

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

WHEREAS, an application was filed by Neale Montgomery and Greg Stuart on behalf of the property owner, Susan E. Davidson, Managing Member, Three Oaks Land Company, LLC to rezone a 51.5± acres from Agricultural (AG-2) to Commercial Planned Development (CPD); in reference to Alico Crossroads Center CPD; and

WHEREAS, a public hearing was advertised and held on April 2, 2002, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2002-00052; and

WHEREAS, a second public hearing was advertised and held on May 19, 2003, before the Lee County Board of Commissioners, who 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 51.5± -acre parcel from AG-2 to CPD, to permit 300,000 square feet of commercial retail, 51,000 square feet of office, and 125 hotel rooms with an option to increase up to 377,000 square feet of commercial retail with a corresponding 31,000-square-foot reduction in office and a corresponding reduction of 25 hotel rooms, and an optional increase of up to 200 hotel rooms with a corresponding reduction of 26,500 square feet in office, with buildings not to exceed 75 feet/six stories. No development blasting is being requested. The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be substantially consistent with the one-page Master Concept Plan entitled "The Alico Crossroads Center CPD" or the one-page Master Concept Plan entitled "The Alico Crossroads Center CPD - Alternative Plan" both stamped "RECEIVED JUN 06 2003 COMMUNITY DEVELOPMENT" except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval. If changes to the Master Concept Plan or Alternative Plan are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the project and uses:

a. Schedule of Uses

See Attachment "D" The Alico Crossroads Center CPD: Schedule of Uses; and

See Attachment "E" The Alico Crossroads Center CPD Alternative Plan Schedule of Uses.

b. Site Development Regulations

(1) The project may be developed with a maximum of 300,000 square feet of commercial retail, 51,000 square feet of office, and 125 hotel rooms, with an optional increase of up to a maximum 377,000 square feet of commercial retail with a corresponding 31,000-square-foot reduction in office and a corresponding reduction of 25 hotel rooms, and an optional increase of up to 200 hotel rooms with a corresponding maximum of up to 348,000 square feet of commercial retail.

(2) This approval does not alleviate the need to comply with all federal, state and county development regulations for life, safety and fire codes, open space, buffering and parking spaces, except as specifically modified by this approval;

(3) The property development limitations are:

See Attachment "N" Tracts A, B, C, D & E Development Standards; and

See Attachment "O" Alternative Plan/Tracts A,B,C & D Development Standards.

Minimum Open Space:

A minimum of 14.8 acres of general open space must be provided within the overall development site. Each development tract shall contain a minimum of 10% open space per LDC Section 34-414(c) provided the developer demonstrates the overall open space requirement will be met with each local development order submittal.

3. a. Existing bona fide agricultural uses as described in Exhibit "H" may continue until approval of a local development order for the area of the project containing those uses.
- b. Additional clearing or grading of existing agricultural areas is prohibited. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.
- c. The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar

year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.

4. No development blasting activity is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
5. All manufacturing, repair or warehousing must take place in an enclosed building.
6. All outdoor storage activities must comply with shielding provisions specified in LDC Sec. 34-3005(b).
7. The development order must include an estimated time line for completion of exotic vegetation removal. The time line will begin upon issuance of a Vegetation Removal Permit and must be completed prior to issuance of a Certificate of Compliance for the first building.
8. Exotic vegetation removal from within the preserves must be completed by hand unless specifically approved by Environmental Sciences (ES) staff. Any approval of mechanical removal methods will be limited by location, and type of machinery to be used as approved by ES staff. No equipment which disturbs the soil will be permitted within the preserve areas.
9.
 - a. The full median opening indicated on the Master Concept Plan is subject to the Three Oaks Parkway Access Management Plan, upon adoption, and any future operational decision by the County to install a traffic signal, modify, or remove the median opening. Prior to the adoption of the Access Management Plan, the access must be consistent with the access points identified on the approved Master Concept Plan.
 - b. If installation of a traffic signal is deemed to be appropriate by the County at this location, then a proportionate share of the full cost of the traffic signal improvement will be the responsibility of the developer or subsequent property owner's association.
10. Prior to the issuance of any building permit and to the extent the property or any portion of the property is located with Noise Zone 2 or Noise Zone 3 of the Airport Hazard District, the property owner, and all subsequent purchasers of the property or any portion of the property within the these noise zones, must execute and deliver to the Building Department a Disclosure Statement containing the language set forth in the attached Exhibit "I" labeled "Lee County Port Authority Exhibit 1."
11. The development must comply with Land Development Code Section 34-1008 - Permit for Tall Structures, for all tall structures that exceed a height of 100 feet above mean sea level, including permanent buildings, antenna towers, and temporary construction equipment such as cranes.
12. Commercial buildings, especially hotel/motel facilities located in Airport Noise Zone 3, must consider the use of sound insulating materials.

13. Buildings exceeding 75 feet in height must maintain additional building separation or additional building setbacks as regulated by LDC Section 34-2174(a) and LDC Section 935(e)4.
14. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
15. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 26 and Table 1(b).
16. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development rezoning action or subsequent amendment approvals.
17. No more than 32 fuel pumps may be permitted on this entire development.
18. A 20' landscape buffer consisting of a double staggered row hedge with 5 canopy trees per 100 or 7 palm trees per 100 and a 3' berm is required along the project boundaries at the proposed Three Oaks Parkway.

SECTION C. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: The legal description of the property * Amended
- Exhibit B: Zoning Map (with subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Attachment "D" The Alico Crossroads Center CPD; Schedule of Uses
- Exhibit E: Attachment "E" The Alico Crossroads Center CPD Alternative Plan Schedule of Uses.
- Exhibit F: Attachment "N" Tracts A, B, C, D & E Development Standards
- Exhibit G: Attachment "O" Alternative Plan/Tracts A,B, C & D Development Standards
- Exhibit H: Affidavit Sketch and Supporting documents regarding existing Bona Fide Agricultural Uses
- Exhibit I: Lee County Port Authority Exhibit 1

The applicant has indicated that the STRAP number for the subject property is:
03-46-25-00-00001.1080

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. 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; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Albion, seconded by Commissioner Coy and, upon being put to a vote, the result was as follows:

Robert P. Janes	Absent
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 19th day of May 2003.

ATTEST:
CHARLIE GREEN, CLERK

BY: 

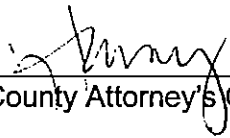
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 

Ray Judah, Chairman

Approved as to form by:


County Attorney's Office



Amended To attach correct legal description (Exhibit A)

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:


COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE N.01°03'27" W. ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER FOR 50.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ALICO ROAD (100 FEET WIDE); THENCE N.89°23'05"E. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 122.95 FEET; THENCE N.00°36'43"W. FOR 1240.00 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE N.00°36'43"W. FOR 351.31 FEET; THENCE N.89°23'05"E. FOR 733.03 FEET TO THE WEST RIGHT-OF-WAY LINE OF I-75 (INTERSTATE 75 - STATE ROAD NO. 93); THENCE N.04°48'48"E. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 162.74 FEET; THENCE N.00°38'02"W. ALONG SAID WEST RIGHT-OF-WAY LINE FOR 751.46 FEET; THENCE S.89°21'10"W. FOR 890.55 FEET; THENCE S.89°23'17"W. FOR 1017.58 FEET; THENCE S.00°36'43"E. FOR 1264.29 FEET; THENCE N.89°23'15"E. FOR 1160.00 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 49.33 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF WAY.

BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AS BEARING N.89°23'17"E.

DESCRIPTION PREPARED: 12-10-02


THOMAS R. LEHNERT, JR., P.S.M.
FLORIDA CERTIFICATION NO. 5541

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RECEIVED

DEC 12 2002

COMMUNITY DEVELOPMENT

SHEET 1 OF 2

Applicant's Legal Checked

by Jm 12/13/02

DCI 2002-00052

SKETCH TO ACCOMPANY DESCRIPTION

OF
A PARCEL OF LAND.
LYING IN
SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



NOT TO SCALE

LEGEND:

- (3) - CURVE NO. 3 OF THE CURVE TABLE "A"
- R/W - RIGHT-OF-WAY
- ⊗ - CENTERLINE
- (R) - RADIAL LINE
- O.R. - OFFICIAL RECORDS BOOK

THIS IS NOT A SURVEY

Thomas R. Lehnert, Jr. 12/11/02

THOMAS R. LEHNERT, JR., P.S.M.
FLORIDA CERTIFICATION NO. 5541

-THIS SKETCH IS NOT VALID UNLESS IT BEARS THE
SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER

-PREPARED NOVEMBER 26, 2002

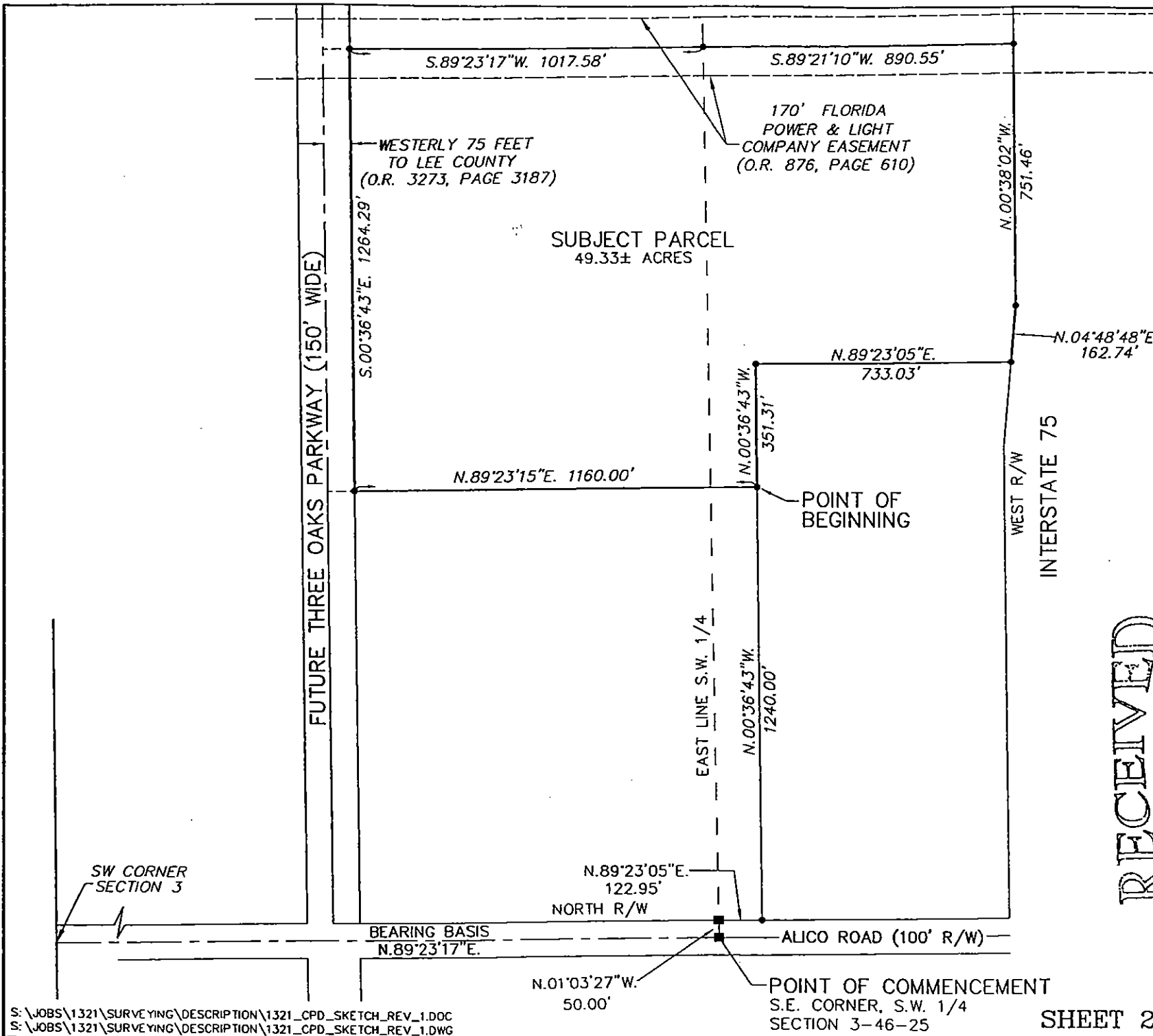
-SEE SHEET 1 OF 2 FOR COMPLETE LEGAL DESCRIPTION

PREPARED BY:

Banks Engineering, Inc.

ENGINEERING, SURVEYING & LAND PLANNING
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912

(239) 939-5490
FLORIDA BUSINESS CERTIFICATION NO. 6690



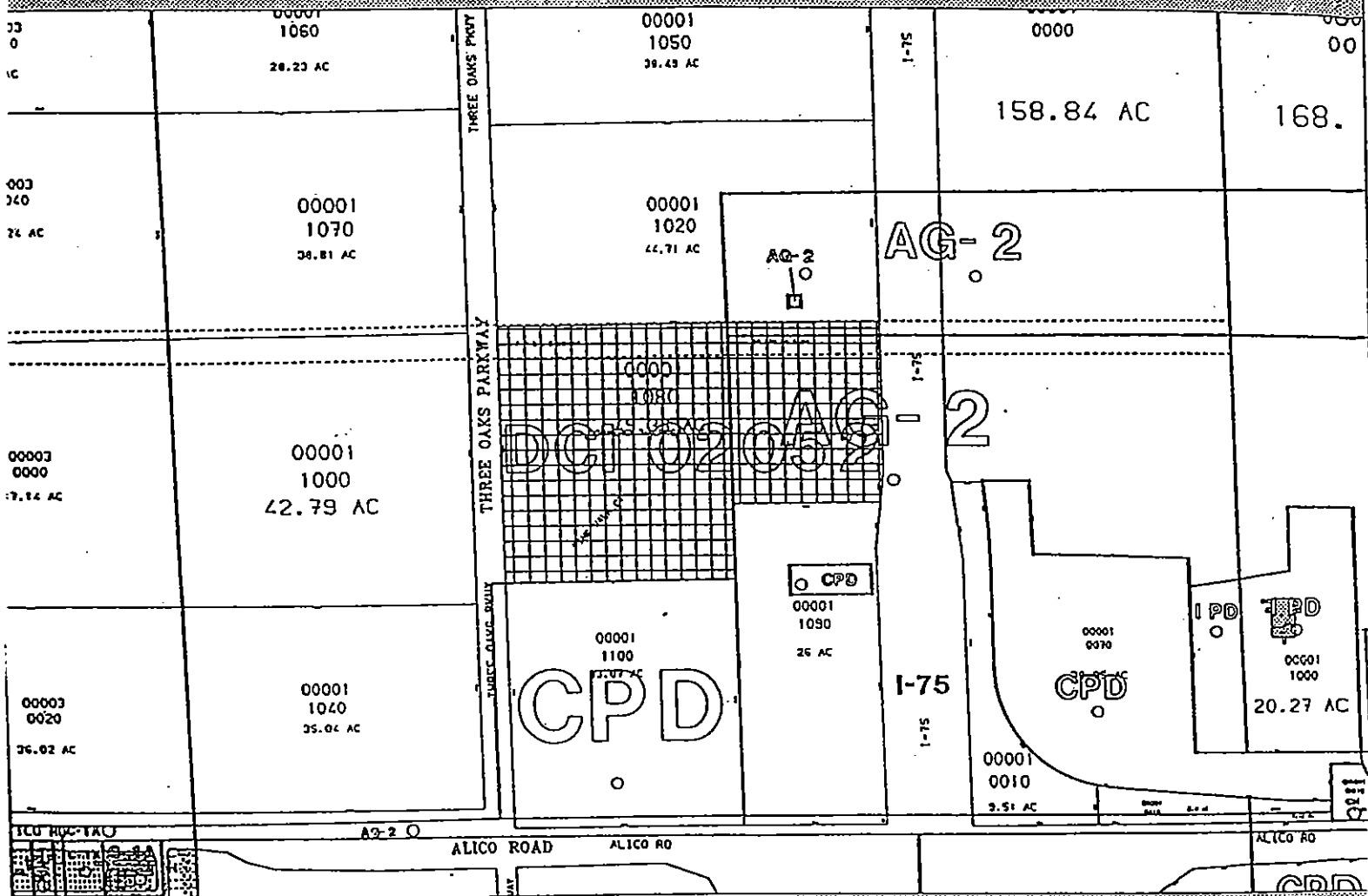
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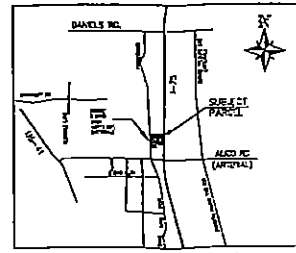
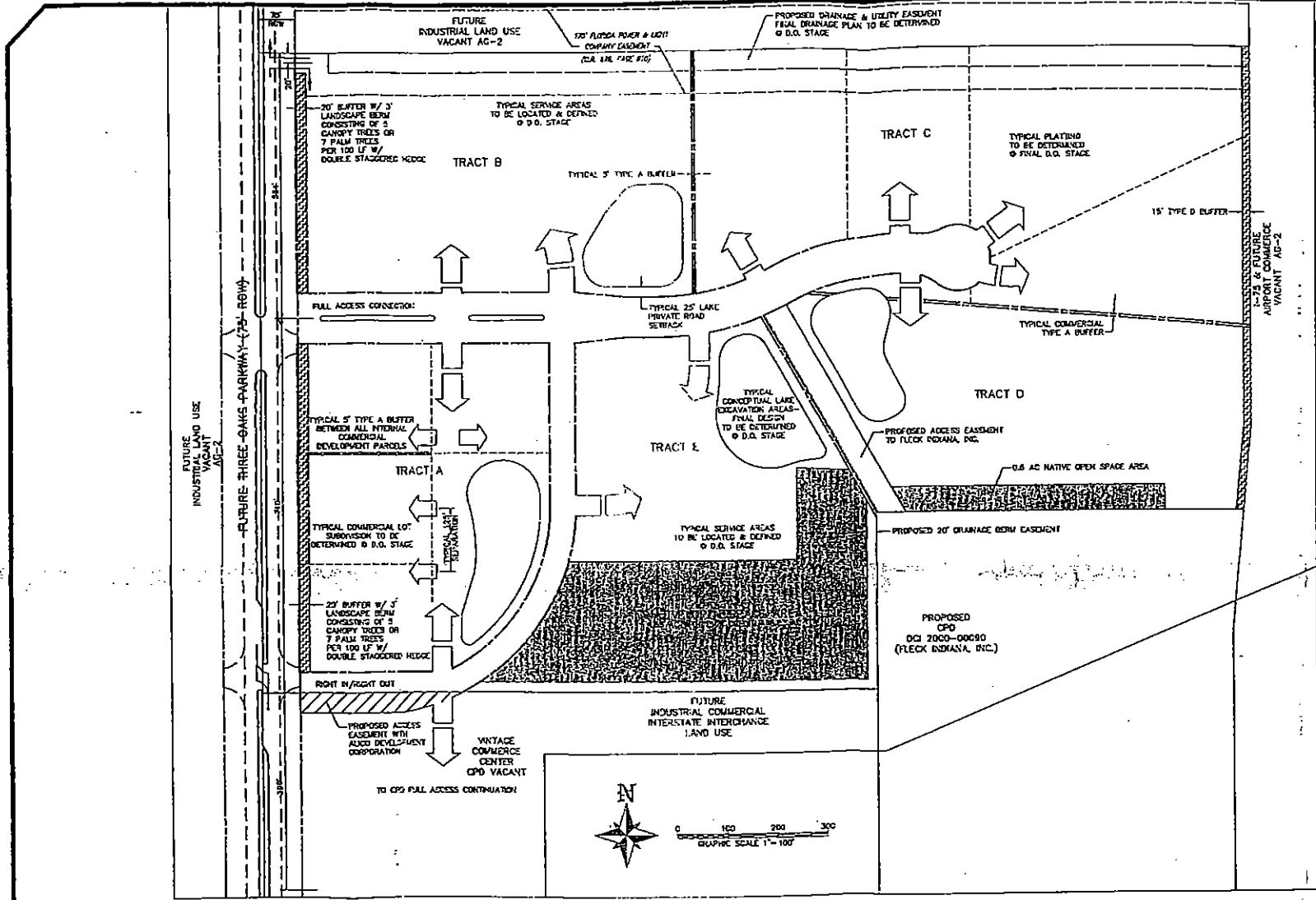
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COMMUNITY DEVELOPMENT

DCI2002-00052



ATTACHMENT A



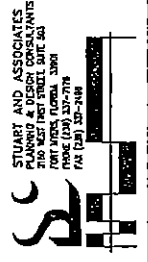
LOCATION MAP (N.T.S.)
ALCO CROSSROADS CPD NOT LOCATED
ON PUBLIC TRAIL LEE TRAN RD ETC

APPROVED
Marked Concept Plan
Site Plan: 2-03-017 Page 1 of 2
Subject to conditions in Resolution 2-03-017
Case: DCE2002-00052

DOT 2002-00052 1

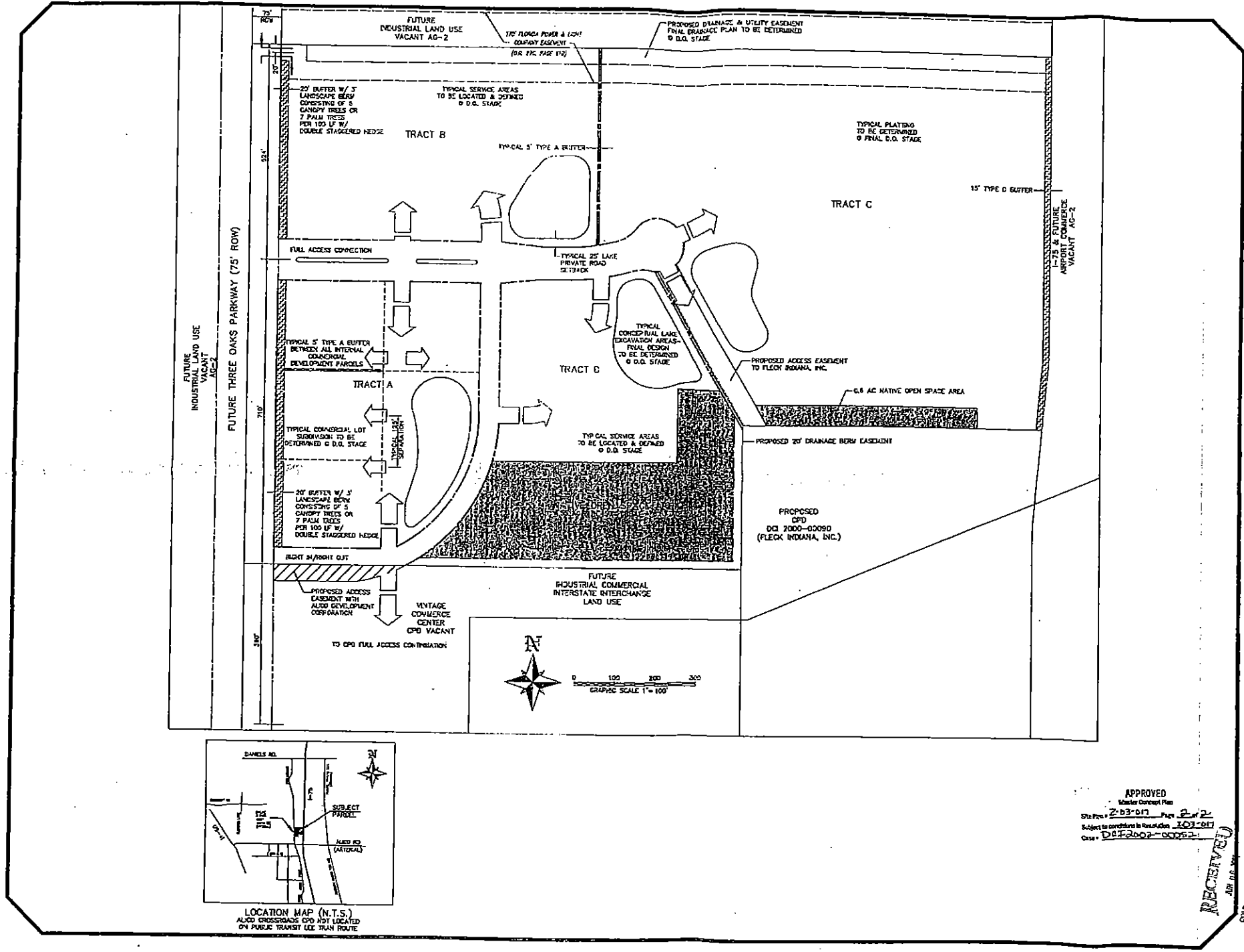
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JUN 06 2002
Community Development

THE ALICO CROSSROADS CENTER CPD
PREPARED FOR:
THREE OAKS LAND
COMPANY, LLC



Banks Engineering, Inc.
Professional Engineer, Planner & Land Surveyor
1000 N. 1st Street, Suite 100
Tampa, FL 33602
Phone (813) 337-7778
Fax (813) 337-7778
E-mail: banks@bankseng.com
www.bankseng.com

Date: 5/10/02
Scale: 1"=100'
Revision: 11/26/02
JOB NO.: 02.008
Sheet: 1 of 1



THE ALICO CROSSROADS CENTER CPD - ALTERNATIVE PLAN

PREPARED FOR:

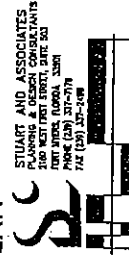
THREE OAKS LAND
COMPANY, LLC

NYT 2002-000152

DRAWING PREPARED BY:

Banks Engineering, Inc.

PROFESSIONAL ENGINEER, PLANNING & LAND SURVEYING
JIM BANKS - PRINCIPAL & LICENSED ENGINEER
JIM BANKS - PRINCIPAL & LICENSED ENGINEER
JIM BANKS - PRINCIPAL & LICENSED ENGINEER



STUART AND ASSOCIATES, INC.
1000 WEST FIRST STREET, SUITE 200
FORT WORTH, TEXAS 76102
PHONE (817) 337-2779
FAX (817) 337-2779
WWW.STUART-AND-ASSOCIATES.COM

Date: 8/10/02

Scale: 1"=100'

Revised: 01/26/03

JOB NO.: 02.008

Sheet 2 of 2

ATTACHMENT "D"

THE ALICO CROSSROADS CENTER CPD: Schedule of Uses

	Tract A	Tract B	Tract C	Tract D	Tract E
	Highway Commercial	Community Commercial	Mixed Use Commerce	Hotel & Retail	Mixed Use Office
Accessory Uses	x	x	x	x	x
Agriculture	x	x	x	x	x
Administrative Offices	x	x	x	x	x
ATM (Automatic Teller Machine)	x	x		x	
Auto Parts Store	x	x			
Automobile Service Station – Also see Self Service Fuel Pumps	x	x			
Banks and Financial Establishments – Group I & II	x	x			x
Bar or Cocktail Lounge – Accessory to Hotel/Motel & Restaurant use only	x	x		x	
Boat Sales		x	x		
Broadcast Studio – Commercial Radio and Television			x		x
Building Material Sales		x			
Business Services – Groups I and II	x	x	x	x	x
Car Wash – limited to a maximum 1 Freestanding & 1 Accessory to an Automobile Service Station use	x	x			
Cleaning and Maintenance Services			x		x
Clothing Store, General		x		x	
Computer and Data Processing Services		x	x		x
Consumption on Premises (COP)	x	x		x	
Contractors and Builders – Group I & II		x	x		x
Convenience Food and Beverage Store – limited to 2 on the entire development with a maximum total of 16 self-service fuel pumps (ea.) in conj.w/ Convenience Food and Beverage Store uses for the entire development.	x	x			
Department Store		x		x	x

EXHIBIT D

ATTACHMENT "D"

THE ALICO CROSSROADS CENTER CPD: Schedule of Uses

	Tract A	Tract B	Tract C	Tract D	Tract E
	Highway Commercial	Community Commercial	Mixed Use Commerce	Hotel & Retail	Mixed Use Office
Drive-Through Facility for any Permitted Use	x	x			
Drug Store	x	x			
Electrical Machinery and Equipment Manufacturing – Limited to Household appliances; Electric lighting and wiring equipment; Communication equipment; Electronic components and accessories; Miscellaneous electrical machinery, equipment and supplies			x		
EMS, Fire or Sheriffs Station			x	x	x
Entrance Gate and Gatehouse	x	x	x	x	x
Essential Services	x	x	x	x	x
Essential Service Facilities – Group I	x	x	x	x	x
Excavation, Water Retention			x		
Fabricated Metal Products Manufacturing, Groups II & III			x		
Fences & Walls	x	x	x	x	x
Food Stores – Group I & II	x	x		x	
Food and Beverage Services, Limited	x	x			
Furniture and Fixtures Manufacturing -- Limited to Household furniture; Public building and related furniture; Partitions, shelving, lockers and office and store fixtures; Miscellaneous furniture and fixtures			x		
Gift and Souvenir Shop	x	x		x	x
Hardware Store		x	x		
Healthcare Facilities – Group III	x	x	x	x	x
Hobby Toy and Game Shop	x	x		x	
Hotel; with accessory restaurant and COP					

ATTACHMENT "D"

THE ALICO CROSSROADS CENTER CPD: Schedule of Uses

	Tract A	Tract B	Tract C	Tract D	Tract E
	Highway Commercial	Community Commercial	Mixed Use Commerce	Hotel & Retail	Mixed Use Office
Household Furnishings, all groups		x	x		x
Insurance Companies		x	x	x	x
Laundromat	x	x			
Laundry or Dry Cleaning, Group I	x	x			
Lawn & Garden Store		x	x		x
Machinery Manufacturing Group 2 -- Limited to Power-driven hand tools; Office, computing and accounting machines			x		
Measuring, Analyzing and Controlling Instruments Manufacturing -- Limited to Engineering, laboratory, scientific and research instruments and associated equipment; Measuring and controlling instruments; Optical instruments and lenses; Surgical, medical and dental instruments and supplies; Ophthalmic goods; Photographic equipment and supplies; Watches, clocks and clockwork operated devices, and parts			x		
Medical Office	x	x	x	x	x
Non-Store Retailers, All Groups	x	x	x		x
Package Store	x	x			x
Paint, Glass & Wallpaper		x	x		x
Parcel and Express Services	x	x	x		x
Parking Lot: Accessory, Commercial, Garage, and Temporary	x	x	x	x	x
Personal Services -- Groups I, II, III, IV excluding Escort Services, Palm Readers, Tattoo Parlors, Massage Parlors and Steam and Turkish Baths	x	x			x

ATTACHMENT "D"

THE ALICO CROSSROADS CENTER CPD: Schedule of Uses

	Tract A Highway Commercial	Tract B Community Commercial	Tract C Mixed Use Commerce	Tract D Hotel & Retail	Tract E Mixed Use Office
					x
Pet Services	x	x			
Pet Shop	x	x			
Pharmacy	x	x	x		
Post Office		x	x		
Printing and Publishing			x		x
Processing & Warehousing			x		x
Research and Development Laboratories Group II & IV		x			
Recreation, Commercial, Group I and III	x	x	x	x	
Rental or Leasing Establishments, Groups I and III	x	x	x		x
Repair Shops, Group I & II	x	x	x		
Restaurant, Fast Food – limited to 4 on the entire development.	x	x			
Restaurants, all Groups; with COP	x	x		x	x
Schools, Commercial			x		x
Self Service Fuel Pumps – limit of 32 for the entire development	x	x			
Signs in Accordance with LDC Chapter 30	x	x	x	x	x
Social Services, Group I			x		
Specialty Retail Shops, all groups	x	x		x	
Storage, indoor and outdoor; outdoor storage limited to accessory for Manufacturing, Processing, Warehousing, Vehicle & Equipment Dealers, Building Material sales, Contractors & Builders, Lawn & Garden, & Hardware Store		x	x	x	x
Studios		x			x
Supermarket	x	x			

ATTACHMENT "D"

THE ALICO CROSSROADS CENTER CPD: Schedule of Uses

	Tract A	Tract B	Tract C	Tract D	Tract E
	Highway Commercial	Community Commercial	Mixed Use Commerce	Hotel & Retail	Mixed Use Office

Temporary Uses	x	x	x	x	x
Used Merchandise Stores, Group I	x	x	x		
Variety Store	x	x			
Vehicle & Equipment Dealers, Groups I, II & III		x	x	x	
Warehouse: Mini-Warehouse, Private & Public			x	x	x
Wholesale Establishments Groups III & IV			x	x	x

ATTACHMENT "E"

THE ALICO CROSSROADS CENTER CPD: Alternative Plan Schedule of Uses

	Tract A	Tract B	Tract C	Tract D
	Highway Commercial	Community Commercial	Mixed Use Commerce	Mixed Use Commerce
Accessory Uses	x	x	x	x
Agriculture	x	x	x	x
Administrative Offices	x	x	x	x
ATM (Automatic Teller Machine)	x	x		
Auto Parts Store	x	x		
Automobile Service Station - Also see Self Service Fuel Pumps.	x	x		
Banks and Financial Establishments - Group I & II	x	x	x	x
Bar or Cocktail Lounge - Accessory to Hotel/Motel & Restaurant use only.	x	x	x	x
Boat Sales		x	x	x
Broadcast Studio - Commercial Radio and Television			x	
Building Material Sales		x		
Business Services - Groups I and II	x	x	x	x
Car Wash - limited to 1 Freestanding & 1 Accessory to an Automobile Service Station use	x	x		
Cleaning and Maintenance Services			x	
Clothing Store, General		x	x	x
Computer and Data Processing Services		x	x	
Consumption on Premises	x	x	x	x
Contractors and Builders - Group I & II		x	x	
Convenience Food and Beverage Store - limited to 2 on the entire development with a maximum total of 16 self-service fuel pumps (ea) in conj. w/ Convenience Food and Beverage Store uses for the entire development.	x	x		
Department Store		x	x	x
Drive-Through Facility for any Permitted Use	x	x		x

EXHIBIT E

ATTACHMENT "E"

THE ALICO CROSSROADS CENTER CPD: Alternative Plan Schedule of Uses

	Tract A	Tract B	Tract C	Tract D
	Highway Commercial	Community Commercial	Mixed Use Commerce	Mixed Use Commerce

Drug Store, Pharmacy	x	x		
Electrical Machinery and Equipment Manufacturing -- Limited to Household appliances; Electric lighting and wiring equipment; Communication equipment; Electronic components and accessories; Miscellaneous electrical machinery, equipment and supplies				x
EMS, Fire or Sheriffs Station				x
Entrance Gate and Gatehouse	x	x	x	x
Essential Services	x	x	x	x
Essential Service Facilities -- Group I	x	x	x	x
Excavation, Water Retention	x	x	x	x
Fabricated Metal Products Manufacturing, Groups II & III				x
Fences & Walls	x	x	x	x
Food Stores -- Group I & II	x	x	x	x
Food and Beverage Services, Limited	x	x	x	x
Furniture and Fixtures Manufacturing -- Limited to Household furniture; Public building and related furniture; Partitions, shelving, lockers and office and store fixtures; Miscellaneous furniture and fixtures				x
Gift and Souvenir Shop	x	x	x	x
Hardware Store		x	x	
Healthcare Facilities -- Group III	x	x	x	x
Hobby Toy and Game Shop	x	x		x
Hotel; with accessory restaurant and COP		x	x	x
Household Furnishings, all groups		x	x	
Insurance Companies		x	x	x
Laundromat	x	x		
Laundry or Dry Cleaning, Group I	x	x		

ATTACHMENT "E"

THE ALICO CROSSROADS CENTER CPD: Alternative Plan Schedule of Uses

	Tract A	Tract B	Tract C	Tract D
	Highway Commercial	Community Commercial	Mixed Use Commerce	Mixed Use Commerce
Lawn & Garden Store		x	x	x
Machinery Manufacturing Group 2 -- Limited to Power-driven hand tools; Office, computing and accounting machines				x
Measuring, Analyzing and Controlling Instruments Manufacturing -- Limited to Engineering, laboratory, scientific and research instruments and associated equipment; Measuring and controlling instruments; Optical instruments and lenses; Surgical, medical and dental instruments and supplies; Ophthalmic goods; Photographic equipment and supplies; Watches, clocks and clockwork operated devices, and parts				x
Medical Office	x	x	x	x
Non-Store Retailers, All Groups	x	x	x	x
Package Store	x	x	x	x
Paint, Glass & Wallpaper	x	x	x	x
Parcel and Express Services	x	x	x	x
Parking Lot: Accessory, Commercial, Garage, and Temporary	x	x	x	x
Personal Services -- Groups I, II, III, IV excluding Escort Services, Palm Readers, Tattoo Parlors, Massage Parlors and Steam and Turkish Baths	x	x	x	x
Pet Services	x	x		x
Pet Shop	x	x		
Pharmacy	x	x		
Post Office		x	x	x
Printing and Publishing		x	x	x
Processing & Warehousing			x	x
Research and Development Laboratories Group II &		x	x	x

ATTACHMENT "E"

THE ALICO CROSSROADS CENTER CPD: Alternative Plan Schedule of Uses

	Tract A	Tract B	Tract C	Tract D
	Highway Commercial	Community Commercial	Mixed Use Commerce	Mixed Use Commerce
IV				
Recreation, Commercial, Group I and III	x	x	x	x
Rental or Leasing Establishments, Groups I and III	x	x	x	x
Repair Shops, Group I & II	x	x	x	x
Restaurant, Fast Food – limited to 4 on the entire development.	x	x		
Restaurants, all Groups, with COP	x	x	x	x
Schools, Commercial			x	x
Self Service Fuel Pumps – limit of 32 for the entire development.	x	x		
Signs in Accordance with LDC Chapter 30	x	x	x	x
Social Services, Group I			x	x
Specialty Retail Shops, all groups	x	x	x	x
Storage, indoor and outdoor; outdoor storage limited to accessory for Manufacturing, Processing, Warehousing, Vehicle & Equipment Dealers, Building Material sales, Contractors & Builders, Lawn & Garden, & Hardware Store		x	x	x
Studios		x	x	x
Supermarket	x	x	x	x
Temporary Uses	x	x	x	x
Used Merchandise Stores, Group I	x	x	x	
Variety Store	x	x		
Vehicle & Equipment Dealers, Groups I, II & III		x	x	x
Warehouse: Mini-Warehouse, Private & Public			x	x
Wholesale Establishments Groups III & IV			x	x

ATTACHMENT "E"

THE ALICO CROSSROADS CENTER CPD: Alternative Plan Schedule of Uses

	Tract A	Tract B	Tract C	Tract D
	Highway Commercial	Community Commercial	Mixed Use Commerce	Mixed Use Commerce

ATTACHMENT "N"

ALICO CROSSROADS CENTER CPD

Tracts A, B, C, D & E Development Standards

Min. Area Dimensions:

♦ Min. Lot Area	20,000 sq.ft.
♦ Min. Lot Depth	100-ft.
♦ Min. Lot Width	100-ft.
Min. Building Setbacks:	
♦ Street	25-ft. Three Oaks Parkway/ 20-ft. Internal 10-ft. 20-ft. Per LDC
♦ Side Yard	
♦ Rear/Rear Water	
♦ Accessory Structures	
Max. Building Height	75-ft./6 stories
Max. Lot Coverage	45%

Tract A Site Area	5.5 to 9-ac.+/-
• Not to exceed 78,400 SF ⁽¹⁾	
Tract B Site Area	6.5 to 11 ac. +/-
• Not to exceed 95,800 SF ⁽¹⁾	
Tract C Site Area	9 to 15 ac. +/-
• Not to exceed 130,600 SF ⁽¹⁾	
Tract D Site Area	6 to 9.5 ac. +/-
• Not to exceed 82,700 SF and 200 hotel rooms ⁽¹⁾	
Tract E Site Area	7 to 12 ac. +/-
• Not to exceed 105,000 SF ⁽¹⁾	

(1) Individual development tract intensities may be internally transferred through an administrative County review process as long as the CPD combined development intensity will not exceed 300,000 SF commercial retail, 51,000 SF office, and a 125-room hotel or the optional development scenarios identified with the CPD development program.

ATTACHMENT "N" ALICO CROSSROADS CENTER CPD

Tracts A, B, C, D & E Development Standards

Min. Area Dimensions:

- | | |
|------------------|---------------|
| ♦ Min. Lot Area | 20,000 sq.ft. |
| ♦ Min. Lot Depth | 100-ft. |
| ♦ Min. Lot Width | 100-ft. |

Min. Building Setbacks:

- | | |
|------------------------|--|
| ♦ Street | 25-ft. Three
Oaks Parkway/
20-ft. Internal
10-ft.
20-ft. |
| ♦ Side Yard | Per LDC |
| ♦ Rear/Rear Water | 75-ft./6 stories ✓ |
| ♦ Accessory Structures | 45% |
| Max. Building Height | |
| Max. Lot Coverage | |

- | | |
|--|-------------------|
| Tract A Site Area | 5.5 to 9-ac. +/- |
| • Not to exceed 78,400 SF ⁽¹⁾ | |
| Tract B Site Area | 6.5 to 11 ac. +/- |
| • Not to exceed 95,800 SF ⁽¹⁾ | |
| Tract C Site Area | 9 to 15 ac. +/- |
| • Not to exceed 130,600 SF ⁽¹⁾ | |
| Tract D Site Area | 6 to 9.5 ac. +/- |
| • Not to exceed 82,700 SF and 200 hotel rooms ⁽¹⁾ | |
| Tract E Site Area | 7 to 12 ac. +/- |
| • Not to exceed 105,000 SF ⁽¹⁾ | |

(1) Individual development tract intensities may be internally transferred through an administrative County review process as long as the CPD combined development intensity will not exceed 300,000 SF commercial retail, 51,000 SF office, and a 125-room hotel or the optional development scenarios identified with the CPD development program.

ATTACHMENT "O"

ALICO CROSSROADS CENTER CPD

Alternative Plan/Tracts A, B, C, & D Development Standards

Min. Area Dimensions:

♦ Min. Lot Area	20,000 sq.ft.
♦ Min. Lot Depth	100-ft.
♦ Min. Lot Width	100-ft.

Min. Building Setbacks:

♦ Street	25-ft. Three Oaks Parkway/ 20-ft. Internal
♦ Side Yard	10-ft.
♦ Rear/Rear Water	20-ft.
♦ Accessory Structures	Per LDC
Max. Building Height	75-ft./6 stories
Max. Lot Coverage	45%

Tract A Site Area 5.5 to 9-ac.+/-

- Not to exceed 78,400 SF ⁽¹⁾

Tract B Site Area 6.5 to 11 ac. +/-

- Not to exceed 95,800 SF & 125 hotel rooms ⁽¹⁾

Tract C Site Area 15 to 25 ac. +/-

- Not to exceed 275,000 SF & 125 hotel rooms ⁽¹⁾

Tract D Site Area 7 to 12 ac. +/-

- Not to exceed 82,700 SF & 125 hotel rooms ⁽¹⁾

(1) Individual development tract intensities may be internally transferred through an administrative County review process as long as the CPD combined development intensity will not exceed 300,000 SF commercial retail, 51,000 SF office, and a 125-room hotel or the optional development scenarios identified with the CPD development program.

AFFIDAVIT

I, **Sue E. Davidson**, certify that I am the Managing Member of Three Oaks Land Company, LLC and authorized representative of the property identified as **Strap # 03-46-25-00-00001.1080**.

As such, I hereby verify that this property has qualified for an Agricultural Classification based on the use of the entire 51.5 +/- acres for cattle grazing. The same tenant has kept cattle on this property for over 10 years, and at the time of this statement, the lease with this tenant remained in effect.

It is our intent to continue to use this property for livestock grazing after the zoning being applied for is completed, until such time as the approval of a local development order is issued.

Sue E. Davidson

Sue E. Davidson, Managing Member
Three Oaks Land Company, LLC

State of Florida
County of Collier

The foregoing instrument was certified and subscribed before me this 28th day of March 2003 by Sue E. Davidson, Managing Member, Three Oaks Land Company, LLC who is personally known to me, or has produced FLDL D13278554 8084 as identification.

Leah K. Pogel
Signature of Notary Public

Leah K. Pogel
Printed Name of Notary Public

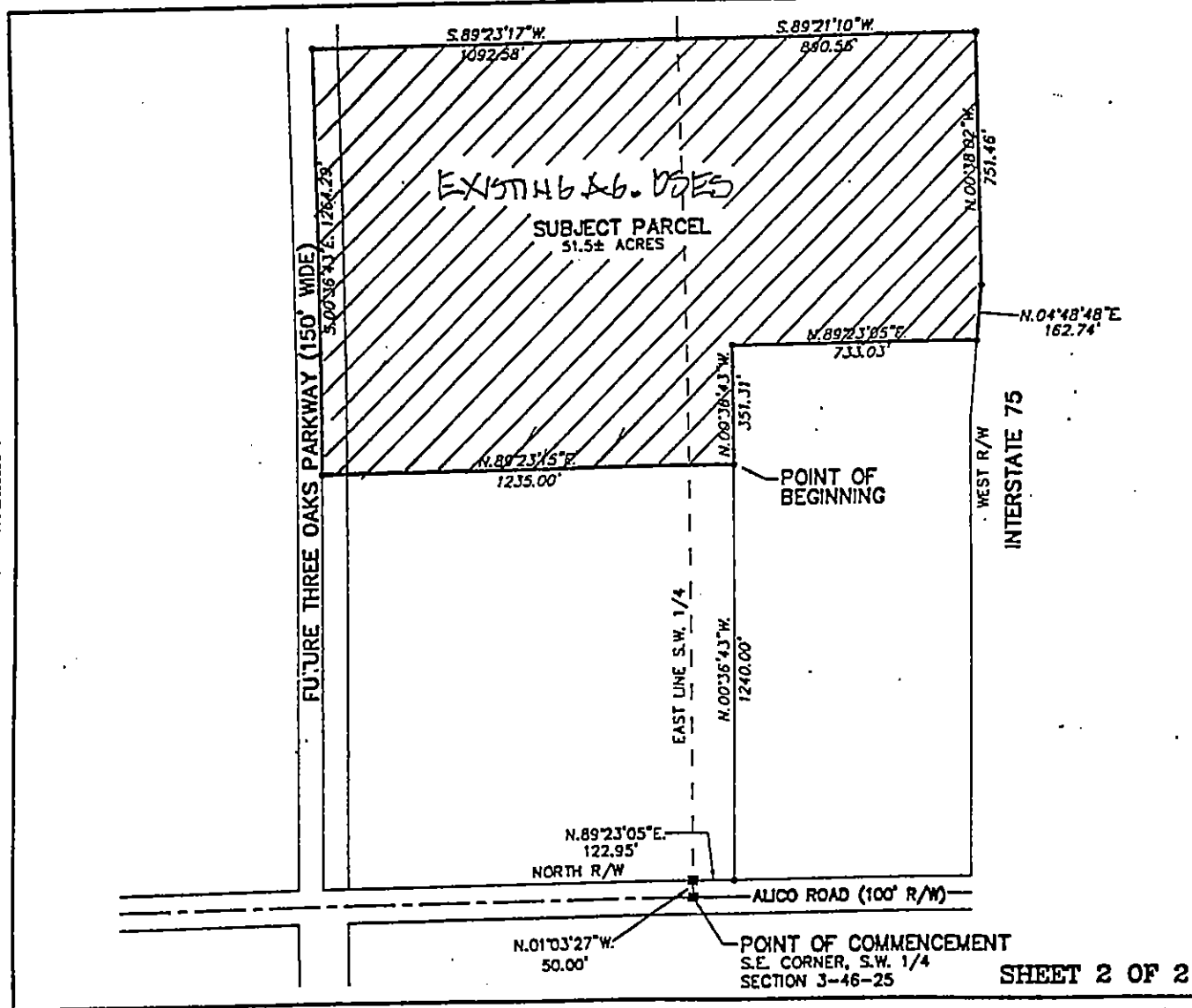
(SEAL)



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Exhibit H
Page 1 of 8
DCI 2002-00082

ZONING COUNTER



SKETCH TO ACCOMPANY DESCRIPTION

OF
A PARCEL OF LAND
LYING IN
SECTION 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



NOT TO SCALE

LEGEND:

- (3) - CURVE NO. 3 OF THE CURVE TABLE
- R/W - RIGHT-OF-WAY
- E - CENTERLINE
- (R) - RADIAL LINE

THIS IS NOT A SURVEY

Thomas R. Lehnert, Jr. 9-17-02

THOMAS R. LEHNERT, JR.
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 5541

- THIS SKETCH IS NOT VALID UNLESS IT BEARS THE
SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA
PROFESSIONAL SURVEYOR AND MAPPER

- PREPARED MAY 12, 1999

- SEE SHEET 1 OF 2 FOR COMPLETE LEGAL DESCRIPTION

PREPARED BY:

Banks Engineering, Inc.

ENGINEERING, SURVEYING & LAND PLANNING
10804 SEE WALK CYPRESS PARKWAY - SUITE 104
FORT MYERS, FLORIDA 33907
(941) 838-8488
FLORIDA BUSINESS CERTIFICATION NO. 0000

SHEET 2 OF 2

REPS180715 NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS DUE FOR YEAR 2002
COUNTY OF LEE: REAL PROPERTY

REAL
PROPERTY

Exhibit "H"
Page 3 of 8

OWNER NAME AND ADDRESS	PIN NUMBER	VALUES AND EXEMPTIONS	
THREE OAKS LAND COMPANY LLC 3205 GOSHAWK CT NAPLES FL 34105	02-00110561	MARKET ASSESSED VALUE	1479050
	ACCOUNT/SITE ADDRESS	AGRICULTURAL-EX VALUE	1475780
	03-46-25-00-00001.1080	SOH ASSESSED VALUE	3270
	ACCESS UNDETERMINED	TAXABLE VALUE	3270
	LEGAL DESCRIPTION		
	PARL W OF I-75 N OF ALICO DESC OR 3127 PG 2808 LES RD R/ BOOK: 3271 PAGE: 2534		

AD VALOREM TAXES		DISTRICT CODE: 164		
TAXING AUTHORITY	TELEPHONE	MILL RATE	MULTIPLIER	TAXES LEVIED
LEE COUNTY GENERAL REVENUE	(239)335-2221	.0043277	3270.00	14.15
LEE COUNTY CAPITAL IMP	(239)335-2221	.0010124	3270.00	3.31
LEE CO UNINCORPORATED - MSTU	(239)335-2221	.0012114	3270.00	3.96
PUBLIC SCHOOL - BY LOCAL BOARD	(239)337-8215	.0025990	3270.00	8.50
PUBLIC SCHOOL - BY STATE LAW	(239)337-8215	.0059730	3270.00	19.53
LEE COUNTY HYACINTH CONTROL	(239)694-2174	.0000327	3270.00	0.11
LEE COUNTY LIBRARY FUND	(239)335-2221	.0009630	3270.00	3.15
LEE COUNTY MOSQUITO CONTROL	(239)694-2174	.0003294	3270.00	1.08
SAN CARLOS FIRE DISTRICT	(239)267-7525	.0025000	3270.00	8.18
SFL WATER MGMT-EVERGLADE CONST	(561)682-6486	.0001000	3270.00	0.33
WEST COAST INLAND WATERWAY	(813)485-9402	.0000400	3270.00	0.13
LEE COUNTY ALL HAZARDS - UNINC	(239)335-2186	.0000733	3270.00	0.24
SFL WATER MGMT-DISTRICT LEVY	(561)682-6486	.0005970	3270.00	1.95

TOTALS FOR AD VALOREM:	0.0197589	64.62
------------------------	-----------	-------

NON-AD VALOREM ASSESSMENTS			
LEVYING AUTHORITY	TELEPHONE	RATE	AMOUNT
<div style="text-align: center;"> PAID <i>4/18/02</i> </div>			
TOTAL FOR NON-AD VALOREM:			0.00
COMBINED TOTAL FOR AD VALOREM AND NON-AD VALOREM:			64.62

Amount Due If	62.04	62.68	63.33	63.97	64.62	DELINQUENT*
Postmarked By:	Nov 30, 2002	Dec 31, 2002	Jan 31, 2003	Feb 28, 2003	Mar 31, 2003	Apr 1, 2003

See reverse side for important information

Keep for your records

NEW! Fill out, sign, and return this card by March 1.

Property Control No.	
Renewal and Certification of Agricultural Classification of Lands	
Instructions - Read Carefully Complete the information requested at right. Sign and date #6, and bring or send this card to the Property Appraiser's Office. If any of the information below is incorrect, contact the Property Appraiser's Office immediately.	
Name and Address of Property Owner	03-46-25-00-00001.1080 3500 THREE OAKS LAND COMPANY LLC 2205 GOSHAWK CT NAPLES, FL 34105
Legal Description	PARL W OF I-75 N OF ALICO DESC OR 3127 PG 2808 LES RD R/W OR3273/3187
6. I certify that the information I have provided on this card is correct. x <u><i>W.C. Davidson</i></u> <u><i>2/1/03</i></u> Signature Date	
Detach this card, affix postage on reverse side, mail before March 1.	

1. The land described was being used for bona fide agricultural purposes on January 1, 2003. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. I certify that the ownership and the use of the land as agricultural have remained unchanged since last year. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, skip to #6
3. Was the property leased? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, <u><i>Ronnie C. Flint</i></u> Lessee Name <u><i>Lehigh Acres, FL</i></u> Address
4. Has the property been rezoned to non-agricultural use at the request of owner? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Do you own tangible personal property used in connection with the described property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, do you intend to file a Tangible Personal Property Tax Return with the property appraiser this year? <input type="checkbox"/> Yes <input type="checkbox"/> No

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COMMUNITY DEVELOPMENT

DCI 2002-00052



Application and Return for Agricultural Classification of Lands

DR-482
R. 12/00

Section 193.461

I, the undersigned, hereby request that the lands listed hereon, where appropriate, be classified as Agricultural Lands for property tax purposes, by the property appraiser of the county in which the lands are located.

This form must be signed and both copies returned on or before March 1st.

Applicant's Name and Address:

THREE OAKS LAND CO.
2205 GOSHAWK COURT
NAPLES, FL 34105

Return To:

THREE OAKS LAND CO.
2205 GOSHAWK CT
NAPLES, FL 34105

Telephone No. (941) 649-6448

Legal Description

Property I.D. Number 03-46-25-00-00001-1080

PARL W OF T-75 N OF ALICO
DESC. OR 3127 PG 2808 LES RD R1
BOOK: 03271 PAGE: 2534

Lands used primarily for agricultural purposes are as follows:

How Long In this use?

Agricultural Income from this property (Please complete for the past four (4) Years).

	Acres	Yrs.
Citrus		
Cropland		
Grazing Land	<u>50 +/-</u>	<u>25</u>
No. of Livestock	<u>40 +/-</u>	
Timberland		
Poultry, Swine or Beeyards		
Other		

Year	Crop or Use	Gross Income	Expense	Net Income

Date Purchased:

Purchase Price:

6/21/00
1,700,000

Has a Tangible Personal Property Tax Return been filed with the County Property Appraiser for machinery and equipment?

Yes ☐ No ☒ If yes, what name was the Tangible Return filed under?

Is the real property leased to others? Yes ☒ No ☐ If Yes, attach copy of Lease Agreement.

Has the real property been zoned to a nonagricultural use at the request of the owner? Yes ☐ No ☒

As of January 1st of this year, 2002 the lands listed above were used primarily for "Bona Fide" Agricultural Purposes. Bona Fide Agricultural Purpose means "Good Faith Commercial Agricultural use of the Land."

I understand that the property appraiser may require supplemental and additional information, other than the application, and I am willing to comply with any reasonable request to furnish such information.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true. If prepared by someone other than the applicant, his/her declaration is based on all information of which he/she has any knowledge.

Signature:

SUE E. DAVIDSON, MANAGING MEMBER

Date:

7/25/02

For Record Purposes Only

This acknowledges receipt of your Application for Agricultural Classification of Lands on _____ for the above described property.

(date)

Property Appraiser: _____ County _____

Record of Action of County Property Appraiser

(Check Only the Appropriate Box Below)

- Application approved and all lands are classified Agricultural ☐
- Application disapproved and Agricultural Classification of Lands denied on all Lands ☐
- Application ☐ approved in part, and ☐ disapproved in part

☐ Agricultural Classification of Lands approved on the following described portion (Use this space only if item 3 above is checked)

OCI 2002-00082

Property Appraiser: _____

Date:

Exhibit "H"

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APR 01 2003
ZONING COUNTER

L E A S E

THIS LEASE MADE AND entered into this 1st day of January, 2002, by and between *THREE OAKS LAND CO. LLC* hereinafter referred to as "Lessor", and RONNIE C. FLINT, hereinafter referred to as "Lessee".

WITNESSETH:

That for and in consideration of mutual promises hereinafter contained on the part of the Lessee to be kept and performed, the said Lessors do by these presents, lease, let and demise to said Lessee the following described property,

to wit: Strap # *03-46-25-00-00001.1080*
50 ACRES +/-
LEE County Records, Florida

TO HAVE AND TO HOLD the same for a period of TEN (10) years commencing the 1ST day of January, 2002 and terminating on the 31st day of December, 2012, the said Lessee yielding and paying therefore to the Lessor the total rental of One dollars (\$1.00). payable in advance in annual installments on the 1st day of January each and every year during the term of this lease, with the first annual installment being paid by Lessee to Lessor at the time of the execution of this Lease, receipt of which Lessor hereby acknowledges.

Lessee covenants and agrees with the said Lessor to make no unlawful, improper or offensive use of the premises, it being expressly understood and agreed between the parties hereto that Lessee may use the above described property during the entire term of this lease, unless sooner terminated as hereinafter provided, for exclusive grazing and

should said lands, or any portion thereof be used for any purpose other than grazing cattle then and in such event, this Lease shall be terminable at will by the Lessor, and Lessee shall be considered a tenant at sufferance after notice to Lessee, or his designated Agent, or attorney of Lessor's option to terminate this Lease.

Lessee covenants and agrees with Lessor that at the termination of the term hereby created, or in the event of earlier termination as provided, to surrender said premises to Lessor as the same now exists, ordinary wear and decay and damage by the elements only accepted.

It is further understood and agreed by the parties hereto that the parties may, upon 30 days advance notice to each other, or their duly authorized agents or attorneys, cancel this lease whereupon all parties will be released from all further liability hereunder and any unearned prepaid rent at the expiration of such 30 day period be returned by the LESSOR to the LESSEE.

It is further understood and agreed by and between the parties hereto that nothing herein granted or contained is in any way to be construed as interfering with the rights of Lessor to go upon said premises for the purpose of hunting, or for testing for rock, oil or other minerals, or any other purposes not inconsistent with the rights herein granted to Lessee.

Any fence repair shall be at the cost of the Lessee.

Lessee hereby covenants and agrees that if default should be made in the payment of rent, as aforesaid, or if said Lessee shall violate any of the covenants of this Lease, then said Lessee shall become a tenant at sufferance, thereby

waiving all right of notice, and the Lessor shall be entitled immediately to re-enter and retake possession of the demised premises.

WITNESS our hands and seals this 1st day of January, 2002.

WITNESSED BY:

Steven C. Payne
Dana Payne
As to Lessor
Jay L. Flint

As to Lessee

Sue E. Davidson
LESSOR THREE OAKS LAND CO LLC
SUE E. DAVIDSON MANAGING
MEMBER
Ronald C. Flint
LESSEE

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APR 01 2003

ZONING COUNTER

OCI 2002-00082

Lee County Port Authority Exhibit 1

AIRPORT NOISE ZONE DISCLOSURE STATEMENT

Property Owner(s): _____
[Type or print name(s)]

Street Address: _____, Lee County, Florida
[Type or print street address]

Lee County Property Appraiser STRAP No.(s): _____
[Type or print STRAP number(s)]

Date: _____
[Type or print date]

The above-identified property lies in whole or in part within the limits of Southwest Florida International Airport Noise Overlay Zone(s) _____ [indicate Zone(s) 2 and/or 3] as established in Lee County Land Development Code (LDC) §34-1006.

The property owner is hereby notified that the above-identified property lies within a designated Noise Overlay Zone of the Southwest Florida International Airport and may be subject, now or in the future, to aircraft noise and aircraft overflight that may be objectionable.

The undersigned property owner hereby certifies that he has read this disclosure statement and acknowledges the pre-existence of the above-named airport and the potential for objectionable aircraft noise and aircraft overflight now and in the future, including such noise and overflight associated with a planned future runway.

The property owner agrees to notify any prospective buyer of the potential for objectionable aircraft noise and aircraft overflights.

In the absence of specific regulations by the County, the property owner should contact a reliable engineer, registered in the State of Florida, to determine if accepted engineering practices for reduction of noise in structures indicate the inclusion of sound insulation is appropriate. The property owner alone is responsible for providing any sound insulation.

The property owner indicates at the bottom of this informational disclosure that he has read this document and understands that the property owner alone is responsible for providing any sound insulation.

* * * * *

I hereby declare that I have read and do understand the above. This applies to any existing or subsequently constructed structures on the above-identified property. I have hereunto set my hand intending to be bound in the capacity as executed as of the date first written above.

[document execution by property owner(s)]