

RESOLUTION NUMBER Z-23-021

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

WHEREAS, DeLisi, Inc., filed an application on behalf of the property owner, Three Oaks Land Company, LLC c/o Stock Investments, to rezone a 46.7± acre parcel from Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD) in reference to Alico Crossing MPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on April 27, 2023; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case # DCI2022-00005 and recommended approval of the Request; and

WHEREAS, a second public hearing was advertised and held on June 7, 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 46.7± acre parcel from CPD to MPD, to allow 475 residential units, 200,000 square feet of commercial floor area, and 250 hotel rooms.

The property is located in the General Interchange 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 (MCP). Development must be consistent with the MCPs entitled "Alico Crossroads" prepared by DeLisi Fitzgerald, Inc., dated July 7, 2022, except as modified by conditions below, MCP A - Exhibit C, MCP B – Exhibit D.

Compliance with Lee Plan and 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
Side Yard Setback	10 feet
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
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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 LDC § 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 LDC § 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.

SECTION C. DEVIATIONS:

1. Excavation Bank Slopes. Deviation (1) seeks relief from the 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. This deviation is APPROVED.
2. Deviation (2) is WITHDRAWN.
3. Planted Littoral Shelves. Deviation (3) seeks relief from the 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. This deviation is APPROVED.
4. Parking. Deviation (4) seeks relief from the 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. This deviation is DENIED.

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 A
- Exhibit D: The Master Concept Plan B

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 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).
2. As conditioned, the MPD zoning designation:
 - a. Is consistent with the LDC or qualifies for deviations. LDC Chapters 2, 10, and 34.
 - b. 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.
 - c. Provides sufficient road access to support proposed development intensity. Lee Plan Policy 6.1.5.

- d. 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).
 - e. 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.
 - f. 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.
- 3. 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.
 - 4. 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.
 - 5. Deviations recommended for approval enhance the planned development and preserve 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 Greenwell. The vote was as follows:

Adopted by unanimous consent.

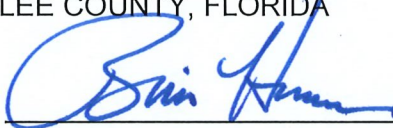
Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 7th day of June 2023.

ATTEST:
KEVIN KARNES, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Brian Hamman, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


David W. Halverson
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE

2023 JUL 10 AM 9:10



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

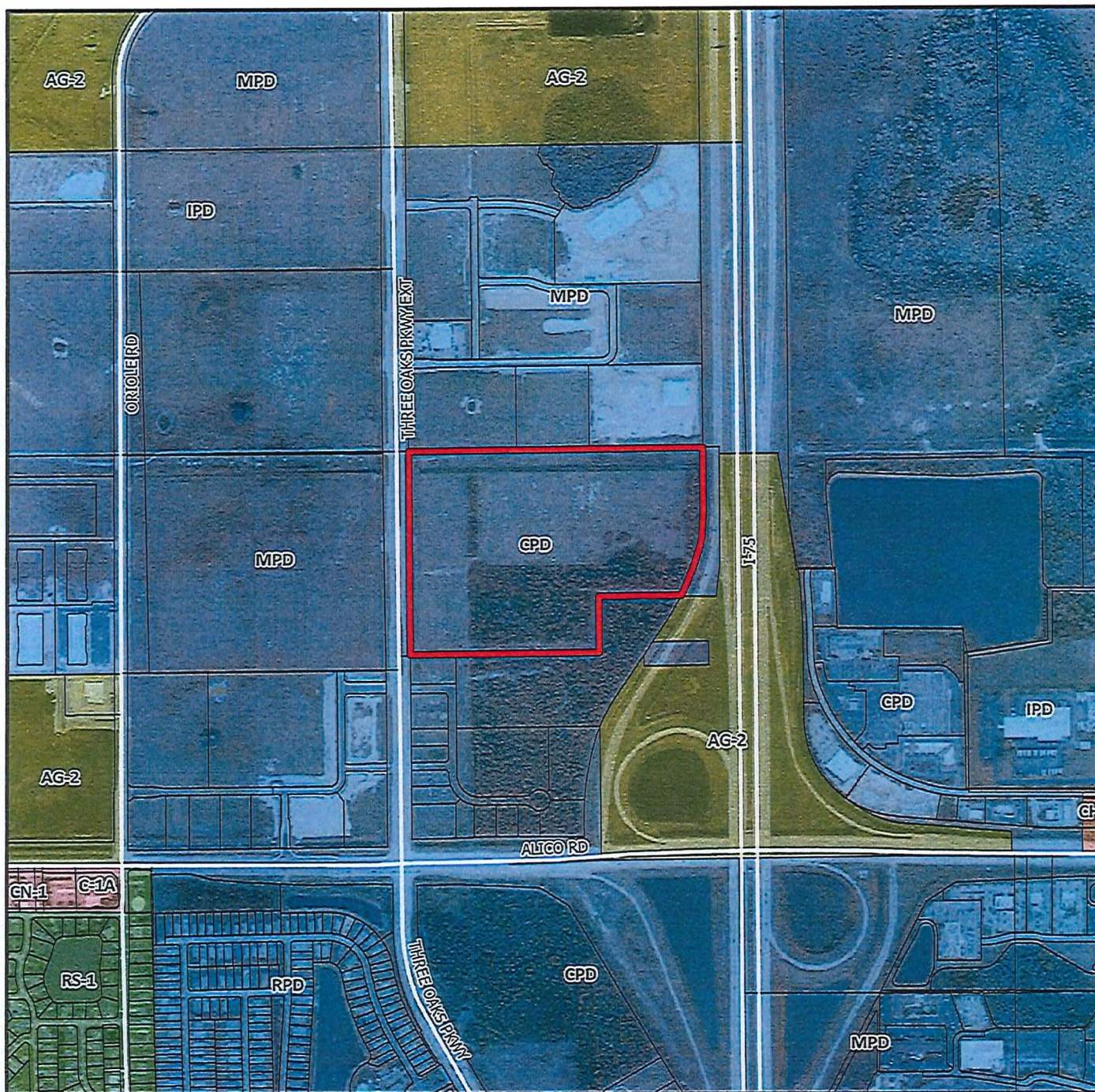
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OVERALL PARCEL PROPERTY DESCRIPTION

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SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

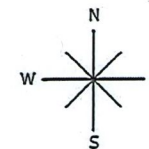
KRIS A SLOSSER P.S.M.
4642 VILLA CAPRI LN. BONITA SPRINGS
FLORIDA 34134 (239) 947-1915



DCI2022-00005

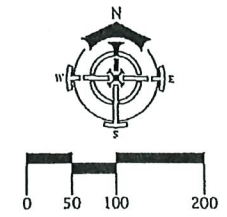
Zoning

 Subject Property

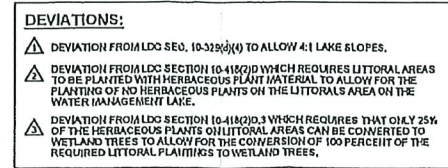


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Feet



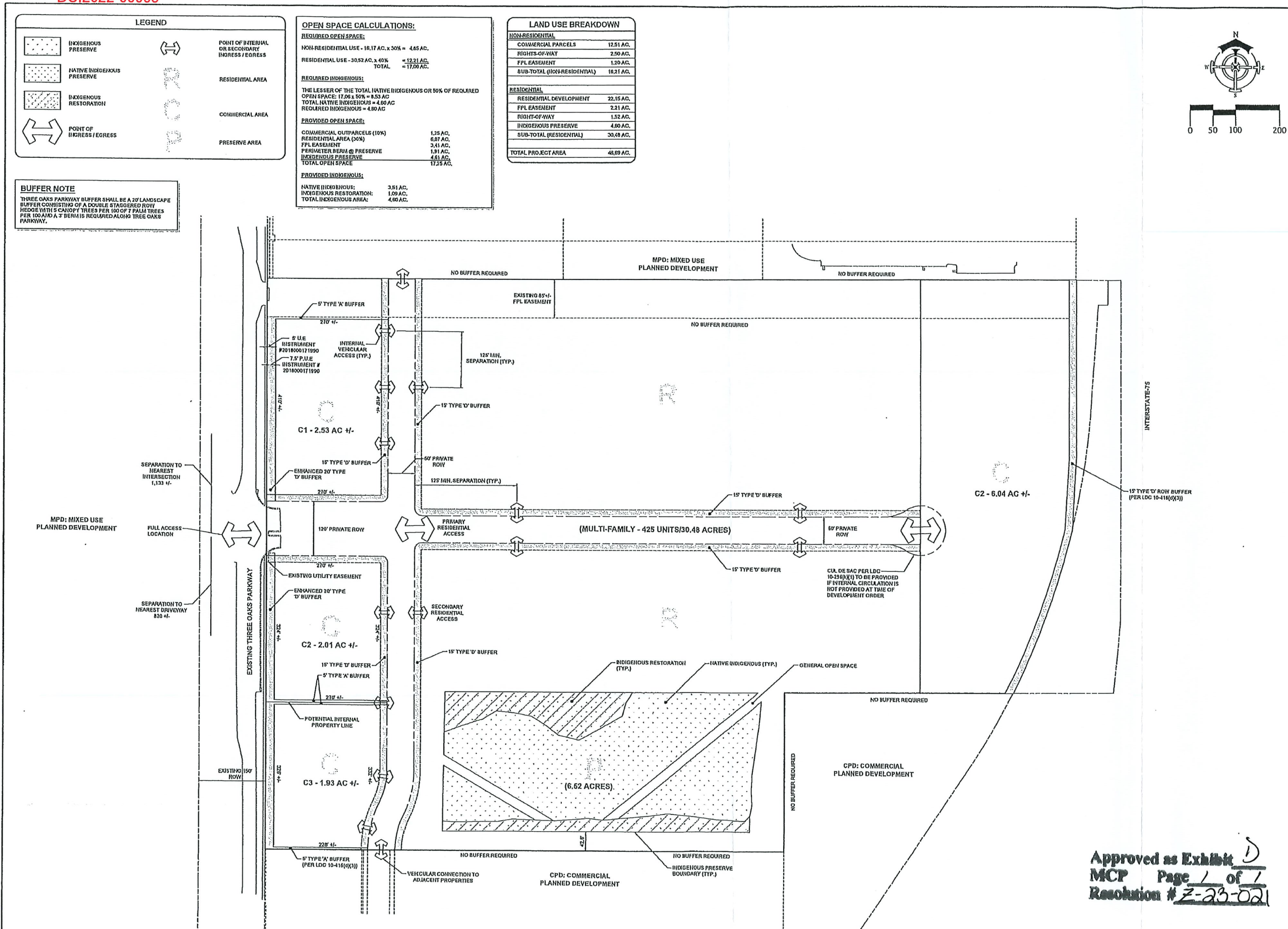


NOTE:
ALL REQUIRED LITTORAL PLANTINGS FOR THE
LITTORAL ZONE SHALL BE WETLAND TREES.
NO HERBACEOUS PLANTINGS ALLOWED.



ENGINEER OF RECORD:
JOHN T. HODGAS, P.E. (FOR THE FIRM)
FLORIDA P.E. NO. 38237

[illegible]



Approved as Exhibit D
MCP Page 1 of 1
Resolution # E-23-02


DELISI FITZGERALD, INC.
Planning - Engineering - Project Management
 1605 Hendry Street
 Fort Myers, FL 33901
 (239) 418-0691
 (239) 418-0697 fax

ENGINEER OF RECORD:
JOHN T. WOJDAS, P.E. (FOR THE FIRM)
FLORIDA PE NO. 52217

OWNER / DEVELOPER:
STOCK DEVELOPMENT, LLC
2639 PROFESSIONAL CIRCLE, SUITE 101
NAPLES, FL 34119
(239) 592-7344

PROJECT:

ALICO CROSSROADS

[illegible]MASTER CONCEPT PLAN
B

Project Manager:	JTY
Drawn By:	JBY
Checked By:	JTY
Project Number:	2157
Part of Section of:	0
Township:	46 S Range: 25 E
County, State:	LEE COUNTY, FL

FOR PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION

Sheet Number:	1
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