

# EXHIBITS

**CASE # DCI2018-10022**

# CASE NAME: VINTAGE COMMERCE

# CENTER CPD

**Attach copy of this form to top of packet of exhibits & place exhibits in case file.**

**ARE THERE ANY BOARD EXHIBITS?      YES ~~X~~      NO**

## LOCATION OF BOARDS

**If there are any board exhibits, attach another copy of this form to boards for identification purposes.**

**EXHIBITS**

a. 48-Hour wed.

b. 2nd 48-Hour Thurs.

**DCI2018-10022**

STAFF

# #1 Staff Report

#2 Revised condition 3e

#3 power point

#4 Fiigon resume

#5 alico 250 zoning

#6 Alico Comm Park

#7 Staff's 48 Hour for 12/19/19 hrg

## #8

#9

#10

## 1

## DESCRIPTION



**Perez, Maria**

---

**From:** Sharon Umpenhour <Sumpenhour@gradyminor.com> on behalf of Wayne Arnold <WArnold@gradyminor.com>  
**Sent:** Tuesday, November 19, 2019 4:21 PM  
**To:** Hearing Examiner  
**Cc:** brintihar@crminc.us; Wayne Arnold; nealemontgomery@paveselaw.com; Weigel, Zsuzsanna  
**Subject:** [EXTERNAL] RE: DCI2018-10022 VINTAGE COMMERCE CENTER CPD  
**Attachments:** 48 Hour HEX Ltr 11-19-2019.pdf

Good afternoon,

Please find attached the 48-hour letter.

**Sharon Umpenhour**  
Senior Planning Technician

---

**From:** Hearing Examiner <hex@leegov.com>  
**Sent:** Tuesday, November 12, 2019 4:29 PM  
**To:** brintihar@crminc.us; Wayne Arnold <WArnold@gradyminor.com>; nealemontgomery@paveselaw.com  
**Subject:** DCI2018-10022 VINTAGE COMMERCE CENTER CPD

Attached for your information are memos regarding exhibit list and 48-hour notice.

**Zsuzsanna M. Weigel**  
Administrative Specialist  
Hearing Examiner's Office  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902  
Phone (239) 533-8100  
E-Mail [zweigel@leegov.com](mailto:zweigel@leegov.com)

Please note our general office email address: [hex@leegov.com](mailto:hex@leegov.com)

---

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.



Civil Engineers • Land Surveyors • Planners • Landscape Architects

November 19, 2019

Lee County Hearing Examiner's Office  
Amanda Brock Rivera, Hearing Examiner  
Lee County Community Development  
1500 Monroe Street  
Fort Myers, FL 33901

**RE: DCI2018-10022 Vintage Commerce Center CPD  
48 Hour Letter**

Dear Ms. Rivera:

The Vintage Commerce Center CPD application is scheduled to be heard by the Hearing Examiner on November 22, 2019 at 9:00 AM.

The applicant and the consultant team have reviewed the Staff Report for DCI2018-10022, Vintage Commerce Center CPD dated November 8, 2019, and have identified the following areas of disagreement.

First, although the application proposes a residential option as part of the CPD amendment, staff has identified two sets of conditions, one for the existing CPD (Option A) and one for the amended CPD that includes the residential option (Option B). The applicant is of the opinion that the Option B Conditions will suffice for the development as the applicant desires to have the expanded Schedule of Uses and Development Standards, and MCP as proposed in the Option B Conditions. Option B allows for the site to be developed with all commercial uses, and it allows the option of including residential uses.

The applicant wishes to modify the MCP, in order to eliminate any project access to Alico Road. A copy of the revised MCP is enclosed and will be provided to the Hearing Examiner and staff at the November 22, 2019 hearing.

Second, the applicant has evaluated proposed Condition 3.e. for the Option B, MCP and is of the opinion that staff's condition as written is not consistent with provisions of the Lee County LDC, Comprehensive Plan, and Administrative Code. The condition is internally inconsistent with the discussion and findings of the Traffic Analysis on file for the CPD amendment. The applicant objects to the condition, and requests that the Hearing Examiner strike the entirety of staff condition 3.e. The condition may also be contrary to Section 70.45, F.S.

Condition 3b, Property Development Regulations provides for minimum open space for the CPD. The applicant intends to utilize Greater Pine Island TDUs if the residential option is utilized. The applicant requests that this condition be modified to include a reference for reductions in the open space provisions consistent with Chapter 2 of the LDC, when Greater Pine Island TDUs are utilized for bonus density.

Condition 3.a states that at least 50,000 square feet of commercial development intensity must be developed concurrently with, or prior to residential use. This language is inconsistent with note 10 of Table 34-934 Use Regulations for Planned Developments. Note 10 says the following:

(10) Permitted only in conjunction with at least 50,000 square feet or more of commercial or industrial uses.

This note does not require the concurrent or prior construction as stated in staff's condition; therefore, the applicant requests that the staff limitation be removed and allow the applicant to rely on the LDC language rather than staff's suggested language.

Condition 3.c. relates to proximity to Southwest Florida International Airport and requirements to provide disclosure to property owners regarding noise. The language in the condition is not written consistent with LDC 34-1104(b). The applicant simply requests that the Hearing Examiner eliminate the condition and rely on the LDC.

Condition 3.g. indicates that the zoning approval does not constitute a finding that the proposed project meets concurrency requirements as addressed in the LDC or the Lee Plan. The applicant requests that the Hearing Examiner modify this condition to only reference compliance with applicable regulatory concurrency provisions of the LDC, Administrative Code and Lee Plan.

Condition 3.d. relates to the cross-access easement. The applicant has engaged in conversations with the property owner to the north. The easement location will be adjusted. The applicant wants the condition to be clear that the MCP can be amended administratively to address the adjustment.

The applicant disagrees with staff's recommendation to withdraw Deviation #1, which requests a water retention setback from 50' to 25'. This deviation was previously approved, and the applicant does intend to construct a portion of the water retention system closer than 50' to the eastern property boundary. This deviation was previously approved, and the applicant will continue to provide a barrier to protect wayward vehicles. The applicant requests that the Hearing Examiner approve the deviation as requested.

The applicant disagrees with staff's recommendation for denial of Deviation #3, which proposes the elimination of a cul-de-sac at the eastern terminus of the internal drive, and instead provide a mechanism for vehicles to maneuver and safely turnaround without a

cul-de-sac. The deviation was previously approved with the condition that the applicant provide for right or left turn movements into a parking area, and that a letter be provided from the fire district at the time of development order indicating their approval of the final design. The applicant agrees with the previously approved conditions for the deviation and requests that the Hearing Examiner approve the condition as requested.

We have included a list of the applicant's consulting team and witness list, along with a list of exhibits intended to be utilized at the HEX hearing to support the applicant's contention that the proposed CPD may be deemed consistent with the Lee Plan and that a positive recommendation may be offered to the BOCC by the Hearing Examiner.

Please contact me if there are any questions.

Sincerely,



D. Wayne Arnold, AICP

Enclosures

Cc: Alvin Block, AICP, Principal Planner  
Brian Intihar  
Neale Montgomery  
GradyMinor File

*Amanda Brock Rivera, Hearing Examiner*

*RE: DCI2018-10022 Vintage Commerce Center CPD; 48 Hour Letter*

*November 19, 2019*

*Page 4 of 4*

**Applicant Team and Witness List:**

Brian Intihar – Applicant

Neale Montgomery – Land Use Counsel

Wayne Arnold, AICP – Land Use Planner

Frank Feeney, P.E. – Civil and Water Management Engineer

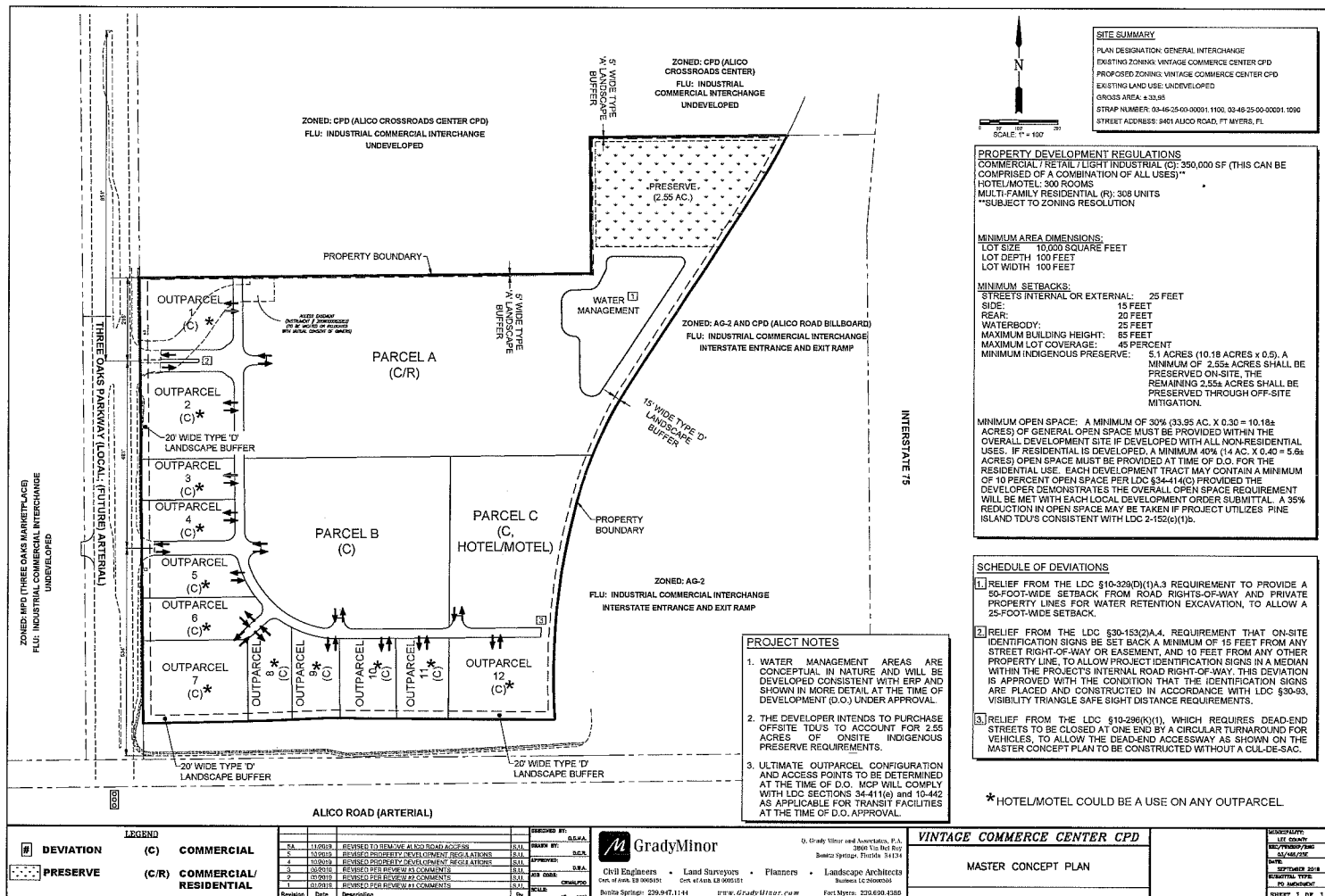
Ted Treesh – Traffic Engineer

Yury Bykau, E.I. – Traffic Engineer Intern

Tyler King – Biologist

**List of Exhibits:**

1. PowerPoint Presentation
2. Consultants Resumes





**Perez, Maria**

---

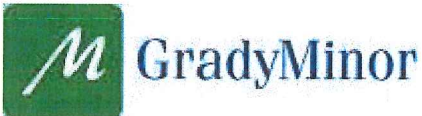
**From:** Sharon Umpenhour <Sumpenhour@gradyminor.com>  
**Sent:** Thursday, November 21, 2019 4:53 PM  
**To:** Block, Alvin; Ennis, Audra; Hearing Examiner  
**Cc:** brintihar@crminc.us; Wayne Arnold; nealemontgomery@paveselaw.com; Brian Intihar (brintihar@crminc.us); Perez, Maria  
**Subject:** [EXTERNAL] DCI2018-10022 VINTAGE COMMERCE CENTER CPD  
**Attachments:** CRMALPDO-MCP Rev6-Site.pdf; Deviations and Justifications-rev2.pdf

Good afternoon,

Please find attached the revised MCP and Deviation Justification document based the 11/20 meeting with staff.

Regards,

**Sharon Umpenhour**  
Senior Planning Technician

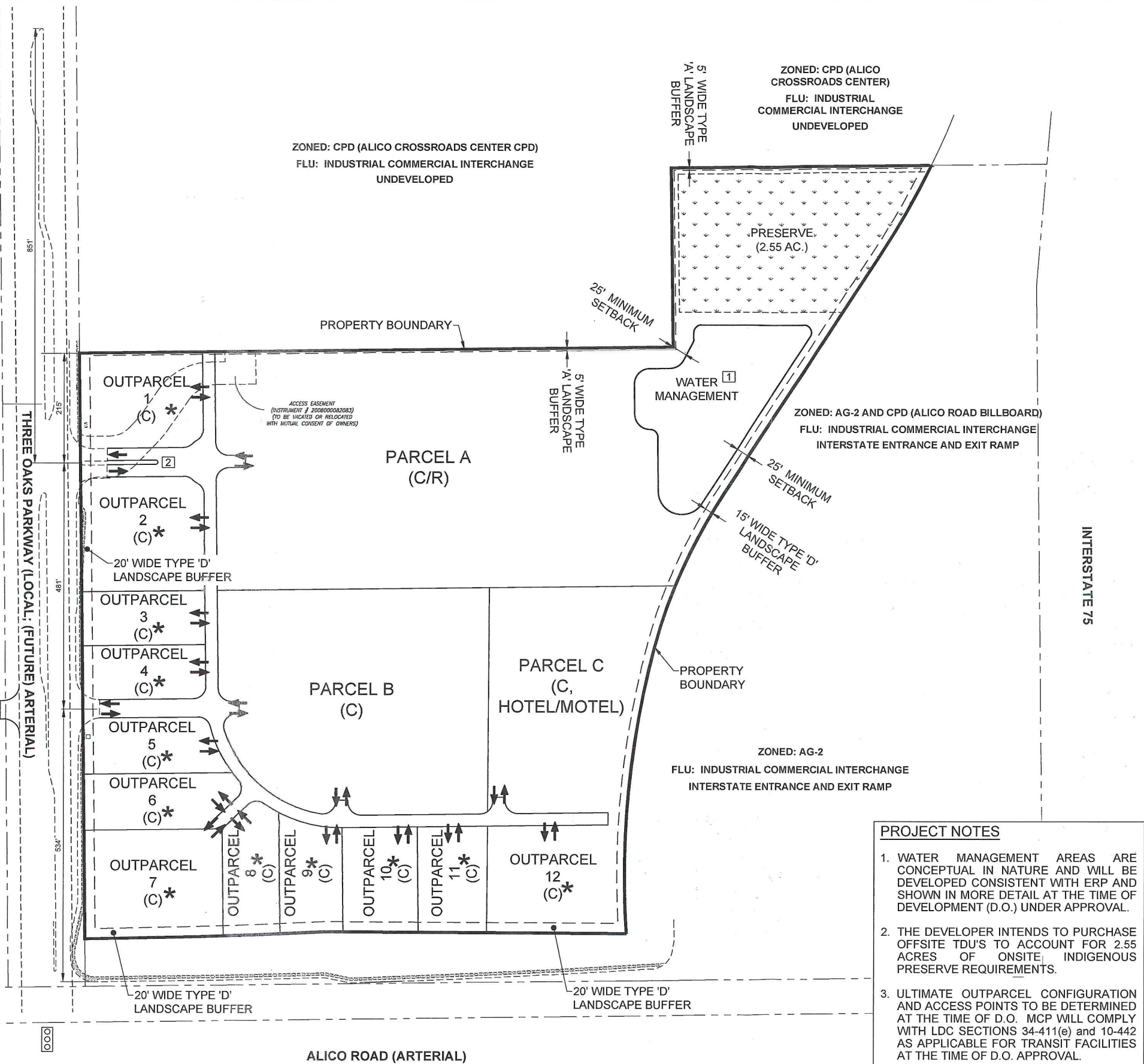


Q. Grady Minor and Associates, P.A.  
3800 Via Del Rey  
Bonita Springs, FL 34134  
Phone - 239.947.1144  
Fax - 239.947.0375  
Email - [sumpenhour@gradyminor.com](mailto:sumpenhour@gradyminor.com)  
Web - <http://www.gradyminor.com>

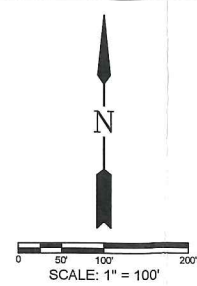
DISCLAIMER: This communication from Q. Grady Minor & Associates, P.A., along with any attachments or electronic data is intended only for the addressee(s) named above and may contain information that is confidential, legally privileged or otherwise exempt from disclosure. The recipient agrees and accepts the following conditions: The electronic file/data is for informational purposes only and is the responsibility of the recipient to reconcile this electronic file/data with the approved and certified "plan of record" along with actual project site conditions. Q. Grady Minor & Associates, P.A. reserves the right to revise, update and improve its electronically stored data without notice and assumes no responsibility due to a virus or damages caused by receiving this email.

LEE COUNTY  
HEARING EXAMINER  
2019 NOV 21 PM 4:54

ZONED: MPD (THREE OAKS MARKETPLACE)  
FLU: INDUSTRIAL COMMERCIAL INTERCHANGE  
UNDEVELOPED



**SITE SUMMARY**  
PLAN DESIGNATION: GENERAL INTERCHANGE  
EXISTING ZONING: VINTAGE COMMERCE CENTER CPD  
PROPOSED ZONING: VINTAGE COMMERCE CENTER CPD  
EXISTING LAND USE: UNDEVELOPED  
GROSS AREA: ± 33.95  
STRAP NUMBER: 03-46-25-00-00001.1100, 03-46-25-00-00001.1090  
STREET ADDRESS: 9401 ALICO ROAD, FT MYERS, FL



**PROPERTY DEVELOPMENT REGULATIONS**  
COMMERCIAL / RETAIL / LIGHT INDUSTRIAL (C): 350,000 SF (THIS CAN BE COMPRISED OF A COMBINATION OF ALL USES)\*\*  
HOTEL/MOTEL: 300 ROOMS  
MULTI-FAMILY RESIDENTIAL (R): 308 UNITS  
\*\*SUBJECT TO ZONING RESOLUTION

**MINIMUM AREA DIMENSIONS:**  
LOT SIZE 10,000 SQUARE FEET  
LOT DEPTH 100 FEET  
LOT WIDTH 100 FEET

**MINIMUM SETBACKS:**  
STREETS INTERNAL OR EXTERNAL: 25 FEET  
SIDE: 15 FEET  
REAR: 20 FEET  
WATERBODY: 25 FEET  
MAXIMUM BUILDING HEIGHT: 85 FEET  
MAXIMUM LOT COVERAGE: 45 PERCENT  
MINIMUM INDIGENOUS PRESERVE: 5.1 ACRES (10.18 ACRES x 0.5). A MINIMUM OF 2.55± ACRES SHALL BE PRESERVED ON-SITE, THE REMAINING 2.55± ACRES SHALL BE PRESERVED THROUGH OFF-SITE MITIGATION.

**MINIMUM OPEN SPACE:** A MINIMUM OF 30% (33.95 AC. X 0.30 = 10.18± ACRES) OF GENERAL OPEN SPACE MUST BE PROVIDED WITHIN THE OVERALL DEVELOPMENT SITE IF DEVELOPED WITH ALL NON-RESIDENTIAL USES. IF RESIDENTIAL IS DEVELOPED, A MINIMUM 40% (14 AC. X 0.40 = 5.6± ACRES) OPEN SPACE MUST BE PROVIDED AT TIME OF D.O. FOR THE RESIDENTIAL USE. EACH DEVELOPMENT TRACT MAY CONTAIN A MINIMUM OF 10 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. A 35% REDUCTION IN OPEN SPACE MAY BE TAKEN IF PROJECT UTILIZES PINE ISLAND TDU'S CONSISTENT WITH LDC 2-152(c)(1)b.

**SCHEDULE OF DEVIATIONS**  
1. RELIEF FROM THE 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.  
2. 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.

**PROJECT NOTES**  
1. WATER MANAGEMENT AREAS ARE CONCEPTUAL IN NATURE AND WILL BE DEVELOPED CONSISTENT WITH ERP AND SHOWN IN MORE DETAIL AT THE TIME OF DEVELOPMENT (D.O.) UNDER APPROVAL.  
2. THE DEVELOPER INTENDS TO PURCHASE OFFSITE TDU'S TO ACCOUNT FOR 2.55 ACRES OF ONSITE INDIGENOUS PRESERVE REQUIREMENTS.  
3. ULTIMATE OUTPARCEL CONFIGURATION AND ACCESS POINTS TO BE DETERMINED AT THE TIME OF D.O. MCP WILL COMPLY WITH LDC SECTIONS 34-411(e) AND 10-442 AS APPLICABLE FOR TRANSIT FACILITIES AT THE TIME OF D.O. APPROVAL.

\* HOTEL/MOTEL COULD BE A USE ON ANY OUTPARCEL.

**LEGEND**

#	DEVIATION	(C)	COMMERCIAL
•••	PRESERVE	(C/R)	COMMERCIAL/RESIDENTIAL

Revision	Date	Description	By
6	11/20/19	REVISED DEVIATIONS #1 AND #3, REQUESTED BY STAFF	S.U.
5	11/20/19	REVISED TO REMOVE ALICO ROAD ACCESS	S.U.
4	10/20/19	REVISED PROPERTY DEVELOPMENT REGULATIONS	S.U.
3	10/20/19	REVISED PROPERTY DEVELOPMENT REGULATIONS	S.U.
2	08/20/19	REVISED PER REVIEW #3 COMMENTS	S.U.
1	03/20/19	REVISED PER REVIEW #2 COMMENTS	S.U.
1	01/20/19	REVISED PER REVIEW #1 COMMENTS	S.U.

DESIGNED BY: G.G.M.A.  
DRAWN BY: D.C.R.  
APPROVED: D.W.A.  
JOB CODE: CRMLPDD  
SCALE: 1" = 100'

**GradyMinor**  
Civil Engineers • Land Surveyors • Planners • Landscape Architects  
Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151  
Bonita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380

Q. Grady Minor and Associates, P.A.  
3900 Via Del Rey  
Bonita Springs, Florida 34134  
Business LC 26000296

**VINTAGE COMMERCE CENTER CPD**

MASTER CONCEPT PLAN

MUNICIPALITY: LEE COUNTY  
SEC/TWNSHIP/RNG: 03/46S/25E  
DATE: NOVEMBER 21, 2019  
SUBMITTAL TYPE: PD AMENDMENT  
SHEET 1 OF 1



## 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.

#### **Justification:**

The Previously Approved Deviation associated with having the water management area closer than 50 feet of the existing right of way and private property lines still remains necessary for the proposed revisions to the Masterplan. The proposed masterplan is conceptual in nature and this deviation will be necessary in order to provide sufficient storm water management area based upon our preliminary calculations and engineering design that meet South Florida Water Management District treatment requirements. The applicant needs to be assured that when the SFWMD permit application is prepared they can utilize a setback less than the 50' LDC requirement. Currently the existing I-75 off ramp travel lane is greater than 80 feet from the property line. With the addition of a minimum 25-foot water management area setback the total distance between the water edge and the travel lane is greater than 100 feet. Also, there is an existing berm that separates the existing travel lane from the property line that provides an obstacle to any out of control vehicles. Since the I-75 off ramp is already a deceleration area prior to the existing stop light at Alico Road, the minimum 25-foot setback in conjunction with the existing berm and existing distance from the travel lane is sufficient. We agree that necessary vehicular barriers if determined to be required during the Development Order process to ensure public safety will be installed.

WITHDRAWN.

2. Deviation (2) 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, and 10 feet from

## Vintage Commerce Center CPD

### Deviations and Justifications

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.

3. 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. 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.



# Vintage Commerce Center Planned Development Amendment

---

DCI2018-10022

November 22, 2019 HEX



Applicant's Exhibit # 1

# Project Team

- **CLE FL RE Investment I, LLC** – Applicant
- **Neale Montgomery, Esq., Land Use Attorney** – Pavese Law
- **D. Wayne Arnold, AICP, Professional Planner** – Q. Grady Minor & Associates, P.A.
- **Frank Feeney, P.E.** – Q. Grady Minor & Associates, P.A.
- **Ted Treesh** – TR Transportation Consultants, Inc.
- **Yury Bykau, E.I.** – TR Transportation Consultants, Inc.
- **Tyler King** – DexBender Environmental Consulting

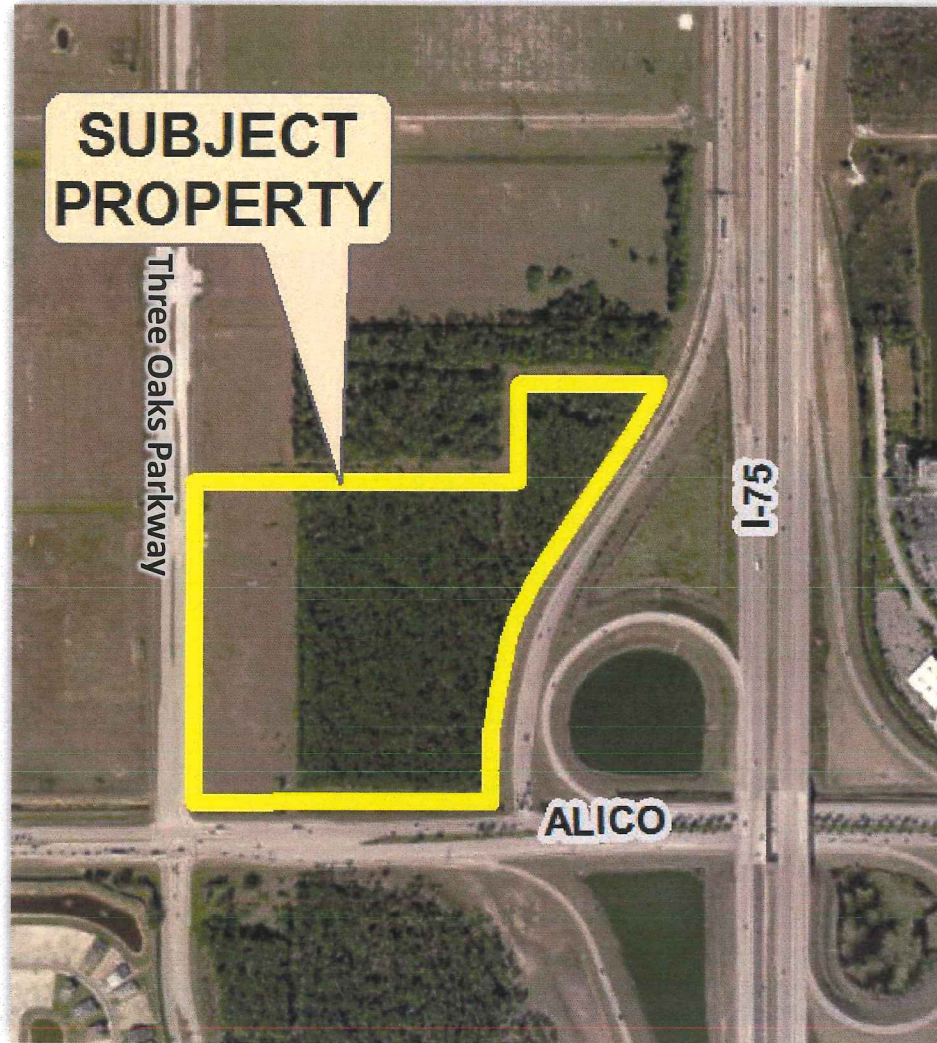


# Aerial Location Map





# Subject Property



# Project Information

**Existing Land Use Designation:** *Industrial Commercial Interchange*

**Proposed Land Use Designation:** *General Interchange  
(CPA2018-10012 and CPA2018-10013  
DEO review)*

**Existing Zoning:** *Vintage Commerce Center CPD (Z-05-019)*

**Project Acreage:** *33.95+/- acres*

**Proposed Request:**

*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.*



# Existing Master Plan

## OPEN SPACE CALCULATIONS

GENERAL PROJECT OPEN SPACE CALCULATIONS  
TOTAL OPEN SPACE REQUIRED (0.30%)  
TOTAL NATIVE SPACE REQUIRED (0.15%)  
TOTAL OPEN SPACE PROVIDED:

10.1 AC.  
5.05 AC.  
10.1 AC.

NATIVE OPEN SPACE PROVIDED: 4.69 AC. WITH 150% CREDIT = 6.19 AC.  
TYPICAL MINIMUM GENERAL OPEN SPACE FOR EACH DEVELOPMENT PARCEL = 20% OF PARCEL

## PROJECT NOTES AND GENERAL CONDITIONS

1. PHASE ONE MAY CONSIST OF ROADS, UTILITIES AND THE STORM WATER MANAGEMENT SYSTEM FOR ANY IDENTIFIED TRACTS. LOTS AND TRACTS SHALL OBTAIN INDIVIDUAL DEVELOPMENT ORDERS AND FURTHER SUBDIVIDING MAY BE PERMITTED AT THE TIME OF FINAL DEVELOPMENT ORDER PERMITTING.

## SCHEDULE OF DEVIATIONS

D.1  
D.2  
D.3  
D.4  
D.5  
D.6

## OPEN SPACE CALCULATIONS

GENERAL PROJECT OPEN SPACE CALCULATIONS

TOTAL OPEN SPACE REQUIRED (0.30%) 10.1 AC.  
TOTAL NATIVE SPACE REQUIRED (0.15%) 5.05 AC.  
TOTAL OPEN SPACE PROVIDED: 10.1 AC.

NATIVE OPEN SPACE PROVIDED: 4.69 AC. WITH 150% CREDIT = 6.19 AC.

TYPICAL MINIMUM GENERAL OPEN SPACE FOR EACH DEVELOPMENT PARCEL = 20% OF PARCEL

TRACT "A" MINIMUM 20,000 SF

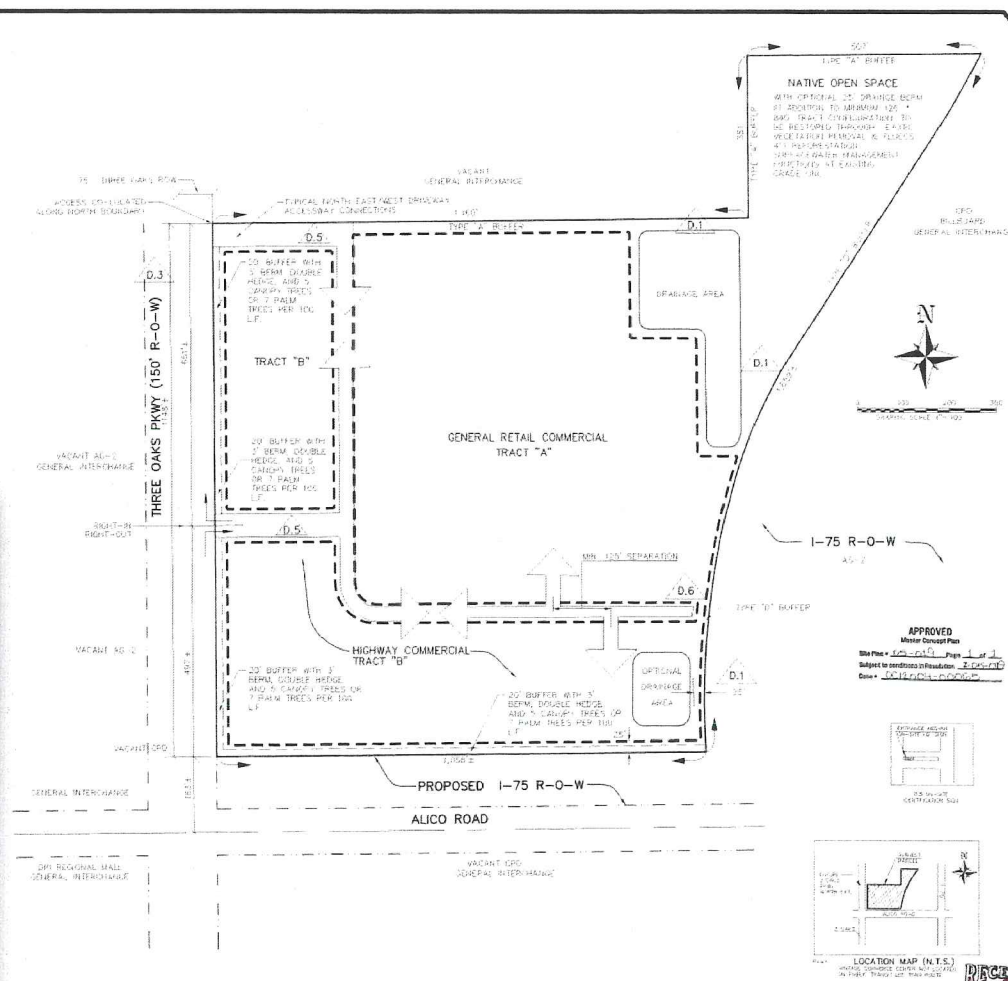
TRACT "B" MINIMUM 20,000 SF

## PROJECT NOTES AND GENERAL CONDITIONS

1. PHASE ONE MAY CONSIST OF ROADS, UTILITIES AND THE STORM WATER MANAGEMENT SYSTEM FOR ANY IDENTIFIED TRACTS. LOTS AND TRACTS SHALL OBTAIN INDIVIDUAL DEVELOPMENT ORDERS AND FURTHER SUBDIVIDING MAY BE PERMITTED AT THE TIME OF FINAL DEVELOPMENT ORDER PERMITTING.

## SCHEDULE OF DEVIATIONS

D.1  
D.2  
D.3  
D.4  
D.5  
D.6



Date: 08/10/05  
Scale: 1" = 100'  
Revision: 08/10/05  
JOB NO.: 04.001  
Sheet: 01



Bank's Engineering, Inc.  
Professional Engineer, Planner & Land Surveyor

VINTAGE COMMERCE CENTER CPD  
PREPARED FOR:  
ALICO DEVELOPMENT CORPORATION

RECEIVED  
11 am

08/10/05



# Proposed Master Plan

## Minimum Area Dimensions:

Lot Size 10,000 square feet  
 Lot Depth 100 feet  
 Lot Width 100 feet

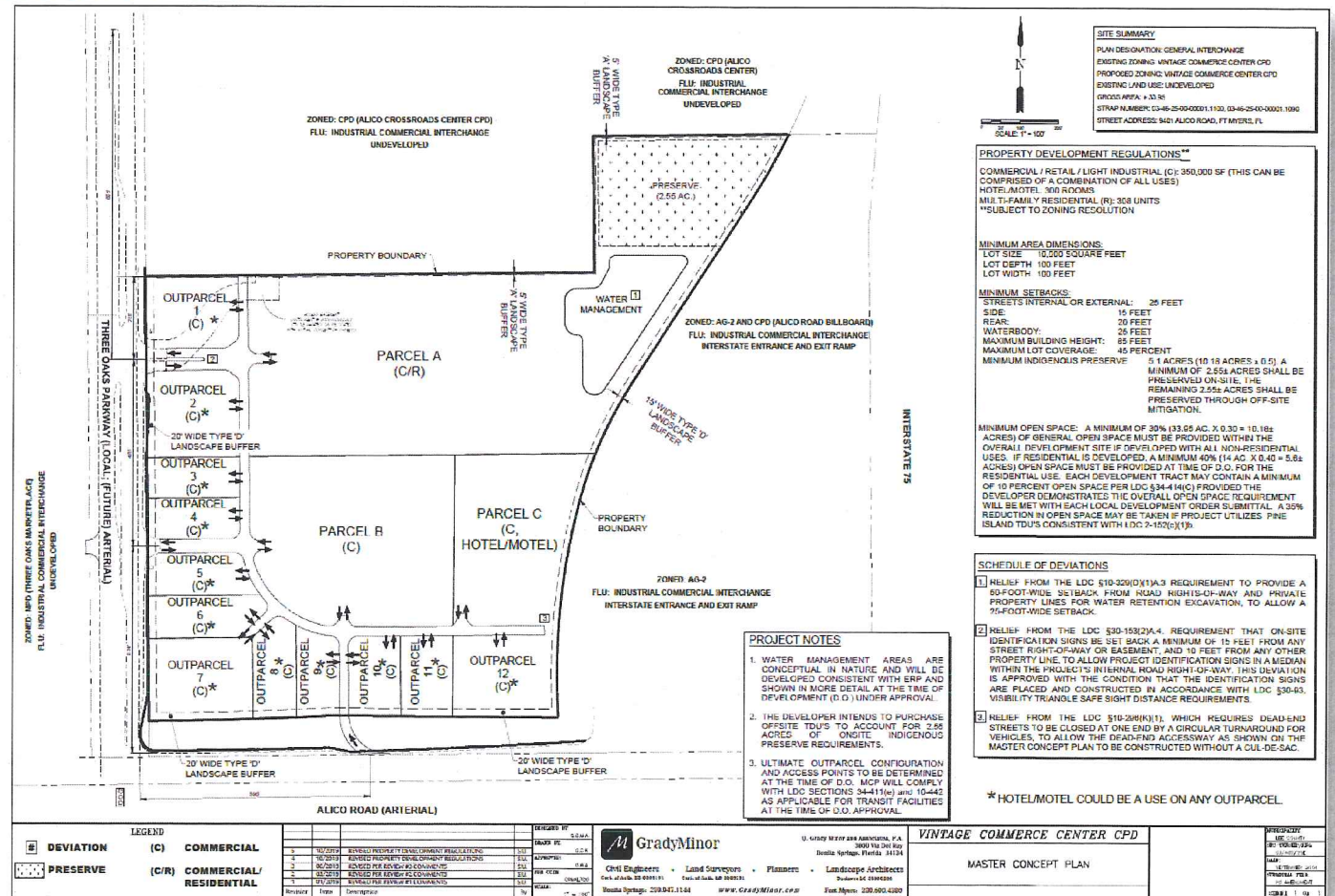
## Minimum Building Setbacks:

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

Waterbody: 25 feet

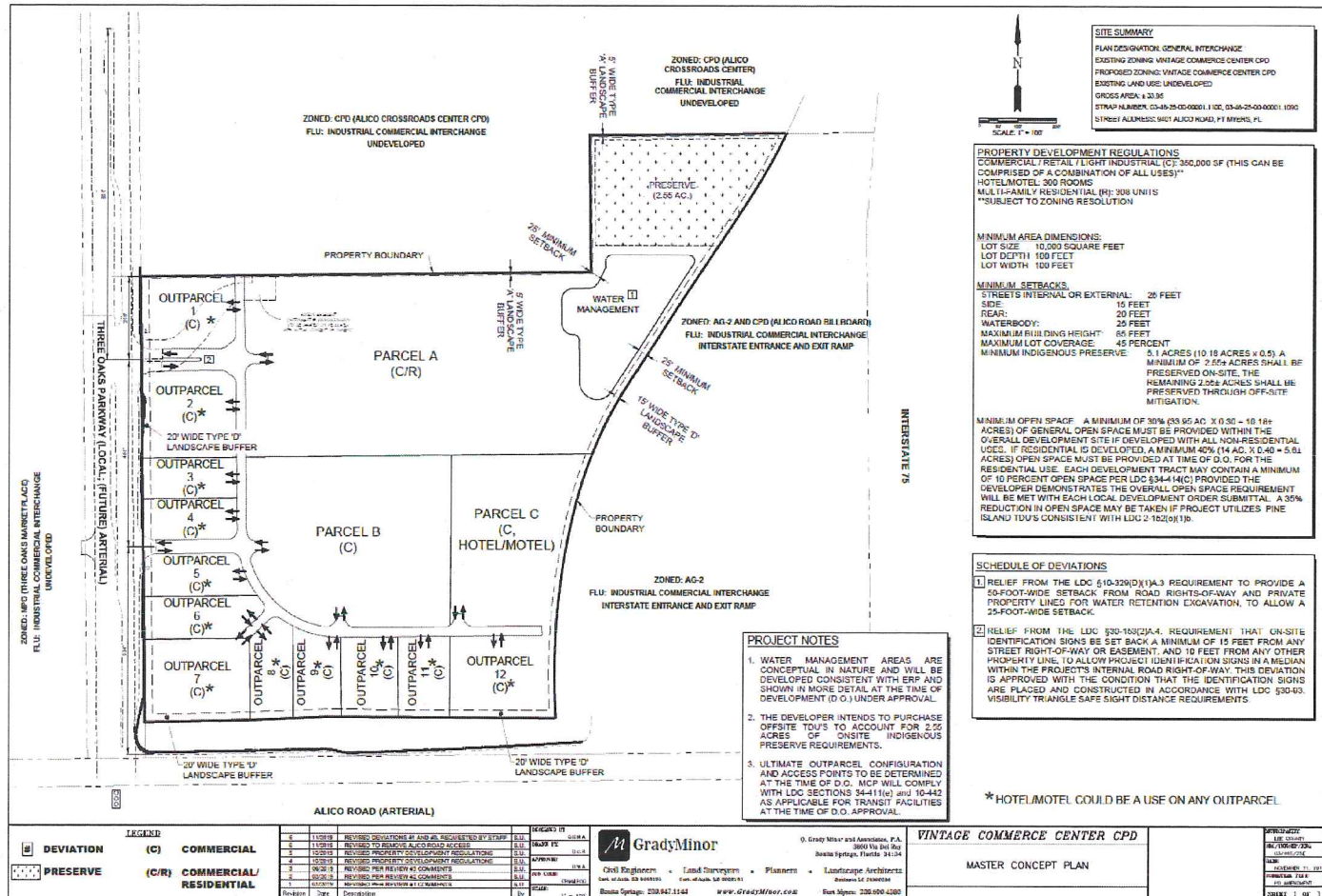
Maximum Building Height: 85 feet/three stories

Maximum Lot Coverage: 45 percent



# Revised Proposed Master Plan

- Revised to remove Alico Road access
- Remove deviation #3





# Proposed 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
- 24-30. Insurance Companies
- 22-31. Laundromat

- 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
- 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

➤ A portion of the southeast corner of the subject property is located in Airport Noise Zone 'C'

Airport Noise Zone C.

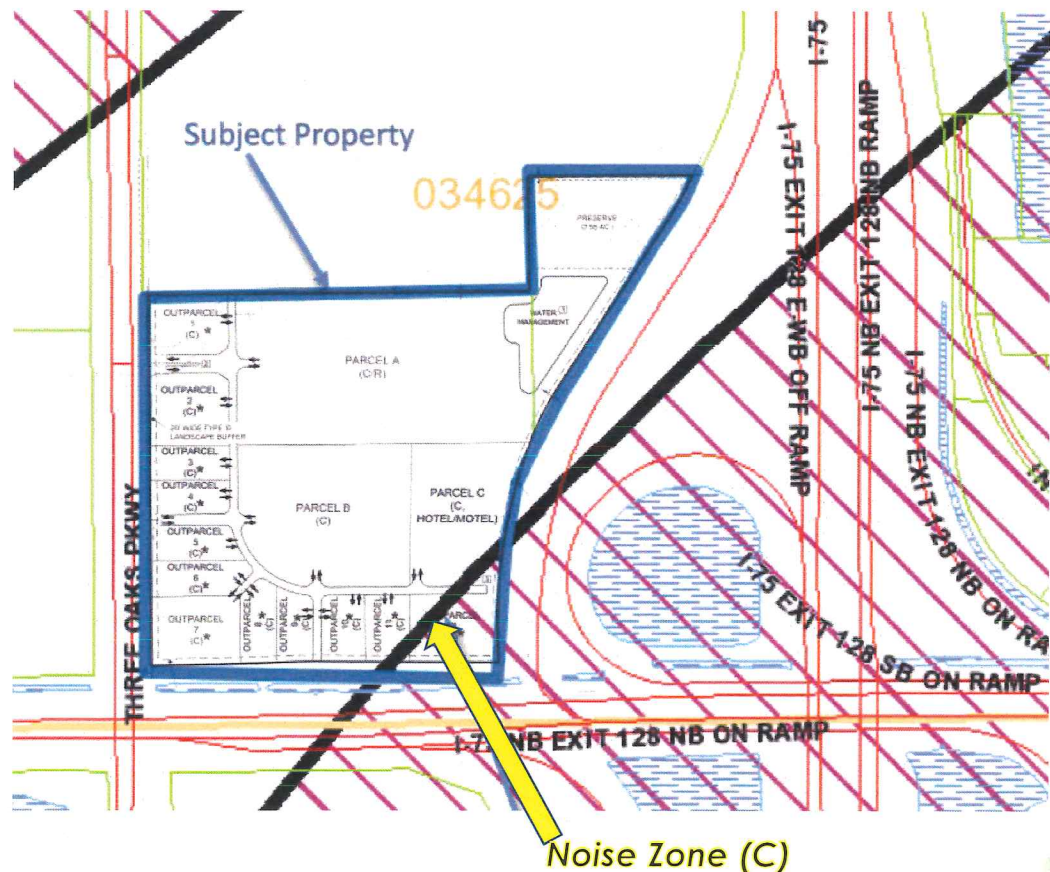
- a. Location. Airport Noise Zone C consists of that area of land located between the Airport Noise Zone B and the 55 DNL contour line (as determined in the FAR Part 150 Study in effect), exclusive of Airport Noise Zone A/Airport Property.
  - b. Restrictions. This zone allows any use permitted by this chapter. This zone requires notification in accord with section 34-1104(b).
- 
- Proposed residential tract is not within noise zone
  - Applicant has voluntarily agreed to provide notice to residents



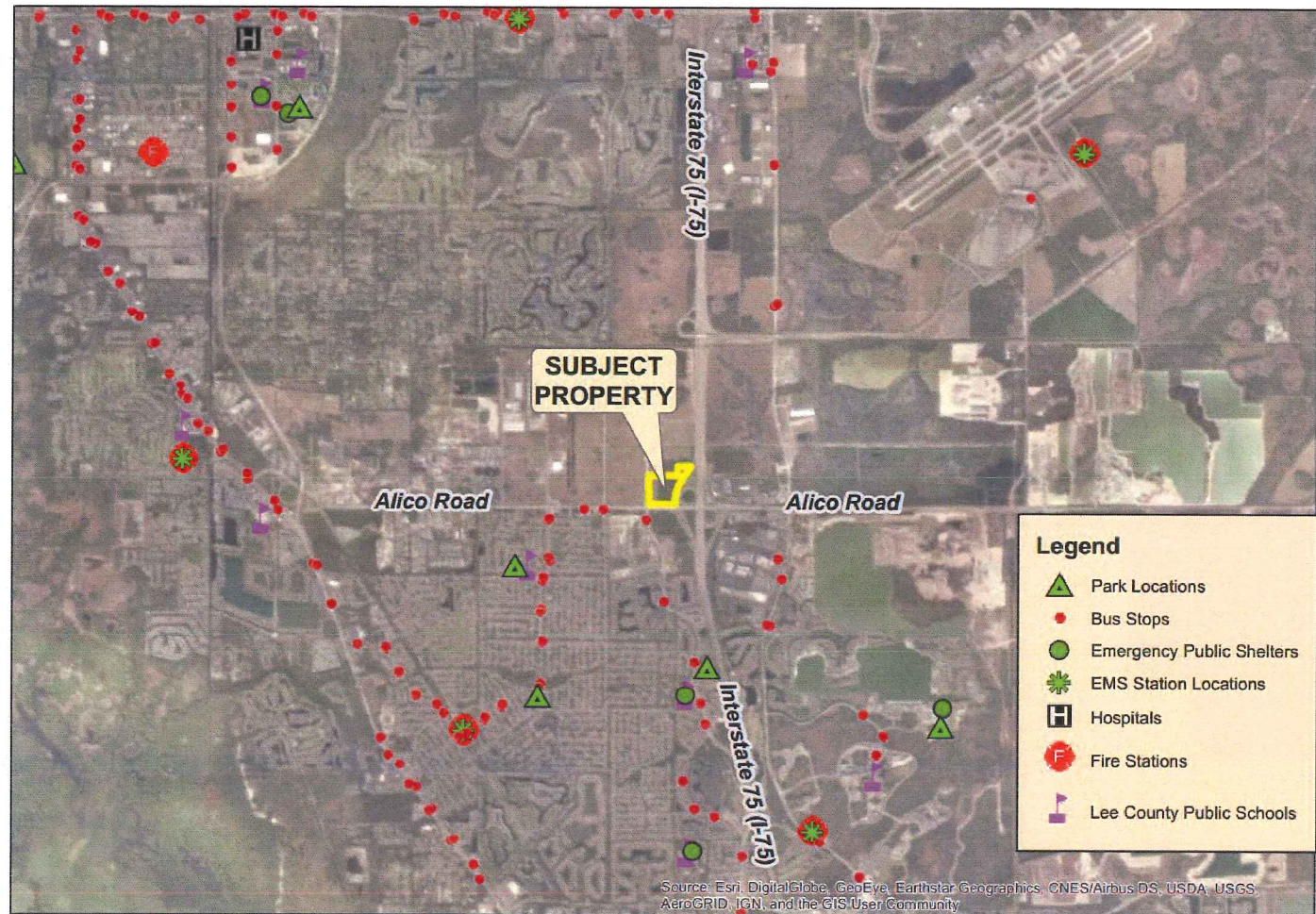


# Airport Noise Zone Map – MCP Overlay

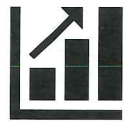
- A portion of the southeast corner of the subject property is located in Airport Noise Zone 'C'
- Proposed residential tract is not within noise zone



# Infrastructure Availability







## **Regional Growth in Alico Area**



## Who We Are

- LCPA manages the airport facilities supporting air transportation in Southwest Florida. RSW has 4,000 people working at the airport, as well as its own fire and police departments. We maintain roadways and buildings on 7,000 acres of land. RSW is the third-largest airport in the nation for land mass.



**Southwest Florida International Airport**





## Skyplex @ Southwest Florida International Airport

- As a provider of business-process outsourcing, **Alta Resources** insources care, sales, e-commerce and fulfillment solutions for world-leading companies.
- **NeoGenomics** is a cancer diagnostics and pharma services company serving oncologists, pathologists, pharmaceutical companies, academic centers, and others with innovative diagnostic, prognostic and predictive testing.





### **Student Population at Florida Gulf Coast University:**

➤ Total 14,965 students have enrolled into Florida Gulf Coast University where 13,854 students enroll into undergraduate programs and 1,111 students for graduate programs.

Source: [Collegetuitioncompare.com](http://Collegetuitioncompare.com)

Get ready to shape your future

No matter where you are today, FGCU's 57 undergraduate, 25 graduate and 4 doctoral programs provide opportunities and the hands-on experiences to achieve your best.



Undergraduate  
Admissions



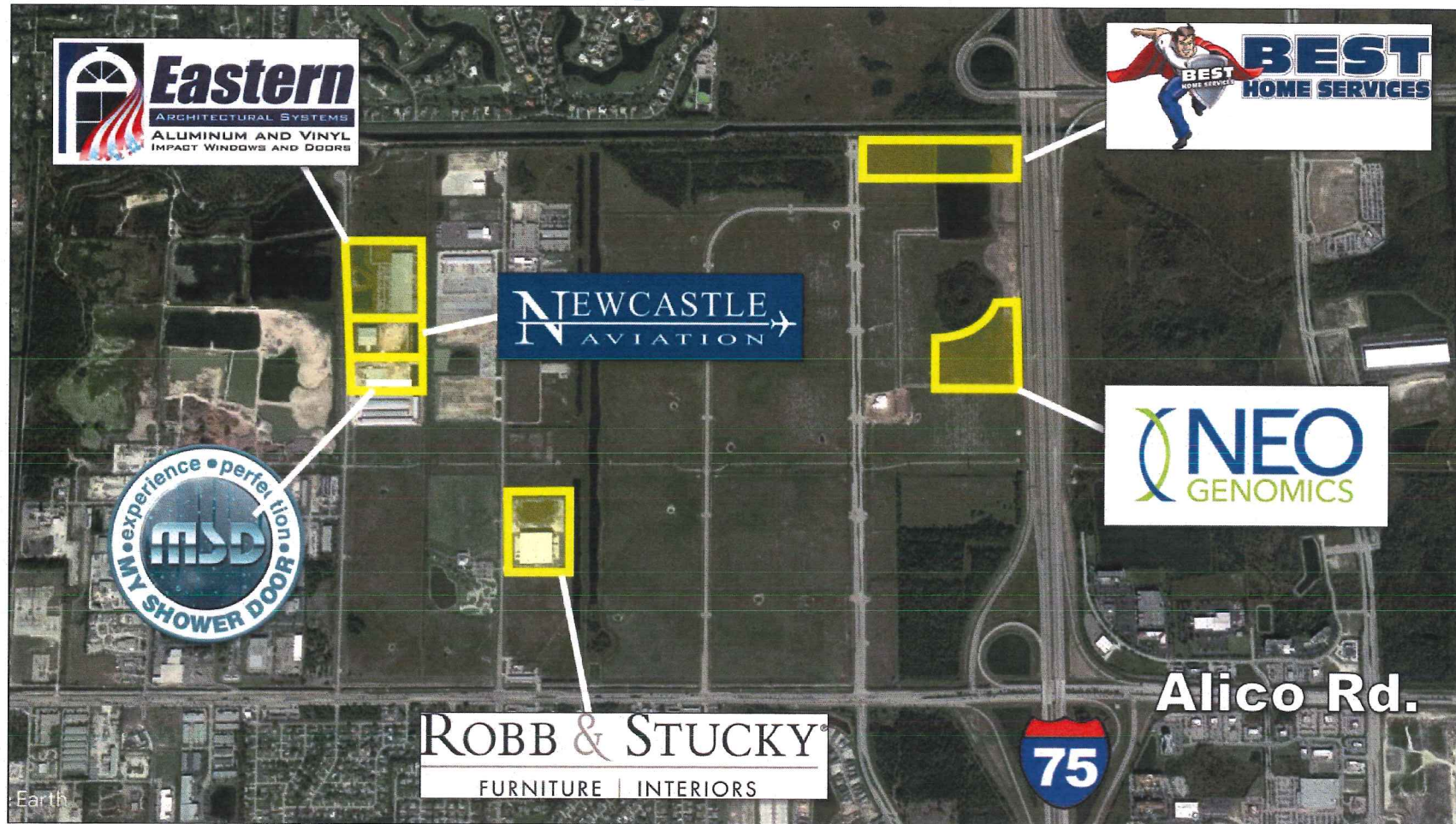
Graduate  
Studies/Admissions



Financial Aid Resources



# Economic and Corporate Growth



# Lee Plan Policies

- *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 industrial/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).*
- *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.*



# Lee Plan Policies (cont'd)

- **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 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 available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of additional development permits, based on conditions which exist at that time, as required by Lee County's concurrency management system.*

*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 available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of additional development permits, based on conditions which exist at that time, as required by Lee County's concurrency management system. (Ordinance No. 94-30, 98-09, 10-20)*

## Lee Plan Policies (cont'd)

- *POLICY 5.1.3: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities. (Ordinance No. 94-30)*
- *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)*
- *POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments. (Ordinance No. 94-30, 99-15, 00-22)*
- *POLICY 5.1.6: Maintain development regulations that require high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design. (Ordinance No. 94-30)*

## Lee Plan Policies (cont'd)

- *POLICY 95.1.3: LOS standards will be the basis for planning and provision of required public facilities and services within Lee County. Regulatory LOS standards will be the basis for determining the adequacy of public facilities for the purposes of permitting new development. Compliance with non-regulatory LOS standards will not be a requirement for continued development permitting, but will be used for facility planning purposes. The LOS will be the basis for facility design, for setting impact fees, and (where applicable) for the operation of the Concurrency Management System (CMS).*



# Residential Dwelling Units

- Section 34-934 Use Regulations permit multi-family residential uses in a CPD with minimum 50,000 square feet of commercial uses
- Section 2-146 Bonus Density
- Section 2-152 Greater Pine Island TDUs

## PART 5

### RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS

- Complete only if living units are proposed in a Future Land Use Category.
- If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.
- If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Future Land Use Category: General Interchange

		Lee Plan Table 1(a) Max. standard density	Units
1. Standard Units			
a. Total upland acres (from Part 4, D.)	14.06 x 14 equals		196
b. Total preserved freshwater wetlands acres (from Part 4, D.)	0 x 0 equals		0
c. Total impacted wetlands acres (from Part 4, D.)	0 x 0 equals		0
d. Total Allowed Standard Units <sup>(1)</sup>			196
2. Bonus Units [2-143]			
a. Site-built Affordable Housing			0
b. Transferrable Dwelling Units			112
c. Sub-total			112
3. Total Permitted Units <sup>(1)</sup>			308

Note:

<sup>(1)</sup> Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.



# Standards for Planned Developments

## *Sec. 34-411. - General standards.*

*(a) All planned developments must be consistent with the provisions of the Lee Plan.*

*(b) All planned developments must be designed and constructed in accordance with the provisions of all applicable County development regulations in force at that time. Deviations from the general provisions of this chapter may be permitted if requested as part of the application for a planned development in accordance with section 34-373(a)(9) and approved by the Board of County Commissioners based on the findings established in section 34-377(b)(4). Pursuant to section 34-373(a)(10) the establishment of property development regulations for planned developments does not require deviations from articles VI and VII of this chapter. Amendments to approved master concept plans may be reviewed pursuant to section 34-380.*

*(c) The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water.*

*(d) All planned developments must have access to existing or proposed roads. Access must comply with the requirements of chapter 10 and be located so that site-related industrial traffic does not travel through predominantly residential areas.*

*(e) If within the Lee Tran public transit service area, the development shall be designed to facilitate the use of the transit system.*

*(f) Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.*

*(g) Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.*

*(h) A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.*

*(i) Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.*

# Standards for Planned Developments (cont'd)

- (j) Where a proposed planned development is surrounded by existing development or land use with which it is compatible and of an equivalent intensity of use, the design emphasis shall be on the integration of this development with the existing development, in a manner consistent with current regulation.
- (k) Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.
- (l) In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction.
- (m) In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.
- (n) Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.
- (o) Minimum parking and loading requirements are set forth in article VII, divisions 25 and 26, of this chapter. Where land uses are generators of occasional peak demand for parking space, a portion of the required parking may be pervious or semi-pervious surfaces, subject to the condition that the parking area is constructed and maintained so as to prevent erosion of soil. In all cases, sufficient parking must be provided to prevent the spilling over of parking demand onto adjacent properties or rights-of-way at times of peak demand.
- (p) Internal consistency through sign control, architectural controls, uniform planting schedules and other similar controls is encouraged.



# Findings for Planned Development Amendments

Sec. 34-145. - Functions and authority.

(d) *Zoning matters.*

(4) *Findings/review criteria.*

a. Before recommending approval for:

1. Rezoning. The Hearing Examiner must find the request:

- a) Complies with the Lee Plan;
- b) Meets this 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) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

# Staff's Recommended Conditions

- Applicant disagrees that separate conditions are needed for optional Master Concept Plans
- Staff disagrees with the following conditions
- Condition 3.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.



# Staff's Recommended Conditions

- *Transportation Condition 3.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:

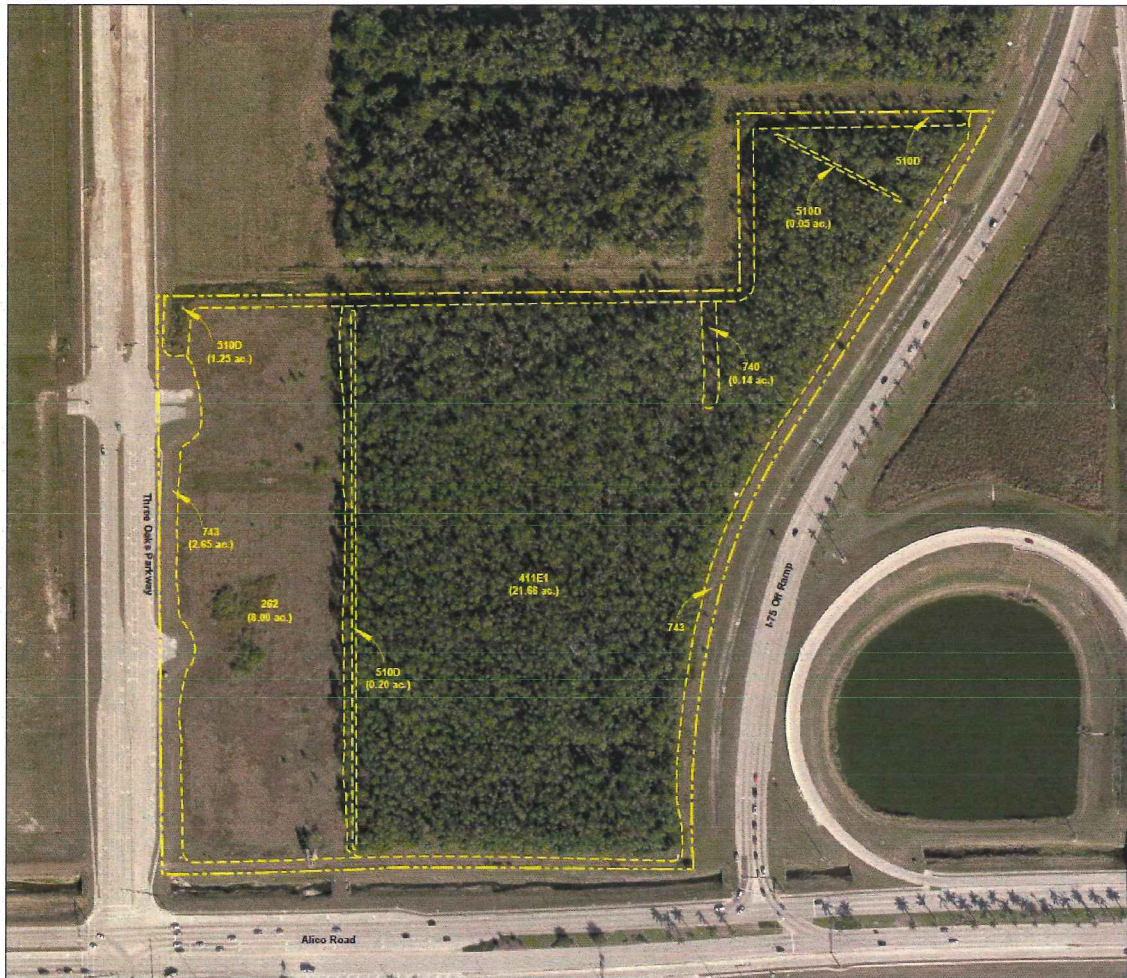
- 1.) a southbound right-turn lane extension to accommodate an additional 425 feet of vehicle queue storage,
- 2.) an eastbound left-turn lane extension and an additional eastbound left-turn lane to accommodate a total of an additional 800 feet of vehicle queue storage, and
- 3.) a westbound right-turn 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."

# Environmental



# FLUCFCS Map



FLUCCS	Description	Acreage
262	Fallow Pasture	8.00 ac.
411E1	Pine Flatwoods Invaded by Exotics (10-25%)	21.66 ac.
510D	Ditches	1.50 ac.
740	Disturbed Land	0.14 ac.
743	Spoil Areas	2.65 ac.
Total		33.95 ac.



# Transportation



# Option A vs Option B

- **Option A – 300,000 Square Feet of Commercial (Approved by Z-05-019)**
- **Option B – 350,000 Square Feet of Commercial, 300 Hotel Units & Multi-Family Residential**
  - Commercial area will be reduced should residential units be developed per Condition 3a of the Staff Report
- **Option A = 857 New PM Peak Hour Two-way Trips**
- **Option B = 1,160 New PM Peak Hour Two-way Trips**
  - 303 Trip difference between Option A and Option B

# Transportation Analysis

- **TIS was completed based on the worst case development scenario;**
  - Option B – 350,000 Square Feet of Commercial & 300 Hotel Rooms
- **Link Level of Service Analysis**
- **Intersection Level of Service Analysis**



## Condition 3e – Option B

- 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.

# LDC Sections 2-270(a) & 2-264

- LDC Section 2-270(a) - *"Funds collected from roads impact fees must be used for the purpose of capital improvements to approved roads."*
- LDC Section 2-264 – Capital Improvements – *"means preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all the necessary features for any non-site-related road construction project."*

## Lee Plan - Policy 38.1.1

- Goal 38, Objective 38.1.1 states *“Lee County will develop and implement an effective and fair system of impact fees or similar funding mechanisms to ensure that development creating transportation impacts on transportation facilities pays its share of needed improvements.”*
- Roads Impact Fees are paid by the project to mitigate all non-site or off-site transportation impacts.



# Lee Plan – Site-Related Improvements

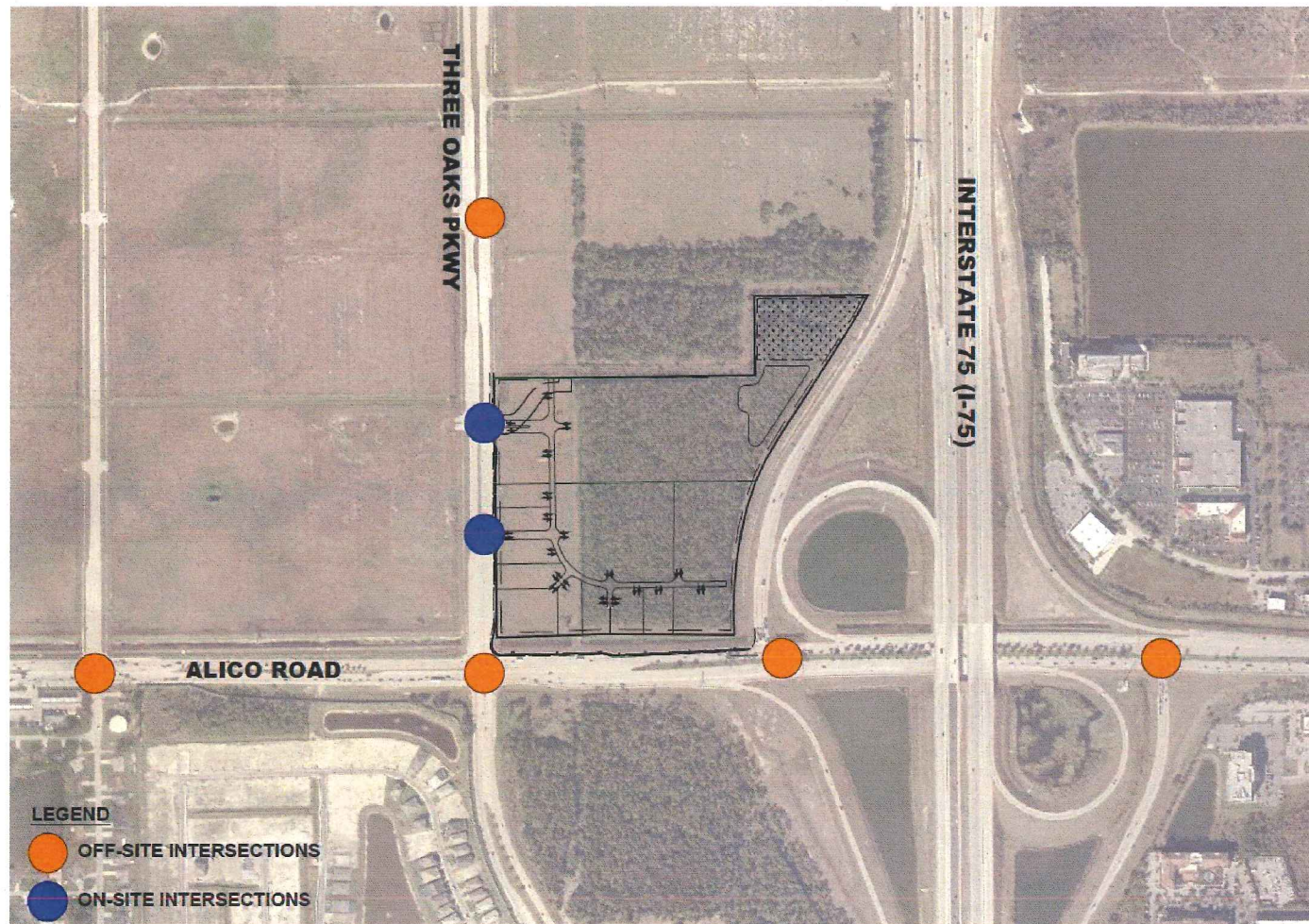
## ➤ Per Lee County Comprehensive Plan

**SITE-RELATED IMPROVEMENTS** - Capital improvements and right-of-way dedications for direct access improvements to the development. Direct access improvements include but are not limited to the following:

1. site driveways and roads;
2. median cuts made necessary by those driveways or roads;
3. right turn, left turn, and deceleration or acceleration lanes leading to or from those driveways or roads;
4. traffic control measures for those driveways or roads; and
5. roads or intersection improvements whose primary purpose at the time of construction is to provide access to the development.

(Ordinance No. 94-30)

# Intersections





# AC-11-4

## ➤ Lee County Administrative Code 11-4 (Turn Lane Policy)

*At times, deceleration, left and right turn lanes may need to be installed at an existing intersection or access point to improve the existing or outdated design, if and when a traffic analysis shows that the LOS is being degraded by the proposed project traffic, or the turning movements at the intersection are being created at the intersection by the proposed projects traffic.*



# Surrounding Properties

- **Alico-Three Oaks IPD (Z-09-002)**
- **Three Oaks Marketplace (Z-16-013, Modified By Z-18-037)**
- **Alico Crossroads Center CPD (Z-08-035)**
- **Alico 37 MPD (Z-11-010)**
- **Florida Gulf Coast Business Center MPD (Z-18-001)**
- **Three Oaks Commerce Park (Z-06-095)**

**Total: 3,397,000 Square Feet of Retail/Office/Industrial Uses & 555 Hotel Units**

# Summary

- Per Lee County Land Development Code, Roads Impact Fees are used to mitigate all off-site impacts (Alico Road/Three Oaks Parkway).
- This project is responsible for providing site-related improvements (direct access connections to Three Oaks Parkway).
- Condition No. 3e is NOT consistent with the Lee County Land Development Code.

# Summary

- Lee County Administrative Code 13-17 states that *“The applicant should be aware that the ZTS is utilized for general impact analyses for the proposed project and not as a basis for a traffic mitigation plan.”*
- Unlikely that the final project will be developed with the maximum intensity.
- Transportation impacts will be evaluated again at the time of the Development Order stage.



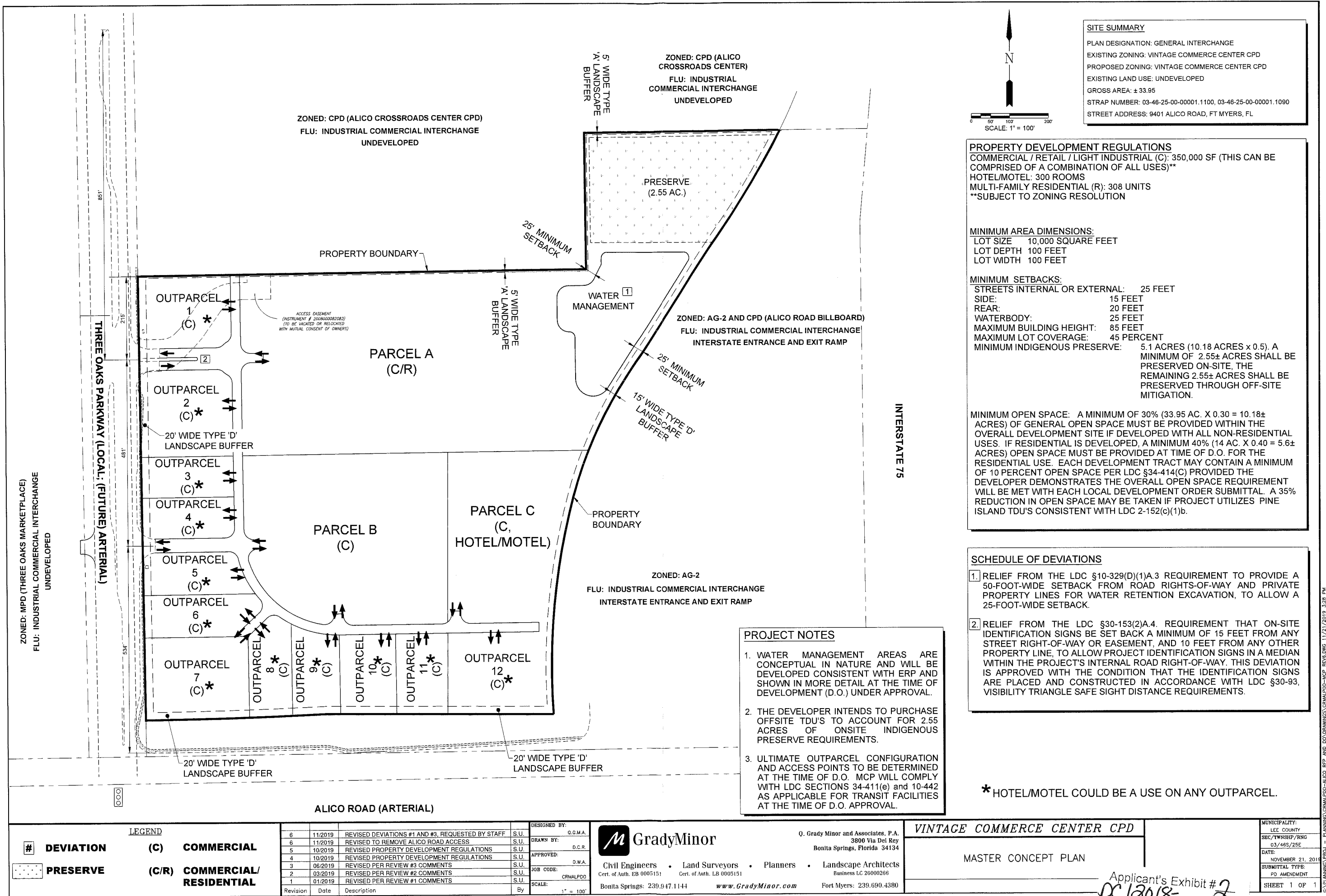
# 48-Hour Letter

## *DISCUSSION*

# Conclusions

- *Amendment is internally consistent with the Lee Plan*
- *Multi-family housing in growth area supported by Florida Gulf Coast University, Southwest Florida International Airport and nearby employment is sound Planning policy*
- *Area supported with adequate infrastructure of roads, transit, utilities, schools, fire and EMS*

**Thank you**



**SITE SUMMARY**

PLAN DESIGNATION: GENERAL INTERCHANGE  
EXISTING ZONING: VINTAGE COMMERCE CENTER CPD  
PROPOSED ZONING: VINTAGE COMMERCE CENTER CPD  
EXISTING LAND USE: UNDEVELOPED  
GROSS AREA: ± 33.95  
STRAP NUMBER: 03-46-25-00-00001.1100, 03-46-25-00-00001.1090  
STREET ADDRESS: 9401 ALICO ROAD, FT MYERS, FL

**PROPERTY DEVELOPMENT REGULATIONS**

COMMERCIAL / RETAIL / LIGHT INDUSTRIAL (C): 350,000 SF (THIS CAN BE COMPRISED OF A COMBINATION OF ALL USES)\*\*  
HOTEL/MOTEL: 300 ROOMS  
MULTI-FAMILY RESIDENTIAL (R): 308 UNITS  
\*\*SUBJECT TO ZONING RESOLUTION

**MINIMUM AREA DIMENSIONS:**

LOT SIZE 10,000 SQUARE FEET  
LOT DEPTH 100 FEET  
LOT WIDTH 100 FEET

**MINIMUM SETBACKS:**

STREETS INTERNAL OR EXTERNAL: 25 FEET  
SIDE: 15 FEET  
REAR: 20 FEET  
WATERBODY: 25 FEET  
MAXIMUM BUILDING HEIGHT: 85 FEET  
MAXIMUM LOT COVERAGE: 45 PERCENT  
MINIMUM INDIGENOUS PRESERVE: 5.1 ACRES (10.18 ACRES x 0.5). A MINIMUM OF 2.55± ACRES SHALL BE PRESERVED ON-SITE, THE REMAINING 2.55± ACRES SHALL BE PRESERVED THROUGH OFF-SITE MITIGATION.

**MINIMUM OPEN SPACE:** A MINIMUM OF 30% (33.95 AC. X 0.30 = 10.18± ACRES) OF GENERAL OPEN SPACE MUST BE PROVIDED WITHIN THE OVERALL DEVELOPMENT SITE IF DEVELOPED WITH ALL NON-RESIDENTIAL USES. IF RESIDENTIAL IS DEVELOPED, A MINIMUM 40% (14 AC. X 0.40 = 5.6± ACRES) OPEN SPACE MUST BE PROVIDED AT TIME OF D.O. FOR THE RESIDENTIAL USE. EACH DEVELOPMENT TRACT MAY CONTAIN A MINIMUM OF 10 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. A 35% REDUCTION IN OPEN SPACE MAY BE TAKEN IF PROJECT UTILIZES PINE ISLAND TDU'S CONSISTENT WITH LDC 2-152(c)(1)b.

**SCHEDULE OF DEVIATIONS**

1. RELIEF FROM THE 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.

2. 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.

\* HOTEL/MOTEL COULD BE A USE ON ANY OUTPARCEL.



## Frank J. Feeney, P.E., LEED-AP BD+C

### Senior Project Manager



#### Education

- Bachelor of Science,  
Ocean Engineering,  
U.S. Naval Academy

#### Professional Registrations/ Affiliations

- Professional Engineer (PE),  
Florida #64698
- LEED Accredited  
Professional,  
(LEED-AP, BD+C)
- Florida Water Environment  
Association
- US Green Building Council



Mr. Feeney is a Senior Project Manager with over 15 years' engineering experience in the area and 21 years total experience. He is involved with the design of stormwater, sewer, fire and water distribution systems, roadway design, site design, and grading, as well as permit and construction coordination with SFWMD, SWFWMD, FDEP, Collier County, Lee County, Sarasota County, Monroe County, Cities of Marco Island, Naples, Key West, North Port, and Bonita Springs.

Mr. Feeney was previously Project Manager/Associate for Hole Montes, Inc. and was responsible for project management of multiple Collier County Utility projects that included overseeing the design, bidding, cost estimating, construction engineering inspection, and final project close-out. Additionally, Mr. Feeney acted as project manager/designer for numerous private development projects ranging from 20 acre commercial shopping centers to multi-section rock mines.

#### Relevant Projects

- **The Conservancy of Southwest Florida** – The Conservancy improved their campus by removing three older buildings and replacing them with three new structures that allowed them to consolidate their operations, modernize their facilities, and provide for future planned growth. This campus revitalization also allowed the Conservancy to improve campus wide ADA accessibility, stormwater management, onsite parking, and publicly accessible amenities to include two new filter marshes which are used as living teaching aids for campus visitors.
- **Quail West Clubhouse Expansion** – Quail West is in the process of expanding their existing Clubhouse and adding a new Fitness Center, tennis courts, bocce ball courts, and pickleball courts to their campus. Mr. Feeney has provided design, permitting, and construction services for the project from the conceptual project phase to acceptance through Collier County.

#### Other Signature Projects:

- Quail West Clubhouse and Fitness Center
- APF III Hangar at the City of Naples Airport
- Collier County Sheriff's Office Special Operations Building
- Promenade at Naples Centre
- Port of the Islands Reverse Osmosis Water Treatment Plant
- Miller's Alehouse, Naples Florida
- Fiddler's Creek
- East Naples Mine
- Toledo Creek Commercial Subdivision
- Jim Brown Mine
- Pelicans Nest Golf Course Irrigation Main extension

APPLICANT'S EXHIBIT #\_\_\_

3  
~~DC12018-10022~~

**Q. Grady Minor & Associates, P.A.**

**Civil Engineers • Surveyors • Land Planners • Landscape Architects**

**Perez, Maria**

---

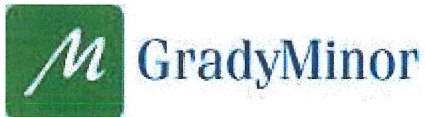
**From:** Sharon Umpenhour <SUMpenhour@gradyminor.com>  
**Sent:** Tuesday, December 17, 2019 3:14 PM  
**To:** Block, Alvin; Hearing Examiner  
**Cc:** brintihar@crminc.us; Wayne Arnold; nealemontgomery@paveselaw.com; Perez, Maria  
**Subject:** [EXTERNAL] DCI2018-10022 VINTAGE COMMERCE CENTER CPD  
**Attachments:** Memorandum HEX 12-17-2019.pdf; Continued Hearing Conditions 12-17-19 strikethru.pdf; Continued Hearing Conditions 12-17-19 strikethru.docx; CRMALPDO-MCP Rev6-Site.pdf

Good afternoon,

Please find attached correspondence and exhibits regarding the HEX meeting 12-19-2019.

Regards,

**Sharon Umpenhour**  
Senior Planning Technician



Q. Grady Minor and Associates, P.A.  
3800 Via Del Rey  
Bonita Springs, FL 34134  
Phone - 239.947.1144  
Fax - 239.947.0375  
Email - [sumpenhour@gradyminor.com](mailto:sumpenhour@gradyminor.com)  
Web - <http://www.gradyminor.com>

DISCLAIMER: This communication from Q. Grady Minor & Associates, P.A., along with any attachments or electronic data is intended only for the addressee(s) named above and may contain information that is confidential, legally privileged or otherwise exempt from disclosure. The recipient agrees and accepts the following conditions: The electronic file/data is for informational purposes only and is the responsibility of the recipient to reconcile this electronic file/data with the approved and certified "plan of record" along with actual project site conditions. Q. Grady Minor & Associates, P.A. reserves the right to revise, update and improve its electronically stored data without notice and assumes no responsibility due to a virus or damages caused by receiving this email.

Applicant's Exhibit # 4  
DCI2018-10022



## MEMORANDUM

---

**TO:** Lee County Hearing Examiner Rivera

**FROM:** D. Wayne Arnold, AICP

**SUBJECT:** **Vintage CPD, DCI2018-10022**  
**Lee County HEX Continued Hearing December 19, 2019**

**DATE:** December 17, 2019

---

Attached please find the applicant's proposed conditions for the Vintage Commerce Center CPD and the latest version of the MCP, which reflects the modifications discussed at the November 22, 2019 HEX hearing. The applicant is not in agreement with the consolidated Staff Conditions; therefore, we are proposing revised conditions, which are shown in strikethrough and underline format. Please be aware that the applicant's proposed conditions included with staff's memo on December 17, 2019 is not the latest proposed version. The HEX should review and consider the applicant's proposed conditions attached to this memorandum dated December 17, 2019.

Our team will be prepared to discuss our suggested revisions to the conditions of approval at the continued hearing on December 19, 2019.

Cc: Brian Intihar  
Neale Montgomery  
Alvin C. Block, AICP  
Maria Perez  
GradyMinor File



## CONDITIONS:

### 1. Master Concept Plan and Development Intensity:

The development of this project must be consistent with Applicant's Exhibit 2 submitted during the November 22, 2019 Hearing Examiner public hearing, identified as the Master Concept Plan for Vintage Commerce Center CPD, Sheet 1 of 1, Revision 6 (dated 11/2019), except as modified by the conditions herein. The Master Concept Plan is attached hereto and made a part hereof.

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

~~The If residential dwelling units are subject to sought for development, these must be developed at a minimum of 8 dwelling units per acre and a maximum of and may not exceed 14 dwelling units, per acre under the standard density range. The maximum number of dwelling units permitted by the standard density is 196. Residential development is permitted only in conjunction with at least 50,000 square feet or more of commercial or industrial uses. No more than 196 Lee Plan standard density dwelling units may be permitted. The property is eligible for Bonus Density if the development meets the Bonus Density. Additional units may be approved, up to a maximum of 22 units per acre, provided that the development meets the Bonus Density requirements of Chapter 2 of the Lee County Land Development Code and the Lee County Comprehensive Plan. The maximum number of residential dwelling units, with Bonus Density, cannot exceed 308. The CPD must include a minimum of 50,000 square feet of commercial or industrial development intensity if residential units are constructed consistent with note 10, Section 34-934, LDC.~~

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.

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 completed in phases, local development order submittals must include a running inventory showing the overall number of residential dwelling 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. Previous Actions:

All previous actions in Resolution Number Z-99-097 and Resolution Z-05-019, as amended by ADD2006-00225, are hereby rendered null and void by this action.

### 3. 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

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 (LDC Section 34-935(e)(4))

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.

4. 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).



5. 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 in accordance with Lee County Land Development Code Chapter 10-295.
6. The Applicant, on behalf of the property owner, or any successor or assign, acknowledges the proposed planned development may generate the need for certain site-related transportation improvements, ~~including at the intersection of Alico Road/Three Oaks Parkway. The ultimate improvements will be based on the requirements of Chapter 10 of the Lee County Land Development Code and the project's subsequent site-related traffic impacts. Further, the Applicant, on behalf of the property owner, or any successor or assign, also agrees to include a disclosure statement on any resulting plats, and also in all documents for condominium, property owner and homeowner associations advising that all owners within the development will equitably share the cost of these improvements caused by the effect of the cumulatively-approved site/project development at the time the improvements are determined by the County to be necessary. Additionally, if approved by the Board of County Commissioners, a copy of the resulting executed zoning resolution and master concept plan must be recorded upon approval in the Public Records of Lee County, Florida, and indexed under the name of the current property owner as the grantor upon recording. Site related improvements may be required at the project access points. Turn lanes were installed when Three Oaks was constructed. The turn lanes may need to be improved if turning volumes make such improvements necessary to protect the public health, safety, and welfare or to reduce adverse impacts on Three Oaks Parkway pursuant to Section 10-288, LDC. The Lee Plan defines site-related improvements as improvements required for direct access such as site driveways and roads, median cuts required by site driveways, turn lanes required for site driveways, traffic control measures for site driveways, and intersection improvements whose primary purpose at the time of construction is to provide access to the development.~~
7. 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.
8. 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 regulatory concurrency requirements prior to issuance of a local development order.

#### DEVIATIONS:

Deviation 1 seeks relief from LDC §10-329(d)(1)a.2. requiring a 50-foot setback from road right-of-way and private property lines for water retention excavation, to allow a 25-foot setback. Staff recommends approval of this request.

Deviation (2) seeks relief from LDC §30-153(2)a.4. requiring 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 recommended for APPROVAL with the condition that the identification signs are placed and constructed in accordance with LDC §30-93, visibility triangle safe sight distance requirements.

CONDITIONS:

1. Master Concept Plan and Development Intensity:

The development of this project must be consistent with Applicant's Exhibit 2 submitted during the November 22, 2019 Hearing Examiner public hearing, identified as the Master Concept Plan for Vintage Commerce Center CPD, Sheet 1 of 1, Revision 6 (dated 11/2019), except as modified by the conditions herein. The Master Concept Plan is attached hereto and made a part hereof.

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

~~The if residential dwelling units are subject to sought for development, these must be developed at a minimum of 8 dwelling units per acre and a maximum of and may not exceed 14 dwelling units, per acre under the standard density range. The maximum number of dwelling units permitted by the standard density is 196. Residential development is permitted only in conjunction with at least 50,000 square feet or more of commercial or industrial uses. No more than 196 Lee Plan standard density dwelling units may be permitted. The property is eligible for Bonus Density if the development meets the Bonus Density. Additional units may be approved, up to a maximum of 22 units per acre, provided that the development meets the Bonus Density requirements of Chapter 2 of the Lee County Land Development Code and the Lee County Comprehensive Plan. The maximum number of residential dwelling units, with Bonus Density, cannot exceed 308. The CPD must include a minimum of 50,000 square feet of commercial or industrial development intensity if residential units are constructed consistent with note 10, Section 34-934, LDC.~~

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.

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 completed in phases, local development order submittals must include a running inventory showing the overall number of residential dwelling 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. Previous Actions:

All previous actions in Resolution Number Z-99-097 and Resolution Z-05-019, as amended by ADD2006-00225, are hereby rendered null and void by this action.

3. 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

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 (LDC Section 34-935(e)(4))

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.

4. 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).

5. 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 in accordance with Lee County Land Development Code Chapter 10-295.
6. The Applicant, on behalf of the property owner, or any successor or assign, acknowledges the proposed planned development may generate the need for certain site-related transportation improvements, ~~including at the intersection of Alico Road/Three Oaks Parkway. The ultimate improvements will be based on the requirements of Chapter 10 of the Lee County Land Development Code and the project's subsequent site-related traffic impacts. Further, the Applicant, on behalf of the property owner, or any successor or assign, also agrees to include a disclosure statement on any resulting plats, and also in all documents for condominium, property owner and homeowner associations advising that all owners within the development will equitably share the cost of these improvements caused by the effect of the cumulatively-~~ approved site/project development at the time the improvements are determined by the County to be necessary. ~~Additionally, if approved by the Board of County Commissioners, a copy of the resulting executed zoning resolution and master concept plan must be recorded upon approval in the Public Records of Lee County, Florida, and indexed under the name of the current property owner as the grantor upon recording. Site related improvements may be required at the project access points. Turn lanes were installed when Three Oaks was constructed. The turn lanes may need to be improved if turning volumes make such improvements necessary to protect the public health, safety, and welfare or to reduce adverse impacts on Three Oaks Parkway pursuant to Section 10-288, LDC. The Lee Plan defines site-related improvements as improvements required for direct access such as site driveways and roads, median cuts required by site driveways, turn lanes required for site driveways, traffic control measures for site driveways, and intersection improvements whose primary purpose at the time of construction is to provide access to the development.~~
7. 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.
8. 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 regulatory concurrency requirements prior to issuance of a local development order.

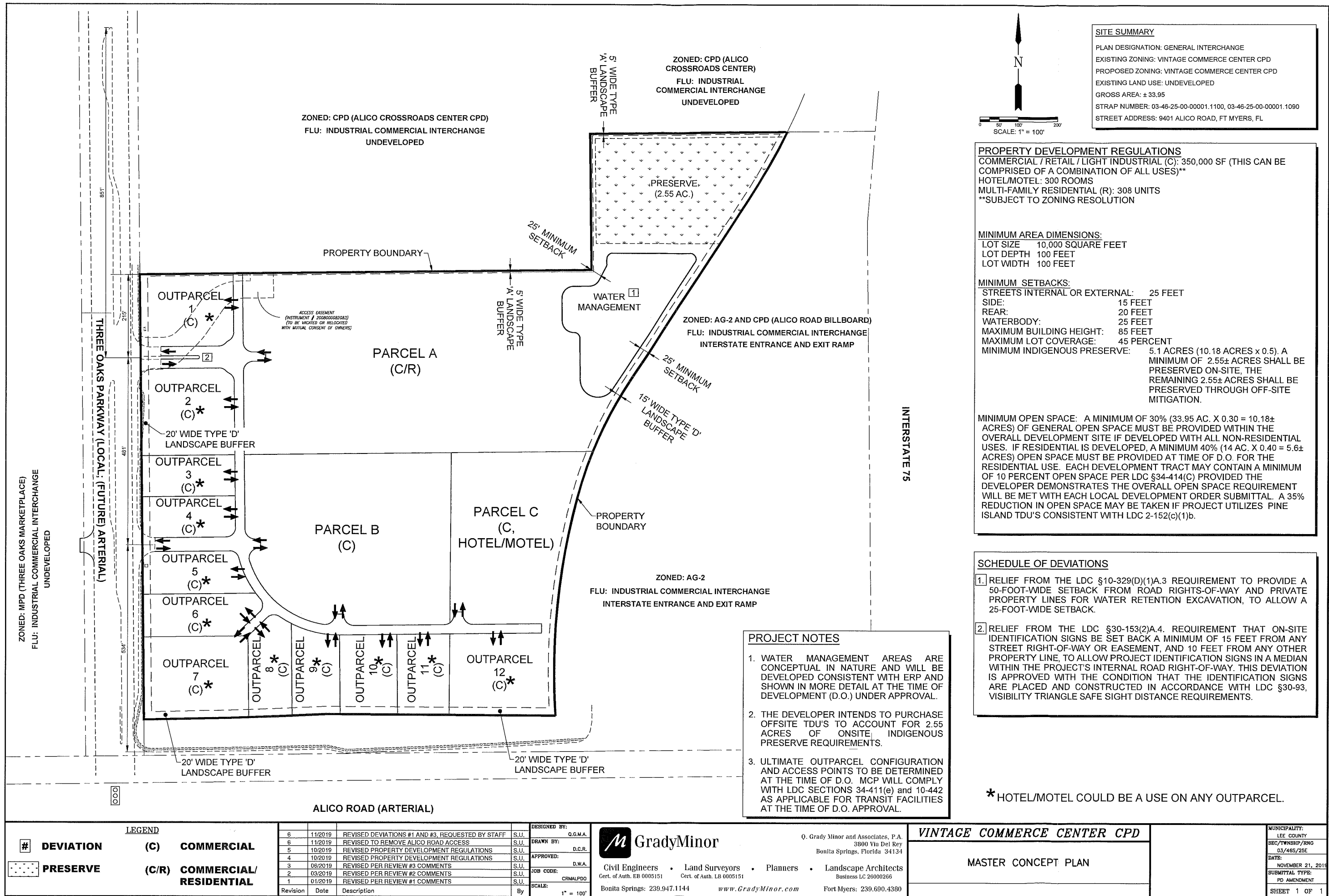
DEVIATIONS:

Deviation 1 seeks relief from LDC §10-329(d)(1)a.2. requiring a 50-foot setback from road right-of-way and private property lines for water retention excavation, to allow a 25-foot setback. Staff recommends approval of this request.

Deviation (2) seeks relief from LDC §30-153(2)a.4. requiring 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 recommended for APPROVAL with the condition that the identification signs are placed and constructed in accordance with LDC §30-93, visibility triangle safe sight distance requirements.



**Perez, Maria**

---

**From:** Sharon Umpenhour <Sumpenhour@gradyminor.com>  
**Sent:** Tuesday, December 17, 2019 3:30 PM  
**To:** Block, Alvin; Hearing Examiner  
**Cc:** brintihar@crminc.us; Wayne Arnold; nealemontgomery@paveselaw.com; Perez, Maria  
**Subject:** [EXTERNAL] RE: DCI2018-10022 VINTAGE COMMERCE CENTER CPD  
**Attachments:** Memorandum HEX 12-17-2019.pdf

**Importance:** High

Attached is a revised Memo, the December 17, 2019 date in the first paragraph was incorrect and has been revised to reflect the correct date of December 16, 2019.

**Sharon Umpenhour**  
Senior Planning Technician

**From:** Sharon Umpenhour  
**Sent:** Tuesday, December 17, 2019 3:14 PM  
**To:** 'Block, Alvin' <ABlock@leegov.com>; 'Hearing Examiner' <hex@leegov.com>  
**Cc:** 'brintihar@crminc.us' <brintihar@crminc.us>; Wayne Arnold <WArnold@gradyminor.com>;  
'nealemontgomery@paveselaw.com' <nealemontgomery@paveselaw.com>; 'Perez, Maria' <MPerez@leegov.com>  
**Subject:** DCI2018-10022 VINTAGE COMMERCE CENTER CPD

Good afternoon,

Please find attached correspondence and exhibits regarding the HEX meeting 12-19-2019.

Regards,

**Sharon Umpenhour**  
Senior Planning Technician



**GradyMinor**

Q. Grady Minor and Associates, P.A.

3800 Via Del Rey

Bonita Springs, FL 34134

Phone - 239.947.1144

Fax - 239.947.0375

Email - [sumpenhour@gradyminor.com](mailto:sumpenhour@gradyminor.com)

Web - <http://www.gradyminor.com>

Applicant's Exhibit # 5

DISCLAIMER: This communication from Q. Grady Minor & Associates, P.A., along with any attachments or electronic data is intended only for the addressee(s) named above and may contain information that is confidential, legally privileged or otherwise exempt from disclosure. The recipient agrees and accepts the following conditions: The electronic file/data is for informational purposes only and is the responsibility of the recipient to reconcile this electronic file/data with the approved and certified "plan of record" along with actual project site conditions. Q. Grady Minor & Associates, P.A. reserves the right to revise, update and improve its electronically stored data without notice and assumes no responsibility due to a virus or damages caused by receiving this email.



## MEMORANDUM

---

**TO:** Lee County Hearing Examiner Rivera

**FROM:** D. Wayne Arnold, AICP

**SUBJECT:** **Vintage CPD, DCI2018-10022**  
**Lee County HEX Continued Hearing December 19, 2019**

**DATE:** December 17, 2019

---

Attached please find the applicant's proposed conditions for the Vintage Commerce Center CPD and the latest version of the MCP, which reflects the modifications discussed at the November 22, 2019 HEX hearing. The applicant is not in agreement with the consolidated Staff Conditions; therefore, we are proposing revised conditions, which are shown in strikethrough and underline format. Please be aware that the applicant's proposed conditions included with staff's memo on December 16, 2019 is not the latest proposed version. The HEX should review and consider the applicant's proposed conditions attached to this memorandum dated December 17, 2019.

Our team will be prepared to discuss our suggested revisions to the conditions of approval at the continued hearing on December 19, 2019.

**Cc:** Brian Intihar  
Neale Montgomery  
Alvin C. Block, AICP  
Maria Perez  
GradyMinor File





**TO:** Ms. Amanda Rivera, Esq., Lee County Deputy Hearing Examiner

**FROM:** D. Wayne Arnold, AICP  
Ted Treesh  
Brian Intihar, owner representative

**SUBJECT:** Vintage CPD, DCI2018-10022  
Conditions of Approval

**DATE:** December 18, 2019

- (1) The intent of the CPD district is to further the general purpose of planned developments set forth in section 34-612(2), as it relates to commercial development.
- (2) The principal uses of any commercial planned development are generally the retail sale and distribution of consumer goods and services, or the provision of standard office space for various purposes, including the delivery of professional services (including health care,

short of inpatient facilities), or financial services, or for the administration of business and general business purposes.

- (3) Ancillary uses which may be permitted in the commercial planned development district include permanent human habitation in multiple-family buildings and townhouses, transient housing in hotel or motel rooms, health care facilities, and other limited institutional uses and selected light industrial uses.

Section 34-934, LDC, is the use regulation table. The table indicates that a CPD must include 50,000 square feet or more of commercial in order for the CPD to qualify for the multi-family residential. The use regulation table and the associated note does not dictate development timing.

What is a site related improvement? (Former Condition 3.e, now Condition 6)

The staff is seeking to shift the burden of a public capital improvement to one property owner under a new and strained interpretation of a "site related" improvement. Objective 38.1., Lee Plan, requires the county to establish fiscally sound transportation budgeting and planning practices. As part of the fiscally sound planning practices, Policy 38.1.1. requires the county to develop and implement an "effective and fair" system of impact fees or other "similar" funding mechanism to ensure that new development pays its share of needed improvements. The county is obligated to update its transportation priorities to provide a safe transportation network which includes "intersection modifications". The county is then required to fund the capital improvements, including intersection modifications, on an annual basis. (Objective 38.2, Policy 38.2.1) The developer of the subject property will be required to pay the impact fees under the effective and fair system as required by the Lee Plan. The fees are to be used to fund the capital improvements needed to address the impacts of the development. Turn lanes at the intersection of two public arterial roads constitutes a capital improvement under Lee County's comprehensive plan. The Lee Plan definition of capital improvements includes the construction of physical facilities.

The Lee Plan also defines "site related improvements" as follows:

Capital improvements and right-of-way dedications for direct access improvements to the development. Direct access improvements include but are not limited to the following:

1. site driveways and roads;
2. median cuts made necessary by those driveways or roads;
3. right turn, left turn, and deceleration or acceleration lanes leading to or from those driveways or roads;
4. traffic control measures for those driveways or roads; and

---

Q. Grady Minor & Associates, P.A.

Civil Engineers • Surveyors • Land Planners • Landscape Architects

3800 Via Del Rey • Bonita Springs, Florida 34134 • (239) 947-1144 • Fax (239) 947-0375

EB 0005151 • LB 0005151 • LC 26000266



5. roads or intersection improvements whose primary purpose at the time of construction is to provide access to the development.

Section 2-263, LDC, states on its face that it is intended to implement the Lee Plan. The purpose of the impact fee section of Chapter 2 is "to regulate the use and development of land to ensure that new development bears a proportionate share of the cost of capital expenditures necessary to provide roads in the County as contemplated by the Lee Plan".

Section 2-264, LDC, defines capital improvements as follows:

*Capital improvements* means preliminary engineering, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting and construction of all the necessary features for any non-site-related road construction project, including but not limited to:

- (1) Constructing new through lanes;
- (2) Constructing new turn lanes;
- (3) Constructing new frontage or access roads;
- (4) Constructing new bridges;
- (5) Constructing new drainage facilities in conjunction with roadway construction;
- (6) Purchasing and installing traffic signalization (including both new installations and upgrading signalization);
- (7) Constructing curbs, medians, sidewalks, bicycle paths and shoulders in conjunction with roadway construction;
- (8) Relocating utilities to accommodate new roadway construction; and
- (9) Constructing on-street and off-street parking when such parking is intended for and designed to protect or enhance the vehicular capacity of the existing network of approved roads.
- (10) Alternative roadway capacity improvements that accommodate vehicle trips by providing alternative travel modes and by taking pedestrians, bicyclists, and buses out of travel lanes including, but not limited to, sidewalks and other pedestrian improvements, bikeways, and bus pull out lanes along arterial and collector roads.

The installation of new turn lanes on County arterials is one of the improvements included in the Roads Impact Fee ordinance definition of capital improvements.

The Lee Plan definition of site related improvements indicates that it is those improvements that are needed for direct access. The site driveways were installed when the current segment of Three Oaks Parkway north of Alico Road was constructed. No road extension is required to access the subject property. The definition of site related improvements includes median cuts required for the site access points. In this case the

---

Q. Grady Minor & Associates, P.A.

Civil Engineers • Surveyors • Land Planners • Landscape Architects

3800 Via Del Rey • Bonita Springs, Florida 34134 • (239) 947-1144 • Fax (239) 947-0375

EB 0005151 • LB 0005151 • LC 26000266

median cuts were included in the construction of this segment of Three Oaks Parkway. Right turn, left turn and deceleration or acceleration lanes leading to or from the access points are also site related. In this case the turn lanes were included in the initial construction of this segment of Three Oaks Parkway. Appropriate traffic control measures were included for this segment of Three Oaks Parkway.

Item 5 under the Lee Plan definition of site-related improvements applies to roads or intersection improvements whose primary purpose at the time of construction is to provide access to the development. The primary purpose of improvements at the intersection of Alico and Three Oaks Parkway whenever they may be constructed is to address the public impacts, and the primary purpose of the improvements is not to provide access to the subject property. If the primary purpose of the improvement was to provide access to the subject property, the development in question would be consuming more than 50% of the capacity of the intersection. The staff testified that the improvements will be required regardless of whether the property in question develops. The improvements would not be necessary if Three Oaks Parkway was not extended to the north to connect with Daniels Parkway.

The definition of site-related improvements in Section 2-264, LDC, the Roads Impact Fee Ordinance, echoes the definition in the Lee Plan with some additions. Neither the Lee Plan definition nor the Roads Impact Fee Ordinance definition would indicate that the intersection of Three Oaks/Alico is an intersection that provides direct access to the subject property. The examples provided by staff were improvements at the intersection of a private road that provides access to the private development with the public road.

The applicant agrees with the statement in Attachment J to the staff report that states that the zoning TIS is not to be used for determining traffic-related impacts for development orders. The reason is because a zoning TIS is based on the worst-case scenario. The staff memorandum indicates that the MCP includes site access to Alico Road. The site access to Alico Road is not included on the current MCP. The staff memorandum states that site-related improvements may be required on the "nearby" roadways. Future improvements to "nearby" roadways is not an improvement required for direct access which is a requirement for a site-related improvement.

Transportation improvements that are not roughly proportionate to the impacts of the proposed development are a prohibited exaction. There is nothing in the staff memorandum nor in the evidence presented to the Hearing Examiner that demonstrates that imposing the obligation to complete capital improvements to the intersection of two County arterials at a cost of over a million dollars in addition to paying Roads impact fees is roughly proportionate to the impacts of the proposed development. The testimony presented by the staff was that they would seek to impose the obligation on the project even if no development had occurred.

---

Q. Grady Minor & Associates, P.A.

Civil Engineers • Surveyors • Land Planners • Landscape Architects

3800 Via Del Rey • Bonita Springs, Florida 34134 • (239) 947-1144 • Fax (239) 947-0375

EB 0005151 • LB 0005151 • LC 26000266



**Table 1** illustrates the trip generation assumptions of the project should the Multi-Family use be developed as currently proposed by a prospective developer of the project. This table assumes the development of the entire site with approximately 308 multi-family residential dwelling units and the remaining property developed with commercial retail uses. Because there will be both retail and residential development within the boundary of the project, there will be a certain amount of “internal” trip capture between these uses. Table 2 illustrates the number of “Net New Trips” that would be added to the adjacent roadway network based on this development scenario.

**Table 3** illustrates the number of “Net New Trips” that were included in the Traffic Impact Studies submitted to the County as part of the zoning request. This table represents the “worst case” in terms of trips generation, which is the site being developed entirely as a commercial project that would include 350,000 square feet of retail uses and the hotel. As you can see in comparing the “Net New Trips” from Table 2 and Table 3, should the project be developed with the multi-family use, the trip generation of the entire project will be substantially reduced from what was analyzed throughout the re-zoning process.

**Table 1**  
**Trip Generation – Total Trips**

**Vintage Commerce Center**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (175,000 Sq. Ft.)	148	91	239	395	427	822	8,796
Multi-Family (Low-Rise) (308 Dwelling Units)	32	107	139	101	60	161	2,288
<b>Total Trips</b>	<b>180</b>	<b>198</b>	<b>378</b>	<b>496</b>	<b>487</b>	<b>983</b>	<b>11,084</b>

\*Assuming 14 acres will be developed with multi-family uses and 20 acres with retail uses at approximately 8,500 square feet per acre.

**Table 2**  
**Trip Generation – Net New Trips**

**Vintage Commerce Center**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Trips	180	198	378	496	487	983	11,084
Less Internal Capture 1% AM / 14% PM	-2	-2	-4	-70	-68	-138	-1,552
Less LUC 820 Pass-By Trips	-36	-35	-71	-106	-106	-212	-2,270
<b>Net New Trips</b>	<b>142</b>	<b>161</b>	<b>303</b>	<b>320</b>	<b>313</b>	<b>633</b>	<b>7,262</b>

Q. Grady Minor & Associates, P.A.

Civil Engineers • Surveyors • Land Planners • Landscape Architects

3800 Via Del Rey • Bonita Springs, Florida 34134 • (239) 947-1144 • Fax (239) 947-0375

EB 0005151 • LB 0005151 • LC 26000266

**Table 3**  
**Trip Generation Used In Traffic Study**  
**Vintage Commerce Center**

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Trips	289	183	472	760	812	1,572	17,052
Less Retail Pass-By Trips	-61	-37	-98	-198	-214	-412	-4,228
<b>New Trips</b>	<b>228</b>	<b>146</b>	<b>374</b>	<b>562</b>	<b>598</b>	<b>1,160</b>	<b>12,824</b>

Lee County Staff is proposing a condition that is vague, ambiguous, and financially unquantifiable via a deed restriction/cloud on title for public improvements that have not been proven to be site-related. The ambiguity and lack of quantifiable cost creates a void for vagueness problem. To the extent that such a covenant is attached to the deeds of record within the project, it would damage the marketability of the project potentially to the point of being unsalable. Further, this interpretation would be setting new precedent in Lee County as no prior project has unilaterally been assessed the full cost of off-site public improvements.

The applicant testified that a portion of the project is currently under contract for a multifamily development. While the closing of this transaction will have a very favorable impact in the trade area resulting in fewer vehicle trips generated, the imposition of additional deed restrictions as proposed, will cause the deal to be terminated. If Lee County Staff's proposal related to the off-site improvements were adopted, the value of the subject property will plummet causing all current/future prospective buyers to immediately pursue alternative opportunities (regardless of price, location, desirability, profitability, etc.). By imposing the aforesaid off-site future improvement requirements and language therewith, the current property owner and potential buyers have an immediate, and perpetual, increase in time, risk, and unquantifiable costs, whereby rendering a severe impairment on the value and marketability of the property.

The purpose of this development is to provide retail, office, convenience, and lodging services to accommodate the surrounding population and workforce growth. The proposed multifamily development will serve as an affordable housing option when compared to the surrounding single-family developments for (I) job relocations, (II) baby boomers moving to SWFL, and (III) FGCU/FSW graduates who have secured full-time positions at the regional employment centers. While it is anticipated that the subject property would provide for an attractive and comprehensive development within the Alico/Three Oaks corridor, the project is only a small piece of the trade area that is serviced by this intersection. Therefore, to unjustifiably burden one property owner within the corridor, and severely impair the marketability pursuant to the

proposed off-site improvement language is an unconscionable overreach and a taking by the County.

Cc: Brian Intihar  
Neale Montgomery  
Alvin C. Block, AICP  
Maria Perez  
GradyMinor File

---

Q. Grady Minor & Associates, P.A.

Civil Engineers • Surveyors • Land Planners • Landscape Architects

3800 Via Del Rey • Bonita Springs, Florida 34134 • (239) 947-1144 • Fax (239) 947-0375


EB 0005151 • LB 0005151 • LC 26000266



**MEMORANDUM**  
**FROM THE**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**ZONING SECTION**

**DATE:** November 21, 2019

**TO:** Amanda L. Rivera  
Deputy Hearing Examiner

**FROM:** Alvin Block, AICP   
Planner, Principal

**SUBJECT: DCI2018-10022, Vintage Commerce Center CPD**

Lee County staff requests Staff Condition 3.e be replaced with the following wording:

3.e. The Applicant, on behalf of the property owner, or any successor or assign, acknowledges the proposed planned development may generate the need for certain site-related transportation improvements, including at the intersection of Alico Road/Three Oaks Parkway. The ultimate improvements will be based on the requirements of Chapter 10 of the Lee County Land Development Code and the project's subsequent site-related traffic impacts. Further, the Applicant, on behalf of the property owner, or any successor or assign, also agrees to include a disclosure statement on any resulting plats, and also in all documents for condominium, property owner and homeowner associations advising that all owners within the development will equitably share the cost of these improvements caused by the effect of the cumulatively-approved site/project development at the time the improvements are permitted and determined by the County to be necessary. Additionally, if approved by the Board of County Commissioners, a copy of the resulting executed zoning resolution and master concept plan must be recorded upon approval in the Public Records of Lee County, Florida, and indexed under the name of the current property owner as the grantor upon recording.

This fully replaces Condition 3.e as found in the recommended staff conditions found as Attachment C to the staff report for this case.

STAFF EXHIBIT# 2  
3e

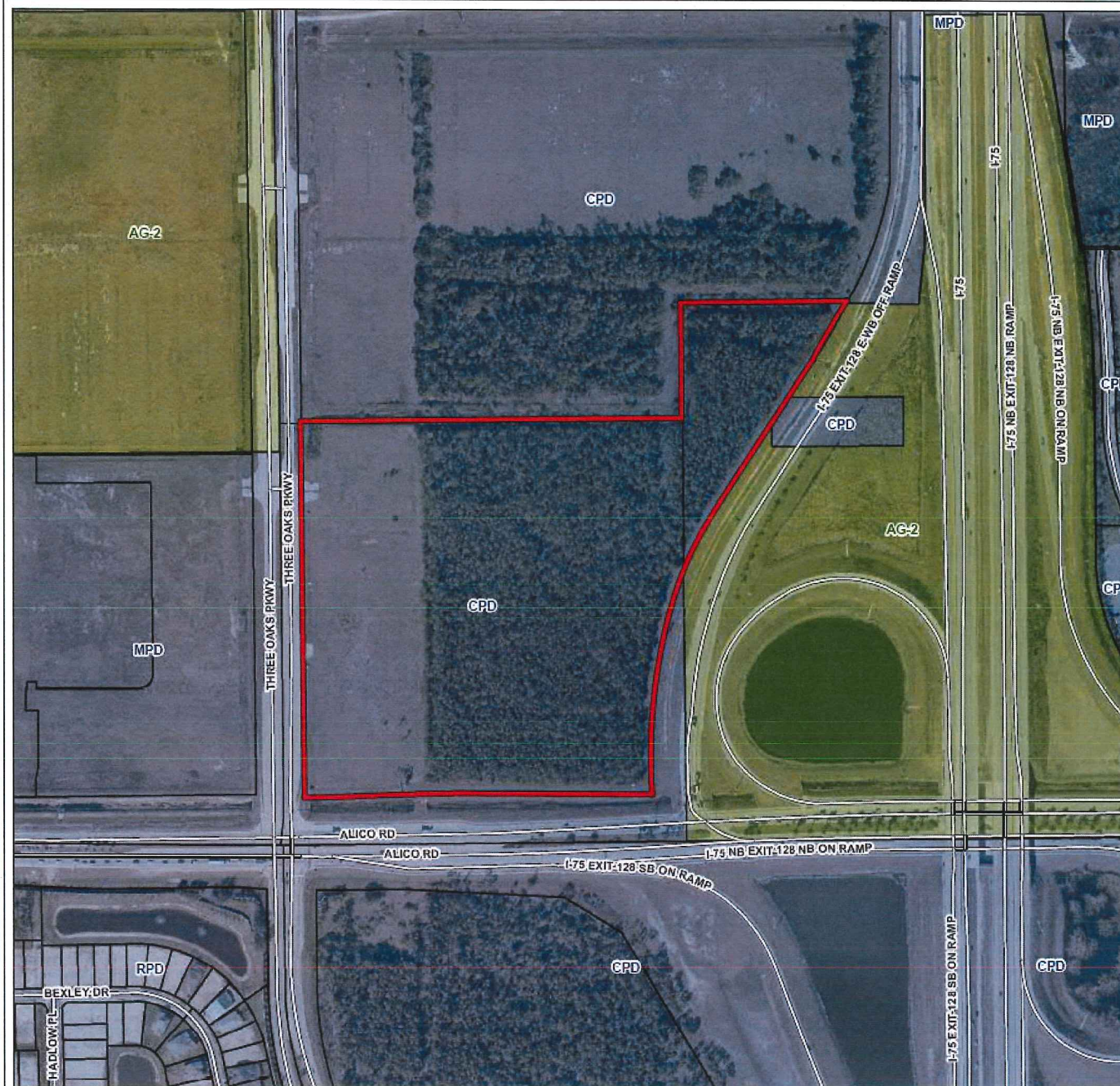


# DCI2018-10022

## Vintage Commerce Center CPD

Amend the Vintage Commerce Center Commercial Planned Development (CPD), consisting of 33.95± acres, to modify the Master Concept Plan, add an option to develop up to 308 multi-family dwelling units, increase the allowable commercial and office to 350,000 square feet, modify the schedule of uses to add additional commercial uses, including 300 hotel units, assisted living facilities, hospital and miscellaneous retail office and light industrial uses, and revise development standards to allow a maximum building height of 85 feet.





## DCI2018-10022 Zoning

### Legend

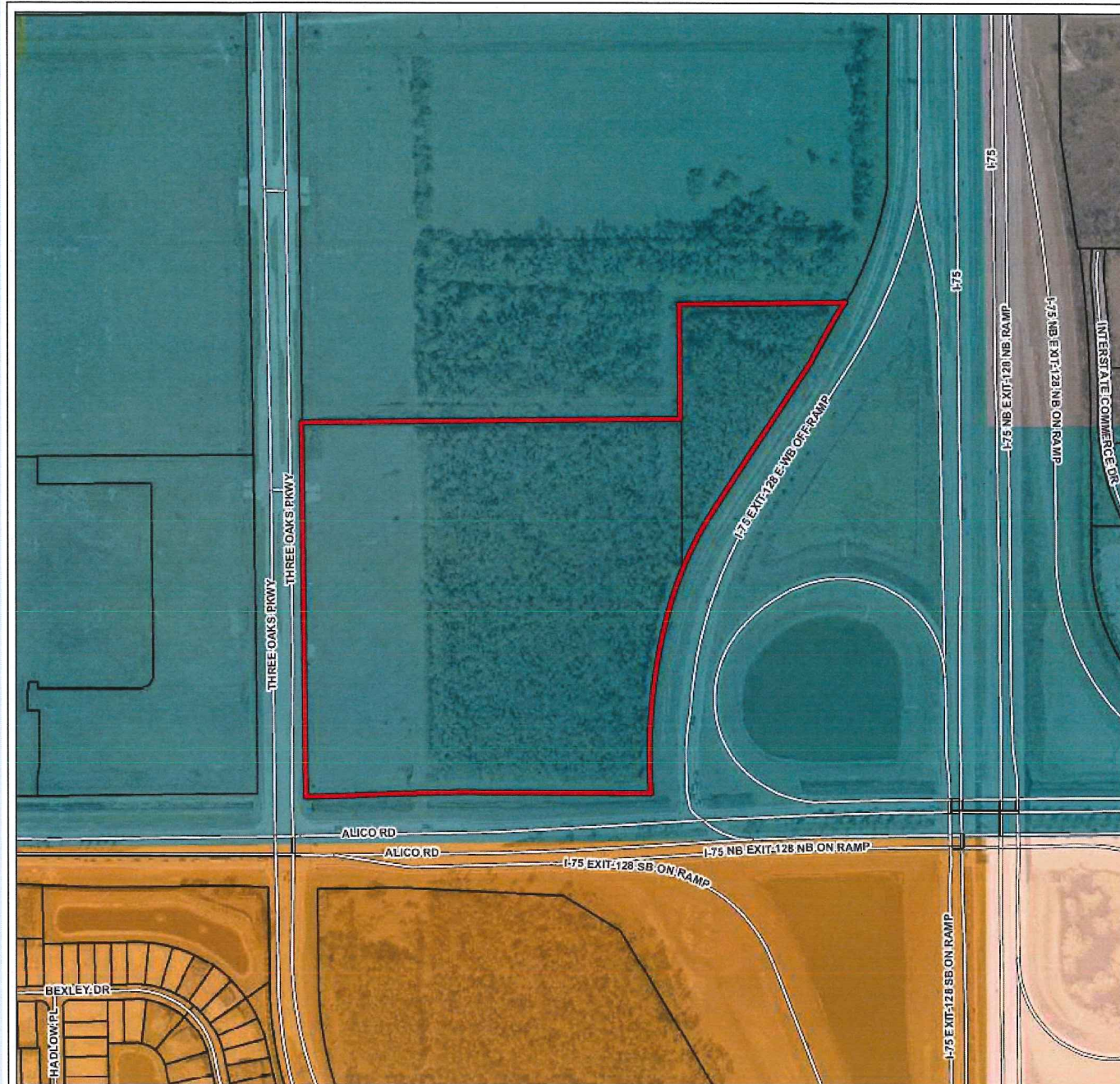
 Subject Parcel



0 500  
Feet







## DCI2018-10022 Future Land Use

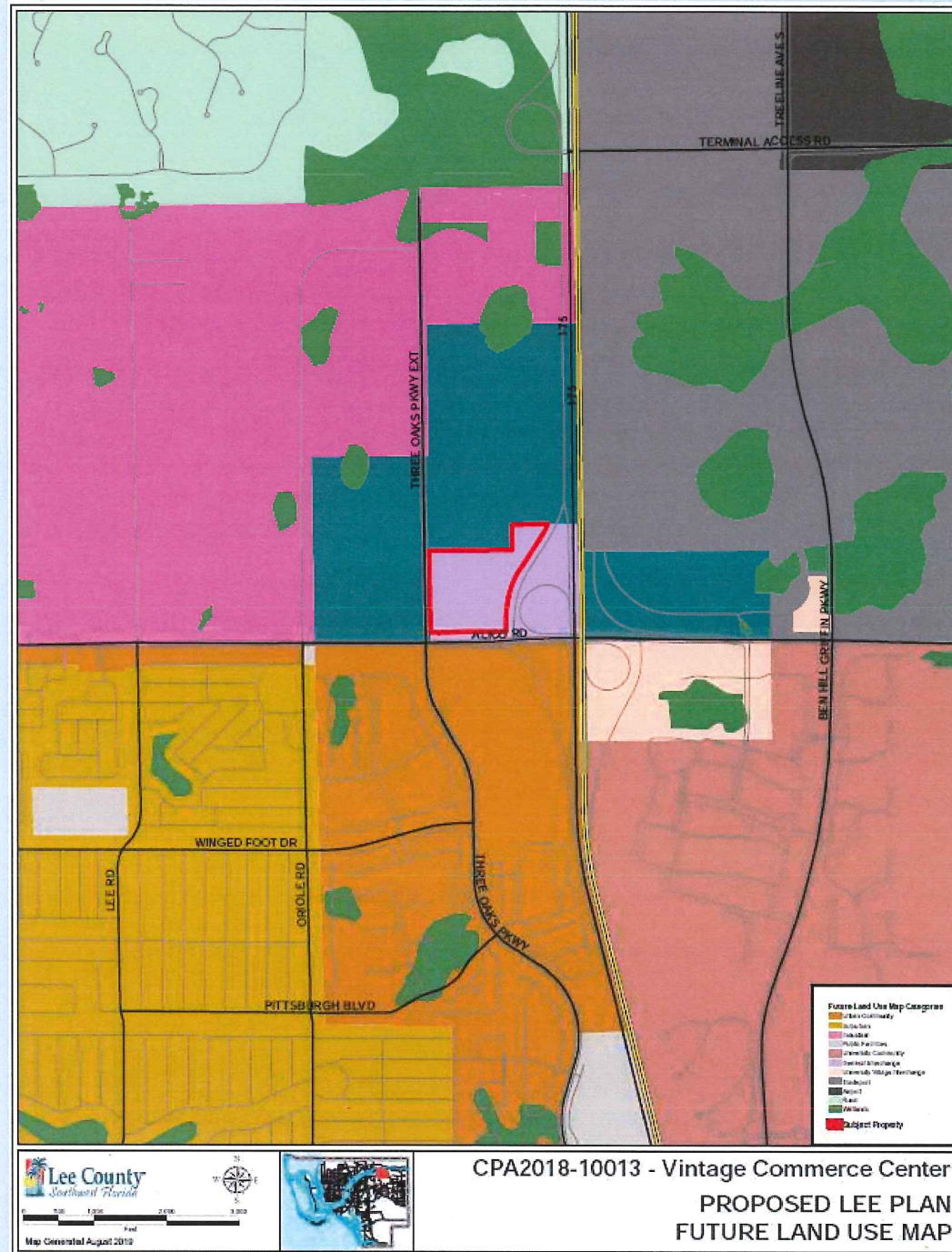
### Legend

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

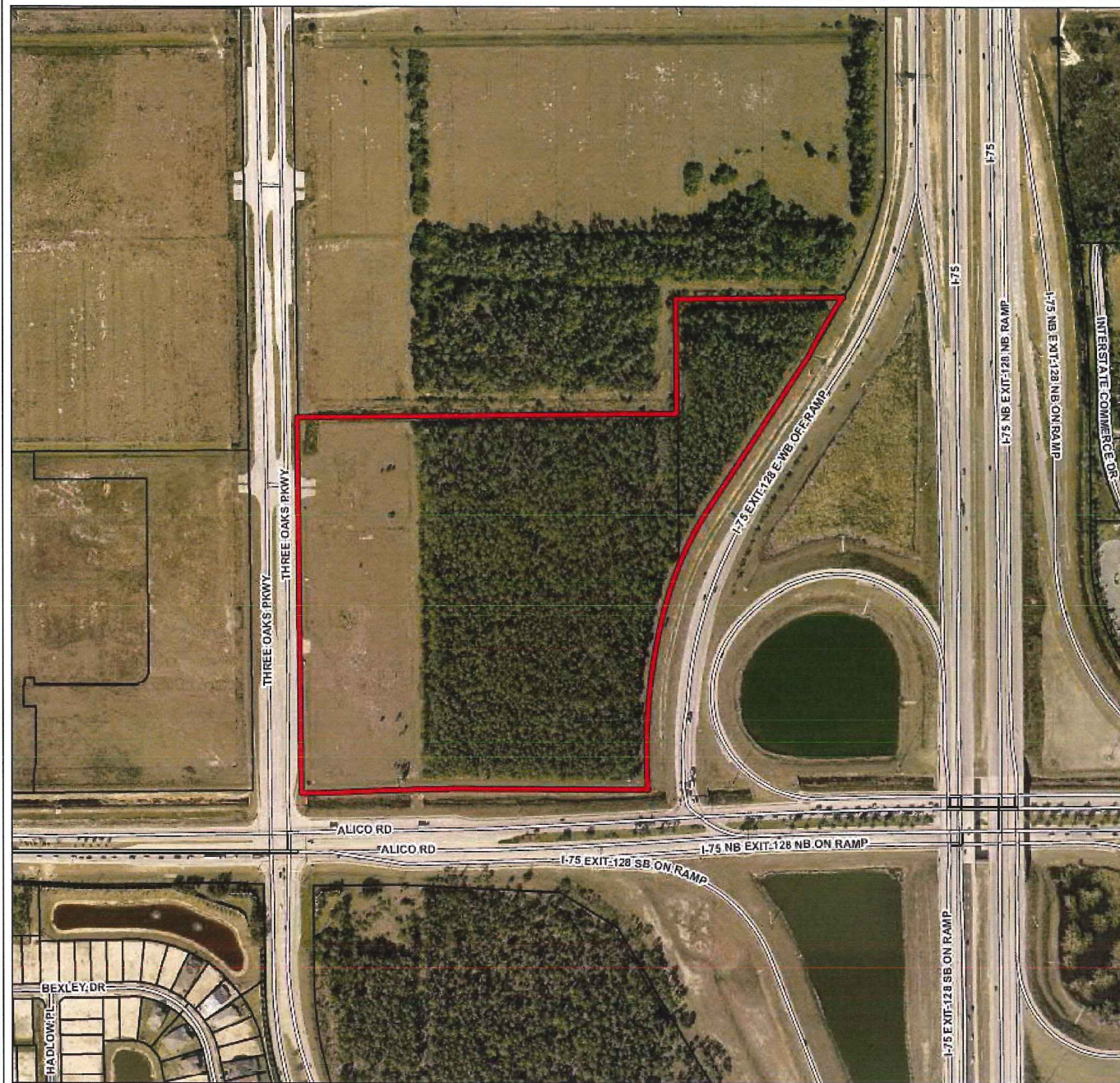


0 500  
Feet









# DCI2018-10022 Aerial

## Legend

 Subject Parcel



0 500  
Feet





MANUSCRIPT NUMBER: 400-2017-1066 PREPRINT - NOT FOR PUBLICATION

INITIAL COST PRICE PER SHARE = 40¢ AND WITH 10% GROWTH = 44¢ PER SH.

Copyright © 2006 John Wiley & Sons, Ltd.

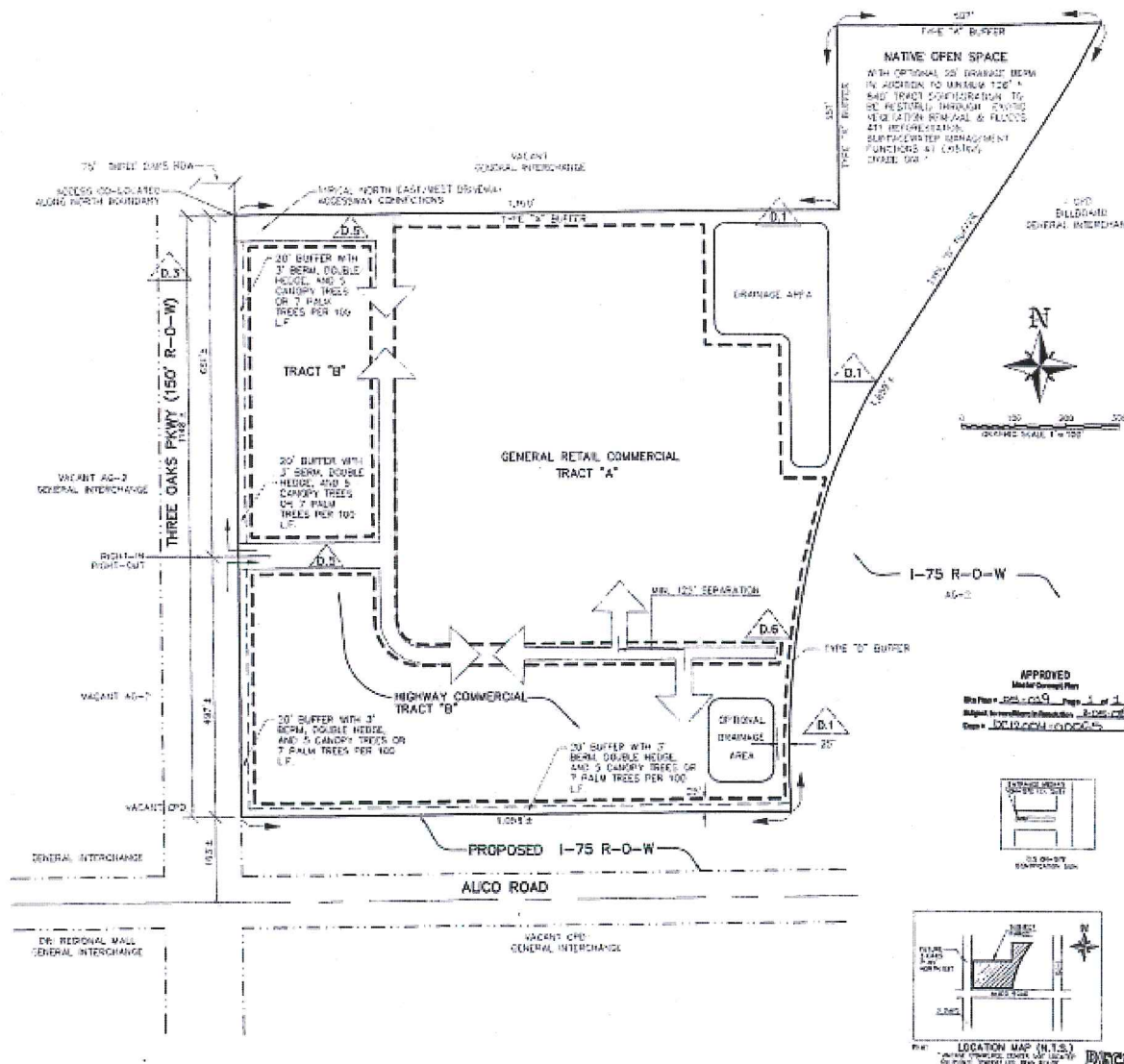
[illegible]

## PROJECT NOTES AND GENERAL CONDITIONS

[illegible]

#### SCHEDULE OF DENATIONS

1. 1  
 2. 2  
 3. 3  
 4. 4  
 5. 5  
 6. 6



\_\_\_\_\_

Side 1 of 1

Endereço: 05101-000

1998 NO. 04.0001

Chemical

STUART AND ASSOCIATES  
A MEMBER OF THE STUART GROUP OF COMPANIES

**James Engineering, Inc.**  
DRAWING PROVIDED BY

श्रीमान् श्रीमन्महाराजस्य, श्रीमान्,

1970-71 2000-01  
1971-72 2001-02  
1972-73 2002-03  
1973-74 2003-04  
1974-75 2004-05  
1975-76 2005-06  
1976-77 2006-07  
1977-78 2007-08  
1978-79 2008-09  
1979-80 2009-10  
1980-81 2010-11  
1981-82 2011-12  
1982-83 2012-13  
1983-84 2013-14  
1984-85 2014-15  
1985-86 2015-16  
1986-87 2016-17  
1987-88 2017-18  
1988-89 2018-19  
1989-90 2019-20  
1990-91 2020-21  
1991-92 2021-22  
1992-93 2022-23  
1993-94 2023-24  
1994-95 2024-25  
1995-96 2025-26  
1996-97 2026-27  
1997-98 2027-28  
1998-99 2028-29  
1999-00 2029-30  
2000-01 2030-31  
2001-02 2031-32  
2002-03 2032-33  
2003-04 2033-34  
2004-05 2034-35  
2005-06 2035-36  
2006-07 2036-37  
2007-08 2037-38  
2008-09 2038-39  
2009-10 2039-40  
2010-11 2040-41  
2011-12 2041-42  
2012-13 2042-43  
2013-14 2043-44  
2014-15 2044-45  
2015-16 2045-46  
2016-17 2046-47  
2017-18 2047-48  
2018-19 2048-49  
2019-20 2049-50  
2020-21 2050-51  
2021-22 2051-52  
2022-23 2052-53  
2023-24 2053-54  
2024-25 2054-55  
2025-26 2055-56  
2026-27 2056-57  
2027-28 2057-58  
2028-29 2058-59  
2029-30 2059-60  
2030-31 2060-61  
2031-32 2061-62  
2032-33 2062-63  
2033-34 2063-64  
2034-35 2064-65  
2035-36 2065-66  
2036-37 2066-67  
2037-38 2067-68  
2038-39 2068-69  
2039-40 2069-70  
2040-41 2070-71  
2041-42 2071-72  
2042-43 2072-73  
2043-44 2073-74  
2044-45 2074-75  
2045-46 2075-76  
2046-47 2076-77  
2047-48 2077-78  
2048-49 2078-79  
2049-50 2079-80  
2050-51 2080-81  
2051-52 2081-82  
2052-53 2082-83  
2053-54 2083-84  
2054-55 2084-85  
2055-56 2085-86  
2056-57 2086-87  
2057-58 2087-88  
2058-59 2088-89  
2059-60 2089-90  
2060-61 2090-91  
2061-62 2091-92  
2062-63 2092-93  
2063-64 2093-94  
2064-65 2094-95  
2065-66 2095-96  
2066-67 2096-97  
2067-68 2097-98  
2068-69 2098-99  
2069-70 2099-00  
2070-71 2100-01  
2071-72 2101-02  
2072-73 2102-03  
2073-74 2103-04  
2074-75 2104-05  
2075-76 2105-06  
2076-77 2106-07  
2077-78 2107-08  
2078-79 2108-09  
2079-80 2109-10  
2080-81 2110-11  
2081-82 2111-12  
2082-83 2112-13  
2083-84 2113-14  
2084-85 2114-15  
2085-86 2115-16  
2086-87 2116-17  
2087-88 2117-18  
2088-89 2118-19  
2089-90 2119-20  
2090-91 2120-21  
2091-92 2121-22  
2092-93 2122-23  
2093-94 2123-24  
2094-95 2124-25  
2095-96 2125-26  
2096-97 2126-27  
2097-98 2127-28  
2098-99 2128-29  
2099-00 2129-30  
2100-01 2130-31  
2101-02 2131-32  
2102-03 2132-33  
2103-04 2133-34  
2104-05 2134-35  
2105-06 2135-36  
2106-07 2136-37  
2107-08 2137-38  
2108-09 2138-39  
2109-10 2139-40  
2110-11 2140-41  
2111-12 2141-42  
2112-13 2142-43  
2113-14 2143-44  
2114-15 2144-45  
2115-16 2145-46  
2116-17 2146-47  
2117-18 2147-48  
2118-19 2148-49  
2119-20 2149-50  
2120-21 2150-51  
2121-22 2151-52  
2122-23 2152-53  
2123-24 2153-54  
2124-25 2154-55  
2125-26 2155-56  
2126-27 2156-57  
2127-28 2157-58  
2128-29 2158-59  
2129-30 2159-60  
2130-31 2160-61  
2131-32 2161-62  
2132-33 2162-63  
2133-34 2163-64  
2134-35 2164-65  
2135-36 2165-66  
2136-37 2166-67  
2137-38 2167-68  
2138-39 2168-69  
2139-40 2169-70  
2140-41 2170-71  
2141-42 2171-72  
2142-43 2172-73  
2143-44 2173-74  
2144-45 2174-75  
2145-46 2175-76  
2146-47 2176-77  
2147-48 2177-78  
2148-49 2178-79  
2149-50 2179-80  
2150-51 2180-81  
2151-52 2181-82  
2152-53 2182-83  
2153-54 2183-84  
2154-55 2184-85  
2155-56 2185-86  
2156-57 2186-87  
2157-58 2187-88  
2158-59 2188-89  
2159-60 2189-90  
2160-61 2190-91  
2161-62 2191-92  
2162-63 2192-93  
2163-64 2193-94  
2164-65 2194-95  
2165-66 2195-96  
2166-67 2196-97  
2167-68 2197-98  
2168-69 2198-99  
2169-70 2199-00  
2170-71 2200-01  
2171-72 2201-02  
2172-73 2202-03  
2173-74 2203-04  
2174-75 2204-05  
2175-76 2205-06  
2176-77 2206-07  
2177-78 2207-08  
2178-79 2208-09  
2179-80 2209-10  
2180-81 2210-11  
2181-82 2211-12  
2182-83 2212-13  
2183-84 2213-14  
2184-85 2214-15  
2185-86 2215-16  
2186-87 2216-17  
2187-88 2217-18  
2188-89 2218-19  
2189-90 2219-20  
2190-91 2220-21  
2191-92 2221-22  
2192-93 2222-23  
2193-94 2223-24  
2194-95 2224-25  
2195-96 2225-26  
2196-97 2226-27  
2197-98 2227-28  
2198-99 2228-29  
2199-00 2229-30  
2200-01 2230-31  
2201-02 2231-32  
2202-03 2232-33  
2203-04 2233-34  
2204-05 2234-35  
2205-06 2235-36  
2206-07 2236-37  
2207-08 2237-38  
2208-09 2238-39  
2209-10 2239-40  
2210-11 2240-4

VINTAGE COMMERCE CENTER CPD

VINTAGE COMMERCE CENT  
PREPARED FOR:

ALICO DEVELOPMENT

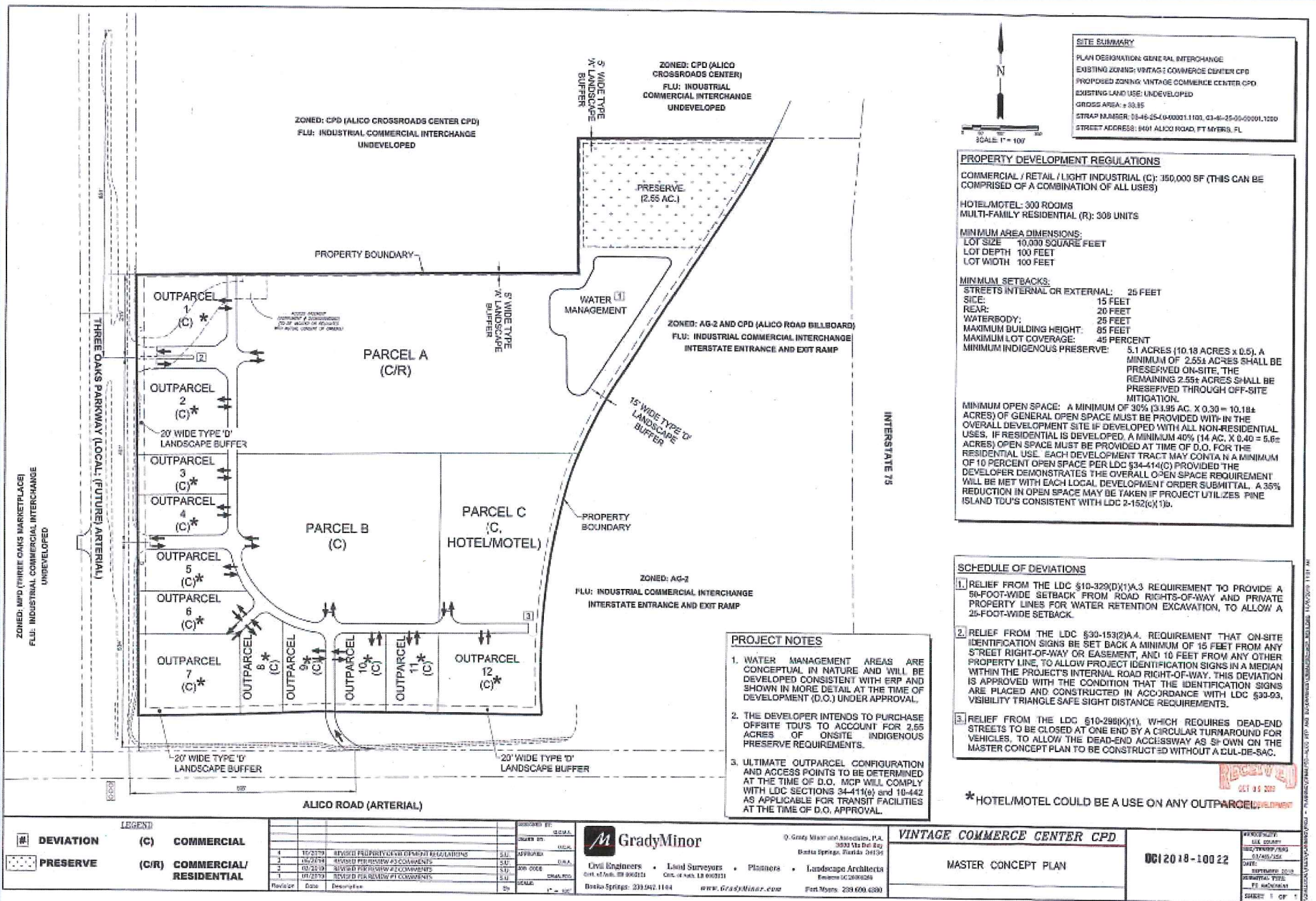
ALICO DEVELOPMENT CORPORATION

DEC 2004 00065

ATTACHMENT P

MCP – OPTION A





**SITE SUMMARY**  
PLAN DESIGNATION: GENERAL INTERCHANGE  
EXISTING ZONING: VINTAGE COMMERCE CENTER CPD  
PROPOSED ZONING: VINTAGE COMMERCE CENTER CPD  
EXISTING LAND USE: UNDEVELOPED  
GROSS AREA: ± 33.85  
STRAP NUMBER: 03-46-25-0-00001.1100, 03-46-25-00-00001.1200  
STREET ADDRESS: 8401 ALICO ROAD, FT MYERS, FL

**PROPERTY DEVELOPMENT REGULATIONS**  
COMMERCIAL / RETAIL / LIGHT INDUSTRIAL (C): 350,000 SF (THIS CAN BE COMPRISED OF A COMBINATION OF ALL USES)  
HOTEL/MOTEL: 300 ROOMS  
MULTI-FAMILY RESIDENTIAL (R): 308 UNITS  
MINIMUM AREA DIMENSIONS:  
LOT SIZE 10,000 SQUARE FEET  
LOT DEPTH 100 FEET  
LOT WIDTH 100 FEET  
MINIMUM SETBACKS:  
STREETS INTERNAL OR EXTERNAL: 25 FEET  
SIDE: 15 FEET  
REAR: 20 FEET  
WATERBODY: 25 FEET  
MAXIMUM BUILDING HEIGHT: 85 FEET  
MAXIMUM LOT COVERAGE: 45 PERCENT  
MINIMUM INDIGENOUS PRESERVE: 5.1 ACRES (10.18 ACRES x 0.5). A MINIMUM OF 2.55+ ACRES SHALL BE PRESERVED ON-SITE, THE REMAINING 2.55+ ACRES SHALL BE PRESERVED THROUGH OFF-SITE MITIGATION.  
MINIMUM OPEN SPACE: A MINIMUM OF 30% (31.95 AC. X 0.30 = 10.18+ ACRES) OF GENERAL OPEN SPACE MUST BE PROVIDED WITHIN THE OVERALL DEVELOPMENT SITE IF DEVELOPED WITH ALL NON-RESIDENTIAL USES. IF RESIDENTIAL IS DEVELOPED, A MINIMUM 40% (14 AC. X 0.40 = 5.6+ ACRES) OPEN SPACE MUST BE PROVIDED AT TIME OF D.O. FOR THE RESIDENTIAL USE. EACH DEVELOPMENT TRACT MAY CONTAIN A MINIMUM OF 10 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. A 55% REDUCTION IN OPEN SPACE MAY BE TAKEN IF PROJECT UTILIZES PINE ISLAND TDU'S CONSISTENT WITH LDC 2-152(c)(1)b.

**SCHEDULE OF DEVIATIONS**  
1. RELIEF FROM THE LDC §10-320(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.  
2. RELIEF FROM THE LDC §30-153(2)A.A. 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 §30-63, VISIBILITY TRIANGLE SAFE SIGHT DISTANCE REQUIREMENTS.  
3. RELIEF FROM THE LDC §10-298(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.

**PROJECT NOTES**  
1. WATER MANAGEMENT AREAS ARE CONCEPTUAL IN NATURE AND WILL BE DEVELOPED CONSISTENT WITH ERP AND SHOWN IN MORE DETAIL AT THE TIME OF DEVELOPMENT (D.O.) UNDER APPROVAL.  
2. THE DEVELOPER INTENDS TO PURCHASE OFFSITE TDU'S TO ACCOUNT FOR 2.55 ACRES OF ONSITE INDIGENOUS PRESERVE REQUIREMENTS.  
3. ULTIMATE OUTPARCEL CONFIGURATION AND ACCESS POINTS TO BE DETERMINED AT THE TIME OF D.O. MCP WILL COMPLY WITH LDC SECTIONS 34-411(e) AND 10-442 AS APPLICABLE FOR TRANSIT FACILITIES AT THE TIME OF D.O. APPROVAL.

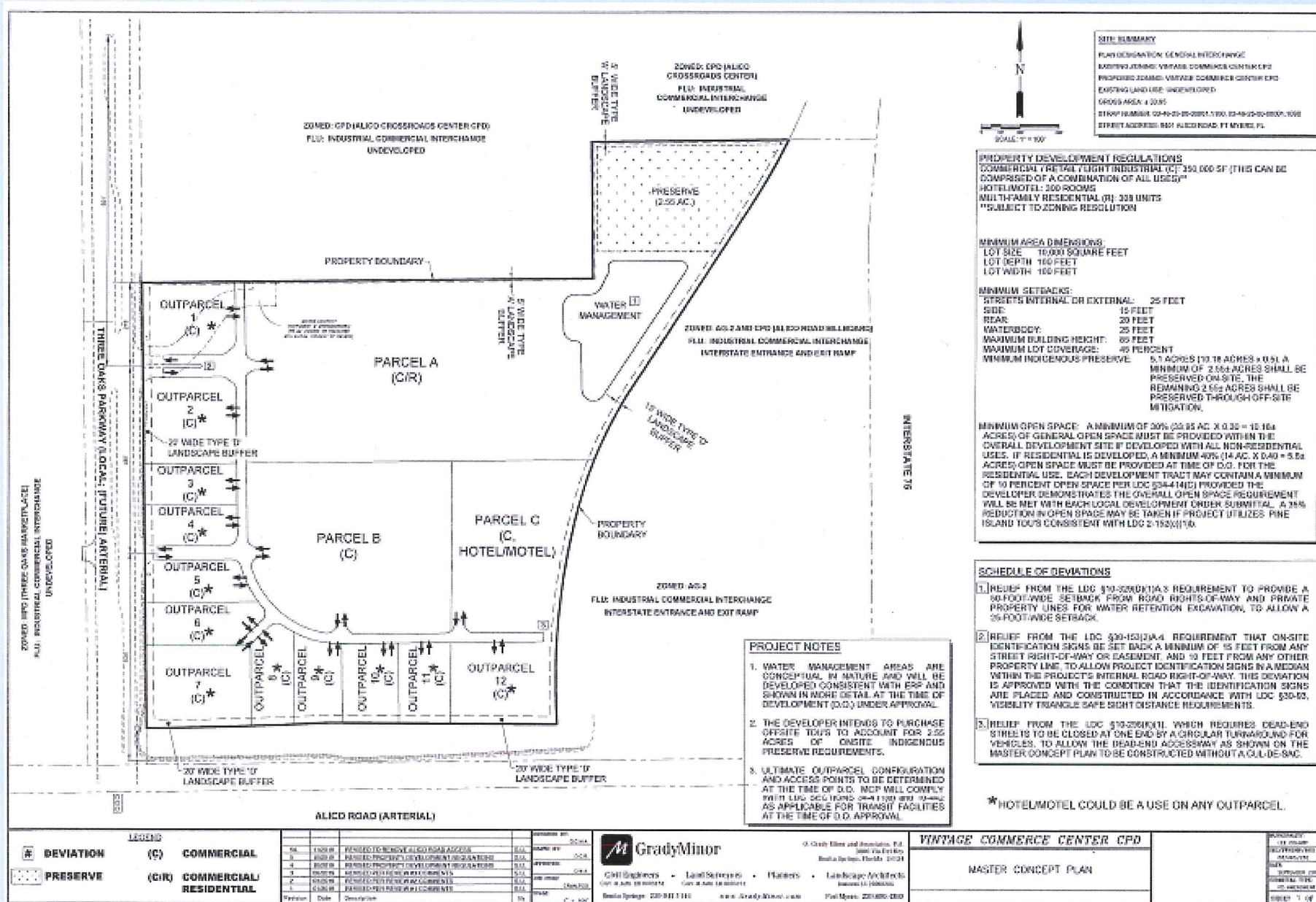
LEGEND			
#	DEVIATION	(C) COMMERCIAL	
	PRESERVE	(C/R) COMMERCIAL/RESIDENTIAL	

Revised By	Date	Description	Revised By	Date	Description
1	10/23/17	REVISED FOR PRELIMINARY DEVELOPMENT REGULATIONS	S.U.		
2	12/22/17	REVISED FOR REVIEW #1 COMMENTS	S.U.		
3	02/21/18	REVISED FOR REVIEW #2 COMMENTS	S.U.		
4	07/27/18	REVISED FOR REVIEW #3 COMMENTS	S.U.		

**GradyMinor**  
Civil Engineers • Land Surveyors • Planners • Landscape Architects  
One Alford, Ste 900011 Col. 14 N.W. 18 060331  
Boca Springs: 339.947.1164 www.GradyMinor.com Fort Myers: 239.690.6290

**VINTAGE COMMERCE CENTER CPD**  
MASTER CONCEPT PLAN  
06/20/18-10022  
DATE: 06/20/18  
REVISION: 0001  
SHEET: 1 OF 1





Michael Allen Fiigon II, M.P.A.  
Fort Myers, FL  
[mafiigon@flylcpa.com](mailto:mafiigon@flylcpa.com)

## **Work Experience**

---

### **Planner**

Lee County Port Authority  
April 2019 – Present

Review zoning requests for consistency with LDC and FAA regulations, including airport hazard zones, airport protection zones, noise zones, non-conforming uses, lighting issues, and blasting proximity

Oversee the Noise and Airspace Coordinator who is responsible for addressing noise complaints and issuing tall structure permits in accordance with the Lee County Administrative Code, FAA regulations, and FDOT regulations

Coordinate and negotiate with consultants on tasks related to planning studies or zoning actions/amendments that affect Southwest Florida International Airport or Page Field

### **City Planner II**

Jacobs Engineering – Bonita Springs, FL  
May 2016 – April 2019

Review and provide the staff recommendation for zoning and land use changes and amendments. Convey topical information to the Local Planning Agency (LPA), the Zoning Board of Adjustments, City Council, and the general public

Responsible for reviewing and processing administrative action applications, such as easement encroachments, setback variances, final plan approvals, joint parking agreements, and land use interpretations

### **City Planner I**

CH2M-Jacobs – Bonita Springs, FL  
December 2013 – May 2016

Provide on-call zoning information to developers, contractors, realtors and the general public—such as zoning designations, land use designations, allowable uses, setbacks, permitted height, parking calculations, flood zone designations, design criteria, etc.

Responsible for providing zoning verification letters and minimum use determinations

### **Adjunct Faculty Member**

Florida Gulf Coast University – Fort Myers, FL  
May 2011 – Present

Provide instruction to students for American National Government and State & Local Government courses

## **Education**

---

### **MPA in Public Administration –General Concentration**

Florida Gulf Coast University – Fort Myers, FL  
August 2009 – May 2011

### **BA in Political Science**

Florida Gulf Coast University – Fort Myers, FL  
August 2005 – May 2009

STAFF EXHIBIT# \_\_\_\_\_

4  
DC12018-10022



RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

WHEREAS, Quattrone & Associates, Inc., filed an application on behalf of the property owner, Wayside Industries, Inc. David Braverman, to rezone a 62.51± acre parcel from Industrial Planned Development (IPD) to Mixed Use Planned Development (MPD) in reference to Alico Road 254 Parcels; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Laura B. Belflower, was advertised and held on March 1, 2018. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the applicant to submit written submissions to her Office on or before March 22, 2018; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2017-00001 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on May 16, 2018 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to amend the existing IPD known as Alico Road 254 Industrial Subdivision (Lee County Zoning Resolution No. Z-04-055, as amended) by rezoning 62.51± acres in the southern portion of the subdivision to MPD. The rezoning changes some of the commercial and industrial uses and increase the allowed commercial square footage on Parcels G, H, I, and J. The property is located in the Industrial Development Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. Master Concept Plan/Development Parameters

Development of this project must be consistent with the two-page Master Concept Plan (MCP) entitled "Master Concept Plan," prepared by Morris-Depew Associates, Inc., approved by ADD2005-00242, stamped received March 1, 2006, and attached hereto as Exhibit C, as modified by:

- The two-page MCP entitled "Alico Road 254 Industrial Subdivision," prepared by Community Engineering Services, Inc./AE Site, LLC, approved by ADD2016-00090 and dated 5/13/2016 (Exhibit D),
- The three-page MCP, prepared by Quattrone & Associates, Inc., approved as Exhibit B3 of ADD2017-00193 on March 8, 2018 (Exhibit E), and
- Page two of the DCI2017-00001 MCP, prepared by Quattrone & Associates, Inc., stamped received November 17, 2017 (Exhibit F),

and except as modified by the conditions below.

Development must comply with all requirements of the 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.

#### *Approved Square-footage*

Development is limited to a maximum total gross floor area of 2,441,111 square feet industrial uses and 255,375 square feet commercial uses.

- Resolution Z-04-055 approved a maximum of 2,134,440 square feet of industrial uses and 30,000 square feet of commercial office/retail on 250± acres of land.
- Resolution Z-16-005 approved an additional 76,897 square feet of industrial uses on Parcels Q.1 and Q.2.
- Resolution Z-16-023 approved an additional 229,774 square feet of industrial uses on Parcels A, B.1, B.2, and R.
- DCI2017-00001 approves an additional 225,375 square feet of commercial uses on Parcels G, H, I, and J and limits the existing 30,000 square feet of commercial office/retail to those parcels. Development on Parcels G, H, I, and J is limited to a maximum of 799,896 square feet of commercial and industrial uses.

Permitted restaurant gross floor area will include restaurant outdoor seating areas.

## 2. Uses and Site Development Regulations

The following limits apply to the project and uses:

### a. Schedule of Uses

USE TABLE BEGINS ON NEXT PAGE

# ALICO ROAD 254 SUBDIVISION

## Schedule of Uses Table

[Added by DCI2017-00001 to reflect all use changes to the date of that rezoning]

P = Permitted Use

PC = Permitted use considered a commercial use for the purpose of commercial square footage allocation in Parcels G, H, I, and J.

(#) = Regulated by Note

(Letter) = Amending document

Uses	IPD									MPD					IPD									
	A (A)(K)	B1 (A)(K)	B2 (A)(K)	C1 (A)	C2 (A)(C) (D)	D (A)(M)	1E (A)(F) (I)	2E (A)(F) (I)(L) (N)	F (A)	G (A)(P)	H (A)(P)	I (A)(P)	J1 (A)(P)	J2 (A)(P)	K (A)(B)	L (A)(B)	M (A)(B)	N (A)	O (A)(G) (O)	P (A)(G) (O)	Q1 (A)(H) (J)(K) (N)	Q2 (A)(H) (J)(K) (N)	R1 (A)(E) (K)(N)	R2 (A)(E) (K)(N)
ACCESSORY USES AND STRUCTURES	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
ADMINISTRATIVE OFFICES	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
AGRICULTURAL SERVICES: office/base operations	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
AGRICULTURAL USES AND AGRICULTURAL ACCESSORY USES, See Condition 11	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
ANIMALS: Clinic or kennel <sup>(J)(K)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	-	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	PC	PC	PC	PC	PC	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>	P <sup>(1)</sup>
ATM (automatic teller machine)	P	P	P	P	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	P	P	P	P
AUTOMOBILE SERVICE STATION	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-
AUTO PARTS STORE (with or without installation)	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
AUTO REPAIR AND SERVICE																								
Group I <sup>(J)(K)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>	P <sup>(2)</sup>
Group II <sup>(H)(K)</sup>	P <sup>(3)</sup>	P <sup>(3)</sup>	P <sup>(3)</sup>	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P <sup>(4)</sup>	P <sup>(4)</sup>	P <sup>(3)</sup>	P <sup>(3)</sup>
BAIT AND TACKLE SHOP	P	P	P	P	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	P	P	P	P
BANKS AND FINANCIAL ESTABLISHMENTS, All Groups	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
BAR AND COCKTAIL LOUNGE	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
BOATS:																								
Boat parts store	-	-	-	-	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	-	-	-	-
Boat rental	-	-	-	-	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	-	-	-	-
Boat repair and service	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
Boatyard	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
BROADCAST STUDIO,	P	P	P	P	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	P	P	P	P



	IPD									MPD					IPD											
Uses	A (A)(K)	B1 (A)(K)	B2 (A)(K)	C1 (A)	C2 (A)(C) (D)	D (A)(M)	1E (A)(F) (I)	2E (A)(F) (I)(L) (N)	F (A)	G (A)(P)	H (A)(P)	I (A)(P)	J1 (A)(P)	J2 (A)(P)	K (A)(B)	L (A)(B)	M (A)(B)	N (A)	O (A)(G) (O)	P (A)(G) (O)	Q1 (A)(H) (J)(K) (N)	Q2 (A)(H) (J)(K) (N)	R1 (A)(E) (G)(N)	R2 (A)(E) (K)(N)		
COMMERCIAL RADIO AND TELEVISION																										
BUILDING MATERIAL SALES <sup>(J)(K)</sup>	P	P	P	-	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	P	P	P	P	P	
BUSINESS SERVICES: Groups I and II	P	P	P	P	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	P	P	P	P	P	
Group II Aircraft Food Services and Catering	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
BUS STATION/DEPOT	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	
CARETAKER'S RESIDENCE <sup>(N)</sup>	-	-	-	-	-	-	-	P	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	
CLEANING AND MAINTENANCE SERVICES	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
CLOTHING STORES, GENERAL	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-	-	
CLUBS																										
Commercial	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-	-	
Fraternal, membership organization	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-	-	
COLD STORAGE, PRE-COOLING, WAREHOUSE <sup>(J)(K)</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
COMMUNICATION FACILITIES, WIRELESS: See Condition 8	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	
COMPUTER AND DATA PROCESSING SERVICES	P	P	P	P	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	P	P	P	P	P	
CONSUMPTION ON PREMISES	-	-	-	-	P <sup>(5)</sup>	P <sup>(5)</sup>	P <sup>(5)</sup>	P <sup>(5)</sup>	P <sup>(5)</sup>	PC <sup>(6)</sup>	PC <sup>(6)</sup>	PC <sup>(6)</sup>	PC <sup>(6)</sup>	PC <sup>(6)</sup>	P <sup>(5)</sup>	P <sup>(5)</sup>	P <sup>(5)</sup>	P <sup>(5)</sup>	P <sup>(5)</sup>	P <sup>(5)</sup>	-	-	-	-		
CONTRACTORS AND BUILDERS: <sup>(A)</sup>																										
Group I	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Group II	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Group II <sup>(J)(K)</sup>	P	P	P	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
CONVENIENCE FOOD AND BEVERAGE STORE <sup>(A)</sup> – See Condition 14	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-	-	
CULTURAL FACILITIES	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-	-	
DAY CARE CENTER, CHILD, ADULT	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-	-	
DEPARTMENT STORE	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-	-	
DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE	P	P	P	P	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	P	P	P	P	P	
DRUGSTORE/PHARMACY	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-	-	
ENTRANCE GATES AND GATEHOUSE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Uses	IPD									MPD					IPD									
	A (A)(K)	B1 (A)(K)	B2 (A)(K)	C1 (A)	C2 (A)(C) (D)	D (A)(M)	1E (A)(F) (I)	2E (A)(F) (I)(L) (N)	F (A)	G (A)(P)	H (A)(P)	I (A)(P)	J1 (A)(P)	J2 (A)(P)	K (A)(B)	L (A)(B)	M (A)(B)	N (A)	O (A)(G) (O)	P (A)(G) (O)	Q1 (A)(H) (J)(K) (N)	Q2 (A)(H) (J)(K) (N)	R1 (A)(E) (K)(N)	R2 (A)(E) (K)(N)
EMERGENCY OPERATIONS CENTER	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-
EMS, FIRE OR SHERIFF'S STATION	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
ESSENTIAL SERVICES	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
ESSENTIAL SERVICE FACILITIES: (A)																								
Group I	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Group II	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
EXCAVATION: Water retention	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
EXCESS SPOIL REMOVAL	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
FACTORY OUTLETS (point of manufacture only)	P	P	P	P	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	P	P	P	P
FARM EQUIPMENT, SALES, STORAGE, RENTAL OR SERVICE	-	-	-	-	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	-	-	-	-
FENCES AND WALLS	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
FLEA MARKET: Open	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-
FOOD AND BEVERAGE SERVICES, LIMITED	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
FOOD STORES: (A)																								
Group I, including supermarkets	-	-	-	-	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	-	-	-	-
Group II	-	-	-	-	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	-	-	-	-
FREIGHT AND CARGO HANDLING ESTABLISHMENTS <sup>(J)(K)</sup>	P	P	P	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
GASOLINE DISPENSING SYSTEM, SPECIAL	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
GIFT AND SOUVENIR SHOP	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
GOVERNMENT MAINTENANCE FACILITY	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
HARDWARE STORE	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
HEALTH CARE FACILITIES																								
Group I	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
Group II, including hospices	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
Group III	-	-	-	-	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	-	-	-	-
Group VI	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
HELISTOP	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-

Uses	IPD									MPD					IPD											
	A (A)(K)	B1 (A)(K)	B2 (A)(K)	C1 (A)	C2 (A)(C) (D)	D (A)(M)	1E (A)(F) (I)	2E (A)(F) (I)(L) (N)	F (A)	G (A)(P)	H (A)(P)	I (A)(P)	J1 (A)(P)	J2 (A)(P)	K (A)(B)	L (A)(B)	M (A)(B)	N (A)	O (A)(G) (O)	P (A)(G) (O)	Q1 (A)(H) (J)(K) (N)	Q2 (A)(H) (J)(K) (N)	R1 (A)(E) (K)(N)	R2 (A)(E) (K)(N)		
HOBBY TOY AND GAME SHOPS	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-	-	
HOTEL/MOTEL, 130 rooms maximum	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-	-	
HOUSEHOLD AND OFFICE FURNISHINGS: Groups I, II, and III	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-	-	
INSURANCE COMPANIES	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-	-	
LAUNDRY OR DRY CLEANING:																										
Group I										PC	PC	PC	PC	PC												
Group II	P	P	P	P	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	P	P	P	P	P	
LAWN AND GARDEN STORE	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-	-	
LIBRARY	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-	-	
MANUFACTURING of:																										
Apparel products	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Boats	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	
Chemical & allied products: <sup>(A)</sup>																										
Group I	P	P	P	P	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	
Group II	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	
Electrical machinery and equipment <sup>(J)(K)</sup>	P	P	P	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Fabricated metal products:																										
Group I	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	
Groups II and III	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	
Food and kindred products:																										
Group II	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	
Group III	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	
Furniture and fixtures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Leather products: Group II	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Lumber and wood products: <sup>(A)</sup> <sup>(J)</sup>																										
Group I	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	
Group II	P	P	P	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Group III	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	



Uses	IPD									MPD					IPD									
	A (A)(K)	B1 (A)(K)	B2 (A)(K)	C1 (A)	C2 (A)(C) (D)	D (A)(M)	1E (A)(F) (I)	2E (A)(F) (D)(L) (N)	F (A)	G (A)(P)	H (A)(P)	I (A)(P)	J1 (A)(P)	J2 (A)(P)	K (A)(B)	L (A)(B)	M (A)(B)	N (A)	O (A)(G) (O)	P (A)(G) (O)	Q1 (A)(H) (J)(K) (N)	Q2 (A)(H) (J)(K) (N)	R1 (A)(E) (K)(N)	R2 (A)(E) (K)(N)
Group IV	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-
Group V	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-
Group VI	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-
Machinery: (A)																								
Group I	P(7)	P(7)	P(7)	P(7)	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	P(7)	P(7)	P(7)	P(7)
Group II	P(7)	P(7)	P(7)	P(7)	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	P(7)	P(7)	P(7)	P(7)
Group III	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-
Measuring, analyzing and controlling instruments	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Novelties, jewelry, toys and signs: Groups I, II, and III	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Paper and allied products:																								
Group II	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Group III	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
Rubber and plastic products: Group II	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
Stone, clay, glass and concrete products:																								
Group I(C),(F),(K)	-	-	-	-	P(8)	-	P(8)	P(8)	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-
Groups II, III, and IV (A),(K)	-	-	-	-	-	-	-	-	P	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-
Textile mill products:																								
Group I	P	P	P	P	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P
Group II	P	P	P	P	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P
Group III	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-
Transportation equipment:(K)																								
Group I	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
Groups II, III and IV	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-
MEDICAL OFFICE(A)	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
MOBILE HOME DEALERS	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-
MOTION PICTURE PRODUCTION STUDIO	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
NIGHTCLUBS(A)	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
NONSTORE RETAILERS: Groups I, II, and III	P	P	P	P	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	P	P	P	P

Uses	IPD									MPD					IPD									
	A (A)(K)	B1 (A)(K)	B2 (A)(K)	C1 (A)	C2 (A)(C) (D)	D (A)(M)	1E (A)(F) (I)	2E (A)(F) (I)(L) (N)	F (A)	G (A)(P)	H (A)(P)	I (A)(P)	J1 (A)(P)	J2 (A)(P)	K (A)(B)	L (A)(B)	M (A)(B)	N (A)	O (A)(G) (O)	P (A)(G) (O)	Q1 (A)(H) (J)(K) (N)	Q2 (A)(H) (J)(K) (N)	R1 (A)(E) (K)(N)	R2 (A)(E) (K)(N)
PACKAGE STORE – one for the entire MPD area (Parcels G-J)	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
PAINT, GLASS AND WALLPAPER STORE	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
PARCEL AND EXPRESS SERVICES	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
PARKS, Groups I and II	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-
PARKING LOT:																								
Accessory	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Commercial	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
Garage, public parking	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
Park and Ride	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-
Temporary	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
PERSONAL SERVICES:																								
Groups I and III, including laundromats	P	P	P	P	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	P	P	P	P
Groups II and IV (excluding Turkish Baths, Escort Services, Palm Readers, Fortunetellers, or Card Readers)	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
PET SERVICES	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
PET SHOPS	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
PHOTOFINISHING LABORATORY	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
PLACE OF WORSHIP	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-
POST OFFICE	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
PRINTING AND PUBLISHING (LDC §34-622(c)(36))	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
PROCESSING AND WAREHOUSING	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
REAL ESTATE SALES OFFICE	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
RECREATIONAL FACILITIES:																								
Commercial Groups I, III, and VI, including golf driving range										PC	PC	PC	PC	PC										
Commercial, Group III for golf driving range, miniature golf with bumper boats and SNAG golf, and accessory and ancillary uses <sup>(B)</sup>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-

Uses	IPD									MPD					IPD											
	A (A)(K)	B1 (A)(K)	B2 (A)(K)	C1 (A)	C2 (A)(C) (D)	D (A)(M)	1E (A)(F) (I)	2E (A)(F) (I)(L) (N)	F (A)	G (A)(P)	H (A)(P)	I (A)(P)	J1 (A)(P)	J2 (A)(P)	K (A)(B)	L (A)(B)	M (A)(B)	N (A)	O (A)(G) (O)	P (A)(G) (O)	Q1 (A)(H) (J)(K) (N)	Q2 (A)(H) (J)(K) (N)	R1 (A)(E) (K)(N)	R2 (A)(E) (K)(N)		
Personal	P	P	P	P	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	
Private, On-Site	P	P	P	P	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	
RECYCLING FACILITY	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	
RELIGIOUS FACILITIES	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	
RENTAL OR LEASING ESTABLISHMENT: <sup>(A)</sup>																										
Group II	P	P	P	P	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	P	P	P	P	P	
Group III	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Group IV	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	
REPAIR SHOPS: <sup>(A)</sup>																										
Group I	P	P	P	P	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	P	P	P	P	P	
Group II	P	P	P	P	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	P	P	P	P	P	
Group III	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Group IV	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	
Group V	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-	-	
RESEARCH AND DEVELOPMENT LABORATORIES:																										
Group I										P	P	P	P	P												
Group II	P	P	P	P	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	P	P	P	P	P	
Group IV	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
RESTAURANT: FAST FOOD	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-	-	
RESTAURANTS: Groups I, II, III, and IV <sup>(A)</sup>	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-	-	
RETAIL AND WHOLESALE SALES, when clearly incidental and subordinate to a permitted principal use on the same premises	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
SALVAGE AND DISPOSAL OF MATERIALS, limited to auto junkyards and impound yards, See LDC §34-1831, <i>et seq.</i> and §34-2441 <i>et seq.</i>	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-	-	
SCHOOLS: Commercial	P	P	P	P	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	P	P	P	P	P	
SELF-SERVICE FUEL PUMPS, See Condition 14	-	-	-	-	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	-	-	-	-	-	



Uses	IPD									MPD					IPD									
	A (A)(K)	B1 (A)(K)	B2 (A)(K)	C1 (A)	C2 (A)(C) (D)	D (A)(M)	1E (A)(F) (I)	2E (A)(F) (J)(L) (N)	F (A)	G (A)(F)	H (A)(P)	I (A)(P)	J1 (A)(P)	J2 (A)(P)	K (A)(E)	L (A)(E)	M (A)(B)	N (A)	O (A)(G) (O)	P (A)(G) (O)	Q1 (A)(H) (J)(K) (N)	Q2 (A)(H) (J)(K) (N)	R1 (A)(E) (K)(N)	R2 (A)(E) (K)(N)
SIGNS in accordance with LDC Chapter 30	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
SOCIAL SERVICES:																								
Group I	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-
Group II	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
SPECIALTY RETAIL SHOPS: All groups	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
STORAGE:																								
Indoor only	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Storage, open <sup>(4)</sup> (K)	P <sup>(9)</sup>	P <sup>(9)</sup>	P <sup>(9)</sup>	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P <sup>(9)</sup>	P <sup>(9)</sup>	P <sup>(9)</sup>	P <sup>(9)</sup>
STUDIOS	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
TEMPORARY USES: Limited to Temporary Contractor's Office and Storage, Christmas Tree Sales and Seasonal Farmers Markets	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-
THEATER, INDOOR	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
TRANSPORTATION SERVICES: (A)																								
Group II	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Group III	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
Group IV	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
TRUCK STOP, TRUCKING TERMINAL	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-
USED MERCHANDISE STORES: Groups I, II, III, and IV	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
VARIETY STORE	-	-	-	-	-	-	-	-	-	PC	PC	PC	PC	PC	-	-	-	-	-	-	-	-	-	-
VEHICLE AND EQUIPMENT DEALERS: (A)																								
Group I	-	-	-	-	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	-	-	-	-
Group II	-	-	-	-	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	-	-	-	-
Group III	-	-	-	-	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	-	-	-	-
Group IV <sup>(4)</sup> (K)	P	P	P	-	P	P	P	P	P	PC	PC	PC	PC	PC	P	P	P	P	P	P	P	P	P	P
Group V <sup>(4)</sup> (K)	P	P	P	-	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P
WAREHOUSE:																								
High Cube	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-
Mini-warehouse	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Uses	IPD									MPD					IPD									
	A (A)(K)	B1 (A)(K)	B2 (A)(K)	C1 (A)	C2 (A)(C) (D)	D (A)(M)	1E (A)(F) (I)	2E (A)(F) (I)(L) (N)	F (A)	G (A)(P)	H (A)(P)	I (A)(P)	J1 (A)(P)	J2 (A)(P)	K (A)(B)	L (A)(B)	M (A)(B)	N (A)	O (A)(G) (O)	P (A)(G) (O)	Q1 (A)(H) (J)(K) (N)	Q2 (A)(H) (J)(K) (N)	R1 (A)(E) (K)(N)	R2 (A)(E) (K)(N)
Private	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public	P	P	P	P	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	P	P	P	P
WHOLESALE ESTABLISHMENTS:																								
Group I	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
Group III	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Group IV	-	-	-	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-	-	-
WRECKING YARD: Other, See LDC §34-1831, <i>et seq.</i> and §34-2441 <i>et seq.</i>	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	P	P	P	P	P	-	-	-	-

Amendments to Z-04-055:

- A – Amended by ADD2005-00242 and subject to conditions in that document.
- B – Amended by ADD2012-00043 and subject to conditions in that document.
- C – Amended by ADD2013-00173 and subject to conditions in that document.
- D – Amended by ADD2014-00044 and subject to conditions in that document.
- E – Amended by ADD2016-00049 and subject to conditions in that document.
- F – Amended by ADD2016-00080 and subject to conditions in that document.
- G – Amended by ADD2016-00090 and subject to conditions in that document.
- H – Amended by ADD2016-00112 and subject to conditions in that document.
- I – Amended by ADD2016-00200 and subject to conditions in that document.
- J – Amended by Z-16-005 and subject to conditions in that document.
- K – Amended or addressed by Z-16-023 and subject to conditions in that document.
- L – Amended by ADD2017-00093 and subject to conditions in that document.
- M – Amended by ADD2017-00165 and subject to conditions in that document.
- N – Amended by ADD2017-00193 and subject to conditions in that document.
- O – Amended by ADD2018-00026 and subject to conditions in that document.
- P – Amended by DCI2017-00001 and subject to conditions in that document.

Notes:

- (1) No outdoor runs
- (2) Excluding painting & muffler repair.
- (3) Indoor only.
- (4) Excluding painting and all Automotive Repair work must take place inside of a structure.
- (5) COP in conjunction with a restaurant or nightclub, see LDC §34-1264.
- (6) COP in conjunction with a restaurant bar, cocktail lounge, or hotel/motel.
- (7) Assembly only.
- (8) Indoor assembly only.
- (9) Limited to heights of 35 feet on Parcels Q.1 and Q.2. Limited to heights of 30 feet on Parcels A, B.1, B.2, and R.

b. Site Development Regulations

Minimum Lot Area and Dimensions:

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

Minimum Setbacks:

Street: In accordance with LDC §34-2192(a)  
Side: 15 feet  
Rear: 10 feet  
Water Body: 25 feet

Maximum Building Height:

- a. 45 feet (three habitable floors) on Parcels C.2 and D through P [Amended by ADD2005-00242]
- b. 35 feet on Parcels A, B.1, B.2, Q.1, Q.2, and R [Amended by Z-16-005 and Z-16-023 (DC12016-00004)]
- c. 30 feet on Parcel C1 [Amended by ADD2005-00242, Z-16-005, and Z-16-023]

Minimum Building Separation: One-half the sum of the heights of both buildings or 20 feet, whichever is greater.

Maximum Lot Coverage: 40 percent

Development Perimeter Building Setback: 25 feet

Minimum Open Space: Industrial: 20 percent

Commercial: 30 percent [Added by DCI2017-00001]

3. Cumulative Development Summary:

- a. At the time of local development order, the developer must provide a cumulative land development summary table indicating the square footage and acreage of commercial and industrial buildings and uses; and
- b. Under no circumstances will the land use totals exceed the applicable mixed use DRI thresholds as outlined in Chapter 380, Fla. Statutes and Rule 9J-2, F.A.C., as each may be amended.



4. Environmental Conditions:

- a. Prior to local development order approval, a FLUCCS map must be submitted that identifies the existing plant communities within the five wetland areas depicted on the MCP. All existing indigenous plant communities must be preserved. At a minimum, the development order plans must delineate the three larger wetlands shown on the MCP as indigenous preserves.
  - b. As part of the initial local development order approval, and prior to the issuance of a certificate of completion for any other part of the development, the buffer along the north property line must be planted with a minimum of 25 native trees (minimum 10-foot height, 2-inch caliper at planting) per 100 linear feet. The species of trees must, to the extent practical, include live oak, slash pine, wax myrtle, cabbage palm, and bald cypress, or other native species that will provide a varying level for mature height so as to create, to the extent possible, a vegetative barrier of increased height across the top of the berm. The proposed trees may be staggered across the north face of the berm such that sight lines between tree groupings are blocked when viewed from the Fiddlesticks property line. The general intent of this condition is to provide both a mid-story and an over-story buffer that will add a sight barrier across the top of the proposed berm. All other areas of the berm shall be sodded or mulched, as appropriate, and be properly maintained. All buffer plantings must be installed on the north side of the 12-foot berm (3:1 slope) and allowed to grow to their natural height and spread.
  - c. The MCP must be revised to show the 12-foot-high berm, as measured from existing grade, extending across the full width of the subject property or extending around the southerly side of the existing wetland.
  - d. Prior to the issuance of the development order for Parcel Q, all required general trees must be installed in a 15-foot wide buffer area along the northern property line. The required general trees must be a mix of native palms and trees. The required specifications are: (a) at least 14 feet in height measured from grade of the proposed structure; (b) 3 to 4-inch caliper; (c) 4 to 6 feet canopy spread. [Added by ADD2016-00112]
  - e. Prior to the issuance of the development order for Parcel Q, the 75-foot buffer and 12-foot berm, located at the northern boundary of the development, must be found to be maintained and in compliance with the conditions set forth in subparagraphs 4.b and c. [Added by ADD2016-00112]
  - f. Prior to the issuance of a permit for vertical construction on Parcels A or R, the berm and landscaping (per Condition 4 b. & c.) on Parcel A must be reviewed, approved, and issued a Certificate of Compliance. [Added by Z-16-023]
5. All buildings or structures located on Parcel J, either industrial or commercial, must be in compliance with Chapter 10, Article IV, Design Standards and Guidelines for Commercial Buildings and Development, of the LDC. [Amended by Z-16-005]
6. Parcels A and R: A 75-foot wide strip of land located on Parcels A and R, immediately south of the 75-foot wide vegetative buffer with a 12-foot high berm, as measured from

existing grade, will be used only for water management, wetland preserve, buffering, open space, and accessory parking. [Amended by Z-16-005]

7. Accessory uses, including accessory parking, must be located on the same tract, lot, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, lot, parcel or outparcel.
8. Wireless communication facilities, if approved in accordance with LDC §34-1441, *et seq.*, are permitted on Parcels C.2 and D through P. Wireless communication facilities may not exceed 90 feet in height above average grade level (AGL). Wireless communication facilities greater than 90.1 feet and less than 149 feet will require a Special Exception approval. [Amended by Z-16-005 and DCI2017-00001]
9. The development must comply with LDC §34-1008 for tall structures including permanent buildings, antenna, towers, and temporary construction cranes.
10. The developer, at the time of development order approval, must provide elements for the protection of wayward vehicles for that portion of the proposed Haitian Drive extension (a.k.a. Domestic Avenue), adjacent to the existing lake(s) located on the west side of the proposed roadway. The elements for the protection of wayward vehicles may include guardrails, berms, swales, vegetation or other protections as determined by the Development Services Director.

11. Agricultural Uses:

Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:

- a. Bona fide agricultural uses that were in existence at the time Zoning Resolution Z-04-055, approved and as shown on Exhibit C3 of Resolution Z-04-055, may continue until approval of a local development order for the area of the project containing those uses.
  - b. Additional clearing or grading of existing agricultural areas is prohibited. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.
  - c. The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The agricultural use must cease by December 31<sup>st</sup> of the calendar year in which the local development order is issued. The exemption termination must be filed with the Property Appraiser's Office by December 31<sup>st</sup> of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.
12. No development blasting is permitted as part of this project unless approved as an amendment to the planned development, through the public hearing process.

13. Prior to local development order approval, the developer must provide a properly executed easement agreement for ingress and egress over and across the property that conforms to Haitian Drive/Domestic Avenue as depicted on the MCP.
14. The subject property is limited to one (1) convenience food and beverage store, with a maximum of 32 self-service fuel pumps, on Parcel J only. Further, two self-service fuel pumps are permissible as an accessory use to businesses to provide fuel for their fleet of vehicles and equipment. Additional pumps require approval of a special exception. [Amended by Z-16-005 and DCI2017-00001]
15. Buildings exceeding 35 feet in height must maintain additional building setbacks and separation as regulated by LDC §§ 34-2174(a) and 34-935(e)(4).
16. If the lots shown on the MCP are further subdivided, the developer will be required, at a minimum, to submit for and receive approval of an administrative amendment to this industrial planned development.
17. 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.
18. 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), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
19. 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.
20. Two additional access points are allowed on Parcel P, increasing the total of access points to six, and the two access points to Parcel O are adjusted, both as shown on the MCP approved by ADD2016-00090 (Exhibit D). The relocation of the access points on Parcel O is allowed only after the 199-foot wide east-west easement partially located on the south side of Parcel O is vacated. [Added by ADD2016-00090]
21. The limits of the preserve on Parcel P and the adjacent lake must comply with the MCP approved by ADD2016-00090 (Exhibit D).
  - a. Prior to development order approval for Parcel P, the landscape and engineering plans must show a 0.99-acre wetland preserve.
  - b. Prior to development order approval for Parcel P, the indigenous management plan must provide the before and after water depths in the wetland, provide restoration plant species that will survive these water depths, and a five year monitoring plan that includes baseline photo station map with photo station photos.



- c. Prior to the issuance of a Certificate of Compliance, the applicant must provide a time zero monitoring report to begin the five year monitoring schedule that includes photo station map, photo station photos, a narrative stating the health of the wetland, the restoration species, and any wetland restoration plant species that have been replaced in order to keep the project in compliance with approved development order.
22. Prior to development order approval on Parcels O and P, all dry detention areas proposed on Parcels O and P must provide *Spartina patens* installed two-foot on center and specified in a one-gallon container size on the landscape plans. [Added by ADD2016-00090]
23. Transportation:
- All future local development order applications for projects within the planned development that:
- a. include Parcels A, B.1, B.2, G, H, I, J, or R;
  - b. include cumulative development intensity (to include approved and proposed development orders) with respect to AM or PM peak hour trips greater than that approved by Zoning Resolution Z-04-055 (1,021 AM and 1,077 PM peak hour total driveway trips as determined using the Institute of Transportation Engineers Trip Generation Manual, 10th Edition, methodology); and
  - c. contribute traffic to Haitian Drive/Domestic Avenue and/or the section of Lee Road north of Alico Road

are required to survey current AM and PM peak season traffic conditions by means of traffic counts at the intersections of Alico Road with Haitian Drive/Domestic Avenue and with Lee Road, and mitigate traffic impacts associated with post-project build-out traffic entering and exiting Haitian Drive/Domestic Avenue and Lee Road at Alico Road. Traffic mitigation improvements will include, but are not limited to, the construction of additional through- and turn-lanes, and turn-lane extensions. These improvements will be considered site-related and not subject to road impact fee credits.

#### SECTION C. DEVIATIONS:

- 1. Deviation (1) seeks relief for the property located at 16331/16341 Domestic Avenue (Parcel C) from the LDC §10-261(a) requirement to provide a 1,368 square-foot area for refuse and solid waste disposal facilities for the development, to allow a 216 square-foot area. The Administrative Deviation ADD2014-00044 was APPROVED April 10, 2014 with the following conditions:
  - a. The Development must be in compliance with the amended Site Plan included in ADD2014-00044.
  - b. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Director may issue a modified decision that complies with the Code

or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

2. Deviation (2) seeks relief for Parcel R from the LDC §10-285(a) requirement to provide a connection separation of 125 feet on local roads, to allow a 65-foot separation between two driveways for the same development at the end of the Lee Road cul-de-sac. The Administrative Deviation ADD2016-00049 was APPROVED April 12, 2016 with the following conditions:
  - a. The connections must be in substantial compliance with the site plan included in ADD2016-00049.
  - b. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.
3. Deviation (3) seeks relief for Parcels O and P from the LDC §10-416(c)(2) requirement that no parking space be more than 200 feet from a parking lot tree, to eliminate the 200-foot spacing requirement. The Administrative Deviation ADD2016-00090 was APPROVED July 26, 2016 with the following conditions:
  - a. Prior to development order approval for Parcels O and P, the parking canopy trees for the parking spaces supporting the offices must be in substantial compliance with LDC §10-416(c)(2)a-g. The landscape plans must provide a parking canopy tree calculation only for the parking supporting the offices. All other vehicle use areas are waived from this requirement.
  - b. Prior to development order approval for Parcels O and P, a 15-foot wide buffer must be provided along the east and west property lines with 10 trees per 100 linear feet and a double staggered hedge. Palms are limited to 75 percent of the required trees and the vegetation must be 100 percent native. The dry detention plantings cannot be used to meet the double hedge and the trees cannot be used to meet the general tree requirement
  - c. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.
4. Deviation (4) seeks relief for Parcel 2E from:
  - a. LDC §10-261(a) requirement that provides all new construction of multifamily residential developments, commercial businesses, and industrial uses to provide sufficient on-site space for the placement of garbage and recyclable materials

collection containers, to allow the use of roll off trash and recyclable containers in lieu of a permanent dumpster with enclosure, and

- b. LDC §10-261(c) requirement that all storage areas/containers to be adequately shielded by a landscaped screen or solid fencing along at least three sides, to allow roll off containers to be used without proposed screening.

The Administrative Deviation ADD2017-00093 was APPROVED August 16, 2017 with the following conditions:

- a. The operator of the facility must have a service agreement with the County's franchise hauler for the weekly removal of the garbage and recyclable material the day the business begins its operation. Sufficient containers must be placed to avoid any nuisance accumulation. If the containers are stored inside a rental unit that is locked, then the facility operator must roll the containers out for access on the collection day or provide the franchise hauler with a key or the lock combination. Boat and/or automotive fluids, batteries, and chemical waste (such as marine paint) must be disposed of separately by using a licensed chemical waste collector. This type of waste is not allowed to enter the garbage containers. Should the business be sold and/or no longer be operated as a storage unit, then the new owner will need to comply with the section of the LDC pertaining to solid waste and recycling.
  - b. The roll off trash and recyclable containers must be located and shielded to not be visible from the right-of-way and adjacent properties.
  - c. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.
5. Deviation (5) seeks relief for Parcel D from LDC §10-285 requirement to provide 125 feet of connection separation for local roads, to allow reduction in connection separation to 89 feet for the northern access and 99 feet for the southern access. The Administrative Deviation ADD2017-00165 was APPROVED January 3, 2018 with the following conditions:
- a. The terms and conditions of the original zoning resolutions, as amended, remain in full force and effect.
  - b. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.
6. Deviation (6) seeks relief for Parcels P and O from:



- a. LDC §30-153(2)d(l) requirement which provides limits for the maximum size of interior directional signs to 32 square feet, to allow a maximum of 49 square feet;
- b. LDC §30-153(2)d(3) requirement which provides limits for individual sign panels on interior directional signs to a maximum of four square feet per tenant panel, to allow a maximum of 38 square feet for an individual tenant sign;
- c. LDC §30-153(2)d(4) requirement that interior directional signs not be visible from outside the complex premises, to allow the interior directional signs locations as depicted on the site plan for Gulfcoast Industrial Campus; and
- d. LDC §34-625(d)3(e) requirement to provide that light fixtures for signs be mounted at the top of signs and be pointed downward, to instead allow 100 watt equivalent ground mounted flood lights to be placed in front of the individual interior directional signs and be angled upward toward the signs.

The Administrative Deviation ADD2018-00026 was APPROVED March 9, 2018 with the following conditions:

- a. The Development must be in compliance with the previously approved Master Concept Plan for Alico Road 254 IPD.
- b. The terms and conditions of the original zoning resolution, as amended, remain in full force and effect unless modified herein.
- c. These four deviations are only applicable to Parcels P and O of the Planned Development.
- d. The height of the directional signs shall not exceed 7 feet, and the area of each sign is limited to 49 square feet.
- e. No directional sign shall be any closer than 75 feet to the street property line and in substantial compliance with the site plan attached to the ADD and labeled "Gulfcoast Industrial Campus."
- f. No light fixture, illuminating the signs, shall emit more than 1500 lumens of light (100 watts incandescent light bulb equivalent). They must be shielded as not to illuminate any surrounding areas.
- g. No more than two such light fixtures shall be allowed per sign.
- h. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

7. Deviation (7) seeks relief for Parcels G through J from LDC §10-329(d)(1)a.3 which prohibits water retention or detention excavations within 50 feet of a private property line under separate ownership, to allow a 25-foot setback or to allow a zero-foot setback when lakes are combined with an adjacent property lake.

This deviation is APPROVED, SUBJECT TO the following conditions:

- a. For a 25-foot setback, at the time of development order approval, the applicant must provide elements for the protection of wayward vehicles and pedestrian, adjacent to the proposed lake(s). The elements for the protection of wayward vehicles may include guardrails, berms, swales, vegetation or other protections and for pedestrian may be fencing or others, as determined by the Development Services Director.
  - b. For a zero-foot setback, the applicant must apply for a joint development order with the adjacent lot for a common stormwater lake.
8. Deviation (8) seeks relief for Parcels G through J from LDC §34-1353(e), requirement that convenience food and beverage stores, automotive service stations, fast food restaurants, and car washes have a 25-foot wide landscape buffer along external rights-of-way and a 15-foot wide landscape buffer along internal accessways, with a berm, to allow a 15-foot wide Type D landscape buffer along all roads, with no berm, and to allow dry detention in one-half of the buffer width. This deviation is APPROVED.

#### SECTION D. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: ADD2016-00090 MCP amendments
- Exhibit E: ADD2017-00193 MCP amendments
- Exhibit F: DCI2017-00001 MCP detail of Parcels G - J

## SECTION E. FINDINGS AND CONCLUSIONS:

1. The Request, as conditioned:
  - a. Complies with the Lee Plan, specifically Lee Plan Objectives 2.1 and 2.2, Policies 1.1.7, 1.7.6, 2.2.1, 6.1.4, and 7.1.5, and Table 1(b);
  - b. Meets or will meet the LDC and other applicable County regulations or qualifies for deviations;
  - c. Is compatible with existing and planned uses in the surrounding area, in that it will not conflict with or negatively influence the existing and planned surrounding area;
  - d. Will provide access sufficient to support the proposed development intensity;
  - e. Will mitigate the expected impacts on existing or planned transportation facilities through the existing County regulations and conditions of approval;
  - f. Will not adversely affect environmentally critical or sensitive areas and natural resources; and
  - g. Will be served by the requisite urban services.
2. The proposed uses are appropriate at the proposed location;
3. The recommended conditions provide sufficient safeguards and reasonably relate to the impacts on the public's interest expected from the proposed development; and
4. Each recommended deviation:
  - a. Enhances the achievement of the objectives of the planned development; and
  - b. Preserves and promotes the general intent of this Code to protect the public health, safety, and welfare.

## SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.



Commissioner Manning made a motion to adopt the foregoing resolution, seconded by Commissioner Hamman. The vote was as follows:

Adopted by unanimous consent.

John Manning	Aye
Cecil Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 16th day of May 2018.

ATTEST:  
LINDA DOGGETT, CLERK

BY: Melissa Butler  
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Cecil Pendergrass  
Cecil Pendergrass, Chair

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

Amanda L. Swindle  
Amanda L. Swindle  
Assistant County Attorney  
County Attorney's Office

RECEIVED  
MINUTES OFFICE  
MB  
2018 MAY 30 PM 1:04

**DESCRIPTION**

(PARCELS G, H, I, J-1 &amp; J-2 COMBINED)

PARCEL OF LAND IN SECTION 4, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 4; THENCE N.89°38'46"E. ALONG THE SOUTH LINE OF SAID SECTION 4, BEING ALSO THE CENTERLINE OF ALICO ROAD RIGHT-OF-WAY, A DISTANCE OF 1114.33 FEET; THENCE N.0°21'51"W. A DISTANCE OF 100.00 FEET TO AN INTERSECTION WITH THE SAID NORTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 3208, PAGE 357, PUBLIC RECORDS OF LEE COUNTY AND THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE CONTINUING N.0°21'51"W. ALONG THE WESTERLY LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3883, PAGE 243, AND BEING ALSO THE EASTERLY LINE OF THAT CERTAIN UTILITY AND ACCESS EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 1998, PAGE 4500, AND ALSO OFFICIAL RECORDS BOOK 4401, PAGE 4469, OF THE SAID PUBLIC RECORDS OF LEE COUNTY, FLORIDA, A DISTANCE OF 2370.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THAT CERTAIN 170 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 876, PAGE 610 SAID PUBLIC RECORDS OF LEE COUNTY; THENCE N.89°42'51"E. ALONG THE SOUTH LINE OF SAID 170 FOOT WIDE EASEMENT, A DISTANCE OF 864.41 FEET TO AN INTERSECTION WITH THE CENTERLINE OF AN EXISTING 60 FOOT WIDE DRAINAGE EASEMENT AS DESCRIBED IN CLERK'S INSTRUMENT NUMBERS 2006000099309 AND 2006000071492 OF THE SAID PUBLIC RECORDS OF LEE COUNTY, THENCE S.0°59'17"E. ALONG SAID CENTERLINE, A DISTANCE OF 1565.12 FEET; THENCE N.89°42'51"E., A DISTANCE OF 829.32 FEET TO AN INTERSECTION WITH THE WEST LINE OF LEE ROAD EXTENSION RIGHT-OF-WAY, AS DESCRIBED IN OFFICIAL RECORDS BOOK 4512, PAGE 3861, SAID PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE FOR THE NEXT TWO COURSES; S.10°20'57"W. A DISTANCE OF 155.88 FEET; THENCE S.00°59'17"E. A DISTANCE OF 650.05 FEET TO AN INTERSECTION WITH THE SAID NORTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD; THENCE S.89°44'24"W. ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 126.20 FEET; THENCE S.89°38'46"W. CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1562.60 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION. CONTAINING 62.51 ACRES, MORE OR LESS.

**SURVEYOR'S NOTES:**

THE DESCRIPTION SHOWN HEREON IS NEW.  
ORIENTATION BASED ON THE SOUTH LINE OF SECTION 4 AS BEARING N.89°38'46"E.  
COORDINATES SHOWN HEREON BASED ON FLORIDA GRID, WEST ZONE, NAD 83/90.  
WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER, THIS MAP IS NOT VALID.  
THIS IS NOT A SURVEY!

**ABBREVIATIONS**

A.E. = ACCESS EASEMENT  
C/L = CENTERLINE  
D.E. = DRAINAGE EASEMENT  
F.A.C. = FLORIDA ADMINISTRATIVE CODE  
INST. = INSTRUMENT  
L1 = DESIGNATION OF LINE  
LB = LICENSED BUSINESS  
L.C.U.E. = LEE COUNTY UTILITY EASEMENT  
O.R. = OFFICIAL RECORDS  
PG. = PAGE  
P.B. = PLAT BOOK  
P.U.E. = PUBLIC UTILITY EASEMENT  
R/W = RIGHT OF WAY  
U.E. = UTILITY EASEMENT

RECEIVED  
FEB 17 2017

COMMUNITY DEVELOPMENT

DCI 2017-00001

Applicant's Legal Checked  
by JKL 2/24/2017

**PREPARED BY**

*Mark A. Hatfield* 2-2-17  
MARK A. HATFIELD P.S.M. DATE

REVISION: UPDATE TITLE. 01-27-17

REVISION: UPDATE RECORDED EASEMENT INFO. 02-07-17 FLORIDA CERT. NO. 4155


MDA PROJECT: 15068	<b>SKETCH &amp; DESCRIPTION</b> PARCEL OF LAND IN SECTION 4, T. 46 S., R. 25 E., LEE COUNTY, FLORIDA, BEING COMBINED PARCELS G, H, I, J-1 AND J-2 OF "ALICO INDUSTRIAL ESTATES", UNRECORDED SUBDIVISION	<b>MORRIS</b>  <b>DEPEW</b> ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS FL. CA. NO. 5532 / FL. CERT. NO. LB8891 / LC6000320 Fort Myers Tallahassee Gainesville Destin	2891 Center Pointe Drive Unit 100 Fort Myers, Florida 33916 (239) 337-3993 Fax: (239) 337-3994 Toll free: 866-337-7341
CHECKED BY: MAH			
DATE: 01-13-17			
SHEET 1 OF 2			

EXHIBIT A



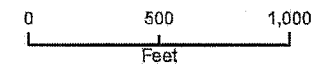


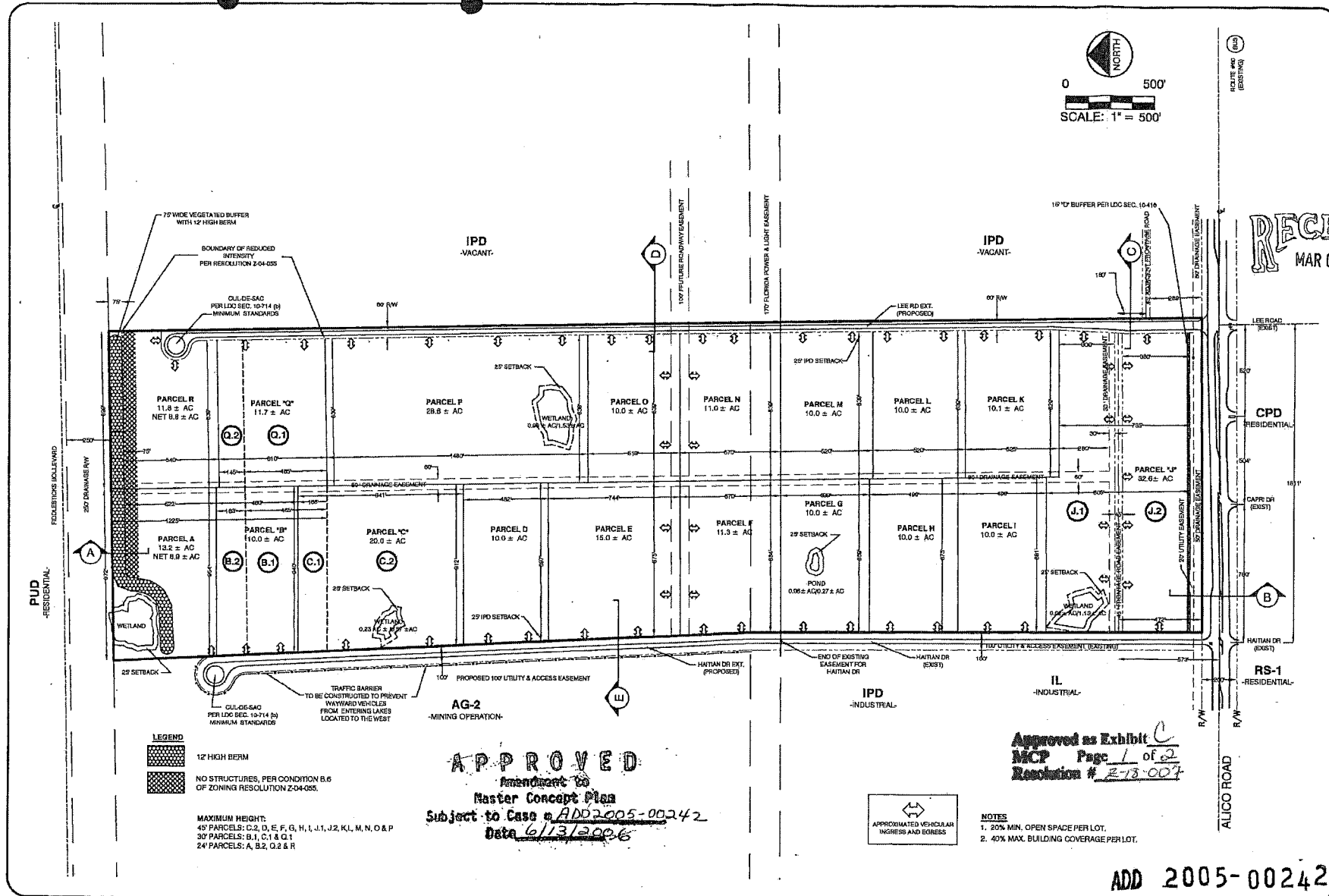


# DCI2017-00001 Zoning

## Legend

- Parcel Boundary
- Subject Parcel





RECEIVED  
MAR 0 2006

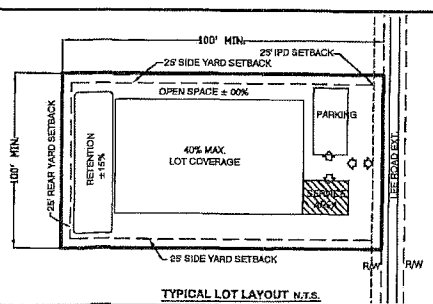
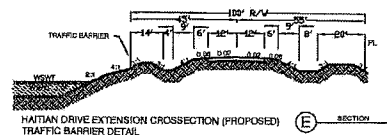
FOR REVIEW  
REVISED PER SUFFICIENT COMMENTS (02/10/05)  
REVISED PER STAFF REPORT COMMENTS (03/10/05)  
REVISED PER STAFF REPORT COMMENTS (03/10/05)  
REVISED PER STAFF REPORT COMMENTS (03/10/05)

ZONING MASTER CONCEPT PLAN  
ALICO ROAD 254 INDUSTRIAL SUBDIVISION

MORRIS - DEPREW ASSOCIATES, INC.  
MD  
1001 N. 14th St., Suite 100, Phoenix, AZ 85003  
Phone: 602.258.1000 Fax: 602.258.1001

DATE PREPARED: 05/05/05  
DESIGNED BY: DWP  
CHECKED BY: AZ  
DATE: 5/5/05  
SHEET: 1/2

ADD 2005-00242



RECEIVED  
MAR 01 2006

Approved as Exhibit C  
 NACP Page 2 of 2  
 Resolution # Z-18-007

ADD 2005-0024

<b>GENERAL NOTES:</b>  PROPERTY OWNER: Argent Industrial Holdings LLC 18811 South King Drive, Suite 200 Bonita Springs, FL 34134  APPLICANT: Argent Industrial Holdings LLC 18811 South King Drive, Suite 200 Bonita Springs, FL 34134  PLANNING ENGINEER: North-Cape Associates, Inc. 2116 Abbott Ave. Fort Myers, FL 33601  SITE PARAMETERS: EXISTING ZONING: A-2 PROPOSED ZONING: INDUSTRIAL PLANNED DEVELOPMENT (IPD) - TOTAL SITE AREA: 1.04 ACRES  PLANNING LARGEST USE: 3415 INDUSTRIAL DEVELOPMENT	<b>OPEN SPACE:</b>  THE REQUIRED MINIMUM OPEN SPACE SHALL BE PROVIDED PURSUANT TO LDC SECTION 16-14.15.  <table style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: left;">Use</th> <th style="text-align: center;">% of acres Required Average</th> <th style="text-align: center;">% of Acres Permitted Open Space</th> </tr> <tr> <td>Industrial</td> <td style="text-align: center;">20% / 50.81 ac.</td> <td style="text-align: center;">85% / 50.81 ac.</td> </tr> </table> <p>= 1.042 acres will be in Industrial composition. The remaining open space requirements will be met by the following: buffer and landscape areas as indicated publicly, any drainage areas, area up to 10% from proposed bodies of water. Any variance management system.</p> <p>Each parcel shall meet or exceed the minimum open space percentage and also requirements of LDC 16-415. The minimum amount of open space for the total development area shall be no less than 10%, including Indigenous vegetation preservation.</p>	Use	% of acres Required Average	% of Acres Permitted Open Space	Industrial	20% / 50.81 ac.	85% / 50.81 ac.
Use	% of acres Required Average	% of Acres Permitted Open Space					
Industrial	20% / 50.81 ac.	85% / 50.81 ac.					
<b>DEVELOPMENT INTENSITY:</b>  COMMERCIAL: - A MAXIMUM OF 10 BUILDING OF COMMERCIAL FLOOR AREA - PARKING SPACES: SHALL BE PROVIDED PER LDC 16-15.14-16.02  INDUSTRIAL: - A MAXIMUM OF 1.04 ACRES OF INDUSTRIAL FLOOR AREA - PROPOSED SPACES SHALL BE PROVIDED PER LDC 16-15.14-16.02							
<b>BUFFERS:</b>  PROPERTY ZONED INDUSTRIAL PLANNED DEVELOPMENT (IPD) BUFFERS ARE PROVIDED PURSUANT TO LDC SECTION 16-14.02  NORTH - 30' BODIED FENCE R.O.W LINE R.O.W OF BUFFER REQUIRED  SOUTH - 30' BODIED FENCE R.O.W LINE R.O.W OF BUFFER REQUIRED  WEST - 30' BODIED FENCE R.O.W LINE NO BUFFER REQUIRED  EAST - 30' BODIED FENCE R.O.W LINE NO BUFFER REQUIRED							

**MORRIS - DEWEY ASSOCIATES, INC.**  
**ENGINEERS • PLANNERS • SURVEYORS & MAPPERS**  
 555 Alhambra Street • Los Angeles, Calif. 90012 • TEL: 213-255-1200 • FAX: 213-255-1201

DATE PREPARED: 05/26/82  
 CHECKED BY: DWJ  
 DESIGNED BY: JAS

PROJECT: 212

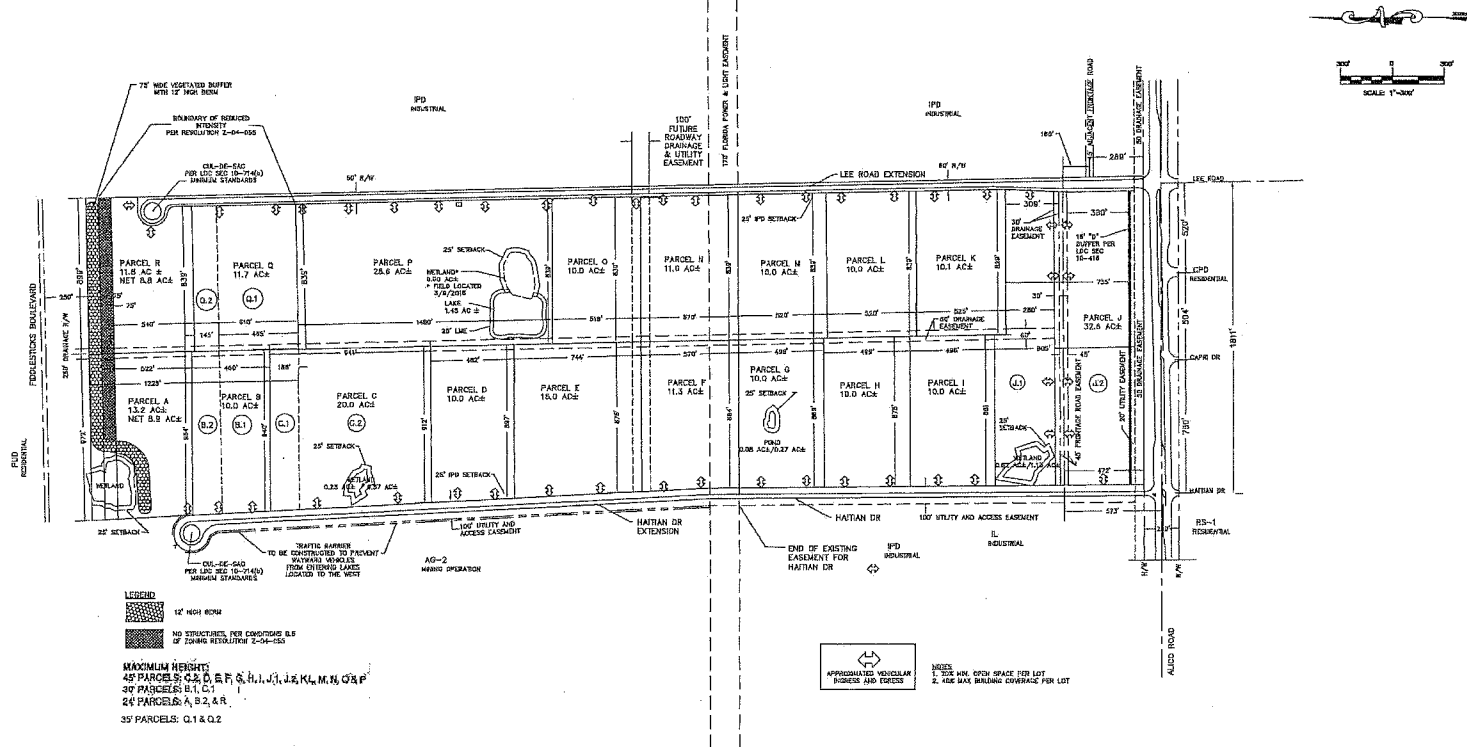
DATE: 5/26/82

**ZONING MASTER CONCEPT PLAN (NOTES & SECTIONS)**

**ALICO ROAD 254 INDUSTRIAL SUBDIVISION**

REVISIONS FOR SUPERVISOR COMMENTS: (08/27/82)  
 REVISIONS FOR STAFF REPORT COMMENTS: (01/30/83)  
 REVISIONS FOR ZONING BOARD COMMENTS: (01/30/83)  
 REVISIONS FOR CITY PLANNING DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY ENGINEERING DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY PUBLIC WORKS DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY PUBLIC UTILITIES DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY PUBLIC SAFETY DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY PUBLIC HEALTH DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY PUBLIC SOCIAL SERVICES DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY PUBLIC WORKS DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY PUBLIC UTILITIES DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY PUBLIC SAFETY DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY PUBLIC HEALTH DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY PUBLIC SOCIAL SERVICES DEPARTMENT COMMENTS: (02/06/83)

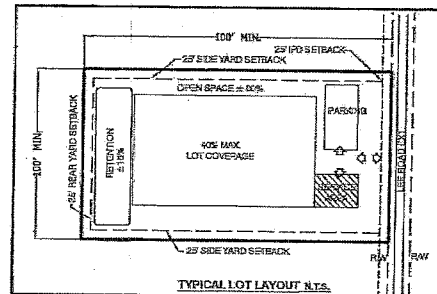
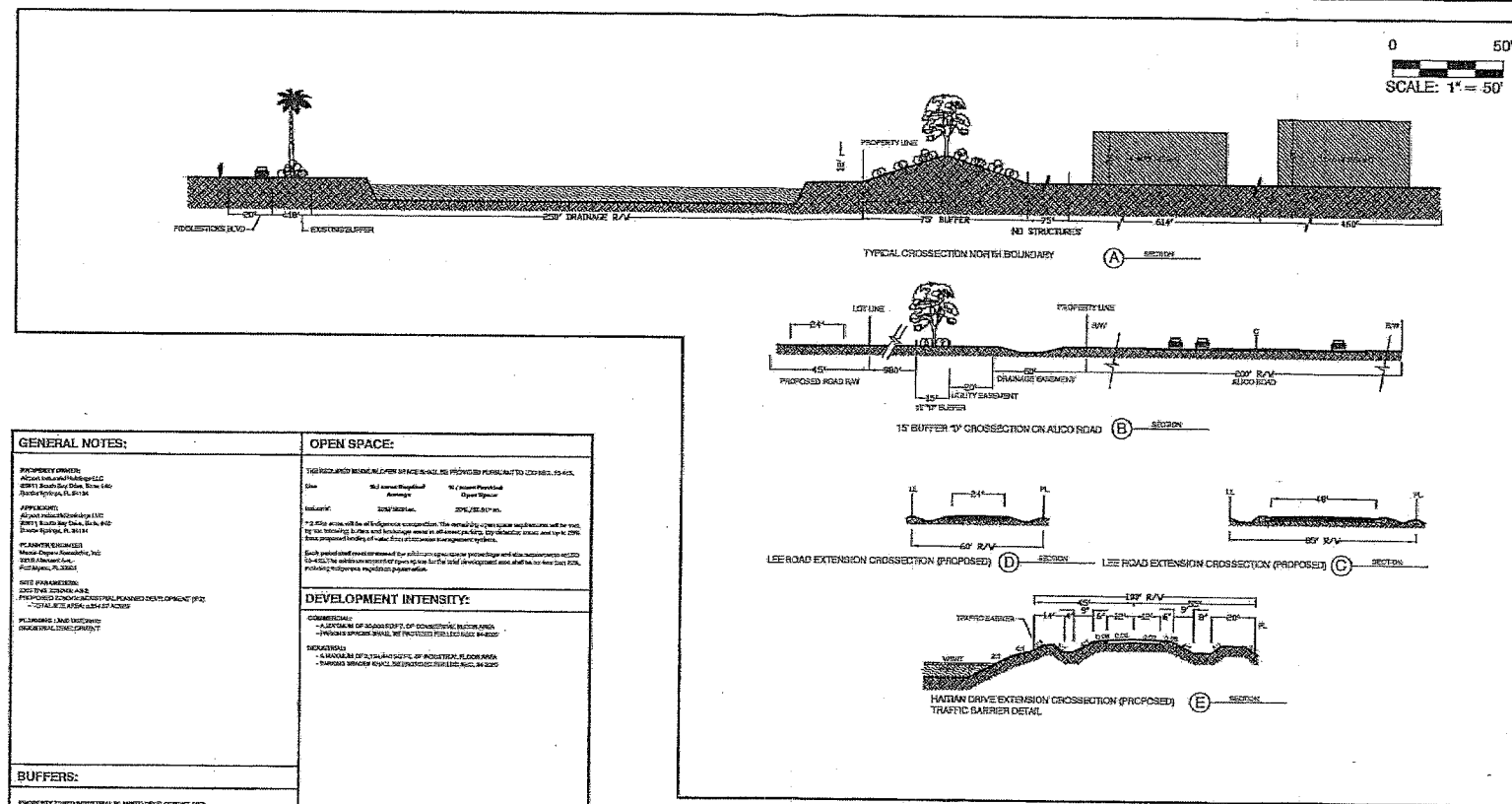
REVISIONS FOR SUPERVISOR COMMENTS: (08/27/82)  
 REVISIONS FOR STAFF REPORT COMMENTS: (01/30/83)  
 REVISIONS FOR ZONING BOARD COMMENTS: (01/30/83)  
 REVISIONS FOR CITY PLANNING DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY ENGINEERING DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY PUBLIC WORKS DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY PUBLIC UTILITIES DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY PUBLIC SAFETY DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY PUBLIC HEALTH DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY PUBLIC SOCIAL SERVICES DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY PUBLIC WORKS DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY PUBLIC UTILITIES DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY PUBLIC SAFETY DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY PUBLIC HEALTH DEPARTMENT COMMENTS: (02/06/83)  
 REVISIONS FOR CITY PUBLIC SOCIAL SERVICES DEPARTMENT COMMENTS: (02/06/83)



Approved as Exhibit D  
MCP Page 1 of 2  
Resolution # 2-18-007

date 06/13/2016	No. Date	Revisions	community engineering services, inc.	AE SITE	MASTER CONCEPT PLAN	scale: 1"=300'	SHEET	date
file name: MCP			13450 Fiddlershoe Boulevard Phone 335-339 Fort Myers, Florida 33912 Telephone (239) 936-6177	AE Site, LLC 88-30104 - LB-7595 8900 Daniels Parkway, Suite 18-130 Fort Myers, Florida 33912 Telephone (239) 936-6438	ALICO ROAD 254 INDUSTRIAL SUBDIVISION LEE ROAD INDUSTRIAL	1 of 2		
job: LEE ROAD								





Approved as Exhibit D  
MCP Page 2 of 2  
Resolution # 2-18-007

ZONING MASTER CONCEPT PLAN (NOTES &amp; SECTIONS)

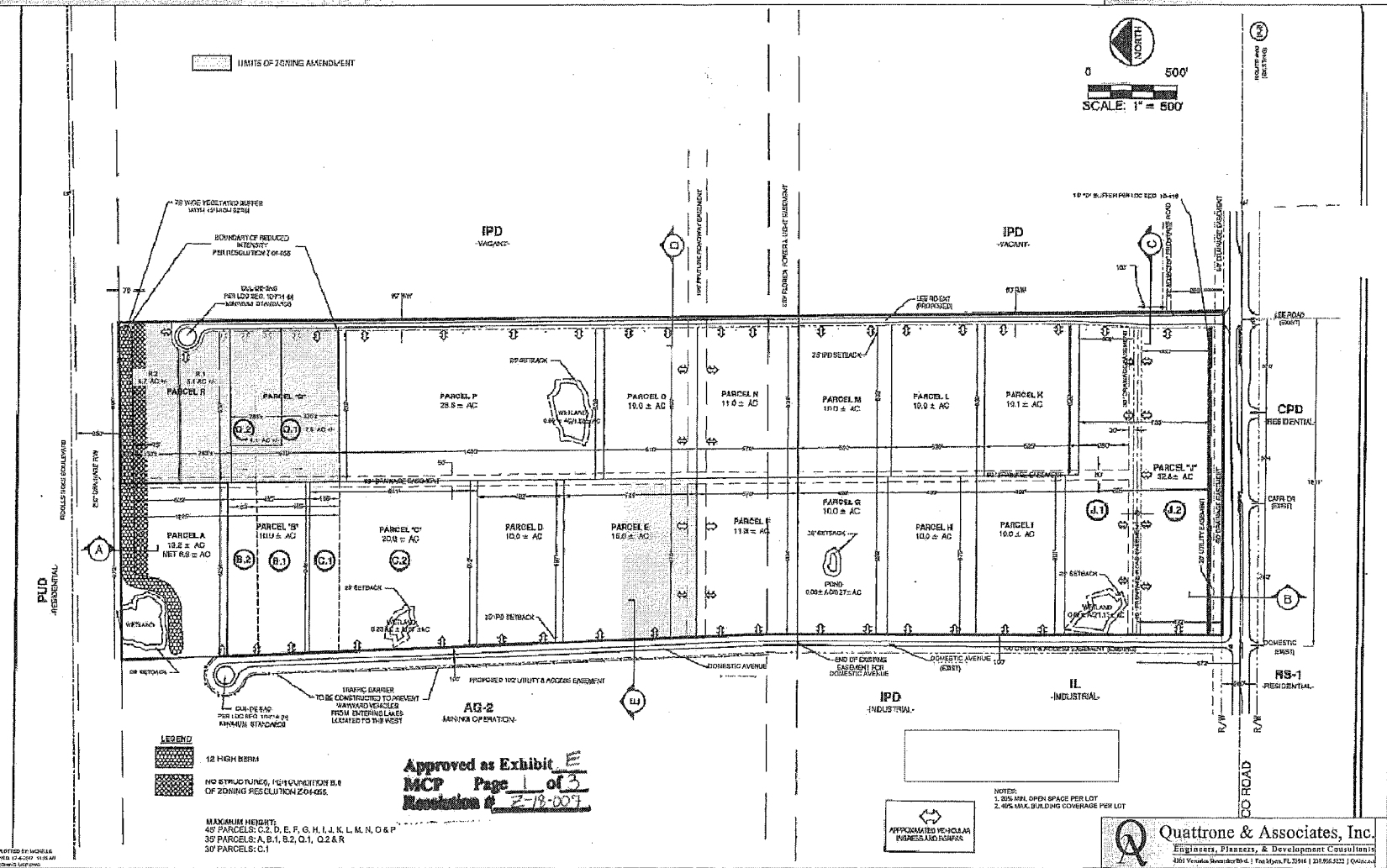
**ALICO ROAD 254 INDUSTRIAL SUBDIVISION**  
Dunlawton, GA, 30115, 800-221-2211, Lee County, Florida

**MD**  
**MORRIS - DEWEY ASSOCIATES, INC.**  
 ENGINEERS • PLANNERS • SURVEYORS & MAPPING  
 2500 Alameda Avenue • Fort Worth, Texas 76104 • (817) 337-2900 • FAX 337-0941

MOA PROJECT  
05089  
DATE  
8/5/05  
PAGE  
2/2

# ALICO ROAD 254 INDUSTRIAL SUBDIVISION

LOCATED IN SECTION 04, TOWNSHIP 46-S, RANGE 25-E, LEE COUNTY, FLORIDA



150602-Q.DWG

PARCEL R  
MASTER SITE PLAN  
16100 LEE RD  
FORT MYERS, FL. 33912

**Quattrone & Associates, Inc.**  
—Engineers, Planners, & Development Consultants—  
4301 Vermonde Shoreside Blvd. • Fort Myers, Florida 33916 • 239-936-3222  
Excellence in Architecture Since 1965

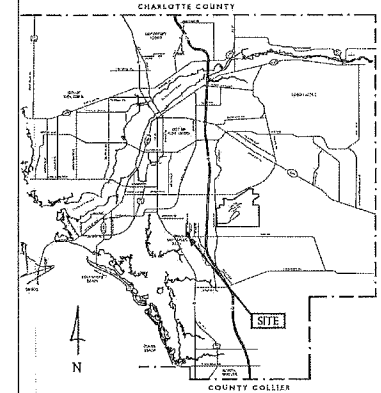
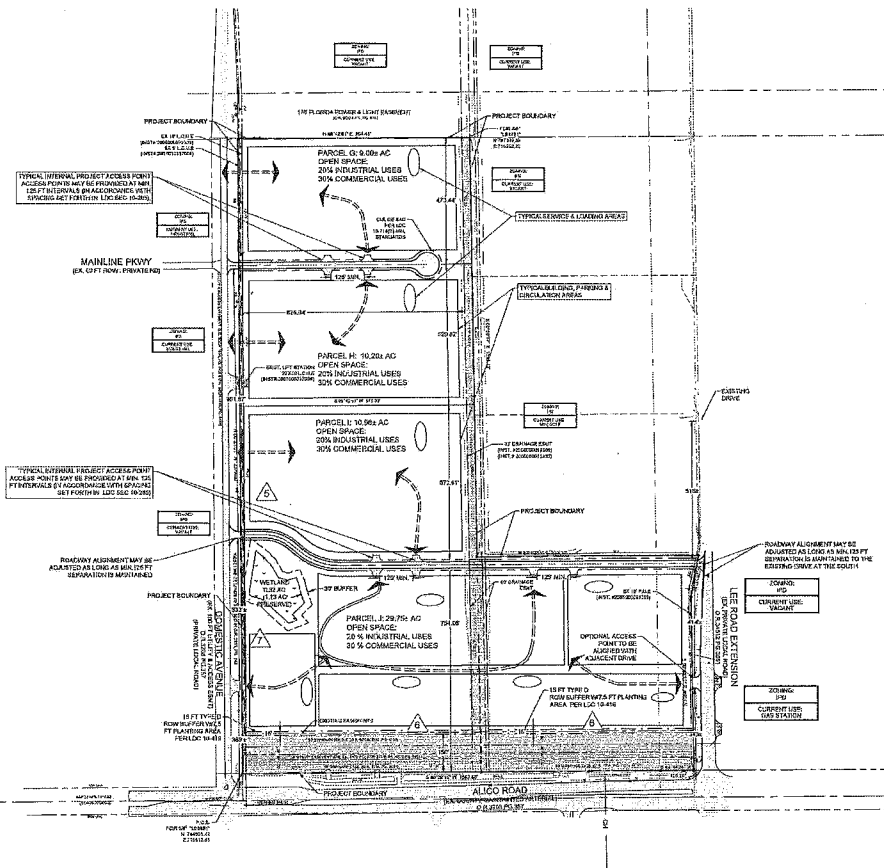
MOORE & SALSBURG P.E.  
P.L. REG. 76378  
NEWARK, N.J. 07102-1044  
PLOTTED BY: AUCHELL  
DATE: 04-08-07 02:11 PM  
SHEET  
SD-05  
05 OF 17



# ALICO 254: PARCELS G, H, I & J

LOCATED IN SECTION 04, TOWNSHIP 46-S, RANGE 25-E, LEE COUNTY, FLORIDA

## EXHIBIT A: AMENDED LAYOUT PARCELS G, H, I & J



### LOCATION MAP

### PROJECT SUMMARY:

**ZONING**  
MPD  
**STRAP #'s**  
04-46-25-00-00001.0190 & 04-46-25-00-00001.0100

**PROJECT ACREAGE**  
82.51 ACRES

**PROJECT DEVELOPMENT**  
799,592 SF INDUSTRIAL THAT INCLUDES A MAX OF 255,375 SF COMMERCIAL

PARCEL G MIN 2 AC / 30,000 SF INDUSTRIAL

PARCEL J MIN 2 AC / 30,000 SF COMMERCIAL/OFFICE

ALL PARCELS SHALL BE PERMITTED USES IN ACCORDANCE WITH THE SCHEDULE OF USES.

**OPEN SPACE REQUIRED**  
PROJECT AREA = 82.51 AC  
REFER TO PLAN FOR MIN. OPEN SPACE REQUIREMENTS PER PARCEL

PROJECT MIN. OPEN SPACE 100% IND. = 12.50 AC  
PROJECT MIN. OPEN SPACE 50% IND. & 50% COMM. = 15.92 AC

- DEVIATIONS**
- Δ LDC 10-329(d)(1) d.3
  - Δ LDC 34-1353(e)(2)
  - Δ LDC 30-153(2.d) & 30-153(2.d.1)

**NOV 17 2017**

**COMMUNITY DEVELOPMENT**

**2017-00001**

**Quattrone & Associates, Inc.**  
Engineers, Planners, & Development Consultants  
4301 Yulee Shores Blvd. | Fort Myers, FL 33914 | 239-916-3323 | QAI@qai.com

Approved as Exhibit F  
MCP Page 1 of 1  
Resolution # 2-18-007

POWER TRANSMISSION LINES ALONG PARCELS G, H, I & J. ANTI-TOWER SHIELDING LINES ALONG PARCELS G, H, I & J. ANTI-TOWER SHIELDING LINES ALONG PARCELS G, H, I & J.

PLANNED BY: BUCKNER  
DATE: 11-13-2017 2:12 PM  
PROJECT: ALICO 254 PARCELS G, H, I & J

ALC

RESOLUTION NUMBER Z-00-075

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

WHEREAS, an application was filed by J.E.D. of Southwest Florida, Inc., on behalf of the property owners, Rosalia Brunco and CM&J Partners, to rezone 73.65± total acres of land from Agricultural (AG-2) and Light Industrial (IL) zoning districts to Commercial Planned Development (CPD) and Industrial Planned Development (IPD), in reference to Alico Commercial Park (f/k/a Alico Road MPD); and,

WHEREAS, a public hearing was advertised and held on October 25, 2000 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2000-00031; and

WHEREAS, a second public hearing was advertised and held on December 18, 2000, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone 73.65± total acres of land from AG-2 and IL zoning districts to CPD and IPD to permit a mixed commercial and industrial project consisting of a maximum of 70,000 square feet of commercial use and 650,000 square feet of industrial use with buildings not to exceed a maximum building height of 35 feet. The property is located in the Industrial Development Land Use Category and legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Alico Commercial Park," prepared by Gary F. Muller, AICP, dated 09/00, stamped "Received Sep 22 2000 Permit Counter," except as modified by the conditions below. This development must comply with all requirements of the Lee County 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.

STAFF'S EXHIBIT  
# 6  
DCI 2018-10022

2. The following limits apply to the project and uses:

a. Schedule of Uses

The Schedule of Uses proposed on the Master Concept Plan is hereby replaced by the following Schedule:

**In the CPD district:**

ACCESSORY USES AND STRUCTURES (LDC §§ 34-1171 *et seq.*,  
34-2441 *et seq.*, 34-1863, and 34-2141 *et seq.*)  
ADMINISTRATIVE OFFICES  
ANIMALS: Clinic or kennel (LDC § 34-1321 *et seq.*)  
Control center (including Humane Society)  
ATM (automatic teller machine)  
AUTO REPAIR AND SERVICE [LDC § 34-622(c)(2)],  
All Groups LDC § 34-1351  
BANKS AND FINANCIAL ESTABLISHMENTS [LDC § 34-622(c)(3)]:  
Group I  
BUILDING MATERIAL SALES [LDC § 34-622(c)(4) and 34-3001 *et seq.*]  
BUSINESS SERVICES [LDC § 34-622(c)(5)]: Groups I and II  
CARETAKER'S RESIDENCE  
CAR WASH  
CLEANING AND MAINTENANCE SERVICES [LDC § 34-622(c)(7)]  
COMMUNICATION TOWERS: 100 feet or less in height (LDC § 34-1441)  
CONTRACTORS AND BUILDERS [LDC § 34-622(c)(9)], All Groups  
(LDC §§ 34-1352, 34-3001 *et seq.*)  
CONVENIENCE FOOD AND BEVERAGE STORE  
DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE  
ENTRANCE GATES AND GATEHOUSE (LDC § 34-1741 *et seq.*)  
ESSENTIAL SERVICES (LDC §§ 34-1611 *et seq.*, and 34-1741 *et seq.*)  
ESSENTIAL SERVICE FACILITIES [LDC § 34-622(c)(13)]: Group I  
(LDC §§ 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)  
EXCAVATION: Water retention (LDC § 34-1651)  
FARM EQUIPMENT, SALES, STORAGE, RENTAL OR SERVICE  
FENCES, WALLS (LDC § 34-1741)  
FOOD STORES [LDC § 34-622(c)(16)]: Group I  
GASOLINE DISPENSING SYSTEM, SPECIAL  
HOUSEHOLD AND OFFICE FURNISHINGS [LDC § 34-622(c)(22)],  
All Groups  
LAUNDRY OR DRY CLEANING [LDC § 34-622(c)(24)]: Group I  
MEDICAL OFFICE  
MINI-WAREHOUSE  
PAINT, GLASS AND WALLPAPER  
PARKING LOT: Accessory  
Temporary (LDC § 34-2022)

PERSONAL SERVICES [LDC § 34-622(c)(33)]: Groups I, II, III, and IV  
PHARMACY  
POST OFFICE  
PRINTING AND PUBLISHING [LDC § 34-622(c)(36)]  
RENTAL OR LEASING ESTABLISHMENT [LDC § 34-622(c)(39)]:  
    Group IV only (LDC § 34-1201 *et seq.*, 34-1352, and 34-3001 *et seq.*)  
REPAIR SHOPS [LDC § 34-622(c)(40)]: Groups IV and V  
RESEARCH AND DEVELOPMENT LABORATORIES [LDC § 34-622(c)(41)]:  
    Groups II and IV  
RESTAURANTS [LDC § 34-622(c)(43)]: Group II  
RETAIL AND WHOLESALE SALES, when clearly incidental and subordinate to  
    a permitted principal use on the same premises  
SELF-SERVICE FUEL PUMPS  
SIGNS in accordance with Chapter 30  
STORAGE: Indoor only (LDC § 34-3001 *et seq.*)  
STUDIOS [LDC § 34-622(c)(49)]  
TEMPORARY USES (LDC § 34-3041 *et seq.*)  
TRANSPORTATION SERVICES [LDC § 34-622(c)(53)]: Group II  
USED MERCHANDISE STORES [LDC § 34-622(c)(54)]: Group II  
VEHICLE AND EQUIPMENT DEALERS [LDC § 34-622(c)(55)]:  
    Group V only (LDC § 34-1352)  
WAREHOUSE: Private  
    Public  
WHOLESALE ESTABLISHMENTS [LDC § 34-622(c)(56)]: Groups III and IV

**In the IPD District:**

ACCESSORY USES AND STRUCTURES (LDC §§ 34-1171 *et seq.*,  
    34-2441 *et seq.*, 34-1863, and 34-2141 *et seq.*)  
ADMINISTRATIVE OFFICES  
AGRICULTURAL SERVICES: office/base operations  
ANIMALS: Clinic or kennel (LDC § 34-1321 *et seq.*)  
AUTO REPAIR AND SERVICE [LDC § 34-622(c)(2)], All Groups  
    LDC § 34-1351  
BOATS: Boat parts store  
    Boat repair and service  
    (LDC § 34-1352, and 34-3001 *et seq.*)  
BROADCAST STUDIO, COMMERCIAL RADIO AND TELEVISION  
    (LDC § 34-1441 *et seq.*)  
BUILDING MATERIAL SALES [LDC § 34-622(c)(4) and 34-3001 *et seq.*]  
BUSINESS SERVICES [LDC § 34-622(c)(5)]: Groups I and II  
CARETAKER'S RESIDENCE  
CLEANING AND MAINTENANCE SERVICES [LDC § 34-622(c)(7)]  
COLD STORAGE, PRE-COOLING, WAREHOUSE AND PROCESSING PLANT  
COMMUNICATION TOWERS: 150 feet or less in height (LDC § 34-1441)  
COMPUTER AND DATA PROCESSING SERVICES



CONTRACTORS AND BUILDERS [LDC § 34-622(c)(9)], All Groups  
     (LDC §§ 34-1352, 34-3001 *et seq.*)  
 ENTRANCE GATES AND GATEHOUSE (LDC § 34-1741 *et seq.*)  
 ESSENTIAL SERVICES (LDC § 34-1611 *et seq.*, and 34-1741 *et seq.*)  
 ESSENTIAL SERVICE FACILITIES [LDC § 34-622(c)(13)]: Group I  
     (LDC §§ 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)  
 EXCAVATION: Water retention (LDC § 34-1651)  
 FACTORY OUTLETS (point of manufacture only)  
 FARM EQUIPMENT, SALES, STORAGE, RENTAL OR SERVICE  
 FENCES, WALLS (LDC § 34-1741)  
 FREIGHT AND CARGO HANDLING ESTABLISHMENTS  
     [LDC § 34-622(c)(17)]  
 GASOLINE DISPENSING SYSTEM, SPECIAL  
 LAUNDRY OR DRY CLEANING [LDC § 34-622(c)(24)]: Group II  
 MANUFACTURING of:  
     Apparel products [LDC § 34-622(c)(1)]  
     Boats  
     Electrical machinery and equipment [LDC § 34-622(c)(11)]  
     Fabricated metal products [LDC § 34-622(c)(14)]: Groups II and III  
     Food and kindred products [LDC § 34-622(c)(15)]: Group II and III  
     Furniture and fixtures [LDC § 34-622(c)(18)]  
     Leather products [LDC § 34-622(c)(25)]: Group II  
     Lumber and wood products [LDC § 34-622(c)(26)]: Groups II and IV  
     Machinery [LDC § 34-622(c)(27)], Groups I and II  
     Measuring, analyzing and controlling instruments  
         [LDC § 34-622(c)(28)]  
     Novelties, jewelry, toys and signs [LDC § 34-622(c)(29)], All Groups  
     Paper and allied products [LDC § 34-622(c)(31)] Groups II and III  
     Rubber and plastic products [LDC § 34-622(c)(44)]: Groups I and II  
     Stone, clay, glass and concrete products [LDC § 34-622(c)(48)]:  
         Groups I and III  
     Transportation equipment [LDC § 34-622(c)(52)]: Group II  
 MINI-WAREHOUSE  
 MOTION PICTURE PRODUCTION STUDIO  
 PARCEL AND EXPRESS SERVICES  
 PARKING LOT:  
     Accessory  
     Temporary (LDC § 34-2022)  
 PERSONAL SERVICES [LDC § 34-622(c)(33)]: Groups I and III  
 PHOTO FINISHING LABORATORY  
 PROCESSING OR PACKAGING OF AGRICULTURAL PRODUCTS ONLY --  
     NO fish processing or packaging is allowed  
 PROCESSING AND WAREHOUSING  
 RECYCLING FACILITY  
 REPAIR SHOPS [LDC § 34-622(c)(40)]: Groups I, II, III, IV, V  
 RESEARCH AND DEVELOPMENT LABORATORIES [LDC § 34-622(c)(41)]:

Groups II and IV  
RETAIL AND WHOLESALE SALES, when clearly incidental and subordinate to  
a permitted principal use on the same premises  
SELF-SERVICE FUEL PUMPS  
SIGNS in accordance with Chapter 30  
SOCIAL SERVICES [LDC § 34-622(c)(46)]: Group II  
STORAGE:  
Indoor only (LDC § 34-3001 *et seq.*)  
Storage, open (LDC § 34-3001 *et seq.*)  
Large-scale storage of noxious or hazardous materials (flammable, toxic,  
explosive, corrosive, etc.), including liquid petroleum, fractions and distillates  
thereof, and fuel gases (LDC § 34-3001 *et seq.*)  
TRANSPORTATION SERVICES [LDC § 34-622(c)(53)]: Groups II, III,  
and IV  
VEHICLE AND EQUIPMENT DEALERS [LDC § 34-622(c)(55)]: Groups I, II,  
III, IV, and V (LDC § 34-1352)  
WAREHOUSE:  
Private  
Public

The following uses may be permitted in the IPD district but must be set back  
a minimum of 660 feet from any residentially used or zoned property under  
separate ownership. This setback applies to all buildings and structures, and  
all areas used for the parking of trucks or equipment, shipping, receiving, or  
storage areas:

MANUFACTURING of:  
Chemical and allied products [LDC § 34-622(c)(6)], Groups I and II  
Fabricated metal products [LDC § 34-622(c)(14)]: Group I  
Lumber and wood products [LDC § 34-622(c)(26)]: Groups I, III,  
V and VI  
Machinery [LDC § 34-622(c)(27)], Group III  
Paper and allied products [LDC § 34-622(c)(31)] Group I  
Petroleum [LDC § 34-622(c)(34)]  
Primary metal industries [LDC § 34-622(c)(35)]  
Stone, clay, glass and concrete products [LDC § 34-622(c)(48)]:  
Groups II and IV  
Textile mill products [LDC § 34-622(c)(50)], All Groups  
Tobacco products [LDC § 34-622(c)(51)]  
Transportation equipment [LDC § 34-622(c)(52)]: Groups I, III and IV  
RESEARCH AND DEVELOPMENT LABORATORIES [LDC § 34-622(c)(41)]:  
Group III

The following uses may be permitted in the IPD district but must be set back  
a minimum of 330 feet from any residentially used or zoned property under  
separate ownership. This setback applies to all buildings and structures, and

all areas used for the parking of trucks or equipment, shipping, receiving, or storage areas:

MANUFACTURING of:

Food and kindred products [LDC § 34-622(c)(15)]: Group I

Leather products [LDC § 34-622(c)(25)]: Group I

WHOLESALE ESTABLISHMENTS [LDC § 34-622(c)(56)]: Groups I, II, III and IV

b. Site Development Regulations

In the CPD District:

Minimum Lot Area and Dimensions:

Area: 10,000 square feet

Width: 100 feet

Depth: 100 feet

Minimum Setbacks:

Street: variable according to the functional classification  
of the street or road (§ 34-2191 *et seq.*)

Side: 15 feet

Rear: 20 feet

Water Body: 25 feet

Accessory Use and Structure setbacks must comply with  
LDC §§ 34-1171 *et seq.* and 34-2194.

Maximum Lot Coverage: 40 percent

Maximum Building Height: 35 feet

Minimum Building Separation: Minimum building separation is the greater  
of either the minimum required setbacks or one-half the sum of the  
height of the buildings.

In the IPD District:

Minimum Lot Area and Dimensions:

All Lots except Lots 4 thru 10:

Area: 31,350 square feet

Width: 110 feet

Depth: 285 feet, except

Lots 4 thru 10 Only:

Area: 27,500 square feet  
Width: 110 feet  
Depth: 250 feet

Minimum Setbacks - All Lots:

Street: variable according to the functional classification of the street or road (§ 34-2191 *et seq.*)  
Side: 15 feet  
Rear: 15 feet  
Water Body: 25 feet

Accessory Use and Structure setbacks must comply with LDC §§ 34-1171 *et seq.* and 34-2194.

Maximum Lot Coverage: 40 percent

Maximum Building Height: 35 feet

Minimum Building Separation: Minimum building separation is the greater of either the minimum required setbacks or the sum of the height of the buildings.

3. Prior to local development order approval, a replanting plan for the 0.58-acre disturbed pine flatwoods within the indigenous preserve must be submitted for the Division of Planning / Environmental Sciences Staff review and approval. The plan must include native plant species that provide forage for gopher tortoises; a temporary irrigation plan; a mulching plan (no cypress mulch may be used); and plant specifications including species, size and number.
4. Prior to local development order approval for the first phase of development, a detailed Gopher Tortoise Management Plan meeting the requirements of LDC § 10-474 must be submitted to the Division of Planning / Environmental Sciences Staff for review and approval. The development order plans must label the indigenous preserve area #4 as depicted on the approved Master Concept Plan as "Gopher Tortoise Area."
5. Prior to issuance of a Certificate of Compliance for the first phase of development, a permanent fence must be installed on the south lot lines of Lots 22 through 27. The fence details (location and type of fence) must be shown on the local development order.
6. If a traffic signal is warranted at Gator Road, the applicant will be responsible for paying a pro rata share (based on trip generation) of the cost of providing a signal, excluding the cost associated with the railroad crossing. The applicant will be required to pay for all site-related turn lanes (westbound left and eastbound right turn lanes) on Alico Road. In addition, any additional right-of-way required for the construction of the site-related turn lanes must be turned over to the County at no cost to the County.



7. No local development order may be approved for the industrial portion of this development without the project providing a stub out to or means of interconnecting with Jean Boulevard located to the west of the subject property.
8. 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.
9. 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).
10. The CPD is limited to a maximum of 30,000 square feet of ancillary minor retail commercial uses, intended to support the surrounding industrial land uses.

Office uses in the CPD are limited to a maximum of 70,000 square feet (in absence of retail uses), and will be allowed only when directly related to an industrial use in the surrounding industrial neighborhood. Prior to issuance of any local development order, the developer must record covenants and restrictions for the property limiting any office use developed on the property to that which is specifically related to adjoining industrial uses as provided in Policy 1.1.7 of the Lee County Comprehensive Plan.

11. The overall intensity of the IPD portion of the property will be limited to a maximum of 650,000 square feet of floor area.
12. Within the IPD portion of the property, the Retail or Wholesale Sales of products manufactured or processed on the same premises will be allowed at a ratio of one square foot of commercial use to ten square feet of industrial use. Any area used for the retail or wholesale of products manufactured or processed on the premises will be applied toward the maximum IPD intensity of 650,000 square feet.
13. Any building area used for office within the IPD portion of the property will be applied toward the maximum IPD intensity of 650,000 square feet.

#### SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from LDC § 10-415(b)(1) which requires that large developments, with existing indigenous vegetation, must provide 50 percent of their open space requirement through the onsite preservation of existing indigenous native vegetation; to allow the 50 percent indigenous vegetation requirement to be met by including a 0.57-acre area of disturbed pine flatwoods (shown as a dark area in the southwest corner of the MCP) as part of the indigenous preserve area. This deviation is APPROVED, SUBJECT TO CONDITION 3.

2. Deviation (2) seeks relief from LDC § 10-416(d)(3) which requires that a Type "C/F" buffer be provided between an existing residential use and a proposed commercial use; to allow no buffer to be provided along a residential lot abutting a portion of the southern boundary of the proposed CPD development area. This deviation is DENIED.
3. Deviation (3) seeks relief from LDC § 10-416 (d)(3) which requires that a Type "E/F" buffer be provided between an existing residential use and a proposed industrial use; to allow no buffer to be provided along a residential lot abutting a portion of the western boundary of the proposed IPD development area. This deviation is DENIED.
4. Deviation (4) seeks relief from LDC § 10-416(d)(6) which requires that roads, drives or parking areas be located at least 125 feet from residential subdivisions or residential lots (where no wall or berm is required); to allow a private road right-of-way to be located within 10 feet of a residential lot abutting the western portion of the proposed IPD development area. This deviation is APPROVED.
5. Deviation (5) seeks relief from LDC § 34-935(b)(2) which requires that parking, or internal roads or drives may not be closer to the development perimeter than the width of any buffer area or landscape strip required by Chapter 10 or five feet, whichever is greater; to allow a private road right-of-way to be located within 10 feet of a residential lot abutting the western boundary of the proposed IPD development area. This deviation is DENIED.

#### SECTION D. EXHIBITS:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: The legal description and STRAP numbers of the property.  
Exhibit B: Zoning Map (subject parcel identified with shading)  
Exhibit C: The Master Concept Plan

#### SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
  - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
  - c. is compatible with existing or planned uses in the surrounding area; and,

- d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
- a. the proposed use or mix of uses is appropriate at the subject location; and
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
  - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

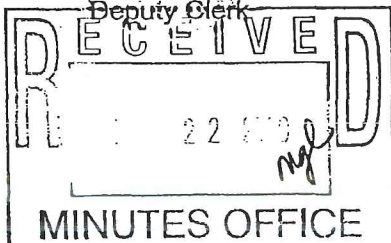
The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner John E. Albion, seconded by Commissioner Robert P. Janes and, upon being put to a vote, the result was as follows:

Robert P. Janes	AYE
Douglas R. St. Cerny	AYE
Ray Judah	ABSENT
Andrew W. Coy	ABSENT
John E. Albion	AYE

DULY PASSED AND ADOPTED this 18th day of December, 2000.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Michelle S. Leismen  
Deputy Clerk



CASE NO: DCI2000-00031

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: [Signature]  
Chairman

Approved as to form by:

John J. [Signature]  
County Attorney's Office

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
Property located in Lee County, Florida



**GULF SHORE SURVEYING, INC.**

TIM J. PUFAHL, P.L.S.  
30930 OIL WELL RD., PUNTA GORDA, FL 33955  
(941) 639-7800 • FAX: (941) 639-7600

NICK POULOS, P.L.S.  
2112 SE. 11<sup>TH</sup> ST., CAPE CORAL, FL 33990  
(941) 458-2388 • FAX: (941) 574-3719

MAY 13, 2000  
JOB NUMBER 0013  
FILE: 0013L002.LGL

Applicant's Legal Checked

by [Signature] 5/17/00

**DESCRIPTION**

A TRACT OR PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA WHICH IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE S.89°41'05"W. FOR 993.64 FEET ALONG THE NORTH SECTION LINE; THENCE S.01°16'33"E. FOR 75.01 FEET TO THE SOUTHERLY RIGHT OF WAY OF ALICO ROAD AND THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING THENCE CONTINUE S.01°16'33"E. FOR 480.26 FEET; THENCE S.89°33'28"W. FOR 331.00 FEET; THENCE N.01°17'48"W. FOR 480.99 FEET TO THE SOUTHERLY RIGHT OF WAY OF ALICO ROAD 75 FEET SOUTHERLY OF THE NORTH LINE OF SECTION 8; THENCE N.89°41'05"E. FOR 331.19 FEET ALONG SAID RIGHT OF WAY TO THE POINT OF BEGINNING.

CONTAINING 3.6527 ACRES OR 159,111 SQUARE FEET MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORDS.

BEARINGS MENTIONED HEREIN ARE BASED ON THE NORTH LINE OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 25 EAST BEING S.89°41'05"W.

REFER TO 8 1/2" X 11" SKETCH  
GULF SHORE SURVEYING, INC.

[Signature] 5/14/00  
TIM J. PUFAHL  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATE NUMBER 4666

**RECEIVED**  
MAY 15 2000

PERMIT COUNTER

DCI 2000-00031





## GULF SHORE SURVEYING, INC.

TIM J. PUFÄHL, P.L.S.  
30930 OIL WELL RD., PUNTA GORDA, FL. 33955  
(941) 639-7800 • FAX: (941) 639-7600

NICK POULOS, P.L.S.  
2112 SE. 11<sup>TH</sup> ST., CAPE CORAL, FL. 33990  
(941) 458-2388 • FAX: (941) 574-3719

MAY 13, 2000  
JOB NUMBER 0013  
FILE: 0013L001.LGL

Applicant's Legal Description

*[Signature]* 5/17/00

### DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA WHICH IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE S.89°41'05"W. FOR 662.43 FEET ALONG THE NORTH SECTION LINE; THENCE S.01°15'18"E. FOR 74.73 FEET TO THE SOUTHERLY RIGHT OF WAY OF ALICO ROAD AND THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING THENCE CONTINUE S.01°15'18"E. FOR 1252.51 FEET; THENCE N.89°25'51"E. FOR 661.42 FEET TO THE EAST LINE OF SAID SECTION 8; THENCE S.01°12'48"E. FOR 1324.30 FEET ALONG SAID SECTION LINE; THENCE S.89°10'35"W. FOR 1981.29 FEET ALONG THE QUARTER SECTION LINE (1/4); THENCE N.01°20'17"W. FOR 1333.14 FEET; THENCE N.89°25'51"E. FOR 992.13 FEET; THENCE N.01°16'33"W. FOR 1253.70 FEET TO THE SOUTHERLY RIGHT OF WAY OF ALICO ROAD 75 FEET SOUTHERLY OF THE NORTH LINE OF SECTION 8; THENCE N.89°41'05"E. FOR 318.55 FEET ALONG SAID RIGHT OF WAY; THENCE N.88°24'24"E. FOR 12.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 69.9961 ACRES OR 3,049,032 SQUARE FEET MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORDS.

BEARINGS MENTIONED HEREIN ARE BASED ON THE NORTH LINE OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA S.89°41'05"W.

REFER TO 8 1/2" X 11" SKETCH  
GULF SHORE SURVEYING, INC.

**RECEIVED**  
MAY 15 2000

*[Signature]* 5/14/00  
TIM J. PUFÄHL  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATE NUMBER 4666

PERMIT COUNTER

DCI 2000-00031

The applicant has indicated that the STRAP numbers for the subject property are:  
08-46-25-00-00003.0090 & 08-46-25-00-00003.0110  
CASE NO: DCI2000-00031

[illegible]

**EXHIBIT "B"**

EXHIBIT IV-E

TOTAL PROJECT AREA:	73.63 ACRES
WETLAND AREA:	1.00 ACRES
INDIGENOUS PRESERVE AREA:	7.78 ACRES
PROPOSED LAKE AREA:	7.87 ACRES
MAXIMUM BUILDING AREA:	720,000 S.F.
MAXIMUM BUILDING HEIGHT:	35 FEET
MINIMUM OPEN SPACE:	21 PERCENT

<sup>1</sup>UP TO A MAXIMUM TOTAL OF 30,000 S.F. OF RETAIL USES

CPD: 7.28 ACRES = 30% = 2.18 ACRES  
 IPO: 88.37 ACRES = 20% = 13.27 ACRES  
 13.43 ACRES

WATERBURY VEGETATION CALCULATIONS

CPD: 2.18 ACRES	= 50% =	1.09 ACRES
IPD: 13.27 ACRES	= 50% =	6.64 ACRES
		<u>7.73 ACRES</u>

ACCESSORIES USED AND STRUCTURES  
ADMINISTRATIVE OFFICES  
ANIMALS, KILLING OR COOKING  
CONTROL TOWER (INCLUDING HUMANITY SOCIETY)  
ATM (AUTOMATIC TELLER MACHINE)  
AUTO PARTS STORE  
BUS STATION  
AUTO REPAIR AND SERVICE, ALL GROUPS  
BAY AND TRUCKEE SHOP  
BARRED PERSONNEL ESTABLISHMENTS: (GROUPS I AND II  
BAR OR SOCIAL LUNGEON  
BOAT, BOAT PARTS STORE  
BOAT REPAIR AND SERVICE  
BOAT SHOP  
BROADCAST STATION, COMMERCIAL RADIO AND TELEVISION  
BUREAU, NATURAL HISTORY  
BUSINESS SERVICES: GROUPS I AND II  
CARTERS/DELIVERIES  
CAR WASH  
CLEANING AND MAINTENANCE SERVICES  
COFFINING STORES, GROUPS I AND II  
CLUBS: COMMERCIAL  
CLUBS: FELLOWSHIP/RECREATION ORGANIZATION  
PRIVATE  
COMMUNICATIONS TOWER, 100 FEET OR LESS IN HEIGHT  
CONSULTATION ON PREMISES  
CONTRACTORS: JAIL/PRISON, ALL GROUPS  
CONVENIENCE FOOD AND BEVERAGE STORE  
DANCE-THROUSING (DANCE) FOR JAIL PERMITTED USE  
DENTIST, PHARMACY  
DIETARY, KITCHEN AND BAKESHOP  
DISCOUNT STORES  
ESSENTIAL SERVICES FACILITIES: GROUP I  
ESSENTIAL SERVICES FACILITIES: GROUP II  
FARM EQUIPMENT, SALES, STORAGE, RENTAL DE SERVICE  
FELLS  
FOOD AND BEVERAGE SERVICE, LIMITED  
FOOD STORES  
FUNERAL-HOME AND MORTUARY (WITH OR WITHOUT A CREMATORY)  
GASOLINE DISPENSING SYSTEM, SPECIAL  
HOT, HOT, JOINTS SHOP  
HARDWARE STORE  
HONEY, TEA AND BAKE SHOP  
HOUSEHOLD AND OFFICE FURNISHINGS, ALL GROUPS  
LAWYER  
LAUNDRY DE DRY CLEANING GROUP I  
LAWN AND GARDEN SUPPLY STORES  
MEDICAL OFFICE  
WINE-WAREHOUSE  
MONEY MONEY COUNTER  
MONITOR RETAILERS, ALL GROUPS  
PACKAGE STORE  
PAIN, GLASS AND WALLPAPER  
RANDOM LOTTO ACCESSORIES  
TEMPORARY  
FEDERAL SERVICES, ALL GROUPS  
PET SERVICES  
PET SHOP  
PHARMACY  
POST OFFICE  
RESTAURANT AND BAR (SEE CHAPTER 3)  
REAL ESTATE SALES OFFICE  
RECREATION FACILITIES: COMMERCIAL, ALL GROUPS  
RENTAL OF LIVING ESTABLISHMENT, ALL GROUPS  
REPAIR SHOPS, ALL GROUPS  
RESEARCH LABORATORIES, LABORATORIES: GROUPS 3 AND IV  
RESTAURANTS: GROUPS I, II AND III  
SPECIALTY RETAIL SHOPS, ALL GROUPS  
STORAGE: HOUSEHOLD  
STORAGE  
TEMPORARY USES  
TRANSPORTATION SERVICES: GROUPS II, III AND IV  
TIRE AND MECHANICAL  
VARIETY STORES  
VEHICLE AND EQUIPMENT DEALERS, ALL GROUPS  
WAREHOUSE: WINE-WAREHOUSE

[illegible]

PUBLIC  
 \*WHOLESALE ESTABLISHMENTS: GROUPS I AND II  
 WHOLESALE ESTABLISHMENTS: GROUPS III AND IV  
 \*SEE NOTE #3

WAREHOUSE/ WHS-WAREHOUSE  
PRIVATE  
PUBLIC  
\*WHOLESALE ESTABLISHMENTS: GROUPS II AND IV  
WHOLESALE ESTABLISHMENTS: GROUPS I AND II  
1 SEE NOTE #3

'SOL NOTE - 03

WHOLESALE E

RECEIVED  
SEP 22 2000

Site Plan # 00-075 Page 1 of 1  
Subject to conditions in Resolution Z-00-075  
Case # DCE 2000-00031

SEP 22 2000  
PERMIT COUNTER

DCI 2000-00031

# MASTER CONCEPT PLAN

200

**GARY F. MULLER, AICP**

BEC 08, TWP 48S, R10E 2SE  
LEE COUNTY, FLORIDA

# MASTER CONCEPT PLAN

200



**MEMORANDUM**  
**FROM THE**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**  
**ZONING SECTION**

**DATE:** December 16, 2019

**To:** Amanda L. Rivera  
Deputy Hearing Examiner

**FROM:** Alvin Block, AICP *Alvin Block*  
Planner, Principal

**SUBJECT: DCI2018-10022, Vintage Commerce Center CPD**  
**Continued Hearing – December 19, 2019**

This memorandum and attached conditions has been prepared as directed in the Hearing Examiner's Order following the November 22, 2019 hearing.

The applicant prepared, and sent to County staff on December 2, 2019 the suggested revisions to the Conditions and Deviations. The applicant proposed revisions have been attached (Exhibit A) to this memorandum.

Staff has prepared a revised set of conditions (Exhibit B) based on comments and evidence presented during the November 22, 2019 public hearing and the applicant's proposed revisions received on December 2, 2019. The County's draft was sent to the applicant on December 4, 2019. The applicant has advised they do object to the Transportation condition, found as Condition 6 in the attached Revised Conditions.

Exhibits:

- A. Applicant's email of December 2, 2019
- B. Staff Revised Conditions and Deviations (with MCP), for December 19, 2019 hearing.

cc: Applicant via email  
Marcus Evans, Development Services  
Steve Jansen, DOT  
Beth Workman, Zoning  
Mike Fiigon, Port Authority

2019 DEC 16 PM 3:54  
LEE COUNTY  
HEARING EXAMINER



**Block, Alvin**

---

**From:** Sharon Umpenhour [SUMpenhour@gradyminor.com]  
**Sent:** Monday, December 02, 2019 12:02 PM  
**To:** Block, Alvin; Ennis, Audra  
**Cc:** brintihar@crminc.us; Wayne Arnold; nealemontgomery@paveselaw.com  
**Subject:** [EXTERNAL] Vintage Commerce Center DCI2018-10022  
**Attachments:** DCI2018-10022 Vintage Commerce Center CPD Conditions (Revised 11-27-2019).pdf;  
DCI2018-10022 Vintage Commerce Center CPD Conditions (Revised 11-27-2019).docx

Good afternoon,

Please find attached Draft revised conditions for your consideration.

Regards,

**Sharon Umpenhour**  
Senior Planning Technician



Q. Grady Minor and Associates, P.A.

3800 Via Del Rey

Bonita Springs, FL 34134

Phone - 239.947.1144

Fax - 239.947.0375

Email - [sumpenhour@gradyminor.com](mailto:sumpenhour@gradyminor.com)

Web - <http://www.gradyminor.com>

DISCLAIMER: This communication from Q. Grady Minor & Associates, P.A., along with any attachments or electronic data is intended only for the addressee(s) named above and may contain information that is confidential, legally privileged or otherwise exempt from disclosure. The recipient agrees and accepts the following conditions: The electronic file/data is for informational purposes only and is the responsibility of the recipient to reconcile this electronic file/data with the approved and certified "plan of record" along with actual project site conditions. Q. Grady Minor & Associates, P.A. reserves the right to revise, update and improve its electronically stored data without notice and assumes no responsibility due to a virus or damages caused by receiving this email.

**EXHIBIT A**

CONDITIONS:

1. The development of this project must be consistent with ~~one of the following~~ Master Concept Plans attached hereto, except as modified by the conditions herein:

- a. ~~"MCP Option A"~~ The one-page Master Concept Plan (MCP), dated November 21, 2019, entitled "VINTAGE COMMERCE CENTER CPD stamped received ~~MAY 17 2005~~ 2019, 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 s 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  
 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).

~~e. 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.~~
- ~~l.a. 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: WITHDRAWN~~

- ~~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 (52) 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: WITHDRAWN~~

- ~~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.3. 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 toward the total floor area approved within this development.~~

~~If residential development is approved as part of a local development order, the maximum ~~non residential~~ 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 included in the planned development if developed concurrently with or prior to construction of a residential use if residences are constructed consistent with note 10, Chapter 34-934.~~

Residential must be developed at a minimum of 8 dwelling units and may not exceed 14 dwelling units, per acre if the standard density range is used. 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.4. 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.

e.5. 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-6.~~ As part of the first local development order for Parcel A, 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."

The turn lanes for the project access points were constructed when this link of Three Oaks Parkway was constructed. The turn lanes for the site access may need to be improved. The developer is put on notice that pursuant to Section 10-288, LDC, turn lanes at the site access points may need to be improved if turning volumes make such improvements necessary to protect the public health, safety and welfare or to reduce adverse impacts on Three Oaks Parkway.

~~f. Is~~ 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-7.~~ Approval of this rezoning does not constitute a finding that the proposed project meets the regulatory concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all regulatory concurrency requirements prior to issuance of a local development order.

## REVISED CONDITIONS:

### 1. Master Concept Plan and Development Intensity:

The development of this project must be consistent with Applicant's Exhibit 2 submitted during the November 22, 2019 Hearing Examiner public hearing, identified as the Master Concept Plan for Vintage Commerce Center CPD, Sheet 1 of 1, Revision 6 (dated 11/2019), except as modified by the conditions herein.

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

If residential dwelling units (Dwelling unit: multiple-family building) are sought for development, these must be developed at a minimum of 8 dwelling units per acre. Residential development is permitted only in conjunction with at least 50,000 square feet or more of commercial or industrial uses. No more than 196 Lee Plan standard density dwelling units may be permitted. Additional units may be approved, up to a maximum of 22 units per acre, provided that the development meets the Bonus Density requirements of Chapter 2 of the Lee County Land Development Code and the Lee County Comprehensive Plan. The maximum number of residential dwelling units, with Bonus Density, cannot exceed 308.

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.

Development must comply with all requirements of the Lee County Land Development Code (LDC), 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 completed in phases, local development order submittals must include a running inventory showing the overall number of residential dwelling 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. Previous Actions:

All previous actions in Resolution Number Z-99-097 and Resolution Z-05-019, as amended by ADD2006-00225, are hereby rendered null and void by this action.

### 3. 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 (LDC Section 34-3041 et seq):  
    Carnivals, fairs, circuses and amusement devices  
    Christmas tree sales  
    Temporary contractor's office and equipment storage shed  
    Seasonal farmers' market  
    Temporary storage facilities  
Used Merchandise Store: Group I  
Vehicle and equipment dealers: Groups I through V  
Warehouse: Mini-warehouse and Public

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 (LDC Section 34-935(e)(4))

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.

4. 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).

5. As part of the first local development order, the local development order plans must depict access interconnection to Alico Crossings Center CPD 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.
6. The Applicant, on behalf of the property owner, or any successor or assign, acknowledges the proposed planned development may generate the need for certain site-related transportation improvements, including at the intersection of Alico Road/Three Oaks Parkway. The ultimate improvements will be based on the requirements of Chapter 10 of the Lee County Land Development Code and the project's subsequent site-related traffic impacts. Further, the Applicant, on behalf of the property owner, or any successor or assign, also agrees to include a disclosure statement on any resulting plats, and also in all documents for condominium, property owner and homeowner associations advising that all owners within the development will equitably share the cost of these improvements caused by the effect of the cumulatively-approved site/project development at the time the improvements are determined by the County to be necessary. Additionally, if approved by the Board of County Commissioners, a copy of the resulting executed zoning resolution and master concept plan must be recorded upon approval in the Public Records of Lee County, Florida, and indexed under the name of the current property owner as the grantor upon recording.
7. 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.
8. 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.

#### DEVIATIONS:

Deviation 1 seeks relief from LDC §10-329(d)(1)a.2. requiring a 50-foot setback from road right-of-way and private property lines for water retention excavation, to allow a 25-foot setback. Staff recommends approval of this request.

Deviation (2) seeks relief from LDC §30-153(2)a.4. requiring 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 recommended for APPROVAL with the condition that the identification signs are placed and constructed in accordance with LDC §30-93, visibility triangle safe sight distance requirements.

LEE COUNTY  
HEARING EXAMINER  
2019 DEC 16 PM 3:55

ZONED: CPD (ALICO CROSSROADS CENTER CPD)  
FLU: INDUSTRIAL COMMERCIAL INTERCHANGE  
UNDEVELOPED

ZONED: CPD (ALICO  
CROSSROADS CENTER)  
FLU: INDUSTRIAL  
COMMERCIAL INTERCHANGE  
UNDEVELOPED

PRESERVE  
(2.55 AC.)

PROPERTY BOUNDARY

25' MINIMUM  
SETBACK

WATER  
MANAGEMENT

ZONED: AG-2 AND CPD (ALICO ROAD BILLBOARD)  
FLU: INDUSTRIAL COMMERCIAL INTERCHANGE  
INTERSTATE ENTRANCE AND EXIT RAMP

15' WIDE TYPE 'D'  
LANDSCAPE  
BUFFER

PARCEL A  
(C/R)

PARCEL B  
(C)

PARCEL C  
(C,  
HOTEL/MOTEL)

ZONED: AG-2  
FLU: INDUSTRIAL COMMERCIAL INTERCHANGE  
INTERSTATE ENTRANCE AND EXIT RAMP

INTERSTATE 75

THREE OAKS PARKWAY (LOCAL: (FUTURE) ARTERIAL)

ZONED: MPD (THREE OAKS MARKETPLACE)  
FLU: INDUSTRIAL COMMERCIAL INTERCHANGE  
UNDEVELOPED

20' WIDE TYPE 'D'  
LANDSCAPE BUFFER

20' WIDE TYPE 'D'  
LANDSCAPE BUFFER

ALICO ROAD (ARTERIAL)

#### SITE SUMMARY

PLAN DESIGNATION: GENERAL INTERCHANGE  
EXISTING ZONING: VINTAGE COMMERCE CENTER CPD  
PROPOSED ZONING: VINTAGE COMMERCE CENTER CPD  
EXISTING LAND USE: UNDEVELOPED  
GROSS AREA: ± 33.95  
STRAP NUMBER: 03-46-25-00-00001.1100, 03-46-25-00-00001.1090  
STREET ADDRESS: 9401 ALICO ROAD, FT MYERS, FL

#### PROPERTY DEVELOPMENT REGULATIONS

COMMERCIAL / RETAIL / LIGHT INDUSTRIAL (C): 350,000 SF (THIS CAN BE  
COMPRISED OF A COMBINATION OF ALL USES)\*\*  
HOTEL/MOTEL: 300 ROOMS  
MULTI-FAMILY RESIDENTIAL (R): 308 UNITS  
\*\*SUBJECT TO ZONING RESOLUTION

#### MINIMUM AREA DIMENSIONS:

LOT SIZE 10,000 SQUARE FEET  
LOT DEPTH 100 FEET  
LOT WIDTH 100 FEET

#### MINIMUM SETBACKS:

STREETS INTERNAL OR EXTERNAL: 25 FEET  
SIDE: 15 FEET  
REAR: 20 FEET  
WATERBODY: 25 FEET  
MAXIMUM BUILDING HEIGHT: 85 FEET  
MAXIMUM LOT COVERAGE: 45 PERCENT  
MINIMUM INDIGENOUS PRESERVE: 5.1 ACRES (10.18 ACRES x 0.5). A  
MINIMUM OF 2.55± ACRES SHALL BE  
PRESERVED ON-SITE, THE  
REMAINING 2.55± ACRES SHALL BE  
PRESERVED THROUGH OFF-SITE  
MITIGATION.

MINIMUM OPEN SPACE: A MINIMUM OF 30% (33.95 AC. X 0.30 = 10.18±  
ACRES) OF GENERAL OPEN SPACE MUST BE PROVIDED WITHIN THE  
OVERALL DEVELOPMENT SITE IF DEVELOPED WITH ALL NON-RESIDENTIAL  
USES. IF RESIDENTIAL IS DEVELOPED, A MINIMUM 40% (14 AC. X 0.40 = 5.6±  
ACRES) OPEN SPACE MUST BE PROVIDED AT TIME OF D.O. FOR THE  
RESIDENTIAL USE. EACH DEVELOPMENT TRACT MAY CONTAIN A MINIMUM  
OF 10 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. A 35%  
REDUCTION IN OPEN SPACE MAY BE TAKEN IF PROJECT UTILIZES PINE  
ISLAND TDU'S CONSISTENT WITH LDC 2-152(c)(1)b.

#### SCHEDULE OF DEVIATIONS

- RELIEF FROM THE 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.
- 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.

#### PROJECT NOTES

- WATER MANAGEMENT AREAS ARE  
CONCEPTUAL IN NATURE AND WILL BE  
DEVELOPED CONSISTENT WITH ERP AND  
SHOWN IN MORE DETAIL AT THE TIME OF  
DEVELOPMENT (D.O.) UNDER APPROVAL.
- THE DEVELOPER INTENDS TO PURCHASE  
OFFSITE TDUs TO ACCOUNT FOR 2.55  
ACRES OF ONSITE INDIGENOUS  
PRESERVE REQUIREMENTS.
- ULTIMATE OUTPARCEL CONFIGURATION  
AND ACCESS POINTS TO BE DETERMINED  
AT THE TIME OF D.O. MCP WILL COMPLY  
WITH LDC SECTIONS 34-411(e) AND 10-442  
AS APPLICABLE FOR TRANSIT FACILITIES  
AT THE TIME OF D.O. APPROVAL.

\* HOTEL/MOTEL COULD BE A USE ON ANY OUTPARCEL.

#### LEGEND

#	DEVIATION	(C)	COMMERCIAL
...	PRESERVE	(C/R)	COMMERCIAL/ RESIDENTIAL

Revision	Date	Description	By
6	11/2019	REVISED DEVIATIONS #1 AND #3, REQUESTED BY STAFF	S.U.
6	11/2019	REVISED TO REMOVE ALICO ROAD ACCESS	S.U.
5	10/2019	REVISED PROPERTY DEVELOPMENT REGULATIONS	S.U.
4	10/2019	REVISED PROPERTY DEVELOPMENT REGULATIONS	S.U.
3	06/2019	REVISED PER REVIEW #3 COMMENTS	S.U.
2	03/2019	REVISED PER REVIEW #2 COMMENTS	S.U.
1	01/2019	REVISED PER REVIEW #1 COMMENTS	S.U.

DESIGNED BY:	O.G.M.A.
DRAWN BY:	D.C.R.
APPROVED:	D.W.A.
JOB CODE:	CRMALPD
SCALE:	1" = 100'

**GradyMinor**

Civil Engineers • Land Surveyors • Planners • Landscape Architects  
Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151  
Bouita Springs: 239.947.1144 www.GradyMinor.com Fort Myers: 239.690.4380

O. Grady Minor and Associates, P.A.  
3800 Via Del Rey  
Bonita Springs, Florida 34134

VINTAGE COMMERCE CENTER CPD

MASTER CONCEPT PLAN

MUNICIPALITY:  
LEE COUNTY  
SEC/TWNSHIP/RNG  
03/465/25E  
DATE:  
NOVEMBER 21, 2019  
SUBMITTAL TYPE:  
PD AMENDMENT  
SHEET 1 OF 1



LEE COUNTY  
HEARING EXAMINERLee County, Florida  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
ZONING SECTION  
STAFF REPORT

NOV -8 PM 4:18

**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.

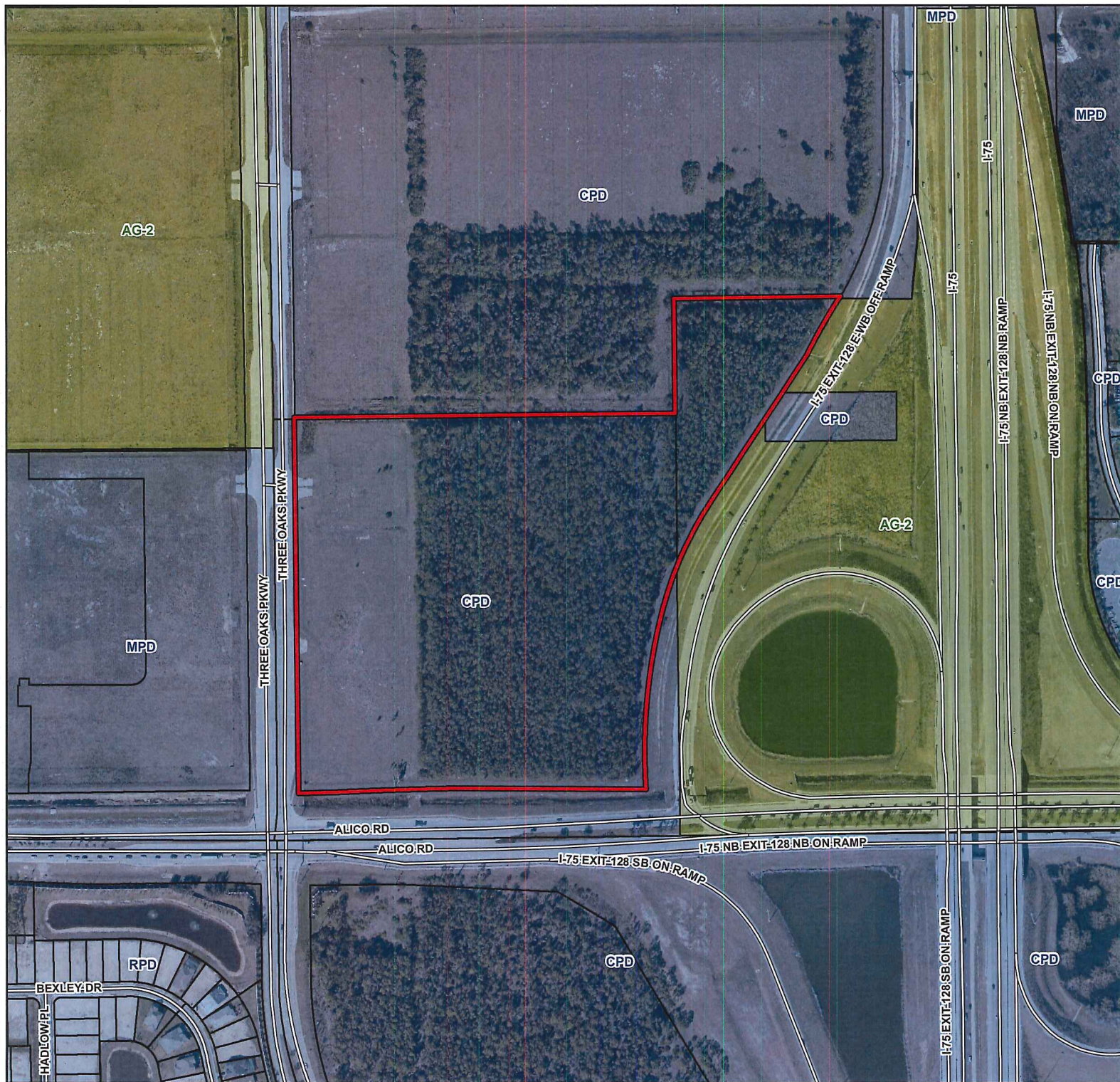
Marcus Evans; Engineer, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

- 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

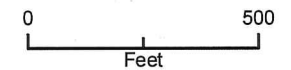
ATTACHMENT B



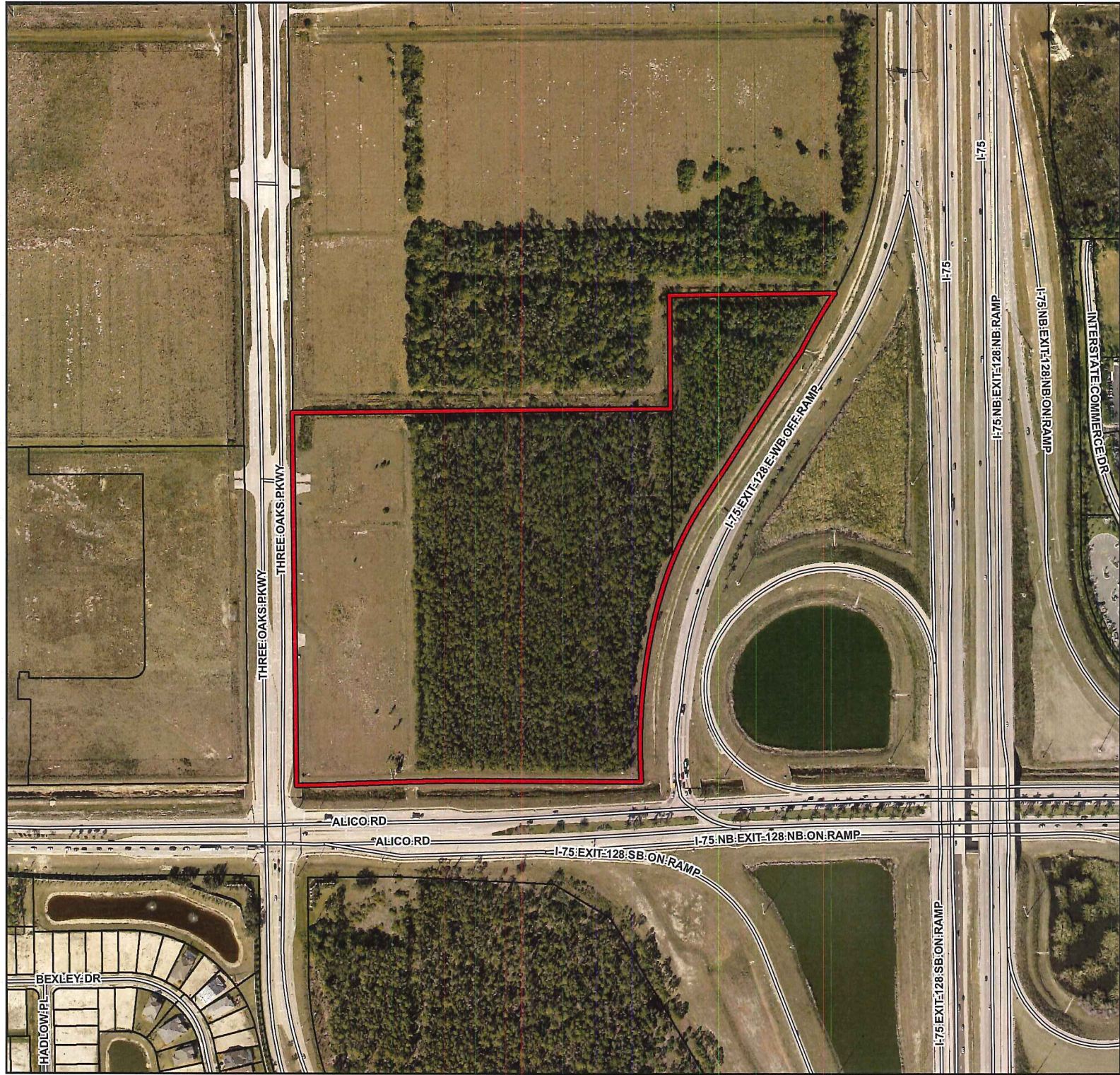
# DCI2018-10022 Future Land Use

## 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.

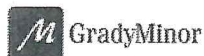
The applicant has suggested a condition of the zoning requiring the PD to maintain a minimum density of 8 du/ac consistent with Table 1(a) of the Lee Plan. The proposed CPD amendment includes residential uses that may exceed 14 du/ac through the use of the Pine Island Bonus Density provisions, as provided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

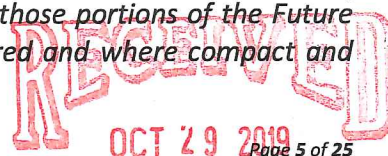
**The acreage allocation table will need to be modified to reflect that there will be an additional 14± acres of land added to the General Interchange FLU Category in the Airport/Gateway Planning Community. This is an amendment necessary to reflect the FLU Map amendment re-designating the 34± acres from 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*

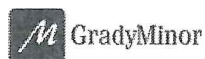
*Noise Zone B as indicated on the Future Land Use Map, except for residences in the Industrial*

*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.**

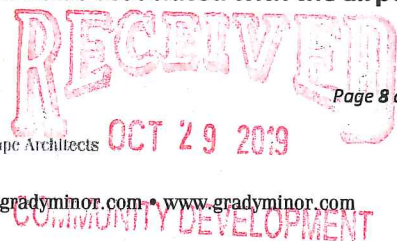
October 14, 2019  
Request Statement-rev5.docx



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](mailto:engineering@gradyminor.com) • [www.gradyminor.com](http://www.gradyminor.com)



Page 8 of 25

**DCI 2018-10022**

## Vintage Commerce Center CPD

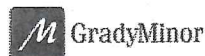
### Request Statement

**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 10000

## 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:*

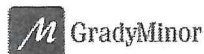
- *Have adequate on-site parking.*
- *Have access to the existing or planned public road system except where other public policy would prevent such access.*
- *Fund all private access and intersection work and mitigate all site-related impacts on the public road system; this mitigation is not eligible 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](mailto:engineering@gradyminor.com) • [www.gradyminor.com](http://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;



## 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](mailto:engineering@gradyminor.com) • [www.gradyminor.com](http://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](mailto:engineering@gradyminor.com) • [www.gradyminor.com](http://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.

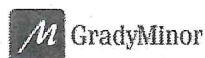
**A South Florida Water Management District permit will be obtained meeting the current design standards and requirements.**

**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



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

**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



## 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.



## 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