

ADMINISTRATIVE AMENDMENT (PD) ADD2023-00148

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, 3 Oaks TC, LLC filed an application for an administrative amendment to a Commercial Planned Development known as Three Oaks Towne Center to expand the approved schedule of uses approved by Resolution Z-07-027, as amended, to allow: animal kennel; automotive repair and service, group II; boat sales, business services, group II, emergency operations centers; farm equipment, sales, storage, rental or service; household and office furnishings, group II, maintenance facility, government; manufacturing of food and kindred products, group II (limited to malt beverages); parks, group II; plant nursery, and repair shops, group III and IV

WHEREAS, the subject property is located at 18731-751 Three Oaks Parkway and the legal description of the property is attached hereto as Exhibit "A"; and

WHEREAS, the property was originally rezoned by Resolution Z-91-083, and was subsequently amended by SEZ2005-00012, Resolution Z-07-027, ADD2008-00167, ADD2019-00040, and ADD2019-00116; and

WHEREAS, the subject property is part of the San Carlos Development of Regional Impact (DRI); and

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

WHEREAS, the applicant has provided a narrative detailing the request (Attached as Exhibit "B"); and

WHEREAS, the applicant seeks to expand the schedule of uses to allow additional tenant types within the commercial complex; and

WHEREAS, the approved schedule of uses allows for all uses permitted in the Community Commercial (CC) zoning district; and

WHEREAS, staff coordinated with the applicant to determine additional uses that will not negatively impact the development or surround property owners (Attached as Exhibit "C"); and

WHEREAS, no changes are proposed to the approved Master Concept Plan or other conditions of approval; 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, LDC Section 34-174(i) allows the director to administratively approve an amendment to a planned development when certain criteria are met; 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 administrative approval for an amendment to the Commercial Planned Development to amend the schedule of uses for the Three Oaks Towne Center is **APPROVED, subject to the following conditions:**

1. **The Schedule of uses in Resolution Z-07-027 for the Commercial Planned Development are hereby amended in strikethrough and underline:**

Accessory Uses & Structures

Administrative Offices

Animal Clinic or Kennel

ATM - See Condition B.2.b(4) of Resolution Z-07-027

Auto Parts Store, ~~without installation facilities~~

Automobile Repair and Service, Groups I and II

Automotive Service Station – See Condition B.2.b(6) of Resolution Z-07-027

Banks and Financial Establishments, Groups I and II

Bar or Cocktail Lounge

Boat Parts Store, without installation facilities

Boat Sales

Building Material Sales

Business Services, Groups I and II

Car Wash

Cleaning and Maintenance Services

Clothing Stores, General

Clubs, Commercial, Fraternal, Private

Communication Facilities, Wireless

Computer and Data Processing

Consumption on Premises

Contractors and Builders, Groups I and II

Convenience Food & Beverage Store

Cultural Facilities

Day Care Center, Child, Adult

Department Store

Drive-Thru Facility for Any Permitted Use

Drugstore, Pharmacy

Emergency Operations Center

EMS, Fire or Sheriff's Station

Essential Services

Essential Services Facilities, Group I

Excavation, Water Retention

Farm Equipment Sales, Storage, Rental, or Service

Fences, Walls

Flea Market, Indoor Only
Food and Beverage Service, Limited
Food Stores, Groups I and II
Funeral Home (No Crematory)
Hardware Stores
Healthcare Facilities, Group III
Hobby, Toy, and Game Shops
Household and Office Furnishings, Groups I, and II, and III
Insurance Companies
Laundry or Dry Cleaning, Group I
Lawn and Garden Supply Stores
Library
Manufacturing,
Food and Kindred Products, Group II (limited to malt beverages, less than
10,000 kegs annually in conjunction with a restaurant and in compliance with
LDC Section 34-938)
Medical Office
Non-store Retailers, All Groups
Paint, Glass & Wallpaper
Parks, Groups I and II
Parking Lot
Accessory
Garage
Temporary
Personal Services, Groups I, II, III, and IV
Pet Services
Pet Shop
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales Office
~~Recreation Facilities, Commercial, Groups I and IV, with Group IV limited to:~~
~~any indoor cultural facility operated as a commercial establishment: bowling~~
~~alley, bingo hall, health club and gymnasiums~~
Religious Facilities
Rental or Leasing Establishments, Group I and II
Repair Shops, Group I, II, III, and IV
Research and Development Laboratories, Group II
Restaurant, Fast Food
Restaurant, All Groups
Schools, Commercial
Self-Service Fuel Pumps
Signs

**Social Services, Group I
Specialty Retail Shops, Group I, II, III, and IV
Studios
Temporary Uses
Transportation Services, Group II
Used Merchandise Stores, Group I
Variety Store
Vehicle and Equipment Dealers, Group II
Wholesale Establishment, Groups I, III, and IV**

- 2. The terms and conditions of the original zoning resolution, as amended, and subsequent amendments thereto remain in full force and effect, except as amended herein.**
- 3. 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 6/27/2024

Anthony R. Rodriguez, AICP, CPM, Zoning Manager

List of Exhibits

Exhibit A: Legal Description

Exhibit B: Request Statement

Exhibit C: Staff Coordination with the applicant

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

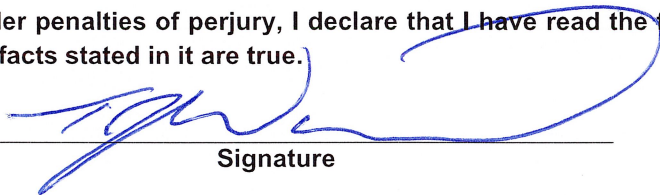
I, Travis Walklett (name), as manager
(owner/title) of 3 Oaks TC LLC (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

***Notes:**

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.


Signature

8/25/23

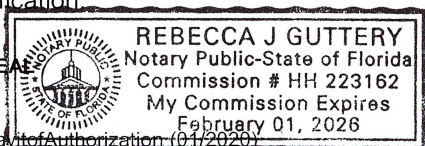
Date

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 8/25/23 day of August, 2023, by Travis Walklett (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL




Signature of Notary Public

Travis Walklett
3 Oaks TC LLC
3592 Broadway Suite 130
Fort Myers, FL 33901

August 31, 2023

Lee County Zoning Department
1500 Monroe Street
Fort Myers, FL 33901

RE: ADD2023-00148 STRAP # 15-46-25-L3-U2105.2795

To Whom It May Concern:

The purpose of this letter is to provide a narrative request regarding the application for amending the PUD for the property located at 18731-18751 Three Oaks Parkway Fort Myers, FL 33967. The property in question is a shopping center built in 1993 as a 31,749 SF anchor grocery store and a 12,000 SF strip center. The current zoning of the property is PUD with the below uses:

3. CPD - COMMERCIAL PLANNED DEVELOPMENT

a.) Permitted uses in Parcel "F" are limited to those permitted by right in a "CC" Zoning District, (as amended thru 1-4-09) as well as the following:

Bar or Cocktail Lounge
Building Material, Sales
Business Services - All Groups
Consumption on Premises
Drive-Thru Facility - Accessory to a Permitted Use
Government Services
Household/Office Furnishings - All Groups
Insurance Companies
Night Club
Novelty, Jewelry, Toy, and sign manufacturing -
All Groups
Repair Shops - All Groups

b.) Permitted uses in Parcel "G" are limited to the following:

Administrative Offices
Essential Services
Essential Service Facilities - Group 1 & II
Excavation - Water Retention
Storage, Indoor
Storage, Enclosed

The grocery store has been vacant for several years and despite our best efforts we are at this time unable to find a grocery tenant interested in the space. We therefore respectfully request the PUD

zoning be amended to add the additional zoning categories: Commercial General (CG) and Commercial Tourist (CT) and any other zoning categories deemed appropriate for the area.

In our experience large vacant buildings are often the subject to vandalism and crime in the immediate area. Our zoning request reflects the desire to allow the zoning to be as broad as reasonably possible in order to lease the space in a more timely manner.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'T. Walklett', with a stylized, flowing script.

Travis Walklett

3 Oaks LLC

Danley Jr, Dirk

From: Travis Walklett <travis.walklett@trinitycre.com>
Sent: Wednesday, May 1, 2024 1:58 PM
To: Danley Jr, Dirk
Subject: RE: ADD2023-00148

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Dirk,

That'll work. The only item we definitely would like to capture is the brewery aspect. Other than we should be good.

TRAVIS J. WALKLETT, ESQ.

Launch Development
Trinity Commercial Group
O: 239.334.3040
C: 239.671.9000
9450 Corkscrew Palms Circle • Suite 101
Estero, FL 33928



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From: Danley Jr, Dirk <DDanleyJr@leegov.com>
Sent: Wednesday, May 1, 2024 11:56 AM
To: Travis Walklett <travis.walklett@trinitycre.com>
Subject: RE: ADD2023-00148

Group IV commercial recreation facilities are already permitted in the district, when the use requires less than 10 acres. In LDC Section 34-622, calls group IV rec facilities as:

Group IV, Indoor facilities.	
	Bingo halls
	Bowling alleys
	Convention or exhibition halls
	Gymnasiums
	Health clubs
	Indoor cultural facilities operated as a commercial establishment
	Indoor gun range
	Racquetball, handball, squash or tennis courts
	Skating rinks
	Swimming pools or aquatic centers
	Theaters, indoor

This group IV use would capture the indoor training facility, indoor pickleball, and trampoline park. Outdoor commercial rec facilities are not permitted currently (for the outdoor pickleball courts) are currently not permitted.

Does that capture your proposed tenants? We can get this drafted this week.



Dirk Danley Jr, AICP | Principal Planner

Department of Community Development

1500 Monroe Street, Fort Myers, FL 33901

office: (239) 533-8317

email: ddanley2@leegov.com

web: www.leegov.com

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From: Travis Walklett <travis.walklett@trinitycre.com>
Sent: Wednesday, May 1, 2024 10:21 AM
To: Danley Jr, Dirk <DDanleyJr@leegov.com>
Subject: RE: ADD2023-00148

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Dirk,

Thank you for the quick replay. We'll certainly take those uses. Here are the prospective tenants that have shown the most interest, not sure which exact categories they fall into but we would want to include:

- 1) Brewery with restaurant and on site consumption (specifically Palm City Brewing)
- 2) Indoor and Outdoor Pickle Ball Courts with a restaurant (multiple users)
- 3) Indoor sports training specifically baseball and soccer (multiple users)
- 4) Trampoline park

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From: Danley Jr, Dirk <DDanleyJr@leegov.com>
Sent: Wednesday, May 1, 2024 10:04 AM
To: Travis Walklett <travis.walklett@trinitycre.com>
Subject: RE: ADD2023-00148

Hey Travis, I spoke with my manager about this case when we last talked and came up with these uses that may be beneficial for your property and we can generally justify adding without going through public hearing. These uses are in addition to the uses in the CC district. Please let me know what you think:

Pet Kennel
Pet Control Center (including Humane Society)
Automobile Repair and Service (Group II)
Boat – Sales
Business Services, Group II
Emergency Operations Centers
Farm Equipment, Sales, Storage, Rental or Service
Household and Office Furnishings, Group III

Maintenance Facility (Government)

Parks, Group II

Plant Nursery

Repair Shops, Group III and IV

We can certainly include the micro-brewery use, as there is an LDC amendment to define microbrewery in the LDC (it is currently not defined).



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From: Travis Walklett <travis.walklett@trinitycre.com>

Sent: Wednesday, May 1, 2024 9:58 AM

To: Danley Jr, Dirk <DDanleyJr@leegov.com>

Subject: RE: ADD2023-00148

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Dirk,

Just following up on your email below and our subsequent call back in late February as I haven't received an update. I've re-attached my last letter as we want to ask for one more zoning category specifically related to the ability to do a micro-brewery. Please let me know if you have any questions.

Thanks You,

TRAVIS J. WALKLETT, ESQ.

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From: Danley Jr, Dirk <DDanleyJr@leegov.com>
Sent: Tuesday, February 27, 2024 4:09 PM
To: Travis Walklett <travis.walklett@trinitycre.com>
Subject: RE: ADD2023-00148

Hi Travis, we found where this case fell through the cracks in our system, back when you were trying to resubmit back in November, I will be sure to complete review and get something out this week, but I wanted to have a quick call with you to make sure I understand what you are trying to accomplish with this amendment.

Are you free tomorrow afternoon? I am busy in the morning but should be free tomorrow after 2PM or so.

I apologize for the delay, we will expedite getting this project to completion.



Dirk Danley Jr, AICP | Principal Planner
Department of Community Development

1500 Monroe Street, Fort Myers, FL 33901

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email: ddanley2@leegov.com

web: www.leegov.com

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From: Travis Walklett <travis.walklett@trinitycre.com>
Sent: Monday, February 5, 2024 10:59 AM
To: Danley Jr, Dirk <DDanleyJr@leegov.com>
Subject: RE: ADD2023-00148

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Dirk,

Where are we with this? On Lee Connect it just has Draft Documents Due on 10/17/2023 assigned to Department.

Thanks,

TRAVIS J. WALKLETT, ESQ.

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From: Danley Jr, Dirk <DDanleyJr@leegov.com>
Sent: Thursday, November 9, 2023 3:59 PM
To: Travis Walklett <travis.walklett@trinitycre.com>
Subject: RE: ADD2023-00148 - Portal Issue

Hey Tavis, we will take care of it on our end then! Have a great weekend.



Dirk Danley Jr, AICP | Principal Planner
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email: ddanley2@leegov.com

web: www.leegov.com

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From: Travis Walklett <travis.walklett@trinitycre.com>
Sent: Thursday, November 9, 2023 11:51 AM
To: Danley Jr, Dirk <DDanleyJr@leegov.com>
Subject: ADD2023-00148 - Portal Issue

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Mr. Danley:

I have been trying for the past several days to upload the attached to the Lee Connect portal but has not been working.

Thank You,

TRAVIS J. WALKLETT, ESQ.

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