

ADMINISTRATIVE AMENDMENT (PD) ADD2026-00031

ADMINISTRATIVE APPROVAL
LEE COUNTY, FLORIDA

WHEREAS, Quattrone and Associates filed an application for an Administrative Amendment to the Mixed Use Planned Development (MPD) known as Three Oaks Marketplace to amend Condition 1 of Resolution Z-18-037 and modify the minimum commercial and industrial use allocation requirements applicable to the development, on property more particularly described as follows:

LEGAL DESCRIPTION: In Section 03, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the subject property is located within the Industrial Commercial Interchange and Industrial Development Future Land Use Categories as designated by the Lee Plan; and

WHEREAS, the property was originally rezoned to Mixed Use Planned Development (MPD) by Resolution Z-16-013 and was subsequently amended by Resolution Z-18-037, ADD2021-00076, ADD2022-00031, ADD2023-00170, and ADD2024-00105; and

WHEREAS, the approved MPD authorizes a maximum of 400,000 square feet of commercial and industrial development and up to 130 hotel rooms, subject to minimum commercial and industrial use allocations established in Condition 1 of Resolution Z-18-037 and reflected in the Project Summary Table of the approved Master Concept Plan (Exhibit "D"); and

WHEREAS, the minimum commercial and industrial use allocation requirements were originally established to satisfy the mixed-use development standards contained in Section 34-940 of the Land Development Code in effect at the time of approval; and

WHEREAS, Lee County Ordinance 26-01 amended Section 34-940 of the Land Development Code to streamline Mixed Use Planned Development regulations and provide greater flexibility in the allocation of approved uses within MPDs; and

WHEREAS, the applicant seeks to amend Condition 1 of Resolution Z-18-037 and revise the Project Summary Table of the Master Concept Plan to align the development parameters with the provisions of Ordinance 26-01 by removing the minimum commercial and industrial use allocation requirements; and

WHEREAS, the proposed amendment does not increase the maximum approved development intensity, floor area, hotel room count, or development acreage authorized

for the MPD; and

WHEREAS, the applicant has submitted a revised Master Concept Plan (MCP) reflecting only revisions to the Project Summary Table necessary to implement the proposed amendment (see Exhibit "B"); and

WHEREAS, the Lee County Department of Transportation has reviewed the proposed amendment and determined that, as conditioned, the amendment does not result in an increase in transportation impacts or vehicle trip generation beyond that previously approved; and

WHEREAS, the Lee County Land Development Code authorizes certain administrative amendments to approved planned developments; 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 adversely impact surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for an administrative amendment to the modify the approved development parameters for the Three Oaks Marketplace Mixed Use Planned Development is **APPROVED** subject to the following conditions:

1. **Development shall be in substantial compliance with the Master Concept Plan dated January 5, 2026, attached hereto as Exhibit "B" and incorporated herein by reference. The only MCP modification authorized by this Administrative Amendment is the revision of the Project Summary Table to remove the minimum commercial and industrial use allocation requirements consistent with Lee County Ordinance 26-01.**
2. **Condition 1 of Resolution Z-18-037 is hereby amended below in strikethrough and underline format:**

This zoning approval authorizes the development of up to 130 hotel rooms and a maximum 400,000 square feet of commercial and industrial uses. The commercial uses will consist of office and/or retail uses. ~~The project must include a minimum of 30,000 square feet commercial and a minimum 30,000 square feet industrial use.~~ In the event the development consists

exclusively of commercial uses, the total commercial floor area shall not exceed 370,000 square feet.

3. **The terms and conditions of Resolution Z-18-037, as amended, remain in full force and effect, except as modified specifically herein.**
4. **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 06/19/2026

Anthony Rodriguez, Zoning Manager

Community Development

Exhibits:

Exhibit A – Legal Description

Exhibit B – Amended Master Concept Plan

Exhibit C – Applicant's Request Statement

Exhibit D – Resolution Z-18-037

LEGAL DESCRIPTION

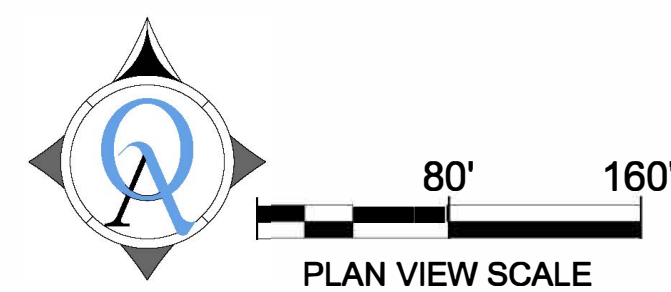
THREE OAKS MARKETPLACE PHASE 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2020000003156, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THREE OAKS MARKETPLACE PHASE 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN OFFICIAL RECORDS INSTRUMENT NUMBER 2021000318496, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THREE OAKS MARKETPLACE

LOCATED IN SECTION 03 & 04, TOWNSHIP 46-S, RANGE 25-E, LEE COUNTY, FLORIDA

MASTER CONCEPT PLAN



ZONING:
AG-2
CURRENT USE:
VACANT

FIRE STATION
DRIVEWAY

FIRE STATION
ACCESS ROAD

ZONING:
ROW
CURRENT USE:
ORIOLE ROAD

ZONING:
AG-2
CURRENT USE:
VACANT
ACROSS ORIOLE

ORIOLE ROAD

FUTURE ACCESS / ROAD

REAR DELIVERY DRIVEWAY

TRACT "D-2"
±0.39 AC.
OPEN SPACE
50% COMMERCIAL USES
40% INDUSTRIAL USES

BRIANSONG LN

TRACT "D-1"
±2.52 AC.
OPEN SPACE
30% COMMERCIAL USES
20% INDUSTRIAL USES

HILSMAN PL

TRACT "A"
±13.18 AC.
OPEN SPACE:
25% COMMERCIAL USES
15% INDUSTRIAL USES

THREE OAKS MARKETPLACE RD

TRACT "C-1.8"
±1.43 AC.

TRACT "C-1.7"
±1.08 AC.

TRACT "C-1.6"
±1.43 AC.

TRACT "C-1.5"
±1.44 AC.

TRACT "C-1.4"
±1.36 AC.

OPEN SPACE FOR TRACT "C"
37% COMMERCIAL USES
27% INDUSTRIAL USES

TRACT "C-2"
±5.54 AC.
OPEN SPACE
37% COMMERCIAL USES
27% INDUSTRIAL USES

POTENTIAL GAS
STATION SITE

AARON WARNECK PL

ALICO ROAD

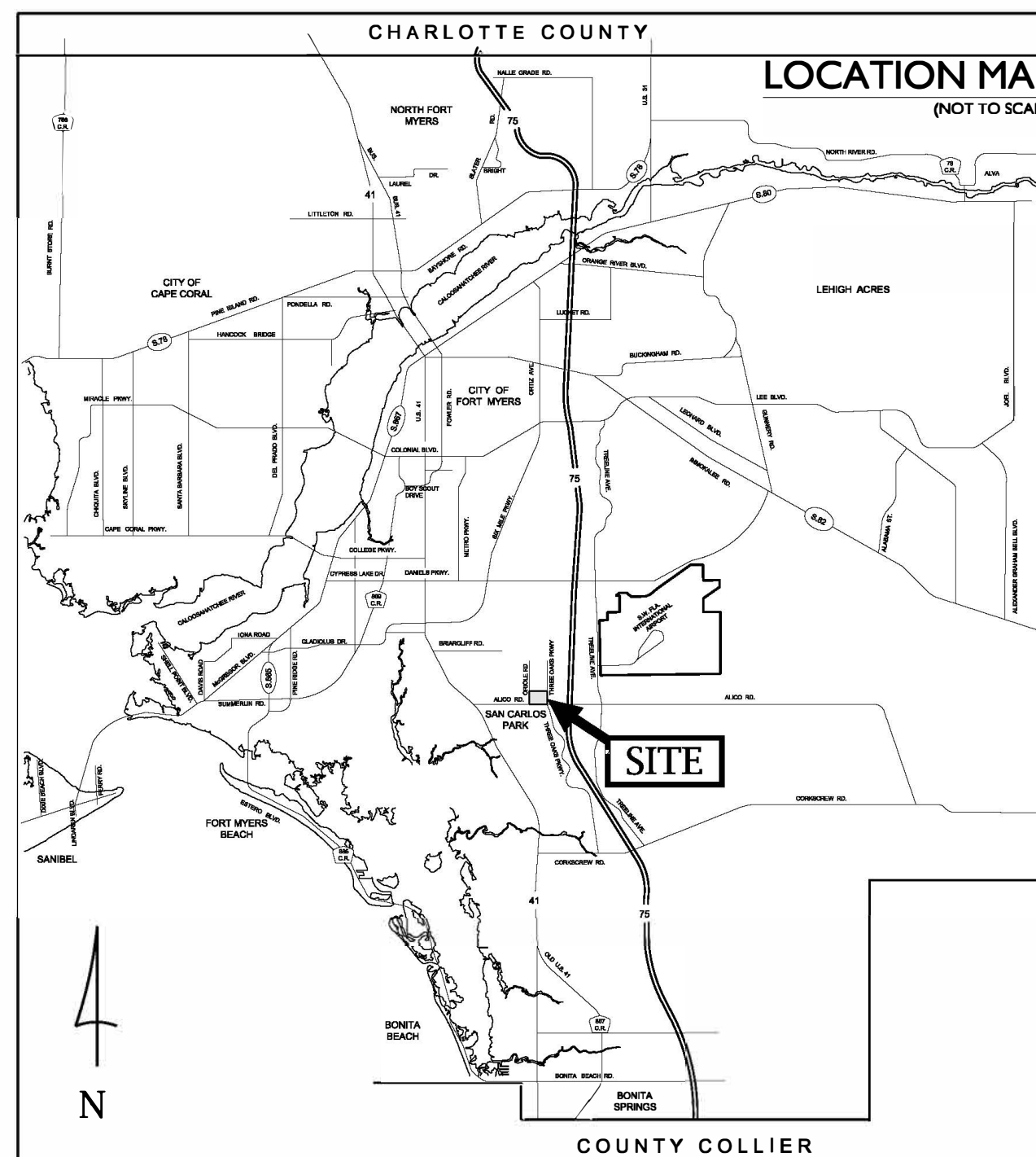
ZONING:
ROW
CURRENT USE:
ALICO ROAD

ACROSS ALICO
ZONING:
CPD
DCI2012-00041 CURRENT
DCI2015-00024 PENDING
CURRENT USE:
VACANT

ZONING:
CPD (DCI2014-00065)
CURRENT USE:
VACANT
ACROSS THREE OAKS

ZONING:
ROW
CURRENT USE:
THREE OAKS PKWY

THREE OAKS PARKWAY



THREE OAKS MARKETPLACE

PROJECT SUMMARY:

ZONING/REZONING
AG-2 TO MPD

STRAP #'s
03-46-25-00-00001.1040
04-46-25-00-00003.0020

PROJECT ACREAGE
40.10 ACRES (1,746,836 SF)

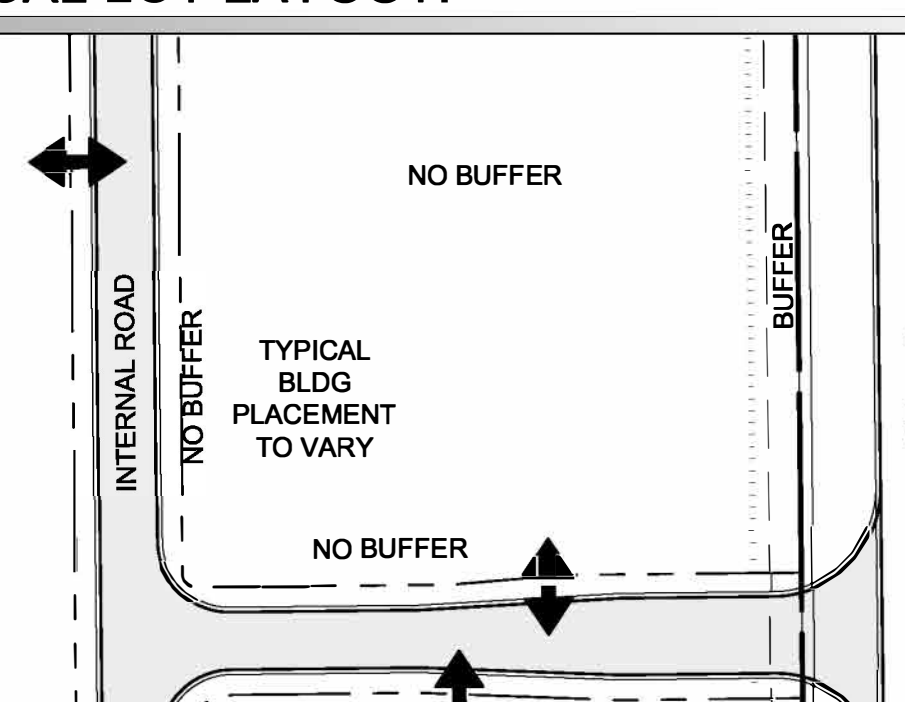
PROJECT INTENSITY
MAX. BUILDING FLOOR AREA 400,000 SF
HOTEL ROOMS 130 ROOMS
(IN THE EVENT THE DEVELOPMENT CONSISTS EXCLUSIVELY OF
COMMERCIAL USES, THE TOTAL COMMERCIAL FLOOR AREA
SHALL NOT EXCEED 370,000 SF)

ALL TRACTS SHALL BE PERMITTED TO HAVE COMMERCIAL
AND/OR INDUSTRIAL USES IN ACCORDANCE WITH THE
SCHEDULE OF USE TABLES.

OPEN SPACE
REFER TO PLAN FOR MINIMUM OPEN SPACE REQUIREMENTS
PER TRACT. PROJECT MIN. = 8.02 ACRES (20%)

DEVIATIONS
x

DEVIATIONS 1b, 1c, 2c, & 4a HAVE BEEN WITHDRAWN
TYPICAL LOT LAYOUT:



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

EXHIBIT B



REQUEST STATEMENT

THREE OAKS MARKETPLACE MPD AMENDMENT

STRAPS#: 03-46-25-L4-08001.0100 and 03-46-25-L4-05000.0020
8901 / 9151 Alico Road, Fort Myers, FL 33912

REQUEST NARRATIVE

The applicant, Alan C. Freeman, is requesting Administrative Approval to amend the Three Oaks Marketplace MPD. The intent of this application is to remove previously approved minimum square footage requirements that were included solely to satisfy former minimum square-footage thresholds under Section 34-940 of the Lee County Land Development Code regarding square footage thresholds in Multi-Use Planned Developments. The amendment aligns the MPD with the current code while maintaining the approved mix of uses and previously approved deviations.

The original ± 40.10 -acre Three Oaks Marketplace MPD, with an address of 8901 / 9151 Alico Road is in Sections 03 & 04, Township 46 South, Range 25 East, Lee County, Florida which is on Alico Road between Three Oaks Parkway and Oriole Road. The property is in the portion of the Industrial Commercial Interchange Future Land Use Category that was created prior to January 1, 2007, and is in the Gateway/ Airport Planning Community.

On August 15, 2016, the Lee County Board of County Commissioners adopted Resolution No. Z-16-013 to rezone the ± 40.10 -acre project from AG-2 to MPD to permit a maximum of 400,000 square feet of commercial, industrial, and retail uses (including a minimum of 30,000 square feet of commercial and a minimum of 30,000 square feet of industrial) and a maximum of 130 hotel rooms. The maximum building height approved was 65 feet. The maximum wireless communication facility height was 90 feet.

On May 22, 2019, the Lee County Board of County Commissioners adopted Resolution No. Z-18-037 to modify condition 4 regarding termination of Agriculture Use.

On July 21, 2021, a subsequence administrative zoning ADD2021-00076 was approved to revise the MCP to reflect lot and road configuration, propose a deviation to allow a 60' driveway separation on a local road and a 180ft driveway separation on a Oriole Road.

On August 15, 2024, a subsequence administrative zoning ADD2024-00105 was approved to reduce driveway separation for lot C-2.2.

REQUEST NARRATIVE

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

The modification to the Development Parameters is as follows:



Development Parameters: The zoning resolution authorizes the development of up to 130 hotel rooms and a maximum of 400,000 square feet of commercial and industrial uses. The commercial uses will consist of office and /or retail uses. ~~The project must include a minimum of 30,000 square feet commercial and a minimum 30,000 square feet industrial use~~

In the event the development consists exclusively of commercial uses, the total commercial floor area shall not exceed 370,000 square feet.

The MPD previously included industrial square footage to meet minimum requirements under former Section 34-940. The amendment of Section 34-940 eliminated the minimum square-footage thresholds for MPD's, therefore we request the MPD be revised to remove the square footage thresholds while retaining the Schedule of Uses and overall project square footage limits, as revised by the language change above.

No new uses are proposed, and the amendment does not expand the range of permitted activities. The MPD remains compatible with surrounding land uses and continues to meet all applicable performance standards of the Land Development Code as evaluated and approved in prior Board actions.

LEE PLAN COMPLIANCE

The proposed administrative amendment to the MPD revises the minimum industrial component to align with the recently adopted amendments to LDC Section 34-940. The amendment does not increase the approved density or intensity of development, nor does it modify the range of permitted uses within the MPD.

The MPD remains consistent with the Future Land Use Map designation and continues to provide for employment-generating industrial and complementary uses consistent with the Lee Plan. The amendment implements updated LDC standards adopted to further the goals and policies of the Lee Plan related to mixed-use flexibility and economic development.

SCHEDULE OF USES

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

DEVIATION

No additional deviations are being requested at this time.

LAND DEVELOPMENT CODE

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

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

- **Response: The request to allow the Modification to Section B will not increase height, density, intensity, decrease open space below code minimums or reduce buffers.**



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

- **Response: Public resources and infrastructure previously committed to the development will not be substantially underutilized**

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

- **Response: Total open space on the Master Concept Plan will not be reduced by more than 10 percent.**

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

- **Response: Indigenous native vegetation preservation and required open space remain at or above Code-mandated levels.**

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: No changes to the buffer or landscaping are being proposed.**

f. Does not adversely impact surrounding land uses; and

- **Response: No changes to the already approved uses are being proposed with this amendment so the surrounding land uses will not be adversely impacted.**

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 amendment is consistent with the Lee Plan and all applicable land development regulations in effect at the time of the request.**

CONCLUSION

The proposed administrative amendment is consistent with the Lee Plan. The amendment does not alter the approved uses, density, or intensity of the Planned Development and is limited to revising development standards to align with the current Land Development Code. As such, the amendment remains consistent with the Future Land Use Map and applicable Lee Plan policies governing Planned Developments.

RESOLUTION NUMBER Z-18-037

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

WHEREAS, Al Quattrone, P.E., Quattrone & Associates, Inc., filed an application on behalf of the property owner, Alan C Freeman as Trustee, to amend the Mixed Use Planned Development (MPD) to modify Condition 4 regarding termination of agricultural use in reference to Three Oaks Marketplace; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on November 15, 2018; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2018-00016 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on May 22, 2019 before the Lee County Board of Commissioners; and,

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

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

SECTION A. REQUEST

The applicant filed a request to amend the Three Oaks Marketplace MPD to modify Condition 4 regarding termination of agricultural use.

The property is located in the Industrial 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 Marketplace," prepared by Quattrone & Associates, Inc., date stamped received August 4, 2016, 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.

This zoning approval authorizes the development of up to 130 hotel rooms and a maximum 400,000 square feet of commercial and industrial uses. The commercial uses will consist of office and/or retail uses. The project must include a minimum of 30,000 square feet commercial and a minimum 30,000 square feet industrial use.

2. Permitted Uses and Property Development Regulations

A. Schedule of Uses

Accessory Uses and Structures
 Administrative Offices
 Agricultural Uses and Agricultural Accessory Uses (See Condition 4)
 Agricultural Services Office/Base Operations
 Aircraft Food Services and Catering
 Amateur Radio Antennas and Satellite Earth Stations (limited to the northern 300')
 (Limited to Tracts A & B)
 Animals: Clinic or Kennel (No Outdoor Runs)
 ATM (Automatic Teller Machine)
 Auto Parts Store (With and Without Installation)
 Automobile Service Station (Limited to one for the entire MPD)
 Automobile Repair and Service: All Groups
 Banks and Financial Establishments: All Groups
 Bar or Cocktail Lounge (Limited to one for the entire MPD)
 Boats: Boat Parts Store
 Broadcast Studio, Commercial Radio and Television
 Billboards
 Building Material Sales
 Business Services: All Groups
 Caretaker's Residence (Limited to one for the entire MPD)
 Car wash (Limited to Tracts B, C & D)
 Cleaning and Maintenance Services
 Clothing Stores, General
 Clubs: Commercial
 Clubs: Fraternal, Membership Organization
 Cold Storage, Pre Cooling, Warehouse & Processing Plant (Limited to Tracts A & B)
 Communication Facility, Wireless (Subject to Condition 5) (Limited to Tracts A & B)
 Computer and Data Processing Services
 Consumption on Premises in conjunction with clubs, restaurant, bar and cocktail lounge, nightclub, or hotel/motel
 Contractors and Builders:
 Groups I, II
 Group III (Limited to Tracts A & B)
 Convenience food and beverage store [Limited to two for the Entire MPD (Limited to Tracts B, C & D)]
 Cultural Facilities
 Day Care Center, Child, Adult
 Department Store (Limited to Tracts A & B)
 Drive through Facility for Any Permitted Use
 Drugstore, Pharmacy
 Entrance Gates and Gatehouse
 EMS, Fire or Sheriff's Station
 Essential Services
 Essential Service Facilities: Group I
 Excavation: Water Retention
 Factory Outlets (Point of Manufacture Only) (Limited to Tracts A & B)
 Fences, Walls (Limited to Tracts B, C & D)
 Food and Beverage Service, Limited

Food Stores: All Groups
Freight and Cargo Handling Establishments (Limited to Tracts A & B)
Gasoline Dispensing System, Special
Gift and Souvenir Shop
Golf Driving Range (Limited to Tracts A & B)
Hardware Store
Health Care Facilities:
 Groups I, II, III, IV (Limited to Tract A)(Group IV Limited to one for the entire
 MPD)
 Groups I, II, III (Limited to Tract B)
 Groups I, III (Limited to Tracts C & D)
Heliport or Helistop (Subject to Condition 11) (Limited to Tracts A & B)
Hobby, Toy and Game Shops
Hotel/Motel – 130 Rooms Maximum
Household and Office Furnishings:
 Groups I, II
 Group III (Limited to Tracts A & B)
Insurance Companies
Laundromat
Laundry or Dry Cleaning: Groups I and II
Lawn & Garden Store
Library
Manufacturing of: (Limited to Tracts A & B)
 Apparel Products
 Electrical Machinery and Equipment
 Fabricated Metal Products: Groups I, II and III
 Furniture and Fixtures
 Measuring, Analyzing and Controlling Instruments
 Novelties, Jewelry, Toys and Signs, All Groups
 Transportation Equipment: Groups I, II and III
Maintenance Facility (Government) (Limited to Tracts A & B)
Medical Office
Motion Picture Production Studio
Nightclubs - Limited to one for the entire MPD
Non-store Retailers: All Groups
Parcel and Express Services
Package Store - Limited to one for the entire MPD
Paint, Glass and Wallpaper
Parking Lot:
 Accessory
 Temporary
 Commercial, Garage, Public Parking (Limited to Tracts A & B)
Parks: Groups I and II (Limited to Tracts A & B)
Personal Services: Groups I, II, III, and IV (Excluding Steam or Turkish Baths,
 Escort Services, Palm Readers, Fortunetellers or Card Readers)
Pet Services
Pet Shop
Pharmacy
Photofinishing Laboratory
Place of Worship
Post Office

Printing and Publishing
Processing and Warehousing(Limited to Tracts A & B)
Real Estate Sales Office
Recreation Facilities Commercial:
 Groups I, IV
 Group III (Limited to Tracts A & B)
Religious Facilities
Research and Development Laboratories: Groups I, II, III, IV (Limited to Tracts A & B)
Rental or Leasing Establishment:
 Group I, II, III
 Group IV (Limited to Tracts A & B)
Repair Shops: Groups I, II, III, IV and V
Restaurant, Fast Food
Restaurants: All Groups
Retail and Wholesale Sales, Ancillary to an Approved Use
Schools: Commercial, Noncommercial, Lee County School District, and Other
 (Limited to Tracts A & B)
Self-Service Fuel Pumps: Maximum 32 Pumps for the Entire MPD
Signs – (Subject to Conditions 20 & 21) (See Deviations 4b, c, and d)
Social Services: Groups I & II
Specialty Retail Shops: All Groups
Supermarket
Storage: Open & Indoor
Studios
Temporary Uses
Theater, Indoor (Limited to Tracts A & B)
Transportation Services: Groups II, III and IV (Limited to Tracts A & B)
Used Merchandise Stores:
 Groups I, II, III
 Group IV (Limited to Tracts A & B)
Variety Store
Vehicle & Equipment Dealers: Groups I, II and III
Warehouse:
 Mini Warehouse
 Private
 Public (Limited to Tracts A & B)
Wholesale Establishments: Groups I, II, III and IV

B. Minimum Lot Areas and Dimensions

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

Minimum Setbacks

Street:	25 feet public/15 feet private
Side:	10 feet
Rear:	15 feet
Water Body:	20 feet

Accessory Uses:	In accordance with LDC
Perimeter Setback:	15 feet (<i>see Deviation 6</i>)
Maximum Lot Coverage:	50 percent
Building Height:	65 feet

3. No Blasting

Blasting is prohibited.

4. Agricultural Uses

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

- a. Bona fide agricultural uses in the form of cattle grazing exists on the entire 40.1± acre property. Cattle grazing may continue until approval of a local development order of vertical building development and prior to the issuance of a vegetation removal permit. The agricultural use must terminate on the project area receiving development order approval and prior to the vegetation removal permit. The requirement to terminate agricultural uses is not triggered by approval of development order for plats, infrastructure improvements, landscaping, surface water management, or other non-vertical development.
- b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. 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. Upon approval of a local development order for vertical development and prior to the issuance of a vegetation removal permit, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:
 - i. Termination of all agricultural use on portions of the property included in the development order approval for vertical development and prior to the vegetation removal permit approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:
 - 1) the date the agricultural uses ceased;
 - 2) the legal description of the property subject to the development order approval for vertical development;
 - 3) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with Lee County that they will not allow any such uses on the property unless and until the property is rezoned to permit such uses; and,

- 4) a statement that the affidavit constitutes a covenant between the owner and Lee County that is binding on the owner and their assignees and successors in interest.

The covenant must be properly recorded in the public records of Lee County at the owner's expense.

- ii. Termination of the agricultural tax exemption for any portion of the property included in the development order approval for vertical development and prior to the vegetation removal permit. Proof of termination must include a copy of the request to terminate the tax exemption that was provided to the Property Appraiser.

5. Wireless Communications Facilities

- a. Freestanding wireless communication facilities are limited to 1 for the entire MPD to be located on Tract A or B, approved in accordance with LDC §34-1441, *et seq.*
- b. Wireless communication facilities must be reviewed by the Federal Communication Commission to ensure signals from the facilities do not interfere with navigation aids and radar at the Lee County Port Authority (and airport).
- c. Before County approval of a freestanding Wireless Communication Facility, the developer must demonstrate attempts to collocate on existing towers in the area were not successful in achieving the desired goals for coverage.

6. Concurrency

Zoning approval does not constitute a finding that the proposed project meets the concurrency requirements of the Lee Plan or LDC. The Developer must demonstrate compliance with concurrency requirements prior to issuance of a local development order.

7. Vehicular/Pedestrian Impacts

Zoning approval does not address mitigation of vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

8. Lee Plan Consistency/Concurrency

Zoning approval does not guarantee local development order approval. Future development order must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1 (b), as well as the remainder of the Lee Plan.

9. Development Permits

Issuance of a county development permit does not establish a right to obtain permits from state or federal agencies. Further, it does not establish liability on the part of the County if the Developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions that result in a violation of state or federal law.

10. Accessory Uses

Accessory uses must be located on the same tract, parcel, or outparcel as the principal use. In addition, accessory uses must be incidental and subordinate to the principal use.

11. Heliport/Helistop

The developer must obtain approval from the Lee County Port Authority and the Florida Department of Transportation Aviation Office prior to constructing heliports or helistops to avoid interference with Southwest Florida International Airport operations.

12. Design Standards

Industrial and commercial buildings/structures must comply with the LDC Design Standards and Guidelines for Commercial Buildings and Development.

13. Tall Structures

The property is subject to LDC §34-1010, "LCPA Tall Structures Permit." Prior to development order approval, the Developer must submit an application for Federal Aviation Administration (FAA) and Port Authority review and approval of all proposed permanent structures, future wireless communication facilities, and temporary construction equipment, including cranes, exceeding 40-feet above ground level. Those facilities will be approved if the agencies conclude the facilities will not obstruct air traffic or conflict with FAA navigational aids and other communication facilities.

14. Unified Drainage Plan

The developer must obtain approval of a unified drainage plan for the property from the Division of Development Services prior to County approval of vertical construction. If the MCP lot configuration is substantially modified, the developer must obtain County approval of an updated unified drainage plan prior to vertical construction.

15. Burrowing Owl Protection

The developer must inspect the property for burrowing owls prior to application for each local development order. Prior to the issuance of Vegetation Removal Permits, the site must be inspected for burrowing owls. If burrowing owls are found on the site, the developer must submit for a "minor change" to include a species management plan.

16. Open Space

Development order plans must provide open space consistent with the open space table on the approved MCP.

17. Excavation Setback Protection (See *Deviation 2.a*)

The Developer will provide protection from wayward vehicles through the construction of guardrails, berms, swales, vegetation, or other methods approved by the Director of Development Services where excavations will be placed less than 50 feet from existing or proposed rights of way line or easements for collector or arterial streets.

18. Dead End Streets (See Deviation 3)

At the time of development order application, the developer must submit documentation confirming approval by the San Carlos Fire District of the proposed dead-end access way depicted on the MCP.

19. Lake Setback (See Deviation 2.a)

The developer must utilize guardrails, berms, swales, vegetation, or other suitable methods for the protection of wayward vehicles where water detention/retention facilities are less than 50 feet from an existing/proposed right-of-way line or easement.

20. Signs (See Deviation 4.c)

Prior to local development order approval, the developer must submit a detailed, final sign package addressing signs along Three Oaks Parkway, Alico Road, and Oriole Road for approval by the Department of Community Development.

The sign package must include the following:

- a. Reflect 100 foot minimum separations between common area signs; and
- b. Limit sign height to 20 feet (24 feet is permitted).

21. Ground Mounted Signs (See Deviation 4.d)

In addition to the location criteria of the LDC, the Developer must construct ground mounted signs on Three Oaks Parkway as stipulated below:

- a. The Developer must submit a detailed drawing of the two monument signs for approval by the Department of Community Development prior to local development order approval for the property;
- b. There must be a 100 foot minimum separation between identification signs and site specific parcel signs; and
- c. Signs are limited to 10 feet in height and 72 square feet of sign area.

SECTION C. DEVIATIONS:

1. Deviation 1.a (Roadway Connection Separation - Three Oaks Parkway North) seeks relief from the LDC §10-285(a) requirement to provide access road connections to arterial roads be separated by a minimum of 660 feet, to allow connection separations of a minimum of 440 feet and a minimum of 530 feet on Three Oaks Parkway North.

This deviation is APPROVED.

2. Deviation 1.d (Roadway Connection Separation - Alico Road) seeks relief from the LDC §10-285(a) requirement that access road connections to arterial roads be separated by a minimum of 660 feet, to allow connection separation of a minimum of 645 feet Alico Road.

This deviation is APPROVED.

3. Deviation 2.a (Lake Setback) seeks relief from the LDC §10-329(d)(1)a.2 requirement to provide a minimum 50 foot setback from a water retention/detention excavation and an existing/proposed right-of-way line or easement for collector or arterial streets, to allow for a 25 foot setback from an internal roadway and an existing drainage easement that extends beyond the north property line.

This deviation is APPROVED, SUBJECT TO Conditions 17 and 19. The deviation is necessary due to the location of a drainage easement on the north property line that is part of a master water management system serving adjacent properties.

4. Deviation 2.b (Lake Setback) seeks relief from the LDC §10-329(d)(1)a.3 requirement to provide a minimum 50 foot setback from a water retention/detention excavation and a private property line under separate ownership, to allow a 25 foot setback and/or a zero foot setback when a water retention/detention lake is combined with a lake on adjacent property.

This deviation is APPROVED. The master water management system includes an existing drainage easement straddling the north property line.

5. Deviation 3 (Cul-de-sac) seeks relief from the LDC §10-296(p)(1) requirement to provide dead-end streets to be closed at one end by a circular turn-around for vehicles, to allow the dead-end access way depicted on the MCP to be constructed without cul-de-sacs.

This deviation is APPROVED, SUBJECT TO Condition 18. The dead-end streets will be designed to allow vehicles and emergency vehicles to turn left and/or right into a parking lot and continue in a forward motion to the site exits. They also provide for possible future connection to adjacent properties and will serve to reduce traffic on the adjacent public roadways.

6. Deviation 4.b (Signs) seeks relief from the LDC §30-153(2)a to allow one ground mounted identification sign along any street that provides access to the property. Accordingly, the code allows one sign on each of the three roadways surrounding the project: Three Oaks Parkway, Oriole Road and Alico Road.

The requested deviation would allow additional ground mounted signs as follows: one additional sign on Three Oaks Parkway, one additional sign on Oriole Road, a sign at the northwest corner of Alico Road and Three Oaks Parkway and a sign at the northeast corner of Alico Road and Oriole Road for a total of seven ground-mounted project signs.

This deviation is APPROVED.

7. Deviation 4.c (Identification Signs) seeks relief from the LDC §30-153(2)a.1.ii requirement to allow only one identification sign along street frontages less than 330 linear feet. A second identification sign may be permitted if the frontage along any one street exceeds 330 linear feet, provided that the total combined sign area of both signs does not exceed 300 square feet.

The requested deviation would allow:

- a. Two signs on Three Oaks Parkway with 200 square feet of sign area per sign face;
- b. Two signs on Oriole Road with 200 square feet of sign area per face;
- c. One sign on Alico Road with a total of 200 square feet of sign area per face;
- d. One sign at the northwest corner of Alico Road and Three Oaks Parkway with 72 square feet of sign area; and
- e. One sign at the northeast corner of Alico Road and Oriole Road with 72 square feet of sign area.

The effect of the deviation authorizes an additional 300 square feet of sign area on Three Oaks Parkway, 300 square feet of sign area on Oriole Road and 294 square feet of sign area on Alico Road.

The signs in these deviations are project signs. They do not preclude individual lots and buildings along Three Oaks Parkway from having building and ground-mounted signs consistent with the LDC.

This deviation is APPROVED, SUBJECT TO Condition 20.

The deviation allows an additional 750 square feet of total sign area and two additional ground-mounted project signs that are warranted because:

- a. The development size requires additional signage to serve the office, retail, and industrial centers.
- b. Project signs bring order to the development by informing the public and shortening trip lengths.
- c. Project signs enhance project design and aesthetics with landscaping, consistent architecture themes.
- d. The posted speeds on Three Oaks Parkway, Alico Road and Oriole Road call for additional sign square footage to size lettering readable to the traveling public.
- e. Significant project frontage on the three surrounding roads results in substantial distances separating project entrances allowing for sufficient spacing between signs.

8. Deviation 4.d (Ground Mounted Signs) seeks relief from the LDC §30-153(3)a requirement to allow one ground mounted sign for every individual office, business or industrial establishment, and a multiple-occupancy complex of five or less establishments.

The deviation seeks to allow second ground-mounted sign at the northwest corner of Alico Road and Three Oaks Parkway and a second ground-mounted sign at the northeast corner of Alico Road and Three Oaks Parkway identifying the overall development (Three Oaks Commerce Center), which includes parcels from Alico Road north to the Fiddlesticks Canal and between I-75 and the Formosa Industrial Park.

This deviation is APPROVED, SUBJECT TO Condition 21.

9. Deviation 5.a (Buffers Adjacent to Open Drainage Systems) seeks relief from the LDC §34-1353(e)(2) which requires convenience food and beverage stores, automotive service stations, fast food restaurants, and car washes with open drainage systems, to construct a two-foot high, undulating berm with a maximum slope of 3:1 along the entire length of the landscape buffer, to allow the elimination of the berm requirement in favor of dry detention in the buffers.

This deviation is APPROVED.

10. Deviation 5.b (Buffer Types) seeks relief from the LDC §10-416(d)(4)3 requirement to limit the use of palm trees in a right-of-way buffer to a maximum of 50 percent of the tree requirement, to allow palms to make up a 100 percent of the right-of-way tree requirement along Three Oaks Parkway.

This deviation is APPROVED.

11. Deviation 6 (Perimeter Setback) seeks relief from the LDC §34-935(b)(1)c requirement to provide a 25 foot perimeter setback for industrial uses of an MPD, to allow a 15 foot perimeter setback for building/structures in industrial portions of the project.

This deviation is APPROVED.

LDC §34-935(e)(3) - Setbacks for Buildings in Commercial Planned Developments, Industrial Planned Developments and Mixed Use Planned Development.

If the development contains or consists of a subdivision for development parcels to be sold or leased as improved land for further development for commercial, industrial, or multi-family residential purposes, where permitted, side and rear setbacks for all lots shall be scheduled on the MCP, except that, where a lot line is congruent with the development perimeter, the setback defined in subsection (b) of this section shall have priority. *Note LDC §34-935(b) specifically requires a 25 foot perimeter setback for industrial portions of an MPD.*

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:

1. As conditioned herein, the proposed amendment to the Three Oaks Marketplace MPD:
 - a. Complies with the Lee Plan. See, Lee Plan Vision Statement Paragraph 10, Lee Plan Goals 2, 4, 6, 39, Objective 2.2, and Policies 1.3.4; Lee Plan Maps 1, 16.
 - b. Complies with the LDC and other County regulations. See, LDC §34-934.

- c. Is compatible with existing and planned uses in the area. See, Lee Plan Policies 1.3.4, 2.1.1, 2.1.2, 2.2.1, 6.1.1, 6.1.4, 6.1.6, 6.1.7; LDC §§ 34-411(c), (i), and (j).
 - d. Will not adversely affect environmentally critical areas and natural resources. See, Lee Plan Goal 77, Objectives 4.1, 77.2; and LDC §34-411(h).
 - e. Will be served by urban services. See, Lee Plan Glossary, Maps 6, 7, Goal 2; Objectives 2.1, 2.2, 4.1; Policies 2.2.1, 6.1.4, 43.1.3, and Standards 4.1.1 and 4.1.2; LDC §34-411(d).
- 2. The Master Concept Plan reflects sufficient access to support the intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. See, Lee Plan Goal 39, Policy 6.1.5; LDC §34-411(d).
 - 3. The proposed mix of uses is appropriate at the proposed location. See, Lee Plan Policies 1.3.4, 2.1.1, 6.1.1, and 6.1.7.
 - 4. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. See, Lee Plan Policy 6.1.1; See also, LDC Chapters 10 and 34.
 - 5. As conditioned herein, the deviations:
 - a. Enhance the objectives of the planned development; and
 - b. Promote the intent of the LDC to protect the public health, safety and welfare. See, LDC §34-377(b)(4).

SECTION F. SCRIVENER'S ERRORS

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

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

John Manning	Aye
Cecil Pendergrass	Aye
Vacant	
Brian Hamman	Aye
Frank Mann	Absent

DULY PASSED AND ADOPTED this 22nd day of May 2019.

ATTEST:
LINDA DOGGETT, CLERK

BY: Missy Flint
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Brian Hamman
Chair/Vice-Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

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

RECEIVED
MINUTES OFFICE
2019 MAY 29 PM 2:45
MDE

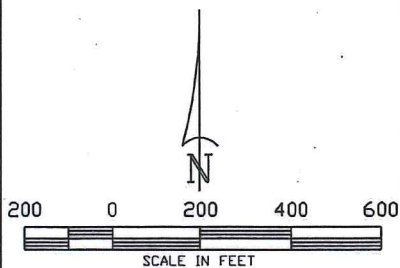
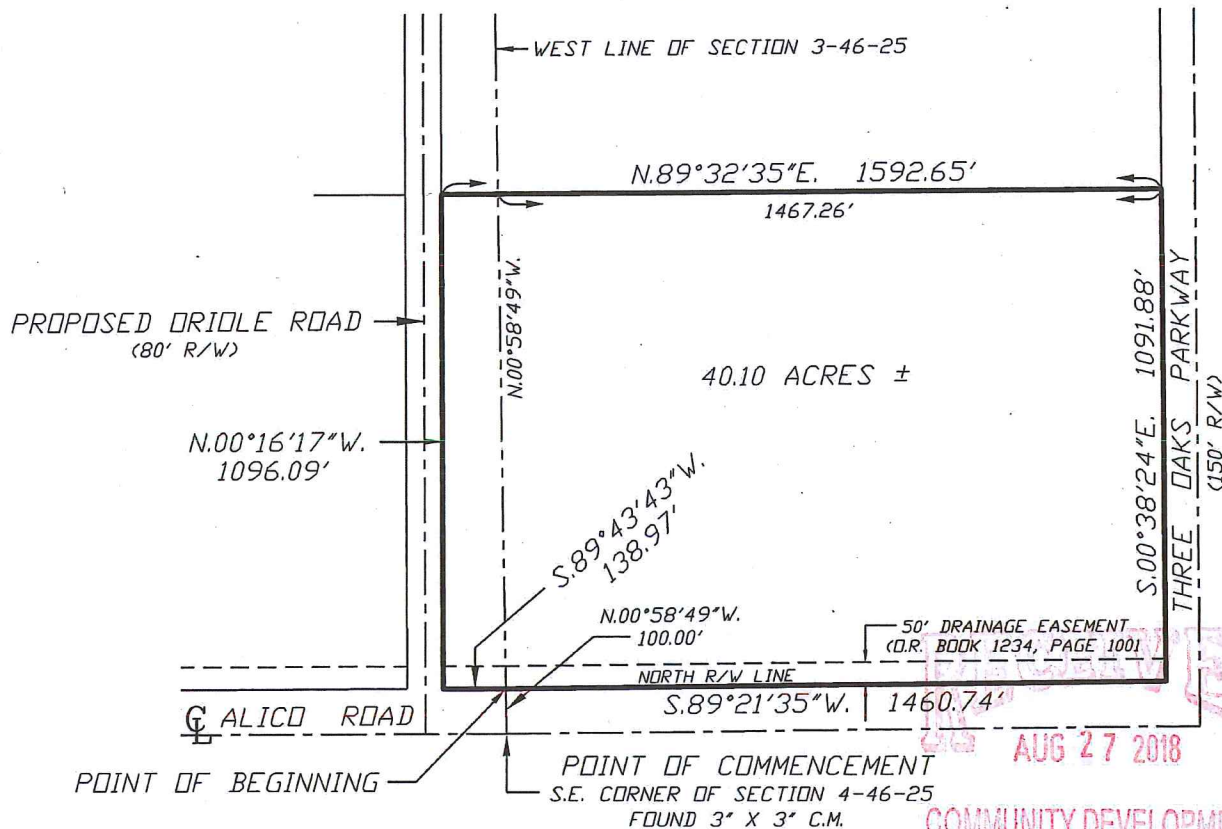
SKETCH OF
A PARCEL OF LAND LYING
IN SECTIONS 3 AND 4

TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

SEE EXHIBIT "A" FOR LEGAL DESCRIPTION

THIS IS NOT A BOUNDARY SURVEY

Applicant's Legal Checked
by MJL 8/30/18



REVISED:		DESCRIPTION:		BY
DRAWN: FBH		CHECK: PMM	PROJECT # A-T-0	SHEET 1 OF 2
SKETCH DATE: 2/28/18		FILE NO. 46-25-3		SCALE 1"=400'
FLORIDA CERTIFICATE OF AUTHORIZATION # LB 6921				

PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
#6515 - STATE OF FLORIDA

HARRIS - JORGENSEN, INC.
2706 S.E. SANTA BARBARA PLACE
CAPE CORAL, FLORIDA
PHONE: (941) 772-9939
FAX : (941) 772-1315

EXHIBIT A

EXHIBIT "A"

DESCRIPTION:

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

COMMENCING AT THE SOUTHWEST CORNER OF THE AFORESAID SECTION 3; THENCE RUN N.00°58'49"W. ALONG THE WEST LINE OF SAID SECTION 3 FOR 100.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ALICO ROAD AND THE POINT OF BEGINNING; THENCE RUN S.89°43'43"W. ALONG THE NORTH LINE OF ALICO ROAD FOR 138.97 FEET; THENCE RUN N.00°16'17"W. ALONG THE EAST RIGHT-OF-WAY LINE OF ORIDLE ROAD (80 FEET WIDE) FOR 1096.09 FEET; THENCE RUN N.89°32'35"E. FOR 1592.65 FEET TO THE WEST RIGHT-OF-WAY LINE OF THREE OAKS PARKWAY (150 FEET WIDE); THENCE RUN S.00°38'24"E. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 1091.88 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ALICO ROAD; THENCE RUN S.89°21'35"W. ALONG THE NORTH LINE OF ALICO ROAD FOR 1460.74 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINS 40.10 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WEST LINE OF THE AFORESAID SECTION 3 AS BEING N.00°58'49"W.


 PHILIP M. MOULD
 LS #6515
 FEBRUARY 28, 2018

RECEIVED
 AUG 27 2018

COMMUNITY DEVELOPMENT

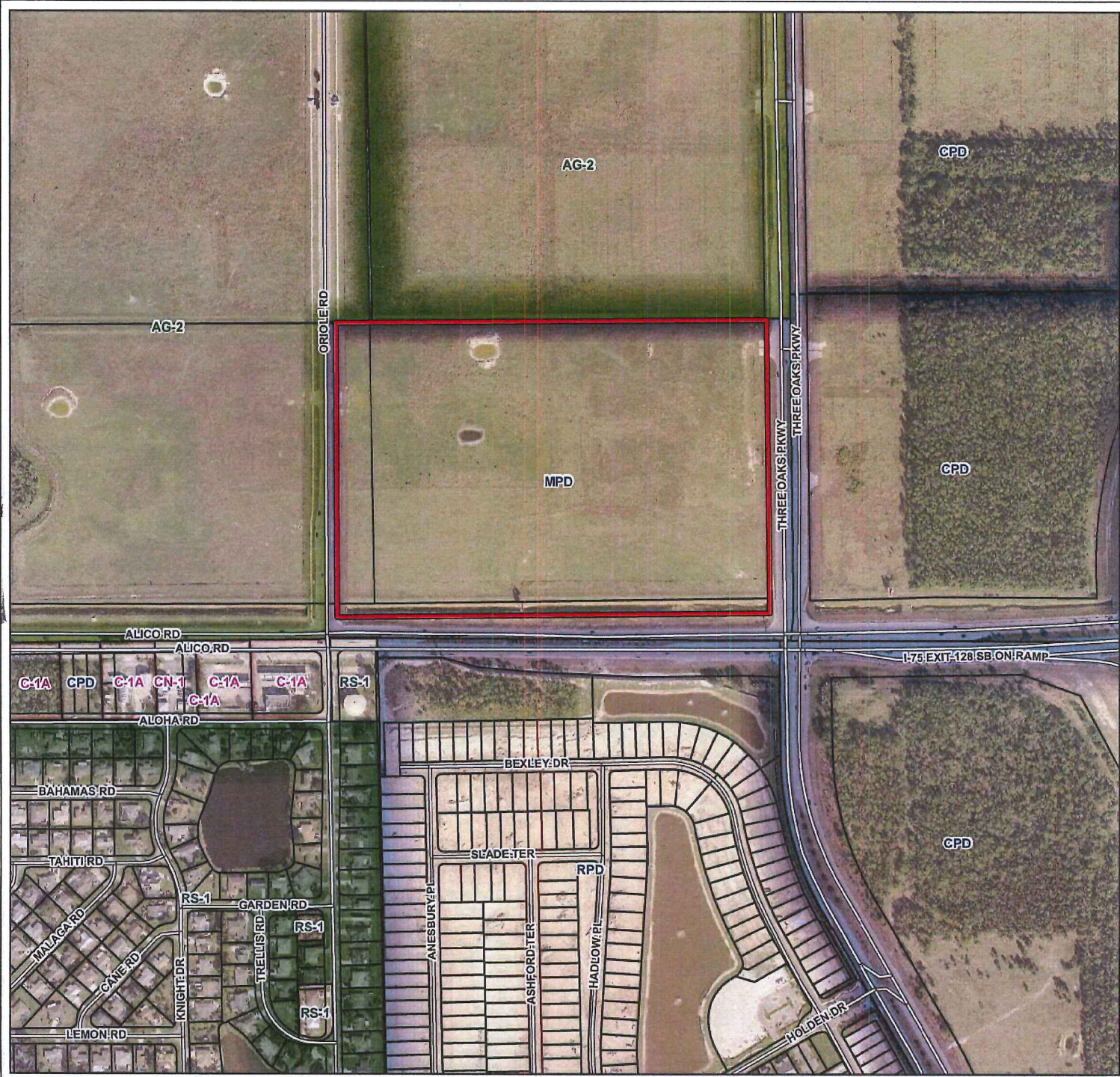
Applicant's Legal Checked
 by MJL 8/30/18

DCI 2018-00016

SHEET 2 OF 2

DCI 2018-00016

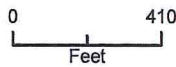
EXHIBIT B



DCI2018-00016
Zoning

Legend

-  Subject Parcel
-  Parcel Boundary



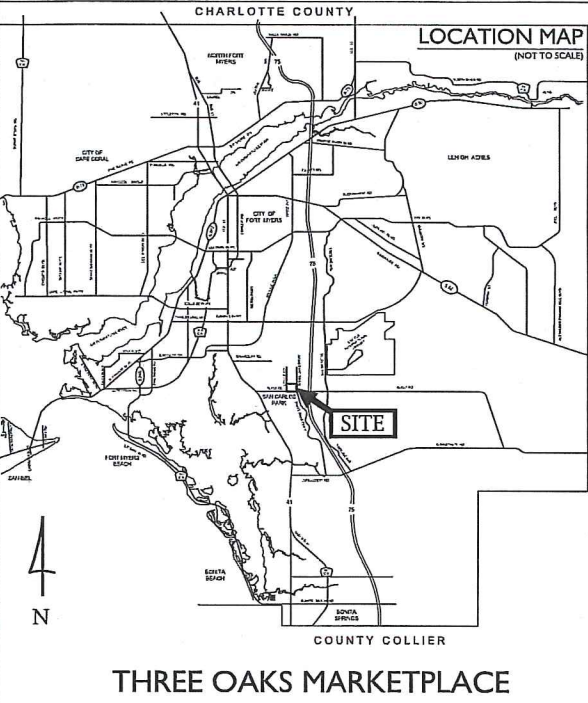
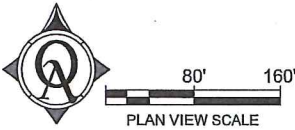
THREE OAKS MARKETPLACE

LOCATED IN SECTION 03 & 04, TOWNSHIP 46-S, RANGE 25-E, LEE COUNTY, FLORIDA

RECEIVED
AUG 04 2016

COMMUNITY DEVELOPMENT
DCI2015-00033

MASTER CONCEPT PLAN



PROJECT SUMMARY:

ZONING/REZONING
AG-2 TO MPD

STRAP #'s
03-46-25-00-00001.1040
04-46-25-00-00003.0020

Approved as Exhibit C
MCP Page 1 of 1
Resolution # 2-16-013

PROJECT ACREAGE
40.10 ACRES (1,746,836 SF)

PROJECT INTENSITY
MAX. BUILDING FLOOR AREA 400,000 SF
MINIMUM 30,000 SF COMMERCIAL
MINIMUM 30,000 SF INDUSTRIAL
HOTEL ROOMS 130 ROOMS

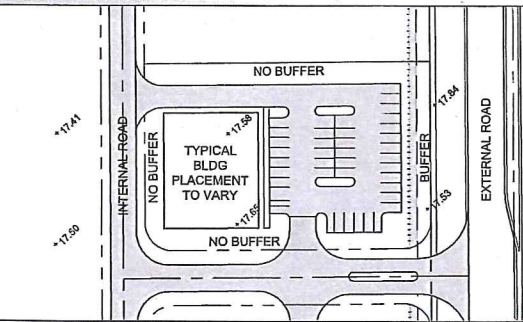
ALL TRACTS SHALL BE PERMITTED TO HAVE COMMERCIAL AND/OR INDUSTRIAL USES IN ACCORDANCE WITH THE SCHEDULE OF USE TABLES.

OPEN SPACE
REFER TO PLAN FOR MINIMUM OPEN SPACE REQUIREMENTS PER TRACT. PROJECT MIN. = 8.02 ACRES (20%)

DEVIATIONS

DEVIATIONS 1b, 1c, 2c, & 4a HAVE BEEN WITHDRAWN

TYPICAL LOT LAYOUT:



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

