

ORDINANCE NO. 3899

AN ORDINANCE
To Be Entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, APPROVING A PLANNED UNIT DEVELOPMENT TO BE KNOWN AS THE TRI-COUNTY COMMERCE CENTER PLANNED UNIT DEVELOPMENT LOCATED AT 5990 LUCKETT ROAD IN SECTION 15, TOWNSHIP 44 SOUTH, RANGE 25 EAST PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

SECTION 1. Lockett Industrial, LLC, owner of record, is requesting approval for a planned unit development (PUD) on a parcel of land located at 5990 Lockett Road, 153.8 acres, more or less, rezoning the property from Commercial Intensive (CI), Mixed Use (MU), and Conservation to the Tri-County Commerce Center Planned Unit Development, hereby incorporated and attached.

SECTION 2. The Planning Board, sitting as the Local Planning Agency of the City of Fort Myers, considered the development plan, landscape plan, schedule of uses, deviations, terms and conditions for the Tri-County Commerce Center Planned Unit Development and considered the rezoning to the Planned Unit Development category, and made a recommendation of approval to the City Council after conducting

ORDINANCE NO. 3899

a public hearing on January 8, 2020, with ten (10) days public notice having been provided to obtain public comment, and considered all written and oral comments received during the public hearing including support documents; and

SECTION 3. The parcel of land to be known as Tri-County Commerce Center Planned Unit Development (PUD), located at 5990 Luckett Road is described in Exhibit A.

SECTION 4. The purpose and intent of the planned unit development is to allow an industrial development to include 150,000 square feet of commercial uses, 1,100,000 square feet of industrial uses, and 23 acres of open space in accordance with the Master Concept Plan prepared by Barraco and Associates, Inc. with a revision date of January 24, 2020.

Schedule of Uses

Parcel A, B, C and D

Animal boarding, animal shelter, kennel, doggy day care (See 118.3.3.C.2).

Animal hospital, veterinary clinic (See 118.3.3.C.2).

Art studio, gallery (See 118.3.3.C.3).

Bank.

Billboard. (adjacent to I-75 only and in compliance with Section 126-105 Off-Premise Advertising Signs)

Brewery, winery, bulk mailing service, movie production facility.

Bus and train passenger terminal, taxi dispatch, limo service.

Call center.

Car wash full or self-service.

ORDINANCE NO. 3899

Contractors and builders.
Convenience store with or without gas pumps, gas stations (See 118.3.3.C.5). Truck stop prohibited.
Copy, print, pack and ship, publishing, post office, and other office type services.
Fabrication and manufacturing of fabrics and materials (See 118.3.3.D).
Freight terminal and service facility
Greenhouse or nursery, commercial, garden center.
Hotel, motel.
Health club.
Indoor athletic, tennis, swim club.
Indoor commercial recreation.
Laundromat, dry-cleaning and carpet cleaning plants and drop-off, diaper service, linen supply.
Lodge, membership club (See 118.3.3.C.1).
Machine shop, light manufacturing or assembly; indoor only.
Manufactured housing sales.
Medical and dental laboratory.
Offices, general, administrative, governmental or operational.
Outdoor recreation
Park, recreation field
Parking: surface or garage, as accessory or primary use.
Police, fire, EMS substation.
Radio, TV or recording studio.
Religious institutions.
Repair services: automotive (See 118.3.3.C.11) and non-automotive, all types, including RV and boat repair and service. Heavy equipment repair prohibited on Parcels A and B, not to exclude RV repair.
Research, testing, and development laboratory; excluding primates and venomous snakes.
Retail, wholesale, or rental store, including building materials, service vehicles and large equipment (See 118.3.3.C.12).
Self-storage: fully enclosed indoor multi-story or mini-storage (See 118.3.3.C.9).

ORDINANCE NO. 3899

Stone, clay, concrete products; heavy remanufacturing operations and batch plants prohibited.

Trade schools, enrichment classes such as dance or martial arts.

Warehouse, freight, cartage, distribution facility, parcel service (See 118.3.3.D).

Water management structures, wells, reservoirs.

Parcel E and F

Animal boarding, animal shelter, kennel, doggy day care (See 118.3.3.C.2).

Animal hospital, veterinary clinic (See 118.3.3.C.2).

Armory, brewery, winery, bottling plant, bulk mailing service, movie production facility.

Art studio, gallery (See 118.3.3.C.3).

Auction room, auction house: including automotive

Auditorium, Arena, stadium, indoor athletic, tennis, swim club.

Bank.

Billboard. (adjacent to I-75 only and in compliance with Section 126-105 Off-Premise Advertising Signs)

Bus and train passenger terminal, taxi dispatch, limo service.

Call center.

Carpentry, lumberyard and wood products.

College/university, trade schools, enrichment classes such as dance or martial arts.

Commercial packing for fruits and vegetables.

Contractor storage (indoor/outdoor) perform services off-site, but store equipment and materials or perform fabrication or similar work on-site (See 118.3.3.D).

Contractors and builders.

Copy, print, pack and ship, publishing, post office, and other office type services.

Fabrication and manufacturing of fabrics and materials (See 118.3.3.D).

Flea market (See 118.3.3.C.6).

Freight terminal and service facility

Funeral home or mortuary, crematorium.

ORDINANCE NO. 3899

General manufacturing, processing, construction, and utility uses; excluding water and sewer treatment plants or other prohibited uses listed in Section 118.3.3.D.4

Greenhouse or nursery, commercial, garden center.

Health club.

Hotel, motel.

Indoor commercial recreation.

Machine shop, light manufacturing or assembly.

Major utilities; excluding water and sewer treatment plants.

Manufactured housing sales.

Medical and dental laboratory.

Offices, general, administrative, governmental or operational.

Outdoor recreation.

Outdoor storage and bulk storage: nonflammable, including tow truck storage (See 118.3.3.D).

Park, recreation field

Parking: surface or garage, as accessory or primary use.

Police, fire, EMS substation.

Radio, telephone and television transmission towers and facilities (commercial).

Radio, TV or recording studio.

Religious institutions.

Repair services: automotive (See 118.3.3.C.11) and non-automotive, all types, including boat repair and service.

Research, testing, and development laboratory; excluding primates and venomous snakes.

Retail, wholesale, or rental store, including building materials, service vehicles and large equipment (See 118.3.3.C.12).

Self-storage: fully enclosed indoor multi-story or mini-storage (See 118.3.3.C.9).

Stone, clay, concrete products; heavy remanufacturing operations and batch plants prohibited.

Truck, bus, rail or motor freight terminal, service facility, drop yard.

Warehouse, freight, cartage, distribution facility, parcel service (See 118.3.3.D).

ORDINANCE NO. 3899

Water management structures, wells, reservoirs.

SECTION 5. The deviation from the Land Development Code for the Planned Unit Development is as follows:

City Code Requirement: Section 126-93(b)(1) A commercial center may have one main sign not exceeding a total of 250 square feet to identify the center. One additional sign not exceeding 125 square feet, identifying the center may be permitted on each additional public street frontage. Tenants may also be listed on these signs if the square footage is not exceeded and each tenant is the same size.

Deviation: Allow one (1) additional project identification sign (in addition to the main sign) not to exceed 250 square feet.

SECTION 6. The terms and conditions for the planned unit development are as follows:

1. This Planned Unit Development (PUD) known as the Tri-County Commerce Center Planned Unit Development (PUD) is for the construction of an industrial development to include 150,000 square feet of commercial uses, 1,100,000 square feet of industrial uses, and 23 acres of open space. All applications for site work permits shall include a Development Inventory Table that reflects the maximum square feet allowed for commercial and industrial uses, the amount of square feet

ORDINANCE NO. 3899

previously permitted for each use, the amount of square feet remaining of each use, and the amount of square feet proposed to be permitted for each use.

2. The areas within the Future Land Use designation of Conservation (CON) shall remain as such and shall not be allowed to be developed, except in accordance with the regulation for the Conservation (CON) zoning district.

3. Roads must be platted in accordance with Land Development Code Chapter 130.

4. The Tri-County Commerce Center Planned Unit Development shall be developed in accordance with the Master Concept Plan prepared by Barraco and Associates, Inc. with a revision date of January 24, 2020; and the landscaping plan, prepared Bonnett Design Group, LLC dated January 24, 2020, and on file in the City Clerk's Office, set forth in this ordinance shall be binding on the Developer, its successors or assigns.

5. A building permit for the first principal structure shall be issued within five (5) years from the date of this approval and vertical construction shall commence within one (1) year of permit issuance. Upon expiration or voiding of the PUD, the property will revert to the Commercial Intensive (CI) and Conservation (CON) zoning districts after

ORDINANCE NO. 3899

the owner(s) of the property are notified and given an opportunity to respond at a City Council meeting as provided in Section 7.

6. The approval of the Tri-County Commerce Center Planned Unit Development is contingent upon the approval of the Future Land Use Map Amendment for the subject property. (Case No. 18-MAP-04/DEO Amendment No. 19-O2ESR).

SECTION 7. Failure to comply with the terms and conditions of the Planned Unit Development will result in the cancellation of the development approval and the Planned Unit Development shall be come void and the previous Commercial Intensive, Mixed Use and Conservation Zoning Districts shall be applied. The applicant shall be notified in writing of the date of the public meeting to be held by City Council and be given an opportunity to respond at the public meeting.

SECTION 8. A notice of public hearing was published in a newspaper of general circulation in accordance with the law.

SECTION 9. Severability. If for any reason any provision, paragraph, word, section or article of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

ORDINANCE NO. 3899

SECTION 10. This ordinance shall become effective one (1) day following the effective date of the Future Land Use Map Amendment (Case No. 18-MA-04/DEO Amend. No. 19-02ESR)

ORDINANCE NO. 3899

Exhibit A

Legal Description

DESCRIPTION:

A PARCEL OF LAND IN THE EAST HALF OF SECTION 15 AND THE NORTHWEST QUARTER (NW 1/4) OF SECTION 14, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF SAID SECTION 15; THENCE RUN N88°56'10"E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 14 FOR A DISTANCE OF 663.71 FEET TO AN INTERSECTION WITH THE CENTERLINE OF HOLSTEIN DRIVE; THENCE LEAVING SAID NORTH LINE RUN S01°11'40"E ALONG SAID CENTERLINE OF HOLSTEIN DRIVE FOR A DISTANCE OF 973.69 FEET; THENCE LEAVING SAID CENTERLINE RUN S88°48'20"W ALONG THE SOUTHERLY LINE OF TRACT 3, UNIT 3 OF UNRECORDED HAPPY BULL FARMS SUBDIVISION FOR A DISTANCE OF 645.22 FEET TO THE EASTERLY LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 15; THENCE LEAVING SAID SOUTHERLY LINE RUN S02°16'49"E ALONG SAID EASTERLY LINE FOR A DISTANCE OF 1580.49 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF THE SOUTHEAST QUARTER (SE 1/4); THENCE LEAVING SAID EASTERLY LINE RUN S89°22'37"W ALONG SAID NORTHERLY LINE FOR A DISTANCE OF 1332.75 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4); THENCE LEAVING SAID NORTHERLY LINE RUN S01°26'05"E ALONG SAID EASTERLY LINE FOR A DISTANCE OF 658.23 FEET TO AN INTERSECTION WITH THE SOUTHERLY LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4); THENCE LEAVING SAID EASTERLY LINE RUN S89°27'43"W ALONG SAID SOUTHERLY LINE FOR A DISTANCE OF 1046.09 FEET TO AN INTERSECTION WITH A 5891.58 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE NORTHWEST TO WHICH A RADIAL LINE BEARS S84°58'59"E. SAID CURVE HAVING A CENTRAL ANGLE OF 6°53'09". A CHORD AND CHORD BEARING OF N01°34'26"E, 707.62 FEET, ALSO BEING THE EASTERLY LINE OF A LIMITED ACCESS RIGHT OF WAY OF INTERSTATE 75 AS DESCRIBED IN SECTION 12075-2404;

THE FOLLOWING ELEVEN (11) COURSES RUN ALONG SAID EASTERLY LINE OF THE LIMITED ACCESS RIGHT OF WAY OF INTERSTATE 75:

RUN ALONG SAID CURVE FOR A DISTANCE OF 708.05 FEET; RUN N01°49'16"W FOR A DISTANCE OF 392.66 FEET; RUN N88°10'44"E FOR A DISTANCE OF 75.00 FEET; RUN N01°49'16"W FOR A DISTANCE OF 307.36 FEET; RUN N02°10'44"E FOR A DISTANCE OF 516.12 FEET TO THE POINT OF CURVATURE OF A 1740.86 FOOT RADIUS CURVE CONCAVE TO THE SOUTHEAST, SAID CURVE HAVING A CENTRAL ANGLE OF 9°11'52". A CHORD AND CHORD BEARING OF N06°46'40"E, 279.16 FEET; RUN ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 279.46 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE; RUN N11°22'26"E FOR A DISTANCE OF 480.89 FEET; RUN N14°20'17"E FOR A DISTANCE OF 232.26 FEET TO THE POINT OF CURVATURE OF A 141.00 FOOT RADIUS NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST TO WHICH A RADIAL LINE BEARS N78°37'34"W. SAID CURVE HAVING A CENTRAL ANGLE OF 56°19'43", A CHORD AND CHORD BEARING OF N39°32'18"E, 133.10 FEET; RUN ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 138.62 FEET TO AN INTERSECTION WITH A NON-TANGENT LINE; RUN N67°42'04"E FOR A DISTANCE OF 63.47 FEET; RUN N00°53'29"W FOR A DISTANCE OF 77.89 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT OF WAY LINE OF LUCKETT ROAD (WIDTH VARIES).

THE FOLLOWING FIVE (5) COURSES RUN ALONG THE SOUTHERLY RIGHT OF WAY LINE OF LUCKETT ROAD:

RUN N86°39'40"E FOR A DISTANCE OF 342.72 FEET; RUN N86°39'32"E FOR A DISTANCE OF 300.20 FEET; RUN N89°07'41"E FOR A DISTANCE OF 1120.25 FEET; RUN N00°52'19"W FOR A DISTANCE OF 52.00 FEET; RUN N89°07'41"E FOR A DISTANCE OF 81.06 FEET TO THE SAID EASTERLY LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 15; THENCE RUN N02°16'49"W ALONG SAID EASTERLY LINE OF THE NORTHEAST QUARTER (NE 1/4) FOR A DISTANCE OF 25.02 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 153.9 ACRES MORE OR LESS.

ORDINANCE 3899


PASSED IN PUBLIC SESSION of the City Council of the City of Fort Myers, Florida, on May 4, 2020.

Aye 
Teresa Watkins Brown

Aye 
Johnny W. Streets, Jr.

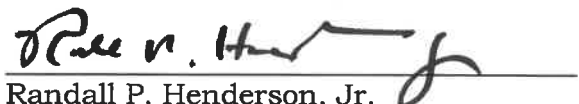
— _____
Terolyn P. Watson

Aye 
Kevin Anderson

Aye 
Fred Burson

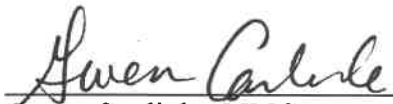
Aye 
Gaile H. Anthony
Council Members

APPROVED on May 4, 2020.

Aye 
Randall P. Henderson, Jr.
Mayor

FILED in the Office of the City Clerk on May 4, 2020.




Gwen Carlisle, MMC
City Clerk