

ADMINISTRATIVE AMENDMENT (PD) ADD2024-00151

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Quattrone and Associates, Inc. filed an application for an administrative amendment to the Three Oaks Logistics Center Mixed Use Planned Development (MPD) (Resolution Z-21-012) to revise the Master Concept Plan to change the lot configuration, modify the development parameters to increase the maximum industrial allocation by 450,000 square feet and decrease the commercial/retail allocation by 300,000 square feet, and request new deviations from Land Development Code (LDC) provisions related to maximum permitted driveway widths, minimum refuse and recyclable storage area requirements, and refuse and recyclable storage area screening requirements on property generally located on both sides of Oriole Road north of Alico Road, described more particularly as:

LEGAL DESCRIPTION: In Sections 03 and 04, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the subject property has been identified as STRAP Numbers 04-46-25-00-00003.0040 and 03-46-25-00-00001.1070; and

WHEREAS, the property was originally rezoned in Resolution Z-21-012 with no subsequent amendments (see Exhibit "B"); and

WHEREAS, the subject property is located in the Industrial Development Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the applicant has provided a request narrative detailing the nature of the request (see Exhibit "C"); and

WHEREAS, the applicant proposes to amend the master concept plan approved by Resolution Z-21-012 to reconfigure internal development tracts, eliminate a previously proposed internal right-of-way on the portion of the planned development east of Oriole Road, and depict the location of Deviation 4C (see Exhibit "D"); and

WHEREAS, LDC Sections 10-295, 10-610, and 34-2015 require parking lot interconnections between abutting non-residential uses; and

WHEREAS, the previously approved internal right-of-way on the east parcel provided the requisite interconnections in compliance with the applicable provisions of the Land Development Code; and

WHEREAS, the applicant has filed an application for local development order approval to allow construction of three industrial buildings with associated drainage, landscaping, parking, and utilities on Tract A as identified on the master concept plan (DOS2024-00113); and

WHEREAS, the development of industrial uses on this tract is focused on shipping and logistics and is anticipated to principally generate heavy truck traffic associated with such use; and

WHEREAS, the applicant's original request included a Deviation 4D, seeking relief from the parking lot interconnection requirements established by the LDC between Tracts A and B; and

WHEREAS, the Lee County Department of Transportation (LCDOT) objected to this deviation request due to the request's reliance on Oriole Road and Three Oaks Parkway to provide access between Tracts A and B and the associated increase in trip volume on these roadways; and

WHEREAS, the applicant revised the request to remove previously proposed Deviation 4D and revised the master concept plan to remove the deviation annotation (see Exhibits "D" and "E"); and

WHEREAS, the master concept plan depicts a single interconnection between Tracts A and B that is designed to accommodate cross-access between these two tracts for passenger vehicles (see Exhibit "D"); and

WHEREAS, LCDOT reviewed the revised request and has offered no objection to the proposed cross access design and configuration; and

WHEREAS, the applicant's request also includes a modification to the development parameters approved by Resolution Z-21-012 to increase the maximum intensity dedicated to industrial uses and offset this increase with a corresponding reduction in the maximum retail/commercial development intensity (see Exhibit "C"); and

WHEREAS, although the maximum development intensity for the MPD will increase in terms of maximum floor area, the proposed modification to the development parameters will result in no change or a decrease in all other measures of intensity including use, size, impact, bulk, shape, height, coverage, utility demand, traffic generation, and floor area ratios (see Exhibit "G"); and

WHEREAS, the subject request includes a request for a deviation (Deviation 4C) from LDC Section 34-2013(b)(3), which allows a maximum driveway width of 35 feet at the property line for two-way parking lot access, to allow a maximum driveway width of 50 feet as measured at the property line for the northernmost and southernmost access points to Tract A from Oriole Road (see Exhibit "F"); and

WHEREAS, the applicant's justification for the deviation request notes that the deviation will allow development of an alternative design that will better accommodate safe access for truck traffic between Oriole Road and Tract A (see Exhibit "E"); and

WHEREAS, LCDOT and Development Services staff reviewed and offered no objection to the request; and

WHEREAS, the subject request also includes two deviations (Deviations 6A and 6B) associated with solid waste and recyclable storage area requirements established in LDC Section 10-261; and

WHEREAS, Deviation 6A seeks relief from LDC Section 10-261(a), which requires refuse and recyclable storage area to be calculated at a rate of 216 square feet for the first 25,000 square

feet of building area plus 8 square feet for each additional 1,000 square feet of building area to provide sufficient on-site space for the placement of garbage containers or receptacles, and sufficient space for recyclable materials collection containers, to allow a 50 percent reduction of this requirement; and

WHEREAS, the applicant's justification for the requested deviation notes the predominant industrial character of the planned development and indicates that industrial uses typically require less employees per square foot of building area, contain less areas open to the public, and include large floor areas dedicated to warehousing and storage (see Exhibit "E"); and

WHEREAS, Lee County Solid Waste has reviewed and offered no objection to the request; and

WHEREAS, Deviation 6B seeks relief from LDC Section 10-261(c), which requires all solid waste and recyclable storage areas to be adequately shielded by a landscaped screen or solid fencing along at least three sides, to allow solid waste and recyclable storage areas to be screened on one side when not visible from Oriole Road or Three Oaks Parkway; and

WHEREAS, the applicant's justification for the deviation request notes that the deviation will apply only to the planned development's internal areas and that the deviation request will not affect public health, safety, or welfare; and

WHEREAS, staff has reviewed the deviation request and recommends approval subject to conditions; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for an administrative amendment to the Three Oaks Logistics Center Mixed Use Planned Development (MPD) (Resolution Z-21-012) to revise the Master Concept Plan to change the lot configuration, modify the development parameters, and request new deviations from Land Development Code (LDC) provisions related to maximum permitted driveway widths, minimum refuse and recyclable storage area requirements, and refuse and recyclable storage area screening requirements, is **APPROVED subject to the following conditions:**

1. **Condition 1 of Resolution Z-21-012 is hereby amended as follows:**

Development of this project must be in compliance with the one-page Master Concept Plan entitled Three Oaks Logistics Center, prepared by Quattrone and

Associates, last revised October 31, 2024, a copy of which is attached hereto as Exhibit D, except as modified by the conditions of Resolution Z-21-012 and the conditions below. Development must comply with all the 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 Development Parameters

This project is approved for 1,200,000 square feet of commercial and industrial floor area as follows:

960,000 square feet of industrial floor area; and
240,000 square feet of commercial floor area

Approved square footage may be distributed on parcels east and west of Oriole Road as follows:

West of Oriole Road: 500,000 square feet total square footage. A maximum of 20% of the square footage west of Oriole Road may be developed with commercial or retail uses (100,000 square feet).

East of Oriole Road: 700,000 square feet total square footage. A maximum of 20% of the square footage east of Oriole Road may be developed with commercial or retail uses (140,000 square feet). If no commercial square footage is developed west of Oriole Road, then a maximum of 34.28% of the square footage east of Oriole Road may be developed with commercial or retail uses (240,000 square feet).

Resolution Z-21-012 approved 13 deviations from the LDC. Three additional deviations are hereby approved in conjunction with this administrative amendment. Building heights may not exceed 65 feet.

2. Prior to the first local development order approval for Tracts A and B, the plans must depict at least one paved interconnection with a minimum paved width of 20 feet between Tract A and Tract B in substantial compliance with the Master Concept Plan attached hereto as Exhibit D. Additional interconnections between Tract A and Tract B may be provided without requiring an amendment to the planned development.
3. Deviation 4C, which seeks relief from LDC Section 34-2013(b)(3), which allows a maximum driveway width of 35 feet at the property line for two-way parking lot access, to allow a maximum driveway width of 50 feet as measured at the property line for the northernmost and southernmost access points to Tract A from Oriole Road, is hereby APPROVED subject to the following conditions:
 - a. This deviation is limited to the northernmost and southernmost access points from Oriole Road onto Tract A as depicted on the Master Concept Plan attached hereto as Exhibit D.
 - b. The design of these access points must be substantially consistent with the exhibit entitled Logistics Industrial – 35' Wide Driveway Exhibit prepared by Quattrone and Associates attached hereto as Exhibit F.

4. **Deviation 6A, which seeks relief from LDC Section 10-261(a), which requires refuse and recyclable storage area to be calculated at a rate of 216 square feet for the first 25,000 square feet of building area plus 8 square feet for each additional 1,000 square feet of building area to provide sufficient on-site space for the placement of garbage containers or receptacles, and sufficient space for recyclable materials collection containers, to allow a 50 percent reduction of this requirement, is hereby APPROVED subject to the following conditions:**
 - a. **Approval of this deviation is limited to industrial uses only.**
 - b. **Refuse and recyclable storage areas for industrial uses must be calculated at a rate of 216 square feet for the first 25,000 square feet of building area plus four square feet for each additional 1,000 square feet of building area.**
5. **Deviation 6B, which seeks relief from LDC Section 10-261(c), which requires all solid waste and recyclable storage areas to be adequately shielded by a landscaped screen or solid fencing along at least three sides, to allow solid waste and recyclable storage areas to be screened on one side when not visible from Oriole Road or Three Oaks Parkway, is hereby APPROVED subject to the following conditions:**
 - a. **Approval of this deviation is limited to Tract B only.**
 - b. **Prior to the local development order approval for each development order on Tract B, the plans must demonstrate that all proposed solid waste and recyclable storage areas are not visible from Oriole Road or Three Oaks Parkway.**
6. **The terms and conditions of the original zoning resolution remain in full force and effect, except as amended herein.**
7. **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.**

Duly passed, adopted, and electronically signed on 11/22/2024

Anthony R. Rodriguez, AICP, CPM, Zoning Manager

List of Exhibits:

Exhibit A – Legal Description
 Exhibit B – Resolution Z-21-012
 Exhibit C – Request Statement
 Exhibit D – Master Concept Plan
 Exhibit E – Schedule of Deviations
 Exhibit F – Driveway Width Exhibit
 Exhibit G – Traffic Impact Statement

Exhibit A

DESCRIPTION TO ACCOMPANY SKETCH

EXHIBIT "B"

A PARCEL OF LAND LYING
IN PORTIONS OF SECTIONS 3 AND 4,
TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SECTIONS
3 AND 4, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY,
FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE AFORESAID
SECTION 3; THENCE RUN N.00°58'36"W. ALONG THE COMMON LINE
OF SAID SECTIONS 3 AND 4 TO A POINT ALONG THE
CENTERLINE OF A 170 FEET WIDE FLORIDA POWER AND LIGHT
COMPANY EASEMENT FOR 2555.19 FEET TO THE POINT OF
BEGINNING; THENCE RUN S.89°43'43"W. TO A POINT ALONG THE
EAST RIGHT OF WAY LINE OF ORIOLE ROAD (80 FEET WIDE)
FOR 108.74 FEET; THENCE RUN N.00°16'17"W. ALONG SAID EAST
RIGHT OF WAY LINE FOR 1139.10 FEET; THENCE RUN
N.89°32'29"E. TO A POINT ALONG THE WEST RIGHT OF WAY LINE
OF THREE OAKS PARKWAY (150 FEET WIDE) FOR 1576.59 FEET;
THENCE RUN S.00°38'24"E. ALONG SAID WEST RIGHT OF WAY
LINE FOR 1134.93 FEET; THENCE RUN S.89°21'36"W. TO A POINT
ALONG THE AFORESAID COMMON LINE OF SAID SECTIONS 3 AND
4 FOR 1475.17 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1,797,304.06 SQUARE FEET OR 41.26 ACRES, MORE
OR LESS.

REVIEWED
ADD2024-00151
Sophia Ludlam, GIS Planner
Lee County
11/14/2024



PHILLIP M MOULD
LS6515
09/30/2020

SHEET 2 OF 2

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

LEGEND:

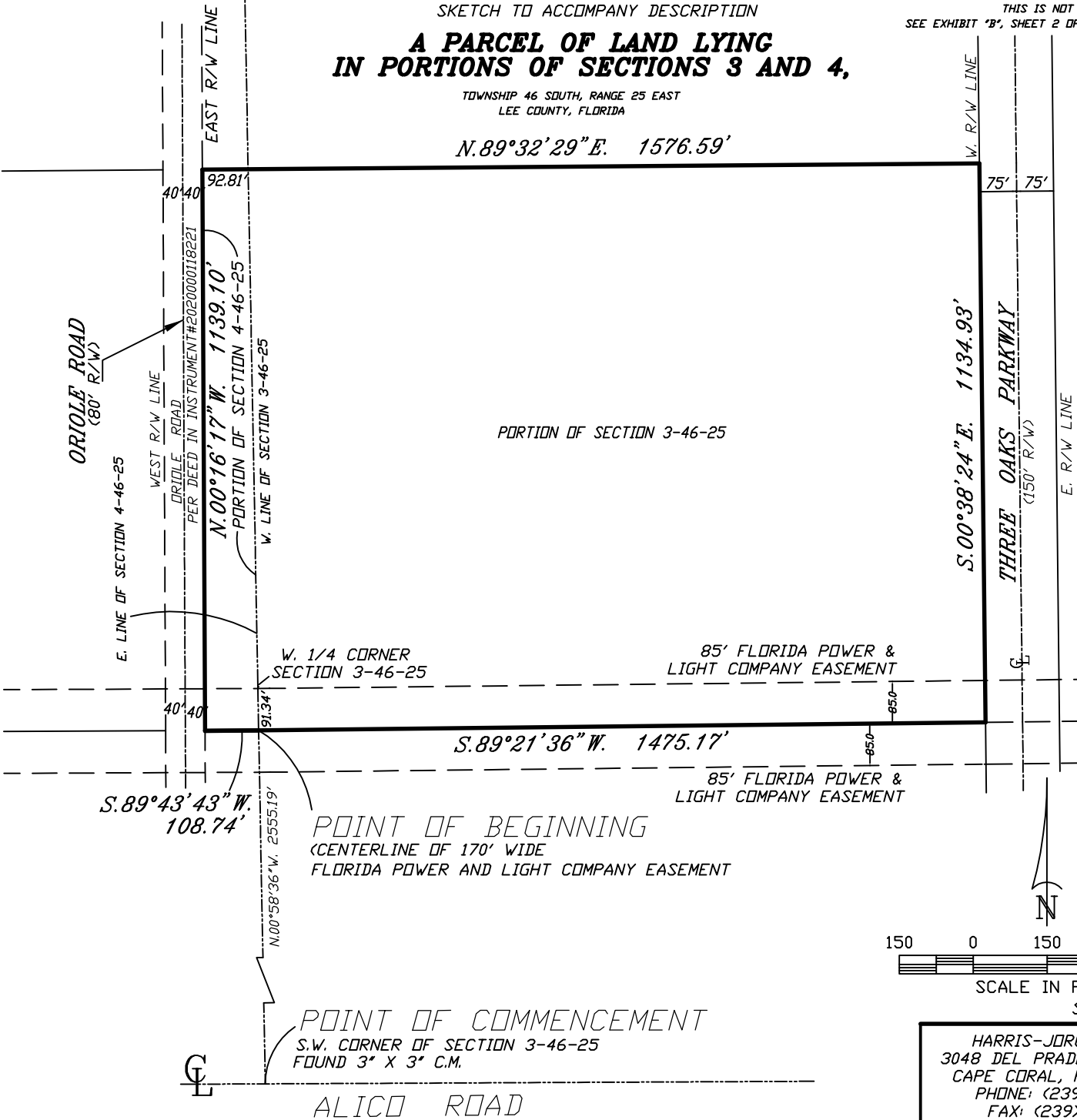
P.U.E.	PUBLIC UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
R/W	RIGHT-OF-WAY
CL	CENTERLINE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT

SKETCH TO ACCOMPANY DESCRIPTION
**A PARCEL OF LAND LYING
IN PORTIONS OF SECTIONS 3 AND 4,**

TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

THIS IS NOT A BOUNDARY SURVEY
SEE EXHIBIT "B", SHEET 2 OF 2 FOR DESCRIPTION

N.89°32'29"E. 1576.59'



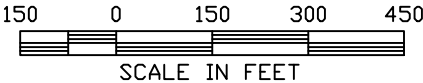
REVIEWED
ADD2024-00151
Sophia Ludlam, GIS Planner
Lee County
11/14/2024

SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREDN TAKEN FROM THE WEST LINE OF SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25, EAST LEE COUNTY, FLORIDA, AS BEING "ASSUMED" AS N.00°58'36"W.
2. FIELD NOTES IN STATION 2 IN DRAFT FILE.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREDN. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2" x 14", 300 SCALE DRAWING.

POINT OF BEGINNING
(CENTERLINE OF 170' WIDE
FLORIDA POWER AND LIGHT COMPANY EASEMENT

POINT OF COMMENCEMENT
S.W. CORNER OF SECTION 3-46-25
FOUND 3" X 3" C.M.



SHEET 1 OF 2

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

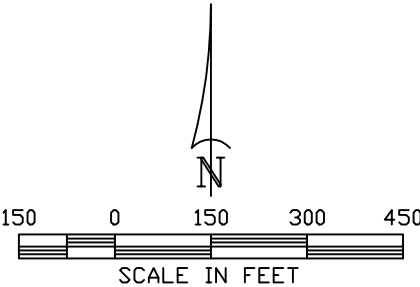
LEGEND:

P.U.E. PUBLIC UTILITY EASEMENT
D.E. DRAINAGE EASEMENT
R/W RIGHT-OF-WAY
CL CENTERLINE
P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT

THIS IS NOT A BOUNDARY SURVEY
SEE EXHIBIT "A", SHEET 2 OF 2 FOR DESCRIPTION

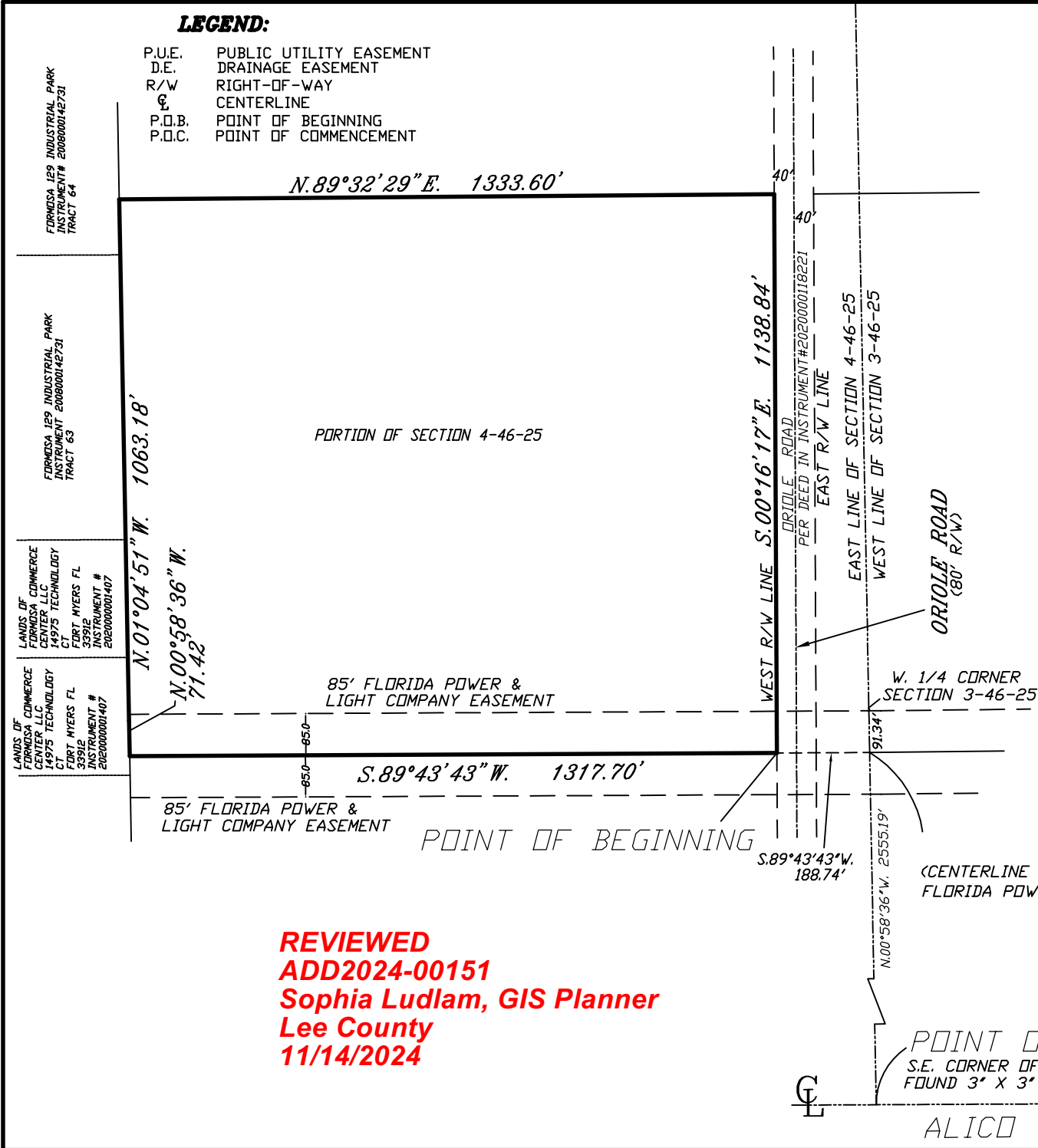
SKETCH TO ACCOMPANY DESCRIPTION
**A PARCEL OF LAND LYING
IN A PORTION OF SECTION 4,**

TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



SKETCH NOTES:

1. BASIS OF BEARING SHOWN HEREDIN TAKEN FROM THE EAST LINE OF SECTION 4, TOWNSHIP 46 SOUTH, RANGE 25, EAST LEE COUNTY, FLORIDA, AS BEING "ASSUMED" AS N.00°58'36"W.
2. FIELD NOTES IN STATION 2 IN DRAFT FILE.
3. SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
4. THIS CERTIFICATION IS ONLY FOR LANDS DESCRIBED HEREDIN. IT IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM OF ENCUMBRANCES.
5. THIS SKETCH DOES NOT CONSTITUTE A TITLE OR EASEMENT SEARCH AND WAS BASED ON DESCRIPTION FURNISHED BY CLIENT AND/OR FOUND MONUMENTATION IN THE FIELD.
6. UNDERGROUND STRUCTURES AND UTILITIES, IF ANY, ARE NOT INCLUDED.
7. THIS MAP/PLAT IS CONSIDERED SIGNED USING A DIGITAL SEAL IN ACCORDANCE WITH THE APPLICABLE STATE LAWS AND STATUTES FS 668.001-006; FS 668.50; FS 472.025; 5J-17.062, FLORIDA ADMINISTRATIVE CODE, STATE OF FLORIDA.
8. ALL BEARINGS AND DISTANCES ARE PLAT AND MEASURED, UNLESS OTHERWISE SHOWN.
9. THIS SKETCH IS INTENDED TO BE VIEWED AS AN 8 1/2 x 14", 300 SCALE DRAWING.



REVIEWED
ADD2024-00151
Sophia Ludlam, GIS Planner
Lee County
11/14/2024

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

DESCRIPTION TO ACCOMPANY SKETCH

EXHIBIT "A"

A PARCEL OF LAND LYING
IN A PORTION OF SECTION 4,
TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SECTION
4, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA,
BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE AFORESAID
SECTION 4; THENCE RUN N.00°58'36"W. ALONG THE EAST LINE
OF SAID SECTION 4 TO A POINT ALONG THE CENTERLINE OF A
170 FEET WIDE FLORIDA POWER AND LIGHT COMPANY EASEMENT
FOR 2555.19 FEET; THENCE RUN S.89°43'43"W. TO A POINT
ALONG THE WEST RIGHT OF WAY LINE OF ORIOLE ROAD (80
FEET WIDE) FOR 188.74 FEET TO THE POINT OF BEGINNING;
THENCE RUN S.89°43'43"W. FOR 1317.70 FEET; THENCE RUN
N.00°58'36"W. FOR 71.42 FEET; THENCE RUN N.01°04'51"W FOR
1063.18 FEET; THENCE RUN N.89°32'29"E. TO A POINT ALONG THE
AFORESAID WEST RIGHT OF WAY LINE OF ORIOLE ROAD (80
FEET WIDE) FOR 1333.60 FEET; THENCE RUN S.00°16'17"E. ALONG
SAID WEST RIGHT OF WAY LINE FOR 1138.84 FEET TO THE
POINT OF BEGINNING.

CONTAINING: 1,506,761.38 SQUARE FEET OR 34.59 ACRES, MORE
LESS.

REVIEWED
ADD2024-00151
Sophia Ludlam, GIS Planner
Lee County
11/14/2024

SHEET 2 OF 2

PHILLIP M MOULD
LS6515
10-28-2024

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

RESOLUTION NUMBER Z-21-012

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

WHEREAS, Alan C. Freeman as Trustee, filed an application on behalf of the property owners, Alico North 26 LLC 30%, David H. Goldberg as Manager of Alico Aries, LLC, David Howard Goldberg as Trustee of Alico Aries Trust, LLC, David H. Goldberg as Manager of Alico North 26 EF, LLC, and David H. Goldberg as Manager of Alico North 26, LLC, to rezone a 75.85± acre parcel from Agriculture (AG-2) to Mixed-Use Planned Development (MPD), in reference to Three Oaks Logistics Center; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on August 26, 2021. 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 September 3, 2021; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2020-00014 and recommended APPROVAL of the Request with conditions; and

WHEREAS, a second public hearing was advertised and held on October 6, 2021 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 75.85± acre parcel from AG-2 to MPD to allow 1,050,000 square feet of office, retail, commercial, and industrial uses; and approve 13 deviations from the Land Development Code (LDC).

The property is located in the Industrial Development and Industrial Commercial Interchange Future Land Use Categories 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. Development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Three Oaks Logistics Center," prepared by Quattrone & Associates, Inc., date stamped received August 31, 2021, and attached hereto as Exhibit C, 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 Development Parameters

This project is approved for 1,050,000 square feet of commercial and industrial development floor area as follows:

510,000 square feet industrial floor area and
540,000 square feet commercial floor area.

Approved square footage may be distributed on parcels east and west of Oriole Road as follows:

West of Oriole Road: 500,000 total square footage. A maximum of 20% of the square footage west of Oriole Road may be developed with commercial or retail uses (100,000 square feet).

East of Oriole Road: 550,000 total square footage. A maximum of 80% of the square footage east of Oriole Road may be developed with commercial or retail uses (440,000 square feet).

This zoning resolution approves 13 deviations from the LDC. Building heights may not exceed 65 feet.

2. Permitted Uses and Site Development Regulations

a. Schedule of Uses

Tracts A & B

(Subtracts A-1 through A-4 and B-1 through B-4)

Accessory Uses and Structures

Administrative Offices

Agricultural Uses and Agricultural Accessory Uses (Subject to Condition 3)

Aircraft Food Services and Catering

Animals: Clinic or Kennel

Automobile Repair and Service: All Groups

Automobile Service Station (Limited to One for the MPD)

Bait and Tackle Shop

Banks and Financial Establishments: All Groups

Bar or Cocktail Lounge

Boats:

Boat Parts Store

Repair and Service

Sales

Dry Storage

Broadcast Studio, Commercial Radio and Television

Building Material Sales

Business Services: All Groups

Bus Station/Depot

Caretaker's Residence

Car Wash

Cleaning and Maintenance Services

Clothing Stores, General

Clubs: Commercial & Fraternal, Membership Organization
Cold Storage, Pre-Cooling, Warehouse & Processing Plant
Computer and Data Processing Services
Consumption on Premises in conjunction with restaurant or bar or cocktail lounge
Contractors and Builders: All Groups
Convenience Food and Beverage with a maximum of 20 fuel pumps (Limited to one for the entire MPD)
Cultural Facilities
Day Care Center: Child, Adult
Department Store
Drive through Facility for any Permitted Use
Drugstore/Pharmacy
Emergency Operations Center
EMS, Fire or Sheriff's Station
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities: Group I
Excavation: Water Retention
Excess Spoil Removal
Factory Outlets, Point of Manufacture Only
Fences, Walls
Food and Beverage Service, Limited
Food Stores: All Groups
Freight or Cargo Handling Systems
Funeral Home and Mortuary (with or without crematorium)
Gasoline Dispensing System, Special
Gift and Souvenir Shop
Hardware Store
Health Care Facilities: All Groups
Hobby, Toy and Game Shops
Household and Office Furnishings: All Groups
Insurance Companies
Laundry or Dry Cleaning: All Groups
Lawn & Garden Supply Store
Library
Maintenance Facility (Government)
Manufacturing of:

- Apparel Products
- Boats
- Chemical and Allied Products: All Groups
- Electrical Machinery and Equipment
- Fabricated Metal Products, Groups II, III
- Food and Kindred Products, Groups II, III
- Furniture and Fixtures
- Leather and Leather Products, Group II
- Lumber and Wood Products, Group II
- Machinery, all groups
- Measuring, Analyzing and Controlling Instruments
- Novelties, Jewelry, Toys and Signs, All Groups
- Paper and Allied Products, Groups II, III
- Rubber and Plastic Products, Group II

- Stone, Clay, Glass and Concrete Products, Group I
- Textile Mill Products: All Groups
- Transportation Equipment, Group I

Medical Office

Motion Picture Production Studio

Nightclubs (limited to one for the entire MPD)

Non-store Retailers: All Groups

Paint, Glass and Wallpaper

Parcel and Express Services

Package Store

Parks, Groups I, II

Parking Lot:

Accessory

Commercial

Garage

Temporary

Personal Services: All Groups (Excluding Steam or Turkish Baths, Escort Services, Palm Readers, Fortunetellers or Card Readers)

Pet Services

Pet Shop

Photofinishing Laboratory

Place of Worship

Plant Nursery

Post Office

Printing and Publishing

Processing and Warehousing

Real Estate Sales Office

Recreation Facilities Commercial: Groups I, III, and IV

Rental or Leasing Establishment: All Groups

Repair Shops: Groups I, II, III and IV

Research and Development Laboratories: All Groups

Restaurant, Fast Food

Restaurants: All Groups

Retail and wholesale sales, when incidental and subordinate to the principal use on same premises

Schools:

Commercial

Noncommercial

Signs

Social Services: Groups I, II

Specialty Retail Shops: All Groups

Storage: Open & Indoor

Studios

Temporary Uses

Theater, Indoor

Transportation Services: Groups II, III and IV

Used Merchandise Stores: All Groups

Variety Store

Vehicle & Equipment Dealers: All Groups

Warehouse:

Mini-warehouse,
Private,
Public,

Wholesale Establishments: Groups I, II, and IV

Tracts C and D

Accessory Uses and Structures

Administrative Offices

Agricultural Services: Office/Base Operations

Agricultural Uses and Agricultural Accessory Uses (Subject to Condition 3)

Aircraft Food Services and Catering

Animals: Clinic or Kennel

Automobile Repair and Service: All Groups

Banks and Financial Establishments: Group I

Boats:

Boat Parts Store

Repair and Service

Sales

Dry Storage

Broadcast Studio, Commercial Radio and Television

Building Material Sales

Business Services: All Groups

Bus Station/Depot

Caretaker's Residence

Car Wash

Cleaning and Maintenance Services

Cold Storage, Pre-Cooling, Warehouse & Processing Plant

Computer and Data Processing Services

Consumption on Premises in conjunction with restaurant

Contractors and Builders: All Groups

Drive through Facility for any permitted use

Drugstore/Pharmacy

Emergency Operations Center

EMS, Fire or Sheriff's Station

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities: Group I

Excavation: Water Retention

Excess Spoil Removal

Fences, Walls

Food and Beverage Service, Limited

Freight or Cargo Handling Systems

Gasoline Dispensing System, Special

Hardware Store

Hobby, Toy and Game Shops

Household and Office Furnishings: All Groups

Laundry or Dry Cleaning: All Groups

Lawn & Garden Supply Store

Maintenance Facility (Government)

Manufacturing of:

- Apparel Products
- Boats
- Chemical and Allied Products: All Groups
- Electrical Machinery and Equipment
- Fabricated Metal Products, Groups II, III
- Food and Kindred Products, Groups II, III
- Furniture and Fixtures
- Leather and Leather Products, Group II
- Lumber and Wood Products, Group II
- Machinery, All groups
- Measuring, Analyzing and Controlling Instruments
- Novelties, Jewelry, Toys and Signs, All Groups
- Paper and Allied Products, Groups II, III
- Rubber and Plastic Products, Group II
- Stone, Clay, Glass and Concrete Products, Group I
- Textile Mill Products: All Groups
- Transportation Equipment, Group I

Medical Office

Motion Picture Production Studio

Non-store Retailers: All Groups

Paint, Glass and Wallpaper

Parcel and Express Services

Parking Lot:

- Accessory
- Commercial
- Garage
- Temporary

Personal Services: All Groups (Excluding Steam or Turkish Baths, Escort Services, Palm Readers, Fortunetellers or Card Readers)

Pet Services

Pet Shop

Photofinishing Laboratory

Place of Worship

Post Office

Printing and Publishing

Processing and Warehousing

Real Estate Sales Office

Recreation Facilities Commercial: Groups I, III, and IV

Rental or Leasing Establishment: All Groups

Repair Shops: Groups I, II, III and IV

Research and Development Laboratories: All Groups

Restaurants: Groups I, II

Retail and wholesale sales, when incidental and subordinate to a principal use on same premises

Schools:

- Commercial
- Noncommercial

Signs

Social Services: Groups I, II

Specialty Retail Shops: All Groups

Storage: Open & Indoor
 Studios
 Temporary Uses
 Transportation Services: Groups II, III and IV
 Truck Stop, Trucking Terminal
 Used Merchandise Stores: All Groups
 Vehicle & Equipment Dealers: All Groups
 Warehouse: Mini-warehouse, Private, Public
 Wholesale Establishments: Groups I, III and IV

b. Site Development Regulations

Minimum Lot Area and Dimensions

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

Minimum Setbacks

Street, Public	25 feet
Internal Street	20 feet
Side	10 feet
Rear	15 feet
Water Body	20 feet (top of bank)

Minimum Perimeter Setbacks	15 feet / 25 feet (Industrial Uses)
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Accessory Uses:	Per LDC §34-1171 <i>et seq.</i>
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Maximum Lot Coverage:	40%
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Minimum Open Space:	Commercial 30%
	Industrial 20%

Maximum Building Height:	65 feet (height in excess of 35 feet must maintain additional building setbacks and separation per LDC §34-2174(a))
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Building Separation:	The greater of one-half the sum of the heights of both buildings, or 20 feet.
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3. Agricultural Uses

Existing bona fide agricultural uses (livestock pasture) on this site are allowed uses in compliance with the following:

- a. Bona fide agricultural uses in the form of cattle grazing currently exist on the entire 75.85-acre property. Bona fide agricultural uses may continue on any portion of the property that meets the state requirements for bona fide agricultural use of the

property. The approved existing agricultural uses may not be expanded beyond the boundaries that existed at the time of rezoning. No new agricultural uses are authorized.

- b. Upon rezoning, additional clearing of trees or other vegetation in agricultural areas must receive a vegetation removal permit from Lee County as provided for in the Lee County Development Code. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approval requests for the removal of invasive exotic vegetation.
- c. Existing agricultural uses within a tract or phase must be discontinued upon local development order approval for development defined in LDC Chapter 34. Development not included within the Chapter 34 definition but that requires a development order under Chapter 10 (including but not limited to plats, lots splits, and lot re-combinations) will not trigger the requirement to discontinue agricultural uses.

4. Development Permits

County development permits do 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 Developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions in violation of state or federal law.

5. Environmental

- a. Burrowing Owls. Prior to the issuance of a vegetation removal permit, developer must provide documentation from the Florida Fish and Wildlife Conservation Commission (FWCC) for burrowing owl impacts.
- b. Open Space. The development must provide a minimum of 15.59 acres of open space. Commercial uses must provide 30% open space and industrial uses must provide 20% open space.
- c. Substitution of Plant Material. Prior to development order approval, native wetland trees may be substituted for up to 100% of the total number of herbaceous plants required. One tree (minimum ten-foot-height; two-inch caliper, with a four-foot spread) may be substituted for 100 herbaceous plants.
- d. Street Trees Internal to Project. Development order plans must depict street trees on one side of streets internal to the project. Street trees must include the following:
 - i. Nine palm trees per 100 linear feet; and
 - ii. Palm trees must be native species; and
 - iii. Palm trees must be specified at staggered heights ranging from ten to fourteen-foot clear trunk.
 - iv. Palm trees may be clustered.

- e. Right-of-Way Buffer. Development order landscape plans must depict a Type-D right-of-way buffer. The right-of-way buffer must be at a minimum 7.5 feet in width with 15 native palm trees every 100 linear feet. The native palms must be clustered in groups of three with staggered heights ranging from 10-foot clear trunk to 14-foot clear trunk.

6. Airport Noise

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).

7. Water Retention/ Detention Excavation Setbacks

The developer must provide for the protection of wayward vehicles using guardrails, berms, swales, vegetation or other methods as determined by the Lee County Development Services Manager.

8. Internal Roads and Accessways

Hammer head turnarounds are approved only where noted on the MCP. Development of hammer head configurations on individual tracts require additional deviations.

9. Signs

Developer must submit a detailed, final sign package covering proposed signs along Three Oaks Parkway Extension and Oriole Road for review and approval by the Department of Community Development in conjunction with the first local development order for the property.

- a. Ground mounted identification signs must have a minimum separation of 300 feet on Oriole Road and 400 feet on Three Oaks Parkway.
- b. Ground mounted identification signs must have a maximum height of 20 feet.

SECTION C. DEVIATIONS:

- 1A Connection Separation on Three Oaks Parkway. Deviation (1A) seeks relief from LDC §10-285(a) Table 1, which requires a minimum connection separation of 440 feet on minor arterial roads with speed limit of 45 miles per hour, to allow minimum separation of 100 feet between the project's southernmost driveway and the FPL Patrol Road. This deviation is APPROVED.
- 1B Connection Separation on Oriole Road. Deviation (1B) seeks relief from LDC §10-285(a) Table 1, which requires a minimum connection separation of 245 feet on major collector roads with speed limit of 30 miles per hour, to allow minimum separation of 100 feet on Oriole Road between the project's southernmost driveway and the FPL Patrol Road. This deviation is APPROVED.

- 2A Excavation Setback Standards. Deviation (2A) seeks relief from LDC §10-329(d)(1)a.2, which requires that no excavation will be allowed within 50 feet of an existing or proposed right-of-way line or easement for a collector or arterial street, to allow a 25-foot setback. This deviation is APPROVED, SUBJECT TO Condition 7.
- 2B Excavation Setback Standards. Deviation (2B) seeks relief from LDC §10-329(d)(1)a.3, which requires that no excavation will be allowed within 50 feet of a private property line under separate ownership, to allow a 25-foot setback and/or to allow a zero-foot setback when the lake is combined with an adjacent property lake. This deviation is APPROVED.
- 2C Excavation Bank Slopes. Deviation (2C) seeks relief from LDC §10-329(d)(4), which requires excavations to be sloped at a ratio not greater than six horizontal to one vertical from the top of bank to a water depth of two feet below the dry season water table, to allow the existing lake bank to be sloped at a ratio of four horizontal to one vertical. This deviation is APPROVED.
- 2D Excavation Fencing. Deviation (2D) seeks relief from LDC §10-329(d)(6), which requires a four-foot fence around water retention excavations when located less than 100 feet from a property under separate ownership, to allow no fencing around existing and proposed lakes. This deviation is APPROVED.
- 3A Landscape Standards – Buffering Adjacent Property. Deviation (3A) seeks relief from LDC §10-416(d)(4)(note3), which limits palm trees to a maximum of 50 percent of the right-of-way tree requirement, to allow palms to comprise 100 percent of the right-of-way tree requirement along Three Oaks Parkway for Tracts A-1, A-2, B-1 and B-2. This deviation is APPROVED.
- 3B Surface Water Management Systems. Deviation (3B) seeks relief from LDC §10-418(2)a, which requires all surface water management systems to provide a planted littoral shelf mimicking the function of a natural marsh, to provide no littoral shelf. This deviation is APPROVED.
- 3B-1 Surface Water Management Systems. Deviation (3B-1) seeks relief from LDC §10-418(2)(d)(3), which allows native wetland trees to be substituted for up to 25% of required herbaceous plants, to substitute native wetland trees for 100% of the required herbaceous plants. This deviation is APPROVED, SUBJECT TO Condition 5c.
- 4A Street Design and Construction Standards – Street Trees. Deviation (4A) seeks relief from LDC §10-296(e)(2)d, which requires street trees to be planted on both sides of the road in a 6-foot planting area between the sidewalk and road edge of pavement, required small trees must be evenly spaced along the frontage and not clustered, and limits palm trees to a maximum of 50 percent of the required small trees, to allow trees to be planted on only one side of the road, and to allow 100% of the trees to be clustered palm trees. This deviation is APPROVED, SUBJECT TO Condition 5d.
- 4B Street Design and Construction Standards - Culs-de-sac. Deviation (4B) seeks relief from LDC §10-296(k)(1), which requires that dead-end streets must be closed at one end by a circular turnaround for vehicles, to allow internal roads and accessways to be constructed with a hammer head road configuration instead of culs-de-sac. This deviation is APPROVED, SUBJECT TO Condition 8.

5A, 5B Signs in Commercial and Industrial Areas. Deviations (5A) and (5B) relief from LDC §§ 30-153(2)a and 30-153(2)(a)1.ii., which establishes a limitation of one identification sign equal to one square foot of sign area per face for every one linear foot of frontage, to allow two additional ground-mounted identification signs, located on each of the project's road frontages on Three Oaks Parkway and on the west and east sides of Oriole Road, with a sign area not to exceed 200 square feet per sign (total of 9 signs). These deviations are APPROVED, SUBJECT TO Condition 9.

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 Mixed Use Planned Development complies with the Lee Plan. Lee Plan Vision Statement Paragraph 10 (Gateway/Airport), Lee Plan Goals 2, 4, 6, 7, 61, 77, 158, Objectives 1.7, 2.1, 2.2, 4.1, 11.1, 47.2, 126.2, 158.3, Policies 1.1.7, 1.7.1, 2.1.2, 2.2.1, 6.1.1, 6.1.4, 6.1.5, 6.1.7, 7.1.1, 7.1.2, 7.1.3, 7.1.5, 7.1.9, 7.1.10, 61.3.6, 158.3.5.
2. As conditioned, the Mixed Use Planned Development:
 - a. Meets the LDC and other county regulations or qualifies for deviations. LDC §§ 2-265, 2-385, 10-287, 10-321, 10-415, 10-416(d), 10-1104, 34-411, 34-413, 34-491, 34-612(2), 34-935(g), 34-1104, 34-1110(a);
 - b. Is compatible with existing and planned uses in the surrounding area. Lee Plan Policies 2.1.2, 2.2.1, 6.1.3, 6.1.4, 7.1.2, 7.1.3;
 - 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 Objective 39.1, Policies 2.2.1, 6.1.1, 6.1.3, 6.1.5, 7.1.1, 7.1.2, 7.1.5, 38.1.1, 39.1.1; LDC §§ 34-411(d) and (e);
 - d. Will not adversely affect environmentally critical areas and natural resources. Lee Plan Goals 61, 77, Objectives 77.2, 77.3, 126.2, Policies 54.1.1, 54.1.3, 60.4.1, 61.2.4, 61.3.6, 61.3.11, 123.4.5, 126.2.1, Standard 4.1.4; and
 - e. Will be served by urban services including paved roads, potable water, sanitary sewer, urban surface water management, police, fire, and emergency services. Lee Plan Glossary, Lee Plan Goals 2, 4, Objectives 2.1, 4.1, 6.1, 7.1, Policies 2.2.1, 6.1.4, 7.1.1, 7.1.5, 7.1.6, Standards 4.1.1 and 4.1.2 and Maps 6, 7; LDC §34-411(d).

3. The proposed uses are appropriate at the proposed location. Lee Plan Goal 158, Objective 2.1, Policies 2.1.1, 2.1.2, 6.1.1, 6.1.2, 7.1.1, 7.1.2, 7.1.3.
4. Recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. In addition, recommended conditions reasonably relate to impacts expected from the proposed development. Lee Plan Policies 1.7.1, 6.1.1, 6.1.3, 6.1.6, 7.1.2, 7.1.8, 47.2.2, 47.2.5, 123.2.13; LDC §§ 10-1104(b), 34-377(a)(3), 34-411, 34-932(b) and (c), 34-1012, 34-1104.
5. As conditioned, the requested deviations:
 - a. Enhance the planned development; and
 - b. Preserve and promote the general intent of the LDC 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 Hamman made a motion to adopt the foregoing resolution, seconded by Commissioner Sandelli. The vote was as follows:

Adopted by unanimous consent.

Kevin Ruane	Absent
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Absent

DULY PASSED AND ADOPTED this 6th day of October 2021.

ATTEST:
LINDA DOGGETT, CLERK

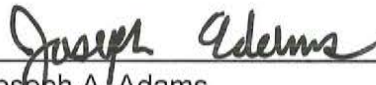
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Deputy Clerk

BY: 
Kevin Ruane, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


Joseph A. Adams
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE 

2021 OCT 19 AM 8:17



Exhibit A

DESCRIPTION TO ACCOMPANY SKETCH

EXHIBIT "A"

A PARCEL OF LAND LYING
IN A PORTION OF SECTION 4,
TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

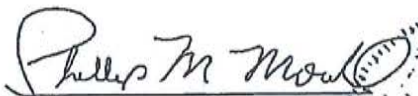
DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SECTION
4, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA,
BEING FURTHER DESCRIBED AS FOLLOWS:

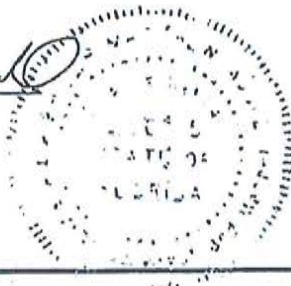
COMMENCING AT THE SOUTHWEST CORNER OF THE AFORESAID
SECTION 4; THENCE RUN N.00°58'36"W. ALONG THE EAST LINE
OF SAID SECTION 4 TO A POINT ALONG THE CENTERLINE OF A
170 FEET WIDE FLORIDA POWER AND LIGHT COMPANY EASEMENT
FOR 2555.19 FEET; THENCE RUN S.89°43'43"W. TO A POINT
ALONG THE WEST RIGHT OF WAY LINE OF ORIOLE ROAD (80
FEET WIDE) FOR 188.74 FEET TO THE POINT OF BEGINNING;
THENCE RUN S.89°43'43"W. FOR 1317.70 FEET; THENCE RUN
N.00°58'36"W. FOR 71.42 FEET; THENCE RUN N.01°04'51"W FOR
1063.18 FEET; THENCE RUN N.89°32'29"E. TO A POINT ALONG THE
AFORESAID WEST RIGHT OF WAY LINE OF ORIOLE ROAD (80
FEET WIDE) FOR 1333.60 FEET; THENCE RUN S.00°16'17"E. ALONG
SAID WEST RIGHT OF WAY LINE FOR 1138.84 FEET TO THE
POINT OF BEGINNING.

CONTAINING: 1,506,761.38 SQUARE FEET OR 34.59 ACRES, MORE
LESS.

REVIEWED
DCI2020-00014
Rick Burris, Principal
Planner
Lee County DCD/Planning
7/29/2021



PHILLIP M MOULD
LS6515
09/30/2020



SHEET 2 OF 2

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

Exhibit A

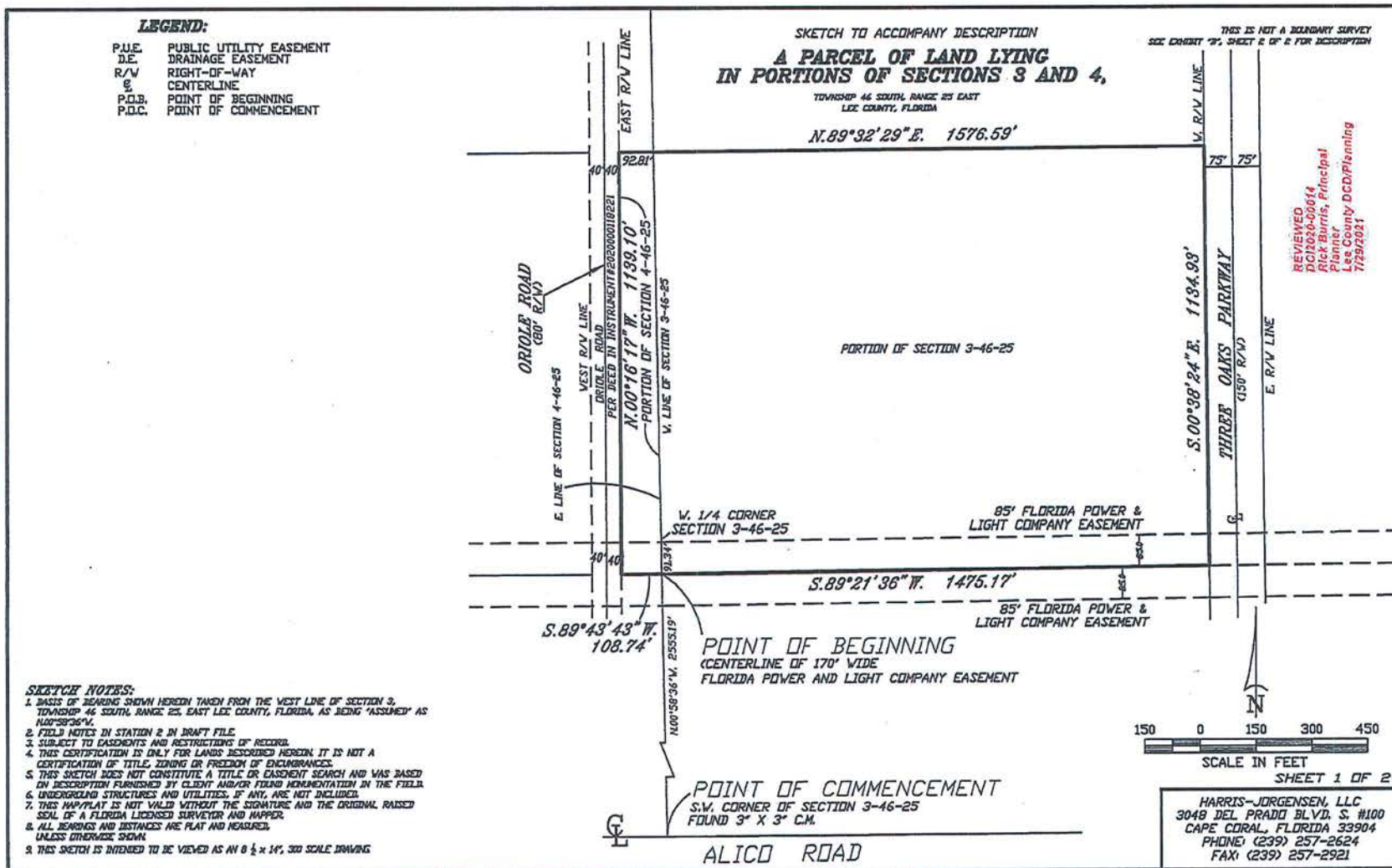


Exhibit A

DESCRIPTION TO ACCOMPANY SKETCH
EXHIBIT "B"
A PARCEL OF LAND LYING
IN PORTIONS OF SECTIONS 3 AND 4,
TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

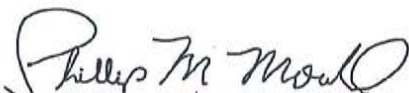
DESCRIPTION:

A PLOT OR PARCEL OF LAND LYING IN A PORTION OF SECTIONS 3 AND 4, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE AFORESAID SECTION 3; THENCE RUN N.00°58'36"W. ALONG THE COMMON LINE OF SAID SECTIONS 3 AND 4 TO A POINT ALONG THE CENTERLINE OF A 170 FEET WIDE FLORIDA POWER AND LIGHT COMPANY EASEMENT FOR 2555.19 FEET TO THE POINT OF BEGINNING; THENCE RUN S.89°43'43"W. TO A POINT ALONG THE EAST RIGHT OF WAY LINE OF DRIDLE ROAD (80 FEET WIDE) FOR 108.74 FEET; THENCE RUN N.00°16'17"W. ALONG SAID EAST RIGHT OF WAY LINE FOR 1139.10 FEET; THENCE RUN N.89°32'29"E. TO A POINT ALONG THE WEST RIGHT OF WAY LINE OF THREE OAKS PARKWAY (150 FEET WIDE) FOR 1576.59 FEET; THENCE RUN S.00°38'24"E. ALONG SAID WEST RIGHT OF WAY LINE FOR 1134.93 FEET; THENCE RUN S.89°21'36"W. TO A POINT ALONG THE AFORESAID COMMON LINE OF SAID SECTIONS 3 AND 4 FOR 1475.17 FEET TO THE POINT OF BEGINNING.

CONTAINING: 1,797,304.06 SQUARE FEET OR 41.26 ACRES, MORE OR LESS.

REVIEWED
DCI2020-00014
Rick Burris, Principal
Planner
Lee County DCD/Planning
7/29/2021



PHILLIP M MOULD
LS6515
09/30/2020

SHEET 2 OF 2

HARRIS-JORGENSEN, LLC
3048 DEL PRADO BLVD. S. #100
CAPE CORAL, FLORIDA 33904
PHONE: (239) 257-2624
FAX: (239) 257-2921

Exhibit B



DCI2020-00014

Zoning

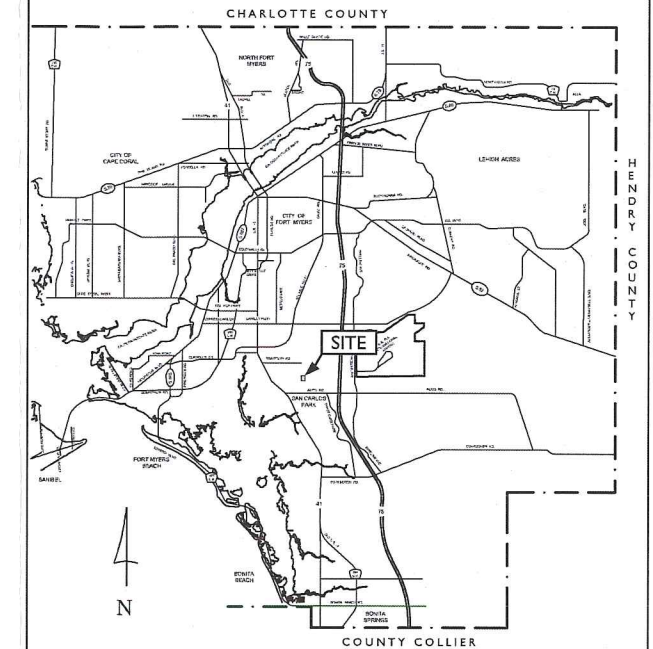
 Subject Property



THREE OAKS LOGISTICS CENTER

LOCATED IN SECTION 3/4 TOWNSHIP 46 -S, RANGE 25 -E, LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN

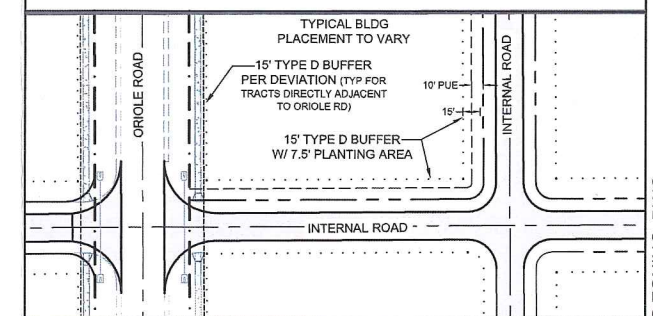


LOCATION MAP

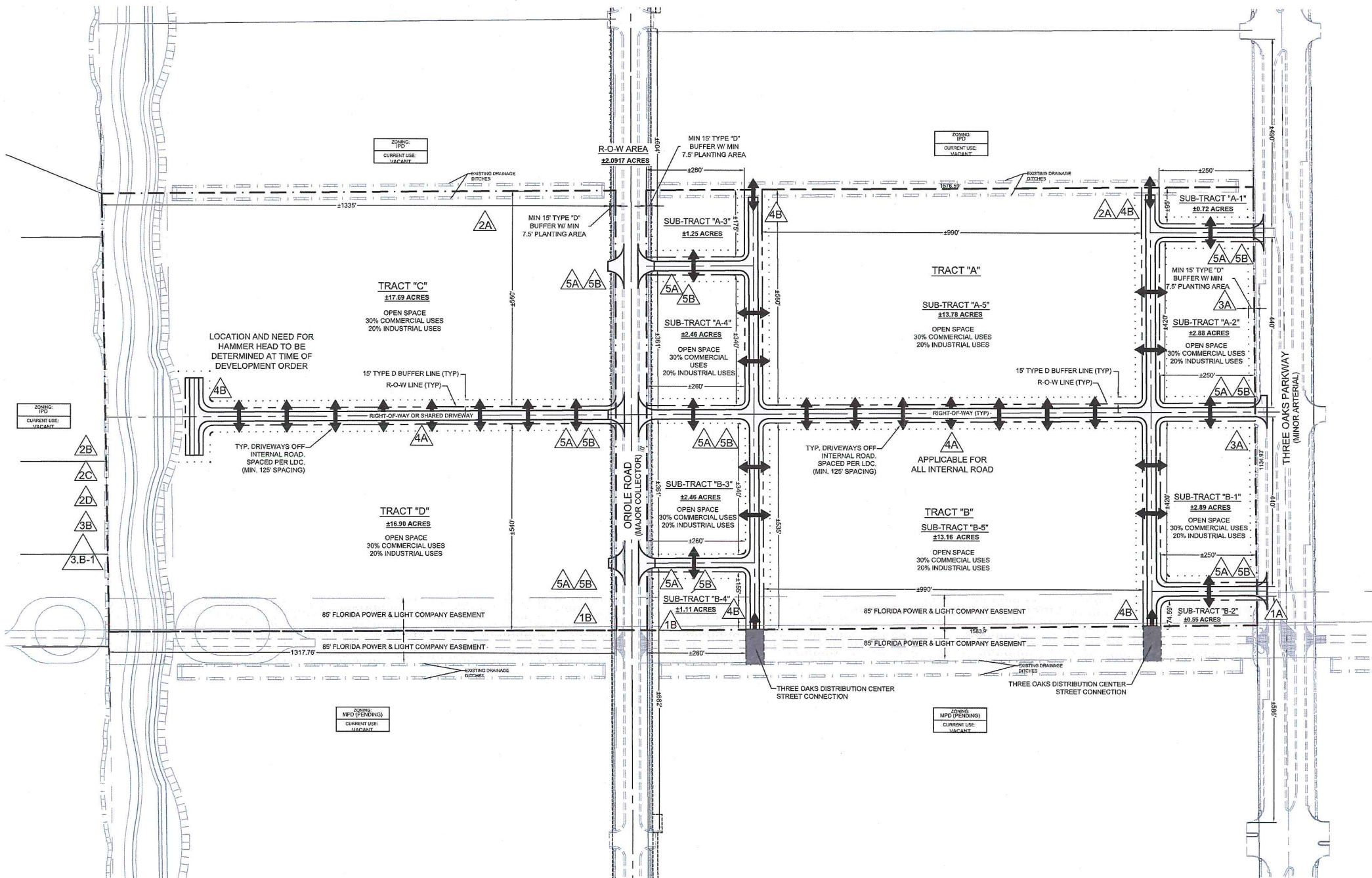
(NOT TO SCALE)

ZONING INDUSTRIAL DEVELOPMENT AG-2 TO MPD	OPEN SPACE 30% FOR COMMERCIAL USES 20% FOR INDUSTRIAL USES PROJECT MINIMUM = 15.59 ACRES (20%)
PARCEL No. & ADDRESS 03-46-25-00-00001.1070 04-46-25-00-00003-0040	DEVIATIONS # DEVIATION SYMBOL
PROJECT ACREAGE 75.85 ACRES	NOTES: TRACKS AREAS AND ACREAGE INCLUDE HALF OF INTERNAL R-O-W.
PROJECT INTENSITY TOTAL MAXIMUM OF 1,050,000 SF COMMERCIAL/RETAIL: MINIMUM 30,000 SF / MAXIMUM 540,000 SF. * INDUSTRIAL: MINIMUM 30,000 SF/ MAXIMUM 1,020,000 SF. *	
* MAXIMUM VALUES ARE NOT CUMULATIVE	

TYPICAL LOT LAYOUT:



Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd. | Fort Myers, FL 33916 | 239.936.5222 | QAInc.net



Approved as Exhibit C
MCP Page 1 of 1
Revision # 2-21-012



REQUEST STATEMENT

THREE OAKS LOGISTICS CENTER

MPD Amendment

±75.85 ACRES

STRAPS#: 03-46-25-00-00001.1070 and 04-46-25-00-00003.0040

Fort Myers, FL 33912

The project is made up of two parcels that occupy +/- 75.85-acre known as Three Oaks Logistics Center, MPD, is located on the west side of Three Oaks Parkway, a half mile north of Alico Road in Sections 03 & 04, Township 46 South, Range 25 East in Lee County Florida. The project is bisected by Oriole Road. The property is in the Gateway/Airport Planning Community and falls within the Industrial Development Future Land Use Category.

On October 6, 2021, the Lee County Board of County Commission adopted Resolution No. Z-21-012 (DCI2020-00014) to rezone the +/- 75.85-acre project from AG-2 to MPD to allow up to 1,050,000 SF of commercial, retail and industrial uses. The west side of the project was approved to allow up to 500,000 SF with a maximum of 20% commercial/retail uses. The east side of the project was approved to allow up to 550,000 SF with a maximum of 80% commercial/retail uses.

OUR REQUEST

The applicant, Alan C Freeman, is requesting Administrative Approval to modify the Three Oaks Logistics Center, MPD. The intent of the application is to:

- Revise the Master Concept Plan to change the lot configuration.
- Include new deviations per changes to the current land development code.
- Modify the Development Parameters to increase the maximum allowed square footage from 1,050,000 SF to 1,200,000 SF by reducing the commercial/retail allocation by 300,000 SF and increasing the industrial allocation by 450,000 SF.

The proposed amendment will provide the requisite flexibility to fully develop the subject property (Property) in accordance with market demand for a more urban form of development, that can accommodate the intensity needed for corporate headquarters, medical campuses, and industrial manufacturing uses. Based on Lee County's definition of Intensity and Lee County Staff's interpretation of the code as it relates to intensity for administrative amendments, the request will not be increasing intensity in that it is not increasing intensity of uses as demonstrated by an overall reduction of traffic rates, it is not increasing water and sewer demands (request results in a 30% reduction), open space is not being reduced, and maximum allowed building heights are not changing.

Since there are no increases to the intensity of the project, or modifications of the schedule of uses, the project is still in compliance with the Goals and Objectives of the Lee County Comp Plan that were presented during the original zoning application in 2021 and as such, we will only discuss those that are applicable to the proposed modification.



MASTER CONCEPT PLAN

The revised master concept plan configuration consolidates multiple parcels into three parcels and revises the internal roadway system accordingly.

The request is to modify Section B. Conditions: Subsection I. Development Parameters

The modification to the Development Parameters is as follows:

Approved Development Parameters

This project is approved for 1,050,000 square feet of commercial and industrial development floor area as follows:

510,000 square feet industrial floor area and

540,000 square feet commercial floor area.

Approved square footage may be distributed on parcels east and west of Oriole Road as follows:

West of Oriole Road: 500,000 total square footage. A maximum of 20% of the square footage west of Oriole Road may be developed with commercial or retail uses (100,000 square feet).

East of Oriole Road: 550,000 total square footage. A maximum of 80% of the square footage east of Oriole Road may be developed with commercial or retail uses (440,000 square feet).

Replace with:

Proposed Development Parameters

This project is approved for 1,200,000 square feet of commercial and industrial development floor area as follows:

960,000 square feet industrial floor area and

240,000 square feet commercial floor area.

Basis for Density Conversion

The basis for the density conversion is to not exceed the previously approved intensity by not increasing traffic. Below is a summary of trips approved in the original zoning (ITE 10th Edition) as compared to the original density using the ITE 10th Edition and as compared to the proposed density conversion using ITE 11th Edition. The results show the proposed trips to be comparable for both the existing and proposed intensities and to be significantly less as compared to the number of trips anticipated and approved as part of the original zoning.

Three Oaks Logistics Center

Approved Trip 10th Generation- DCI2020-00014

Land Use	Peak AM		Peak PM		Weekday	
	Entry	Exit	Entry	Exit	Entry	Exit
Total Trips	427	199	952	1,145	10,559	10,559
Less LUC 820 Pass-by	-63	-63	-284	-284	-2,839	-2,839
Net Total Trips	364	136	668	861	7,720	7,720



Approved Trip 11th Generation

Land Use	Peak AM		Peak PM		Weekday	
	Entry	Exit	Entry	Exit	Entry	Exit
LUC 820 – Shopping Plaza >150k (540,000 sqft GFA)	280	172	912	988	9,982	9,982
30% Pass By Reduction	-84	-52	-274	-296	-2,995	-2,995
LUC 820 – Shopping Plaza >150k (540,000 sqft GFA) after reduction	196	120	638	692	6,987	6,985
LUC 130 – Industrial Park (510,000 sqft GFA)	140	33	38	135	1,095	1,095
Total Trips	336	153	676	827	8,082	8,082

Proposed Modification 11th Generation

Land Use	Peak AM		Peak PM		Weekday	
	Entry	Exit	Entry	Exit	Entry	Exit
LUC 820 – Shopping Plaza >150k (240,000 sqft GFA)	171	105	509	551	6,065	6,065
30% Pass By Reduction	-51	-32	-153	-165	-1,820	-1,820
LUC 820 – Shopping Plaza >150k (240,000 sqft GFA) After Reduction	120	74	356	386	4,245	4,245
LUC 130 – Industrial Park (960,000 sqft GFA)	264	62	72	255	1,522	1,522
Total Trips	384	136	428	641	5,767	5,767

Trip Generation Comparison-Net Decrease

Land Use	Peak AM		Peak PM		Weekday	
	Entry	Exit	Entry	Exit	Entry	Exit
Total Trips as Approved (11 th gen)	336	153	676	827	8,082	8,082
Total Trips as Proposed (11 th gen)	384	136	428	641	5,767	5,767
Trip Change	+48	-17	-248	-186	-2,315	-2,315
TOTAL (ENTRY + EXIT)	+31		-434		-4,630	

Utility Comparison

Approved SF- DCI2020-00014

1,050,000 SF

500,000 SF west

100,000 commercial

400,000 industrial

550,000 east

440,000 commercial



110,000 industrial

540,000 sf commercial

510,000 sf industrial

Proposed SF

1,200,000

960,000 industrial

240,000 commercial

Increase industrial by 450,000 sf

Reduce Commercial by 300,000 sf

Net increase of 150,000 sf

Water/Sewer approved -

$540,000/100 \times 15 = 81,000$ gpd

510,000

1 bay/5000 sf at 100gpd/bay=10,200 gpd

1.25 employees/1500 sf at 15gpd/employee=425 employees $\times 15 = 6375$ gpd

Total = 97,575 gpd

Water/ Sewer Proposed -

$240,000/100 \times 15 = 36,000$ gpd

960,000

1 bay/5000 sf at 100gpd/bay=19,200 gpd

1.25 employees/1500 sf at 15gpd/employee=800 employees $\times 15 = 12,000$ gpd

Total = 67,200 gpd

Water/Sewer Reduction of over 30%

SCHEDULE OF USES

No changes to the schedule of uses are requested at this time.

DEVIATIONS- SPECIFIC TO LOT "A"

Street Design & Construction Standards
--

DEVIATION 4C Relief from LDC Section 34-2013(b)(3) which allows up to a maximum 35' wide driveway at the property line for two-way parking lot access to allow the access point to be up to 50' as measured at the property line and 35' at the throat width.

JUSTIFICATION: The need for this deviation is a result of how driveway widths are defined in the Lee County Land Development Code and does not account for projects



where the property/right-of-way line falls within the radius of the driveways. It is our understanding that the intent of the code is to limit the throat width of driveways to 35 feet. As the code is written now, our driveway throat widths would be limited to less than 20 feet. This is an issue Development Services is aware of and plans to address in future LDC amendments. The deviation is required to meet the intent of the code and to allow for semi-trucks to properly enter and exit the site. Without the additional width, large trucks entering and exiting the site would be forced to traverse areas outside of the pavement leading to destruction of the sidewalks and landscape areas adjacent to driveways.

DEVIATION 4D Relief from LDC Section 10-295 which require street stubs or an interconnection to adjoining area to only require interconnection if developed with commercial uses.

JUSTIFICATION: ~~The applicant is willing to provide interconnectivity between Tract 'B' (the eastern parcel which has frontage on Three Oaks Parkway) and Tract 'A' (the western parcel which has frontage on Oriole Road) only if the two parcels are developed with principal uses of commercial. If Tract 'A' is developed with a principal use of industrial, interconnectivity to the east is not required. As currently proposed, Tract 'A' is to be developed with approximately 450,000 SF of industrial dock high buildings. Traffic from an industrial use development, which will have heavy truck traffic is not compatible with vehicular traffic from offices and/or retail uses. Allowing semi trucks to travel through the commercial parcel and/or allowing passenger vehicles to travel through an industrial dock high warehousing facility creates safety concerns and limits the industrial property's developer from adequately securing their facility. It is doubtful that there would be any benefit to the traveling public from interconnectivity of these two different uses if the Principal Use is Industrial fronting Oriole Road. In fact, it would probably be more dangerous to the vehicles to traverse these incompatible transportation uses (large heavy delivery trucks on Tract A and passenger cars on Tract B) going from Oriole Road to Three Oaks Parkway or vice versa. Since the Goal is to reduce vehicular trips on public Arterial or Collector roads, we don't believe there will be any trip reduction on public roads from any such connectivity of unrelated and incompatible vehicular uses."~~

DEVIATION 6A - Container Spaces

Relief from LDC §10-261(a), which requires 216 SF for the first 25,000 SF of building area plus 8 SF for each additional 1,000 SF of building area of sufficient on-site space for the placement of garbage containers or receptacles, and sufficient space for recyclable materials collection containers to allow a 50% reduction of this requirement.

JUSTIFICATION: This section of the code is applicable to multi-family residential developments, commercial businesses, and industrial uses; however, the table does not provide a separate calculation for industrial uses. Instead, industrial uses are calculated at the same rate as commercial uses, which ignores the differing characteristics of each type of use and as such, requires more enclosure space than what is needed for industrial use. Industrial uses typically have less employees per square foot of building area, less areas open to the public and larger areas dedicated to dead storage and/or warehousing. Therefore, we are requesting a 50% reduction in the required container space for the portions of the project over 25,000 SF such that the new formula would be 216 SF for



the first 25,000 SF plus 4 SF for each additional 1,000 SF. Therefore, based on maximum industrial development for this project of 442,000 SF this would equate to 1,884 SF (216 SF for first 25,000 SF plus 417,000 SF/1,000 SF x 4 SF). This required area may vary depending on the final building size.

DEVIATION 6B- Refuse and Solid Waste Disposal Screening

Relief from LDC §10-261(c), which require refuse collection areas to be screened on three sides, to require the refuse collection area to be screened on one side when the refuse and solid waste disposal area is not visible from Oriole Rd or Three Oaks Parkway.

JUSTIFICATION Given the location of the project, vacant but potentially future commercial/industrial uses to the north, south and east and refuse areas being shielded from view by internal roadways and buildings. Refuse and solid waste disposal screening will be provided per the Code for Parcel A. The deviation pertains to the project's internal site areas. The deviation will not result in any adverse impacts to the public. The project will benefit from the deviation by avoiding unnecessary construction costs.

In accordance with requirements of LDC Section 34-174(j)(2):

a. Does not increase height, density or intensity of the development, except as permitted in [chapter 2](#).

- Response: The request does not increase height, density or intensity of the development.

b. Does not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development.

- Response: The request will not result to any substantial underutilization of public resources and public infrastructure

c. Does not result in a reduction of total open space provided on the master concept plan by more than ten percent.

- Response: The request will not result in a reduction of total open space.

d. Does not decrease the amount of indigenous native vegetation preservation or open space areas below the amount required by the Code.

- Response: There are no existing or previously permitted indigenous native vegetation preservation areas on the property and the deviation will not reduce open space below code minimums.

e. If changes to the buffer or landscaping areas are proposed, equivalent or better (by comparison with the approved Master Concept Plan) landscaping or buffering is provided.

- Response: The deviation will not decrease the open space below code minimums.

f. Does not adversely impact surrounding land uses; and

- Response: The request will not adversely impact surrounding land uses



g. Is consistent with all applicable provisions of the Lee Plan and land development regulations in effect at the time of the amendment request.

- Response: The request is consistent with all applicable provisions of the Lee Plan and land development regulations

Lee Plan and LDC Consistency Summary

The request is consistent with the goals, objectives, policies, and the intent of the Lee Plan.

The request will not cause damage, hazard, nuisance or other detriment to persons or property. It is being integrated into the existing neighborhood as a relatively low intensity development and is similar in nature to the uses in the area.

The requested use will be in compliance with all general zoning provisions and supplemental regulations pertaining to the uses set forth in Chapter 34 of the LDC.

Sufficient evidence has been provided within this application that this rezoning is in compliance with the Lee Plan, the Land Development Code and all other applicable rules and regulations.

The request will meet or exceed all performance and location standards set forth for the uses allowed by the request.

The request is consistent with the densities, intensities and general uses set forth in the Lee Plan.

The request is compatible with existing or planned uses in the surrounding area.

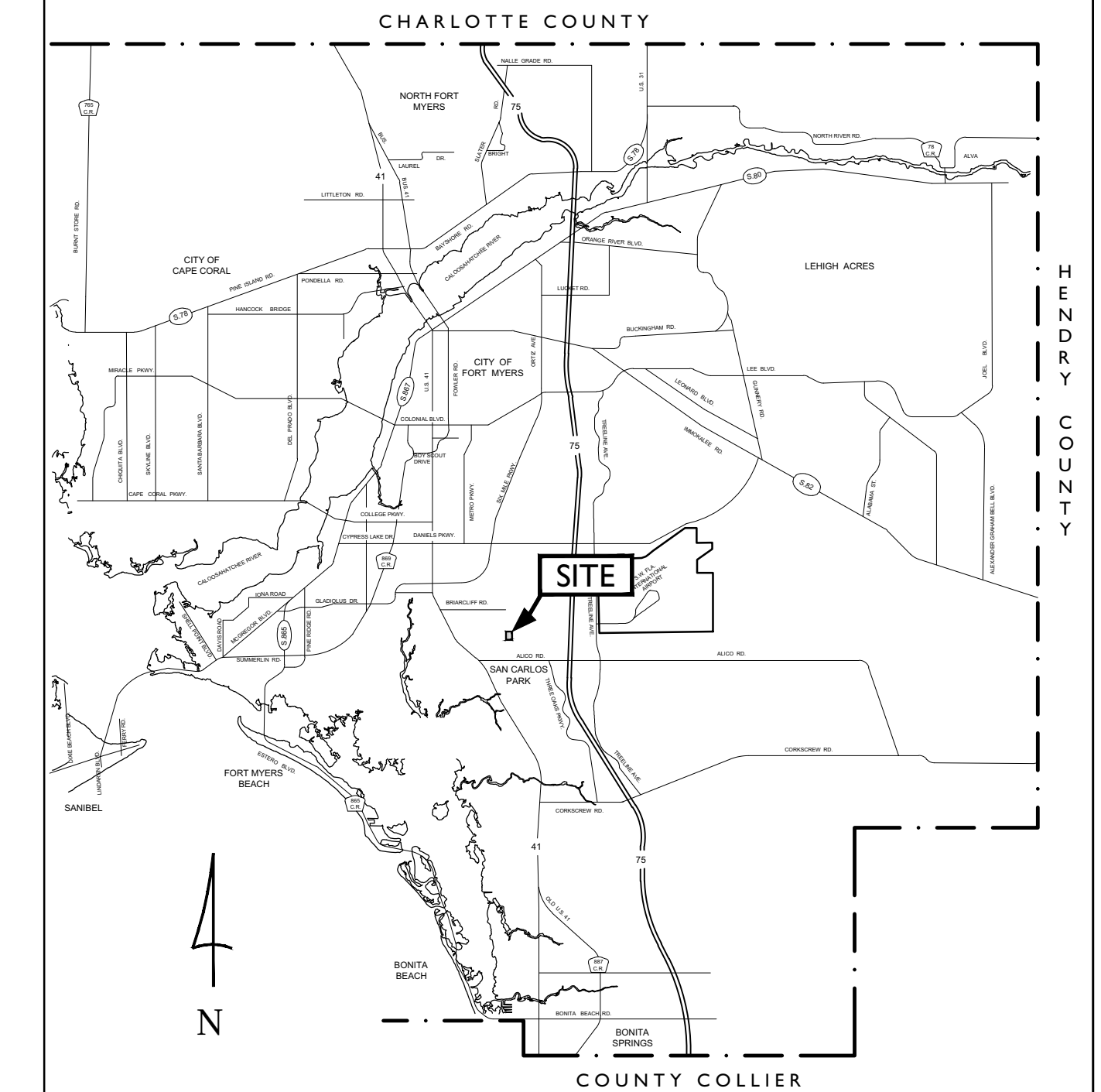
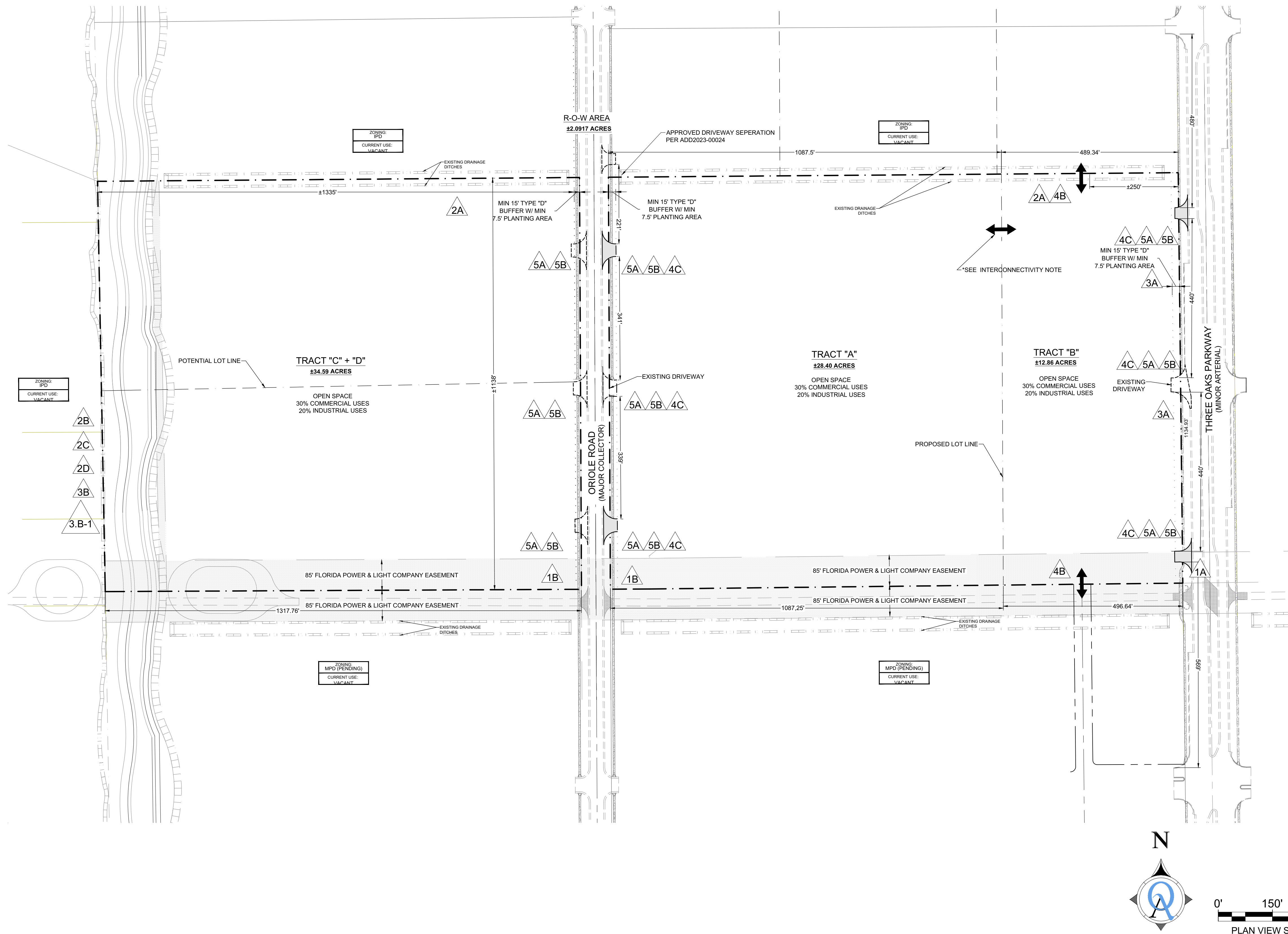
Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development.

The request will not adversely affect environmentally critical areas and natural resources.

THREE OAKS LOGISTICS CENTER

LOCATED IN SECTION 3/4 TOWNSHIP 46 -S, RANGE 25 -E, LEE COUNTY, FLORIDA

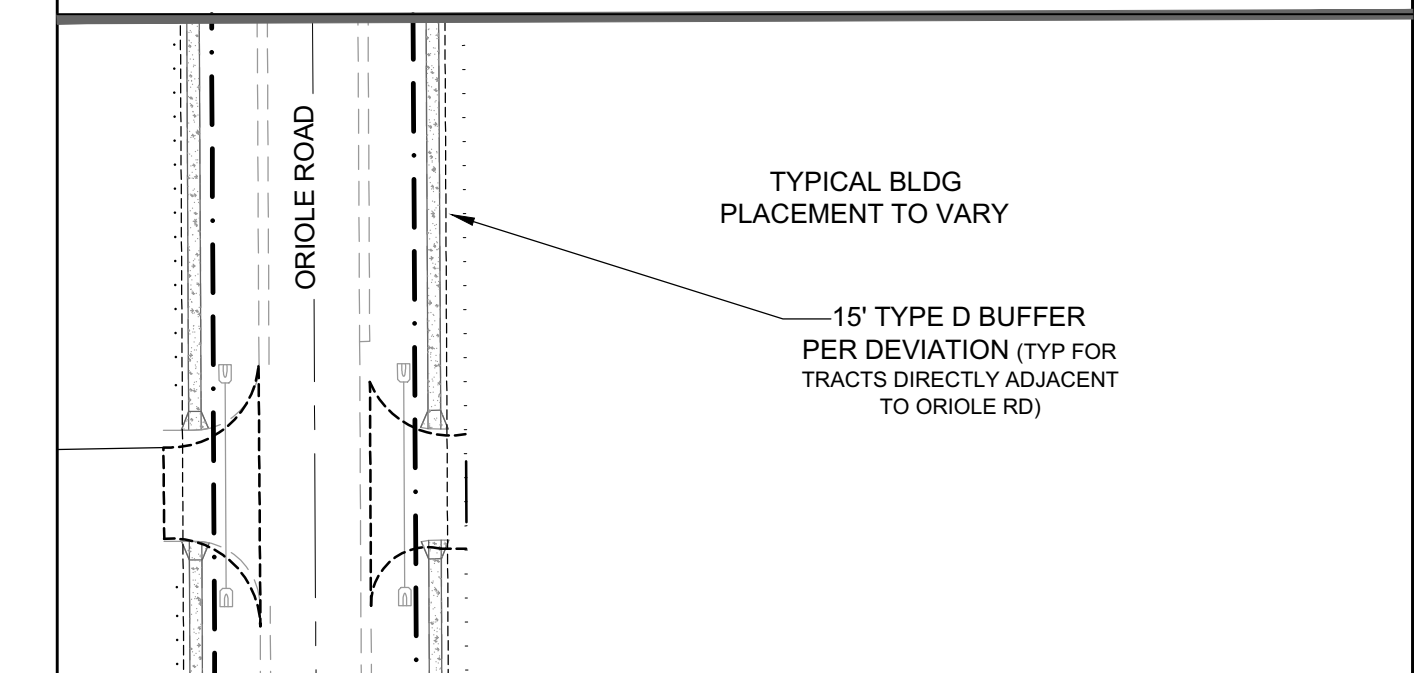
MASTER CONCEPT PLAN AMENDMENT



LOCATION MAP (NOT TO SCALE)

ZONING	OPEN SPACE
INDUSTRIAL DEVELOPMENT AG-2 TO MPD	30% FOR COMMERCIAL USES 20% FOR INDUSTRIAL USES PROJECT MINIMUM = 15.59 ACRES (20%)
PARCEL No. & ADDRESS 03-46-25-00-00001.1070 04-46-25-00-00003-0040	DEVIATIONS ## DEVIATION SYMBOL
PROJECT ACREAGE 75.85 ACRES	
PROJECT INTENSITY TOTAL MAXIMUM OF 1,200,000 SF -960,000 SQUARE FEET OF INDUSTRIAL FLOOR AREA -240,000 SQUARE FEET OF COMMERCIAL FLOOR AREA	
*INTERCONNECTIVITY NOTE Provide one Single minimum 20' wide paved interconnection.	

TYPICAL LOT LAYOUT:



Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
4301 Veronica Shoemaker Blvd. | Fort Myers, FL 33916 | 239.936.5222 | QAInc.net



LIST OF DEVIATIONS AND JUSTIFICATION

THREE OAKS LOGISTICS CENTER

MPD REZONING

±77.94 ACRES

STRAPS#: 03-46-25-00-00001.1070 and 04-46-25-00-00003.0040

Fort Myers, FL 33912

Connection Separation

DEVIATION IA - Connection Separation: (Previously Approved)

Relief from LDC §10-285(a) Table I requirement to provide a minimum connection separation of 440 feet on a minor arterial road to allow a minimum separation of 100 feet on Three Oaks Parkway between the project's southernmost driveway and the FPL access driveway for the FPL Patrol Road.

JUSTIFICATION: The applicant is proposing an access road connection at the south end of the property on the west side of Three Oaks Parkway which is approximately 100' north of Florida Power and Light's (FPL) existing driveway apron which serves the FPL Patrol Road. Their driveway is fenced off with a gate and not accessible to the public. Additional access onto Three Oaks Parkway will help with the project's traffic circulation and help distribute the traffic within the development to Three Oaks Parkway. This southernmost access point is critical for circulation but is anticipated to generate a smaller percentage of the traffic from the project. The proposed placement still provides adequate separation between the project's entrances and the driveway stubs serving the properties to the south and as such, the deviation will not impact public health, safety, and welfare.

DEVIATION IB - Connection Separation: (Previously Approved)

Relief from LDC §10-285(a) Table I requirement to provide a minimum connection separation of 330 feet on a major collector road to allow a separation of 100 feet on Oriole Road between the project's southernmost driveways and the FPL access driveways for the FPL Patrol Road.

JUSTIFICATION: The applicant is proposing access road connections at the south end of the property on the east and west sides of Oriole Road which are approximately 100' north of Florida Power and Light's (FPL) existing driveway apron which serves the FPL Patrol Road. Their driveway is fenced off with a gate and not accessible to the public. Additional access onto Oriole Road will help with the project's traffic circulation and help distribute the traffic within the development to Oriole Road. These southernmost access points are critical for circulation but are anticipated to generate a smaller percentage of the traffic from the project. The proposed placement still provides adequate separation between the project's entrances and the driveway stubs serving the properties to the south and as such, the deviation will not impact public health, safety, and welfare.



Surface Water Management

DEVIATION 2A (Previously Approved)

Relief from LDC §10-329(d)(1)a.2 Setbacks for Water Retention or Detention Excavations. Deviation from the requirement that no excavation will be allowed within 50 feet of any existing or proposed right-of-way line or easement for a collector or arterial street; to allow a 25-foot setback.

JUSTIFICATION: The adjacent properties are part of a master water management system under SFWMD permit # 36-05268-P which provide existing drainage easements that extend beyond the north and south property line (See "Surface Water Management System"). The request enhances the planned development and promotes the general intent of the LDC to protect the public health, safety, and welfare. The developer will provide for the protection of wayward vehicles through the use of guardrails, berms, swales, vegetation, or other suitable methods as determined by the Director.

DEVIATION 2B (Previously Approved)

Relief from LDC §10-329(d)(1)a.3 Setbacks for Water Retention or Detention Excavations. Deviation from the requirement that no excavation will be allowed within 50 feet of any private property line under separate ownership; to allow a 25-foot setback and/or to allow a zero-foot setback when the lake is combined with an adjacent property lake.

JUSTIFICATION: All adjacent properties are or are anticipated to be developed as commercial and/or industrial and as such, the additional setback is not necessary. The adjacent properties north and south are part of a master water management system under SFWMD permit # 36-05268-P which system provides an existing drainage easement which extends beyond the property line (See "Surface Water Management System"). This request also includes the existing lakes located along the west property line which are directly adjacent to the Formosa Industrial Parks lakes. The request enhances the planned development and promotes the general intent of the LDC to protect the public health, safety, and welfare.

DEVIATION 2C (Previously Approved)

Relief from LDC §10-329(d)(4) Bank Slopes. Deviation from the requirement that the banks of excavations permitted under this section must be sloped at a ratio not greater than six horizontal to one vertical from the top of bank to a water depth of two feet below the dry season water; to allow the existing lake to be sloped at a ratio of four horizontal to one vertical.

JUSTIFICATION: The existing lake was constructed in 2009 when the code allowed for lakes to be sloped at a ratio of four horizontal to one vertical. The lake banks already have established vegetation to prevent erosion, as such, the existing conditions meet the intent of the LDC and will not impact public health, safety, and welfare. Furthermore, the 4:1 lake bank slope is necessary to comply with FAA requirements for lakes located within 10,000 feet of airport operations.



DEVIATION 2D (Previously Approved)

Relief from LDC §10-329(d)(6) Fencing. A four-foot fence may be required, at the discretion of the Director, to be placed around excavations for water retention when located less than 100 feet from any property under separate ownership; to not require fencing around any existing or proposed lakes.

JUSTIFICATION: The lakes are existing and, in some cases, straddle the property lines (north and south perimeter lakes). In addition, the project is surrounded by other industrial properties that are either part of the same master drainage system (north and south) or is adjacent to the drainage system of another industrial park (west side), as such, the deviation will not impact public health, safety, and welfare.

Landscape Standards & Open Space

DEVIATION 3A (Previously Approved)

Relief from LDC 10-416(d)(4)(3) Notes for Buffer Type Table. A Deviation from the requirement that palm trees are limited to a maximum of 50 percent of the ROW tree requirement to allow palms to make up 100 percent of the ROW tree requirement along Three Oaks Parkway for Tracts A-1, A-2, B-1 and B-2.

JUSTIFICATION: The buffer is adjacent to a Lee County utility easement and per the updated LCU design manual, canopy trees must be 10' from their utility line and palms can be placed 5' from their lines. Therefore, the placement of palms in the buffer would minimize conflicts between buffer plantings and LCU utility lines.

DEVIATION 3B (Proposed Lakes Only) (Previously Approved)

Relief from LDC 10-418(2) Planted Littoral Shelf, which requires all surface water management systems to provide a planted littoral shelf that mimics the function of a natural marsh, to not have to provide the littoral shelf as required by subsections b. Location Criteria, c. Shelf Configuration, and e. Shelf Elevation of this section. In addition, deviate from subsection 10-418(2)(d)3. which allows native wetland trees to be substituted for up to 25% of the total number of herbaceous plants required, to allow native wetland trees to be substituted for 100% of the total number of herbaceous plants required at the rate of one tree per 100 herbaceous plants.

JUSTIFICATION: This deviation is requested to meet FAA regulations, as the project is located within the FAA circular Wildlife Hazardous Area. Creation of littoral zones may provide habitat for species that could be hazardous to aircraft. This deviation is requested to meet FAA regulations that promote steep sided retention bank slopes to facilitate control of hazardous wildlife. In general, the goal of this deviation is to eliminate design and landscape features and materials that attract flocks of birds and pose an elevated risk to aviation.

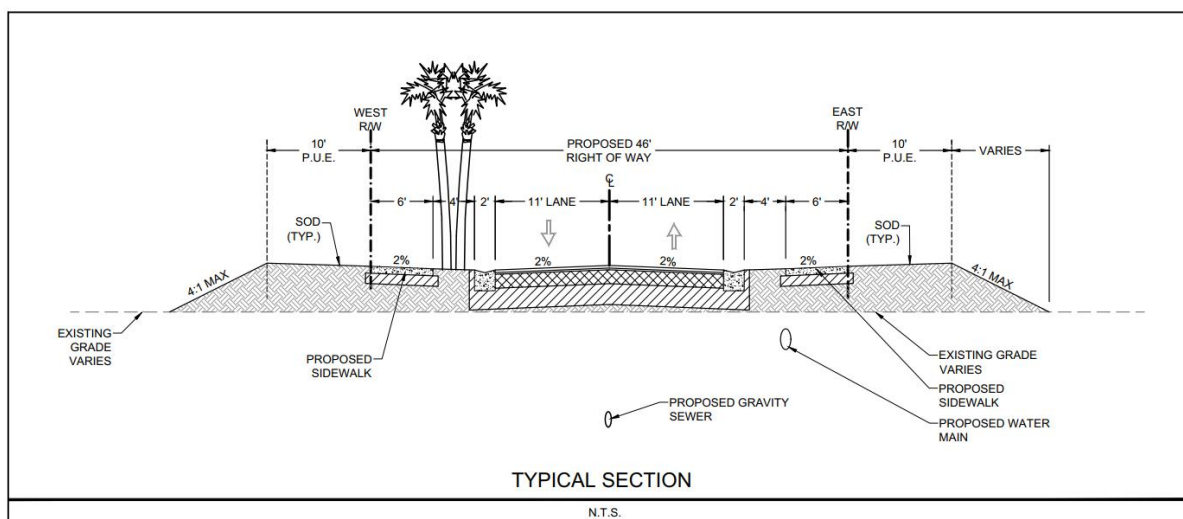


Street Design & Construction Standards

DEVIATION 4A (Previously Approved)

Relief from LDC §10-296(e)(2) d. Tree and Palm Spacing in Roadway Planting Areas (Street Trees). Deviate from the requirement that Street Trees must be planted on both sides of the road, that palm trees may only be substituted for a maximum of 50 percent of the required small trees, and that the trees must be spaced evenly along the frontage and not clustered, to allow the trees required per this section of the code to be planted on one side of the road, to allow 100 percent of the trees to be palm trees, and to allow the palm trees to be clustered. As an enhancement to the code, the palms must be staggered in height from 10' to 14'.

JUSTIFICATION: The proposed deviation will prevent and/or minimize conflicts between the Street Trees and water mains. Most roadways have a parallel water main located on one side of the road that is typically placed midway between the curb and the right-of-way line. Both the Lee County Land Development Code and the Lee County Utilities Design Manual (Section 2.2E.5.d) require a separation of 10 feet for canopy trees and 5 feet for palm trees from all utility lines. The purpose of planting the trees on only one side of the road is to allow the trees to be placed on the side of the road that does not have the watermain. The purpose of allowing only palm trees is to further avoid conflicts with utility lines that may be present in the adjacent PUE and/or minimize conflicts when there are other utility lines installed in the right-of-way (i.e. force mains). The purpose of allowing the palm trees to be clustered is to avoid potential line-of-sight conflicts that may occur if the trees are evenly spaced.



DEVIATION 4B (Previously Approved)

Relief from LDC §10-296(k)(1) Cul-de-Sacs. Deviation from the requirement that dead-end streets be closed at one end by a circular turnaround for vehicles; to allow the internal roads and/or accessways to be constructed with a hammer head road configuration instead of cul-de-sacs.



JUSTIFICATION: The dead-end roads and/or accessway or any phased road or accessway will be designed to allow vehicles and emergency vehicles to turn around using a hammer head road configuration which is typically approved by fire departments and have been previously approved for the Florida Gulf Coast Business Center and Three Oaks Distribution Center in the nearby vicinity of this project. The request enhances the planned development and promotes the general intent of the LDC to protect the public health, safety, and welfare.

DEVIATION 4C Relief from LDC Section 34-2013(b)(3) which allows up to a maximum 35' wide driveway at the property line for two-way parking lot access to allow the access point to be up to 50' as measured at the property line and 35' at the throat width.

JUSTIFICATION: The extra width of the driveway pavement will allow for semi-trucks to properly enter and exit the site. Without the additional width, large trucks entering and exiting the site would be forced to traverse areas outside of the pavement leading to destruction of the sidewalks and landscape areas adjacent to driveways.

DEVIATION 4D Relief from LDC Section 10-295 which requires street stubs or an interconnection to adjoining area to only require interconnection if developed with commercial uses.

JUSTIFICATION: The applicant is willing to provide interconnectivity between Tract 'B' (the eastern parcel which has frontage on Three Oaks Parkway) and Tract 'A' (the western parcel which has frontage on Oriole Road) only if the two parcels are developed with principal uses of commercial. If Tract 'A' is developed with a principal use of industrial, interconnectivity to the east is not required. As currently proposed, Tract 'A' is to be developed with approximately 450,000 SF of industrial dock high buildings. Traffic from industrial use development, which will have heavy truck traffic is not compatible with vehicular traffic from offices and/or retail uses. Allowing semi-trucks to travel through the commercial parcel and/or allowing passenger vehicles to travel through an industrial dock high warehousing facility creates safety concerns and limits the industrial property's developer from adequately securing their facility. It is doubtful that there would be any benefit to the traveling public from interconnectivity of these two different uses if the Principal Use is Industrial fronting Oriole Road. In fact, it would probably be more dangerous to the vehicles to traverse these incompatible transportation uses (large heavy delivery trucks on Tract A and passenger cars on Tract B) going from Oriole Road to Three Oaks Parkway or vice versa. Since the Goal is to reduce vehicular trips on public Arterial or Collector roads, we don't believe there will be any trip reduction on public roads from any such connectivity of unrelated and incompatible vehicular uses."

Developer Signs

DEVIATION 5A and 5B (Previously Approved)

Relief from LDC §30-153(2) a. and §30-153(2) a.1.ii. Nonresidential Identification Signs. Deviate from the requirement that the development is permitted to have one identification sign equal to one square foot of sign area per face for everyone linear foot of frontage.

To allow two additional signs on each of the project's road frontages (west side of Three Oaks Parkway, west side of Oriole Road and east side of Oriole Road) for a total of three ground-mounted developer signs on each road frontage. (§30-153(2)a.); and To allow the northern and southern most signs on each road frontage to have 150 square feet of sign area per sign face and



center signs on each road frontage to have 200 square feet of sign area per face. No sign shall exceed 200 square feet of sign area per sign face. This is a deviation of an additional 350 square feet of sign area on each of the road frontages.

JUSTIFICATION: The developer, or common area frontage, on any one of the three road frontages is determined by adding the widths of the entrance roads that intersect with main roads. The developer has three 50' wide road entrances on each frontage for a total of 150 linear feet of frontage on each road frontage. The deviation allows an additional 350 square feet of total sign area and two additional ground-mounted developer signs per frontage to serve the project. The support in rationale for the additional signs and sign area is:

- The diversity and the large size of the development requires additional signage to bring clarity, order, and support to the office, retail, and industrial centers, some of which will be internal to the project and otherwise difficult to find.
- The developer signs bring order to the development. The developer signs are neutral to the development as a whole seeking to properly inform the travelling public by directing traffic to a destination, thereby avoiding confusion and lessening dangerous traffic conditions and shortening trip lengths.
- Developer area signs add beauty. The sign areas are generally well-landscaped, designed with consistent architecture, and maintained by the developer; therefore, not dependent on a particular lease, business or lot owner.
- The faster speeds on Three Oaks Parkway and Oriole Road require additional square footage of signage to properly size the lettering to be readable at the speeds expected on an arterial or collector road.
- Given the amount of frontage on each of the two abutting roads (approximately 1,140 LF), there are significant distances between entrances to the development, on average over 400 feet on Three Oaks Parkway and over 360 feet on Oriole Road, which allows for adequate spacing between signs.

NOTE: The signs discussed in these deviations are developer signs. They do not preclude the individual lots and buildings on Three Oaks Parkway and Oriole Road from having building and ground-mounted signs as permitted in LDC 30-153(3).

Proposed conditions to approval:

- The developer must submit a detailed, final sign package covering the proposed signs along Three Oaks Parkway Extension and Oriole Road, for review and approval by the Department of Community Development in conjunction with the first local development order for the property.
- Ground mounted identification signs must have a minimum separation of 300 feet on Oriole Road and 400 feet on Three Oaks Parkway.
- Ground mounted identification signs must have a maximum height of 20 feet.



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

Refuse and Solid Waste Disposal Facilities

DEVIATION 6A- Container Spaces

Relief from LDC §10-261(a), which requires 216 SF for the first 25,000 SF of building area plus 8 SF for each additional 1,000 SF of building area of sufficient on-site space for the placement of garbage containers or receptacles, and sufficient space for recyclable materials collection containers to allow a 50% reduction of this requirement.

JUSTIFICATION: This section of the code is applicable to multi-family residential developments, commercial businesses, and industrial uses; however, the table does not provide a separate calculation for industrial uses. Instead, industrial uses are calculated at the same rate as commercial uses, which ignores the differing characteristics of each type of use and as such, requires more enclosure space than what is needed for industrial use. Industrial uses typically have less employees per square foot of building area, less areas open to the public and larger areas dedicated to dead storage and/or warehousing. Therefore, we are requesting a 50% reduction in the required container space for the portions of the project over 25,000 SF such that the new formula would be 216 SF for the first 25,000 SF plus 4 SF for each additional 1,000 SF. Therefore, based on maximum industrial development for this project of 442,000 SF this would equate to 1,884 SF (216 SF for first 25,000 SF plus 417,000 SF/1,000 SF x 4 SF). This required area may vary depending on the final building size.

DEVIATION 6B- Refuse and Solid Waste Disposal Screening

Relief from LDC §10-261(c), which require refuse collection areas to be screened on three sides, to require the refuse collection area to be screened on one side when the refuse and solid waste disposal area is not visible from Oriole Rd or Three Oaks Parkway.

JUSTIFICATION Given the location of the project, vacant but potentially future commercial/industrial uses to the north, south and east and refuse areas being shielded from view by internal roadways and buildings. Refuse and solid waste disposal screening will be provided per the Code for Parcel A. The deviation pertains to the project's internal site areas. The deviation will not result in any adverse impacts to the public. The project will benefit from the deviation by avoiding unnecessary construction costs.

LOGISTICS INDUSTRIAL - 35' WIDE DRIVEWAY EXHIBIT

LOCATED IN SECTION 03, TOWNSHIP 46-S, RANGE 25-E, LEE COUNTY, FLORIDA

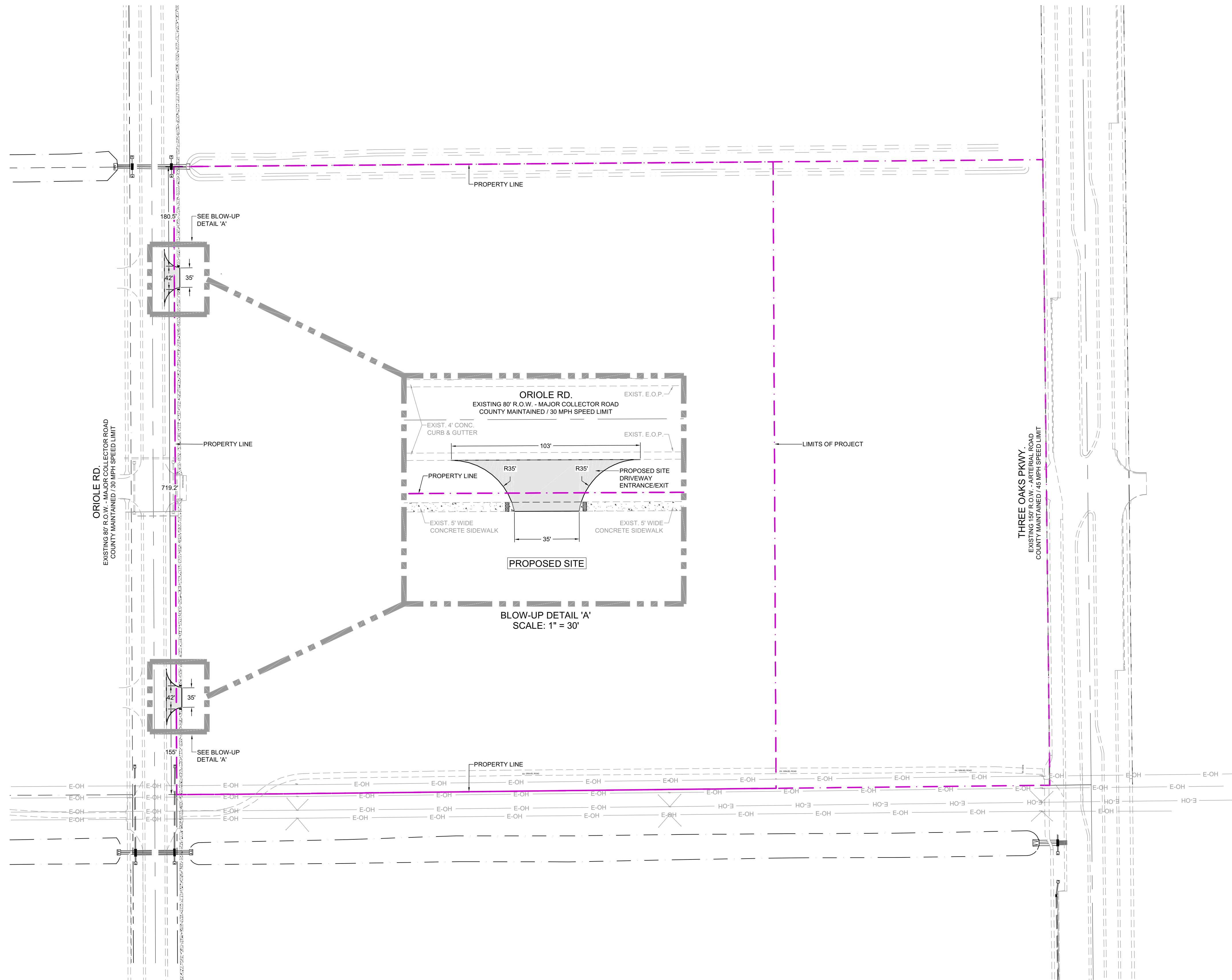
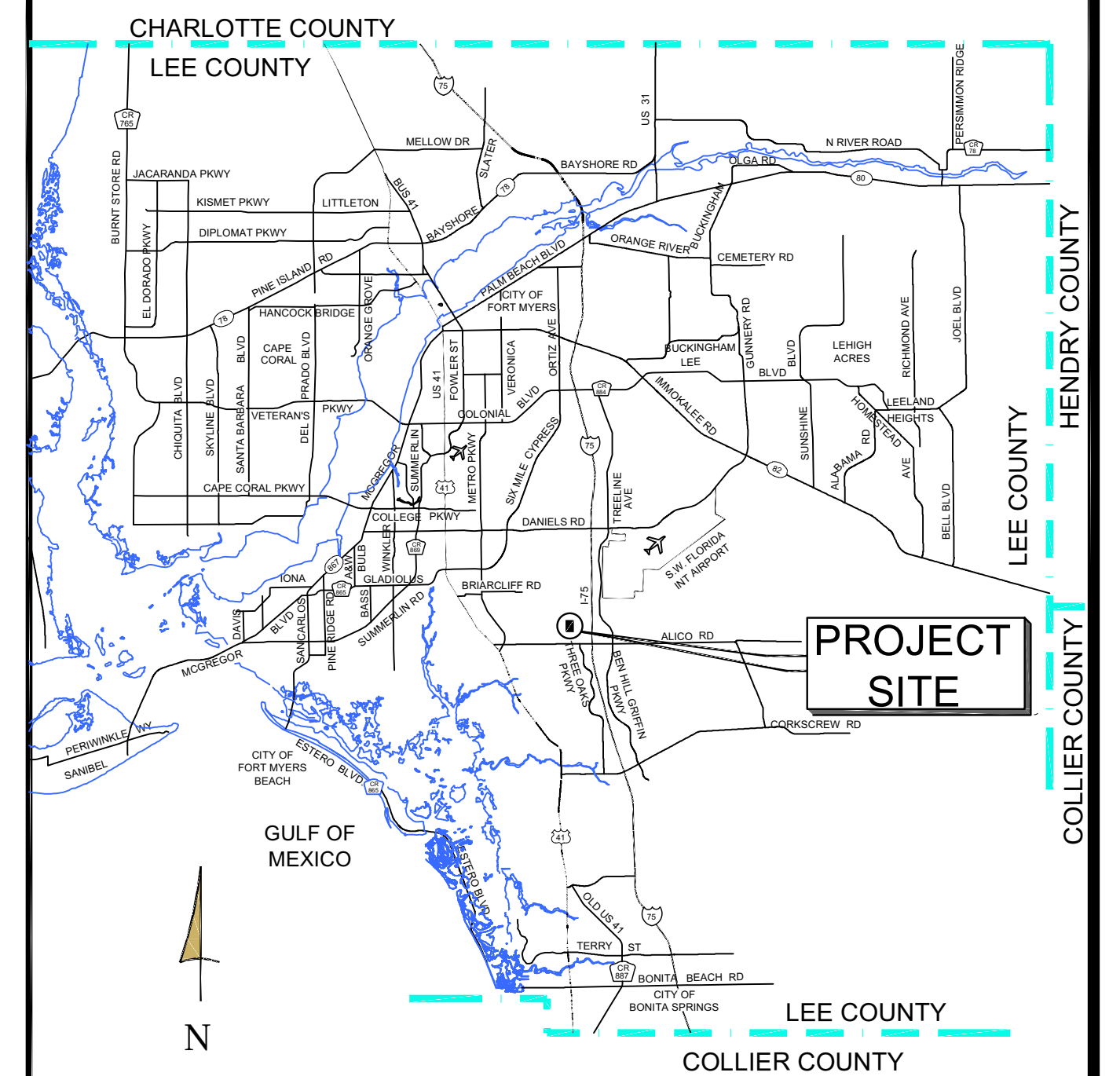


EXHIBIT A

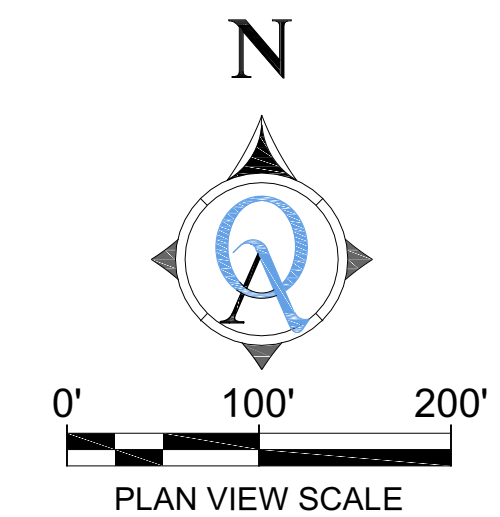


LOCATION MAP (NOT TO SCALE)

PROJECT SUMMARY:

STRAP #:
03-46-25-00-00001.1070

PROJECT ACREAGE:
28.40 ACRES (1,237,085 SF)





Engineers, Planners & Development Consultants

4301 Veronica Shoemaker Boulevard, Fort Myers, FL 33912
239.936.5222 | QAINC.NET | f 239.936.7228

THREE OAKS LOGISTICS CENTER

TRAFFIC IMPACT STATEMENT COMPARISON MEMORANDUM

September 2024

Prepared By:
Erick Diaz

Reviewed By:
Al Quattrone, P.E.
Florida P.E. #52741

QAI Project # 240506





THREE OAKS LOGISTICS CENTER

STRAP#: 03-46-25-00-00001.1070

Access Undetermined, Fort Myers, FL 333912

The purpose of the TIS is to analyze the potential traffic impacts and identify any improvements required to secure a zoning amendment to Zoning Resolution # Z-21-012, Case #DCI2020-00014.

OVERVIEW

Quattrone & Associates, Inc. has conducted a trip generation comparison based on the request to modify the land use intensities of the Three Oaks Logistics Center Planned Development, located north of Alico Road between Three Oaks Parkway and Oriole Road. The development parameters of this site are outlined in the approved Zoning Resolution Z-21-012 and include the development of up to 1,050,000 square feet, which may include up to 510,000 square feet of industrial uses, and 540,000 square feet of commercial uses.

The trip generation completed as part of the rezoning application was done using OTISS software which references the Institute of Transportation Engineer's (ITE) Report titled **Trip Generation**, 11th Edition. The original analysis encompassed in Zoning Resolution Z-21-012 utilized ITE 10th Edition publication of the **Trip Generation** report, so the following analysis first updated the trip generation of the approved uses based on the updated ITE **Trip Generation** report. **Tables 1 and 2** below illustrate the trip generation calculation of the project as currently approved, and **Table 3** illustrates the updated trip generation per ITE **Trip Generation**, 11th Edition. The Land Use Codes (LUC) utilized in this report are LUC 820 – Shopping Plaza (>150k) for the proposed 540,000 sq.ft. of commercial space and LUC 130 – Industrial Park for the proposed 510,000 sq.ft. of industrial space.

Table 1
Approved Trip Generation 10th Gen. – Total Trips
Per Zoning Resolution Z-21-012, Case #DCI2020-00014
Three Oaks Logistics Center

Land Use	Peak AM		Peak PM		Weekday	
	Entry	Exit	Entry	Exit	Entry	Exit
LUC 820 – Shopping Plaza >150k (540,000 sqft GFA)	262	160	909	984	9,463	9,463
LUC 130 – Industrial Park (510,000 sqft GFA)	165	39	43	161	1,096	1,096
Total Trips	427	199	952	1,145	10,559	10,559



Table 2
Approved Trip Generation 10th Gen. – Reduced Trips
Per Zoning Resolution Z-21-012, Case #DCI2020-00014
Three Oaks Logistics Center

Land Use	Peak AM		Peak PM		Weekday	
	Entry	Exit	Entry	Exit	Entry	Exit
Total Trips	427	199	952	1,145	10,559	10,559
Less LUC 820 Pass-by	-63	-63	-284	-284	-2,839	-2,839
Net Total Trips	364	136	668	861	7,720	7,720

Table 3
Trip Generation 11th Gen. – Total Trips (Previously Approved Areas)
Three Oaks Logistics Center

Land Use	Peak AM		Peak PM		Weekday	
	Entry	Exit	Entry	Exit	Entry	Exit
LUC 820 – Shopping Plaza >150k (540,000 sqft GFA)	280	172	912	988	9,982	9,982
30% Pass By Reduction	-84	-52	-274	-296	-2,995	-2,995
LUC 820 – Shopping Plaza >150k (540,000 sqft GFA) after reduction	196	120	638	692	6,987	6,985
LUC 130 – Industrial Park (510,000 sqft GFA)	140	33	38	135	1,095	1,095
Total Trips	336	153	676	827	8,082	8,082

PROPOSED MODIFICATION IN INTENSITIES

The Developer desires to modify the floor areas of the approved uses in order to provide added industrial space while reducing the amount of commercial space, as to not create any additional external impacts from the project based on the trip generation. The development is now proposed to include up to 240,000 square feet of commercial space, LUC 820, and 960,000 square feet of industrial space, LUC 130. This brings the total project GFA from the approved 1,050,000 square feet up to 1,200,000 square feet. **Table 4** below illustrates the trips generated with the new area allotments scheduled within the proposed modification. It is important to note that the 30% trip reduction which was used for LUC 820 will remain in this analysis to keep a conservative comparison and most similar design approach as previously approved.



Table 4
Trip Generation 11th Gen. – Total Trips
Proposed Land Use Modification (with pass by reduction)
Three Oaks Logistics Center

Land Use	Peak AM		Peak PM		Weekday	
	Entry	Exit	Entry	Exit	Entry	Exit
LUC 820 – Shopping Plaza >150k (240,000 sqft GFA)	171	105	509	551	6,065	6,065
30% Pass By Reduction	-51	-32	-153	-165	-1,820	-1,820
LUC 820 – Shopping Plaza >150k (240,000 sqft GFA) After Reduction	120	74	356	386	4,245	4,245
LUC 130 – Industrial Park (960,000 sqft GFA)	264	62	72	255	1,522	1,522
Total Trips	384	136	428	641	5,767	5,767

Table 5 then compares the trip generation from the approved uses and intensities to the proposed uses and intensities, both on the 11th gen ITE for the most accurate comparison.

Table 5
Trip Generation Comparison (Net Peak Hour Decrease)
Three Oaks Logistics Center

Land Use	Peak AM		Peak PM		Weekday	
	Entry	Exit	Entry	Exit	Entry	Exit
Total Trips as Approved (11th gen)	336	153	676	827	8,082	8,082
Total Trips as Proposed (11th gen)	384	136	428	641	5,767	5,767
Trip Change	+48	-17	-248	-186	-2,315	-2,315
TOTAL (ENTRY + EXIT)	+31		-434		-4,630	

As can be seen from Table 5, the modification resulted in an overall decrease in generated trips during the PM Peak Hour and increased during the AM Peak Hour. Trips for any given weekday are reduced by a total of 4,630 trips. The proposed peak hour trips are reduced from 1,503 (676 + 827) down to 1,069 (428 + 641) during the peak PM hours, which is a 434 trip reduction during the time frame with the highest trip intensity (PM Peak Hour). Ultimately, the proposed changes to the floor area use results in a net reduction in overall trips. Although the AM Peak Hour is an overall increase by 31 trips, the Peak PM is ultimately the limiting factor for design since it is the timeframe with the overall Peak Hour trips.

CONCLUSION

The proposed modification to the land use intensities results in an overall reduction of trips generated by the proposed development during the overall peak hour which will have a net improvement to the surrounding roadway systems at full buildout.

REFERENCES

- *Trip Generation by OTISS Online Traffic Impact Study Software*
- *Institute of Transportation Engineers Trip Generation, 11th Edition*
- *Zoning Resolution Z-21-012, Case #DCI2020-00014*



TRIP GENERATION ANALYSIS



VEHICLE TRIPS BEFORE REDUCTION

Land Use & Data Source	Location	IV	Size	Time Period	Method	Entry	Exit	Total
					Rate/Equation	Split%	Split%	
130 - Industrial Park (Weekday)	General	1000 Sq. Ft. GFA	510	Weekday	Best Fit (LOG)	1095	1095	2190
Data Source: Trip Generation Manual, 11th Ed	Urban/Suburban				$\ln(T) = 0.52\ln(X) + 4.45$	50%	50%	
130 - Industrial Park (Peak AM)	General	1000 Sq. Ft. GFA	510		Average	140	33	
Data Source: Trip Generation Manual, 11th Ed	Urban/Suburban	1000 Sq. Ft. GFA	510	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	0.34	81%	19%	173
130 - Industrial Park (Peak PM)	General	1000 Sq. Ft. GFA	510	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Average	38	135	173
Data Source: Trip Generation Manual, 11th Ed	Urban/Suburban				0.34	22%	78%	
820 - Shopping Center (>150k) (Weekday)	General	1000 Sq. Ft. GLA	540		Best Fit (LIN)	9982	9982	
Data Source: Trip Generation Manual, 11th Ed	Urban/Suburban			Weekday	$T = 26.11(X) + 5863.73$	50%	50%	19964
820 - Shopping Center (>150k) (Peak AM)	General	1000 Sq. Ft. GLA	540		Best Fit (LIN)	280	172	
Data Source: Trip Generation Manual, 11th Ed	Urban/Suburban				$T = 0.59(X) + 133.55$	62%	38%	
820 - Shopping Center (>150k) (Peak PM)	General	1000 Sq. Ft. GLA	540	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LOG)	912	988	1900
Data Source: Trip Generation Manual, 11th Ed	Urban/Suburban				$\ln(T) = 0.72\ln(X) + 3.02$	48%	52%	

VEHICLE TRIPS BEFORE REDUCTION

Land Use & Data Source	Location	IV	Size	Time Period	Method	Entry	Exit	Total
					Rate/Equation	Split%	Split%	
130 - Industrial Park (Weekday)	General	1000 Sq. Ft. GFA	960	Weekday	Best Fit (LOG)	1522	1522	3044
Data Source: Trip Generation Manual, 11th Ed	Urban/Suburban				$\ln(T) = 0.52\ln(X) + 4.45$	50%	50%	
130 - Industrial Park (Peak AM)	General	1000 Sq. Ft. GFA	960	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Average	264	62	326
Data Source: Trip Generation Manual, 11th Ed	Urban/Suburban				0.34	81%	19%	
130 - Industrial Park (Peak PM)	General	1000 Sq. Ft. GFA	960	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Average	72	255	327
Data Source: Trip Generation Manual, 11th Ed	Urban/Suburban				0.34	22%	78%	
820 - Shopping Center (>150k) (Weekday)	General	1000 Sq. Ft. GLA	240	Weekday	Best Fit (LIN)	6065	6065	12130
Data Source: Trip Generation Manual, 11th Ed	Urban/Suburban				$T = 26.11(X) + 5863.73$	50%	50%	
820 - Shopping Center (>150k) (Peak AM)	General	1000 Sq. Ft. GLA	240	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m.	Best Fit (LIN)	171	105	276
Data Source: Trip Generation Manual, 11th Ed	Urban/Suburban				$T = 0.59(X) + 133.55$	62%	38%	
820 - Shopping Center (>150k) (Peak PM)	General	1000 Sq. Ft. GLA	240	Weekday, Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m.	Best Fit (LOG)	509	551	1060
Data Source: Trip Generation Manual, 11th Ed	Urban/Suburban				$\ln(T) = 0.72\ln(X) + 3.02$	48%	52%	



TRIP GENERATION GRAPHS



Land Use: 130 Industrial Park

Description

An industrial park contains several individual industrial or related facilities. It is characterized by a mix of manufacturing, service, and warehouse facilities with a wide variation in the proportion of each type of use from one location to another. Many industrial parks contain highly diversified facilities. Some parks in the database have a large number of small businesses and others have one or two dominant industries. General light industrial (Land Use 110) and manufacturing (Land Use 140) are related uses.

Additional Data

The sites were surveyed in the 1980s, the 2000s, 2010s, and the 2020s in California, Georgia, New Jersey, Massachusetts, New York, Ontario (CAN), and Pennsylvania.

Source Numbers

106, 162, 184, 251, 277, 422, 706, 747, 753, 937, 1032, 1070

Industrial Park (130)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 27

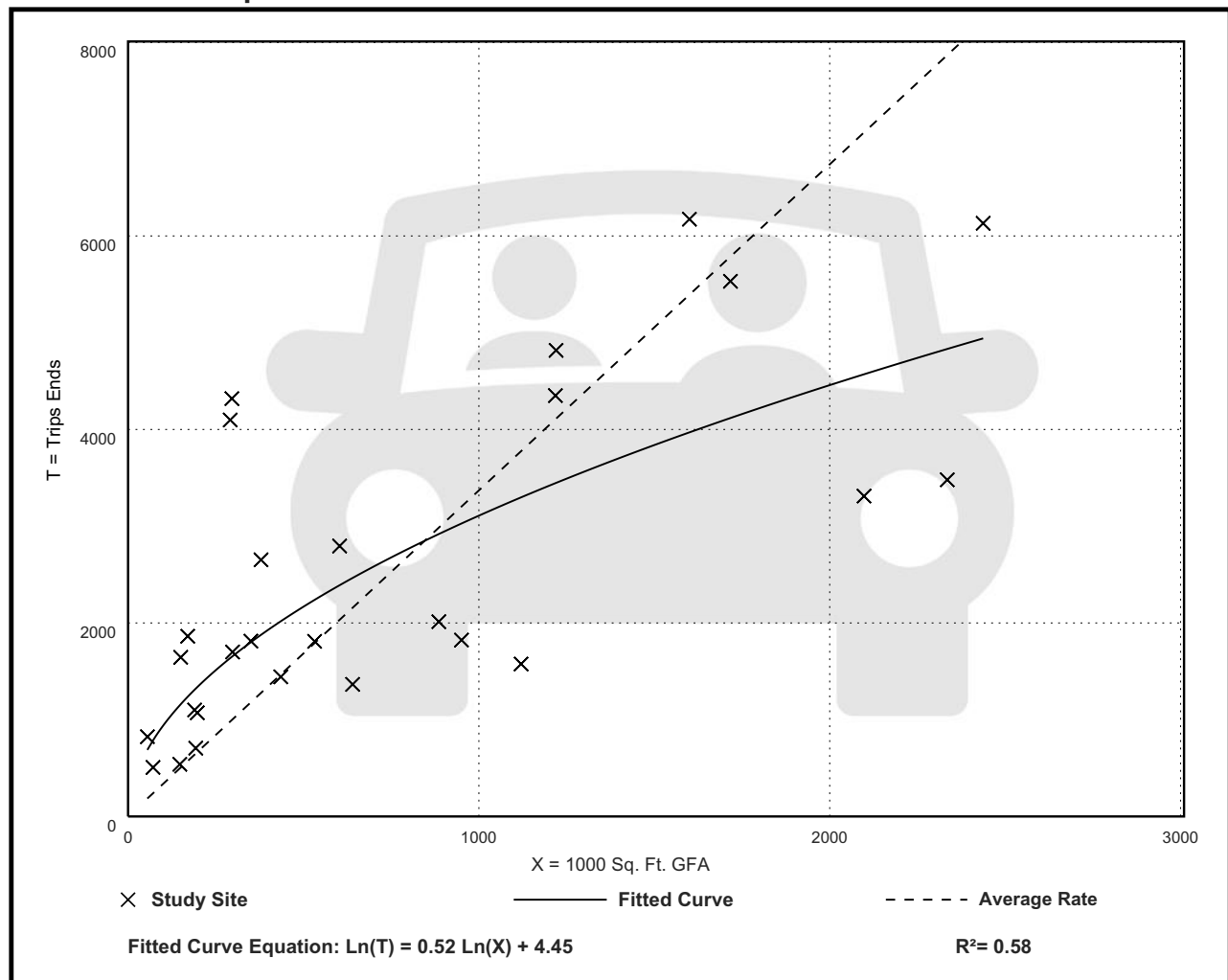
Avg. 1000 Sq. Ft. GFA: 762

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
3.37	1.41 - 14.98	2.60

Data Plot and Equation



Industrial Park (130)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 34

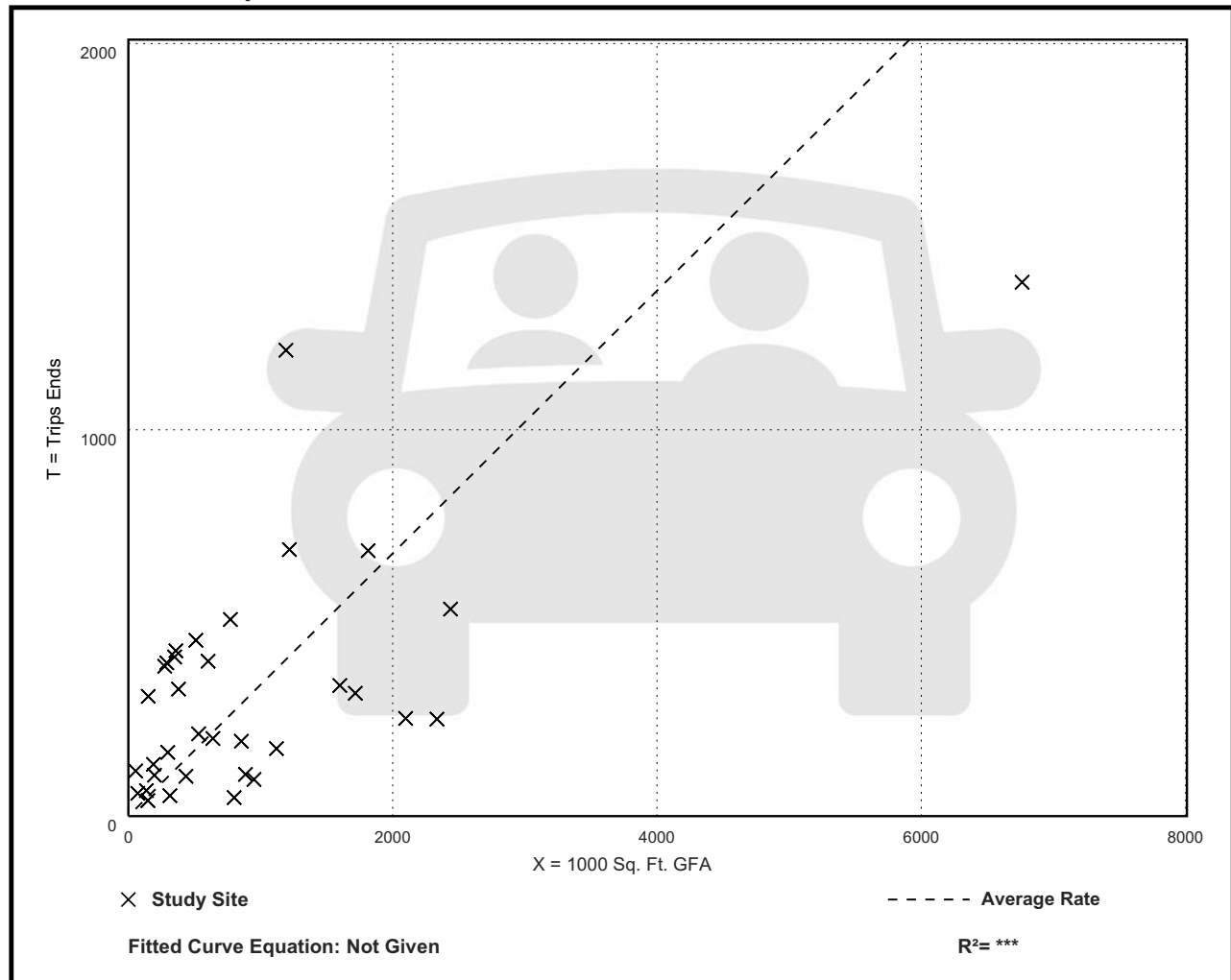
Avg. 1000 Sq. Ft. GFA: 956

Directional Distribution: 81% entering, 19% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.34	0.06 - 2.13	0.33

Data Plot and Equation



Industrial Park (130)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 35

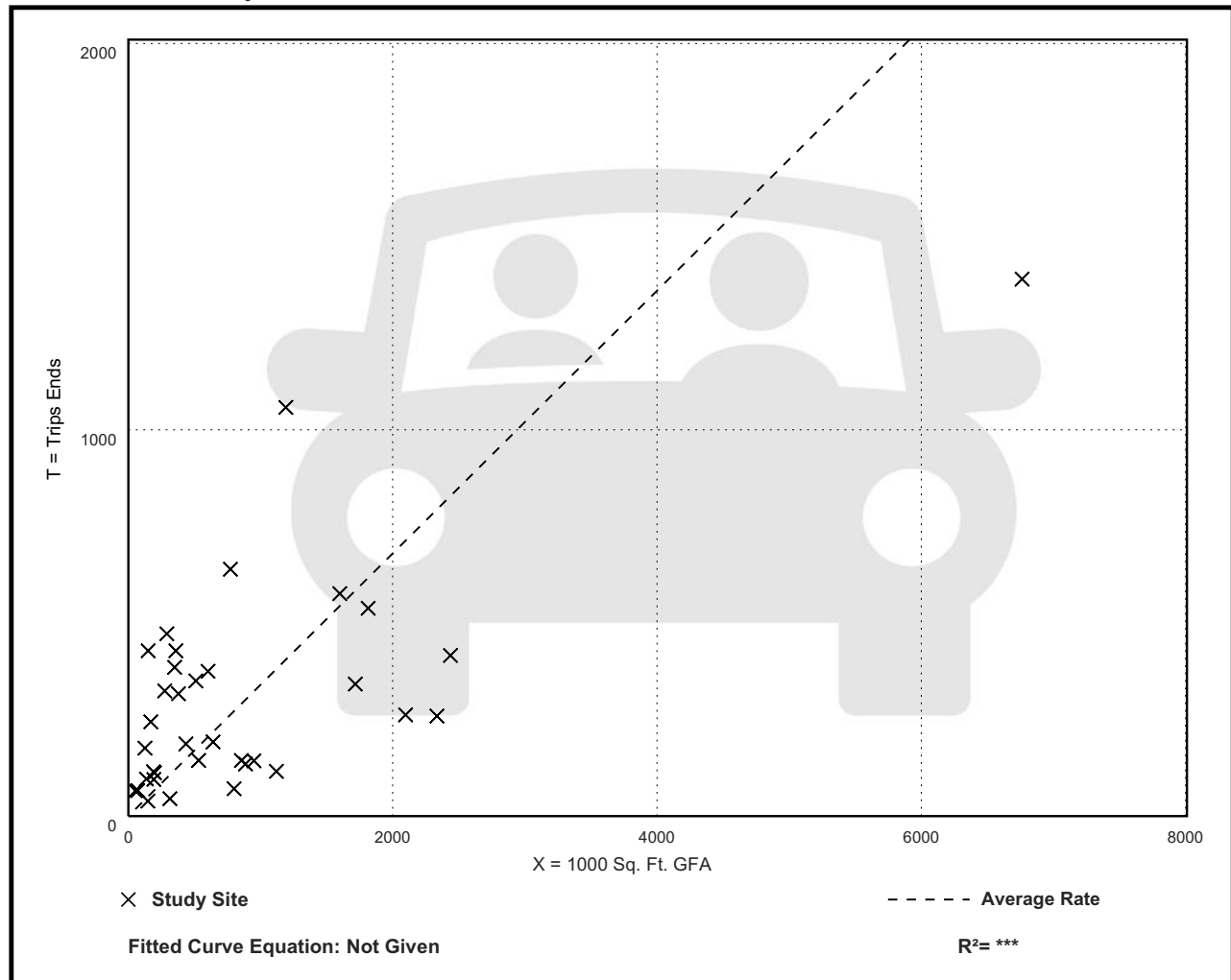
Avg. 1000 Sq. Ft. GFA: 899

Directional Distribution: 22% entering, 78% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.34	0.09 - 2.85	0.36

Data Plot and Equation



Land Use: 820

Shopping Center (>150k)

Description

A shopping center is an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. Each study site in this land use has at least 150,000 square feet of gross leasable area (GLA). It often has more than one anchor store. Various names can be assigned to a shopping center within this size range, depending on its specific size and tenants, such as community center, regional center, superregional center, fashion center, and power center.

A shopping center of this size typically contains more than retail merchandising facilities. Office space, a movie theater, restaurants, a post office, banks, a health club, and recreational facilities are common tenants.

A shopping center of this size can be enclosed or open-air. The vehicle trips generated at a shopping center are based upon the total GLA of the center. In the case of a smaller center without an enclosed mall or peripheral buildings, the GLA is the same as the gross floor area of the building.

The 150,000 square feet GLA threshold value between community/regional shopping center and shopping plaza (Land Use 821) is based on an examination of trip generation data. For a shopping plaza that is smaller than the threshold value, the presence or absence of a supermarket within the plaza has a measurable effect on site trip generation. For a shopping center that is larger than the threshold value, the trips generated by its other major tenants mask any effects of the presence or absence of an on-site supermarket.

Shopping plaza (40-150k) (Land Use 821), strip retail plaza (<40k) (Land Use 822), and factory outlet center (Land Use 823) are related uses.

Additional Data

Many shopping centers—in addition to the integrated unit of shops in one building or enclosed around a mall—include outparcels (peripheral buildings or pads located on the perimeter of the center adjacent to the streets and major access points). These buildings are typically drive-in banks, retail stores, restaurants, or small offices. Although the data herein do not indicate which of the centers studied include peripheral buildings, it can be assumed that some of the data show their effect.

The technical appendices provide supporting information on time-of-day distributions for this land use. The appendices can be accessed through either the ITETripGen web app or the trip generation resource page on the ITE website (<https://www.ite.org/technical-resources/topics/trip-and-parking-generation/>).

The sites were surveyed in the 1980s, the 1990s, the 2000s, and the 2010s in Alberta (CAN), California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky,

Maryland, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin.

Source Numbers

77, 110, 154, 156, 159, 190, 199, 202, 204, 213, 251, 269, 294, 295, 299, 304, 305, 307, 308, 309, 311, 314, 315, 316, 317, 319, 365, 385, 404, 414, 423, 442, 446, 562, 629, 702, 715, 728, 868, 871, 880, 899, 912, 926, 946, 962, 973, 974, 978, 1034, 1040, 1067

Shopping Center (>150k) (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday

Setting/Location: General Urban/Suburban

Number of Studies: 108

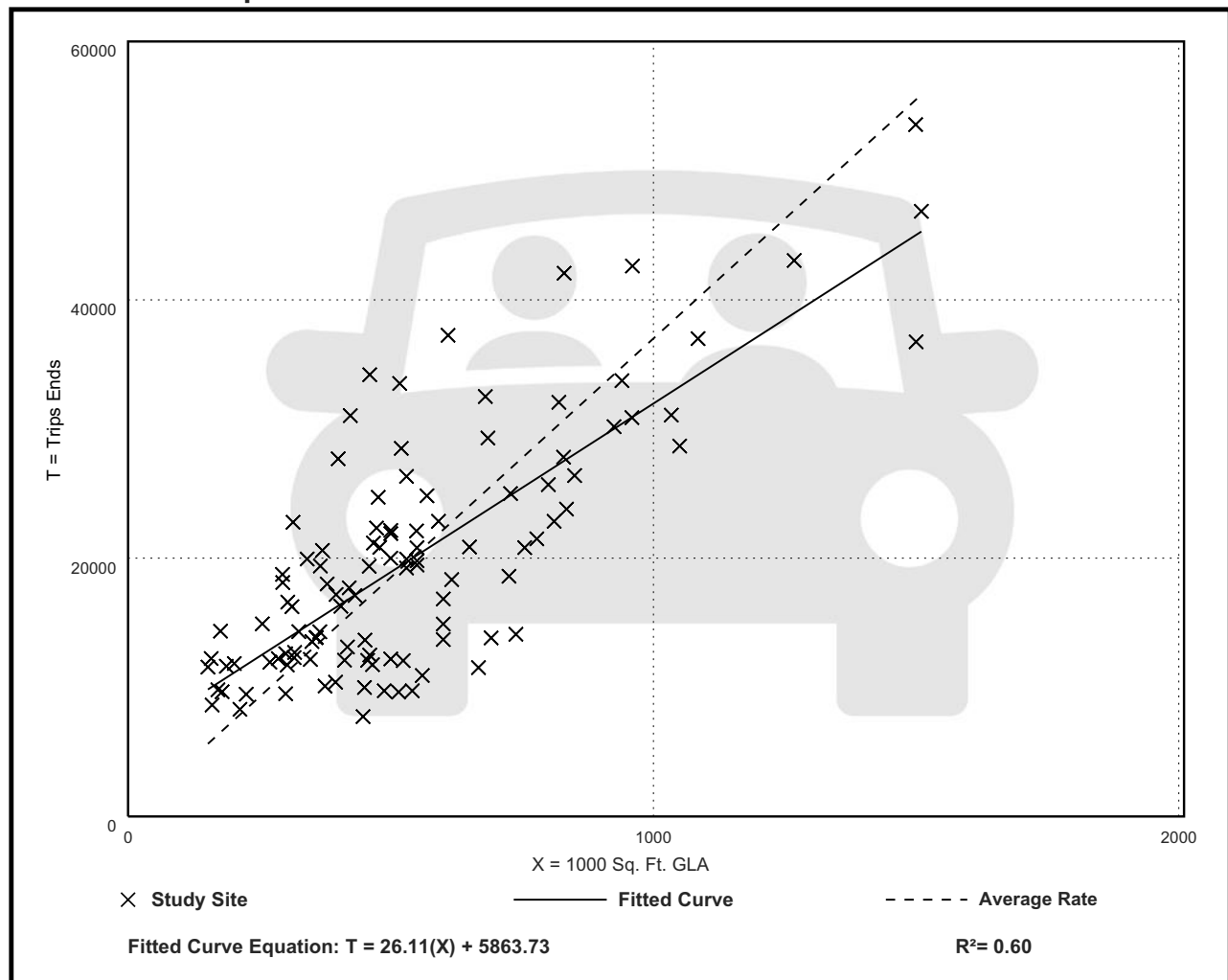
Avg. 1000 Sq. Ft. GLA: 538

Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
37.01	17.27 - 81.53	12.79

Data Plot and Equation



Shopping Center (>150k) (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 44

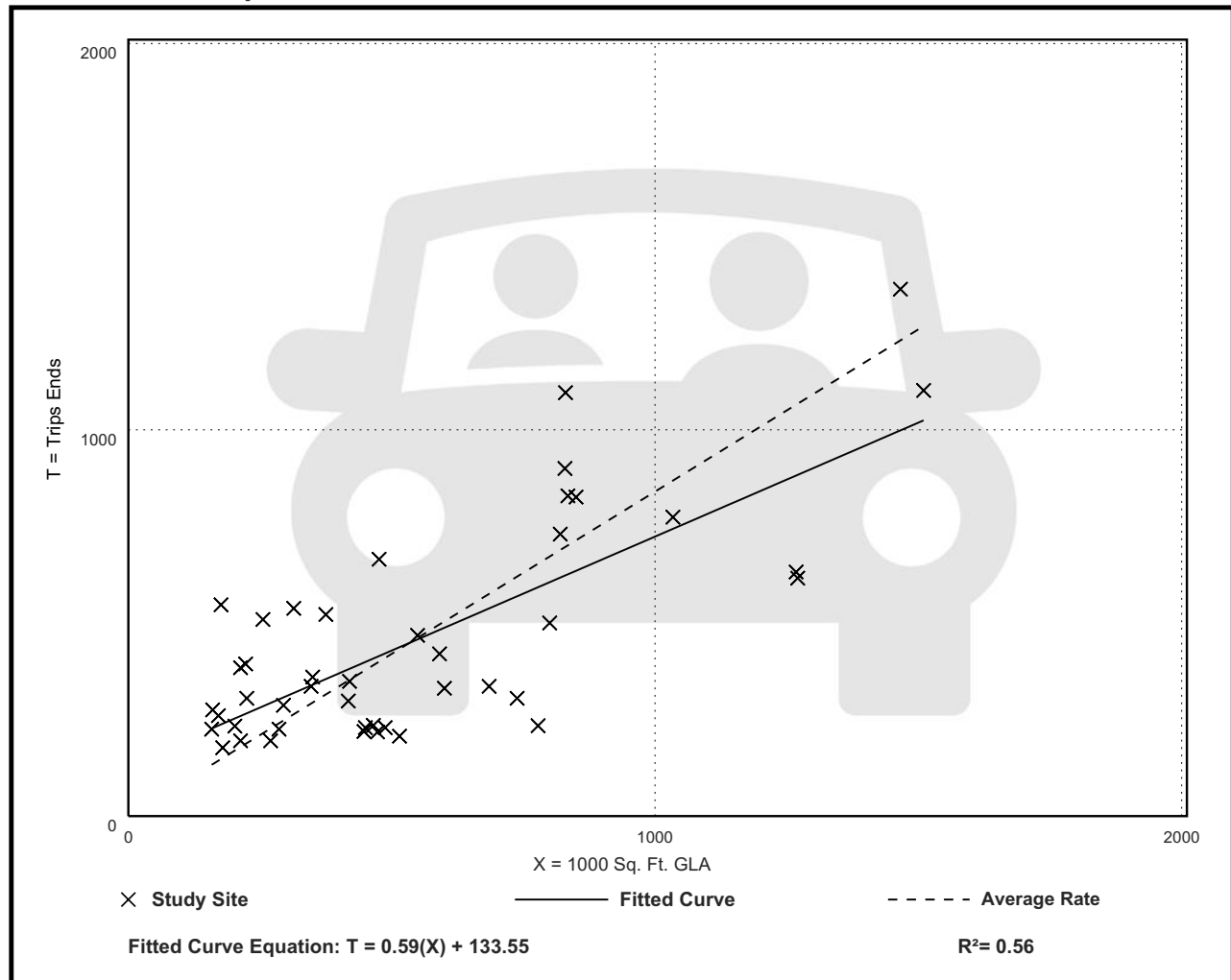
Avg. 1000 Sq. Ft. GLA: 546

Directional Distribution: 62% entering, 38% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
0.84	0.30 - 3.11	0.42

Data Plot and Equation



Shopping Center (>150k) (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 126

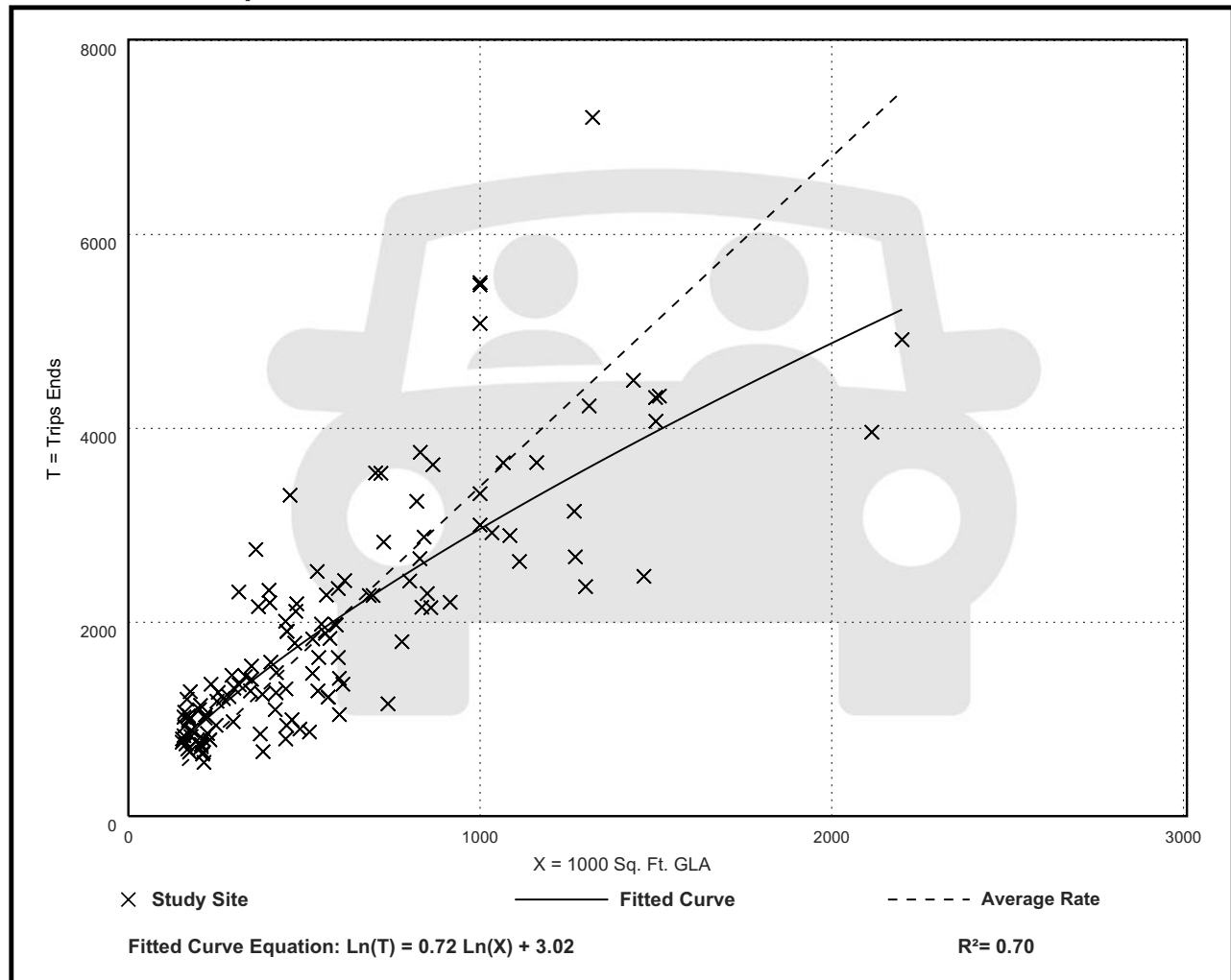
Avg. 1000 Sq. Ft. GLA: 581

Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.40	1.57 - 7.58	1.26

Data Plot and Equation





RESOLUTION #Z-21-012

RELEVANT PAGES



RESOLUTION NUMBER Z-21-012

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

WHEREAS, Alan C. Freeman as Trustee, filed an application on behalf of the property owners, Alico North 26 LLC 30%, David H. Goldberg as Manager of Alico Aries, LLC, David Howard Goldberg as Trustee of Alico Aries Trust, LLC, David H. Goldberg as Manager of Alico North 26 EF, LLC, and David H. Goldberg as Manager of Alico North 26, LLC, to rezone a 75.85± acre parcel from Agriculture (AG-2) to Mixed-Use Planned Development (MPD), in reference to Three Oaks Logistics Center; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on August 26, 2021. 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 September 3, 2021; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2020-00014 and recommended APPROVAL of the Request with conditions; and

WHEREAS, a second public hearing was advertised and held on October 6, 2021 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 75.85± acre parcel from AG-2 to MPD to allow 1,050,000 square feet of office, retail, commercial, and industrial uses; and approve 13 deviations from the Land Development Code (LDC).

The property is located in the Industrial Development and Industrial Commercial Interchange Future Land Use Categories 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. Development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Three Oaks Logistics Center," prepared by Quattrone & Associates, Inc., date stamped received August 31, 2021, and attached hereto as Exhibit C, 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 Development Parameters

This project is approved for 1,050,000 square feet of commercial and industrial development floor area as follows:

510,000 square feet industrial floor area and
540,000 square feet commercial floor area.

Approved square footage may be distributed on parcels east and west of Oriole Road as follows:

West of Oriole Road: 500,000 total square footage. A maximum of 20% of the square footage west of Oriole Road may be developed with commercial or retail uses (100,000 square feet).

East of Oriole Road: 550,000 total square footage. A maximum of 80% of the square footage east of Oriole Road may be developed with commercial or retail uses (440,000 square feet).

This zoning resolution approves 13 deviations from the LDC. Building heights may not exceed 65 feet.

2. Permitted Uses and Site Development Regulations

a. Schedule of Uses

Tracts A & B

(Subtracts A-1 through A-4 and B-1 through B-4)

Accessory Uses and Structures

Administrative Offices

Agricultural Uses and Agricultural Accessory Uses (Subject to Condition 3)

Aircraft Food Services and Catering

Animals: Clinic or Kennel

Automobile Repair and Service: All Groups

Automobile Service Station (Limited to One for the MPD)

Bait and Tackle Shop

Banks and Financial Establishments: All Groups

Bar or Cocktail Lounge

Boats:

Boat Parts Store

Repair and Service

Sales

Dry Storage

Broadcast Studio, Commercial Radio and Television

Building Material Sales

Business Services: All Groups

Bus Station/Depot

Caretaker's Residence

Car Wash

Cleaning and Maintenance Services

Clothing Stores, General



ORIGINAL TIS REPORT RELEVANT PAGES





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TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

TRAFFIC IMPACT STATEMENT

FOR

THREE OAKS LOGISTICS CENTER

(PROJECT NO. F2003.16)

PREPARED BY:
TR Transportation Consultants, Inc.
Certificate of Authorization Number: 27003
2726 Oak Ridge Court, Suite 503
Fort Myers, Florida 33901-9356
(239) 278-3090

November 19, 2020



Table 1
Land Uses
Three Oaks Logistics Center

Land Use	Size
Retail	540,000 square feet
Industrial	510,000 square feet
Total	1,050,000 square feet

The Master Concept Plan (MCP) indicates six (6) access connections to Oriole Road and three (3) access connections to Three Oaks Parkway. The northernmost and southernmost access drives to Three Oaks Parkway will be right-in/right-out only access drives. The center access drive on Three Oaks Parkway will be located opposite of the existing full median opening on this roadway.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled *Trip Generation Manual*, 10th Edition. Land Use Code 820 (Shopping Center) was utilized for the trip generation purposes of the proposed commercial retail uses and Land Use Code 130 (Industrial Park) was utilized for the trip generation purposes of the proposed industrial uses. The trip generation equations utilized from these land uses are attached to the Appendix for reference. **Table 2** outlines the anticipated weekday A.M. and P.M. peak hour and daily trip generation of the development as currently proposed.

Table 2
Trip Generation – Total Trips
Three Oaks Logistics Center

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (540,000 Sq. Ft.)	262	160	422	909	984	1,893	18,926
Industrial Park (510,000 Sq. Ft.)	165	39	204	43	161	204	2,191
Total Trips	427	199	626	952	1,145	2,097	21,117



The trips shown for the proposed retail use in Table 2 will not all be new trips added to the adjacent roadway system. ITE estimates that retail uses may attract a significant amount of its traffic from vehicles already traveling on the adjoining roadway system. This traffic, called “pass-by” traffic, reduces the development’s overall impact on the surrounding roadway system but does not decrease the actual driveway volumes. The current version of the ITE *Trip Generation Handbook*, 3rd Edition, indicates that the weekday PM peak hour pass-by rate for Land Use Code 820 is thirty-four (34%). However, Lee County only permits a maximum reduction in trips due to “pass-by” traffic for shopping centers of thirty percent (30%). Therefore, thirty percent (30%) pass-by reduction was utilized for the proposed shopping center uses.

For this analysis, the “pass-by” traffic was accounted for in order to determine the number of “new” trips the development will add to the surrounding roadways. **Table 3** summarizes the “pass-by” percentage of the proposed uses. **Table 4** summarizes the development traffic and the breakdown between the new trips the development is anticipated to generate and the “pass-by” trips the development is anticipated to attract. It should be noted that the driveway volumes are not reduced as a result of the “pass-by” reduction, only the traffic added to the surrounding streets and intersections.

Table 3
Pass-by Trip Reduction Factors
Three Oaks Logistics Center

Land Use	Percentage Trip Reduction
Shopping Center (LUC 820)	30% A.M. / P.M. & Daily

Table 4
Trip Generation – Net New Trips
Three Oaks Logistics Center

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Trips	427	199	626	952	1,145	2,097	21,117
Less LUC 820 Pass-by	-63	-63	-126	-284	-284	-568	-5,678
Net New Trips	364	136	500	668	861	1,529	15,439