use; and
- (2) This approval does not alleviate the need to comply with all federal, state and county development regulations for life safety and fire codes, open space, buffering and parking spaces, except as specifically modified by this approval. No deviations from any regulations that are not specifically stated are granted as part of this approval.
- (3) Any use that is specifically addressed in the LDC with special buffering, separation or other requirements must adhere to those requirements. No relief has been granted as part of this approval to allow a lessening of those requirements.
- (4) The property development limitations are:

Minimum Area Dimensions:

Lot Size 20,000 square feet
 Lot Depth 100 feet
 Lot Width 100 feet

Minimum Building Setbacks:

Street Internal or External 25 feet
 Side 15 feet
 Rear 20 feet
 Waterbody 25 feet

Maximum Building Height: 45 feet/three stories

Maximum Lot Coverage: 45 percent

Minimum Open Space: A minimum of 10.18 acres of general open space must be provided within the overall development site. Each development tract may contain a minimum of 20 percent open space per LDC §34-414(c) provided the developer demonstrates the overall open space requirement will be met with each local development order submittal.

Note: Tract A and B can be further subdivided using the ~~Administrative Review Process~~ Administrative Amendment process for a planned development provided the resulting lots are consistent with the Property Development Regulations set forth in Condition A.3.d.(4).

~~c. Bona fide agricultural uses that are now in existence may continue until the first development order approval is granted. However, no development activity of any kind may~~

~~occur on the property, including clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with all applicable Lee County regulations as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.~~

- d. Buildings exceeding 35 feet in height must maintain additional building separation or additional building setbacks as regulated by LDC §34-2174(a) and LDC §34-935(e)4. However, maximum building height in this project is limited to 45 feet.
- e. Environmental Conditions
 - 1. Prior to approval of any local development order, the development order must delineate a minimum of 10.18 acres of Open Space for the project. Each parcel must indicate that a minimum of 20 percent of the individual parcel will be designated as Open Space. An open space table must be provided with the development orders for each parcel demonstrating that open space requirements for the entire CPD are being met.
 - 2. Prior to approval of local development order, the development order must indicate a minimum of 5.1 acres of indigenous preservation, in significant compliance with the Master Concept Plan. The development order must also indicate the reforestation conditions set forth in the "Upland Indigenous Habitat Preserve Management Plan" dated October 2004 and revised November 2004, attached hereto as Attachment D.
 - 3. No portion of the 25 foot-wide drainage berm referenced on the MCP can be located within the boundaries of the northeast preservation area.
 - 4. As indicated on the MCP, enhanced buffers are provided adjacent to Alice Road and Three Oaks Parkway. These buffers must be a minimum of 20 feet in width, include a 3-foot landscape berm, and contain, at a minimum, a double staggered hedgerow and five (5) canopy trees or seven (7) palm trees per 100 linear feet. All required vegetation within these buffers must be 100 percent native species and must meet all LDC plant material standards.
- f. The roadway (Alice Road and/or Three Oaks Parkway) landscape standards for a convenience food and beverage store, with fuel pumps, will be a 25 foot-wide buffer, 3-foot-high berm, with three (3) tree clusters at 20 feet on center with a maximum of 25 feet between clusters; all trees will be planted at 14 feet tall with a 3-foot planted shrub hedge to be maintained at four (4) feet tall.
- g. ~~Since the subject property is located in Noise Zone 3, the developer is encouraged to use sound insulating materials in the construction of the structures.~~

The developer, successor or assign acknowledges the property's proximity to Southwest Florida International Airport and the potential for noises created by and incidental to the operation of the airport as outlined in Land Development Code Section 34-1104. The developer, successor or assign acknowledges that a disclosure statement is required on plats, and in association documents for condominium, property owner and homeowner associations as outlined in Land Development Code Section 34-1104(b).

- h. No development blasting is permitted as part of this project.
- i. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
- j. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1 (b).
- k. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development rezoning action or subsequent amendment approvals.
- l. Administrative Amendments ADD2006-00225 and ADD2010-00016 remain effective as part of this approved development option.

DEVIATIONS:

Deviation (1) seeks relief from the LDC §10-329(d)(l)a.3 requirement to provide a 50 foot-wide setback from road rights-of-way and private property lines for water retention excavation, to allow a 25-foot-wide setback. This deviation is APPROVED with the following condition:

The developer must provide adequate protection for wayward vehicles along Alico Road and the east property line of the subject property. The elements of protection will be reviewed during the development order process and are subject to the approval of the Director of Development Services. Similarly, the setback along the eastern property line is approved with the condition the lake is adequately buffered from the adjoining property line with berms and/or landscaping to deter unauthorized access. These elements can also be reviewed during the development order process and subject to the approval of the Director.

Deviation (2) - WITHDRAWN AT PUBLIC HEARING

Deviation (3) seeks relief from the LDC §10-285(a) requirement to provide a 660-foot connection separation onto the future extension of Three Oaks Parkway, to allow access approximately 660 feet and 1,311 feet as measured from the centerline of Alico Road. This deviation is APPROVED with the following conditions:

- a. The connection approximately 660 feet north of Alico Road is approved.

- b. There will be no driveway connections on the internal east-west accessways between Three Oaks Parkway and the parallel internal frontage road. Parcels will only have driveway connections to the parallel internal frontage roadway.
- c. A connection to Three Oaks Parkway will be shared with the property to the north, and a cross-access easement on the internal frontage roadway will be provided. The northern connection may be shifted administratively up to 200 feet based on LCDOT review of consistency with the median access management plan for Three Oaks Parkway.

Deviation (4) - WITHDRAWN AT PUBLIC HEARING

Deviation (5) seeks relief from the LDC §30-153(2)a.4. requirement that on-site identification signs be set back a minimum of 15 feet from any street right-of-way or easement, and 10 feet from any other property line, to allow project identification signs in a median within the project's internal road right-of-way. This deviation is APPROVED with the condition that the identification signs are placed and constructed in accordance with LDC §30-93, visibility triangle safe sight distance requirements.

Deviation (6) seeks relief from the LDC §10-296(k)(l), which requires dead-end streets to be closed at one end by a circular turnaround for vehicles, to allow the dead-end accessway as shown on the Master Concept Plan to be constructed without a cul-de-sac. This deviation is APPROVED with the following conditions:

- a. Vehicles and emergency vehicles must be able to turn left and/or right into a parking lot and continue in a forward motion to the site exits.
- b. Prior to local development order approval, the developer must submit a letter to Development Services from the local fire authority approving this condition.

3. Development consistent with "MCP Option B" is subject to the following conditions:

- a. Total development intensity is limited to 350,000 square feet of floor area and 300 hotel/motel units. Outdoor seating in conjunction with a restaurant will count to the total floor area approved within this development.

If residential development is approved as part of a local development order, the maximum non residential floor area of 350,000 square feet will be reduced by 200 square feet for each dwelling unit approved by local development order. There must be at least 50,000 square feet of commercial development intensity developed concurrently with or prior to construction of a residential use.

Residential must be developed at a minimum of 8 dwelling units and may not exceed 14 dwelling units, per acre. Additional units per acre may be approved, up to a maximum of 22 units per acre, provided they are Bonus Density Units, consistent with Chapter 2 of the Lee County Land Development Code, and with the Lee County Comprehensive Plan.

- b. Schedule of Uses and Property Development Regulations:

Schedule of Uses:

Accessory uses and structures
Administrative Office
ATM (automatic teller machine)
Auto Parts Store
Auto Repair and Service: Groups I & II
Automobile Service Station
Banks and Financial Establishments: Groups I & II
Bar or Cocktail Lounge
Boats: Boat Sales
Building material sales
Business Services: Groups I & II
Car wash
Clothing stores, general
Consumption on premises
Contractor and Builders, Groups I & II
Convenience Food and Beverage Store, limited to one (1) within the planned development
Department Store
Drive Through Facility for Any Permitted Use
Drugstore
Dwelling unit, multiple-family building (limited to Parcel A)
Entrance Gates and Gatehouses
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention
Food stores, Group I
Hardware Store
Health Care Facility, Group III
Hobby, Toy and Game Shops
Hotel/motel (limited to Parcel C and any Outparcel)
Household and Office Furnishings, Groups I & II
Insurance Companies
Laundromat
Laundry or Dry Cleaning, Group I
Lawn and Garden Supply Store
Medical Office
Night clubs
Non-Store Retailers, All Groups
Package Store
Paint, Glass and Wallpaper
Parking Lot: Accessory and Temporary
Personal Services: Groups I through III
Pet Services
Pet Shop
Pharmacy
Place of worship
Printing and Publishing

Recreation facilities: commercial: Groups I through V
 Religious facilities
 Rental or Leasing Establishments: Groups II and III
 Repair Shops: Groups I & II
 Restaurants, Fast Food
 Restaurants: Groups I through IV
 Schools: commercial
 Signs
 Social Services: Group I
 Specialty Retail Shops: Groups I through IV
 Storage, Indoor
 Studios
 Temporary Uses, limited to those identified in LDC Sections 34-3041, 34-3042, 34-3043, 34-3044, 34-3048, & 34-3050
 Used Merchandise Store: Group I
 Vehicle and equipment dealers: Groups I through V
 Warehouse: Mini-warehouse and Public

There are no agricultural uses on site, nor are there agricultural exemptions. No agricultural uses are permitted on site as a part of this rezoning.

Property Development Regulations

Minimum Lot Area and Dimensions *:

Lot Area	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Building Setbacks:

Street:	25 feet
Side	15 feet
Rear	20 feet
Water body	25 feet

Maximum Building Height 85 feet

Maximum lot coverage 45 percent

*Note: Tracts A and B may be further subdivided through an administrative amendment to the planned development, provided all lots comply with the above minimum lot area and dimensions.

Minimum Open Space: Prior to all development order approvals, the following open space requirements must be depicted on the development order plans:

- i. A total of 3.18 acres of indigenous open space that includes 2.55 acres of indigenous preserve with 125% indigenous credits; and

- ii. All commercial development must provide 30% open space; and
 - iii. All residential development must provide 40% open space.
- c. The developer, successor or assign acknowledges the property's proximity to Southwest Florida International Airport and the potential for noises created by and incidental to the operation of the airport as outlined in Land Development Code Section 34-1104. The developer, successor or assign acknowledges that a disclosure statement is required on plats, and in association documents for condominium, property owner and homeowner associations as outlined in Land Development Code Section 34-1104(b).
- d. As part of the first local development order, the local development order plans must depict access to the project to the north from the northwestern corner of this planned development consistent with the Access Easement recorded in Instrument # 2008000082083 and depicted on the Master Concept Plan, unless written mutual consent to relocate this interconnection is demonstrated at the time of the development order. This project must interconnect with the Alico Crossroads Center CPD to the north.
- e. The developer will construct the following site-related turn lane improvements at the intersection of Alico Road with Three Oaks Parkway to the satisfaction of the Lee County Department of Transportation at the time of the first local development order for non-vertical development of the project site:
 - 1.) a southbound right-turn lane extension to accommodate an additional 425 feet of vehicle queue storage,
 - 2.) an eastbound left-turn lane extension and an additional eastbound left-turn lane to accommodate a total of an additional 800 feet of vehicle queue storage, and
 - 3.) a westbound right-turn lane extension to accommodate an additional 200 feet of vehicle queue storage.

The aforementioned improvements will be considered site-related and are not eligible for roads impact fee credits."

- f. Issuance of a County development permit does not establish a right to obtain permits from state or federal agencies. Further, it does not establish liability on the part of the county if the Developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies, or (b) undertake actions that result in a violation of state or federal law.
- g. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

Vintage Commerce Center CPD

Request Statement

Request Statement: Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan, the Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. [34-373(a)(5)]

This PD amendment proposes to modify the previously approved Master Concept Plan and the Schedule of Uses in order to increase the allowable commercial and office square footage, add hotel/motel uses and additional commercial uses, and add an option, which includes multi-family residential uses. Companion Lee Plan Amendments have been filed to change the Future Land Use (FLU) Category to General Interchange, which permits the proposed multi-family uses. A text amendment to modify the Table 1b allocation text is also proposed. Bonus densities have been requested in order to achieve a density above the 14 du/ac permitted in the General Interchange FLU Category.

The site is well suited for multi-family residential uses and for a variety of commercial land uses. Access to the site is via a signalized intersection at Three Oaks Parkway and Alico Road. The site provides good access to the arterial and interstate roadways, and is conveniently located within an area offering employment, education and entertainment.

The applicant is requesting 350,000 square feet of commercial, light industrial and office uses, 300 hotel/motel units and up to 308 multi-family residential dwelling units. The TIS demonstrates that commercial square footage will be reduced proportionally to the number of residential dwelling units constructed. The applicant further agrees to a condition that if residential dwellings are constructed within the CPD, the 350,000 square feet of commercial, office or light industrial square footage will be reduced by 200 square feet per dwelling unit constructed.

LDC section 34-145(d)(4)

(4) Findings/review criteria.

a. Before recommending approval for:

1. Rezoning. The Hearing Examiner must find the request:
 - a) Complies with the Lee Plan;

RECEIVED
OCT 29 2019

COMMUNITY DEVELOPMENT

DCI 2018-10022

Vintage Commerce Center CPD

Request Statement

The CPD amendment, as proposed, does comply with the companion Future Land Use Map amendment, which proposes to re-designate the 34.95± acre property from Industrial Commercial Interchange to the General Interchange FLU Category. The principal difference between the two interchange categories is that the General Interchange FLU Category permits multi-family residential uses in addition to a wide variety of commercial land uses. The General Interchange Future Land Use Category, Policy 1.3.2. is intended primarily for uses that serve the traveling public, but due to their location, market attractions and desire for flexibility, this category permits a broad range of uses that include tourist commercial, general commercial, light-industrial/commercial and multi-family dwelling units.

The uses listed in the Schedule of Uses is a broad range of Tourist Commercial and General Commercial land uses. The Schedule of Uses also includes multi-family dwellings, consistent with uses permitted by Policy 1.3.2. of the Future Land Use Element.

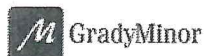
The applicant has suggested a condition of the zoning requiring the PD to maintain a minimum density of 8 du/ac consistent with Table 1(a) of the Lee Plan. The proposed CPD amendment includes residential uses that may exceed 14 du/ac through the use of the Pine Island Bonus Density provisions, as provided for in the Chapter 2 of the LDC and the General Interchange FLU Category.

The application proposes to utilize bonus units through the use of Transfer of Development Rights (TDR) program, available for projects located in the General Interchange Future Land Use Category. The project meets the minimum requirements identified in Section 2-146(b) in that no traffic is required to travel through lower density areas in order to reach a collector or arterial roadway. The project is adjacent to a collector road (Three Oaks Parkway) and Alico Road which is an arterial road. The property is not located in the Coastal High Hazard Area. The project as proposed is compatible with surrounding development due to its provision for buffers consistent with Chapter 10 of the LDC.

LDC Section 2-147(b)(3) requires a PD to be amended in order to increase density utilizing bonus density. The applicant has submitted a PD amendment application, which identifies the area where bonus density will be applied on the property.

The applicant proposes to utilize Greater Pine Island TDU's consistent with LDC 2-147(S). the proposed PD amendment is consistent with the criteria for use of the Greater Pine Island TDU's as the proposed density will not exceed the maximum of 22 du/acre allowed in the General Interchange Commercial Future Land Use Category. The applicant is not proposing to have administrative approval of the bonus density and understands that BOCC approval will be required.

October 14, 2019
Request Statement-rev5.docx



Civil Engineers • Land Surveyors • Planners • Landscape Architects

Q. Grady Minor & Associates, P.A.

3800 Via Del Rey, Bonita Springs, FL 34134 • 239-947-1144 • engineering@gradymenor.com • www.gradymenor.com

RECEIVED
OCT 29 2019

Page 2 of 25

COMMUNITY DEVELOPMENT

DCI 2018-10022

Vintage Commerce Center CPD

Request Statement

A full analysis of the public capacity impacts has been completed consistent with the Lee County Comprehensive Plan Amendment Application requirements. Below, is a consistency analysis with other Goals, Objectives and Policies of the Lee Plan.

Future Land Use Element

OBJECTIVE 1.3: INTERSTATE HIGHWAY INTERCHANGE AREAS. *Special areas adjacent to the interchanges of Interstate 75 that maximize critical access points will be designated on the Future Land Use Map. Development in these areas must minimize adverse traffic impacts and provide appropriate buffers, visual amenities, and safety measures. Each interchange area is designated for a specific primary role: General, General Commercial, Industrial Commercial, Industrial, and University Village. Residential uses are only permitted in these categories in accordance with Policy 1.3.2. (Ordinance No. 94-30, 99-18, 00-22, 16-02, 17-13, 18-05).*

POLICY 1.3.2: *The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial, light industrial1 /commercial, and multi-family dwelling units. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre). (Ordinance No. 94-30, 99-18, 16-02, 17-12)*

The site is presently designated Industrial Commercial Interchange on the FLU map. The area has substantially changed since the designation in the 1980's when Alico Road was primarily industrial. The Alico/Three Oaks Parkway intersection and the Alico/I-75 interchange have become increasing more important as an area that serves the traveling public, as well as those heading south to FGCU. This application proposes to designate the property to the General Interchange FLU category. Both land use categories implement objective 1.3 of the FLU element due to the adjacency to I-75. The proposed map amendment allows this critical interchange to be maximized in accordance with objective 1.3. Policy 1.3.2. Includes residential uses as a permitted use in the proposed General Interchange FLU category, which allows for a broader range of uses and increased flexibility to maximize the use of the Interchange area. Further, including a multi-family residential use at this location will provide opportunities to diversify the housing types in our community and provide additional opportunities for workforce housing to support existing and future commercial and industrial development in the area, in addition to the university and RSW.

RECEIVED
OCT 29 2019

3800-2105128

Vintage Commerce Center CPD

Request Statement

The Development of FGCU, RSW and Florida Gulf Coast Town Center provide desirable destinations for residents. Easy access to Alico Road and I-75 provide convenient and centralized accessibility to employment centers located in Lee and Collier County. The property owner intends to file for a companion CPD amendment to add MF residential as a permitted land use, in addition to a variety of general commercial land uses, also requiring convenient access to I-75 and Alico Road. The CPD will contain appropriate development standards to insure that both residential and commercial uses will be developed in a compatible manner within the development, as well as the nearby existing and future development.

POLICY 1.3.7: *The following access control standards will apply to the interstate interchange areas of Lockett Road, Alico Road, Corkscrew Road, and Bonita Beach Road. The specified turning movements are not to be construed as conveying a property right or creating any expectation that they will be a permanent feature. The county reserves the right to modify or further restrict movements as it deems necessary to address operational and safety issues. Access control issues for Daniels Parkway west of I-75 are governed by the controlled access resolution adopted by the Board of County Commissioners on October 4, 1989, as may be amended from time to time. The other interchange areas are state roads where access is controlled by the Florida Department of Transportation under the provisions of Rule 14-97.003, FAC. The standard is a strict requirement during the rezoning and development order processes for cases after the effective date of this policy.*

A potential right in only access to Alico Road has been shown on the companion CPD master concept plan. The property owner is meeting with FDOT officials to determine whether access in the limited access area of I-75 can be granted. The applicant understands that access directly to Alico Road will be determined by FDOT and the USDOT.

POLICY 1.7.6: *The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2030. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded. This policy will be implemented as follows:*

1. *For each Planning Community the County will maintain a parcel based database of existing land use. The database will be periodically updated at least twice every year, in September and March, for each Planning Community.*



Vintage Commerce Center CPD

Request Statement

2. *Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by buildout of the development order. No development order, or extension of a development order, will be issued or approved if the project acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table 1(b), Acreage Allocation Table regardless of other project approvals in that Planning Community. For limerock mining in Planning Community #18, see special requirements in Policy 33.1.4 regarding industrial acreages in Table 1(b).*
3. *At each regularly-scheduled date for submission of the Lee Plan Evaluation and Appraisal Report, the County must conduct a comprehensive evaluation of Planning Community Map and the Acreage Allocation Table system, including but not limited to, the appropriateness of land use distribution, problems with administrative implementations, if any, and areas where the Planning Community Map and the Acreage Allocation Table system might be improved.*

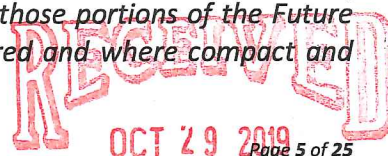
The acreage allocation table will need to be modified to reflect that there will be an additional 14± acres of land added to the General Interchange FLU Category in the Airport/Gateway Planning Community. This is an amendment necessary to reflect the FLU Map amendment re-designating the 34± acres from Industrial Commercial Interchange to General Commercial FLU Category. A separate companion text amendment has been filed to modify the Table 1(b) allocation table.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.*

POLICY 2.1.1: *Most residential, commercial, industrial, and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.*

Objective 2.1 and implementing policy 2.1.1 encourage the use of existing urban areas where services and infrastructure exist to serve new development. The General Interchange FLU category is a future urban area and has the full range of urban services available directly at the subject property, including water, sewer and road way capacity. Development in this location provides for a compact and contiguous growth pattern.

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and*



Vintage Commerce Center CPD

Request Statement

contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.

POLICY 2.2.1: *Rezoning and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.*

Urban services are available at or near the project site. Schools, EMS, fire and sheriff's office services are available in the vicinity of the project consistent with objective 2.2 and policy 2.2.1 of the FLU element.

POLICY 2.2.2: *Map 1 of the Future Land Use Map series indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the county's growth beyond the Lee Plan's planning horizon of 2030. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:*

- 1. Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and*
- 2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and*
- 3. Whether a given proposal would result in unreasonable development expectations that may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Policy 1.7.6, Map 16 and Table 1(b)). Additional provisions related to mining are provided in Policy 33.1.4.*

In all cases where rezoning is approved, such approval does not constitute a determination that the minimum acceptable levels of service (see Policy 95.1.3) will be



Vintage Commerce Center CPD

Request Statement

available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of

The applicant has analyzed public service availability and confirmed that capacity is available at the present time to serve the uses permitted by the proposed General Interchange FLU map designation. Residential uses are included in the CPD. Development of the site with residential uses in addition to commercial uses will be consistent with established LOS standards for public facilities. This amendment proposes to revise the table 1 (b) acreage allocation, to increase the residential acreage by 14+/- acres to accommodate the proposed change in FLU categories, and a corresponding reduction in acreage is proposed in the Industrial Commercial FLU category community.

OBJECTIVE 2.4: FUTURE LAND USE MAP AMENDMENTS. Regularly examine the Future Land Use Map in light of new information and changed conditions, and make necessary modifications.

POLICY 2.4.1: The County will accept applications from private landowners or non-profit community organizations to modify the boundaries as shown on the Future Land Use Map. Procedures, fees, and timetables for this procedure will be adopted by administrative code.

The proposed FLU map amendment provides for an interchange category with a broader range of uses that is more consistent with the existing surrounding land uses and supportive of the goals of Lee County Vision Statement for nearby or to be developed parcels. The category also permits multi-family residential development on the property. As central Lee County has evolved, the property is now ideally situated to support a mixture of general commercial and residential land uses. This pattern of development is typical of other Lee County I-75 interchange areas. Ease of access to I-75 for our workforce and proximity to shopping, education, entertainment and SW Florida International Airport makes the site well-suited for both residential and commercial land uses.

GOAL 4: SUSTAINABLE DEVELOPMENT DESIGN. To pursue or maintain land development regulations which encourage creative site designs and mixed use developments. Using an overlay, locate appropriate areas for Mixed Use, Traditional Neighborhood Development, and Transit Oriented Development. (Amended by Ordinance No. 94-30, 07-15)

OBJECTIVE 4.1: Maintain the current planned development rezoning process which combines site planning flexibility with rigorous review. (Amended by Ordinance No. 91-19, 94-30, 07-15)

POLICY 4.1.1: Development designs will be evaluated to ensure that land uses and structures are well integrated, properly oriented, and functionally related to the

Vintage Commerce Center CPD

Request Statement

topographic and natural features of the site, and that the placement of uses or structures within the development minimizes the expansion and construction of street and utility improvements. (Amended by Ordinance No. 91-19, 00-22)

The subject site is currently zoned as a Commercial Planned Development and it is the intent of the owner to file a companion CPD amendment. The MCP demonstrates the location of proposed uses, buffers, water management and on-site preserves.

GOAL 5: RESIDENTIAL LAND USES. *To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2030 in attractive and safe neighborhoods with a variety of price ranges and housing types.*

OBJECTIVE 5.1: *All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 11, and other provisions of this plan.*

POLICY 5.1.1: *Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned residential developments.*

POLICY 5.1.2: *Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*

POLICY 5.1.4: *Prohibit residential development in all Industrial Development areas and Airport*

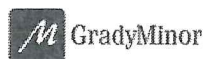
Noise Zone B as indicated on the Future Land Use Map, except for residences in the Industrial

Development area for a caretaker or security guard. (Ordinance No. 94-30, 07-09, 18-05)

The CPD application is an amendment to an existing CPD. The intent is to modify the schedule of uses to include a larger variety of commercial uses, as well as, multi-family residential uses consistent with the proposed General Interchange future land use category.

The majority of the site is outside the noise contours for Southwest Florida International Airport. A very small portion in the northwest corner of the site is within zone C of the noise contour, requiring notice to property owners for potential impacts from noise associated with the airport. No portion of the site is within noise zone B.

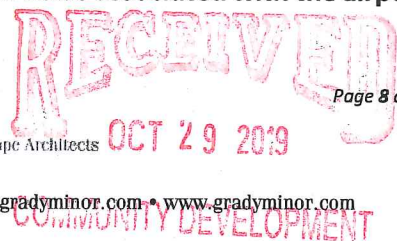
October 14, 2019
Request Statement-rev5.docx



Civil Engineers • Land Surveyors • Planners • Landscape Architects

Q. Grady Minor & Associates, P.A.

3800 Via Del Rey, Bonita Springs, FL 34134 • 239-947-1144 • engineering@gradyminor.com • www.gradyminor.com



Page 8 of 25

DCI 2018-10022

Vintage Commerce Center CPD

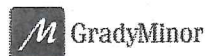
Request Statement

POLICY 7.1.1: *In addition to the standards required herein, the following factors apply to industrial rezoning and development order applications:*

1. *The development must comply with local, state, and federal air, water, and noise pollution standards.*
2. *When located next to residential areas, industry must not generate noise levels incompatible with the residential development.*
3. *Bulk storage or production of toxic, explosive, or hazardous materials will not be permitted near residential areas.*
4. *Contamination of ground or surface water will not be permitted.*
5. *Applications for industrial development will be reviewed and evaluated as to:*
 - a. *air emissions (rezoning and development orders);*
 - b. *impact and effect on environmental and natural resources (rezoning and development orders);*
 - c. *effect on neighbors and surrounding land use (rezoning);*
 - d. *impacts on water quality and water needs (rezoning and development orders);*
 - e. *drainage system (development orders);*
 - f. *employment characteristics (rezoning);*
 - g. *fire and safety (rezoning and development orders);*
 - h. *noise and odor (rezoning and development orders);*
 - i. *buffering and screening, except properties within the Industrial Development future land use category adjacent to lands redesignated to the Urban Community future land use category by Ordinance 16-17 will retain their development potential and land development regulations (including buffers and setbacks) consistent with the requirements previous to the redesignation, as though the redesignated lands are nonresidential in use (planned development rezoning and development orders);*
 - j. *impacts on transportation facilities and access points (rezoning and development orders);*
 - k. *access to rail, major thoroughfares, air, and, if applicable, water (rezoning and development orders);*
 - l. *utility needs (rezoning and development orders); and*
 - m. *sewage collection and treatment (rezoning and development orders).*

Development of a portion of the subject property for residential development will not deter future industrial uses from developing in the area. Conversely, provision of multi-family

October 14, 2019
Request Statement-rev5.docx



Civil Engineers • Land Surveyors • Planners • Landscape Architects

Q. Grady Minor & Associates, P.A.

3800 Via Del Rey, Bonita Springs, FL 34134 • 239-947-1144 • engineering@gradymenor.com • www.gradymenor.com



Page 9 of 25

COMMUNITY DEVELOPMENT

OCI 2018-10022

Vintage Commerce Center CPD

Request Statement

housing opportunities in proximity to commercial and other employment opportunities is seen as a draw for corporations looking to locate due to the convenience and shorter travel times for employees. Regulations exist in the LDC, which provide for setbacks for certain heavy industrial land uses. The most restrictive setback is 660 feet for bulk storage or production of toxic, explosive or hazardous materials such as batch plants, landfills, junkyards and chemical manufacturing. The existing nearby zoned properties largely do not permit heavy commercial or heavy industrial land uses, therefore, this increased setback would not likely be applicable, nor be a deterrent for future light industrial development anticipated in the vicinity. Further, the aforementioned uses one to the economics associated with the area in proximity to the subject property would not typically seek this highly visible location with greater potential for retail commercial, hotel or residential uses.

The proposed area for residential development is completely separated from adjacent development to the north by an indigenous preservation area, to the east by I-75 and to the west by Three Oaks Parkway. The companion CPD amendment proposes residential use only on a single tract, which is not contiguous to Three Oaks Parkway or Alico Road.

Furthermore, Lee County has adopted a noise ordinance, which establishes permissive decibel levels for industrial and commercial uses, which have been determined to be acceptable and compatible with residential development. The CPD Master Plan is designed so that the residential component is isolated from any nearby industrial activities with commercial and office development, which would act to temper any nearby industrial noise from the residences. This arrangement of commercial uses will effectively buffer the residential uses from any industrial related noise in the area. Even though it is not required by the Land Development Code, the applicant will agree to provide notice on any residential lease indicating to residents that they are in an area subject to airport and industrial noise and traffic.

***POLICY 7.1.8:** Land development regulations will require that industrial uses be adequately buffered and screened from adjacent existing or proposed residential areas so as to prevent visual blight and noise pollution.*

The Land Development Code contains standards for buffering and screening of land uses, including industrial, commercial and residential uses.

***POLICY 7.1.9:** Industrial development will not be permitted if it allows industrial traffic to travel through predominantly residential areas.*

Approval of the land use change to permit residential on 14± acres of the 34± acre property will not result in industrial traffic traveling through predominantly residential areas. The CPD Master Plan identifies the area in which residential use would be permitted. The residential

RECEIVED
OCT 29 2019
COMMUNITY DEVELOPMENT

SS001-8105130

OCT 2018 10022

Vintage Commerce Center CPD

Request Statement

uses will not be permitted immediately adjacent to Three Oaks Parkway or Alico Road. Even though both roadways are public roads all land uses including industrial traffic may utilize them, no units will be immediately adjacent to them.

GOAL 11: MIXED USE: *Encourage mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide: diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments.*

OBJECTIVE 11.1: MIXED USE DEVELOPMENT. *Allow and encourage mixed use development within certain future land use categories and at appropriate locations where sufficient infrastructure exists to support development.*

POLICY 11.1.1: *Developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity may be created to adjacent neighborhoods are strongly encouraged to be Future Land Use II-36 October 2018 developed with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use).*

The proposed CPD amendment does include a residential option, which is a mixed-use development option. The CPD proposes to utilize bonus density for the area that has been identified for residential development on the MCP.

POLICY 11.1.2: *Residential densities may be calculated from the entire project area when the development is consistent with the following:*

- *At least three uses are proposed and must include residential, commercial (including office) and light industrial (including research and development use)*
- *The development is located in the Intensive Development, Central Urban, or Urban Community future land use categories.*

The Lee Plan also promotes mixed-use development, which will result with approval of CPA2018-10012 and CPD2018-10013. Given the proximity of this site to RSW and Florida Gulf Coast University, providing additional housing choices for these two large and growing employers is a logical planning/development pattern. In a recent real estate program, representatives of the Lee County Port Authority indicated that RSW has 4,000 people working at the airport. FGCU has approximately 875 staff working at their campus. Other employment

Vintage Commerce Center CPD

Request Statement

in the immediate area include extensive retail opportunities associated with area hotels and Gulf Coast Town Center. Policy 11.1.1 clearly finds that residential mixed use can include commercial and light industrial land uses. With easy access to the arterial road network and I-75, the site is well suited for mixed-use development, consistent with the Lee Plan.

Sound planning principles support placing employment opportunities near accessible residential areas. In this particular case, the residential site will be integrated into a mixed-use project, while still providing convenient access to nearby employment centers, including RSW, FGCU, Gulf Coast Town Center, or other area in the region via convenient access to Alico Road and I-75. The Lee Plan is meant to be a forward thinking document. Given the land use pattern and growth occurring, and anticipated to continue to grow, due to RSW and FGCU, it makes good planning practice to locate residences in areas that are conveniently located and having the necessary infrastructure in place to support development. Providing for higher density development in these locations will limit public expenditures for infrastructure expansion, add more diversity to the available housing types in our community, provide opportunities to shorten employee commute times; thereby, reducing the necessity to expand our future roadway network in our urban area.

Transportation Element (Please see Traffic Impact Statement prepared by TR Transportation Consultants, Inc.)

GOAL 37: LEVEL OF SERVICE STANDARDS. *Establish and maintain specified levels of service on state and county roads within unincorporated Lee County and the roads the county maintains within the municipalities, including those level of service standards adopted by Rule by the Florida Department of Transportation for Florida Intrastate Highway System (FIHS) facilities.*

POLICY 37.1.1: *LOS "E" is the minimum acceptable LOS for principal and minor arterials, and major collectors on county-maintained transportation facilities. LOS standards for the State Highway System during peak travel hours are "D" in urbanized areas and "C" outside urbanized areas.*

The minimum acceptable LOS for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is also subject to Objective 14.2.

For minimum acceptable levels of service determination, the peak season, peak hour and peak direction conditions will be defined as the 100th highest volume hour of the year in the predominant traffic flow direction. The 100th highest hour approximates the typical peak hour during the peak season. Peak season, peak hour and peak direction conditions



Vintage Commerce Center CPD

Request Statement

will be calculated using K-100 factors and "D" factors from the nearest, most appropriate county permanent traffic count station.

POLICY 39.1.1: *New development must:*

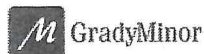
- *Have adequate on-site parking.*
- *Have access to the existing or planned public road system except where other public policy would prevent such access.*
- *Fund all private access and intersection work and mitigate all site-related impacts on the public road system; this mitigation is not eligible for credit against impact fees.*

POLICY 40.1.1: *The through traffic capacity of the county's expressways, arterials, and collectors will be protected by:*

- *Regulating accesses to collector and arterial streets to the extent permitted by state law.*
- *Providing sufficient distance between land access and expressway/freeway interchanges.*
- *Spacing signalized intersections on arterials and collectors for efficient traffic signal operation.*
- *Prohibiting on-street parking on arterials and collectors except in areas designated by the Board of County Commissioners.*
- *Developing a system of parallel access or frontage roads along identified collectors, arterials, and limited access facilities.*
- *Requiring access to arterials and collectors to be designed, funded, or built to meet forecasted use needs, including turn lanes, acceleration and deceleration lanes, and funding for future signalization. (Amended and Relocated by Ordinance No. 99-15)*

POLICY 40.1.2: *The following standards are hereby established as the minimum desirable distances between connections to the county-maintained road network:*

October 14, 2019
Request Statement-rev5.docx



Civil Engineers • Land Surveyors • Planners • Landscape Architects

Q. Grady Minor & Associates, P.A.

3800 Via Del Rey, Bonita Springs, FL 34134 • 239-947-1144 • engineering@gradyminor.com • www.gradyminor.com



COMMUNITY DEVELOPMENT

DCI 2018-10022

Vintage Commerce Center CPD

Request Statement

<i>Roadway Classification</i>	<i>Centerline Distances (Feet)</i>
<i>Arterial</i>	<i>660</i>
<i>Collector</i>	<i>330</i>
<i>Local Street</i>	<i>125</i>
<i>Frontage road, reverse frontage or accessway</i>	<i>60</i>

Exceptions to these standards, and any criteria that would govern these exceptions, will be specified in the county's land development code. Certain roadways in the county are designated by the board as "controlled access," to which permanent access points are restricted to locations established and set by a specific access plan adopted by the Board by resolution.

Community Facilities and Services

GOAL 53: POTABLE WATER INFRASTRUCTURE. Provide high-quality central potable water service throughout Lee County. Ensure that the costs of providing facilities is borne by those who benefit from them.

The proposed project falls within the Lee County Utilities Water Service Area and will connect to the water distribution system at the two 12 inch existing water main stub out locations that enter into the project on the East side of the Three Oaks Parkway extension. The construction cost associated with the water main connection will be paid for by the parcel developer.

OBJECTIVE 53.1: The county will ensure the provision of acceptable levels of potable water service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities, or indirectly through franchised utility companies.

The proposed project falls within the Lee County Utilities Water Service Area. Acceptable levels of service will be maintained by LCU. The proposed project will be designed to meet the applicable requirements to meet the regulatory agency requirements.

POLICY 53.1.2: The minimum acceptable level of service standards for potable water connections to Lee County Utilities are established in Policy 95.1.3.

Vintage Commerce Center CPD

Request Statement

The project will provide acceptable levels of service to the end users of the property through a network of water distribution and sewer collection services that will be designed in accordance with Lee County Utilities, Florida Department of Environmental Protection, and the Department of Health standards.

POLICY 53.1.5: Maintain regulations that require development to connect to Lee County Utilities or other franchised/certificated potable water service provider.

Proposed utility services will be designed and constructed in accordance with the appropriate local and state standards and regulations.

POLICY 53.1.8: The costs of new or augmented potable water infrastructure that is developed by Lee County will be borne by those who benefit from the improved supply.

The construction costs associated with the installation of the initial water distribution and sewer collection systems that will service the proposed development will be borne by the overall developer.

GOAL 54: CONSERVATION. To ensure that future populations have access to potable water supplies and services at a reasonable price by using and encouraging conservation and resource management measures to reduce consumption of potable water.

It is anticipated that the proposed project will utilize a separate irrigation water use permit to irrigate the project landscaping via onsite wells which will reduce the potential demand on the existing potable water system.

OBJECTIVE 54.1: Continue programs in education, technical advice, demonstration, rate revisions, and reuse to reduce potable water consumption and the consumption of large volumes of potentially potable water.

As part of the final development of each aspect of the project, internal developments will be encouraged to review water consumption as part of their designs.

POLICY 54.1.1: Continue to offer public information and education programs highlighting and advocating various strategies of water conservation, including:

- creating incentives for "gray water" systems or other recycling activities;
- adopting incentives for household and commercial use of appliances and ultralow volume plumbing fixtures with low water consumption rates;
- advising householders to reduce water use;

RECEIVED
OCT 29 2019

Vintage Commerce Center CPD

Request Statement

- creating a demand for low water use appliances by publishing ratings of water use efficiency for appliances analogous to the energy efficiency ratings for electrical appliances;
- advocating the cost-effective use of appliances and water: i.e. run only full loads or use low water settings when appropriate;
- encouraging maintenance of water systems, i.e. timely repair of dripping faucets, leaking water closets, broken or maladjusted sprinkler heads, etc.;
- installing alternatives to spray irrigation devices for lawns and grounds management such as drip or seep systems, or at least attending to the ambient humidity and evapo-transpiration rates in controlling sprinkler systems;
- promoting the installation of a "rain sensor device" or "automatic switch" on all new irrigation systems to override the irrigation cycle of the sprinkler system when adequate rainfall has occurred;
- encouraging the use of drought-tolerant ground covers and shrubbery according to the principles of "Florida Friendly Landscaping" (see glossary and Objective 117.2) and demonstrating the uses of native vegetation in landscaping; and
- encouraging the thoughtful use of water.

As part of the final development of each aspect of the project, internal developments will be encouraged to review water consumption as part of their designs.

POLICY 54.1.2: In developing and implementing local landscape regulations including the preservation, reforestation, and wetlands restoration requirements, preference will be given to native species which are adapted to the region's climatic regime.

It is anticipated that Florida Native plant and tree species will be used for any preservation, reforestation, and potential restoration requirements.

POLICY 54.1.3: Florida Friendly Landscaping, stressing the use of native vegetation, is to be emphasized through modifications to the county's development regulations and through direct action while landscaping county-owned projects.

It is anticipated that Florida Native plants and tree species will be utilized in the creation of the code required landscape plans as part of the Development Order process to meet the Lee County development regulations.

b. Sanitary Sewer

GOAL 56: SANITARY SEWER INFRASTRUCTURE. In partnership with franchised/certificated utilities providers, provide sanitary sewer service and wastewater treatment and disposal throughout Lee County.

October 14, 2019
Request Statement-rev5.docx



GradyMinor

Civil Engineers • Land Surveyors • Planners • Landscape Architects

Q. Grady Minor & Associates, P.A.

3800 Via Del Rey, Bonita Springs, FL 34134 • 239-947-1144 • engineering@gradyminor.com • www.gradyminor.com

RECEIVED
OCT 29 2019

Page 16 of 25

COMMUNITY DEVELOPMENT
OCT 2018 - 10022

Vintage Commerce Center CPD

Request Statement

The proposed project falls within the Lee County Utilities Sewer Service Area and will connect to the sewer collection system at the two 6 inch existing sewer main stub out locations that enter into the project on the East side of the Three Oaks Parkway extension. The construction cost associated with the sewer main connection will be paid for by the parcel developer

OBJECTIVE 56.1: The county will ensure the provision of acceptable levels of sanitary sewer service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities or a utility authority, or indirectly through franchised utility companies.

The proposed project falls within the Lee County Utilities Sewer Service Area. Acceptable levels of service will be maintained by LCU. The proposed project will be designed to meet the applicable requirements to meet the regulatory agency standards.

POLICY 56.1.2: The minimum acceptable level of service standard for sanitary sewer connections to Lee County Utilities are established in Policy 95.1.3.

The minimum acceptable level of service standards adopted for Lee County Utilities' sanitary sewer systems will apply in those franchised/certificated areas and will be used in enforcing concurrency regulations (see Policy 95.1.3)

Private utilities that cannot meet the level of service standards may petition for a plan amendment for a revised level of service requirement for the specific private utility system if it can be proved that the utility has sufficient plant and system capacity to service the franchised/certificated area. Proof must include flow reports, occupancy rates or related statistical information. The data must cover the last two years.

The proposed project falls within the Lee County Utilities Sewer Service Area. Acceptable levels of service will be maintained by LCU. The proposed project will be designed to meet the applicable requirements to meet the regulatory agency standards.

POLICY 56.1.4: Maintain regulations that require development to connect to Lee County Utilities or other franchised/certificated sanitary sewer service provider, if capacity is available within ¼ mile of the development.

The proposed project falls within the Lee County Utilities Sewer Service Area.

OBJECTIVE 56.2: The county will maintain and enforce such ordinances as are necessary to require the connection of commercial and larger residential establishments to such public or private central utility systems when those systems are available for service.

Vintage Commerce Center CPD

Request Statement

The project currently has sewer collection stub outs at the property line that will be utilized to provide sewer service for the project.

c. Surface Water Management

GOAL 59: PROTECTION OF LIFE AND PROPERTY. To reduce the hazards to life, health, and property created by flooding due to rainfall in a manner consistent with the community's criteria for the preservation of environmental values and the conservation of natural resources.

The project falls within a master stormwater management system that has been permitted through the South Florida Water Management District (SFWMD). The proposed project has previously been permitted for construction through the SFWMD. The current proposed improvements will be required to be permitted through the SFWMD in order to ensure that all relevant stormwater and environmental requirements and criteria are met.

OBJECTIVE 59.1: Lee County will continue its efforts in developing a surface water management planning process designed to produce and maintain an up-to-date body of technical information, and, based on that information, the necessary surface water management plans, regulatory mechanisms, and facility proposals that will improve the protection of present and future uses of real property from stormwater flooding, while preserving or enhancing the environmental and natural resource values of both land and water.

The proposed project is part of a master planned stormwater management system that discharges its storm water into the Alico Road drainage ditch through a concrete water control structure that controls the discharge in accordance with the South Florida Water Management Districts permit requirements. Each parcel inside the master system is required to obtain its own South Florida Water Management District permit and show how its respective stormwater discharge rate will be controlled and treated in order to meet SFWMD standards and requirements.

OBJECTIVE 60.1: COUNTY-WIDE PROGRAM. Lee County will continue its efforts in developing a surface water management program that is multi-objective in scope and is geographically based on basin boundaries.

As part of the Lee County DO, the proposed stormwater management system will be reviewed by Lee County Community Development Staff to ensure that not only the South Florida Water Management District requirements are met but also Lee County specific requirements are also met.

October 14, 2019
Request Statement-rev5.docx



GradyMinor

Civil Engineers • Land Surveyors • Planners • Landscape Architects

Q. Grady Minor & Associates, P.A.

3800 Via Del Rey, Bonita Springs, FL 34134 • 239-947-1144 • engineering@gradyminor.com • www.gradyminor.com

RECEIVED
OCT 29 2019

Page 18 of 25

COMMUNITY DEVELOPMENT

DCI 2018-10022

SS001-8105130

Vintage Commerce Center CPD

Request Statement

POLICY 60.1.5: Lee County will maintain in its land development regulations requirements that proper stormwater management systems be installed when land is being redeveloped. Appropriate exemptions will be provided to this requirement for individual residential structures and for historic districts. The regulations may also provide modified stormwater management standards for publicly sponsored projects within community redevelopment areas (as defined by Chapter 163, Part III, Florida Statutes). However, this policy will not be interpreted so as to waive any concurrency level-of-service standards.

A Lee County Development Order permit will be applied for and obtained. The proposed stormwater improvements will be designed to meet the current Lee County and SFWMD requirements at the time of permitting.

POLICY 60.1.7: The level of service standards identified in Policy 95.1.3 will be updated as necessary based on new basin studies or more accurate information and will guide future investments in surface water management facilities. Procedures will be maintained to: keep levels of service current; maintain capacity of existing facilities; and, identify demand for new facilities.

The proposed improvements associated with the proposed project will be owned and maintained by the Property Owner's Association for the subject land parcel.

OBJECTIVE 60.2: BASIN PROGRAM. Promote water management permitting on a basin-wide basis, as opposed to the current individual-site approach used by Lee County and the South Florida Water Management District.

As part of the Lee County and South Florida Water Management District permitting, basin wide considerations are reviewed and addressed as necessary.

OBJECTIVE 60.5: INCORPORATION OF GREEN INFRASTRUCTURE INTO THE SURFACE WATER MANAGEMENT SYSTEM. The long-term benefits of incorporating green infrastructure as part of the surface water management system include improved water quality, improved air quality, improved water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief within the urban environment.

Green infrastructure may be considered during the permitting process with the South Florida Water Management District to address potential stormwater benefits. This type of green stormwater treatment element will be evaluated during the permitting process to determine the proper stormwater treatment process. The required native vegetation preservation requirements will be reviewed and addressed to meet Lee County standards and requirements.

Vintage Commerce Center CPD

Request Statement

POLICY 60.5.1: The county encourages new developments to design their surface water management systems to incorporate best management practices including, but not limited to, filtration marshes, grassed swales planted with native vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.

The suggested best management stormwater management practices will be evaluated during the permitting process to determine which options provide the best treatment options in conjunction with the final project configuration.

POLICY 60.5.2: The county encourages new developments to design their surface water management system to incorporate existing wetland systems.

There currently are not any wetland systems within the CPD.

POLICY 61.1.6: When and where available, reuse water should be the first option for meeting irrigation needs of a development. Where reuse water is not available, surface water or low quality groundwater should be utilized for irrigation. All other potential water sources must be eliminated prior to selecting potable water as the sole source for meeting the irrigation needs of a development. New developments will coordinate with county staff regarding the source of irrigation water.

Reuse water is currently not available at the project site. At this time, a well system is being contemplated as a source of irrigation water and will be permitted as necessary thru Lee County and the South Florida Water Management District.

OBJECTIVE 61.2: MIMICKING THE FUNCTIONS OF NATURAL SYSTEM. Support a surface water management strategy that relies on natural features (flow ways, sloughs, strands, etc.) and natural systems to receive and otherwise manage storm and surface water.

The proposed project site is inside a permitted South Florida Water Management District master stormwater system. This system has already created a drainage ditch collection system that ultimately discharges into the Alico Road Drainage ditch on the North side of the right of way through a concrete water control structure. There are no natural flow ways, sloughs, or strands on the subject property or the surrounding area.

POLICY 61.2.4: Where feasible within future urban areas, surface water management plans are encouraged that mimic the functions of natural systems, notwithstanding the type or intensity of development permitted.



Vintage Commerce Center CPD

Request Statement

The design of the final stormwater management system will be in accordance with the appropriate South Florida Water Management District requirements as well as the ultimate use of the subject property. Where possible, green infrastructure associated with stormwater best management practices will be considered dependent on the ultimate use of the project.

OBJECTIVE 61.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS. Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems.

The proposed project is inside a created drainage system that is permitted by the South Florida Water Management District. There are no Natural Drainage Systems inside the subject property except for the man-made drainage ditches that are part of the master stormwater collection system.

POLICY 61.3.1: Provide sufficient performance and design standards to require postdevelopment runoff to approximate the total characteristics of the natural flow prior to development.

A South Florida Water Management District permit will be obtained meeting the current design standards and requirements.

POLICY 61.3.6: Developments must have and maintain an adequate surface water management system, provision for acceptable programs for operation and maintenance, and post-development runoff conditions which reflect the natural surface water flow in terms of rate, direction, quality, hydroperiod, and drainage basin. Detailed regulations will continue to be integrated with other county development regulations.

A South Florida Water Management District permit will be obtained meeting the current design standards and requirements.

POLICY 61.3.8: The banks of wet retention and detention areas must be sloped to promote growth of vegetation and safeguard against accidents.

The proposed stormwater management improvements will be designed to meet Lee County and South Florida Water Management District requirements for slope treatment and shape.

POLICY 61.3.12: The design of shorelines of retention and detention areas and other excavations must be sinuous rather than straight.

October 14, 2019
Request Statement-rev5.docx



GradyMinor

Civil Engineers • Land Surveyors • Planners • Landscape Architects

Q. Grady Minor & Associates, P.A.

3800 Via Del Rey, Bonita Springs, FL 34134 • 239-947-1144 • engineering@gradyminor.com • www.gradyminor.com

RECEIVED
OCT 29 2019

COMMUNITY DEVELOPMENT

DCI 2018-10022

Vintage Commerce Center CPD

Request Statement

The proposed stormwater management improvements will be designed to meet Lee County and South Florida Water Management District requirements for slope treatment and shape.

POLICY 61.3.13: Installation of erosion control devices for development activities adjacent to waterbodies, water courses, and wetlands will be required. Such control devices must be maintained to ensure operational effectiveness.

The proposed improvements will be designed to meet Lee County and South Florida Water Management District criteria associated with erosion control and the specific erosion control devices. Additionally, the project will obtain the required FDEP National Pollution Discharge Elimination System permit further defining erosion control measures.

Conservation and Coastal Management (Please see Environmental Report prepared by DexBender)

OBJECTIVE 107.1: RESOURCE MANAGEMENT PLAN. The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.

POLICY 107.2.4: Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.

RECEIVED
OCT 29 2019

COMMUNITY DEVELOPMENT

DCI 2018-10022



55001-9105130

Vintage Commerce Center CPD

Request Statement

Housing Element

POLICY 135.1.4: *Provide for housing bonus density to stimulate the construction of very-low, low and moderate income affordable housing in Lee County.*

3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

The location of the CPD amendment is not adjacent to any other local government jurisdiction and will have no impact to any local government.

- b) Meets this Code and other applicable County regulations or qualifies for deviations;

The proposed uses are consistent with the Use Activity Groups identified in the LDC. Deviations have been requested for the CPD, consistent with the requirements in Chapter 34 of the LDC. CPD's permit residential dwellings provided a minimum of 50,000 square feet of commercial uses are developed.

- c) Is compatible with existing and planned uses in the surrounding area;

The property is zoned CPD and most of the uses were previously determined to be compatible with existing and planned surrounding uses. Additional commercial uses including hotel/motel and convention uses are consistent with uses often found at an I-75 interchange. Likewise, multi-family residential uses as proposed are compatible with surrounding land uses. There are multiple examples in Lee County where multi-family residential uses have been developed, and are compatible with nearby commercial and residential land uses. The CPD provides buffering consistent with that required for residential and commercial developments. The CPD provides for enhanced buffers adjacent to Alico and Three Oaks Parkway. The site is not within an airport noise contour, which would prohibit residential dwellings.

- d) Will provide access sufficient to support the proposed development intensity;

Principal access to the CPD is from Three Oaks Parkway, which is signalized at Alico Road. An ingress only access is proposed on Alico Road and is subject to FDOT approval.



COMMUNITY DEVELOPMENT

2018-10022

SS001-6105100

Vintage Commerce Center CPD

Request Statement

- e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

A professional Traffic Analysis has been prepared in support of the CPD and concludes that adequate capacity exists on the surrounding network to support the proposed uses.

- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and

There is some indigenous vegetation existing on-site; however, it is not environmentally critical or sensitive. There are no listed species inhabiting the site.

- g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

Urban services exist proximate to the site. Letters of availability have been submitted to various service providers. There are no known deficiencies in urban services including water, sewer, schools, etc.

2. *Planned Development Rezonings.* The Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed location;

The CPD includes a variety of general commercial, office, medical office, hotel/motel and high density residential uses. The uses proposed are consistent with the companion FLU Map and text amendments, which provide for a mix of commercial and residential land uses. The proposed mix of uses is consistent with development that has occurred at other I-75 interchanges in Lee County. The MCP and Schedule of Uses identifies the tracts where multi-family residential uses would be permitted.

- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

The conditions of approval provide sufficient safeguards to the public interest.

- c) If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:
 - 1) Enhances the achievement of the objectives of the planned development; and



Vintage Commerce Center CPD

Request Statement

- 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

The previously approved deviations will result in development consistent with the MCP. The deviations as proposed promote the general intent of the LDC to protect public health, safety and welfare.

RECEIVED
OCT 29 2019

COMMUNITY DEVELOPMENT
DCI2018-1001

Vintage Commerce Center CPD

Demonstration of Compatibility

Demonstration of Compatibility

Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. [34-491(g)(4)]

This PD amendment proposes to modify the commercial uses to increase the allowable square footage from 300,000 to 350,000 and to modify the Schedule of Uses to include additional commercial uses, including hotel/motel, and to provide for a maximum of 400 multi-family dwelling units. Commercial uses have been previously approved by Resolution No. Z -05-19, and the commercial uses were deemed compatible at this location. The proposed residential use is compatible at this location and is consistent with development at other I-75 interchanges in Lee County. If residential dwellings are constructed within the PD, appropriate landscape buffers will be provided internally to insure the commercial and residential uses are compatible. Building setbacks and development standards have been proposed in the PD to further insure that the mix of uses are compatible. There are no immediate external neighbors; however, lighting will be provided for safety of residents and customers. The project will be required to obtain an Environmental Resource Permit to insure drainage is appropriately managed. Adequate facilities for waste disposal and fire safety will be provided at the time of development order approval.

RECEIVED
FEB 13 2019

COMMUNITY DEVELOPMENT

DCI 2018-10022



Vintage Commerce Center CPD

Schedule of Uses

a. Schedule of Uses ~~For Tracts A and B~~

All non-residential uses shall be permitted on all Outparcels and Parcels within the Master Concept Plan of the CPD. Residential dwelling units shall be permitted only on Parcel A.

1. Accessory uses, commercial and residential

~~1. Agricultural Uses (See Condition 4, below)~~

2. ATM

3. Auto Parts Store with or without installation service

4. Automobile Service Station

5. Auto Repair and Service, Groups I & II

6. Banks and Financial Establishments, Groups I & II

7. Bar or Cocktail Lounge

8. Boat Sales

9. Building material sales

~~9-10.~~ Business Services, Groups I & II

11. Car wash

~~10-12.~~ Clothing Store, General

13. Consumption on premises, indoor and outdoor

~~11-14.~~ Contractor and Builders, Group I & II

15. Convenience Food and Beverage Store, limited to one (1) (also, see Condition 7)

16. Department Store

~~12-17.~~ Drive Through Facility for Any Permitted Use

~~13-18.~~ Drugstore

19. Dwelling units, multiple family (Parcel A only, as noted on the MCP)

~~14-20.~~ Entrance Gates and Gatehouses

~~15-21.~~ Essential Services

~~16-22.~~ Essential Service Facilities, Group I

~~17-23.~~ Excavation, Water Retention

24. Food stores, Group I

25. Hardware Store

~~18-26.~~ Health Care Facility, Group III

~~19-27.~~ Hobby, Toy and Game Shops

28. Hotel/motel (Parcel C and outparcels 1 through 12)

~~20-29.~~ Household and Office Furnishings, Groups I & II

~~21-30.~~ Insurance Companies

~~22-31.~~ Laundromat

RECEIVED
OCT 29 2019

COMMUNITY DEVELOPMENT

DCI 2018-10022



Vintage Commerce Center CPD

Schedule of Uses

- ~~23.32.~~ Laundry or Dry Cleaning, Group I
- ~~24.33.~~ Lawn and Garden Supply Store
- ~~25.34.~~ Medical Office
- 35. Night clubs
- ~~26.36.~~ Non-Store Retailers, All Groups
- ~~27.37.~~ Package Store
- ~~28.38.~~ Paint, Glass and Wallpaper
- ~~29.39.~~ Parking Lot, Accessory and Temporary
- ~~30.40.~~ Personal Services, Groups I through III
- ~~31.41.~~ Pet Services
- ~~32.42.~~ Pet Shop
- ~~33.43.~~ Pharmacy
- 44. Place of worship
- ~~34.45.~~ Printing and Publishing
- 46. Recreational facilities, commercial, Groups I through V
- 47. Religious facilities
- ~~35.48.~~ Rental or Leasing Establishments, Group II & III
- ~~36.49.~~ Repair Shops, Groups I & II
- 50. Restaurants, Fast Food
- ~~37.51.~~ Restaurants, Groups I through IV
- 52. Schools commercial
- 53. Signs per Chapter 30 of the LDC, including interchange quadrant sign
- ~~38.54.~~ Social Services, Group I
- ~~39.55.~~ Specialty Retail, Groups I through IV
- 56. Storage, Indoor
- ~~40.57.~~ Studios
- 41.58. Temporary Uses, as identified in LDC Sections 34-3041, 3042, 3043, 3044, 3048 & 3050
- ~~42.59.~~ Used Merchandise Store, Group I
- 60. Vehicle and equipment dealers, Groups I through V
- 61. Warehouse, mini-warehouse
- 62. Warehouse, public

b. Schedule of Uses — Additional Uses Only Permitted on Tract A

Building Material Sales

Department Store

October 14, 2019
Schedule of Uses-rev5.docx



GradyMinor

Civil Engineers • Land Surveyors • Planners • Landscape Architects

Q. Grady Minor & Associates, P.A.

3800 Via Del Rey, Bonita Springs, FL 34134 • 239-947-1144 • engineering@gradyminor.com • www.gradyminor.com

RECEIVED
OCT 29 2019

COMMUNITY DEVELOPMENT

DCI 2018-10022

Page 2 of 3

Vintage Commerce Center CPD

Schedule of Uses

Hardware Store
Supermarket

~~c. Schedule of Uses — Additional Uses Only Permitted on Tract B~~

~~Car Wash Convenience Food and Beverage Store, limited to one(1), having a maximum of 16 fuel
pumps (Also, see Condition 7 below)
Restaurants, Fast Food~~



RECEIVED
OCT 29 2019

COMMUNITY DEVELOPMENT

DCI 2018-10022

Vintage Commerce Center CPD

Deviations and Justifications

1. Deviation (1) seeks relief from LDC §10-329(d)(1)a.3 requirement to provide a 50-foot-wide setback from road rights-of-way and private property lines for water retention excavation, to allow a 25-foot-wide setback. This deviation is APPROVED with the following condition:

The developer must provide adequate protection for wayward vehicles along Alico Road and the east property line of the subject property. The elements of protection will be reviewed during the development order process and are subject to the approval of the Director of Development Services. Similarly, the setback along the eastern property line is approved with the condition the lake is adequately buffered from the adjoining property line with berms and/or landscaping to deter unauthorized access. These elements can also be reviewed during the development order process and subject to the approval of the Director.

~~2. Deviation (2) WITHDRAWN AT PUBLIC HEARING~~

~~3. Deviation (3) seeks relief from LDC §10-285(a) requirement to provide a 660 foot connection separation onto the future extension of Three Oaks Parkway, to allow access approximately 660 feet and 1,311 feet as measured from the centerline of Alico Road. This deviation is APPROVED with the following conditions:~~

~~a. The connection approximately 660 feet north of Alico Road is approved.~~

~~b. There will be no driveway connections on the internal east-west accessways between Three Oaks Parkway and the parallel internal frontage road. Parcels will only have driveway connections to the parallel internal frontage roadway.~~

~~c. A connection to Three Oaks Parkway will be shared with the property to the north, and a cross-access easement on the internal frontage roadway will be provided. The northern connection may be shifted administratively up to 200 feet based on LCDOT review of consistency with the median access management plan for Three Oaks Parkway.~~
WITHDRAWN.

~~4. Deviation (4) WITHDRAWN AT PUBLIC HEARING~~

~~5.2. Deviation (52) seeks relief from LDC §30-153(2)a.4. requirement that on-site identification signs be set back a minimum of 15 feet from any street right-of-way or easement,~~

RECEIVED
FEB 13 2019

COMMUNITY DEVELOPMENT

DCI 2018-10022

Vintage Commerce Center CPD

Deviations and Justifications

and 10 feet from any other property line, to allow project identification signs in a median within the project's internal road right-of-way. This deviation is APPROVED with the condition that the identification signs are placed and constructed in accordance with LDC §30-93, visibility triangle safe sight distance requirements.

~~6.3.~~ Deviation (~~63~~) seeks relief from LDC §10-296(k)(1), which requires dead-end streets to be closed at one end by a circular turnaround for vehicles, to allow the dead-end accessway as shown on the Master Concept Plan to be constructed without a cul-de-sac. This deviation is APPROVED with the following conditions:

- a. Vehicles and emergency vehicles must be able to turn left and/or right into a parking lot and continue in a forward motion to the site exits.
- b. Prior to local development order approval, the developer must submit a letter to Development Services from the local fire authority approving this condition.

RECEIVED
FEB 13 2019

COMMUNITY DEVELOPMENT

DCI 2018-10022 Page 2 of 2