

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

WHEREAS, Quattrone & Associates, Inc., filed an application on behalf of the property owner, Gator Recreation Complex RLLP, to rezone a 7.1± acre parcel from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) in reference to Gator Recreation; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on April 6, 2023. Prior to commencing the case presentation on April 6, 2023, the parties agreed to continue the hearing. The Hearing Examiner continued the hearing until June 1, 2023. On June 1, 2023, the public hearing was held; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case # DCI2022-00024 and recommended approval of the Request; and

WHEREAS, a second public hearing was advertised and held on August 2, 2023 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 rezone a 7.1± acre parcel from CPD to MPD, to allow 90,000 square feet of commercial, office, and retail land uses, 70,000 square feet of commercial recreation, 250 hotel rooms, and 210 multi-family units, including 111 bonus density units.

The property is located in the Intensive 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 and Development Parameters

Master Concept Plan (MCP). Development must be consistent with the two-page MCP entitled "Gator Recreation Complex" received June 1, 2023, except as modified by conditions below. (Exhibit C)

Lee Plan and LDC. Development must comply with the Lee Plan and LDC, except where deviations are approved in this resolution. Changes to development parameters, conditions, or MCP may require further development approvals.

Approved Development Parameters. The Gator Recreation MPD is approved to develop 90,000 square feet of commercial, office and retail land uses, 70,000 square feet of commercial recreation land uses, 250 hotel rooms, and up to 210 multiple family dwelling units, including 111 bonus density units. Dwelling units are subject to Condition 6.

2. Schedule of Uses and Property Development Regulations

a. Schedule of Uses

Accessory uses and structures
Administrative offices
Animal clinic or kennel
ATM (Automatic Teller Machine)
Auto parts store (no installation)
Banks and financial establishments, All Groups
Bar or cocktail lounge
Business services, Group I
Cleaning and maintenance services
Clothes stores, general
Clubs:
 Commercial
 Fraternal
 Membership organization
 Private
Computer and data processing services
Consumption on premises
Contractors and builders, Group I
Cultural facilities
Department store
Drive through facility for any permitted use
Drug store
Dwelling unit: Multi-family building (subject to Conditions 4, 6)
Entrance gates and gatehouses
EMS, fire, or sheriff's station
Essential services
Essential service facilities, Group I
Excavation: Water retention
Fences, Walls
Food and beverage service limited
Food stores, All Groups
Gasoline dispensing system, special
Gift and souvenir shop
Hardware store
Health care facilities, Groups I, II & III
Hobby, toy, and game shops
Hotel (250 maximum rooming units)
Household and office furnishings, Groups I, II & III

Insurance companies
 Laundromat
 Laundry or dry cleaning, Groups I and II
 Medical office
 Motion picture production studio
 Nightclubs
 Non-store retailers, All Groups
 Package store
 Paint, glass, and wallpaper store
 Parking lot:
 Accessory
 Commercial
 Garage, public
 Park-and-ride
 Temporary
 Personal services, Groups I, II, III & IV (Excluding Steam or Turkish baths, Escort services, Palm readers, Fortunetellers or Card readers)
 Pet services
 Pharmacy
 Place of worship
 Post office
 Real estate sales office
 Recreational facilities, commercial, All Groups (excluding gun ranges)
 Restaurants, All Groups
 Restaurant, fast food
 Retail and wholesale ancillary to an approved use
 Signs
 Specialty retail shops, All Groups
 Storage, indoor
 Studios
 Temporary uses
 Theater, indoor
 Transportation services, Groups II, III & IV
 Used merchandise stores, All Groups
 Variety store
 Warehouse:
 Hybrid
 Mini
 Private
 Public
 Wholesale establishments, Groups I & III

b. Property Development Regulations

Minimum Lot Area and Dimensions

Lot Area:	0 feet
Lot Width:	0 feet
Lot Depth:	0 feet

Minimum Building Setbacks and Maximum Building Height

Street:	0 feet
Side:	0 feet
Rear:	0 feet

Maximum Building Heights:	
Mixed-Use Building	100 feet
Commercial & Residential Building	135 feet
Parking Garages	50 or 60 feet, as noted on MCP

3. Open Space

Development order plans must depict 20 percent or 1.42 acres of open space in substantial compliance with the MCP.

4. Transportation Impacts

Buildings with multi-family units may not be less than four habitable stories in accordance with ITE Land Use Code 221 (Multifamily Housing – Mid-Rise).

5. Parking Garage

In addition to LDC architectural requirements, the eastern facade of the parking garage (facing Ben C. Pratt/Six Mile Parkway) and all building facades of the parking garage adjacent to Plantation Road must provide additional design treatments.

Design treatments may include a combination of landscaped trellises, opaque covers, and permanent landscaping or other features. The surface of exposed parking aisles/drives must be finished with specialty pavers or colored stamped concrete with nonreflective, matte surface. Final facade design is subject to the director's discretion, in meeting the objective to obscure view of multi-tier parking from the right-of-way.

6. Project Density

The MPD must be developed with not less than 50 dwelling units and may not exceed 99 standard units. Developer may obtain the right to develop an additional 57 dwelling units through either option under the Lee County Bonus Density Program. Developer may further increase project density by 54 units using Greater Pine Island Transferable Development Units, up to a project maximum of 210 dwelling units.

7. Water Quality Monitoring Plan

Development order application submittals must include a Water Quality Monitoring Plan for review by the Division of Natural Resources. The Water Quality Monitoring Plan must establish the following:

- a. Goals and Objectives of the Plan.
- b. Constituents to be monitored and an outfall monitoring schedule during wet season and dry season.

- c. Baseline monitoring event completed prior to commencement of construction.
 - d. Underground storm water chamber maintenance schedule with a requirement that maintenance records be submitted to the Division of Natural Resources.
 - e. Annual reporting schedule of water quality monitoring data to the Division of Natural Resources for a minimum of five years. The annual report must include a comparison of state water quality standards, plots of parameters, and recommendations. Developer must report monitoring results as an Electronic Data Deliverable (EDD), in a format approved by the Division of Natural Resources. After five years of meeting or exceeding state water quality standards, developer may file a written request to amend monitoring/reporting requirements subject to review and approval by the Division of Natural Resources.
 - f. A contingency plan in the event monitoring discloses an exceedance of state water quality standards. The contingency plan must include notification to impacted residents and applicable authorities.
8. Connection to County Property

The pedestrian and vehicular connections to County property depicted on the MCP are located outside the perimeter boundary of the subject property. Developer must obtain approval from Lee County Parks and Recreation and DOT to incorporate these connections. Lee County DOT may limit vehicular access to Plantation Road to a single access upon execution of a cross access agreement.

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 on the part of the County 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.

SECTION C. DEVIATIONS:

- 1. Perimeter Setbacks. Deviation (1) seeks relief from the LDC § 34-935(b)(1)b., requirement to provide varying setbacks from the development perimeter on building height, to allow perimeter setbacks that align with height and building locations on the MCP. This deviation is APPROVED, SUBJECT TO limited perimeter setbacks shown on the MCP. Further reductions to setbacks must be obtained through the public hearing process.

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

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. The proposed Gator Recreation MPD complies with the Lee Plan. Lee Plan Goals 2, 4, 5, 6, 11, 77, 159, Objectives 2.2, 5.1, 11.1, 11.2, 60.3, 77.2, Policies 1.1.2, 2.1.2, 5.1.2, 5.1.3, 5.1.6, 5.1.7, 6.1.3, 11.1.1, 11.1.2, 11.2.1, 11.2.2, 39.1.3, 39.2.1, Maps 1, 3-D, 4-A, and 4-B.
2. As conditioned, the MPD:
 - a. Meets the LDC and other county regulations or qualifies for deviations. LDC Chapters 2, 10, 30, 34.
 - b. Is compatible with existing and planned uses in the surrounding area. Lee Plan Policies 1.1.2, 2.1.2, 2.2.1, 6.1.3, 6.1.4, 6.1.7, 161. 2.2, 161.3.2, 161.4.3.
 - c. Provides access sufficient to support the proposed development intensity. Expected impacts on transportation facilities will be addressed by county regulations and conditions of approval. Lee Plan Objectives 11.2, 39.1, Policies 2.2.1, 6.1.1, 6.1.3, 6.1.5, 11.2.1, 39.1.1, 39.2.1; LDC §§ 34-411(d) and (e).
 - d. Will not adversely affect environmentally critical areas and natural resources. Lee Plan Goals 60, 77, Objectives 60.3, 60.4, 77.2, 77.3, Policies 61.2.4, 61.3.11, 77.3.1, 77.3.2, 77.3.5, Standard 4.1.4.
 - e. Will be served by public services including paved roads, potable water, sanitary sewer, urban surface water management, police, fire, and emergency services. Lee Plan Goals 2, 4, 5, 6, 11, 95, Objectives 2.1, 5.1, 6.1, 11.1, 158.3, Policies 2.2.1, 5.1.3, 6.1.4, 11.2, 39.1.3, 43.1.1, 43.1.3, Standards 4.1.1, 4.1.2 and Maps 4-A, 4-B; LDC § 34-411(d).
3. The proposed mix of uses is appropriate at the proposed location. Lee Plan Goals 2, 4, 5, 6, 11, 158, Objectives 2.1, 11.1, 11.2, 158.2, Policies 1.1.2, 2.1.1, 2.1.2, 5.1.2, 5.1.3, 5.1.4, 6.1.1, 6.1.2, 6.1.4, 6.1.7, 11.2.1, 39.1.3, 161.2.2, 161.3.2.
4. The recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. Further, recommended conditions reasonably relate to impacts expected from the proposed development. Lee Plan Goals 5, 6, 77, Policies 6.1.3, 77.3.2, 77.3.5; LDC §§ 34-377(a)(3), 34-411, 34-932.
5. As conditioned, the requested deviation:
 - a. Enhances the planned development.
 - b. Preserves and promotes the LDC's intent to protect public health, safety, and welfare. LDC §§ 34-373(a)(9), 34-377(a)(4).

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

Adopted by unanimous consent.

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 2nd day of August 2023.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BY: Michael Butler
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Brian Hamman
Brian Hamman, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

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

RECEIVED
MINUTES OFFICE
MB
2023 AUG 24 PM 12:05

SKETCH AND DESCRIPTION

LEGAL DESCRIPTION:

ALL OF THAT PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LYING NORTHWESTERLY OF SIX MILE PARKWAY IN LEE COUNTY, FLORIDA.

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 45 SOUTH, RANGE 25 EAST. LEE COUNTY, FLORIDA; THENCE NORTH 88°55'40" EAST, FOR A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING; FROM SAID POINT OF BEGINNING CONTINUE EASTERLY ALONG SAID LINE, FOR A DISTANCE OF 749.06 FEET; THENCE SOUTH 38°15'54" WEST, FOR A DISTANCE OF 306.71 FEET TO THE POINT OF INTERSECTION WITH A NON-TANGENT CURVE; THENCE RUN SOUTHWESTERLY ALONG AN ARC OF A CURVE TO THE RIGHT OF RADIUS 2,738.98 FEET (DELTA 15°48'54") (CHORD BEARING SOUTH 46°10'30" WEST) (CHORD 753.63 FEET) FOR A DISTANCE OF 756.03 FEET; THENCE NORTH 01°10'06" WEST, FOR A DISTANCE OF 748.82 FEET TO THE POINT OF BEGINNING. CONTAINING 309,453 SQUARE FEET OR 7.10 ACRES, MORE OR LESS.

**REVIEWED
DCI2022-00024
Rick Burris, Principal
Planner
Lee County DCD/Planning
8/9/2022**



BILL H HYATT
2022.03.09
18:48:25 -05'00'

**AFFORDABLE SURVEY, OWNED AND OPERATED
BY KNOW IT NOW INC. LB 6912.**

3388 Stringfellow Road
Saint James City, FL 33956
561-481-2388 239-283-1518

2011 Heidelberg Avenue
Dunedin, FL 34688
727-415-8305

DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO.
02/11/2022		CLD	1"=120'	1 OF 2	

SKETCH AND DESCRIPTION

NORTHWEST CORNER OF THE SOUTHEAST 1/4
OF SECTION 30, TOWNSHIP 45 SOUTH, RANGE 25 EAST

NORTH LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 45 SOUTH, RANGE 25 EAST

N88°55'40"E
50.00'

N88°55'40"E

749.06'

POINT OF
BEGINNING

7.1 Acres.
309453 Sq.ft.

QUARTER SECTION LINE

M=90.01 IN

M=200.1 IN

PLANTATION ROAD

748.82'

306.71'

S38°15'54"W

R=2738.98'
A=756.03'
CD=753.63'
CB=N46°10'30"E
D= 15°48'54"

250.0'

BEN C. PRATT SIX MILE CYPRESS PARKWAY
AKA SIX MILE PARKWAY

R/W

R/W



REVIEWED
DCI2022-00024
Rick Burris, Principal
Planner
Lee County DCD/Planning
8/9/2022

NOT A SURVEY



BILL H HYATT
2022.03.09
18:48:02 -05'00'

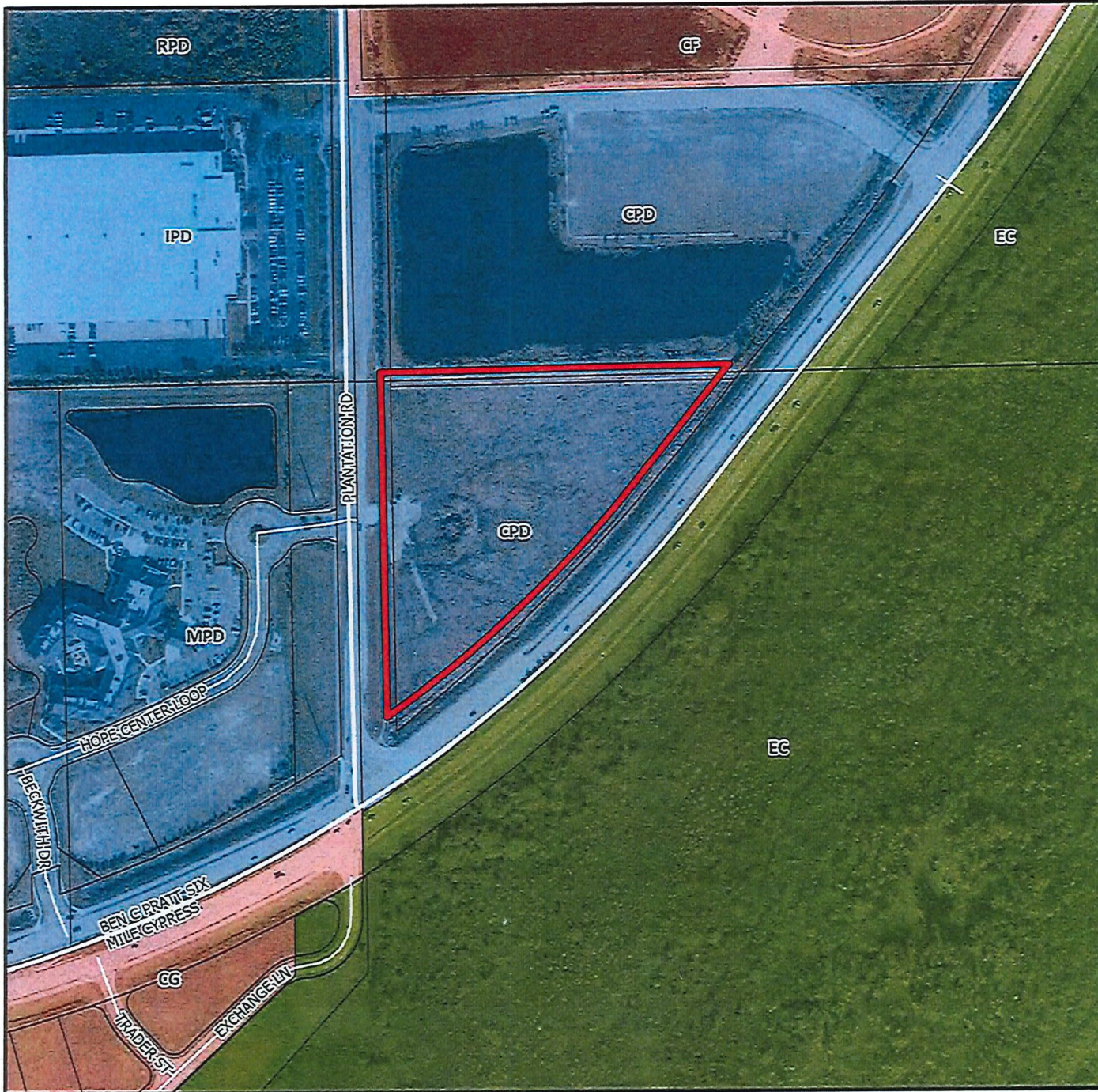
**AFFORDABLE SURVEY, OWNED AND OPERATED
BY KNOW IT NOW INC. LB 6912.**

3368 Stringfellow Road
Saint James City, FL 33958
561-481-2368 239-283-1518

2011 Heidelberg Avenue
Dunedin, FL 34698
727-415-8305

DATE: 02/11/2022	PROJECT NO.	DRAWN BY CLD	SCALE 1"=120'	SHEET 2 OF 2	FILE NO.
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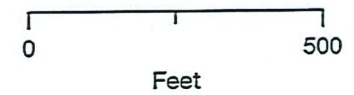
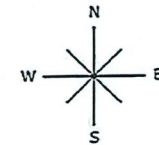
Exhibit "B"



DCI2022-00024

Zoning

 Subject Property



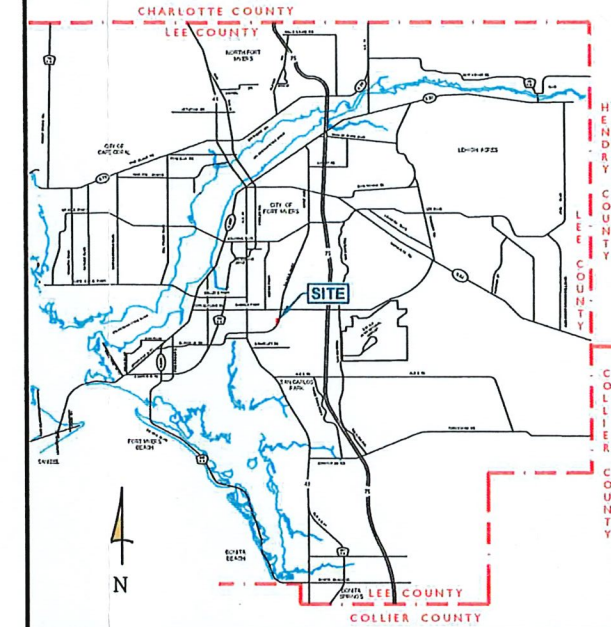
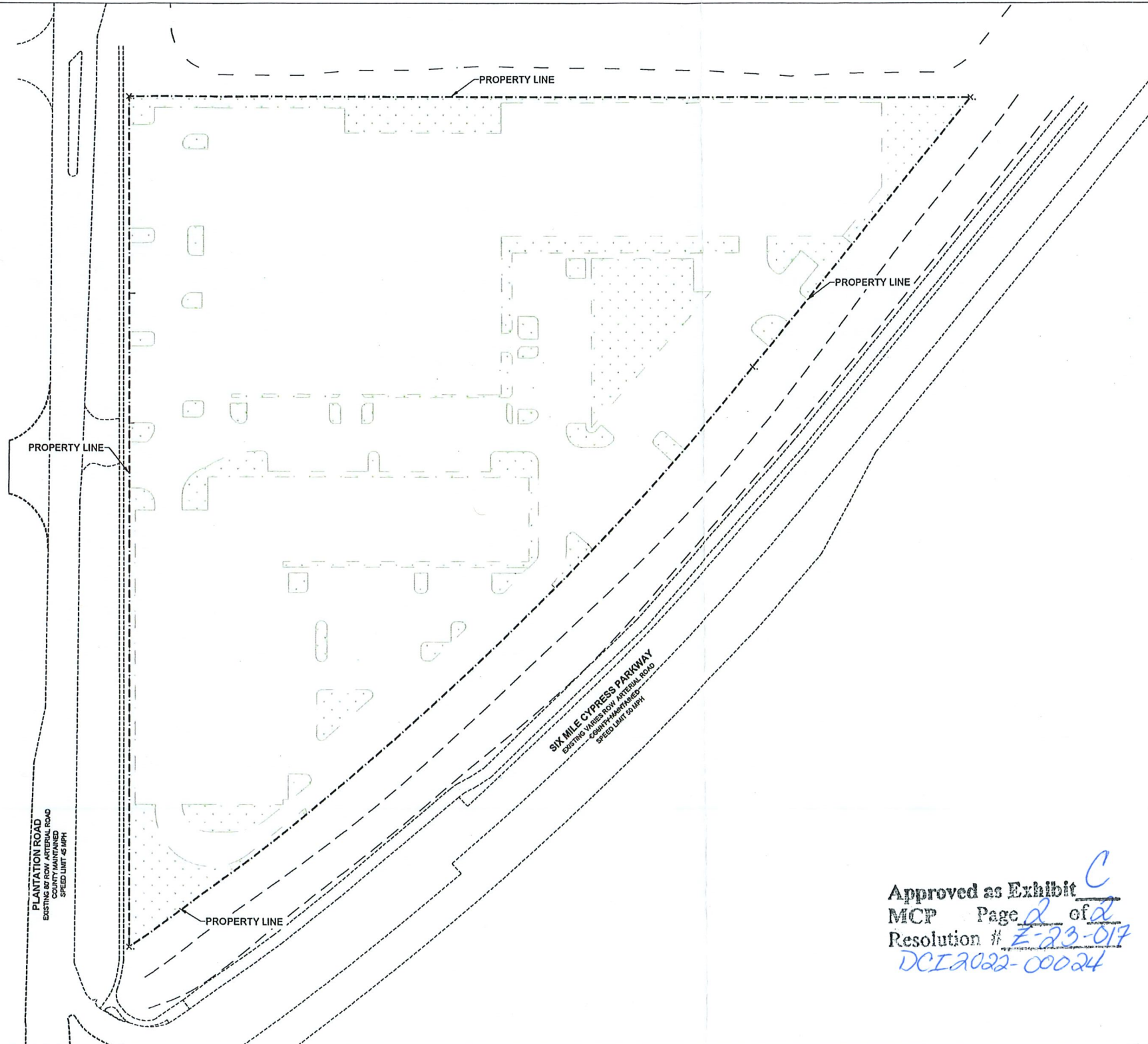
GATOR RECREATION COMPLEX

LOCATED IN SECTION 30, TOWNSHIP 45-S, RANGE 25-E, LEE COUNTY, FLORIDA

LEE COUNTY
HEARING EXAMINER

2023 JUN -1 PM 3:09

OPEN SPACE EXHIBIT



LOCATION MAP
(NOT TO SCALE)

PROJECT SUMMARY:

OPEN SPACE SUMMARY

LAND USE	AREA
REQUIRED OPEN SPACE 20% OF THE MPD	= 1.42 AC. (61,855.2 SF)
PROVIDED OPEN SPACE	= 1.42 AC. (61,855 SF)
REQUIREMENTS TO BE REDUCED THROUGH THE USE GREATER PINE ISLAND TRANSFER OF DEVELOPMENT UNITS (TDUs)	

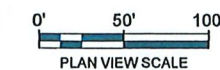
PLAN LEGEND

OPEN SPACE	
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NOTES

- 1) THIS PLAN IS CONCEPTUAL IN NATURE AND IS SUBJECT TO MODIFICATION DUE TO AGENCY PERMITTING REQUIREMENTS.
- 2) ALL ACREAGE/SQUARE FOOTAGE ARE APPROXIMATE AND SUBJECT TO MODIFICATION AT THE TIME OF DEVELOPMENT ORDER.

Approved as Exhibit *C*
MCP Page *2* of *2*
Resolution # *Z-23-017*
DCI2022-00024



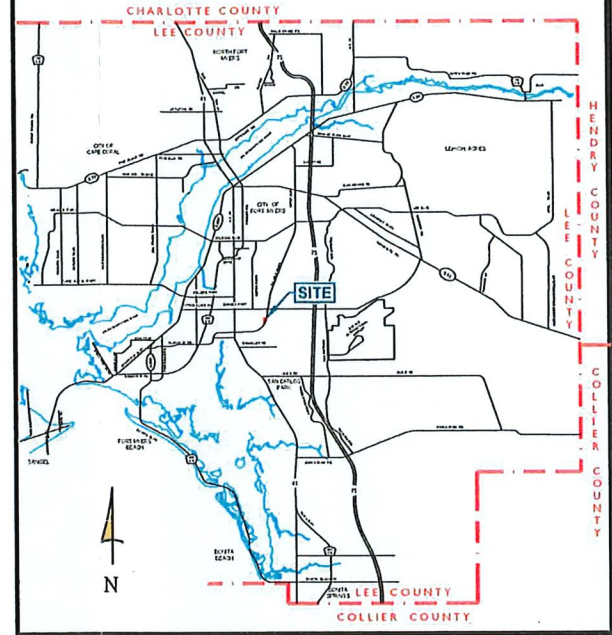
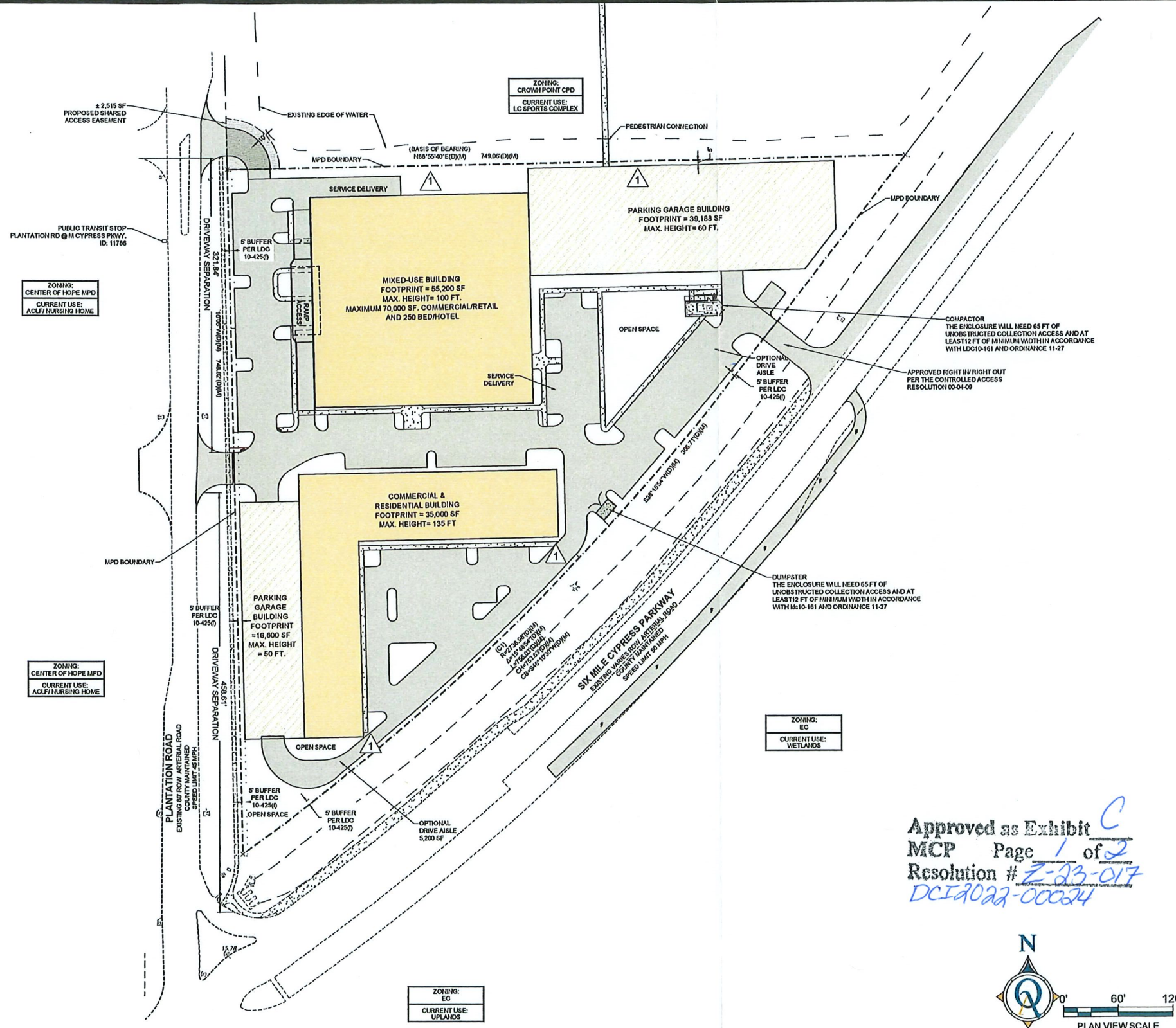
PROJECT: GATOR RECREATION COMPLEX SIX MILE CYPRESS PARKWAY ARTERIAL ROAD MAINTAINED SPEED LIMIT 45 MPH

GATOR RECREATION COMPLEX

LOCATED IN SECTION 30, TOWNSHIP 45-S, RANGE 25-E, LEE COUNTY, FLORIDA

LEE COUNTY
HEARING EXAMINER
2023 JUN -1 PM 3:08

MASTER CONCEPT PLAN



LOCATION MAP
(NOT TO SCALE)

PROJECT SUMMARY:

ZONING:
FUTURE LAND USE INTENSIVE DEVELOPMENT WITHIN THE MIXED USE OVERLAY TO MPD (MIXED PLANNED DEVELOPMENT)

STRAP #'s:
30-45-25-00-00002.0000

PROJECT ACREAGE:
7.1 ACRES (309,276 SF)

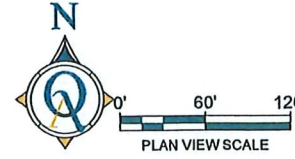
PROJECT INTENSITY:
MAXIMUM FLOOR AREAS:
90,000 SF COMMERCIAL, OFFICE AND RETAIL
70,000 SF COMMERCIAL* - RECREATIONAL
MAXIMUM HEIGHT: 135 FT.
MAXIMUM HOTEL ROOMS: 250
MAXIMUM RESIDENTIAL UNITS: 210
* (BOWLING / CONVENTION CENTER)

OPEN SPACE:
MINIMUM 20% = 1.42 ACRE (61,855 SF)
OPEN SPACE PROVIDED 20% = 1.42 ACRE (61,855 SF)
APPLICANT MAY REDUCE OPEN SPACE TO 15% WITH THE PURCHASE OF GREATER PINE ISLAND TRANSFER OF DEVELOPMENT UNITS (TDUS) IN ACCORDANCE WITH 10-425(a)(2)

DEVIATIONS:
PERIMETER SETBACKS

NOTE:
THIS CONCEPT PLAN ASSUMES FOR UNDERGROUND STORMWATER STORAGE CHAMBERS.

Approved as Exhibit C
MCP Page 1 of 2
Resolution # Z-23-017
DCI 2022-00024



Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd | Fort Myers, Florida 33916 | 239-936-5222 | QAInc.net

P:\2021 Projects\210406 GATOR RECREATION COMPLEX\SIX MILE (OLD #040720)-ACTIVE\01-CADD FILES\00-QAI CADD - CONCEPTS\2023 MCP\01-0406-MCP