

## Southwest Florida International Commerce Park

1796

## Development Type - PD

Status - Approved/W Amendments

Gateway/Airport Planning Community

## Project Approvals

Category/ Sub Category	Acres	Units	Square Feet
	Totals/Sub Category	Totals/Sub Category	Totals/Sub Category
<b>Commercial</b>	<u>43.29</u>		<u>186,000</u>
Commercial Office <i>See NOTE 1</i>	0.00		180,000
Commercial Retail	0.00		6,000
<i>Note 1: ADD2005-00110 approves the following options in addition to units previously approved, 80,000 more sq of retail, or additional 60,000 sf of office or 64 more acres of industrial with a max of 400 parking spaces, or a combination of all three such that the total development intensity does not exceed the multiple-use DRI thresholds.</i>			
Total Commercial <i>Total industrial and commercial not to exceed 1,300,000 sq ft on 180.92 ac</i>	43.29		
<b>Conservation</b>	<u>26.58</u>		
Wetlands/Conservation	26.58		
<b>Industrial</b>	<u>137.63</u>		
Total Industrial	137.63		
<b>Project Total</b>	<b>207.50</b>		<b>186,000</b>

## Project Hearings

Resolution #	Case Number	Hearing Date	Approved	
ADD2006-00029 <i>Go To E-Connect Click For Resolution</i>	ADD2006-00209	12/15/06	Yes	<i>Amend IPD to increase the number of lots within the development and redesignate specific tracts as lots and to add a 50 ft wide access easement across Lot Q-2.</i>
ADD2005-00110 <i>Go To E-Connect Click For Resolution</i>	ADD2005-00110	11/2/05	Yes	<i>Amend IPD to eliminate 94 unit hotel/motel and through conversion of hotel/motel units, add additional retail and office square footage.</i>
Z-04-059 <i>Go To E-Connect Click For Resolution</i>	DCI2003-00003	11/1/04	Yes	<i>Rezone 207.5 +/- ac from AG-2 to IPD.</i>

DCI2003-00003

# COPY

RESOLUTION NUMBER Z-04-059

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

WHEREAS, an application was filed by the property owner, Southwest Florida Investment Property, L.L.C., to rezone a 207.5 +/- acre parcel from Agriculture (AG-2) to Industrial Planned Development (IPD) in reference to Southwest International Commerce Park; and

WHEREAS, a public hearing was advertised and held on September 15, 2004 and September 24, 2004, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2003-00003; and

WHEREAS, a second public hearing was advertised and held on November 1, 2004, 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 207.5 +/- acre parcel from AG-2 to IPD, to allow a maximum of 1,300,000 square feet of industrial, commercial office/retail on not more than 180.92 acres of the site containing: a maximum of 137.63 acres of industrial uses; 180,000 square feet of office uses; 60,000 square feet of retail uses with retail and office uses not to exceed 65 feet in height and a 94 unit hotel/motel not to exceed 45 feet or three stories in height. All combined uses will not exceed the mixed-use DRI thresholds set forth in Chapter 380 and 9J-2 F.A.C., as amended. Development blasting is requested. The property is located in the Airport Commerce (a/k/a Tradeport) and Wetlands Land Use Categories and are 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 two page Master Concept Plan entitled "BECHARD GROUP INC., SOUTHWEST INTERNATIONAL COMMERCE PARK", stamped received at the Permit Counter on November 23, 2004 and attached hereto as Exhibit C, 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 Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

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

a. Schedule of Uses for Tracts B, C, E, F, K, L, M, and Q

Accessory Uses and Structures  
Administrative Offices  
Agricultural Uses and Agricultural Accessory Uses: See Condition 9 below  
Animals: Clinic or Kennel, No Outdoor Runs on Tract Q  
ATM (Automatic Teller Machine)  
Auto Repair and Service, Group II  
Broadcast Studio, Commercial Radio and Television  
Business Services: Groups I and II  
Bus Station/Depot  
Caterers  
Cleaning and Maintenance Services  
Cold Storage, Pre-cooling, Warehouse and Processing Plant  
Communication Facilities, Wireless: See Conditions 7 and 8 below.  
Computer and Data Processing Services  
Consumption on Premises, in Conjunction with a Restaurant: See LDC §34-1264  
Contractors and Builders: Limited to Groups I, II, and III  
Drive-through Facility for Any Permitted Use  
Emergency Operations Center  
Entrance Gates and Gatehouse  
Essential Services  
Essential Service Facilities: Group I and Group II Limited to Communication, Telephone and Electrical Distribution Facilities, and Electrical Substations  
Excavation: Water Retention  
Factory Outlets (Point of Manufacture Only)  
Farm Equipment, Sales, Storage, Rental or Service  
Fences and Walls Freight and Cargo Handling Establishments  
Gasoline Dispensing System, Special  
Government Maintenance Facility  
Health Club or Spa  
Heliport: See Condition 13 below  
Hotel/motel: See Condition 5 below  
Laundry or Dry Cleaning: Group II  
Machine Shop  
Manufacturing Of:  
    Apparel Products  
    Boats  
    Chemical and Allied Products: Groups I and II, with Group II Limited to Soaps, Detergents, Perfumes, Cosmetics, and Other Toilet Preparations  
    Electrical Machinery and Equipment  
    Fabricated Metal Products: Groups I and II (Group I when in a completely enclosed building and limited to metal forging and stamping and coating, engraving and allied services)

Food and Kindred Products: Group III  
 Furniture and Fixtures  
 Leather Products: Group II  
 Lumber and Wood Products: Groups II, IV, and V, with Group V on Tracts  
     C, B, and M only, and limited to storage sheds up to a maximum of  
     360 square feet  
 Machinery: Groups I and II  
 Measuring, Analyzing and Controlling Instruments  
 Novelties, Jewelry, Toys and Signs: Groups I, II, and III  
 Paper and Allied Products: Groups II and III  
 Rubber and Plastic Products: Group II  
 Stone, Clay, Glass and Concrete Products: Groups I and IV, with Group IV  
     limited to structural clay products and pottery products, but not to  
     include the pouring of molds or firing greenware, which is done  
     ancillary to a hobby shop  
 Transportation Equipment: Groups II and IV, with Group IV Limited to Motor  
     Vehicle and Passenger Car Bodies, Truck or Bus Bodies, and Car  
     or Boat Trailers  
 Transportation Equipment: Groups I, II, and IV with Group I limited to Motor  
     Vehicle Parts and Accessories, Aircraft Engine Parts, and Aircraft  
     Parts and Auxiliary Equipment, and Group IV limited to Motor Vehicle  
     and Passenger Car Bodies, Truck or Bus Bodies, and Car or Boat  
     Trailers  
 Medical Office  
 Message Answering Services  
 Mini-warehouse  
 Motion Picture Production Studio  
 Nonstore Retailers: All Groups  
 Parcel and Express Services  
 Parking Lot:  
     Accessory  
     Commercial: See Condition 19 below  
     Garage, Public Parking  
     Temporary  
 Personal Services: Groups I, II, III, IV  
 Photo finishing Laboratory  
 Post Office  
 Printing and Publishing  
 Processing, Packaging and Warehousing  
 Real Estate Sales Office, for Sale of Lots/structures within the development only  
 Rental or Leasing Establishment: Groups II, III, and IV  
 Repair Shops: Groups I, II, III, IV, and V  
 Research and Development Laboratories: Groups II and IV  
 Restaurants: Groups I and II, only when located in a multiple-occupancy complex  
 Schools: Commercial  
 Self-service Fuel Pumps: See Condition 12 below  
 Signs in Accordance with Chapter 30  
 Social Services: Group II

Machine Shop, all operations must be conducted within a fully enclosed building  
Manufacturing Of:

Apparel Products

Chemical and Allied Products: Groups I and II, with Group II Limited to  
Soaps, Detergents, Perfumes, Cosmetics, and Other Toilet  
Preparations.

Electrical Machinery and Equipment

Fabricated metal products: Groups I and II - when in a completely enclosed  
building and Group I limited to metal forging and stamping and  
coating, engraving and allied services

Food and Kindred Products: Group III

Furniture and Fixtures

Leather Products: Group II

Lumber and wood products: Group II - when in a completely enclosed  
building

Machinery: Group II, limited to assembly

Measuring, Analyzing and Controlling Instruments

Novelties, Jewelry, Toys and Signs: Groups I, II, and III

Paper and Allied Products: Groups II and III, with Group III Limited to Paper  
Containers and Boxes

Stone, Clay, Glass and Concrete Products: Groups I, and IV, when in a  
completely enclosed building with Group IV limited to structural clay  
products and pottery products, but not to include pouring of molds  
or firing greenware, which is done ancillary to a hobby shop

Medical Office

Message Answering Services

Mini-warehouse

Motion Picture Production Studio

Non-store Retailers: All Groups

Parcel and Express Services

Parking Lot:

Accessory

Commercial: See Condition 19 below

Garage, Public Parking

Temporary

Personal Services: Groups I, II, III, IV

Photo finishing Laboratory

Post Office

Printing and Publishing

Processing, Packaging and Warehousing

Real Estate Sales Office, for sale of lots/structures within the development only

Rental or Leasing Establishment: Groups II and III

Repair Shops: Groups I, II, III and IV - all operations must be conducted within a  
fully enclosed building

Research and Development Laboratories: Groups II and IV

Restaurants: Groups I, II, and III - limited to the northernmost 330 feet of Tract G

Schools, Commercial

Self-service Fuel Pumps: See Condition 12 below

Signs in Accordance with Chapter 30

Social Services: Group II

Storage:

Indoor

Vehicle and Equipment Dealers: Group I, only when subordinate to a Rental and Leasing Establishment, Group III

Warehouse:

Private

Public

Wholesale Establishments: Group III

Wholesale Sales and Retail Sales, when clearly incidental and subordinate to a permitted principal use on the same premises.

c. Site Development Regulations

Minimum Lot Area and Dimensions:

Area: 20,000 square feet

Width: 100 feet

Depth: 100 feet

Minimum Setbacks:

Street: In accordance with LDC §34-2192(a)

Side: 10 feet

Rear: 25 feet

Water Body: 25 feet

Maximum Building Height:

a. Commercial/industrial: 65 feet

b. Hotel/motel: 45 feet or three stories

Minimum Building Separation:

One-half the sum of the heights of both buildings, or 20 feet, whichever is greater.

Maximum Lot Coverage: 40 percent

Development Perimeter Building Setback: 25 feet

3. Development Parameters:

- a. The total floor area for the development will not exceed a maximum of 1,300,000 square feet. The maximum development area will not exceed 180.92 acres. Commercial retail development is limited to a maximum of 60,000 square feet and

commercial office development is limited to a maximum of 180,000 square feet. Industrial development is limited to a maximum of 137.63 acres with a maximum of 977 parking spaces. The hotel/motel is limited to a maximum of 94 units; and

- b. At the time of local development order, the developer must provide a cumulative land development summary table reflecting the requirements of Condition 3.a. to ensure DRI compliance with the above; and
  - c. Under no circumstances will the land use totals exceed the applicable mixed use DRI thresholds as outlined in Chapter 380, F.S., and Rule 9J-2, F.A.C., as each may be amended.
4. Environmental Condition: Prior to the issuance of Vegetation Removal Permit, the area to be cleared must be surveyed for active Big Cypress Fox Squirrel nests. Any active nests must be protected by a 125-foot-wide buffer until the nest is confirmed inactive, and a Vegetation Removal Permit is obtained from the Division of Environmental Sciences staff.
  5. Commercial buildings, especially hotel/motel facilities located in the Airport Noise Zone 3 area, must consider the use of sound attenuating insulating materials in their construction.
  6. Accessory uses, including accessory parking, must be located on the same tract, lot, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, lot, parcel or outparcel.
  7. Wireless communication facilities, if approved in accordance with LDC §34-1441, *et. seq.*, are permitted on Tracts E, F, C, K, M, B, and Q. Wireless communication facilities may not exceed 90 feet in height above average grade level (AGL). Wireless communication facilities greater than 90.1 feet and less than 149 feet will require Special Exception approval.
  8. The development must comply with LDC §34-1008 for tall structures including permanent buildings, antenna, towers, wireless communication facilities, and temporary construction cranes. Depending on the location and height of the proposed structure, an application may need to be submitted for review and approval to the Federal Aviation Administration (FAA) and the Lee County Port Authority to determine airspace impacts of the proposed permanent buildings, antenna towers, signs on buildings and any temporary construction equipment (cranes) used within the site. Broadcasting antenna proposed within the site will also require coordination with the FAA and the Federal Communication Commission (FCC) to ensure that they do not interfere with airport radar and electronic navigational aids.
  9. AGRICULTURAL USES: Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:
    - a. Bona fide agricultural uses that are in existence at the time this resolution is approved and as shown on Exhibit D attached hereto 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 agricultural use must cease by December 31<sup>st</sup> of the calendar year in which the local development order is issued. The exemption termination must be filed with the Property Appraiser's Office by December 31<sup>st</sup> 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.
10. Development blasting is permitted only in Tracts D, N, P, and R, identified as Proposed Areas of Blasting on the Master Concept Plan, to the extent the developer is able to comply with the provisions of LDC Chapter 3, including 72-hour notification of blasting to the Lee County Port Authority.
  11. At the time of local development order approval, the developer must provide a Type "D" buffer along the east limit of Tracts G and H, excluding the wetlands preserve.
  12. Self-service fuel pumps are permissible only as an accessory use to a business to provide fuel for their own fleet of vehicles and equipment and customers of the commercial parking lot, and are limited to a maximum of two pumps. Additional pumps will require special exception approval.
  13. The developer will fully coordinate future heliports with, and approved by, the Lee County Port Authority and the Florida Department of Transportation Aviation Office to avoid interference with the operation of the Southwest Florida International Airport.
  14. If the Tracts shown on the Master Concept Plan are further subdivided, the developer will be required to submit for and receive approval of an amendment to this industrial planned development, pursuant to LDC §34-380.
  15. A development order may not be issued for this project until all required easement modification agreements have been executed to the satisfaction of the County Attorney's Office, which will relocate the exiting easements coincidental to the internal road system shown on the Master Concept Plan.
  16. Buildings exceeding 35 feet in height must maintain additional building setbacks and separation as regulated by LDC §34-2174(a) and §34-935(e)(4).
  17. 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.
  18. 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 Allocations Table, Map 16 and Table 1(b), be reviewed for,



and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

19. Commercial Parking Lot

a. The following uses are accessory and subordinate uses to a commercial parking lot on Tracts G, E, and F, as follows:

- (1) Automotive Repair Services, Group I, only
- (2) Car Wash
- (3) Self-service Fuel Pumps: See Condition 12 above.

b. The accessory and subordinate uses to a commercial parking lot must comply with the following:

- (1) The accessory and subordinate uses must be totally within the boundary of the property containing the principal use; and
- (2) The accessory and subordinate uses cannot be separated from the principal use by a street, road, or right-of-way easement.
- (3) Public access to the accessory and subordinate uses may not be provided from any abutting street, road, or right-of-way easement.

c. Square Footage Calculations:

- (1) The total square footage of the commercial parking building, including all parking floors, will be used to determine the impact fee obligation.
- (2) Square footage for accessory or subordinate uses developed in conjunction with, and as part of, the commercial parking enterprise will be calculated based upon standard applicable LDC provisions.
- (3) For purposes of calculating gross square footage allowed under this zoning approval, the total square footage of all floor area within the commercial parking building will be deducted from the total industrial square footage allowed/approved in accord with the attached MCP.

SECTION C. DEVIATIONS:

1. Deviation 1 seeks relief from the LDC §34-414(C)(4) requirement that lots, tracts and outparcels must provide no less than ten percent open space, to allow five percent minimum open space per tract. This deviation is APPROVED, SUBJECT TO the following condition:

Prior to local development order approval, the landscape plan must demonstrate that 72.9 acres of open space is provided with a minimum of 47.9 acres of flow-way

preserve. The plans must demonstrate that a minimum of 23.2 acres of the flow-way preserve includes existing indigenous plant communities. Commercial uses are limited to 69.87 acres of the project, and all commercial lots must provide a minimum of 10 percent open space. The remaining 137.63 acres of the project must be devoted to industrial uses, and all industrial lots must provide a minimum of five percent open space.

2. Deviation 2 seeks relief from LDC §10-415(b) requirement that 50 percent of the open space provided must be indigenous vegetation, to allow 23.2 acres of indigenous open space to be provided, along with restoration of the flow-way on site to native vegetation and preservation/restoration of a traditional flow-way for area wide drainage and surface water management. This deviation is APPROVED.

#### 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 (subject parcel identified with shading)
- Exhibit C: The Master Concept Plan
- Exhibit D: Bona fide agricultural uses

The applicant has indicated that the STRAP number for the subject property is: 27-45-25-00-00005.0000, 26-45-25-00-00002.0000 & 26-45-25-00-00007.0000.

#### 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:

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- 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 Judah, seconded by Commissioner St. Cerny and, upon being put to a vote, the result was as follows:

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

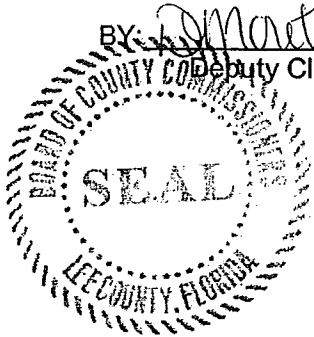
DULY PASSED AND ADOPTED this 1<sup>st</sup> day of November, 2004.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Charlie Green  
Deputy Clerk

BY: Douglas R. St. Cerny  
Chairman



Approved as to form by:

Dawn E. Perry-Lehnert  
Dawn E. Perry-Lehnert  
County Attorney's Office

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## Legal Description

### DESCRIPTION

A PARCEL OF LAND BEING A PART OF THE NORTHWEST ¼ AND THE SOUTHWEST ¼ OF SECTION 26 AND A PART OF THE SOUTHEAST ¼ OF SECTION 27, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTH COMMON CORNER OF SAID SECTIONS 26 AND 27; THENCE SOUTH 00°37'26"EAST ALONG THE WEST LINE OF SAID NORTHWEST ¼ OF SECTION 26, A DISTANCE OF 1322.47 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE NORTHWEST CORNER OF THE SOUTHWEST ¼ OF SAID NORTHWEST ¼ OF SECTION 26; THENCE NORTH 87°59'53"EAST ALONG THE NORTH LINE OF SAID SOUTHWEST ¼ OF THE NORTHWEST ¼, A DISTANCE OF 1356.38 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 26; THENCE SOUTH 00°50'09"EAST ALONG THE EAST LINE OF SAID SOUTHWEST ¼ OF THE NORTHWEST ¼, A DISTANCE OF 1319.95 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 26; THENCE SOUTH 02°05'57"EAST ALONG THE EAST LINE OF THE NORTHWEST ¼ OF SAID SOUTHWEST ¼ OF SECTION 26 AND THE EAST LINE OF THE SOUTHWEST ¼ OF SAID SOUTHWEST ¼ OF SECTION 26, A DISTANCE OF 2655.77 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 26; THENCE SOUTH 88°19'31"WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST ¼ OF SECTION 26, A DISTANCE OF 1312.47 FEET TO THE SOUTH COMMON CORNER OF SAID SECTIONS 26 AND 27; THENCE SOUTH 89°34'54"WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST ¼ OF SECTION 27, A DISTANCE OF 1457.69 FEET TO A POINT AT THE EAST RIGHT OF WAY LINE OF INTERSTATE 75; THENCE NORTH 00°38'26"WEST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 2642.95 FEET TO THE SOUTHWEST CORNER OF LOT 27 OF JETPORT INTERSTATE COMMERCE PARK SUBDIVISION AS RECORDED IN PLAT BOOK 43, PAGE 94 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 89°33'45"EAST ALONG THE SOUTH LINE OF LOTS 27, 26 AND 25 OF SAID SUBDIVISION, A DISTANCE OF 1341.45 FEET TO THE SOUTHEAST CORNER OF SAID LOT 25 SAID CORNER ALSO BEING THE WEST ¼ CORNER OF SAID SECTION 26; THENCE NORTH 00°37'26"WEST ALONG THE EAST LINE OF LOTS 25, 24 AND 23, SAID LINE ALSO BEING THE COMMON LINE BETWEEN SAID SECTIONS 26 AND 27, A DISTANCE OF 1322.47 FEET TO THE POINT OF BEGINNING. CONTAINING 207.47 ACRES, MORE OR LESS.

Applicant's Legal Checked

by lqm 8-17-2003

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EXHIBIT A



# ZONING MAP

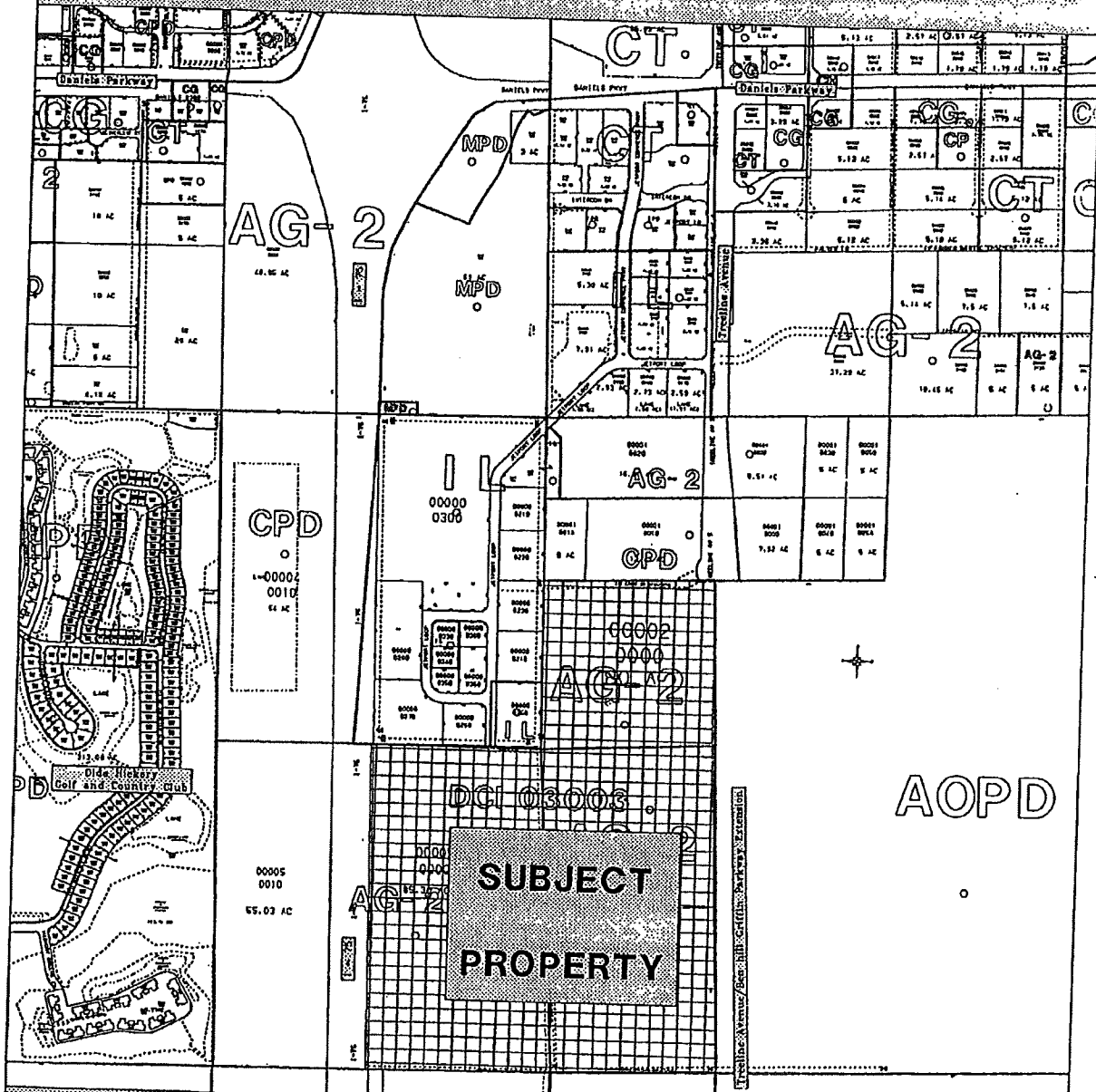


EXHIBIT B



**GENERAL NOTES:**

PROPERTY OWNER:  
SOUTHWEST FLORIDA INVESTMENT PROPERTY, LLC  
17 PARK PLACE, SUITE 500  
APLETON, FL 32019

APPLICANT:  
SOUTHWEST FLORIDA INVESTMENT PROPERTY, LLC  
17 PARK PLACE, SUITE 500  
APLETON, FL 32019

PLANNING/ENGINEERING:  
MORRIS - DEPREY ASSOCIATES, INC.  
3234 WESTWIND AVE.  
FORT MYERS, FL 33901

**SITE NOTES:**

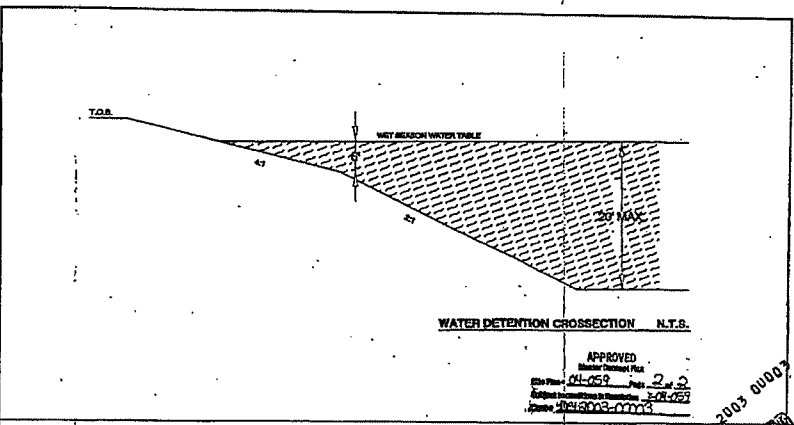
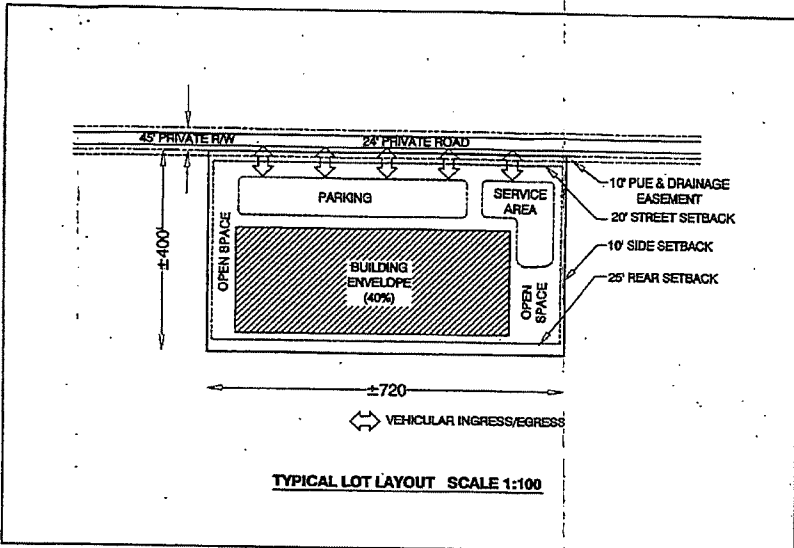
1. PROPOSED IS A REZONING FROM AG-4 TO INDUSTRIAL, PLANNED DEVELOPMENT.
2. TOTAL PAVED AREA = 877.8 ± ACRES.
3. COMPREHENSIVE PLANNING LAND USE DESIGNATION = AIRPORT COMMERCIAL AND WETLAND.
4. MINIMUM BUILDING HEIGHT:  
HOTEL/MOTEL USE: 47 OR THREE STORIES  
RESIDENTIAL OR COMMERCIAL USE: 37
- ALL BUILDING HEIGHTS WILL BE CONSISTENT WITH AIRPORT HEIGHT REQUIREMENTS OR RESTRICTIONS.
5. A. MAXIMUM TOTAL DEVELOPMENT FLOOR AREA NOT TO EXCEED (3,000,000) SQUARE FEET.
6. THE REQUIRED MINIMUM OPEN SPACE SHALL BE PROVIDED PURSUANT TO LDC SECTION 16-418. OPEN SPACE PROVIDED BY EACH INDIVIDUAL LOT WITHIN A DEVELOPMENT AREA SHALL TOTAL THE OVERALL REQUIRED OPEN SPACE FOR THAT AREA PER LDC SECTION 16-418.5. NO LOT SHALL PROVIDE LESS THAN 5%.
7. ALL CODES REQUIRED THERE AND BY-LAWS SHALL BE MAINTAINED.
8. ACCESSORY OPEN STORAGE AREAS SHALL BE PROVIDED CONSISTENT WITH LDC SECTION 16-406(4).
9. LAKE AREAS PROVIDED ARE ESTIMATED. ACTUAL OCEAN AND DETAILS ARE SUBJECT TO THE REQUIRED SOUTH FLORIDA WATER MANAGEMENT DISTRICT PERMIT.
10. LOT LINES PROVIDED ARE APPROXIMATE AND SUBJECT TO REVISION.

**TRACT LEGEND:**

WETLAND CONSERVATION/PAVED MANAGEMENT AND INDIGENOUS VEGETATION PRESERVE (NO DEVELOPMENT)

- TRACT A = 460.3 AC
  - TRACT B = 468.8 AC
  - TRACT C = 462.3 AC
  - TRACT D LAKE BUFFER = 462.8 AC
  - = LAKE 1)
  - TRACT M LAKE BUFFER = 27.4 AC
  - = LAKE 2)
  - TRACT P LAKE BUFFER = 41.8 AC
  - = LAKE 3)
  - TOTAL = 2,367.2 AC
- LAKE TOTAL AREA = 462.8 AC  
PRESERVE TOTAL AREA = 468.8 AC

- AIRPORT COMMERCIAL DEVELOPMENT AREAS
- TRACT A = 818.2 AC (WETLAND PRESERVE)
  - TRACT B = 148.2 AC (INDUSTRIAL, OFFICE USE)
  - TRACT C = 128.2 AC (INDUSTRIAL, OFFICE USE)
  - TRACT D = 818.2 AC LAKE 1 ± BUFFER
  - TRACT E = 187.2 AC (ALL USES)
  - TRACT F = 128.2 AC (ALL USES)
  - TRACT G = 148.2 AC (ALL USES)
  - TRACT H = 148.2 AC (ALL USES)
  - TRACT I = 81.2 AC (WETLAND PRESERVE)
  - TRACT J = 68.2 AC (OFFICE/EMERGENCY)
  - TRACT K = 68.2 AC (INDUSTRIAL, OFFICE USE)
  - TRACT L = 87.2 AC (ALL USES)
  - TRACT M = 27.4 AC (INDUSTRIAL, OFFICE USE)
  - TRACT N = 27.4 AC LAKE 2 ± BUFFER
  - TRACT O = 112.2 AC (WETLAND PRESERVE)
  - TRACT P = 41.8 AC LAKE 3 ± BUFFER
  - TRACT Q = 161.2 AC (INDUSTRIAL, OFFICE USE)
  - TRACT R = 161.2 AC (INDUSTRIAL, OFFICE USE)
  - TOTAL = 2,367.2 AC



APPROVED  
Master Development Plan  
Date: 04-05-09 Page: 2 of 3  
Signature: [Signature] Title: [Title]

2003 00003  
MORRIS - DEPREY ASSOCIATES, INC.  
3234 WESTWIND AVE.  
FORT MYERS, FL 33901

REVISIONS:  
REVISION 1: [Description]  
REVISION 2: [Description]  
REVISION 3: [Description]

ZONING MASTER CONCEPT PLAN - NOTES -  
BECHARD GROUP, INC.  
SOUTHWEST INTERNATIONAL COMMERCIAL PARK  
Fort Myers, Florida

MORRIS - DEPREY ASSOCIATES, INC.  
3234 Westwind Ave., Fort Myers, FL 33901  
3010  
02047  
DWG: [Signature] (Reviewed by) AZ  
DATE: 2/20/04  
SCALE: [Signature]  
2/2



## Southwest Florida Investment Property, LLC.

---

March 5, 2004

Mr. Bryan Kelner  
Principal Planner  
Lee County Department of Community Development  
Zoning Division  
P.O. Box 398  
Fort Myers, Florida 33902-0398

**RE: Southwest International Commerce Park – DCI2003-00003**

Dear Mr. Kelner:

Please accept this statement as the notarized statement required pursuant to Section 34-202(b)(7) of the LDC. The Sufficiency Review Letter dated August 28, 2003 required the applicant to provide a notarized statement describing the type and intensity of the bona fide agricultural uses in existence on the date of zoning approval.

The type of agricultural use on the property is cattle grazing.

The area of the property subject to cattle grazing is the entire parcel.

The intensity of use is the number of cattle that can be adequately accommodated by the parcel; this is determined in part by the health and amount of the vegetation which can vary from time to time.

The continuation of these agricultural uses is supported by the comprehensive plan, policy 9.2.2.

*Planned development rezonings within the Future Urban Areas must not establish new, or expand existing, agricultural uses. Bona fide agricultural uses that exist at the time of rezoning may be approved and the use allowed to continue until development commences. The approved existing agricultural uses must not expand beyond the boundaries that existed at the time of rezoning. Existing agricultural uses within any tract or phase must be discontinued upon local development order approval including that tract or phase.*

The condition imposed by the Hearing Examiner is more restrictive than the comprehensive plan because the comprehensive plan does not have a time limit.

EXHIBIT D

Page 1 of 3

MAR 08 2004

Page 1 of 2

COMMUNITY DEVELOPMENT

DCI 2003-00003

Mr. Bryan Kelner  
March 5, 2004

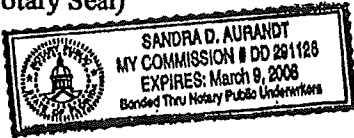
I have reviewed the above statements and submit that they are true and correct.

By: *Jerold J. Bechard*  
Jerold J. Bechard, Managing Member  
Southwest Florida Investment Property, LLC

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 5 day of March  
2004, by Jerold Bechard, who is personally known to me or who has produced  
\_\_\_\_\_ as identification and who did (did not) take an oath.

(Notary Seal)



*Sandra D. Aurandt*  
Signature of Notary Public

SANDRA D. AURANDT  
(Print, type or stamp commissioned  
name of Notary Public)

Commission No: DD 291128

EXHIBIT D

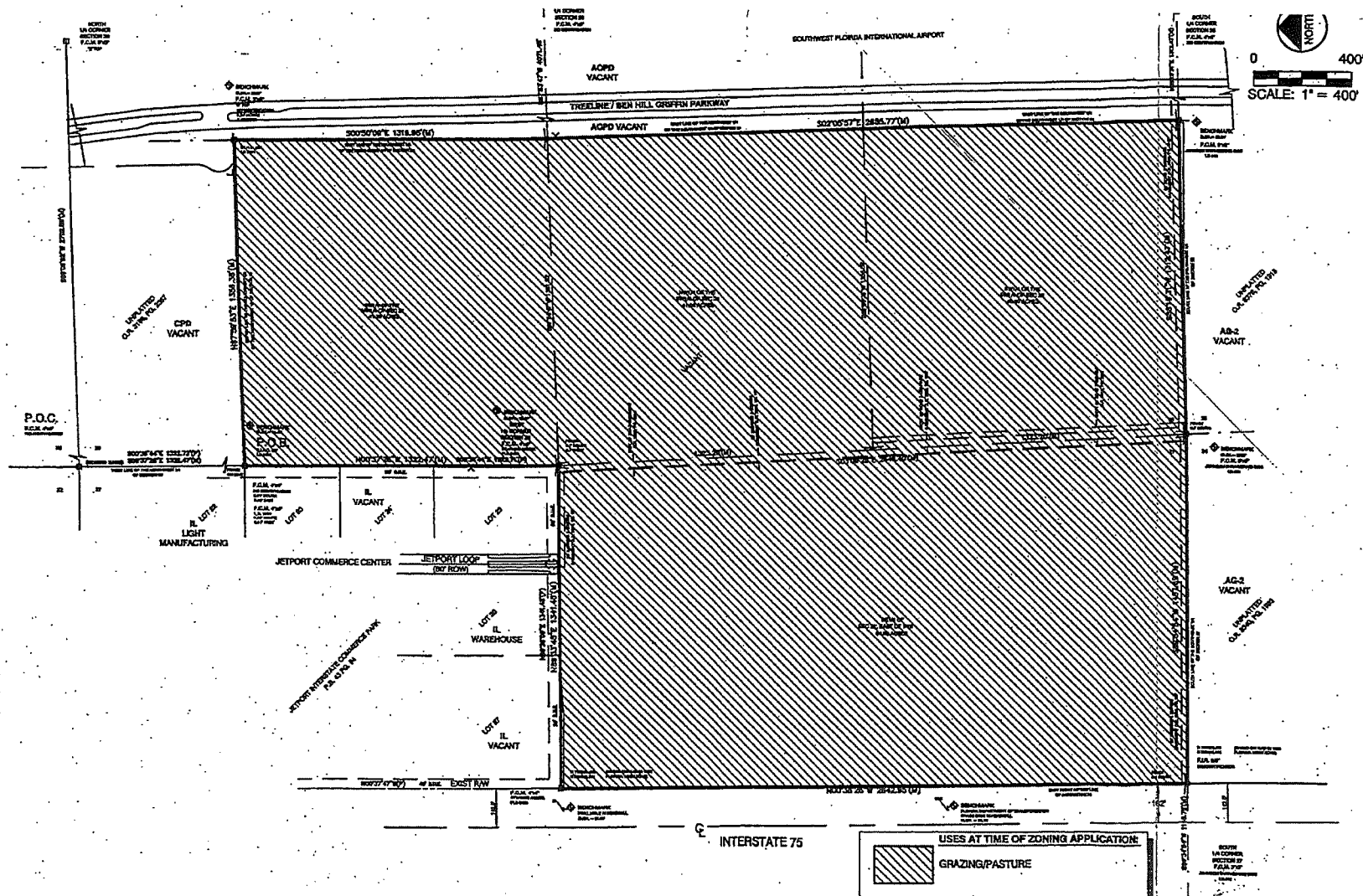
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MAR 08 2004

COMMUN... Page 2 of 2

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AGRICULTURAL USES AT TIME OF ZONING APPLICATION  
 BECHARD GROUP, INC.  
 SOUTHWEST INTERNATIONAL COMMERCE PARK  
 1st County, Florida

MORRIS - DEPEW ASSOCIATES, INC.  
 10000 W. 11th Ave., Suite 100, Fort Lauderdale, FL 33324  
 10000 W. 11th Ave., Suite 100, Fort Lauderdale, FL 33324  
 10000 W. 11th Ave., Suite 100, Fort Lauderdale, FL 33324

MD  
 03047  
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