

Summary of Hearing Examiner Recommendation

ALICO CROSSING MPD

The request constitutes infill development in an area with a variety of land uses. The introduction of multi-family residential uses within the General Interchange expands housing options.

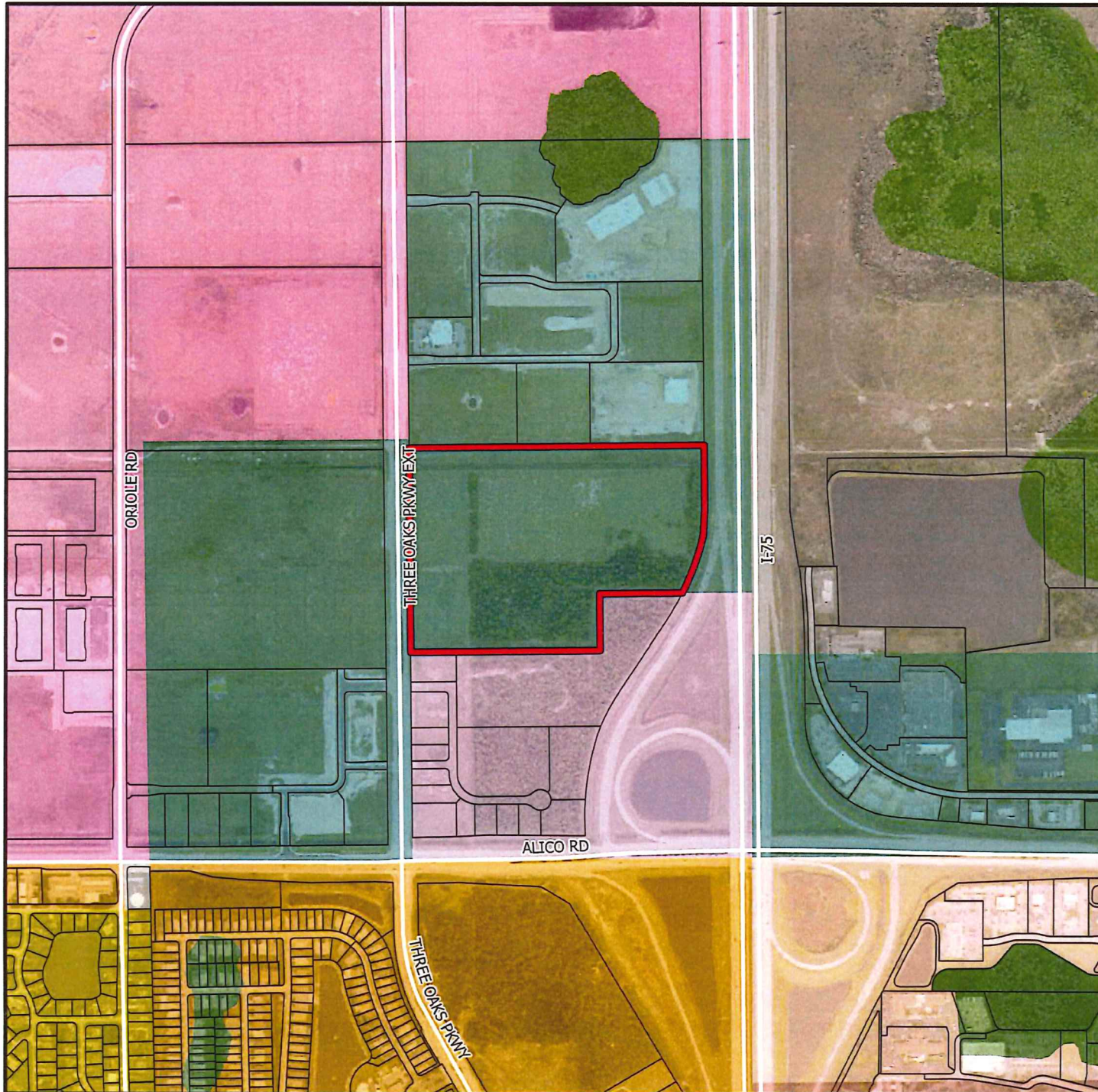
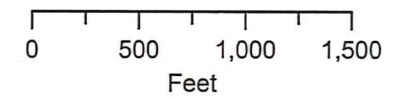
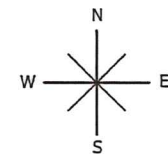
Staff and the Hearing Examiner do not support the requested parking deviation for the multifamily component of the project.

Detailed recommendation follows.

DCI2022-00005

Future Land Use

-  Subject Property
-  Urban Community
-  Suburban
-  Industrial
-  Public Facilities
-  University Community
-  General Interchange
-  University Village Interchange
-  Industrial Commercial Interchange
-  Tradeport
-  Wetlands

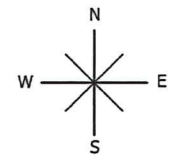




DCI2022-00005

Aerial

 Subject Property



0 500 1,000 1,500
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2022-00005

Regarding: **ALICO CROSSING MPD**

Location: 16541 Three Oaks Park
Gateway/Airport Planning Community
(District #2)

Hearing Date: **April 27, 2023**

I. Request

Rezone 46.7 acres from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) to allow 475 residential units, 200,000 square feet of commercial floor area, and 250 hotel rooms.

Applicant requests deviations to address FAA guidelines in the Airport Wildlife Hazard Protection Zone and a deviation to reduce parking requirements for the residential use.

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approve, subject to conditions and deviations in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.¹ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone 46.7 acres to the Mixed Use Planned Development District.

In preparing a recommendation to the Board, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), Land Development Code (LDC), and other County regulations to facts adduced at hearing. The Hearing Examiner

¹ LDC §34-145(d)(4) a.

may take judicial notice of prior zoning decisions.² The record must contain substantial competent evidence to support the recommendation.

Discussion supporting the Hearing Examiner's recommendation of approval with conditions follows below.

Request

The request seeks to rezone 46.7 acres to the Mixed Use Planned Development District (MPD) to develop up to 475 dwellings, 200,000 square feet retail/office commercial, and 250 hotel rooms.

The request includes alternate Master Concept Plans (MCPs) featuring two development scenarios.

Both MCPs depict:

- (1) A single access to Three Oaks Parkway.
- (2) Connections to a reverse frontage road connecting properties north and south.
- (3) Commercial land uses abutting Three Oaks Parkway.
- (4) Open space tract along the southwest boundary of the site.

MCP Alternate A accommodates 475 multi-family units on 37.2 acres, 200,000 square feet commercial, and 250 hotel units. The site plan locates commercial and hotel uses along Three Oaks Parkway and residential to the east. A large water retention pond lies between the residential tract and the interstate.

MCP Alternate B accommodates 475 multi-family units on 30.5 acres, 200,000 square feet commercial, and 250 hotel units. A residential tract separates development areas slated for commercial and hotel uses along Three Oaks Parkway and the interstate.

The request includes four deviations from LDC criteria. Building heights will not exceed 75 feet for commercial office uses, 35 feet for retail uses, and 55 feet for residential buildings.³

Staff recommended approval with conditions.

Character of Area

The property lies in the Gateway/Airport Planning District north of Alico Road, and west of the Interstate. The area is characterized by ongoing development activity.⁴

² Lee County Administrative Code AC 2-6, 2.3D(4)(b).

³ LDC §§34-935(d), 34-2175(b)(4).

⁴ Lee Plan Policy 1.1.1.

The subject property is zoned Commercial Planned Development (CPD) with entitlements to develop retail, office, and hotel uses. Most property north of Alico Road has development entitlements for hotels, light industrial and commercial uses.

The request adds multifamily residential to the array of land uses permitted on the site. Multifamily residential development is underway across Three Oaks Parkway from the property.

History

The site is vacant and zoned CPD with frontage on the northern extension of Three Oaks Parkway. Existing CPD zoning approvals date back to 2003.⁵ Approved development parameters currently permit 300,000 square feet commercial retail, 51,000 square feet office, and 125 hotel rooms.⁶

Lee Plan

Planned developments must be consistent with the Lee Plan.⁷

The property lies within the General Interchange future land use category in the northwest quadrant of the Alico Road/I-75 Interchange.⁸ General Interchange areas are intended for a broad range of land uses including uses that expand the County's economic base.⁹ Pursuant to recent amendments to the Lee Plan, the General Interchange category permits residential land uses. Multifamily residential is permissible at densities ranging from eight to 14 units per acre. Maximum densities may be as high as 22 dwelling units per acre.¹⁰

The Economic Element of the Lee Plan encourages industrial and commercial uses to expand the County's economic base.¹¹ The proposed commercial/industrial uses contribute to a positive business climate and creates additional employment opportunities.¹² The Lee Plan also encourages development of a diverse mix of housing.¹³

The Airport/Gateway Planning District is developing with commercial and industrial land uses. Mixed use development is ideal at this location given the proximity of

⁵ Z-03-017.

⁶ Zoning approvals allow for conversion of approved square footage for additional retail and hotel rooms with limitations.

⁷ LDC 34-411(a).

⁸ Lee Plan Objective 1.3, Policies 1.1.7, 1.3.4; Lee Plan Map 1, page 1 or 8.

⁹ Lee Plan Policies 1.3.1, 1.3.2, 158.3.5.

¹⁰ *Id.* General Interchange areas may be the recipient of transfer of development rights from wetlands and the Southeast Lee County planning district. Lee Plan Policies 33.3.2, 124.1.1, 124.2.2.

¹¹ Lee Plan Objectives 158.3, 158.4, Policy 158.3.2.

¹² Lee Plan Goal 158 Objective 158.3 and Policy 158.3.5; *see also*, Lee Plan Table 1(b).

¹³ Lee Plan Policies 135.1.9, 158.1.9.

major transportation corridors, employment, and shopping centers.¹⁴ The site has access to public services and infrastructure including public water and sanitary sewer, paved roads, and police, fire, and emergency medical services.¹⁵

Compatibility

One of the purposes of “planned development” zoning is to integrate new development with surrounding land uses, providing consistency and visual harmony.¹⁶ The Lee Plan encourages compact and contiguous development patterns in areas with services and infrastructure to support new development.¹⁷ The plan of development includes commercial, hotel, and residential land uses. Commercial uses are appropriate when compatible with surrounding development.¹⁸ Surrounding lands feature residential, commercial, and industrial land uses. The site constitutes infill development consistent with existing development patterns.¹⁹

A portion of the property lies within the Airport Noise Zone Overlay and subject to airport related noise.²⁰ Construction within Airport Noise Zone C requires public disclosure of the potential for noise incidental to airport operations.²¹ Airport proximity prompts deviations to reduce wildlife attractants hazardous to air navigation.²²

LDC

A planned development zoning district is appropriate because the request meets the definition of Development of County Impact.²³ Planned development zoning

¹⁴ Lee Plan Goal 11, Objectives 2.1, 2.2, 11.1, Policies 2.2.1, 2.2.2, 6.1.4 LDC §34-413.

¹⁵ Lee Plan Policies 2.2.1, 2.2.2, 6.1.1, 6.1.3, LDC 34-411(i) and (j). Potable water service will be provided by Green Meadows Water Treatment Plant. Sanitary sewer service provided by Three Oaks Water Reclamation Facility. The site has access paved roadways. The closest transit route is Lee Plan Route 60 with stops approximately a half mile south on Alico Road.

¹⁶ Another purpose is to provide flexibility in development design. LDC §34-612(2).

¹⁷ Lee Plan Objectives 2.1, 2.2, Policies 2.2.1, 5.1.3.

¹⁸ Lee Plan Policy 6.1.4.

¹⁹ Lee Plan Policies 5.1.3, 6.1.7. The zoning request is consistent with emerging development patterns in the area. See Lee Plan Glossary definition - infill. Proposed multifamily residential uses expands housing options on the Alico Road corridor. Lee Plan Goals 5, 11, 135, 158, Objective 135.1.

²⁰ Specifically, Airport Noise Zone C. Lee Plan Objective 1.6, Policy 1.6.1, Lee Plan Map 1, page 5 of 7; LDC Appendix C – Map 1: SWFIA Airport Noise Zone Map.

²¹ LDC §§34-1104(a)(3), 34-1104(b).

²² Lee Plan Objective 47.2, Policies 47.2.1, 47.2.2, LDC 34-1110(a)(8) and (9). See requested deviations from excavation bank slopes and littoral plantings.

²³ LDC 34-2: Development of County Impact means development that may have a substantial effect upon the health, safety, and welfare of the citizens of the County or upon its natural resources. See also 34-341(a). Lee Plan Policies 2.1.1, 5.1.1; LDC §34-612(2). The planned development district affords flexibility in site design.

integrates new development with surrounding land uses.²⁴ Planned developments further the goals of the Lee Plan while providing flexibility in planning and design.²⁵

Development must comply with County land development regulations or seek deviations. The request seeks three deviations from the LDC.²⁶ “Deviations” are departures from land development regulations.²⁷ Applicants must demonstrate each deviation enhances the planned development and will not cause a detriment to the public.²⁸

Requested deviations seek relief from code required excavation bank slopes, littoral plantings, and parking. Applicant offered testimony/evidence in support of each deviation.²⁹ Staff recommended approval of bank slope and littoral planting deviations but denial of the parking deviation. The Hearing Examiner agrees with staff’s recommendation, finding only two of the three deviations meet LDC approval criteria.³⁰

Disputed Parking Deviation

The LDC requires: (1) two parking spaces per multifamily unit, (2) 10% additional parking spaces to accommodate guests, and (3) four spaces for every 1,000 square feet of clubhouse. The code allows for up to a 10% reduction in parking for non-residential land uses but does not offer relief to residential development.³¹ Hence, Applicant requests a deviation from parking standards for multifamily development.

Applicant proposes 1.75 parking spaces per multifamily unit and no parking for guests or the clubhouse.³² The requested deviation reduces required parking by

²⁴ LDC §34-612(2).

²⁵ LDC §§34-411(a), 34-612(2); Planned developments must be consistent with the Lee Plan. Lee Plan Policy 2.1.2.

²⁶ Applicant withdrew a fourth deviation at hearing. The parties agreed the withdrawn deviation was duplicative.

²⁷ LDC §34-2.

²⁸ LDC §34-373(a)(9).

²⁹ LDC §34-377(a)(4).

³⁰ The Hearing Examiner may recommend approval, approval with modifications or denial of requested deviations based upon findings that a deviation (1) enhances the planned development and, (2) preserves/promotes public health, safety, and welfare. LDC §34-377(a)(4).

³¹ LDC §34-2020(c).

³² This amounts to eliminating approximately 80 spaces for the clubhouse and 95 spaces for guests of project residents. Testimony at hearing asserted many residents walk to the clubhouse, eliminating need for the code driven parking requirement for the clubhouse. In the alternative, Applicant posited that only non-amenity areas of the clubhouse should provide parking stating again that residents can walk.

more than 25%.³³ Applicant offered no testimony on how the 25% reduction in parking protects public health safety and welfare.³⁴

In support of the deviation Applicant offered (1) examples of code parking requirements from 11 counties and (2) a survey of six apartment communities in southwest Florida.³⁵ The examples show Lee County imposes among the highest parking requirements of the counties offered as comparison. The examples were metropolitan counties with expansive transit systems.³⁶ Areas served by established transit networks facilitate access to employment and other services without an automobile. Lee County is not similar to the counties offers as comparison in this respect.

The survey of six apartment complexes demonstrated wide swings in parking rates for similar sized projects, diminishing the usefulness of the data.³⁷

County has administratively approved a 2% reduction in clubhouse parking in the past.³⁸ There is no history of deviations from resident and guest parking requirements.

Applicant's request for a 25% reduction in project parking far exceeds even the 10% reduction permitted for commercial developments. An LDC amendment is necessary to authorize parking deviations to this degree. Absent comprehensive study, it is not reasonable to conclude the requested reduction protects public health, safety, and welfare.

³³ A multifamily project with 475 units must provide 1045 spaces per code plus additional spaces to support a clubhouse. This number represents parking at a rate of 2.0 spaces per unit, plus 10% guest parking. Applicant testified at hearing the LDC requires an additional 80 parking spaces to support the project clubhouse as proposed. (Testimony of Dan DeLisi.) This brings code required parking to 1125 spaces. The deviation caps parking at 1.75 spaces per unit with no parking for guests or the clubhouse for a total of 831.25 spaces, a 26.1% reduction in required parking. Applicant testified the site plan would distribute the (reduced) spaces throughout the project including the clubhouse area.

³⁴ Applicant suggests less parking allows for the possibility of more green space, enhancing the planned development.

³⁵ Evidence included multifamily parking requirements for the following counties: Pinellas, Broward, Orange, Seminole, Miami-Dade, Hillsborough, Duval, Sarasota, Palm Beach, and Pasco.

³⁶ Miami-Dade, Broward, Palm Beach, Pinellas, Hillsborough, and Orange counties host the largest transit systems in the state with interconnections to metropolitan areas in Pasco, Manatee, Sarasota, and Seminole Counties. Lee County does not offer transit service on the same level as the metropolitan areas offered as examples, making it more likely residents will rely on automobiles.

³⁷ Applicant's transportation consultant surveyed six apartment projects in southwest Florida during the midnight hour to determine occupant parking usage. Observations at this hour do not reflect clubhouse parking usage or guest demand. At best, it reflects overnight guest demand on one night. It was noteworthy no apartment communities constructed by Stock Development were included among the six examples; Especially since Applicant PowerPoint referenced Stock's apartment portfolio of nine projects, four of which are located in southwest Florida.

³⁸ Testimony of Dirk Danley, AICP.

Environmental/Natural Resources

Requests to rezone property must not adversely affect environmentally critical/sensitive areas or natural resources.

The property was cleared to support agricultural activities that have been ongoing for decades.³⁹ The majority of the site is improved pasture. Remaining forested areas are infested with exotics.⁴⁰ The MCPs depict open space, buffers and preserve areas that will be enhanced/restored with native vegetation.⁴¹ Once removed, the property must remain free of exotic vegetation.⁴²

Transportation

Transportation studies concluded project traffic will not negatively impact surrounding roadways.⁴³ The proposed change from CPD to MPD introduces uses that reduce anticipated trips by 28%.⁴⁴ The property will be served by a single access to Three Oaks Parkway. Interior drives interconnect with adjacent development to the north and south.

No road improvements are necessary to accommodate projected trip generation. The project will pay its fair share of transportation impacts with road impact fees.⁴⁵ Developer must address site related improvements at the development order stage of development.⁴⁶

The median opening depicted on the MCP is contingent on County implementation of the Three Oaks Parkway Access Management Plan. Staff recommends conditions to govern driveway alignment and future contributions toward signalization of the intersection at the project entrance.⁴⁷

³⁹ Staff Report Attachment S.

⁴⁰ *Id.* Protected Species Assessment prepared by DexBender dated September 2021.

⁴¹ See MCP alternatives A and B. Lee Plan Goal 77, Objectives 77.3, 126.2, Policies 77.3.1, 123.2.9, 126.2.1. Applicant must provide 8.53 acres indigenous open space. The MCPs include a 4.60-acre indigenous preserve area. The preserve area consists of 3.51 acres existing indigenous vegetation and 1.09 acres restored indigenous. Staff Report Attachment S. The proposed Indigenous Restoration Plan details the restoration and preservation planting plans includes removal of exotic species and supplementing the area with native plantings.

⁴² Lee Plan Policies 123.2.9, 123.2.11.

⁴³ Testimony of Ted Treesh. Staff Report Attachment N.

⁴⁴ Staff Report Attachment D, Request Statement.

⁴⁵ Lee Plan Policies 38.1.1, 38.1.5. Staff Report Attachments N, O. Traffic Impact Statement prepared by TR Transportation Consultants, Inc., and Memorandum from Md Rakibul Alam, Senior Transportation Planner to Dirk Danley, Jr. Principal Planner dated March 21, 2023.

⁴⁶ Lee Plan Objective 39.1 and Policy 39.1.1.

⁴⁷ See Condition 7.

Public Services and Infrastructure

Public services are services, facilities, capital improvements, and infrastructure necessary to support development.⁴⁸ The Lee Plan requires an evaluation of public services during the rezoning process.⁴⁹

The property fronts Three Oaks Parkway, a County maintained arterial roadway with sidewalks.⁵⁰ Both MCP alternatives depict a single driveway to Three Oaks Parkway and a frontage road connecting to adjacent property to the north and south. Lee County Utilities has potable water and sanitary sewer infrastructure in place.⁵¹

The San Carlos Fire Control & Rescue Service District and Lee County EMS provide fire and emergency medical services to the area.⁵² The Lee County Sheriff provides law enforcement services.⁵³ Schools, parks, community facilities, shopping, and employment centers are within reasonable distances.⁵⁴

Development will be subject to impact fees for road, park, fire, school, and emergency medical services.⁵⁵

Conditions

The County must administer the zoning process so proposed land uses minimize adverse impacts on adjacent property and protect County resources.⁵⁶ Conditions must be plausibly related to the project's anticipated impacts, and pertinent to mitigating impacts to the public.⁵⁷ The MPD will be subject to conditions of approval designed to address impacts reasonably anticipated from development.⁵⁸

The Hearing Examiner revised wording of conditions/deviations to improve clarity.

⁴⁸ Public services and infrastructure available to serve the project will include public water and sewer (Lee County Utilities), paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools.

⁴⁹ Lee Plan Goal 95 and Policy 2.2.1.

⁵⁰ Lee Plan Map 3-D.

⁵¹ Staff Report Attachment R.

⁵² San Carlos Park Fire Control & Rescue Service District Station within .9 miles. Lee County EMS Station within 4.52 miles.

⁵³ Lee County Sheriff Office within 5 miles north of the property.

⁵⁴ Staff Report Attachment D.

⁵⁵ LDC Chapter 2, Article VI.

⁵⁶ Lee Plan Policies 5.1.5, 135.9.6; LDC 34-145(d)(4) a.2.(b), LDC §§34-377(a)(3), 34-411, and 34-932(c).

⁵⁷ LDC 34-932(b).

⁵⁸ LDC §§34-83(b)(4) a.3, 34-377(a)(2)c; Lee Plan Objectives 47.2, 77.3, Policies 5.1.5, 6.1.4, 47.2.1, 47.2.2, 77.3.1.

Public

Two members of the public attended the hearing and spoke in support of the project.

Conclusion

The Hearing Examiner recommends approval subject to conditions in Exhibit B. The Hearing Examiner finds the requested MPD district meets LDC criteria and, as conditioned, is compatible with surrounding development.⁵⁹

The Hearing Examiner revised conditions for clarity, and compliance with state law and has removed LDC references applicable by virtue of Condition 1.

IV. Findings and Conclusions

Based on the testimony and exhibits presented in the record, the Hearing Examiner finds:

- A. The requested Alico Crossings MPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 5, 6, 11, 77, 95, 125, 135, 158; Objectives 2.1, 4.1, 5.1, 6.1, 77.1, 77.2, 126.2, 135.1, and Policies 1.3.2, 1.6.5, 2.2.1, 5.1.1, 5.1.5, 5.1.6, 5.1.7, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7, 135.1.9, 135.9.6, Lee Plan Maps 1-A, 1-B, 1-E, 3-D, 4-A, 4-B, and Table 1(a).
- B. As conditioned, the MPD zoning designation:
 - 1. Is consistent with the Land Development Code or qualifies for deviations. LDC Chapters 2, 10, and 34.
 - 2. Is compatible with existing or planned uses in the surrounding area. Lee Plan Objectives 2.1, 2.2, and Policies 5.1.3, 6.1.4, 135.9.6; LDC 34-411, 34-413.
 - 3. Provides sufficient road access to support proposed development intensity. Lee Plan Policy 6.1.5.
 - 4. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 38.1.1, 38.1.5, 39.1.1; LDC 2-261 *et seq.*, 34-411(d) and (e).
 - 5. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 77, 125, Objectives 77.3, 126.2, Policies 6.1.6, 77.3.1, 126.2.1, and Standard 4.1.4.

⁵⁹ Lee Plan Policy 6.1.4.

- 6. Public services and infrastructure will be available to serve the development. Goals 2, 4, 95, Objectives 2.1, 2.2, 4.1, Policy 2.2.1, Standards 4.1.1, 4.1.2.
- C. The proposed uses are appropriate at the location. Lee Plan Goals 2, 5, 6, 11; Objectives 2.1, 2.2, 135.1, Policies 2.1.1, 2.1.2, 5.1.3, 6.1.7, 6.1.8, 135.1.9, 135.9.6.
- D. The County regulations and recommended conditions provide sufficient safeguards to protect the public interest and relate to impacts expected from the proposed development. Lee Plan Objectives 47.2, 77.3, Policies 5.1.5, 6.1.4, 47.2.1, 47.2.2, 77.3.1, 123.2.9, 135.9.6; LDC 34-377(a)(3), 34-411 and 34-932(c). Objective 47.2, Policy 47.2.1, 47.2.2.
- E. Deviations recommended for approval enhance the planned development and preserve public health, safety, and welfare. LDC 34-373(a)(9), 34-377(a)(4).

Recommendation dated: May 8, 2023.



Donna Marie Collins
Chief Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

Exhibit A

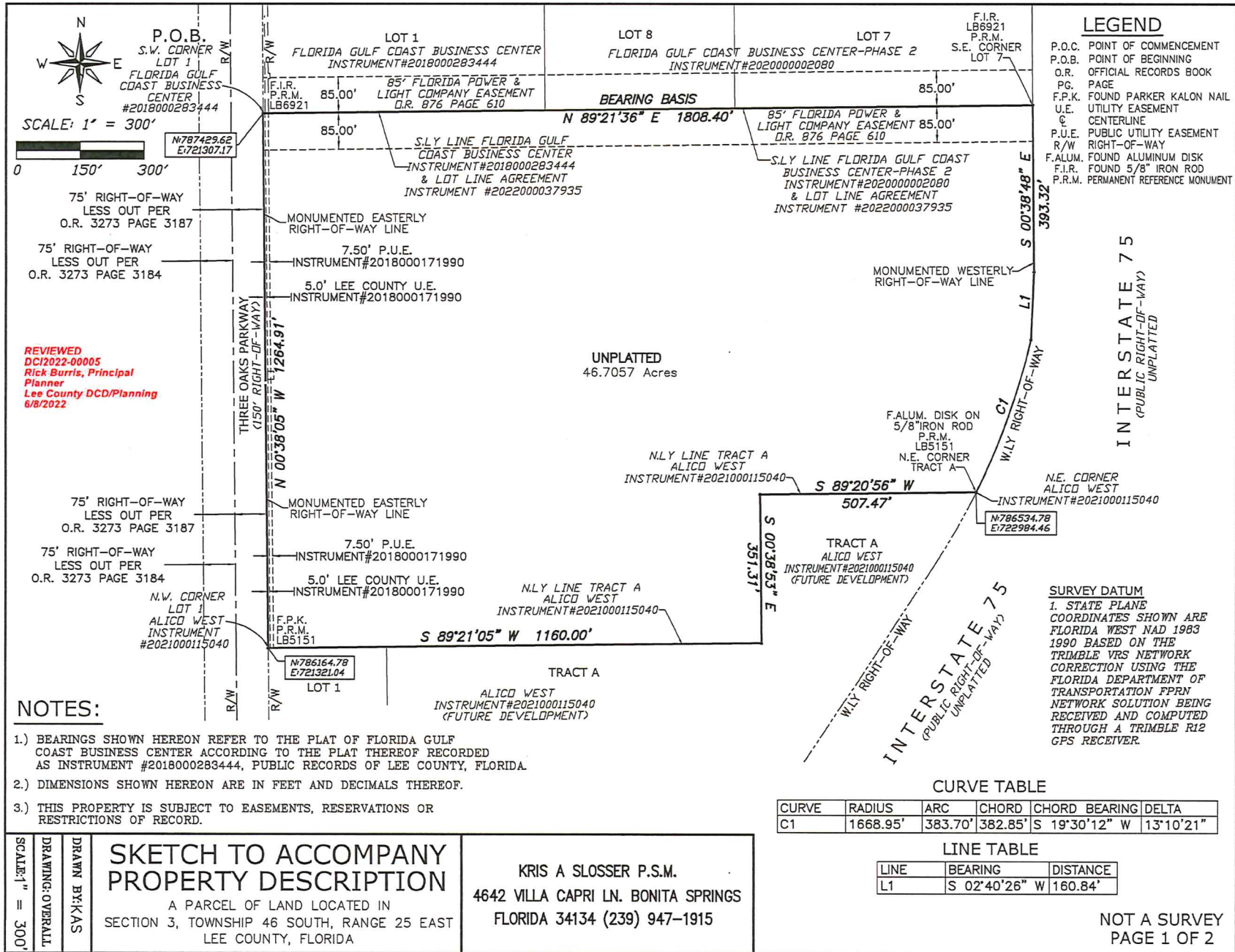


EXHIBIT A

OVERALL PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, FLORIDA GULF COAST BUSINESS CENTER, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT #2018000283444, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, A POINT ON THE OCCUPIED EASTERLY RIGHT-OF-WAY LINE OF THREE OAKS PARKWAY (150 FOOT WIDE) ACCORDING TO SAID PLAT OF FLORIDA GULF COAST BUSINESS CENTER AND THE BEGINNING OF A LOT LINE AGREEMENT AS DESCRIBED IN INSTRUMENT #2022000037935 PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N 89°21'36" E ALONG SAID LOT LINE AGREEMENT AND THE SOUTH LINE OF SAID FLORIDA GULF COAST BUSINESS CENTER FOR A DISTANCE OF 1808.40 FEET TO THE SOUTHEAST CORNER OF LOT 7, FLORIDA GULF COAST BUSINESS CENTER-PHASE 2, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT #2020000002080 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, A POINT ON THE OCCUPIED WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 (WIDTH VARIES) AS SHOWN ON SAID PLAT OF FLORIDA GULF COAST BUSINESS CENTER-PHASE 2 AND THE END OF SAID LOT LINE AGREEMENT; THENCE S 00°38'48" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 393.32 FEET; THENCE S 02°40'26" W ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 160.84 FEET TO THE BEGINNING OF A NON-TANGENTIAL CIRCULAR CURVE CONCAVE WESTERLY; THENCE RUN SOUTHWESTERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND THE ARC OF SAID CURVE TO THE RIGHT HAVING A RADIUS OF 1668.95 FEET THROUGH A CENTRAL ANGLE OF 13°10'21", SUBTENDED BY A CHORD OF 382.85 FEET AT A BEARING OF S 19°30'12" W FOR A DISTANCE OF 383.70 FEET TO THE NORTHEAST CORNER OF TRACT "A", ALICO WEST, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT NUMBER 2021000115040 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S 89°20'56" W ALONG SAID TRACT "A" FOR A DISTANCE OF 507.47 FEET; THENCE S 00°38'53" E ALONG SAID TRACT "A" FOR A DISTANCE OF 351.31 FEET; THENCE S 89°21'05" W ALONG SAID TRACT "A" FOR A DISTANCE OF 1160.00 FEET TO THE NORTHWEST CORNER OF LOT 1 OF SAID PLAT OF ALICO WEST AS RECORDED IN INSTRUMENT NUMBER 2021000115040 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID THREE OAKS PARKWAY(150 FOOT WIDE) ACCORDING TO THE PLAT OF SAID ALICO WEST; THENCE N 00°38'05" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE A DISTANCE OF 1264.91 TO THE POINT OF BEGINNING.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF FLORIDA GULF COAST BUSINESS CENTER, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT #2018000283444, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS BEING N 89°21'36" E.

PARCEL CONTAINS 46.7057 ACRES MORE OR LESS



Digitally signed
by KRIS A
SLOSSER
Date:
2022.03.30
14:31:33 -04'00'

REVIEWED
DCI2022-00005
Rick Burris, Principal
Planner
Lee County DCD/Planning
6/8/2022

KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
SEE ATTACHED SKETCH

NOT A SURVEY
PAGE 2 OF 2

DRAWING: OVERALL

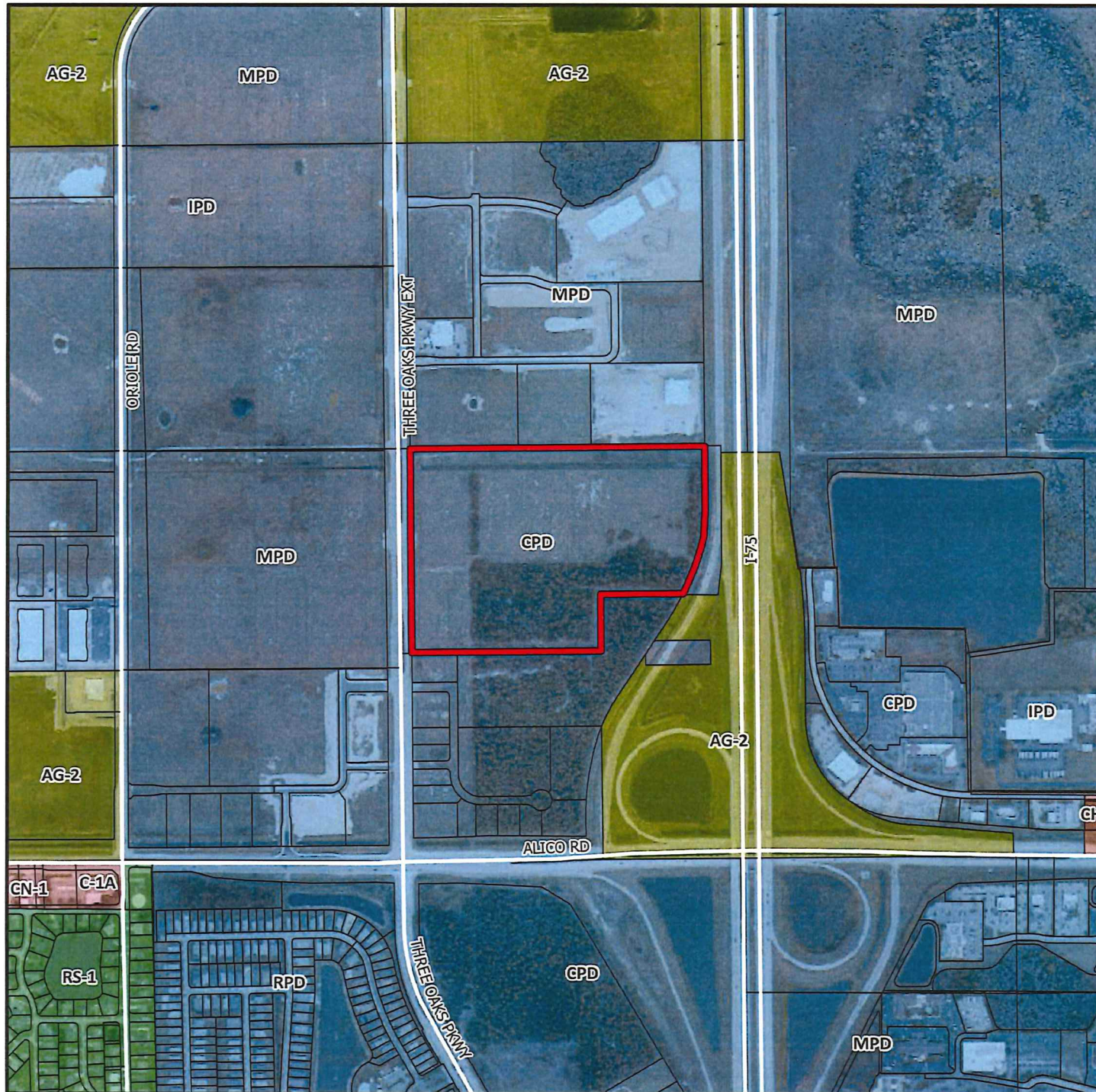
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OVERALL PARCEL PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN
SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

KRIS A SLOSSER P.S.M.

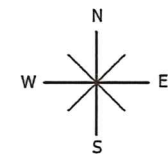
4642 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915



DCI2022-00005

Zoning

 Subject Property



0 500 1,000 1,500
Feet



Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. Master Concept Plan (MCP). Development must be consistent with the Master Concept Plans (MCPs) entitled "Alico Crossroads" prepared by DeLisi Fitzgerald, Inc., dated July 7, 2022, except as modified by conditions below. (MCP A - Exhibit B1, MCP B – Exhibit B2)

Compliance with Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC, except where deviations are approved herein. Changes to the MCP or conditions of approval may require further development approvals.

Approved Development Parameters. The project may construct up to 475 multifamily dwelling units, up to 200,000 square feet commercial uses, and a 250-room hotel/motel.

2. Permitted Uses and Property Development Regulations.

- a. Schedule of Uses

Residential Areas

Accessory Uses and Structures

Administrative Offices

Club, Private

Dwelling Unit:

Multiple-Family Building

Essential Services

Essential Service Facilities, Group I

Excavation: Water Retention and dry detention

Fences and Walls

Gates and Gatehouse

Home Occupation

Parking Lot: Accessory

Real Estate Sales Office

Recreational Facilities: Personal, Private On-site

Residential Accessory Uses

Signs

Temporary Uses

Commercial

Accessory Uses

Administrative Offices

ATM (automatic teller machine)
Auto Parts Store
Automobile repair and service, Groups I and II
Automotive service station
Banks and financial establishments, Groups I and II
Bar or cocktail lounge, accessory to Hotel/Motel and Restaurant use
Boats:
 Boat sales
Broadcast studio, commercial radio, and television
Building material sales
Business Services, Groups I and II
Car Wash, accessory to Convenience Food and Beverage Store or
 Automobile Service Station
Cleaning and maintenance services
Clothing stores, general
Computer and Data Processing Services
Convenience food and beverage store
Consumption on premises
Contractors and builders, Groups I and II
Day care center, adult, child
Department store
Drive-through facility for any permitted use
Drugstore, pharmacy
EMS, fire, or sheriff's station
Essential service facilities, Group I
Excavation, Water retention
Fences and Walls
Food and beverage service, limited.
Food stores, Groups I and II
Hardware store
Health care facility, Groups I, II, and III
Hobby, toy, and game shops
Hotel/motel
Household and office furnishings, Groups I, II, and III
Laundromat
Laundry or dry cleaning, Group I
Lawn and garden supply store
Library
Medical office
Non-store retailers, all groups
Package store
Paint, glass, and wallpaper
Parcel and express services

Parking lot:

- Accessory
- Commercial
- Garage, public parking
- Park-and-ride

Personal services, Groups I, II, III, and IV excluding escort services, palm readers, tattoo parlors, massage parlors, and steam and Turkish baths.

Pet services

Pet shop

Pharmacy

Post office

Recreation facilities, Commercial, Groups I and III

Rental or leasing establishments, Groups I, II, and III

Repair shops, Groups I and II

Research and development laboratories, Group II and IV

Restaurant, fast food

Restaurants, Groups I, II, III, and IV

Schools, commercial and non-commercial

Self-service fuel pumps

Signs

Social services, Group I

Specialty retail shop, Groups I, II, III, and IV

Storage, indoor

Studios

Supermarket

Used merchandise stores, Group I

Variety store

Vehicle and equipment dealers, Groups I, II, III

Warehouse:

- Mini warehouse

- Private

- Public

Wholesale establishment, Groups III and IV

b. Site Development Regulations

Lot Area and Dimensions

Minimum Lot Area	20,000 square feet
Minimum Lot Width	100 feet
Minimum Lot Depth	200 feet

Setbacks

Right-of-Way Setback	25 feet – Three Oaks Parkway
	20 feet – All other roads

Perimeter Setback	25 feet
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Side Yard Setback	10 feet
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Rear Yard Setback	20 feet
Waterbody Setback	20 feet
Preserve Setback	20 feet
Minimum Building Separation	
Commercial	½ sum of building height. Minimum 10 feet
Residential	35 feet
Maximum Building Height	
Commercial	75 feet (office) 35 feet (retail)
Residential	55 feet
Lot Coverage	45 Percent

3. Open Space Calculation

The first development order application must include plans depicting 17.25 acres open space consistent with the MCPs.

4. Wetland Restoration

The first development order application must include plans depicting 1.09 acres of restored wetlands and 4.60 acres of indigenous preserve area in substantial compliance with the MCPs A & B and consistent with the following breakdown:

Native Indigenous	3.51 Acres
Indigenous Restoration	1.09 Acres
Total Indigenous	4.60 Acres

5. Indigenous Restoration Plan

- a. The first development order application must include an indigenous management plan in compliance with the LDC.
- b. The first development order application must include a schedule for indigenous preservation and restoration to be completed within five consecutive years.
- c. The first development order application must include a map depicting the location of mechanical and hand-removal methods of exotic vegetation.
- d. The vegetation removal permit application must include survey point maps depicting preservation and restoration areas and mechanical clearing limits.

6. Enhanced Three Oaks Parkway Buffer

The site plans submitted with the first development order application must depict a 20-foot-wide Type D landscape buffer along the length of the west property line.

7. Three Oaks Parkway Access:

- a. The full median opening shown on the MCPs are contingent upon implementation of the Three Oaks Parkway Access Management Plan, once officially adopted, and future decisions made by the County regarding installation of a traffic signal, alteration, or elimination of the median opening. Project access must align with the access points outlined on the approved MCPs until the Board of County Commissioners adopt the Three Oaks Access Management Plan.
- b. If the County deems it necessary to install a traffic signal at this location, the developer or subsequent property owner's association will be responsible for a proportionate share of the total cost of the traffic signal improvement.

8. Notification of Potential Noise Impact

The following disclosures are intended to alert prospective property owners, developers, and residents that the property lies within Airport Noise Zone C and may be subject to noise created by and incidental to airport operations:

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 §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 §34-1104(b).

9. State and Federal Permits

County development permits do not create rights to obtain permits from state or federal agencies and do not create liability if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

DEVIATIONS

1. Excavation Bank Slopes. Deviation 1 seeks relief from LDC §10-329 (d)(4), which requires banks of excavations to be sloped at a ratio not greater than 6:1, to allow 4:1 ratio.

Hearing Examiner recommendation: Approved.

2. Withdrawn.

3. Planted Littoral Shelves. Deviation 3 seeks relief from LDC §10-418(2)d.3, which permits a maximum of 25 percent of the total number of herbaceous plants required within planted littoral shelves, at a rate of one tree (minimum ten-foot height; 2 inch caliper, with a four-foot spread) per 100 herbaceous plants, to allow wetland trees to be substituted for 100 percent of the required number of herbaceous plants.

Hearing Examiner recommendation: Approved.

4. Parking. Deviation from LDC §34-2020(a), which requires multi-family units to provide 2 spaces per unit plus an additional 10% for guest parking and an additional 4 spaces for every 1,000 square feet of clubhouse, to allow for a total parking requirement of 1.75 spaces per unit for the entire residential portion of the development including the clubhouse.

Hearing Examiner recommendation: Denied.

Exhibits to Conditions:

B1 MCP - A

B2 MCP - B

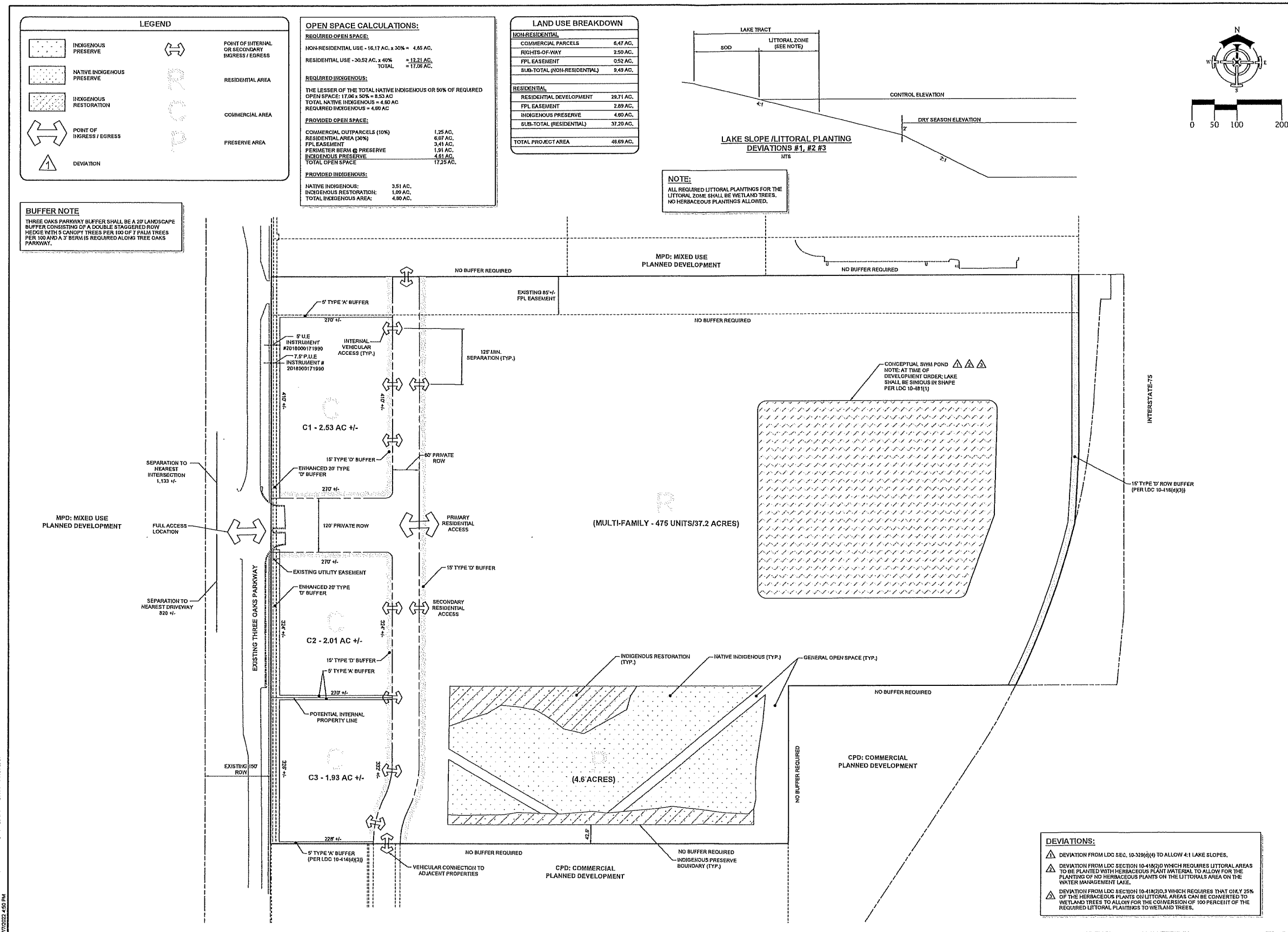
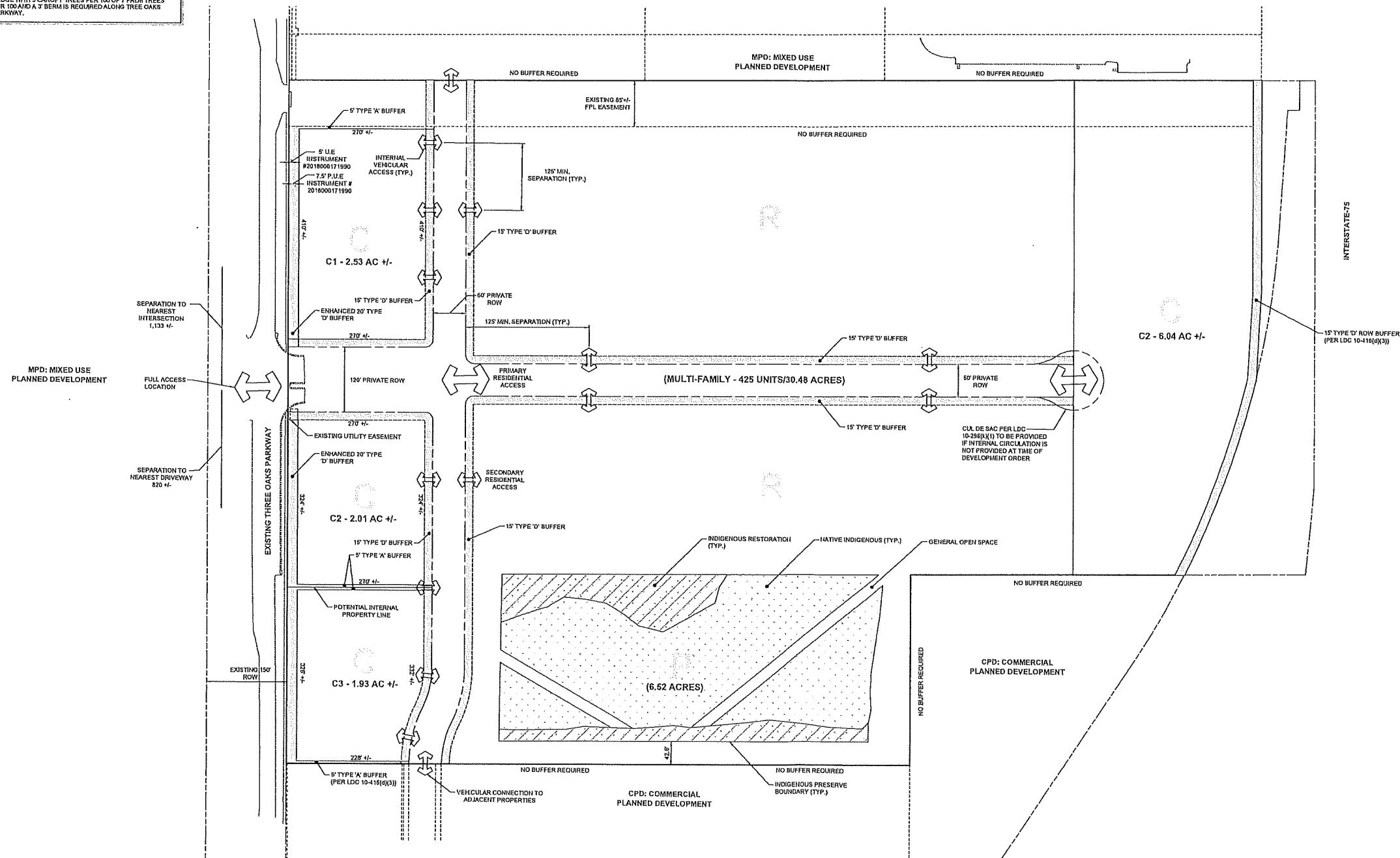
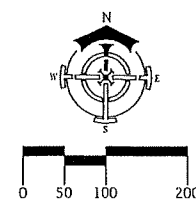


EXHIBIT B-1



DELISI FITZGERALD, INC.
Planning - Engineering - Project Management

1605 Hendry Street
Fort Myers, FL 33901
(239) 418-0681
(239) 418-0692 fax

Florida Certificate
of Authorization
Engineering ID #2878

ENGINEER OF RECORD:
JOHN T. WOIDAK, P.E. (FOR THE FIRM)
FLORIDA P.E. NO. 58217

OWNER / DEVELOPER:
STOCK DEVELOPMENT, LLC
2639 PROFESSIONAL CIRCLE, SUITE 302
NASHVILLE, TN 37203
(615) 292-7344

PROJECT:

ALICO CROSSROADS

[illegible]MASTER CONCEPT PLAN
B

Project Manager.	JTW
Drawn By.	JBC
Check Led By:	JTW
Project Number.	21570
Part of Section(s).	03
Township:	46 S Range.
County, State:	LEE COUNTY, FL

Status
FOR PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION

Sheet Number:	1
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EXHIBIT B2

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Dirk Danley, Jr., Principal Planner, date received April 12, 2023 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. *PowerPoint Presentation:* Prepared by DCD Staff, for Alico Crossing MPD, DCI2022-00005 (multiple pages – 8.5"x11") [color]
3. *Administrative Amendment:* ADD2022-00167, adopted 3/24/2023 by Anthony R. Rodriguez, AICP, CPM, Zoning Manager (3 double-sided pages – 8.5"x11" and 1 page – 11"x17")

APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email from Olga Ramos, to Hearing Examiner and Maria Perez, with copies to Neale Montgomery, Dan DeLisi, Gelder Keith, John Wojdak, Ted Treesh, Dirk Danley, Jr., and Marcus Evans, dated Tuesday, April 25, 2023, 8:36 AM (3 pages – 8.5"x11")
1. *PowerPoint Presentation:* Prepared for Alico Crossing MPD, DCI2022-00005 (multiple pages – 8.5"x11") [color]
2. *Appendix from Parking Study:* Land Use: 221 Multifamily Housing (Mid-Rise) (1 double-sided page – 8.5"x11")

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Dirk Danley, Jr.

Applicant Representatives:

1. Daniel DeLisi
2. Keith Gelder
3. Ted Treesh
4. John Wojdak

Public Participants:

1. Alan Freeman
2. Heather Goren

Exhibit E
INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

- A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.
- B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants is limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

- A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.
- B. A verbatim transcript may also be available for purchase from the court reporting service.