

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

WHEREAS, an application was filed by the property owner, Alico Development Corporation, to rezone 4.69 acres from the Agricultural (AG-2) zoning district to the Commercial Planned Development (CPD) zoning district, in reference to Vintage Commerce Center CPD; and,

WHEREAS, a public hearing was advertised and held on February 24, 2004, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2004-00065; and

WHEREAS, a second public hearing was advertised and held on May 2, 2005, 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 4.69 acres from AG-2 to CPD and amend Resolution Z-99-097 to add the 4.69 acres to the Commercial Planned Development and increase the commercial square footage from 200,000 square feet to 300,000 square feet. The property is located in the Industrial Commercial Interchange Land Use Category 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. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "VINTAGE COMMERCE CENTER CPD" stamped received MAY 17 2005, 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, 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.
2. The terms and conditions of the original Resolution Z-99-097 have been incorporated into this zoning action. Upon approval of this zoning action, Resolution Z-99-097 will become null and void.

**COPY**

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

a. Schedule of Uses For Tracts A and B

Agricultural Uses (See Condition 4, below)  
ATM  
Auto Parts Store with or without installation service  
Automobile Service Station  
Auto Repair and Service, Groups I & II  
Banks and Financial Establishments, Groups I & II  
Bar or Cocktail Lounge  
Boat Sales  
Business Services, Groups I & II  
Clothing Store, General  
Contractor and Builders, Group I  
Drive Through Facility for Any Permitted Use  
Drugstore  
Entrance Gates and Gatehouses  
Essential Services  
Essential Service Facilities, Group I  
Excavation, Water Retention  
Health Care Facility, Group III  
Hobby, Toy and Game Shops  
Household and Office Furnishings, Groups I & II  
Insurance Companies  
Laundromat  
Laundry or Dry Cleaning, Group I  
Lawn and Garden Supply Store  
Medical Office  
Non-Store Retailers, All Groups  
Package Store  
Paint, Glass and Wallpaper  
Parking Lot, Accessory and Temporary  
Personal Services, Groups I through III  
Pet Services  
Pet Shop  
Pharmacy  
Printing and Publishing  
Rental or Leasing Establishments, Group II  
Repair Shops, Groups I & II  
Restaurants, Groups I through IV  
Social Services, Group I  
Specialty Retail, Groups I through IV  
Studios  
Temporary Uses  
Used Merchandise Store, Group I

b. Schedule of Uses - Additional Uses Only Permitted On Tract A

Building Material Sales  
Department Store  
Hardware Store  
Supermarket

c. Schedule of Uses - Additional Uses Only Permitted On Tract B

Car Wash  
Convenience Food and Beverage Store, limited to one (1), having a  
maximum of 16 fuel pumps (Also, see Condition 7 below)  
Restaurants, Fast Food

d. Site Development Regulations

- (1) The project may be developed with a maximum of 300,000 square feet of floor area. This can be comprised of all retail, or up to 30,000 square feet of office use--of which up to 15,000 square feet may be medical office use and the remainder retail floor area; and
- (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. No deviations from any regulations that are not specifically stated are granted as part of this approval.
- (3) Any use that is specifically addressed in the LDC with special buffering, separation or other requirements must adhere to those requirements. No relief has been granted as part of this approval to allow a lessening of those requirements.
- (4) The property development limitations are:

Minimum Area Dimensions:

Lot Size	20,000 square feet
Lot Depth	100 feet
Lot Width	100 feet

Minimum Building Setbacks:

Street Internal or External	25 feet
Side	15 feet
Rear	20 feet

Waterbody	25 feet
Maximum Building Height:	45 feet/three stories
Maximum Lot Coverage:	45 percent
Minimum Open Space:	A minimum of 10.18 acres of general open space must be provided within the overall development site. Each development tract may contain a minimum of 20 percent open space per LDC §34-414(c) provided the developer demonstrates the overall open space requirement will be met with each local development order submittal.

Note: Tract A and B can be further subdivided using the Administrative Review Process consistent with the Property Development Regulations set forth in Condition A.3.d.(4).

4. Bona fide agricultural uses that are now in existence may continue until the first development order approval is granted. However, no development activity of any kind may occur on the property, including clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with all applicable Lee County regulations as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.
5. Buildings exceeding 35 feet in height must maintain additional building separation or additional building setbacks as regulated by LDC §34-2174(a) and LDC §34-935(e)4. However, maximum building height in this project is limited to 45 feet.
6. Environmental Conditions
  - a. Prior to approval of any local development order, the development order must delineate a minimum of 10.18 acres of Open Space for the project. Each parcel must indicate that a minimum of 20 percent of the individual parcel will be designated as Open Space. An open space table must be provided with the development orders for each parcel demonstrating that open space requirements for the entire CPD are being met.
  - b. Prior to approval of local development order, the development order must indicate a minimum of 5.1 acres of indigenous preservation, in significant compliance with the Master Concept Plan. The development order must also indicate the reforestation conditions set forth in the "Upland Indigenous Habitat Preserve Management

Plan" dated October 2004 and revised November 2004, attached hereto as Attachment D.

- c. No portion of the 25-foot-wide drainage berm referenced on the MCP can be located within the boundaries of the northeast preservation area.
  - d. As indicated on the MCP, enhanced buffers are provided adjacent to Alico Road and Three Oaks Parkway. These buffers must be a minimum of 20 feet in width, include a 3-foot landscape berm, and contain, at a minimum, a double staggered hedgerow and five (5) canopy trees or seven (7) palm trees per 100 linear feet. All required vegetation within these buffers must be 100 percent native species and must meet all LDC plant material standards.
- 7. The roadway (Alico Road and/or Three Oaks Parkway) landscape standards for a convenience food and beverage store, with fuel pumps, will be a 25-foot-wide buffer, 3-foot-high berm, with three (3) tree clusters at 20 feet on center with a maximum of 25 feet between clusters; all trees will be planted at 14 feet tall with a 3-foot planted shrub hedge to be maintained at four (4) feet tall.
  - 8. Since the subject property is located in Noise Zone 3, the developer is encouraged to use sound insulating materials in the construction of the structures.
  - 9. No development blasting is permitted as part of this project.
  - 10. 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.
  - 11. 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 16 and Table 1(b).
  - 12. 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.

#### SECTION C. DEVIATIONS:

- 1. Deviation (1) seeks relief from the LDC §10-329(d)(1)a.3 requirement to provide a 50-foot-wide setback from road rights-of-way and private property lines for water retention excavation, to allow a 25-foot-wide setback. This deviation is APPROVED with the following condition:

The developer must provide adequate protection for wayward vehicles along Alico Road and the east property line of the subject

property. The elements of protection will be reviewed during the development order process and are subject to the approval of the Director of Development Services. Similarly, the setback along the eastern property line is approved with the condition the lake is adequately buffered from the adjoining property line with berms and/or landscaping to deter unauthorized access. These elements can also be reviewed during the development order process and subject to the approval of the Director.

2. Deviation (2) - WITHDRAWN AT PUBLIC HEARING
3. Deviation (3) seeks relief from the LDC §10-285(a) requirement to provide a 660-foot connection separation onto the future extension of Three Oaks Parkway, to allow access approximately 660 feet and 1,311 feet as measured from the centerline of Alico Road. This deviation is APPROVED with the following conditions:
  - a. The connection approximately 660 feet north of Alico Road is approved.
  - b. There will be no driveway connections on the internal east-west accessways between Three Oaks Parkway and the parallel internal frontage road. Parcels will only have driveway connections to the parallel internal frontage roadway.
  - c. A connection to Three Oaks Parkway will be shared with the property to the north, and a cross-access easement on the internal frontage roadway will be provided. The northern connection may be shifted administratively up to 200 feet based on LCDOT review of consistency with the median access management plan for Three Oaks Parkway.
4. Deviation (4) - WITHDRAWN AT PUBLIC HEARING
5. Deviation (5) seeks relief from the LDC §30-153(2)a.4. requirement that on-site identification signs be set back a minimum of 15 feet from any street right-of-way or easement, and 10 feet from any other property line, to allow project identification signs in a median within the project's internal road right-of-way. This deviation is APPROVED with the condition that the identification signs are placed and constructed in accordance with LDC §30-93, visibility triangle safe sight distance requirements.
6. Deviation (6) seeks relief from the LDC §10-296(k)(1), which requires dead-end streets to be closed at one end by a circular turnaround for vehicles, to allow the dead-end accessway as shown on the Master Concept Plan to be constructed without a cul-de-sac. This deviation is APPROVED with the following conditions:

- a. Vehicles and emergency vehicles must be able to turn left and/or right into a parking lot and continue in a forward motion to the site exits.
- b. Prior to local development order approval, the developer must submit a letter to Development Services from the local fire authority approving this condition.

#### SECTION D. EXHIBITS AND STRAP NUMBER:

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  
Exhibit D: Upland Indigenous Habitat Preserve Management Plan

The applicant has indicated that the STRAP numbers for the subject property are: 03-46-25-00-00001.1100 and 03-46-25-00-00001.1090

#### 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 Hall and, upon being put to a vote, the result was as follows:

Robert P. Janes	<u>AYE</u>
Douglas R. St. Cerny	<u>AYE</u>
Ray Judah	<u>NAY</u>
Tammy Hall	<u>AYE</u>
John E. Albion	<u>AYE</u>

DULY PASSED AND ADOPTED this 2<sup>nd</sup> day of May, 2005.

ATTEST:  
CHARLIE GREEN, CLERK

BY: *Charlie Green*  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *[Signature]*  
Chairman

Approved as to form by:

*[Signature]*  
County Attorney's Office



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MINUTES OFFICE  
*[Signature]*  
2005 JUN -6 PM 1:21



# **Banks Engineering, Inc.**

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

## DESCRIPTION OF A PARCEL LYING IN SECTION 3, T-46-S, R-25-E, LEE COUNTY, FLORIDA.

(ALICO DEVELOPMENT - SOUTH PARCEL COMBINED WITH FLECK PARCEL)

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, BEING A PART OF THE PARCELS AS DESCRIBED IN OFFICIAL RECORDS BOOK 3136, PAGE 1614, AND OFFICIAL RECORDS BOOK 3136, PAGE 1644, LEE COUNTY PUBLIC RECORDS AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 3; THENCE N.01°03'27"W., ALONG THE NORTH-SOUTH QUARTER SECTION LINE OF SAID SECTION 3, FOR 50.00 FEET TO THE NORTH RIGHT OF WAY LINE OF ALICO ROAD; THENCE N.89°23'05"E., FOR 122.95 FEET; THENCE N.00°36'43"W., FOR 773.89 FEET TO THE POINT OF BEGINNING ON THE WESTERLY LINE OF THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 4272, PAGE 1135, SAID PUBLIC RECORDS, BEING A CURVE TO THE RIGHT, HAVING: A RADIUS OF 1048.93 FEET, A CENTRAL ANGLE OF 11°18'37", A CHORD BEARING OF N.27°33'11"E. AND A CHORD LENGTH OF 206.72 FEET; THENCE ALONG SAID WESTERLY LINE AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 207.06 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE N.33°12'30"E., ALONG SAID WESTERLY LINE, FOR 548.70 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 1668.95 FEET, A CENTRAL ANGLE OF 07°07'58", A CHORD BEARING OF N.29°38'31"E. AND A CHORD LENGTH OF 207.63 FEET; THENCE ALONG SAID WESTERLY LINE AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 207.77 FEET TO THE END OF SAID CURVE; THENCE S.89°23'05"W., FOR 507.59 FEET; THENCE S.00°36'43"E., FOR 351.31 FEET; THENCE S.89°23'15"W., FOR 1160.00 FEET; THENCE S.00°36'43"E., ALONG THE EAST RIGHT OF WAY LINE OF THREE OAKS PARKWAY, OFFICIAL RECORDS BOOK 3273, PAGE 3192, SAID PUBLIC RECORDS, FOR 1146.79 FEET; THENCE N.89°01'37"E., ALONG THE NORTHERLY LINE OF THE FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 4164, PAGE 547, SAID PUBLIC RECORDS, FOR 94.79 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT, HAVING: A RADIUS OF 11317.00 FEET, A CENTRAL ANGLE OF 01°53'59", A CHORD BEARING OF N.88°04'38"E. AND A CHORD LENGTH OF 375.21 FEET; THENCE ALONG SAID NORTHERLY LINE AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 375.23 FEET TO THE END OF SAID CURVE; THENCE S.89°40'11"E., ALONG SAID NORTHERLY LINE, FOR 588.16 FEET TO A POINT ON A CURVE TO THE RIGHT, HAVING: A RADIUS OF 1731.09 FEET, A CENTRAL ANGLE OF 18°43'39", A CHORD BEARING OF N.05°31'56"E. AND A CHORD LENGTH OF 563.30 FEET; THENCE ALONG THE WESTERLY LINE OF SAID RIGHT OF WAY PARCEL AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 565.82 FEET TO THE POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT, HAVING: A RADIUS OF 1048.93 FEET, A CENTRAL ANGLE OF 07°00'06", A CHORD BEARING OF N.18°23'50"E. AND A CHORD LENGTH OF 128.10 FEET; THENCE ALONG SAID WESTERLY LINE AND THE ARC OF SAID CURVE, AN ARC LENGTH OF 128.18 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 1479057 SQUARE FEET OR 33.95 ACRES, MORE OR LESS.

BEARINGS ARE ASSUMED BASED THE SOUTH LINE SOUTHWEST 1/4 AS BEARING S.89°23'17"W.

BANKS ENGINEERING, INC.  
FLORIDA LICENSED BUSINESS NO. LB6690

OCTOBER 29, 2004

KENNETH E. TRASK  
PROFESSIONAL LAND SURVEYOR  
FLORIDA LICENSE NO. LS4684

Applicant's Legal Checked  
by CT NOV 12, 2004

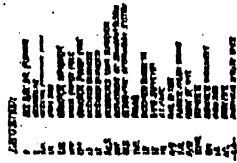
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# SURVEY PLAT

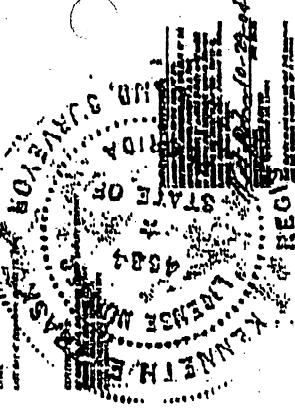
A SEARCH OF THE JUNE 1967  
SECTION 2 RECORDS AT JAMES EARL RAY'S BOAT  
101 CANNON, FLORIDA



127-464-30000-707  
SALT LAKE CITY  
PAGE 4

02 03 04 05 06 07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 10

NOTES



**THE**

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**Harris Engineering, Inc.**  
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10000 WILSON AVENUE, SUITE 100, BOSTON, MASSACHUSETTS 02116  
TEL: (617) 252-1100 FAX: (617) 252-1101

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**FEB.MIT COUNTER**

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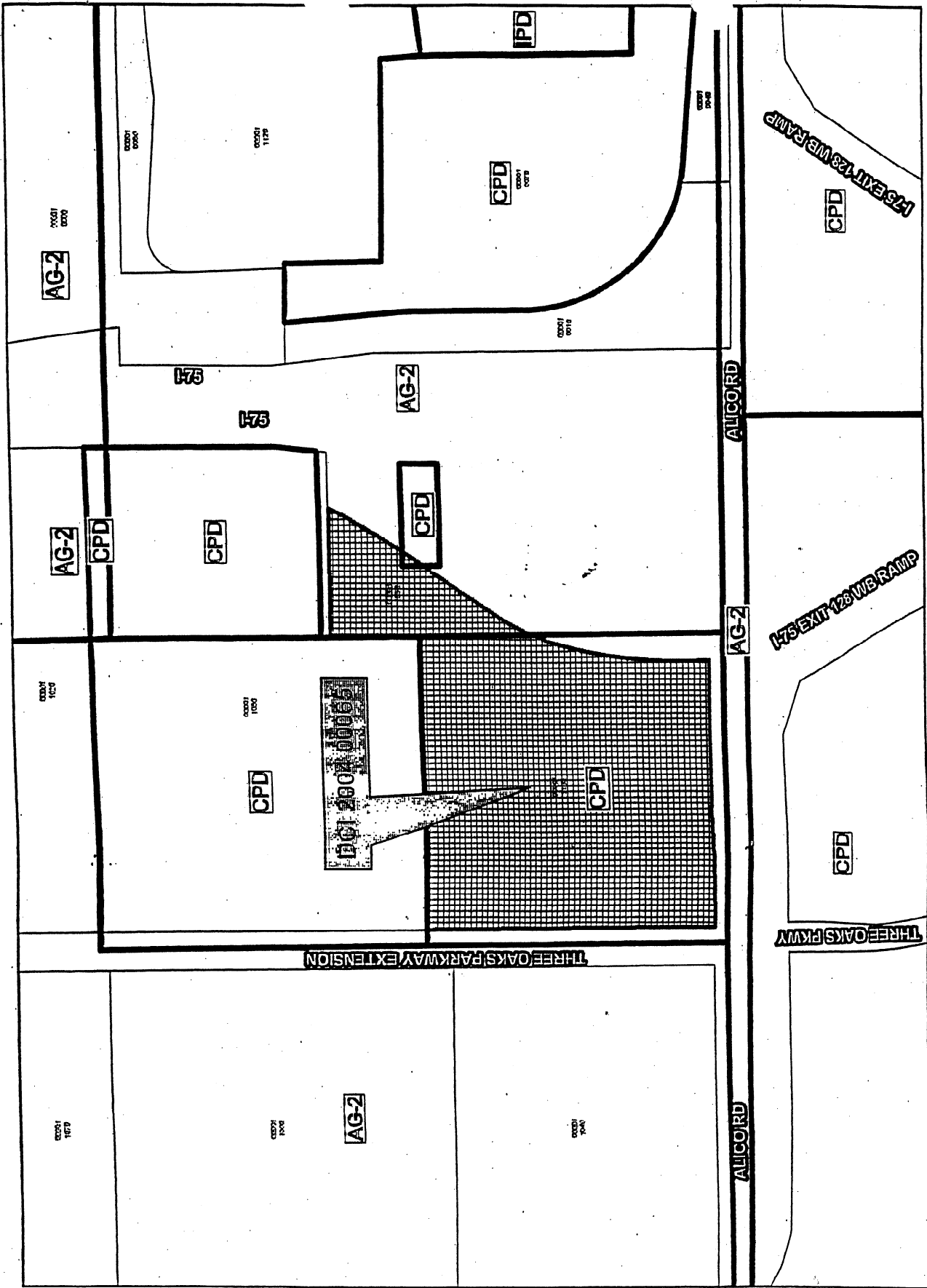
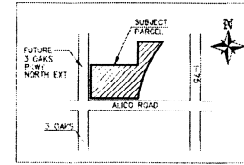


EXHIBIT B



GENERAL PROJECT OPEN SPACE CALCULATIONS		
TOTAL OPEN SPACE REQUIRED (0.03%)		10.1 AC.
TOTAL NATIVE SPACE REQUIRED (0.05%)		5.05 AC.
TOTAL OPEN SPACE PROVIDED		10.1 AC.
NATIVE OPEN SPACE PROVIDED 4.25 AC WITH 15% CREDIT = 6.38 AC		
TYPICAL MINIMUM GENERAL OPEN SPACE FOR EACH DEVELOPMENT PARCEL = 20% OF PARCEL		
TRACT "A"	MINIMUM 20,000 SF	
TRACT "B"	MINIMUM 10,000 SF	


1. PHASE ONE MAY CONSIST OF ROADS, UTILITIES AND THE STORM WATER MANAGEMENT SYSTEM FOR ANY IDENTIFIED TRACTS. LOTS AND TRACTS SHALL OBTAIN INDIVIDUAL DEVELOPMENT ORDERS AND FURTHER SUBDIVISIONS MAY BE PERMITTED AT THE TIME OF FINAL DEVELOPMENT ORDER PERMITTING.

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JUN 17 2005  
PERMIT COUNTER  
DCI 2004 00065

Date: 5/11/98  
 Scale: 1" = 100'  
 Revisions: 05/10/05  
 JOB NO.: C4.001  
 Sheet: Of 1

STUART AND ASSOCIATES  
 PLANNING & DESIGN CONSULTANTS  
 2100 WEST FIRST STREET, SUITE 210  
 FORT MYERS, FLORIDA 33901  
 PHONE (407) 397-1776, FAX 397-2466



DRAWING PREPARED BY:  
**Banks Engineering, Inc.**  
 Professional Engineers, Planners & Land Surveyors  
 10511 SW 41st, CORPUS CHRISTI - SUITE 101  
 (2101 WEST, FORTUDA 33715 888-888-2223)  
 PHONE:  
 ENGINEERING LICENSE # 186466  
 SURVEY LICENSE # 106466

EXHIBIT C

**UPLAND INDIGENOUS HABITAT  
PRESERVE MANAGEMENT PLAN**

**October 2004  
Revised: November 2004**

**Prepared for:  
ALICO DEVELOPMENT CPD**

**Prepared By:  
W. Dexter Bender & Associates, Inc.  
2052 Virginia Avenue  
Fort Myers , FL 33901**

## INTRODUCTION

An Upland Indigenous Habitat Management Plan has been prepared for the Alico Development CPD in order to maintain the preserved native vegetation, which consists primarily of indigenous slash pine (*Pinus elliotti*) and saw palmetto (*Serenoa repens*) uplands. The Management Plan details management techniques including a maintenance program as approved by the Lee County Division of Environmental Sciences for all of the upland indigenous areas at the Alico Development CPD. The preserve area currently consists of pine and palmetto flatwoods which have been infested with Brazilian pepper (*Schinus terebinthifolius*) and melaleuca (*Melaleuca quinquenervia*).

### Preserve Area Maintenance

- \* No herbicide will be applied within the preserve areas except for the eradication of nuisance or exotic vegetation. This includes the eradication of non native turf grasses growing within the upland preserve areas.
- \* No non-native vegetation may be planted within the upland indigenous areas.
- \* Non-native vegetation that currently exists within the upland indigenous areas including Brazilian pepper and melaleuca as well as other exotic vegetation will be eradicated using best management practices.
- \* Clearing or grubbing around the palmettos within the upland indigenous preserve areas is prohibited.

### Native Grass, Shrub, and Tree Replanting

Bare areas within the upland preserve areas which have resulted from the removal of native vegetation will be replanted with native grasses including muhly grass and wiregrass and will be installed 1' on center with 12" or taller plants.

Native shrubs such as beauty berry, rusty lyonia and tar flower may also be installed. Shrub plantings will be 1 gallon or larger size and planted 3' on center.

In order to provide a more dense vegetative buffer along the highway/preserve area interface, laurel oaks (*Quercus laurifolia*) [6' or taller] and spaced 10' o.c. will be installed along the perimeter of the preserve area where it abuts to the highway. Wax myrtle (*Myrica cerifera*), 3 gallon size or larger, will be interspersed between the laurel oaks in clumps of 2 or 3, as needed.

Planted grasses, shrubs, and trees will be irrigated until the onset of the rainy season.