

## Airport Crossings

1991

### Development Type - DCI Major

Status - Approved

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>	<b>19.89</b>	<b>165</b>	<b>370,000</b>
Commercial Office <i>Note: 95,000 sq ft may be developed as hotel units</i>	0.00		295,000
Commercial Retail	0.00		75,000
Hotel/Motel <i>Includes 15 cabins, central building, pool, pool bar, parking for golf cars.</i>	1.59	165	
Total Commercial	18.30		
<b>Conservation</b>	<b>36.10</b>		
Wetlands/Conservation	36.10		
<b>Industrial</b>	<b>15.00</b>		
Total Industrial <i>Listed as commercial type</i>	15.00		
<b>Public</b>	<b>11.44</b>		
ROW/Other	3.74		
Surfacewater Management <i>6.1 ac lake</i>	7.70		
<b>Project Total</b>	<b>82.43</b>	<b>165</b>	<b>370,000</b>

#### Project Hearings

Resolution #	Case Number	Hearing Date	Approved	
Z-04-069	DCI2004-00030	1/31/05	Yes	Rezone portion of Airport Technology Center IPD to MPD +/- 82.43 ac. Blasting is requested.
Go To E-Connect				
Click For Resolution				

DCI2004-00030

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

WHEREAS, Airport Crossings, LLC, filed an application on behalf of the property owner Dan Kraft, to rezone 80.84±-acre parcel from Industrial Planned Development (IPD) to Mixed Use Planned Development (MPD) in reference to a project known as Airport Crossings MPD; and

WHEREAS, a public hearing was advertised and held on November 10, 2004, before the Lee County Zoning Hearing Examiner Diana Parker, who gave full consideration to the evidence in the record for Case # DCI2004-00030; and

WHEREAS, a second public hearing was advertised and held on January 31, 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 a 80.84±-acre parcel from IPD to MPD to allow either:

1. a mix of industrial uses (up to 150,000 s/f), office uses (up to 200,000 s/f), commercial retail uses (up to 44,000 s/f), and a hotel use (up to 150 rooms); or
2. a mix of industrial uses (up to 150,000 s/f), office uses (up to 295,000 s/f), commercial retail uses (up to 44,000 s/f), and no hotel use.

The uses are not to exceed the Mixed Use Development of Regional Impact (DRI) thresholds. Maximum height proposed is six stories/75 feet. Development blasting is requested.

The property is located in the Tradeport & Wetlands Future 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. Development must be consistent with the two-page Master Concept Plan (MCP) (see Exhibit I) entitled "AIRPORT CROSSINGS MPD", revision date March 11, 2005 (3-14-05), date stamped received March 17, 2005, except as modified by the conditions below.

Development must comply with 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. Upon passage of this resolution, Zoning Resolution #Z-02-025 will become null and void as to this 80.84±-acre portion of the property, but will remain applicable to the southernmost parcel of the Airport Technology Center IPD until it, too, is rezoned or vacated.
3. The following limits apply to the project and uses:

a. Schedule of Uses

**LOTS 1 - 6**

ACCESSORY USES AND STRUCTURES  
ADMINISTRATIVE OFFICES  
AGRICULTURAL USES - SEE CONDITION #21  
ANIMALS: CLINIC OR KENNEL - WHEN COMPLETELY ENCLOSED IN A BUILDING. NO OUTDOOR KENNELS OR RUNS.  
ANIMAL CONTROL CENTER (INCLUDING HUMANE SOCIETY) - WHEN COMPLETELY ENCLOSED IN A BUILDING. NO OUTDOOR KENNELS OR RUNS  
AUTOMATIC TELLER MACHINE (ATM)  
AUTO PARTS STORE  
AUTO REPAIR AND SERVICE - PER LDC § 34-622(C)(2) - GROUP I ONLY - NO RETAIL SALE OF GASOLINE PERMITTED, SEE CONDITION #25  
BANKS AND FINANCIAL ESTABLISHMENTS - PER § 34-622(C)(3) -ALL GROUPS.  
BAR OR COCKTAIL LOUNGE - LIMITED TO ONE (1) ON THE ENTIRE MPD  
BOAT PARTS STORE  
BOARDWALKS  
BROADCAST STUDIO, COMMERCIAL RADIO AND TELEVISION  
BUILDING MATERIALS SALES - PER LDC § 34-622(C)(4)  
BUSINESS SERVICES - PER LDC. § 34-622(C)(5) - ALL GROUPS - INCLUDES AIRCRAFT FOOD SERVICES AND CATERING  
BUS STATION/DEPOT  
CATERERS  
CAR WASH - LIMITED TO ONE (1) ON THE ENTIRE MPD.  
CLEANING AND MAINTENANCE SERVICES - PER LDC. § 34-622(C)(7)  
CLOTHING STORES, GENERAL - PER LDC. § 34-622(C)(9)  
CLUBS: COUNTRY, COMMERCIAL, FRATERNAL, MEMBERSHIP ORGANIZATION, PRIVATE.  
COMPUTER AND DATA PROCESSING SERVICES  
CONSUMPTION ON PREMISES  
IN CONJUNCTION WITH BAR OR COCKTAIL LOUNGE, CLUBS, RESTAURANTS, HOTEL/MOTEL, PACKAGE STORE, NIGHTCLUBS. SEE LDC § 34-1264.  
CONTRACTORS AND BUILDERS - PER LDC. § 34-622(C)(9)

Groups I, II, AND III ONLY  
 CULTURAL FACILITIES - PER LDC § 34-622(C)(10)  
 DEPARTMENT STORE  
 DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE  
 DRUGSTORE, PHARMACY  
 ENTRANCE GATE AND GATEHOUSE  
 EMERGENCY OPERATIONS CENTER  
 EMERGENCY MEDICAL SERVICE (EMS), FIRE OR SHERIFF'S STATION  
 ESSENTIAL SERVICES  
 ESSENTIAL SERVICE FACILITIES, GROUP I -  
     GROUP II LIMITED TO COMMUNICATION, TELEPHONE, AND  
     ELECTRICAL DISTRIBUTION FACILITIES, AND ELECTRICAL  
     SUBSTATIONS  
 EXCAVATION, WATER RETENTION  
     - SEE ALSO BLASTING CONDITION #18  
 FACTORY OUTLETS - (POINT OF MANUFACTURE ONLY)  
 FENCES, WALLS  
 FOOD AND BEVERAGE SERVICE, LIMITED  
 FOOD STORES - PER LDC § 34-622(C)(16) - GROUP I ONLY  
 FREIGHT AND CARGO HANDLING ESTABLISHMENTS - PER LDC § 34-  
     622(C)(17)  
 GIFT AND SOUVENIR SHOP  
 GOLF DRIVING RANGE  
 GOVERNMENT MAINTENANCE FACILITY  
 HEALTH CLUB OR SPA  
 HARDWARE STORE  
 HEALTH CARE FACILITIES - PER LDC § 34-622(C)(22) GROUP III - SEE  
     CONDITIONS #7 AND #8.  
 HOTEL/MOTEL - MAXIMUM 150 ROOMS. SEE CONDITIONS #3.b.i. and #8  
 HOUSEHOLD AND OFFICE FURNISHINGS - PER LDC § 34-622(C)(22) - ALL  
     GROUPS  
 INSURANCE COMPANIES - PER LDC § 34-622(C)(23)  
 LAUNDRY OR DRY CLEANING PER LDC § 34-622(24) - ALL GROUPS  
 LAWN AND GARDEN SUPPLY STORES  
 MANUFACTURING OF: \*See NOTE below.  
     APPAREL PRODUCTS - PER LDC § 34-622(C)(1)  
     ELECTRICAL MACHINERY AND EQUIPMENT - PER LDC § 34-  
         622(C)(11)  
     FABRICATED METAL PRODUCTS - PER LDC § 34-622(C)(14) GROUPS  
         I AND II; GROUP I - LIMITED TO METAL FORGING AND  
         STAMPING AND COATING, ENGRAVING AND ALLIED  
         SERVICES.  
     FOOD AND KINDRED PRODUCTS - PER LDC § 34-622(C)(15) - GROUP  
         III  
     LEATHER PRODUCTS - PER LDC § 34-622(C)(25) - GROUP II  
     MEASURING, ANALYZING AND CONTROLLING INSTRUMENTS - PER  
         LDC § 34-622(C)(28)

NOVELTIES, JEWELRY, TOYS AND SIGNS - PER LDC § 34-622(C)(29) - ALL GROUPS  
RUBBER AND PLASTIC PRODUCTS - PER LDC § 34-622(C)(44) - GROUP II  
STONE, CLAY, GLASS AND CONCRETE PRODUCTS - PER LDC § 34-622(C)(48) - GROUP I

**\*NOTE:** ALL OPERATIONS MUST BE CONDUCTED WITHIN A FULLY ENCLOSED BUILDING.

MEDICAL OFFICES  
MESSAGE ANSWERING SERVICE  
MINI-WAREHOUSE  
MOTION PICTURE PRODUCTION STUDIO  
NIGHTCLUBS - MUST MEET COMMERCIAL SITE LOCATION STANDARDS  
NONSTORE RETAILERS, PER LDC § 34-622(C)(30) - ALL GROUPS  
PARCEL AND EXPRESS SERVICES  
PACKAGE STORE - LIMITED TO ONE (1) ON THE ENTIRE MPD  
PAINT, GLASS AND WALLPAPER  
PARKING LOT - ACCESSORY, COMMERCIAL (SEE CONDITION #24), GARAGE PUBLIC PARKING, TEMPORARY  
PERSONAL SERVICES - PER LDC § 34-622(C)(33) - EXCLUDING ESCORT SERVICES, PALM READERS, FORTUNETELLERS, CARD READERS, AND TATTOO PARLORS  
PET SERVICES - WHEN COMPLETELY ENCLOSED IN A BUILDING  
PHOTOFINISHING LABORATORIES  
POST OFFICE  
PRINTING AND PUBLISHING - PER LDC § 34-622(C)(36)  
PROCESSING, PACKAGING AND WAREHOUSING  
REAL ESTATE SALES OFFICE  
RECREATION FACILITIES:  
    COMMERCIAL- PER LDC § 34-622(C)(38) GROUPS I, II, III, AND IV  
    PERSONAL  
    PRIVATE - ON SITE  
    PRIVATE - OFF SITE  
RENTAL OR LEASING ESTABLISHMENTS - PER LDC § 34-622(C)(39) GROUPS I, II, AND III (NO RECREATIONAL VEHICLES OR UTILITY TRAILERS)  
REPAIR SHOPS - PER LDC § 34-622(C)(40) - ALL GROUPS  
    ALL OPERATIONS MUST BE WITHIN A FULLY ENCLOSED BUILDING  
RESEARCH AND DEVELOPMENT LABORATORIES - PER LDC § 34-622(C)(30) - I, II, AND IV. EXCLUDING GROUP III (CHEMICAL)  
RESTAURANT, FAST FOOD - THE FAST FOOD RESTAURANT MUST BE LOCATED IN A MULTIPLE USE BUILDING OR AN IN-LINE CENTER. NO FREE-STANDING FAST FOOD RESTAURANT IS PERMITTED.  
RESTAURANTS - PER LDC § 34-622(C)(43) - GROUP III. - GROUPS I AND II ONLY WHEN LOCATED IN A MULTIPLE-OCCUPANCY COMPLEX  
RETAIL AND WHOLESALE WHEN CLEARLY INCIDENTAL AND SUBORDINATE TO A PERMITTED PRINCIPAL USE ON THE SAME PREMISES  
SCHOOLS, COMMERCIAL  
SELF-SERVICE FUEL PUMPS - SEE CONDITION #25

SIGNS IN ACCORDANCE WITH CHAPTER 30 - WITH APPROVED DEVIATIONS  
SOCIAL SERVICES - PER LDC § 34-622(C)(30) - GROUPS I, II, AND III  
EXCLUDING ANY RESIDENTIAL DWELLING UNITS (I.E. HALF-WAY  
HOUSES AND GROUP HOMES)  
SPECIALTY RETAIL SHOPS - PER LDC § 34-622(C)(47) - ALL GROUPS -  
EXCLUDING AMMUNITION, FIREARMS, HUNTERS EQUIPMENT  
STORAGE, INDOOR  
STUDIOS - PER LDC § 34-622(C)(49)  
TEMPORARY USES  
THEATER, INDOOR  
TRANSPORTATION SERVICES - PER LDC § 34-622(C)(53) - GROUPS, II, III  
USED MERCHANDISE PER LDC § 34-622(C)(54) - ALL GROUPS - ALL USED  
MERCHANDISE AND OPERATIONS MUST BE CONDUCTED WITHIN A  
FULLY ENCLOSED BUILDING  
VARIETY STORE  
VEHICLE AND EQUIPMENT DEALERS PER LDC § 34-622(C)(5) - GROUPS I, II  
ONLY  
WAREHOUSE, MINI WAREHOUSE, PRIVATE, PUBLIC

**LOTS 7 - 12**

ACCESSORY USES AND STRUCTURES  
ADMINISTRATIVE OFFICES  
AGRICULTURAL USES - SEE CONDITION #21  
AMATEUR RADIO ANTENNAS & SATELLITE EARTH STATIONS - LIMITED TO  
50 FEET IN HEIGHT  
ANIMALS: CLINIC OR KENNEL, WHEN COMPLETELY ENCLOSED IN A  
BUILDING. NO OUTDOOR KENNELS OR RUNS  
ANIMAL CONTROL CENTER (INCLUDING HUMANE SOCIETY) - WHEN  
COMPLETELY ENCLOSED IN A BUILDING  
NO OUTDOOR KENNELS OR RUNS  
AUTOMATIC TELLER MACHINE (ATM)  
AUTO PARTS STORE  
AUTOMOBILE SERVICE STATION - NO RETAIL SALE OF GASOLINE  
PERMITTED.  
AUTO REPAIR AND SERVICE - PER LDC § 34-622(C)(2) - ALL GROUPS - NO  
OUTDOOR STORAGE  
BANKS AND FINANCIAL ESTABLISHMENTS - PER § 34-622(C)(3) - ALL  
GROUPS  
BAR OR COCKTAIL LOUNGE - LIMITED TO ONE (1) ON THE ENTIRE MPD  
BOAT PARTS STORE  
BOAT REPAIR AND SERVICE  
BOARDWALKS  
BROADCAST STUDIO, COMMERCIAL RADIO AND TELEVISION  
BUILDING MATERIALS SALES - PER LDC § 34-622(C)(4)  
BUSINESS SERVICES - PER LDC. § 34-622(C)(5) - ALL GROUPS, INCLUDES  
AIRCRAFT FOOD SERVICES AND CATERING  
BUS STATION/DEPOT

CATERERS  
CAR WASH - LIMITED TO ONE (1) ON THE ENTIRE MPD  
CLEANING AND MAINTENANCE SERVICES - PER LDC. § 34-622(C)(7)  
CLOTHING STORES, GENERAL - PER LDC. § 34-622(C)(9)  
CLUBS: COUNTRY, COMMERCIAL, FRATERNAL, MEMBERSHIP ORGANIZATION, PRIVATE  
COLD STORAGE, PRE-COOLING and WAREHOUSE - NO OUTDOOR STORAGE  
COMMUNICATIONS FACILITY, WIRELESS - PER LDC § 34-1441 *ET SEQ.* (ALSO SEE WIRELESS COMMUNICATION FACILITY CONDITIONS #11, #12, AND #23) FREESTANDING WIRELESS COMMUNICATION FACILITIES (TOWERS, INCLUDING STEALTH TYPE) ARE PROHIBITED  
COMPUTER AND DATA PROCESSING SERVICES  
CONSUMPTION ON PREMISES  
IN CONJUNCTION WITH BAR OR COCKTAIL LOUNGE, CLUBS, RESTAURANTS, HOTEL/MOTEL, PACKAGE STORE, NIGHTCLUBS. SEE LDC § 34-1264  
CONTRACTORS AND BUILDERS - PER LDC. § 34-622(C)(9) - ALL GROUPS  
CULTURAL FACILITIES - PER LDC § 34-622(C)(10)  
DEPARTMENT STORE  
DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE  
DRUGSTORE, PHARMACY  
ENTRANCE GATE AND GATEHOUSE  
EMERGENCY OPERATIONS CENTER  
EMERGENCY MEDICAL SERVICE (EMS), FIRE OR SHERIFF'S STATION  
ESSENTIAL SERVICES  
ESSENTIAL SERVICE FACILITIES - GROUPS I AND II, WITH GROUP II LIMITED TO COMMUNICATION, TELEPHONE, AND ELECTRICAL DISTRIBUTION FACILITIES, AND ELECTRICAL SUBSTATIONS  
EXCAVATION, WATER RETENTION - SEE ALSO BLASTING CONDITION #18  
FACTORY OUTLETS (POINT OF MANUFACTURE ONLY)  
FENCES, WALLS  
FOOD AND BEVERAGE SERVICE, LIMITED  
FOOD STORE - PER LDC § 34-622(C)(16) - GROUP I ONLY  
FREIGHT AND CARGO HANDLING ESTABLISHMENTS - PER LDC § 34-622(C)(17)  
FUNERAL HOME AND MORTUARY, WITH OR WITHOUT CREMATORY  
GASOLINE DISPENSING SYSTEMS, SPECIAL  
GIFT AND SOUVENIR SHOP  
GOLF DRIVING RANGE  
GOVERNMENT MAINTENANCE FACILITY  
HEALTH CLUB OR SPA  
HARDWARE STORE  
HEALTH CARE FACILITIES - PER LDC § 34-622(C)(22), GROUP III, SEE CONDITIONS #7 AND #8.  
HELIPORT OR HELISTOP - SEE CONDITION #9  
HOTEL/MOTEL - MAXIMUM 150 ROOMS, SEE CONDITIONS #3.b.i. and #8

HOUSEHOLD AND OFFICE FURNISHINGS - PER LDC § 34-622(C)(22), ALL GROUPS  
INSURANCE COMPANIES - PER LDC § 34-622(C)(23)  
LAUNDRY OR DRY CLEANING - PER LDC § 34-622(24), ALL GROUPS  
LAWN AND GARDEN SUPPLY STORES  
MANUFACTURING OF:  
APPAREL PRODUCTS - PER LDC § 34-622(C)(1)  
BOATS  
CHEMICAL OR ALLIED PRODUCTS - PER LDC § 34-622(C)(6), GROUP II, LIMITED TO SOAPS, DETERGENTS, PERFUMES, COSMETICS, AND OTHER TOILET PREPARATIONS  
ELECTRICAL MACHINERY AND EQUIPMENT - PER LDC § 34-622(C)(11)  
FABRICATED METAL PRODUCTS - PER LDC § 34-622(C)(14) 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 - PER LDC § 34-622(C)(15), GROUP III  
LEATHER PRODUCTS - PER LDC § 34-622(C)(25), GROUP II  
LUMBER AND WOOD PRODUCTS - PER LDC § 34-622(C)(26), GROUP II  
MEASURING, ANALYZING AND CONTROLLING INSTRUMENTS - PER LDC § 34-622(C)(28)  
NOVELTIES, JEWELRY, TOYS AND SIGNS - PER LDC § 34-622(C)(29), ALL GROUPS  
PAPER AND ALLIED PRODUCTS - PER LDC § 34-622(C)(31), GROUPS II AND III, GROUP III LIMITED TO PAPER CONTAINERS AND BOXES  
RUBBER AND PLASTIC PRODUCTS - PER LDC § 34-622(C)(44), GROUP II  
STONE, CLAY, GLASS AND CONCRETE PRODUCTS - PER LDC § 34-622(C)(48), GROUP I (ONLY WHEN IN A COMPLETELY ENCLOSED BUILDING)  
TOBACCO PRODUCTS - PER LDC § 34-622(C)(51)  
TRANSPORTATION EQUIPMENT - PER LDC § 34-622(C)(52), GROUP I (LIMITED TO MOTOR VEHICLE PARTS AND ACCESSORIES, AIRCRAFT ENGINE PARTS, AND AIRCRAFT PARTS AND AUXILIARY EQUIPMENT)  
MEDICAL OFFICES  
MESSAGE ANSWERING SERVICE  
MINI-WAREHOUSE  
MOTION PICTURE PRODUCTION STUDIO  
NIGHTCLUBS - MUST MEET COMMERCIAL SITE LOCATION STANDARDS  
NONSTORE RETAILERS - PER LDC § 34-622(C)(30), ALL GROUPS  
PARCEL AND EXPRESS SERVICES  
PACKAGE STORE - LIMITED TO 1 ON THE ENTIRE MPD.  
PAINT, GLASS AND WALLPAPER



PARKING LOT - ACCESSORY, COMMERCIAL, TEMPORARY  
PERSONAL SERVICES - PER LDC § 34-622(C)(33), EXCLUDING ESCORT  
SERVICES, PALM READERS, FORTUNETELLERS, CARD READERS,  
AND TATTOO PARLORS.  
PET SERVICES - WHEN COMPLETELY ENCLOSED IN A BUILDING  
PHOTO FINISHING LABORATORIES  
PLANT NURSERY  
POST OFFICE  
PRINTING AND PUBLISHING - PER LDC § 34-622(C)(36)  
PROCESSING AND WAREHOUSING  
REAL ESTATE SALES OFFICE  
RECREATION FACILITIES: COMMERCIAL - PER LDC § 34-622(C)(38),  
GROUPS I, II, III, IV  
PERSONAL  
PRIVATE - ON SITE  
PRIVATE - OFF SITE  
RENTAL OR LEASING ESTABLISHMENTS - PER LDC § 34-622(C)(39),  
GROUPS I, II, III, & IV  
REPAIR SHOPS PER LDC § 34-622(C)(40) - ALL GROUPS,  
ALL OPERATIONS MUST BE WITHIN A FULLY ENCLOSED BUILDING.  
RESEARCH AND DEVELOPMENT LABORATORIES - PER LDC § 34-622(C)(30)  
- I, II, AND IV. EXCLUDING GROUP III (CHEMICAL).  
RESTAURANT, FAST FOOD - MUST BE LOCATED IN A MULTIPLE USE  
BUILDING OR IN AN IN-LINE CENTER. NO FREE STANDING FAST  
FOOD RESTAURANT IS PERMITTED.  
RESTAURANTS - PER LDC § 34-622(C)(43), GROUP III. GROUPS I AND II  
ONLY WHEN LOCATED IN A MULTIPLE-OCCUPANCY COMPLEX  
RETAIL AND WHOLESALE - WHEN CLEARLY INCIDENTAL AND  
SUBORDINATE TO A PERMITTED PRINCIPAL USE ON THE SAME  
PREMISES.  
SCHOOLS, COMMERCIAL  
SELF-SERVICE FUEL PUMPS - SEE CONDITION #25  
SIGNS IN ACCORDANCE WITH CHAPTER 30 - WITH APPROVED DEVIATIONS  
SOCIAL SERVICES PER LDC § 34-622(C)(30) - GROUPS I, II, AND III,  
EXCLUDING ANY RESIDENTIAL DWELLING UNITS (I.E. HALF WAY  
HOUSES AND GROUP HOMES)  
SPECIALTY RETAIL SHOPS - PER LDC § 34-622(C)(47), ALL GROUPS,  
EXCLUDING AMMUNITION, FIREARMS, HUNTERS EQUIPMENT  
STORAGE, INDOOR  
STORAGE, OPEN - ONLY FOR USES PERMITTED PER LDC § 34-3001 *ET*  
SEQ.; SEE ALSO CONDITIONS  
STORAGE, VEHICLES  
STUDIOS - PER LDC § 34-622(C)(49)  
TEMPORARY USES  
THEATER, INDOOR  
TRANSPORTATION SERVICES - PER LDC § 34-622(C)(53),  
GROUPS, II, III & IV  
TRUCK STOP, TRUCKING TERMINAL

USED MERCHANDISE - PER LDC § 34-622(C)(54) - ALL  
GROUPS; ALL USED MERCHANDISE AND OPERATIONS MUST BE  
CONTAINED WITHIN A FULLY ENCLOSED BUILDING  
VARIETY STORE  
VEHICLE AND EQUIPMENT DEALERS - PER LDC § 34-622(C)(5), ALL  
GROUPS  
WAREHOUSE, MINI WAREHOUSE, PRIVATE, PUBLIC  
WHOLESALE ESTABLISHMENTS - PER LDC SEC 34-622(C)(56),  
GROUPS I, II, III, IV

b. Site Development Regulations

Development Intensity

i. The approval will allow for one of the following two development scenarios:

a mix of industrial uses (up to 150,000 sf), office uses (up to 200,000 sf),  
commercial retail uses (up to 44,000 sf), and a hotel use (up to 150 rooms);

or

a mix of industrial uses (up to 150,000 sf), office uses (up to 295,000 sf),  
commercial retail uses (up to 44,000 sf), and no hotel uses.

ii. Uses may be converted between industrial, office, commercial retail, and  
hotel activities according to the following ratios (based on DRI thresholds)  
and according to the following restrictions.

a) Conversion Ratios

1,000 s/f industrial	=	125 sf commercial retail
1,000 s/f industrial	=	94 sf office
1,000 s/f commercial	=	8,000 sf industrial
1,000 s/f commercial	=	750 sf office
1,000 s/f office	=	10,665 sf industrial
1,000 s/f office	=	1,333 sf commercial retail

Land Area per Building Square Foot

One acre of commercial retail uses = not more than 8,000 sf

One acre of office uses = not more than 9,000 sf

One acre of industrial uses = not more than 10,000 sf

This limitation does not apply to the commercial parking structure  
referenced in Condition 24. This structure is limited by the lot  
coverage requirements.

- b) On each development order application, the developer must provide a cumulative land development summary table, indicating square footage, acreage, and number of hotel rooms for industrial, office, retail, and hotel uses to ensure that the project development parameters do not exceed DRI thresholds.
- c) The land use total may not exceed 100 percent of the applicable mixed use DRI thresholds outlined in Florida Statutes, §380.06, or 9J-2 F.A.C. The applicable DRI thresholds are those thresholds in effect at the time an application is submitted.

Minimum Lot Area Dimensions (all uses):

Area: 20,000 square feet  
Width: 100 feet  
Depth: 100 feet

Minimum Setbacks \*

\* All buildings must be set back a minimum of 25 feet from the perimeter of the entire Airport Crossings property.

Street: Consistent with LDC § 34-2192(a).  
Side: 10 feet  
Rear: 20 feet  
Water Body: 25 feet  
Accessory Uses: Consistent with LDC §§ 34-1171 & 34-2194, *et seq.*

Maximum Lot Coverage: 50 percent, except for long-term vehicular storage structure, which may be 75 percent.

Maximum Building Height:

Hotel, motel, and office uses - six stories/75 feet.

All other uses (except wireless communication facilities) limited to a maximum of 45 feet/three stories.

Buildings exceeding 35 feet in height must maintain additional building setbacks consistent with LDC § 34-2174(a).

Wireless communication facilities - Height governed by Condition 23 below.

Minimum Building Separation:

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

Open Space:

Prior to local development order approval, the development order plans must delineate a minimum of 16.05 acres of open space for the overall project, including a 9-acre wetland preserve in substantial compliance with the approved MCP. Individual lots must provide a minimum of 10 percent open space.

4. ENVIRONMENTAL CONDITIONS

- A. The developer must install a 15-foot wide buffer between the property line adjacent to Ben Hill Griffin Parkway extension and the internal frontage roadway consisting of a two-foot high berm with five (5) trees and 18 shrubs per 100 linear feet prior to issuance of a Certificate of Compliance for the industrial subdivision infrastructure development order. The buffer trees and shrubs must be native species planted on the Ben Hill Griffin side of the berm or on top of the berm. The trees must be canopy type trees (i.e., no palms). The buffer plantings may be clustered within 300 linear foot segments to allow design flexibility; and
- B. The developer must provide a 17.5-foot wide buffer (10 feet of which may be reserved as a public utility easement on the lots abutting the frontage road). The buffer must consist of five (5) trees per 100 linear feet and a 24-inch high double staggered hedge at time of planting. The hedge must be maintained at a minimum 36-inch height; and
- C. The developer must provide a 25-foot wide buffer along the north property line consisting of a four-foot high berm (3:1 slope) with 10 trees per 100 linear foot and a 48-inch high double staggered hedge at time of planting. The hedge must be maintained at a minimum 60-inch height. Required plantings must be located on the top of the berm or near the top of the berm on the north side of the berm. The buffer is to be installed with each lot.

5. ROADWAY ACCESS

All access points depicted on the MCP for the proposed Ben Hill Griffin Parkway Extension are consistent with the access spacing requirements established in the October 19, 1999 Memorandum of Understanding (MOU) between Alico, Inc. and the Lee County Port Authority. The MOU permitted adjustments to the location of access points based on an agreement of the parties. Access to the subject property was adjusted in response to concerns raised by the Port Authority.

6. DRAINAGE

In accordance with the October 19, 1999 MOU between Alico, Inc. and the Lee County Port Authority the owner of Airport Crossings agrees to execute permanent drainage easements within the completed Airport Crossings MPD surface water management system upon final certification of the system as complete. (See Exhibit "B" to this resolution.)

7. Noise sensitive land uses (including residential dwelling units, places of worship, libraries, schools, hospitals, correctional institutions, or nursing homes) are prohibited within the Airport Noise Overlay Zone 3.
8. Commercial buildings, especially hotel/motel facilities, located in Airport Noise Overlay Zone 3 must consider the use of sound insulating materials. Due to the potential noise levels within this zone, the developer may wish to consider the use of sound insulating features within the proposed office and commercial retail buildings as well.
9. Heliports and helistops may only be permitted after review and approval by the Florida Department of Transportation Aviation Office and the Lee County Port Authority.
10. Deleted at the public hearing.
11. The proposed development will be subject to the provisions of LDC § 34-1008, "Permit for Tall Structures." Depending on the height and location of the proposed structures, 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 proposed permanent buildings, wireless communication facilities, and temporary construction equipment (cranes).
12. Federal Communication Commission review will be required for any wireless communication facilities to ensure that signals from the wireless communication facilities do not interfere with navigation aids and radar at the Lee County Port Authority (and airport).
13. AIRPORT NOISE ZONE DISCLOSURE

Prior to the issuance of any building permit and to the extent the property or any portion of the property is located within 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, must execute and deliver to the Department of Community Development a statement containing substantially the same language as set forth in Exhibit C "Airport Noise Zone Disclosure Statement."

14. All industrial buildings and developments within Frontage Lots 3, 4, 5, and 6 must be in substantial compliance with the Airport Crossings Architectural Design Standards attached hereto as Exhibit D. Design standards and development must also comply with the LDC and this resolution.

15. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
16. 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), 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.
17. Accessory uses must be located on the same tract, parcel, or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel, or outparcel.

18. **BLASTING**

Development blasting is permitted only in areas identified as Proposed Areas of Blasting in Exhibit E to the extent the developer is able to comply with the provisions of Chapter 3 of the LDC, as it may be amended, including the 72-hour notification of blasting to the Lee County Port Authority.

19. All required buffers must utilize 100 percent native vegetation.

20. Excavated material may not be removed from the site.

21. **AGRICULTURAL USES**

Bona fide agricultural uses in the form of cattle grazing exist on this site. This use is allowed to continue only in strict compliance with the following:

- A. Bona fide agricultural uses that are in existence (cattle grazing) at the time this resolution is approved and as shown on Exhibit F 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 uses is prohibited. This prohibition is not intended to preclude County approved requests for the removal of exotic species.
- 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.

22. EXCAVATION & DEWATERING

- A. The Port Authority or their consultant must review the dewatering permit application and note whether the proposed activity will have a adverse impact on airport operations prior to permit issuance or the commencement of dewatering activity.
- B. If the Port Authority or their consultant determines that there will be no adverse impact to airport operations, then dewatering is permitted subject to the following conditions:
  - 1. The combined staff gauges and monitoring wells specified in the Environmental Resource Permit in the vicinity of Lake 3, SG-5, and two (2) additional monitoring locations SG-6 (north of Lake 3) and SG-7 (east of Lake 3) must be installed prior to initiation of lake excavation or dewatering (see Exhibit G - Memorandum dated October 21, 2004, from Rand Edelstein Jr. with attached figure).
  - 2. The recharge trench specified for a portion of the perimeter of Lake 3 shall be extended to encompass the entire western and northern edges and the northeastern edge of Lake 3 to provide protection for the adjoining wetlands (See Figure on Exhibit G).
  - 3. The developer must implement daily surface water and groundwater monitoring level monitoring at SG-5, SG-6, and SG-7 at least one day prior to initiation of dewatering activities and continue during dewatering operations.
  - 4. The daily surface water and groundwater level observations must be reported to the Division of Natural Resources on a weekly basis.
  - 5. If surface water levels decline by one foot or groundwater levels decline by one foot as a result of the developer's dewatering activities, all dewatering operations must be suspended immediately and the developer must notify the Division of Natural Resources within 24 hours.
  - 6. Following suspension of dewatering operations in response to adverse surface water or groundwater declines attributable to the project, the dewatering operations will be redesigned and the modifications approved by the Division of Natural Resources prior to resumption of any dewatering operation.
  - 7. If the developer's dewatering operations cannot be redesigned to eliminate the decline(s) in surface water or groundwater levels, no further dewatering operations will be allowed.
  - 8. Any additional conditions recommended by the Port Authority.

23. WIRELESS COMMUNICATION FACILITIES

- A. Freestanding wireless communication facilities (towers, including stealth type) are prohibited. However, other wireless communication facilities may be approved in accordance with LDC § 34-1441, et. seq.

24. COMMERCIAL PARKING LOT

- A. The following uses are accessory and subordinate uses to a commercial parking lot as follows:

1. AUTOMOTIVE REPAIR SERVICES, GROUP I, ONLY
2. CAR WASH
3. SELF-SERVICE FUEL PUMPS (See Condition #25)

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

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

C. SQUARE FOOTAGE CALCULATIONS/COMMERCIAL PARKING

1. If any principal use includes a parking garage or parking structure, that structure will be considered an accessory use to the principal use. The parking structure square footage will be calculated based on the same standard applied to the principal use. Surface parking or vehicular storage areas will not be counted as square footage.
2. 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 (such as a parking garage) will be deducted from the industrial square footage allowed/approved in accord with the attached MCP and this zoning resolution.
3. The ITE Trip Generation does not provide data for long-term car storage. Based on the current information available, the long-term car storage use is considered industrial. If the developer requests additional floor area or desires to adjust the ratio of industrial square footage to long-term storage after the long-term storage facility is constructed and operational, the developer has the option of performing a traffic analysis of the commercial vehicle storage facility to determine the actual trip generation rate.



The trip generation analysis must be submitted to the DCD Development Services Division and must include the following:

- (a) Traffic counts conducted at all driveways leading to and from the commercial parking structure for a period not less than three (3) consecutive weekdays. The traffic counts must be conducted during the months of February or March to determine the peak season usage of the commercial parking structure. Operators of the facility will be consulted as to the peak months of operation. The facility must be open a minimum of 60 days before conducting any surveys. The twenty-four hour machine count will be summarized in tabular form.
  - (b) The average weekday P.M. peak-hour trip generation will be determined from the three-day count.
  - (c) The P.M. peak-hour trip generation will be analyzed to determine that an industrial land use of similar size to the parking facility does not generate similar P.M. peak-hour trips as does a commercial parking structure (i.e., an 80,000 sf commercial parking facility does not generate the same number of trips as 80,000 sf of industrial use).
25. No retail sale of gasoline is permitted on the property. However, self-service fuel pumps are permissible as an accessory use to a business that provides fuel for their own fleet of vehicles/equipment and to customers of the commercial parking lot, limited to a maximum of two pumps per lot. Additional pumps will require special exception approval.
26. The MCP must be corrected to show "Terminal Access Road" as a collector road.
27. The applicant, the County, and FPL are working together to locate the FPL termination cabinets on the property, which may require the granting of an easement. The project's berm and landscaping can be located within this easement, and the berm and landscaping will be adjusted to incorporate the cabinets.

**SECTION C. DEVIATIONS:**

1. Deviation 1 requests relief from the LDC § 30-153(2)a. 4. requirement that relates to permanent signs in commercial and industrial areas. Identification signs must be set back a minimum of 15 feet from any street right-of-way or easement and 10 feet from any property line. In no case may an identification sign be permitted between a collector or arterial street and a frontage road, to allow for a "V" shaped sign in each of the two "jug handle areas" between the arterial and local/frontage road. This deviation is APPROVED, SUBJECT TO the following conditions:
  - a. Limited to the locations shown on the approved MCP.

- b. The developer must submit a unified signage, landscaping, and design plan for staff review at the time of local development order application.
  - c. All signs must be consistent with LDC Chapter 30, including provisions for height, setbacks, and square footage.
  - d. Each sign is allowed a maximum of 200 square feet for sign area, and the total for the two signs may not exceed 300 square feet in sign area.
  - e. Signs are limited to 15 feet in height.
2. Deviation 2 - WITHDRAWN
3. Deviation 3 - WITHDRAWN
4. Deviation 4 seeks relief from the LDC § 30-94(h) requirement to permit a maximum 30 degree interior angle for Double Faced Signs; to allow two ground-mounted 200 square-foot V-shaped double-faced subdivision identification signs, limited to 15 feet in height with interior angles of 45 to 90 degrees. This deviation is APPROVED, SUBJECT TO the following conditions:
  1. Limited to the locations shown on the approved MCP.
  2. The developer must submit a unified signage, landscaping, and design plan for staff review at the time of local development order application.
  3. All signs must be consistent with LDC Chapter 30, including provisions for height, setbacks, and square footage.
  4. Each sign is allowed a maximum of 200 square feet for sign area, and the total for the two signs cannot exceed 300 square feet in sign area.
  5. Signs are limited to 15 feet in height.
5. Deviation 5 seeks relief from the LDC § 34-329(d)(1)a.3. requirement regarding minimum setbacks from water retention/detention excavations so as to allow the water retention/detention excavations at the northeast corner of the development to be not less than 25 feet from the property line without the need to request an administrative deviation. This deviation is APPROVED.
6. Deviation 6 seeks relief from the LDC § 10-329(d)(4) requirement regarding excavation slope requirements to allow a bulkhead to be placed at the edge of an excavation (with a 0:1 slope) instead of the required 4:1 slope, and relief from LDC § 10-418 to allow for an unnatural shoreline in the form of a bulkhead on a small portion of stormwater ponds delineated on the MCP. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. If bulkheads are to be used as depicted on the MCP, the developer must provide a compensatory littoral zone equivalent to the linear footage of the bulkhead within the lake. The compensatory littoral zone must have an 8:1 slope with the control elevation set to hold a minimum of three inches of water during the dry season. Littoral plantings must be calculated as two herbaceous plants per linear foot of lake shoreline, and 50 percent of the littoral plants must be native wetland trees (minimum three-gallon size; one tree is equivalent to 10 herbaceous plants) with the littoral plantings concentrated within the compensatory littoral zone area. The compensatory littoral zone must be adjacent to a preservation area. The development order plans must delineate the location and cross-section of the compensatory littoral zone on the landscape and paving and grading plans.
  - b. Provision must be made for wayward vehicles during the development order process.
7. Deviation 7 seeks relief from the LDC § 34-2194 requirement to permit a minimum 25-foot setback from water bodies to allow a zero-foot setback at the bulkhead on Lot 1 for the following uses only: hotels; health club or spa; offices; restaurants, all groups; bar or cocktail lounge; cultural facilities; and banks and financial institutions. Additional uses that may be considered for a zero-foot water body setback on a case-by-case basis through the administrative amendment process include the following: Administrative office for any permitted use and Business Services, Group I. 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: Memorandum of Understanding
- Exhibit C: Airport Noise Zone Disclosure Statement
- Exhibit D: Airport Crossings Architectural Design Standards
- Exhibit E: Areas of Proposed Blasting
- Exhibit F: Bona fide Agricultural Uses Affidavit
- Exhibit G: Substantive Review Comments from Natural Resources Management dated October 21, 2004
- Exhibit H: Zoning Map (subject parcel identified with shading)
- Exhibit I: Master Concept Plan revision date March 11, 2005 (3-14-05), date stamped received March 17, 2005

The applicant indicated that the STRAP number for the property is: 02-46-25-00-00001.0070.

**SECTION E. FINDINGS AND CONCLUSIONS:**

1. The applicant has proven entitlement to the MPD rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.
2. The MPD zoning, as conditioned:

- a. meets or exceeds the 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 the site 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 approval of the MPD rezoning request 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 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 Janes, and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammy Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 31<sup>st</sup> day of January 2005.

ATTEST:  
CHARLIE GREEN, CLERK

BY: *Ana L. Peice*  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *[Signature]*  
Chairman

Approved as to form by:

*Donna Marie Collins*  
Donna Marie Collins  
County Attorney's Office



RECEIVED  
MINUTES OFFICE  
*lp*  
2005 MAR 24 AM 10:15

EXHIBIT A  
LEGAL DESCRIPTION  
Property located in Lee County, FL  
Page 1 of 3

DESCRIPTION

A PARCEL OF LAND BEING A PART OF SECTION 2, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SECTION 2; THENCE NORTH  $01^{\circ}02'30''$  WEST ALONG THE WEST LINE OF SAID SECTION 2, A DISTANCE OF 50.00 FEET TO A POINT AT THE NORTH RIGHT OF WAY LINE OF ALICO ROAD (BEING 50 FEET FROM THE CENTERLINE); THENCE SOUTH  $89^{\circ}42'18''$  EAST ALONG SAID NORTH LINE, A DISTANCE OF 2009.62 FEET TO A POINT AT THE EASTERLY RIGHT OF WAY LINE OF BEN HILL GRIFFIN PARKWAY EXTENDED SOUTH; THENCE NORTH  $00^{\circ}17'32''$  EAST ALONG SAID EASTERLY RIGHT OF WAY LINE (BEING 89 FEET FROM THE CENTERLINE), A DISTANCE OF 650.00 FEET; THENCE NORTH  $89^{\circ}42'28''$  WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 14.00 FEET; THENCE NORTH  $00^{\circ}17'32''$  EAST ALONG SAID EASTERLY RIGHT OF WAY LINE (BEING 75 FEET FROM THE CENTERLINE), A DISTANCE OF 232.03 FEET TO A POINT OF A CURVE; THENCE NORTHERLY ALONG SAID CURVE TO THE LEFT AND ALONG SAID EASTERLY RIGHT OF WAY LINE, HAVING A RADIUS OF 6074.11 FEET, A DELTA OF  $17^{\circ}51'00''$ , A CHORD BEARING OF NORTH  $08^{\circ}37'58''$  WEST, A CHORD DISTANCE OF 1884.69 FEET, AN ARC DISTANCE OF 1892.34 FEET TO THE POINT OF TANGENCY; THENCE NORTH  $17^{\circ}33'28''$  WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 215.06 FEET TO A POINT OF A CURVE; THENCE NORTHERLY ALONG SAID CURVE TO THE RIGHT AND ALONG SAID EASTERLY RIGHT OF WAY LINE, HAVING A RADIUS OF 5921.30 FEET, A DELTA OF  $14^{\circ}19'53''$ ; A CHORD BEARING OF NORTH  $10^{\circ}23'31''$  WEST, A CHORD DISTANCE OF 1477.25 FEET, AN ARC DISTANCE OF 1481.10 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTHERLY ALONG SAID CURVE TO THE RIGHT AND ALONG SAID EASTERLY RIGHT OF WAY LINE, HAVING A RADIUS OF 5921.30 FEET, A DELTA OF  $03^{\circ}09'29''$ , A CHORD BEARING OF NORTH  $01^{\circ}38'50''$  WEST, A CHORD DISTANCE OF 326.32 FEET, AN ARC DISTANCE OF 326.36 FEET TO A POINT OF TANGENCY; THENCE NORTH  $00^{\circ}04'06''$  WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 1796.42 FEET TO A POINT AT THE NORTH LINE OF THE NORTHWEST  $\frac{1}{4}$  OF SAID SECTION 2; THENCE NORTH  $89^{\circ}21'01''$  EAST ALONG SAID NORTH LINE, A DISTANCE OF 1147.37 FEET TO THE NORTH QUARTER CORNER OF SAID SECTION 2; THENCE NORTH  $89^{\circ}20'54''$  EAST ALONG THE NORTH LINE OF THE NORTHEAST  $\frac{1}{4}$  OF SAID SECTION 2, A DISTANCE OF 528.62 FEET TO A POINT ON A LINE THAT IS PERPENDICULAR TO THE SOUTH LINE OF SAID SECTION 2; THENCE SOUTH  $00^{\circ}17'42''$  WEST ALONG SAID PERPENDICULAR LINE, A DISTANCE OF 2471.39 FEET; THENCE NORTH  $21^{\circ}57'19''$  WEST, A DISTANCE OF 31.98 FEET; THENCE NORTH  $27^{\circ}27'05''$  WEST, A DISTANCE OF 36.70 FEET; THENCE NORTH  $34^{\circ}02'32''$  WEST, A DISTANCE OF 51.14 FEET; THENCE NORTH  $24^{\circ}48'03''$  WEST, A DISTANCE OF 28.87 FEET; THENCE NORTH  $58^{\circ}31'25''$  WEST, A DISTANCE OF 41.25 FEET; THENCE NORTH  $63^{\circ}09'23''$  WEST, A DISTANCE OF 47.90 FEET; THENCE NORTH  $54^{\circ}46'55''$  WEST, A DISTANCE OF 58.27 FEET; THENCE NORTH  $66^{\circ}58'27''$  WEST, A DISTANCE OF 53.76 FEET; THENCE NORTH  $59^{\circ}59'03''$  WEST, A DISTANCE OF 48.88 FEET; THENCE NORTH  $42^{\circ}19'00''$  WEST, A DISTANCE OF 53.14 FEET; THENCE NORTH  $47^{\circ}42'24''$  WEST, A DISTANCE OF 43.29 FEET; THENCE NORTH  $47^{\circ}47'29''$  WEST, A DISTANCE OF 117.34 FEET TO A POINT OF A CURVE; THENCE NORTHWESTERLY ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 150.00 FEET, A DELTA OF  $42^{\circ}55'58''$ , A CHORD BEARING OF NORTH  $69^{\circ}15'28''$  WEST, A CHORD DISTANCE OF 109.79 FEET, AN ARC DISTANCE OF 112.40 FEET TO THE POINT OF TANGENCY; THENCE SOUTH  $89^{\circ}16'33''$  WEST, A DISTANCE OF 485.00 FEET TO A POINT OF A CURVE;

SHEET 1 OF 2

DCI 2004-00030

RECEIVED  
MAY 11 2004

PERMIT COUNTER

EXHIBIT A  
Page 2 of 3

THENCE WESTERLY ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, A DELTA OF 29°22'52", A CHORD BEARING OF SOUTH 74°35'07" WEST, A CHORD DISTANCE OF 253.60 FEET, AN ARC DISTANCE OF 256.40 FEET TO A POINT OF A REVERSE CURVE; THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 200.00 FEET, A DELTA OF 28°16'48", A CHORD BEARING OF SOUTH 74°02'05" WEST, A CHORD DISTANCE OF 97.72 FEET, AN ARC DISTANCE OF 98.72 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 88°10'29" WEST, A DISTANCE OF 284.09 FEET TO THE POINT OF BEGINNING. CONTAINING 80.84 ACRES MORE OR LESS.

THE BEARINGS ARE BASED ON THE SOUTH LINE OF SAID SECTION 2, BEING SOUTH 89°42'18" EAST AS ASSUMED MERIDIAN.

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

**Applicant's Legal Checked**

by *[Signature]* 7/02/04.

\_\_\_\_\_  
DONALD D. SMITH, P.S.M.  
FLORIDA REGISTRATION NO. 4078  
DATE SIGNED: \_\_\_\_\_

SHEET 2 OF 2

**RECEIVED**  
MAY 11 2004

**PERMIT COUNTER**

DCI2004-00030





**RECEIVED**  
JUL 09 2004

EXHIBIT B  
19 Pages

OCI 2004-00035

Lee County Contract \_\_\_\_\_

**PERMIT COUNTER  
MEMORANDUM OF UNDERSTANDING**

THIS MEMORANDUM OF UNDERSTANDING is made and entered into this 19<sup>th</sup> day of October, 1999, by and between Alico, Inc., a Florida corporation, whose address is Post Office Box 338, 640 S. Main Street, LaBelle, Florida 33935 ("Alico"), and the Lee County Port Authority, a special district and political subdivision of the State of Florida, whose address is 16000 Chamberlin Parkway, Suite 8671, Fort Myers, Florida, 33913 ("Port Authority").

WHEREAS, the purpose of this Memorandum of Understanding (hereafter "MOU") is to provide a formal mechanism as to the understanding of certain issues related to the extension of Ben Hill Griffin Parkway from Alico Road to Daniels Parkway and connecting to the Southwest Florida International Airport ("Airport"); and

WHEREAS, the Port Authority has agreed to construct the road, at Port Authority's expense, from Alico Road north to the existing airport property boundary; and

WHEREAS, Alico has agreed to donate the right-of-way corridor through its property to accommodate the ultimate six-lane cross section; and

WHEREAS, the proposed roadway is an integral link in the area's transportation network and will provide access to the airport and areas north from the arterial roadway system; and

WHEREAS, the roadway corridor is consistent with the Lee County Metropolitan Planning Organization's 2020 Long-Range Transportation Plan; and

WHEREAS, the roadway corridor is consistent with the Lee County Comprehensive Plan Transportation Element; and

WHEREAS, this MOU provides a benefit to the Port Authority and to Alico, and to the general public by allowing the construction of the preferable access to the Southwest Florida International Airport.

WITNESSETH:

NOW, THEREFORE, in consideration of Ten Dollars and No Cents (\$10.00) and other good and valuable consideration exchanged between the parties, the receipt and sufficiency of which is mutually acknowledged, and in consideration of the covenants contained herein, the parties agree as follows:

1. Alico shall donate a road right-of-way corridor of 150 feet wide, from a point 650 feet north of Alico Road to the current Alico, Inc./Port Authority boundary, a distance of approximately 5,850 feet. Alico shall further donate a road right-of-way corridor 200 feet wide from Alico Road to a point 650 feet north of the northerly right-of-way line of Alico Road to accommodate expanded turnlane features. The legal description for the right of way is set forth on the attached Exhibit "A", which is attached hereto and made a part hereof. If adjustments to the right-of-way are necessary or desirable for permitting reasons, Port Authority shall confer with Alico, or if Alico has sold the property Alico's successors in interest, regarding those changes. Alico, or its successors in interest, has the right to decline to accept the adjustments if the change has a negative impact on Alico or its successors in interest. The right-of-way cannot be shifted in a manner which, for environmental reasons, would preclude Alico, or its successor(s) in interest from gaining access to its property on both sides of the right-of-way.

2. Alico must convey the right-of-way within five business days after the acceptance and execution of this agreement. Alico will convey a quitclaim deed under threat of condemnation. Port Authority will be responsible for all documentary stamps, title insurance and other costs associated with the transfer of the property and the recordation of the deed. Each party will be responsible for its attorney's fees associated with this agreement and transaction.

3. Port Authority shall be responsible for the design, permitting, mitigation, and construction of roadway within the dedicated right-of-way. The roadway cross section shall be designated as an urban four-lane divided highway, expandable to six lanes. The initial construction shall be a four-lane divided cross section.

4. To the extent permitted by the South Florida Water Management District, Alico shall provide land for the conveyance, treatment, and attenuation of stormwater from that portion of the roadway described in Exhibit "A" an adjacent land owned by Alico (the "Roadway Drainage System").

5. The Roadway Drainage System shall be incorporated as part of the roadway design, subject to prior approval by Alico, such approval not to be unreasonably withheld. Prior approval means the plan and design documents must be submitted to Alico for its approval prior to submission to the SFWMD. Prior approval must be obtained for modifications to the plans which have been reviewed and approved by Alico. Approval will not be unreasonably withheld.

6. Once the Roadway Drainage System is constructed by Port Authority, appropriate temporary easements will be recorded by Alico over the Roadway Drainage System. The temporary easement must be consistent with the Lee County Land Development Code (LCLDC). The temporary easements may be relocated by Alico, at its sole discretion. Alico shall bear all costs of such Roadway Drainage System relocation, including but not limited to, additional land costs, additional permitting costs, engineering and design costs, and all mitigation costs imposed by

**RECEIVED**  
JUL 09 2004

DCI 2004-00035

PERMIT COUNTER

any agency having jurisdiction over stormwater management on the Alico property. All fill generated outside of the right-of-way by virtue of the Port Authority's construction of the temporary water management system shall be placed on Alico lands and shall remain Alico's property. The fill shall not become the property of Port Authority. Alico's stormwater management system must be designed to accommodate the drainage from the ultimate six-lane cross section design of the roadway.

7. The parties agree that the access shall be as identified on the attached Exhibit "B". The first directional median cut north of Alico Road must be a minimum of 800 feet north of the centerline of Alico Road, and as far north as possible. The limiting factor for this directional median cut is the location of the cypress wetlands, the directional median shall not be located where the connection to the directional median cut will require dredge and fill permits for cypress wetlands. If there are documented public safety issues regarding the first directional median cut north of Alico Road, Port Authority, or its designee LCDOT, has the right to close all or a portion of the median cut or make any other adjustments deemed necessary to address the safety concern. Prior to making any adjustments to the median, Port Authority, or its designee LCDOT, must document the public safety problem to Alico, or its successor in interest. No adjustments to, or elimination of, the access points and median cuts identified on the attached "B" can be made without the prior approval of Alico. If the parties disagree on the extent of the safety problem, or the access adjustments, the matter shall be scheduled for a decision by the Board of Port Commissioners. Alico, or its successor, are entitled to a right-in/right-out access point if the directional median is closed.

8. The northern most access point will be a directional median opening. If Lee County Department of Transportation (LCDOT) determines that the location conflicts with the proposed intersection with the entrance road to the Mid-Field terminal, the LCDOT or Port Authority will modify the access management plan (Exhibit B) by relocating the approved median openings consistent with best engineering practices. In the event that the approved number of median openings can not be accommodated by relocating the median opening, the LCDOT or Port Authority will undertake the design, permitting mitigation, and construction of a parallel roadway that will provide for the flow of traffic from the northernmost full median cut to the upland parcel located east of the roadway south of the Port Authority property line.

9. There will be three full median cuts as identified on "Exhibit B". (Four directional openings shall be allowed.) The directional median cuts (allowing movement in both an east and west direction) will be in the location identified on "Exhibit B".

10. Port Authority will be responsible for the mitigation required for any cumulative and secondary impacts associated with the construction within the right-of-way and drainage easements for the roadway. Alico, its successors or assigns, will be responsible for the mitigation required for any cumulative and secondary impacts associated with the development of lands currently owned by Alico adjacent to the corridor.

**RECEIVED**  
JUL 09 2004

DCI 2004-00035

PERMIT COUNTER

11. The Lee County Port Authority Staff will recommend to the Lee County Port Authority Board/County Commission that the roadway be named the "Ben Hill Griffin Parkway."

12. If construction of the roadway has not commenced within three years of the date of execution of this Memorandum, this Memorandum shall expire. The agreement may be extended only by mutual written consent of the parties. Once construction is commenced, it must continue in a reasonable manner. Construction will begin at the southern part of the roadway, the connection with Alico Road. If the roadway construction has not commenced within three years, and if the agreement is not extended by mutual written agreement of the parties, the right-of-way and temporary easements dedicated to the Port Authority by virtue of this Memorandum of Understanding shall revert back to Alico. If the property reverts back to Alico due to a failure to commence within three years, the Port Authority must take any steps which are necessary to deliver Alico clear title to the property. If construction of the road is not completed within sixteen (16) months after commencement then Port Authority shall advise Alico of the delay and the reasonable basis for the delay. If Alico does not concur that the rationale for the delay is reasonable, the Alico shall request the matter to be scheduled before the Board of Port Commissioners for consideration. The matter shall be scheduled before the Board of Port Commissioners within twenty-one (21) days after the submission of the written request to the executive director of the Port Authority or the Director of the Department of Public Works.

13. This memorandum of understanding will be binding and inure to the benefit of Alico and the Port Authority's successors, assigns, and designees.

DCI 2004-00035

RECEIVED  
JUL 09 2004

PERMIT COUNTER

IN WITNESS WHEREOF, the parties to the Memorandum of Understanding have hereunto set their hands and seals and have executed this agreement the day and year first above written.

ALICO, INC.,  
A FLORIDA CORPORATION

By: [Signature]

BOARD OF PORT COMMISSIONERS  
LEE COUNTY, FLORIDA

By: [Signature]  
Chairman or Vice Chairman

ATTEST: CHARLIE GREEN  
Clerk of the Circuit Court

By: [Signature]  
Deputy Clerk

APPROVED AS TO FORM

By: [Signature]  
Port Authority Attorney's Office

DCI 2004-00035

RECEIVED  
JUL 09 2004

PERMIT COUNTER

**WilsonMiller**

New Directions in Planning, Design & Engineering

DCI 2004-00035

**RECEIVED**  
JUL 09 2004

PERMIT COUNTER

**Exhibit "A"**  
**Description of Ben Hill Griffin Parkway**  
**North of Alico Road**  
**Being a Part of Section 2, Township 46 South, Range 25 East,**  
**Lee County, Florida**

A tract or parcel of land being part of the Section 2, Township 46 South, Range 25 East, Lee County, Florida described as follows:

Commencing at the Southwest corner of Section 2; thence along the West line of said Section 2; N.01°05'14"W. for 50.00 feet to the North right of way of Alico Road (an existing 100 feet wide right of way); thence along said Northerly right-of-way line, S.89°42'18"E. for 1759.65 feet to a point of curvature and the Point of Beginning;

Thence 78.54 feet along the arc of a tangent circular curve concave to the northwest, having a radius of 50.00 feet, through a central angle of 90°00'10" and being subtended by a chord which bears N.45°17'37"E. for 70.71 feet to the point of tangency; thence N.00°17'32"E. for 549.99 feet; thence S.89°42'28"E. for 36.00 feet; thence N.00°17'32"E. for 282.03 feet to a point of curvature; thence 1845.60 feet along the arc of a tangent circular curve concave to the west, having a radius of 5924.11 feet, through a central angle of 17°51'00" and being subtended by a chord which bears N.08°37'58"W. for 1838.15 feet; thence N.17°33'28"W. for 215.06 feet to a point of curvature; thence 1853.25 feet along the arc of a tangent circular curve to the east, having a radius of 6071.30 feet, through a central angle of 17°29'22" and being subtended by a chord which bears N.08°48'47"W. for 1846.07 feet; thence N.00°04'06"W. for 1795.01 feet to the Northerly line of said Section 2; thence N.89°20'22"E. along said Section line for 150.01 feet; thence departing from said Section line, S.00°04'06"E. for 1796.56 feet; thence 1807.47 feet along the arc of a tangent circular curve concave to the east, having a radius of 5921.30 feet, through a central angle of 17°29'22" and being subtended by a chord which bears S.08°48'47"E. for 1800.46 feet; thence S.17°33'28"W. for 215.06 feet to a point of curvature; thence 1892.34 feet along the arc of a tangent circular curve concave to the west, having a radius of 6074.11 feet, through a central angle of 17°51'00" and being subtended by a chord which bears S.08°37'58"E. for 1884.69 feet; thence S.00°17'32"W. for 282.03 feet; thence S.89°42'28"E. for 14.00 feet; thence S.00°17'32"W. for 550.01 feet to a point of curvature; thence 78.54 feet along the arc of a tangent circular curve concave to the northeast, having a radius of 50.00 feet, through a central angle of 89°59'50" and being subtended by a chord which bears S.44°42'23"E. for 70.71 feet to a point of cusp and the North right-of-way line of said Alico Road; thence N.89°42'18"W. along said North right-of-way for 300.00 feet to the Point of Beginning.

Parcel contains 23.414 acres, more or less;

Subject to easements, restrictions, reservations and rights-of-way of record;

Bearings are assumed and based on the south Section line, Section 3, Township 46 South, Range 25 East, as being S.89°22'23"E.

WilsonMiller, Inc.

*Alan W. Sadowski*

9-17-99

Alan W. Sadowski, Professional Surveyor & Mapper  
Florida Registration No. LS4800

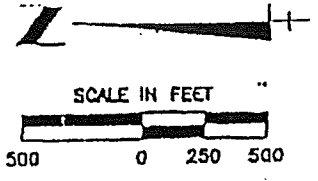
Date

Not valid unless embossed with the Professional's seal.  
W.O. : F0253-009-005-LSSLD Ref B-0253-157 Rev: September 17, 1999

Naples • Fort Myers • Sarasota • Bradenton • Tampa

4571 Colonial Boulevard, Suite 100 • Fort Myers, Florida 33912-1062 • 841-939-1020 • 941-939-7479

www.wilsonmiller.com



N.03°04'06"W. 1796.56'  
 S.00°04'06"E. 1795.01'

**LINE TABLE**

Line	Bearing	Distance
L1	N.00°17'32"E	232.03'
L2	N.89°42'28"W	36.00'
L3	N.00°17'32"E	599.99'
L4	N.00°17'32"E	600.01'
L5	S.89°42'28"E	14.00'
L6	N.00°17'32"E	232.03'
L7	S.89°42'18"E	300.00'
L8	N.17°33'28"W	215.06'
L9	N.17°33'28"W	215.06'
L10	N.89°20'22"E	150.01'
L11	N.01°05'14"W	50.00'

**CURVE TABLE**

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	6071.30'	1729°22'	1853.25'	933.89'	1846.07'	N.08°48'47"W
2	5924.11'	1751°00'	1845.60'	930.34'	1838.15'	S.08°37'58"E
3	50.00'	90°00'10"	78.54'	50.00'	70.71'	S.45°17'37"W
4	6074.11'	1751°00'	1892.34'	953.90'	1881.69'	S.08°37'58"E
5	50.00'	89°59'50"	78.54'	50.00'	70.71'	N.44°42'23"W
6	5921.30'	1729°22'	1807.47'	910.82'	1800.16'	N.08°48'47"W

PROPOSED BEN HILL GRIFFIN PARKWAY

PARCEL C

PARCEL B

OUT PARCEL NOT INCLUDED

OUT PARCEL NOT INCLUDED

PARCEL A

POINT OF BEGINNING

NOTE: DIMENSIONS ARE IN FEET AND DECIMAL PORTION. SUBJECT TO EASEMENTS, RESERVATIONS AND RECORDATIONS OF RECORD. DIMENSIONS SHOWN HEREON ARE BASED ON AERIAL PHOTOGRAPHY TAKEN FROM THE WESTERN SECTION LINE, SECTION 2, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. AS BEING UNRELIABLE.

OUT PARCEL NOT INCLUDED

POINT OF COMMENCEMENT  
 SOUTHWEST CORNER OF SECTION 2, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

THE ASSURANCE AND AGREEMENT BY  
*Alison Miller*  
 LAND SURVEYOR, STATE OF FLORIDA

NOT VALID UNLESS SIGNED BY THE SURVEYOR AND REGISTERED WITH THE SURVEYOR BOARD OF FLORIDA.

SEE ATTACHED FOR LEGAL DESCRIPTION

EXISTING RIGHT-OF-WAY LINE OF I-75  
 I-75  
 \* SKETCH ONLY. THIS IS NOT A SURVEY \*

ALICO, INC. PO BOX 330, LABELLE, FL 33975			
NO.	DATE	BY	CHK.
1223	MDH	8/17/99	

**WILSON MILLER**  
 FLORIDA ENVIRONMENTAL & CONSTRUCTION ENGINEERS  
 SURVEYING, LANDSCAPE ARCHITECTURE & CONSTRUCTION MANAGEMENT  
 WILSON MILLER EASTMAN & PACE, INC.  
 1971 Central Boulevard, Suite 104, Fort Myers, Florida 33901 (813) 938-3111  
 Fax: (813) 938-3111 www.wilsonmiller.com E-mail: info@wilsonmiller.com

DATE	VERTICAL SCALE	HORIZONTAL SCALE	YEAR	DAY	HRG	INSTR	NO.
8/17/99	1" = 500'	N/A	3	48	25		

TITLE SKETCH OF DESCRIPTION PROPOSED BEN HILL GRIFFIN PKWY. PART OF SECTION 2, TOWNSHIP 48 SOUTH RANGE 25 EAST, LEE COUNTY, FLORIDA			
TASK	PROJECT NO.	SHEET NUMBER	DRAWING NUMBER
LSSLO	F0253-009-005	1 of 1	B-0253-157

**RECEIVED**  
 JUL 09 2004

DCI 2004-00035

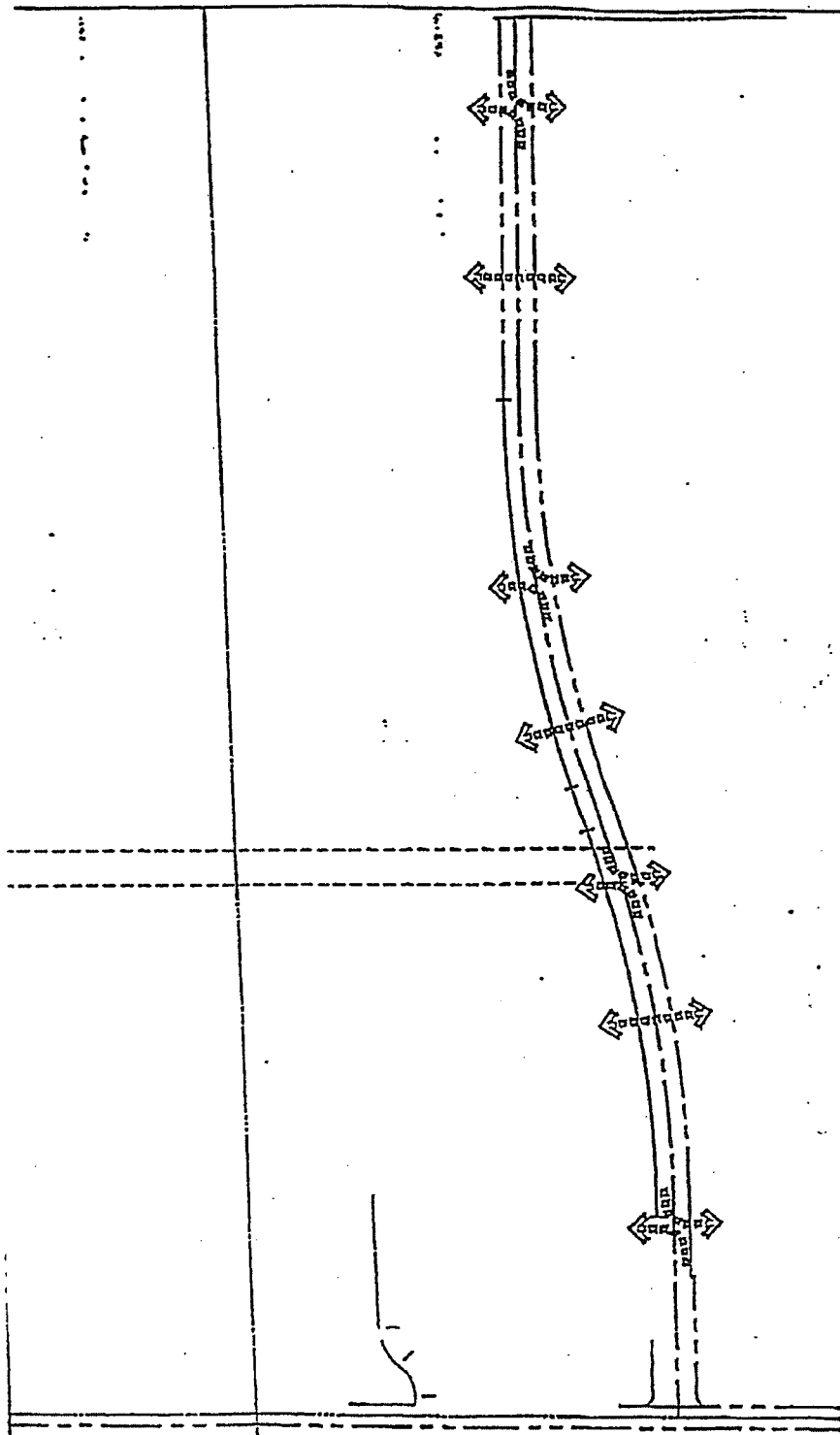
PERMIT COUNTER

**EXHIBIT B**  
**MEMORANDUM OF UNDERSTANDING,**  
**BEN HILL GRIFFIN PARKWAY**

**RECEIVED**  
 JUL 09 2004

PERMIT COUNTER

DCI 2004-00035



SCALE: 1"=800'

NOTE: WETLAND LINES ARE APPROXIMATE, INTERPRETED FROM AERIAL PHOTOGRAPHY

PROJECT: ALICO

APPLICANT:

**Wilson Miller**

Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

Wilson Miller, Inc.

Hialeah • Fort Myers • Sarasota • Bradenton • Tampa  
 3111 3rd Avenue West, #100 • Bradenton, Florida 34205-7234 • Phone 813-744-0700 • Fax 714-0600 • Web Site www.wilsonmiller.com

Wilson Miller, Inc. - FLA REG. # 1213

FLA. REG. #		DATE: 9/17/99	
COUNTY:	TWP:	NO.:	REV. NO.:
PROJECT NO.:	FILE NO.:		
FO253-000-000	A-0253-29		
DATE BY/CHK NO.:	SHEET NO.:		
KAC/1213	1 of 1		



ADDENDUM

1. During the negotiations between the Port Authority and Alco, Alco entered into contracts of purchase and sale to sell its holdings adjacent to the right-of-way.

2. Southwest Florida Equities Corporation, a Florida Corporation, and Thomas B. Garlick, Trustee are the contract purchasers of certain property owned by Alco. The contract purchasers have reviewed the terms and conditions of the above memorandum of understanding by and between Alco and the Port Authority and agree and acknowledge that they will be bound by the provisions thereof as contract purchasers if and when they take title to a portion of the property currently owned by Alco which lies to the east and to the west of the right-of-way described in Exhibit "A". Southwest Florida Equities Corporation, a Florida Corporation, and Thomas B. Garlick, Trustee do hereby accept all of the benefits, liabilities and responsibilities of Alco at the time title is obtained.

Summer Strick  
Witness

BY: [Signature]  
Southwest Florida Equities Corporation,  
a Florida Corporation

Donna M. Heffer  
Witness

BY: Thomas B. Garlick  
Thomas B. Garlick, Trustee

DCI 2004-00035

RECEIVED  
JUL 09 2004

PERMIT COUNTER

ADDENDUM

1. During the negotiations between the Port Authority and Alico, Alico entered into contracts of purchase and sale to sell its holdings adjacent to the right-of-way.

2. Southwest Florida Equities Corporation, a Florida Corporation, and Thomas B. Garlick, Trustee are the contract purchasers of certain property owned by Alico. The contract purchasers have reviewed the terms and conditions of the above memorandum of understanding by and between Alico and the Port Authority and agree and acknowledge that they will be bound by the provisions thereof as contract purchasers if and when they take title to a portion of the property currently owned by Alico which lies to the east and to the west of the right-of-way described in Exhibit "A". Southwest Florida Equities Corporation, a Florida Corporation, and Thomas B. Garlick, Trustee do hereby accept all of the benefits, liabilities and responsibilities of Alico at the time title is obtained.

*Sumner*

Witness

Witness

*[Signature]*

BY:

Southwest Florida Equities Corporation,  
a Florida Corporation

BY:

Thomas B. Garlick, Trustee

RECEIVED  
JUL 09 2004

PERMIT COUNTER

DCI 2004-00035

**WilsonMiller**  
New Directions In Planning, Design & Engineering

DCI 2004-00035

RECEIVED  
JUL 09 2004

Description of Parcel A  
44.49 Acres North of Alico Road  
Being a Part of Sections 2 and 3, Township 46 South, Range 25 East,  
Lee County, Florida

PERMIT COUNTER

A tract or parcel of land being part of the Sections 2 and 3, Township 46 South, Range 25 East, Lee County, Florida described as follows:

Commencing at the Southeast corner of Section 3; thence along the East line of said Section 3, North  $01^{\circ}05'14''$  West, 50.00 feet to the North right of way of Alico Road (100 feet wide right of way) and the Point of Beginning of the herein described tract or parcel of land.

From said Point of Beginning along said North right of way line, South  $89^{\circ}22'23''$  West, 1400.62 feet to the Easterly right of way line of Interstate Highway 75;  
Thence along said Easterly right of way line, North  $00^{\circ}38'28''$  West, 1353.60 feet;  
Thence continue along said Easterly right of way line North  $07^{\circ}29'02''$  West, 402.87 feet;  
Thence leaving said Easterly right of way line, North  $89^{\circ}54'40''$  East, 386.31 feet;  
Thence South  $02^{\circ}02'48''$  East, 373.78 feet;  
Thence South  $89^{\circ}22'23''$  East, 772.32 feet;  
Thence South  $01^{\circ}03'53''$  East, 1004.67 feet;  
Thence South  $89^{\circ}42'18''$  East parallel with and 400.28 feet North ( as measured at right angles ) of the South line of Section 3 for 851.48 feet to a point on a curve;  
Thence Southeasterly, 60.92 feet along the arc of a nontangential circular curve concave to the West, having a radius of 230.00 feet, through a central angle of  $15^{\circ}10'31''$  and being subtended by a chord which bears South  $08^{\circ}39'09''$  East, 60.74;  
Thence South  $89^{\circ}42'18''$  East parallel with and 340.28 feet North ( as measured at right angles ) of the South line of Section 3 for 144.00 feet;  
Thence South  $00^{\circ}17'42''$  West. 290.28 to the North right-of-way of Alico Road;  
Thence along the said Northerly right-of-way, North  $89^{\circ}42'18''$  East, 437.57 feet to the Point of Beginning of the tract or parcel of land herein described.

Parcel contains 44.49 acres, more or less;  
Subject to easements, restrictions, reservations and rights-of-way of record;  
Bearings are assumed and based on the south Section line, Section 3, Township 46 South, Range 25 East, as being North  $89^{\circ}22'23''$  West.

Prepared by:

WilsonMiller, Inc.



Alan W. Sadowski, Professional Surveyor & Mapper  
Florida Registration No. 4800  
Not valid unless embossed with the Professional's seal.

8-25-99  
Date

W.O.: F0253-009 -005 LSSLD REF.: C-0253-153 Date: June 10, 1999

# WilsonMiller

New Directions In Planning, Design & Engineering

## Description of Parcel B

18.86 Acres North of Alico Road

Being a Part of Section 2, Township 46 South, Range 25 East,  
Lee County, Florida

A tract or parcel of land being part of the Section 2, Township 46 South, Range 25 East, Lee County, Florida described as follows:

Commencing at the Southwest corner of Section 2; thence along the West line of said Section 2, North  $01^{\circ}05'14''$  West, 50.00 feet to the North right of way of Alico Road (100 feet wide right of way); Thence along said Northerly right-of-way line, South  $89^{\circ}42'18''$  East, 786.72 feet to the Point of Beginning of the herein described tract or parcel of land.

From said Point of Beginning, leaving said Northerly right-of-way line, North  $00^{\circ}17'42''$  East, 39.82 feet to a point of curvature;

Thence Northwesterly, 209.41 feet along the arc of a tangential circular curve concave to the Southwest, having a radius of 230.00 feet through a central angle of  $52^{\circ}10'02''$  and being subtended by a chord which bears North  $25^{\circ}47'19''$  West, 202.25 feet to a point of reverse curvature;

Thence Northwesterly, 150.75 feet along the arc of a tangential circular curve concave to the Northeast, having a radius of 170.00 feet through a central angle of  $50^{\circ}48'27''$  and being subtended by a chord which bears North  $26^{\circ}28'07''$  West, 145.86;

Thence North  $01^{\circ}03'53''$  West, 405.49 feet;

Thence South  $89^{\circ}42'18''$  East parallel with and 807.08 feet North ( as measured at right angles ) of the South line of Section 2 for 1223.13 feet to the West right-of-way line of the Proposed Ben Hill Griffin Parkway;

Thence along said West right-of-way line, South  $00^{\circ}17'32''$  West, 107.08 feet;

Thence North  $89^{\circ}42'28''$  West, 36.00 feet;

Thence South  $00^{\circ}17'32''$  West, 350.02 feet;

Thence North  $89^{\circ}42'18''$  West parallel with and 349.98 feet North ( as measured at right angles ) of the South line of Section 2 for 145.14 feet;

Thence South  $00^{\circ}17'32''$  West, 299.98 feet to the Northerly right-of-way-line of Alico Road;

Thence along said Northerly right-of-way line, North  $89^{\circ}42'18''$  West, 877.80 feet to the Point of Beginning of the tract or parcel of land herein described.

Parcel contains 18.86 acres, more or less;

Subject to easements, restrictions, reservations and rights-of-way of record;

Bearings are assumed and based on the south Section line, Section 3, Township 46 South, Range 25 East, as being North  $89^{\circ}22'23''$  West.

Prepared by:

DCI 2004-00035

WilsonMiller, Inc.

*Alan W. Sadowski*

9-20-99

Alan W. Sadowski, Professional Surveyor & Mapper  
Florida Registration No. 4800

Date

Not valid unless embossed with the Professional's seal.

RECEIVED  
JUL 09 2004

PERMIT COUNTER

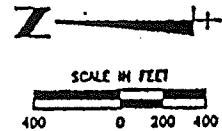
W.O.: F0253-009 -005 LSSLD REF.: C-0253-153 Date: June 10, 1999 REV.: September 17, 1999

Haples Fort Myers Sarasota Bradenton Tampa

4571 Colonial Boulevard, Suite 100 Fort Myers, Florida 33912-1062 941-939-1020 941-939-7479

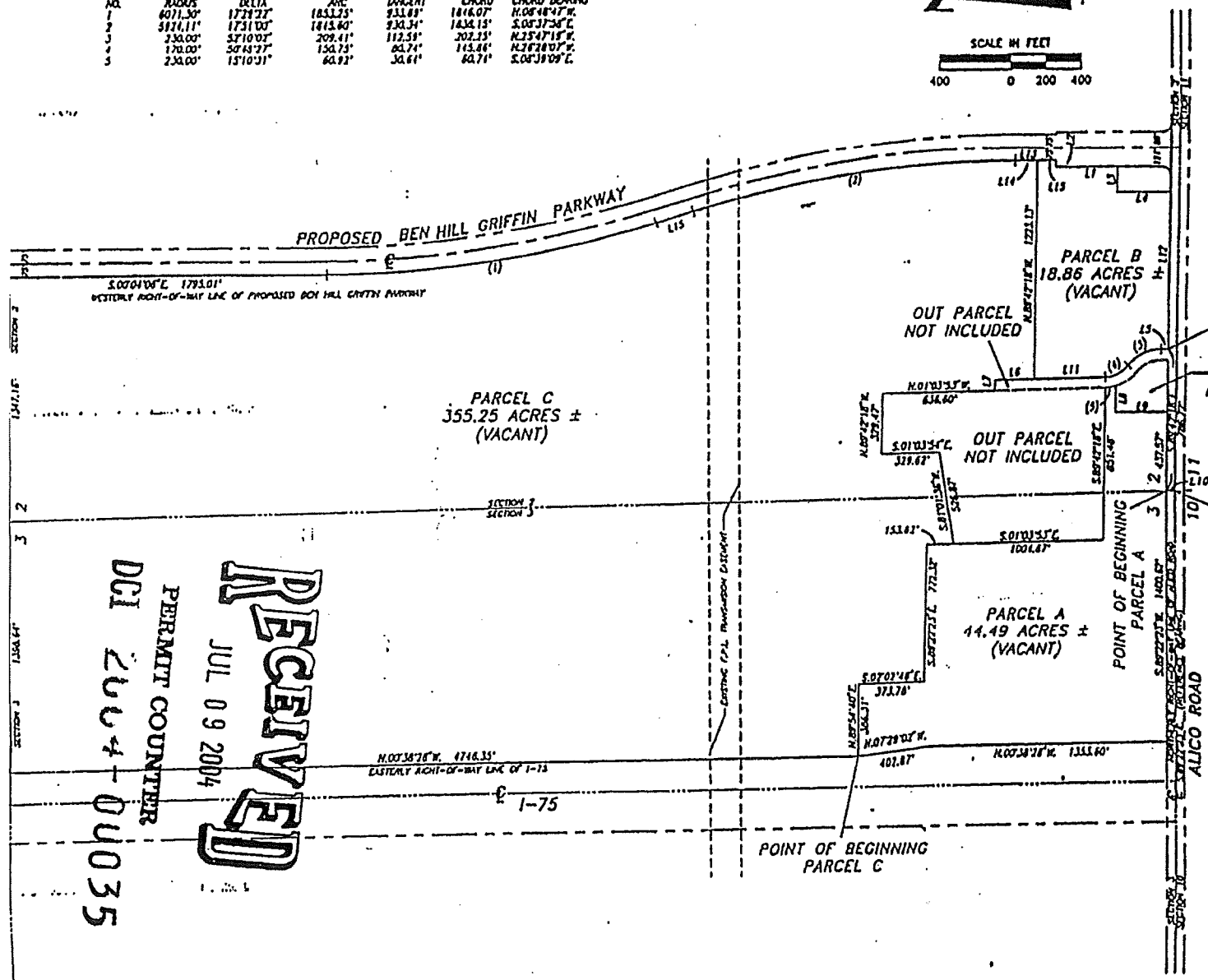
CURVE TABLE

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	4071.30'	1729.27'	183.25°	931.89'	1816.07'	N.06°48'17"W.
2	5974.11'	1731.00'	181.54°	934.94'	1836.15'	S.08°37'54"E.
3	130.00'	52°10'00"	709.41'	112.58'	202.25'	N.25°47'18"W.
4	130.00'	50°45'27"	154.75'	115.86'	202.25'	N.27°28'07"W.
5	230.00'	15°10'31"	60.82'	30.61'	60.71'	S.08°39'09"E.



LINE TABLE

Line	Bearing	Distance
L1	N.00°17'37"E.	352.07'
L2	N.85°47'25"E.	36.00'
L3	S.85°11'16"E.	115.14'
L4	S.00°17'37"W.	298.88'
L5	N.00°17'37"E.	38.82'
L6	N.81°03'57"W.	27.17'
L7	S.88°54'07"W.	61.00'
L8	S.89°21'16"E.	141.00'
L9	S.00°17'37"W.	370.28'
L10	N.01°05'17"E.	50.00'
L11	N.81°03'57"E.	402.49'
L12	S.88°54'16"E.	877.80'
L13	S.00°17'37"W.	232.03'
L14	S.00°17'37"W.	15.83'
L15	S.00°17'37"W.	107.04'
L16	S.17°33'24"E.	215.00'



POINT OF BEGINNING PARCEL B  
 OUT PARCEL NOT INCLUDED  
 POINT OF COMMENCEMENT  
 SOUTHEAST CORNER OF SECTION 3,  
 TOWNSHIP 48 SOUTH, RANGE 25 EAST,  
 LEE COUNTY, FLORIDA

NOTE:  
 DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.  
 SUBJECT TO EASEMENTS, ENCUMBRANCES AND  
 RESERVATIONS OF RECORD.  
 BEARINGS SHOWN HEREON ARE BASED ON ASSUMED  
 BEARING FROM THE SOUTH SECTION LINE,  
 SECTION 3, TOWNSHIP 48 SOUTH, RANGE 25 EAST,  
 AS BEING S.89°21'16"E.

This instrument was prepared by  
  
 Alan W. Johnson, P.E.M. / LS18000

Not valid unless signed by the surveyor and  
 sealed with the surveyor's embossed seal.

SEE ATTACHED FOR LEGAL DESCRIPTION

\* SKETCH ONLY THIS IS NOT A SURVEY \*

RECEIVED  
 JUL 09 2004  
 PERMIT COUNTER  
 DCI 2664-00035

NO.	DATE	DESCRIPTION	BY	CHECKED

**WILSON MILLER**  
 PLANNING, ENVIRONMENTAL & CONSULTANTS, ENGINEERS,  
 SURVEYORS, LANDSCAPE ARCHITECTS & CONSTRUCTION MANAGERS  
 3311 Colonial Boulevard, Suite 100, Fort Myers, Florida 33901 Phone: (813) 938-1100 Fax: (813) 938-2110  
 Web Site: www.wilsonmiller.com E-mail: info@wilsonmiller.com

DATE: 6/18/04  
 CLIENT: ALSCO, INC.  
 PROJECT: PO BOX 318, LABELLE, FL 33875  
 TITLE: SKETCH OF DESCRIPTION  
 PARCELS A, B & C  
 PART OF SECTIONS 2 AND 3, TOWNSHIP 48 SOUTH,  
 RANGE 25 EAST, LEE COUNTY, FLORIDA

DATE PLOTTED: 7/2/04	SCALE: 1" = 400'	PROJECT NO: F0253-001-005	DATE: 7/2/04
PLANNED BY: [Blank]	DESIGNED BY: [Blank]	CHECKED BY: [Blank]	DATE: [Blank]
COMPUTED BY: [Blank]	DATE: [Blank]	PLANNED BY: [Blank]	DATE: [Blank]

PERMIT COUNTER

Description of Parcel C  
338.81 Acres North of Alico Road  
Being a Part of Sections 2 and 3, Township 46 South, Range 25 East,  
Lee County, Florida

DCI 2004-00035

A tract or parcel of land being part of the Sections 2 and 3, Township 46 South, Range 25 East, Lee County, Florida described as follows:

Commencing at the Southeast corner of Section 3; thence along the East line of said Section 3, North  $01^{\circ}05'14''$  West, 50.00 feet to the North right of way of Alico Road (100 feet wide right of way); thence along said Northerly right-of-way line, South  $89^{\circ}22'23''$  West, 1400.62 feet to the Easterly right-of-way line of Interstate of I-75; Thence along said Easterly right-of-way line, North  $00^{\circ}38'28''$  West, 1353.60 feet; Thence continue along said Easterly right of way line North  $07^{\circ}29'02''$  West, 402.87 feet to the Point of Beginning of the herein described tract or parcel of land.

From said Point of Beginning continue along said Easterly right of way line, North  $00^{\circ}38'28''$  West, 4746.35 feet to the North line of Section 3;  
Thence departing said Easterly right of way line, along said North line of Section 3, North  $89^{\circ}23'14''$  East, 1398.64 feet to the Northeast corner of Section 3;  
Thence along the North line of Section 2, North  $89^{\circ}20'22''$  East, 1347.16 feet to the Westerly right-of-way line of the Proposed Ben Hill Parkway;  
Thence along said Westerly right-of-way line for the following five (5) courses:

1. South  $00^{\circ}04'06''$  East, 1795.01 feet to a point of curvature;
2. Southerly, 1853.25 feet along the arc of a tangent circular curve concave to the east, having a radius of 6071.30 feet, a central angle of  $17^{\circ}29'22''$ , a chord bearing of South  $08^{\circ}48'47''$  East, 1846.07 feet to the point of tangency;
3. South  $17^{\circ}33'28''$  East, 215.06 feet to a point of curvature;
4. Southerly, 1845.60 feet along the arc of a tangent circular curve concave to the west, having a radius of 5924.11 feet, a central angle of  $17^{\circ}51'00''$ , a chord bearing of South  $08^{\circ}37'58''$  East, 1838.15 feet to the point of tangency;
5. South  $00^{\circ}17'32''$  East, 124.95 feet;

Thence departing from said Westerly right-of-way line, North  $89^{\circ}42'18''$  West parallel with and 807.08 feet North ( as measured at right angles) of the South line of Section 2 for 1223.13 feet;  
Thence North  $01^{\circ}03'53''$  West, 223.27 feet;  
Thence South  $88^{\circ}56'07''$  West, 60.00 feet;  
Thence North  $01^{\circ}03'53''$  West, 636.60 feet;  
Thence South  $89^{\circ}42'18''$  West parallel with and 1665.28 feet North ( as measured at right angles) of the South line of Section 2 for 329.47 feet;  
Thence South  $01^{\circ}03'54''$  East, 329.62 feet;  
Thence South  $81^{\circ}01'36''$  West, 526.87 feet;  
Thence North  $01^{\circ}03'53''$  West, 153.82 feet;  
Thence North  $89^{\circ}22'23''$  West, 772.32 feet;

# WilsonMiller

Thence North 02°02'48" West, 373.78 feet;  
Thence South 89°54'40" West, 386.31 feet to the Point of Beginning of the tract or parcel of land herein described.

Parcel contains 355.25 acres, more or less;  
Subject to easements, restrictions, reservations and rights-of-way of record;  
Bearings are assumed and based on the south Section line, Section 3, Township 46 South, Range 25 East, as being North 89°22'23" West.

Prepared by:

WilsonMiller, Inc.

*Alan W. Sadowski*

Alan W. Sadowski, Professional Surveyor & Mapper  
Florida Registration No. 4800

*9-17-99*

Date

Not valid unless embossed with the Professional's seal.

W.O.: F0253-009 -005 LSSLD REF.: C-0253-153 Date: June 10, 1999 REV.: September, 18, 1999

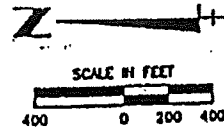
DCI 2004-00035

**RECEIVED**  
JUL 09 2004

PERMIT COUNTER

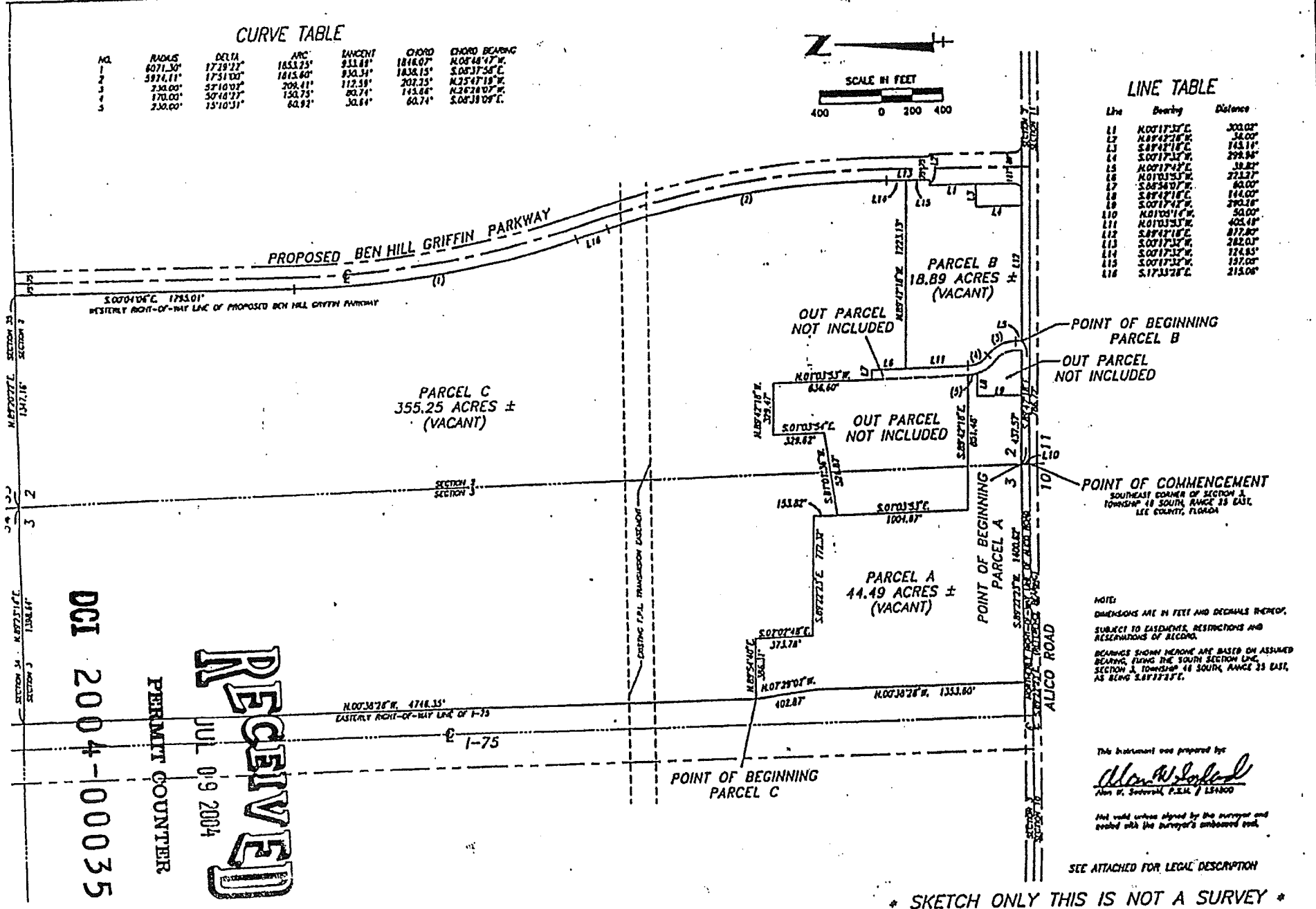
**CURVE TABLE**

NO.	RADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	6071.30'	17°19'21"	1053.25'	911.89'	1816.07'	N06°48'47"W
2	5974.11'	17°51'00"	1013.60'	930.31'	1836.15'	S05°37'56"E
3	230.00'	57°10'00"	208.41'	112.59'	201.25'	N35°47'19"E
4	170.00'	50°42'37"	150.75'	93.74'	143.64'	N32°24'07"E
5	230.00'	15°10'51"	60.92'	30.64'	60.74'	S06°31'05"E



**LINE TABLE**

Line	Bearing	Distance
L1	N00°17'33"E	300.00'
L2	N08°48'47"W	34.00'
L3	S05°37'56"E	143.11'
L4	S00°17'33"W	299.96'
L5	N00°17'44"E	38.82'
L6	N01°03'53"W	221.27'
L7	S05°34'07"E	60.00'
L8	S05°42'18"E	114.00'
L9	S00°17'44"E	290.16'
L10	N01°04'16"E	50.00'
L11	N01°03'53"W	405.18'
L12	S05°42'18"E	817.80'
L13	S00°17'33"W	282.03'
L14	S00°17'33"W	124.85'
L15	S00°17'33"W	197.00'
L16	S17°33'28"E	215.06'



NOTE:  
DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.  
SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.  
BEARINGS SHOWN HEREON ARE BASED ON ASSUMED BEARING, FIXING THE SOUTH SECTION LINE, SECTION 3, TOWNSHIP 16 SOUTH, RANGE 25 EAST, AS BEING S05°12'23"E.

This instrument was prepared by  
*Alan W. Wilson*  
Alan W. Wilson, P.E., L.S. 15000

Not valid unless signed by the surveyor and sealed with the surveyor's embossed seal.

SEE ATTACHED FOR LEGAL DESCRIPTION

\* SKETCH ONLY THIS IS NOT A SURVEY \*

DCI 2004-00035  
 RECEIVED  
 JUL 09 2004  
 PERMIT COUNTER

NO.	DATE	DESCRIPTION	BY	CHECKED BY
1	6/11/03	DCI	MS	MS
2	6/11/03	DCI	MS	MS
3	6/11/03	DCI	MS	MS
4	6/11/03	DCI	MS	MS
5	6/11/03	DCI	MS	MS

**WILSON MILLER**  
 PLANNING, ENVIRONMENTAL & CONSULTANTS, ENGINEERS, SURVEYORS, LANDSCAPE ARCHITECTS & CONSTRUCTION MANAGERS  
 WILSON MILLER, SURVEY & P.L.L.C.  
 1111 Colonial Boulevard, Suite 100, Fort Myers, Florida 33901 Phone (813) 938-1800 Fax (813) 938-1111  
 Web Site: www.wilsonmiller.com E-Mail: info@wilsonmiller.com

DATE: 6/10/03	CLIENT: ALICO, INC. PO BOX 338, LABELLE, FL 33875
PROJECT NO: 2004-00035	TITLE: SKETCH OF DESCRIPTION PARCELS A, B & C PART OF SECTIONS 2 AND 3, TOWNSHIP 16 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA
SCALE: AS SHOWN	DATE: 6/10/03



**WilsonMiller**

New Directions In Planning, Design & Engineering

DCI 2004-00035

RECEIVED  
JUL 09 2004

Description of Parcel D  
219.72 Acres North of Alico Road  
Being a Part of Section 2, Township 46 South, Range 25 East,  
Lee County, Florida

PERMIT COUNTER

A tract or parcel of land being part of the Section 2, Township 46 South, Range 25 East, Lee County, Florida described as follows:

Commencing at the Southwest corner of Section 2; thence along the West line of said Section 2, N.01°05'14"W. for 50.00 feet to the North right of way of Alico Road (an existing 100 feet wide right of way); thence along said Northerly right-of-way line, S.89°42'18"E. for 2009.65 feet to the Northeast intersection of said Alico Road along with the Easterly right-of-way line of proposed Ben Hill Parkway; thence along said Westerly right-of-way line, N.00°17'32"E. for 299.99 feet to the Point of Beginning of the herein described tract or parcel of land.

Thence continue along said Easterly right-of-way line for the following seven (7) courses:

1. N.00°17'32"E. for 350.02 feet;
2. S.89°42'28"W. for 14.00 feet;
3. N.00°17'32"E. for 232.03 feet to the point of curvature;
4. northerly, 1892.34 feet along the arc of a tangent circular curve concave to the west, having a radius of 6074.11 feet, a central angle of 17°51'00", a chord bearing N.08°37'58"W. for 1884.69 feet to the point of tangency;
5. N17°33'28"W. for 215.06 feet to the point of curvature;
6. northerly, 1807.47 feet along the arc of tangent circular curve concave to the east, having a radius of 5921.30 feet, a central angle of 17°29'22", a chord bearing of N.08°48'47"W. for 1800.46 feet to the point of tangency;
7. N.00°04'06"W. for 1796.56 feet

to the north line of Section 2;

Thence along said north line of Section 2 for the following two (2) courses:

1. N.89°20'22"E. for 1146.45 feet;
2. N.89°20'08"E. for 597.41 feet;

Thence departing from said north line, S.00°00'00"E. for 6552.09 feet to the North right-of-way line of said Alico Road;  
Thence N.89°42'18"W. along said North right-of-way for 963.33 feet;  
Thence departing from said right-of-way, N.00°17'32"W. for 299.99 feet;  
Thence N.89°42'18"W. for 145.14 feet to the Point of Beginning.

Parcel contains 219.72 acres, more or less;

Subject to easements, restrictions, reservations and rights-of-way of record;

Bearings are assumed and based on the south Section line, Section 2, Township 46 South, Range 25 East, as being N.89°42'18"W.

WilsonMiller, Inc.



Alan W. Sadowski, Professional Surveyor & Mapper  
Florida Registration No. 4800

9-20-99  
Date

Not valid unless embossed with the Professional's seal.

Ref: C-0253-156 Pin.: F0253-009-005-LSSLD Date: August 12, 1999 Rev.: September 17, 1999

Kaples Fort Myers Sarasota Bradenton Tampa

DLI 2004-00035

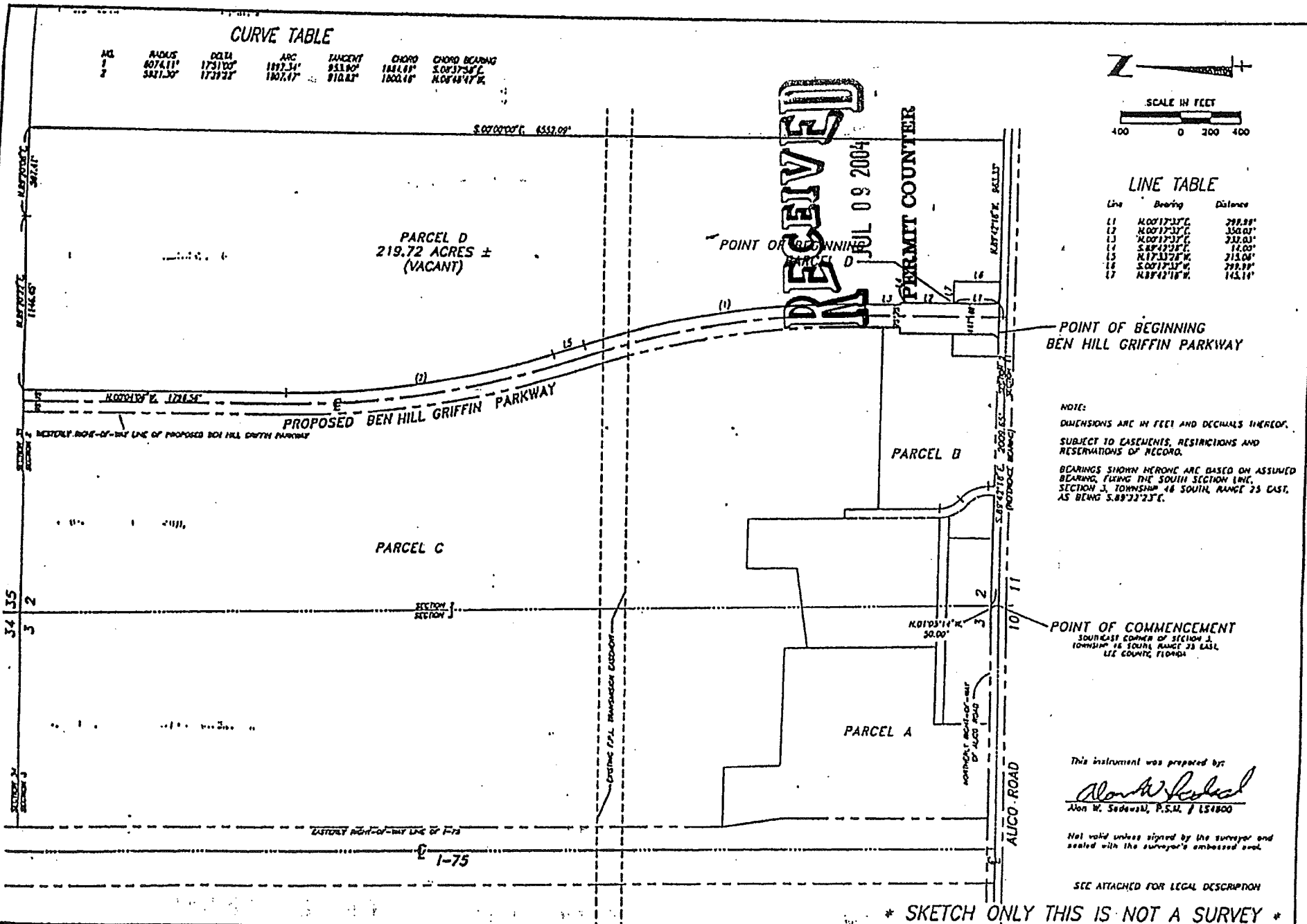
**CURVE TABLE**

NO.	ADIUS	DELTA	ARC	TANGENT	CHORD	CHORD BEARING
1	4074.11'	173103'	1897.34'	253.90'	188.89'	S.023756'E
2	5327.50'	173922'	1807.17'	910.82'	1800.18'	N.024847'W



**LINE TABLE**

Line	Bearing	Distance
L1	N.001731°E	299.99'
L2	N.001731°E	350.00'
L3	N.001731°E	213.03'
L4	S.884208°E	14.00'
L5	N.173328°W	213.04'
L6	S.001731°W	299.99'
L7	N.884218°W	143.14'



POINT OF BEGINNING  
BEN HILL GRIFFIN PARKWAY

POINT OF COMMENCEMENT  
SOUTHEAST CORNER OF SECTION 2,  
TOWNSHIP 16 SOUTH, RANGE 23 EAST,  
LEE COUNTY, FLORIDA

NOTE:  
DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.  
SUBJECT TO EASEMENTS, RESTRICTIONS AND  
RESERVATIONS OF RECORD.  
BEARINGS SHOWN HERON ARE BASED ON ASSUMED  
BEARING, FIXING THE SOUTH SECTION LINE,  
SECTION 3, TOWNSHIP 16 SOUTH, RANGE 23 EAST,  
AS BEING S.88°33'23"E.

This instrument was prepared by:  
*Alon W. Sadowski*  
Alon W. Sadowski, P.S.M., L.S.1800

Not valid unless signed by the surveyor and  
sealed with the surveyor's embossed seal.

SEE ATTACHED FOR LEGAL DESCRIPTION

\* SKETCH ONLY THIS IS NOT A SURVEY \*

NO.	DESCRIPTION	DATE	BY	CHECKED	DATE
1	REVISION				
2	REVISION				
3	REVISION				
4	REVISION				
5	REVISION				

**WILSON MILLER**  
PLANNING, ENVIRONMENTAL & CIVIL/UTILITY ENGINEERS  
SURVEYING, LANDSCAPE ARCHITECTURE & CONSTRUCTION SERVICES  
FRANK, WALKER, BARTON & DYRE, INC.  
4011 Colwood Boulevard, Suite 110, Fort Myers, Florida 33916 Phone (813) 939-1000 Fax (813) 939-1111

DATE: 8/12/04	CLIENT: ALUCO, INC. PO BOX 338, LABELLE, FL 33853
SCALE: 1" = 400' UNLESS NOTED OTHERWISE	TITLE: SKETCH OF DESCRIPTION BEN HILL GRIFFIN PARKWAY & PARCEL D, PART OF SECTION 2, TOWNSHIP 16 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA
DWG. NO: 04-001	DATE: 7-18-04

PERMIT COUNTER

Exhibit "A"  
Description of Ben Hill Griffin Parkway  
North of Alico Road  
Being a Part of Section 2, Township 46 South, Range 25 East,  
Lee County, Florida

DCI 2004-00035

A tract or parcel of land being part of the Section 2, Township 46 South, Range 25 East, Lee County, Florida described as follows:

Commencing at the Southwest corner of Section 2; thence along the West line of said Section 2, N.01°05'14"W. for 50.00 feet to the North right of way of Alico Road (an existing 100 feet wide right of way); thence along said Northerly right-of-way line, S.89°42'18"E. for 1759.65 feet to a point of curvature and the Point of Beginning;

Thence 78.54 feet along the arc of a tangent circular curve concave to the northwest, having a radius of 50.00 feet, through a central angle of 90°00'10" and being subtended by a chord which bears N.45°17'37"E. for 70.71 feet to the point of tangency; thence N.00°17'32"E. for 599.99 feet; thence S.89°42'28"E. for 36.00 feet; thence N.00°17'32"E. for 232.03 feet to a point of curvature; thence 1845.60 feet along the arc of a tangent circular curve concave to the west, having a radius of 5924.11 feet, through a central angle of 17°51'00" and being subtended by a chord which bears N.08°37'58"W. for 1838.15 feet; thence N.17°33'28"W. for 215.06 feet to a point of curvature; thence 1853.25 feet along the arc of a tangent circular curve to the east, having a radius of 6071.30 feet, through a central angle of 17°29'22" and being subtended by a chord which bears N.08°48'47"W. for 1846.07 feet; thence N.00°04'06"W. for 1795.01 feet to the Northerly line of said Section 2; thence N.89°20'22"E. along said Section line for 150.01 feet; thence departing from said Section line, S.00°04'06"E. for 1796.56 feet; thence 1807.47 feet along the arc of a tangent circular curve concave to the east, having a radius of 5921.30 feet, through a central angle of 17°29'22" and being subtended by a chord which bears S.08°48'47"E. for 1800.46 feet; thence S.17°33'28"W. for 215.06 feet to a point of curvature; thence 1892.34 feet along the arc of a tangent circular curve concave to the west, having a radius of 6074.11 feet, through a central angle of 17°51'00" and being subtended by a chord which bears S.08°37'58"E. for 1884.69 feet; thence S.00°17'32"W. for 232.03 feet; thence S.89°42'28"E. for 14.00 feet; thence S.00°17'32"W. for 600.01 feet to a point of curvature; thence 78.54 feet along the arc of a tangent circular curve concave to the northeast, having a radius of 50.00 feet, through a central angle of 89°59'50" and being subtended by a chord which bears S.44°42'23"E. for 70.71 feet to a point of cusp and the North right-of-way line of said Alico Road; thence N.89°42'18"W. along said North right-of-way for 300.00 feet to the Point of Beginning.

Parcel contains 23.47 acres, more or less;

Subject to easements, restrictions, reservations and rights-of-way of record;

Bearings are assumed and based on the south Section line, Section 3, Township 46 South, Range 25 East, as being S.89°22'23"E.

WilsonMiller, Inc.

*Alan W. Sadowski*

*9-20-99*

Alan W. Sadowski, Professional Surveyor & Mapper  
Florida Registration No. LS4800

Date

Not valid unless embossed with the Professional's seal.

W.O. : F0253-009-005-LSSLD Ref: B-0253-157 Rev: September 17, 1999

**Exhibit "D" - Resolution Z-02-025**  
[Formerly labeled "Staff Exhibit 6" and Hearing Examiner Recommendation Exhibit B.]

**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)]

## Airport Crossings Architectural Standards

### Introduction.

No owner may construct, install, erect, maintain, reconstruct, improve, alter or permit to remain any improvements on any lot or parcel within the Airport Crossings development until the owner has submitted all Pre-construction Development Documents (including building plans and elevations) and the same are approved in writing by the Design Review Committee (as established in the Homeowners' Documents). The Design Review Committee's (DRC) approval or disapproval may be predicated upon the DRC's subjective opinion as to whether said improvements conform to their general character of Airport Crossings.

The DRC's approval or disapproval may, without excluding other factors deemed relevant by the DRC, be based upon site dimensions, compatibility and harmony of the external design, elevations and colors with neighboring structures, relation of topography, grade, and finished ground elevation of the lot being improved to that of neighboring lots; and such other factors as the DRC determines is necessary or appropriate in its discretion. The DRC shall approve or disapprove the proposed plans and materials submitted within 15 days after receipt, and if disapproved, the DRC shall state in writing the reasons for disapproval.

### Definitions.

The following words, terms or phrases, when used in this document only, will have the following meanings ascribed to them:

Arcade means a roof similar to an overhang or canopy but where the outer edge is supported by a line of pillars or columns.

Awning means a cover of lightweight material such as canvas, plastic, or aluminum, extending over a single doorway or window, providing protection from the elements.

Canopy, attached means a permanent structural cover affixed to and extending from the wall of a building, protecting a doorway or walkway from the elements.

Canopy, detached means a freestanding structure which covers a walkway of service area.

Facade means the exterior faces of a building.

Facade, primary means any facade of a building facing an abutting street. On a corner lot, each wall facing an abutting street is considered a primary facade. If a building is angled to an abutting street, both walls roughly facing the street are primary facades.

Overhang means the structural projection of an upper story or roof beyond the story immediately

below having a minimum 2 feet projection.

**Parapet** means the part of an exterior wall that extends above the roof.

**Portico** means an architectural entry feature, such as a porch, structurally supported by columns or arches and protecting a doorway or walkway from the elements.

**Porte Cochere** means a roofed structure extending from the entrance of a building over a driveway sheltering the egress from vehicles.

**Wainscot** means the lower 3 to 4 feet of an exterior wall made of different materials or finish than the remainder of the wall.

**Wall, front** means the wall closest to, and running roughly parallel to, the front lot line. On a corner lot, there are two front walls.

**Required site development or improvement plan.**

Compliance with the standards set forth in this article must be demonstrated on the drawings or site development plan to be submitted when applying for DRC approval.

**Site design standards and guidelines.**

**Purpose and intent:** The purpose and intent of these provisions is to supplement and enhance existing approved property development regulations and to encourage the design of projects which will provide safe, convenient, and efficient access for vehicles.

**(a) Parking Standards**

(1) Parking areas shall be designed utilizing the design standards contained in the Lee County Land Development Code. The design shall provide for the safe and efficient maneuvering and parking of vehicles, as well as functionally oriented to the uses or structures they are designed to serve.

**(b) Lighting standards.**

(1) **Shielding.** Lighting must be designed so as to prevent direct glare, light spillage or hazardous interference with automotive and pedestrian traffic on abutting streets and all abutting properties.

(2) **Fixture height.** Lighting fixtures may not exceed a maximum of 30 feet in height within the parking lot and a maximum of 15 feet in height within non-vehicular pedestrian areas.

**(c) Buffering and shielding**

(1) Purpose and intent. The purpose and intent of this section is to diminish, the visual impacts outdoor storage and service functions that may detract or have a negative impact on the streetscape, landscape and/or the overall development image.

(2) Outdoor storage, trash collection, heating/air conditioning and other similar mechanical equipment, solid waste disposal facilities, trash compaction, recycling, and other similar service function areas must be reasonably shielded from street rights-of-ways within the ATC development when viewed from 5' above ground level. The shielding must extend vertically a distance equal to or greater than the items, delivery trucks, or facilities being shielded, up to a maximum height of 8 feet above finish grade at the shielding material. Shielding material and design must be consistent with design treatment of the primary facades of the commercial building or development and the landscape plan.

(3) Roof top mechanical equipment must be shielded from ATC street view at ground level by a parapet or similar architectural features.

(4) Slatted wire fencing is not acceptable for shielding.

(d) Pedestrian access standards.

Where applicable, pedestrian ways, linkages or paths internal to the project must be designed and constructed to provide reasonable access between parking areas and building entry(s) and from the building entry(s) to surrounding streets, external sidewalks, and out parcels. The pedestrian ways, linkages or paths must provide a safe access through the project from external sidewalk facilities or bus stops to the building entry.

#### Building Design standards and guidelines.

(a) Purpose and intent. The purpose and intent of these provisions is to maintain and complement the streetscape by requiring that buildings be designed with architectural features and patterns that provide visual interest consistent with the community's identity and local character while reducing the mass/scale and uniform monolithic appearance of large unadorned walls. The design of buildings within a development must include elements which are integrated and common to those used in other buildings including colors and materials.

(b) Architectural design.

(1) All primary facades of a building must be designed with consistent architectural style, detail and trim features.

(2) The primary facade must provide a minimum of three of the following building design treatments integrated with the massing and style of the buildings. If awnings, canopies and overhangs are used they must conform to a unified plan of compatible colors, shapes and materials.

1. Awnings, other than canvas or attached canopies;
2. Overhangs;
3. Porticos;
4. Arcades, minimum of eight feet clear in width;
5. Peaked roof forms;

6. Wainscoting;
7. Curved corners and/or arched openings;
8. Elevated planters against a primary facade wall;
9. Side wing walls, which also can shield objectionable uses;
10. Any other treatment which the DRC finds meets the intent of this section.

(c) Roof treatments.

(1) Purpose and intent. Variations in roof lines must be used to add interest to, and reduce the massing of buildings. Roof features and materials must be in scale with the building's mass and complement the character of adjoining and/or adjacent buildings and neighborhoods. The following standards identify appropriate roof treatments and features.

(2) Primary facade roof edge and parapet treatment. The roof edge and/or parapet must have a vertical change from the dominant roof condition, in two locations. At least one such change must be located on a primary facade.

(3) Roofs must be designed to also meet at least two of the following requirements for the primary facade:

- a. Parapets used to conceal roof top equipment and flat roofs from the front street with side returns of at least 20% of the width of roof facing the street;
- b. Two or more roof slope planes per primary facade.
- c. Sloping roofs, which do not exceed the average height of the supporting walls, must have an average slope equal to or greater than 4V:12H but not greater than 12V:12H;
- d. Additional vertical roof changes with a minimum change in elevation of two feet (flat roofs must have a minimum of one change): or
- e. Three-dimensional cornice treatment, which must be a minimum of ten inches in height with a minimum of two reliefs, or a prominent coping feature.
- f. Any other treatment, which the DRC finds meets the intent of this section.

(d) Detail features.

The design elements in the following standards must be integral parts of the building's exterior facade and must be integrated into the overall architectural style. These elements may not consist solely of applied graphics, or paint.

(1) Blank wall areas. Building primary facade walls must avoid large blank wall areas by including at least three of the design elements listed below, in a repeating pattern. At least one of the design elements must repeat horizontally.

- a. Texture change;
- b. Material change;
- c. Architectural features such as bandings, bays, reveals, offsets, or projecting ribs.
- d. Structural features such as columns, pilasters, beams or buttresses.
- e. Building setbacks or projections; or,
- f. Pattern change;



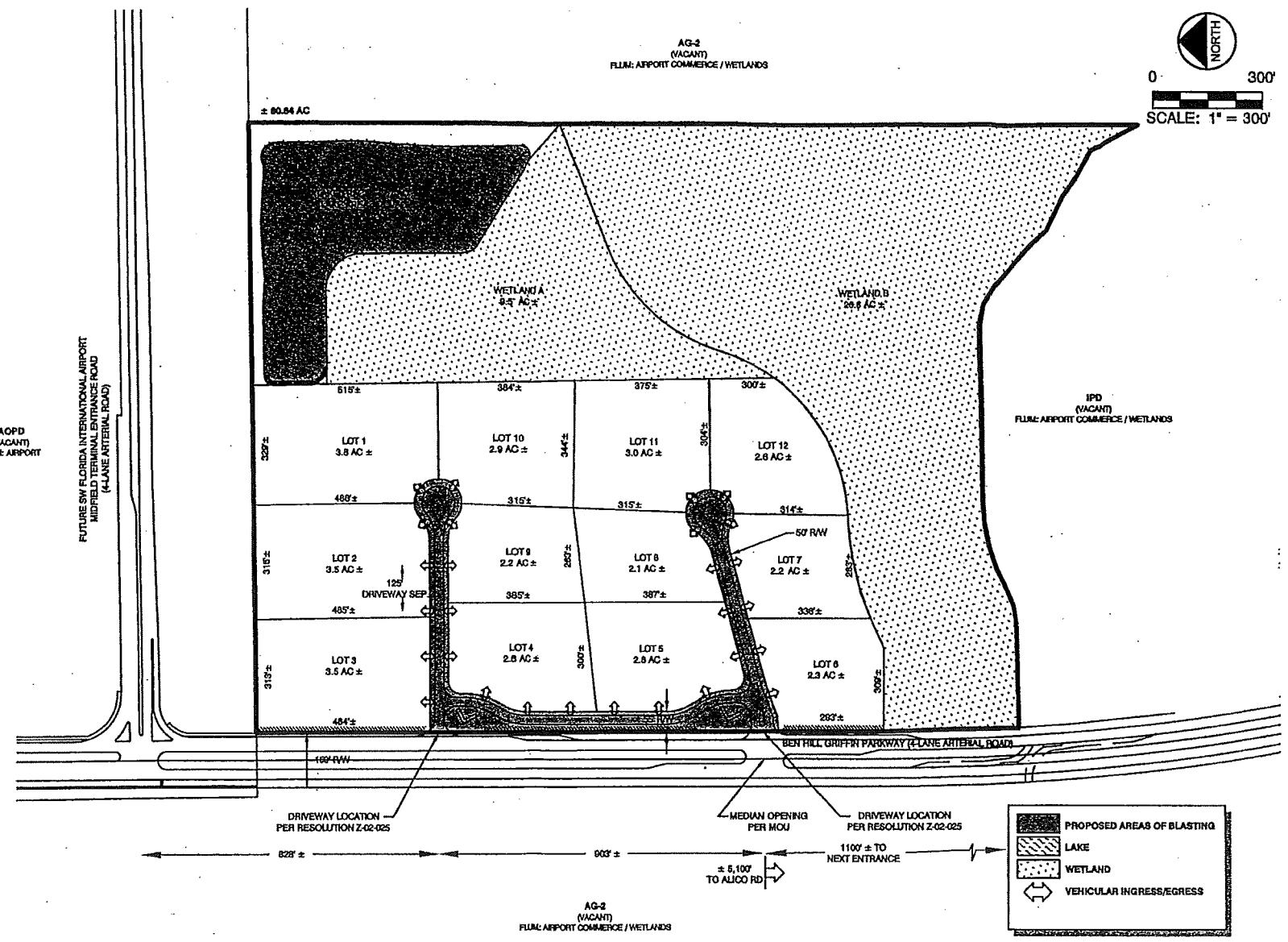
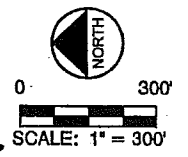
- g. Color change.**
- h. Any other treatment, which the DRC finds meets the intent of this section.**

**(2) Materials. Exterior building materials contribute significantly to the visual impact of a building on the community. They must be well-designed and integrated into a comprehensive design style for the project.**

**a. Any one of the following exterior building materials can not be used on more than 60 percent of the building primary facade area:**

- 1. Plastic or vinyl siding**
- 2. Corrugated or reflective metal panels;**
- 3. Tile (prohibition does not apply to roofs);**
- 4. Any translucent material, other than glass; or**
- 5. Any combination of the above.**

**b. Building trim and accent area, consistent with the overall building, are limited to ten percent of the affected wall area, with a maximum trim width of 24 inches.**



	PROPOSED AREAS OF BLASTING
	LAKE
	WETLAND
	VEHICULAR INGRESS/EGRESS

**RECEIVED**  
 JUN 29 2004  
 ZONING COUNTER

REVIEWED PER AIRPORT COMMERCE MAP, 1, 2004 (04-10-09)  
 BLASTING MAP - EXHIBIT PH-4.B.  
 AIRPORT CROSSINGS MFD  
 (Section 02, 1-14-03, 1-23-04, Lee County, Florida)  
 MORRIS - DEPREW ASSOCIATES, INC.  
 ENGINEERS - PLANNERS - SURVEYORS & MAPPERS  
 200 Alamo Drive, Fort Myers, Florida 33901 (813) 336-4900  
 MD  
 MAP PROJECT: 99159  
 ORDER BY: SUR  
 DESIGNED BY: AZ  
 DATE: 5/7/04  
 SHEET: 1

002004-00036

# Southwest Florida Equities Corporation

May 7, 2004

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

**RE: Airport Crossings (MDA # 99159.P3b)**

To Whom it may Concern:

Please accept this statement as the notarized statement required pursuant to Section 34-202(b)(7) of the LDC.

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

The area of the property subject to cattle grazing is the entire 80.84± 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.*

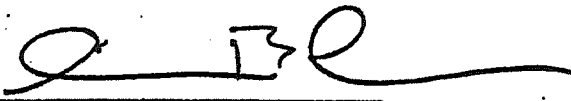
The condition imposed by the Hearing Examiner is more restrictive than the comprehensive plan because the comprehensive plan does not have a time limit.

DCI2004-00030

**RECEIVED**  
JUN 29 2004

5/7/2004

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

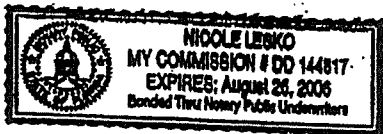
By:   
Chris Bundschu, President  
Southwest Florida Equities Corporation

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of May  
2004, by Chris Bundschu (who is personally known to me or who has produced  
\_\_\_\_\_ as identification and who did (did not) take an oath.

(Notary Seal)

  
Signature of Notary Public



NICOLE LESKO  
(Print, type or stamp commissioned  
name of Notary Public)

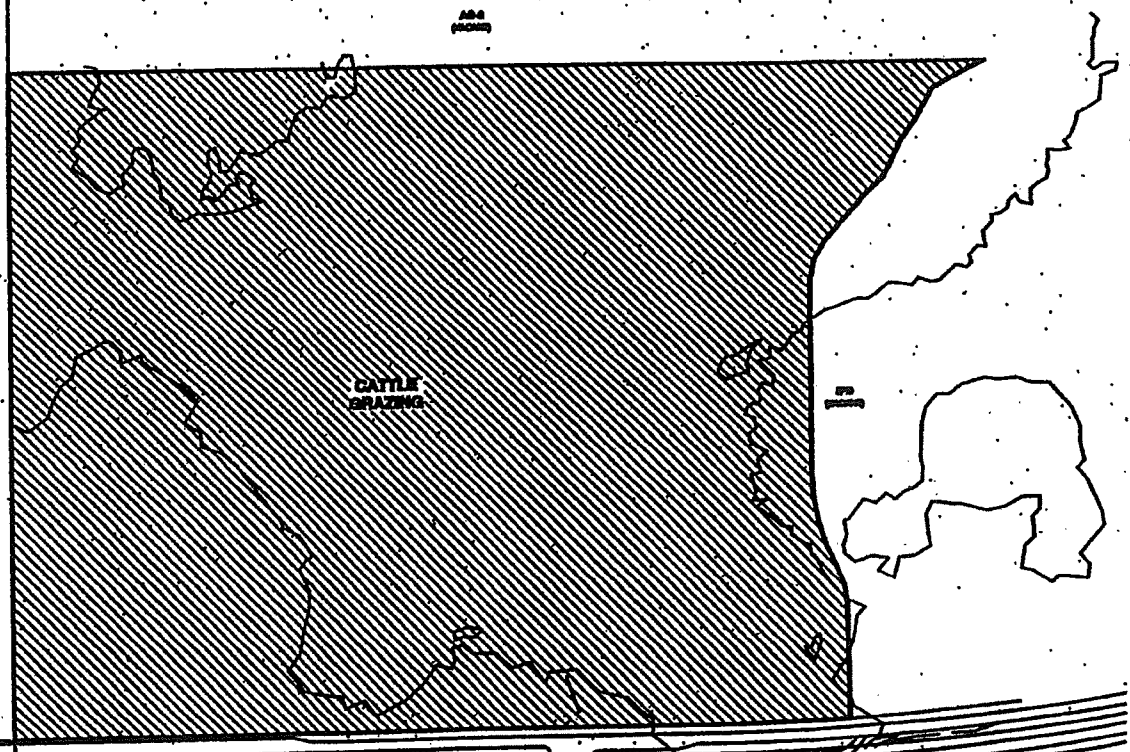
Commission No: DD 144817

DC12004-00030

**RECEIVED** Page 2 of 2  
JUN 29 2004



FUTURE AIR FLORIDA INTERNATIONAL AIRPORT  
 AIRFIELD TERMINAL BRANCH ROAD



PROPOSED HILL HILL BRUSH PROPERTY

AS SHOWN  
ALSO SEE



AGRICULTURAL USE AT THE TIME OF ZONING APPLICATION  
 THE INTENT OF THE HILL HILL PROPERTY ZONING REGULATIONS  
 FOR CATTLE GRAZING.

AS SHOWN  
(2/2004)

**RECEIVED**  
 MAY 11 2004

PERMIT COUNTER

AGRICULTURAL USE AT TIME OF ZONING - EXHIBIT - S.I.

AIRPORT CROSSINGS AND  
 AIRPORT CROSSINGS AND

**MD**  
 MORRIS - DEWEY ASSOCIATES, INC.  
 ARCHITECTS - PLANNERS - ENGINEERS - INTERIORS  
 2000 W. WASHINGTON AVENUE, SUITE 100  
 ANN ARBOR, MI 48106-1000

2004	2004
2004	2004
2004	2004

DCI2004-00030



Lee County  
SOUTHWEST FLORIDA

**INTEROFFICE MEMORANDUM  
FROM  
PUBLIC WORKS  
NATURAL RESOURCES MANAGEMENT**

Date: October 21, 2004

TO: Tony Palermo

From: Rand Edelstein Jr.

SUBJECT: Substantive Review Comments, Airport Crossings  
Case # DCI2004-00030

Dear Tony:

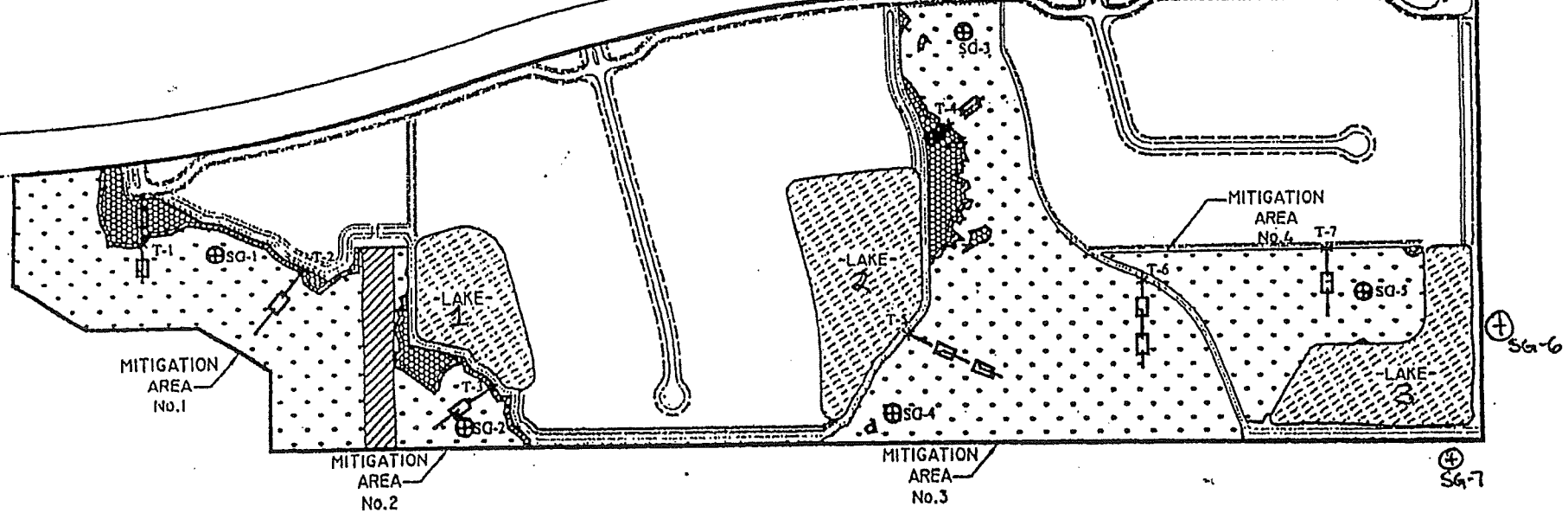
The Lee County Natural Resources Division, Groundwater Unit has completed review of the proposed Technology Center (Case # DCI2004-00030) proposed dewatering and Water Use Permit (WUP) No. 36-04413-W issued for dewatering by the South Florida Water Management District (SFWMD) on December 11, 2003. The NRD review was conducted to evaluate the potential for adverse impacts resulting from the proposed dewatering operations to be performed during excavation of the retention pond located on the project site. The substantive review performed by staff recommends Development Order conditions that are summarized as follows:

- The combined staff gauges and monitoring wells specified in the Environmental Resource Permit in the vicinity of Lake 3, SG-5, and two (2) additional monitoring locations SG-6 (north of Lake 3) and SG-7 (east of Lake 3) shall be installed prior to initiation of lake excavation or dewatering (see attached Figure);
- The recharge trench specified for a portion of the perimeter of Lake 3 shall be extended to encompass the entire western and northern edges and the northeastern edge of Lake 3 to provide protection for the adjoining wetlands (see attached Figure);
- Daily surface water and groundwater level monitoring at SG-5, SG-6 and SG-7 shall be implemented at least one day prior to initiation dewatering activities and continue during dewatering operations;
- The daily surface water and groundwater level observations shall be reported to NDR on a weekly basis;
- Should surface water levels decline by one (1) foot or groundwater levels decline by one (1) foot as a result of dewatering, all dewatering operations shall be suspended immediately and NRD shall be notified within 24-hours;
- Following suspension of dewatering operations in response to adverse surface water or groundwater level declines, the dewatering operations will be redesigned and the modifications approved by NRD prior resumption of any dewatering operation; and
- If the dewatering operations cannot be redesigned to eliminate adverse surface water or groundwater level declines, no further dewatering operations will be allowed.



SCALE: 1" = 600'

-BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE BOULEVARD)-



DCI 2004-00030

ZONING COUNCIL

RECEIVED  
DRAFT 29 2004

- LEGEND:
- FORESTED WETLAND ENHANCEMENT-HAND REMOVAL OF EXOTICS (S4, 2.0 AC. (2))
  - UPLAND ENHANCEMENT - HAND REMOVAL OF EXOTICS (S.00 AC. (2))
  - 15' MINIMUM UPLAND BUFFER (S.30 AC. (2))
  - WETLANDS WITH 10% EASEMENT, NOT USED AS MITIGATION (S.00 AC. (2))
  - TRAVERSE LOCATION
  - TRAVERSE NO. (TTP.)
  - TREE/SHrub PLOT
  - PHOTO STATION (TTP.)
  - STAFF GAUGE/MONITORING WELL LOCATION
  - STAFF GAUGE/MONITORING WELL NO. (TTP.)

NOTES:

FLUCFCFS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCFS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCFS) (FOOT 1983).

PROPERTY BOUNDARY AND SURVEYED WETLAND LINES PER MORRIS-DEWEY ASSOCIATES, INC. DRAWING NO. 99159PROP/ASSARELLA0009000WG, DATED OCTOBER 09, 2000.

WETLAND LINES HAVE BEEN FLAGGED IN THE FIELD AND VERIFIED BY SFWMD STAFF ON NOVEMBER 12, 1999 AND BY COE STAFF ON JANUARY 27, 2000 AND FEBRUARY 7, 2000.

SITE PLAN PER RYAN SHUTE DRAWING NO. 99159PROP/EMP2310P/ASSARELLA, DWS DATED JANUARY 7, 2002.

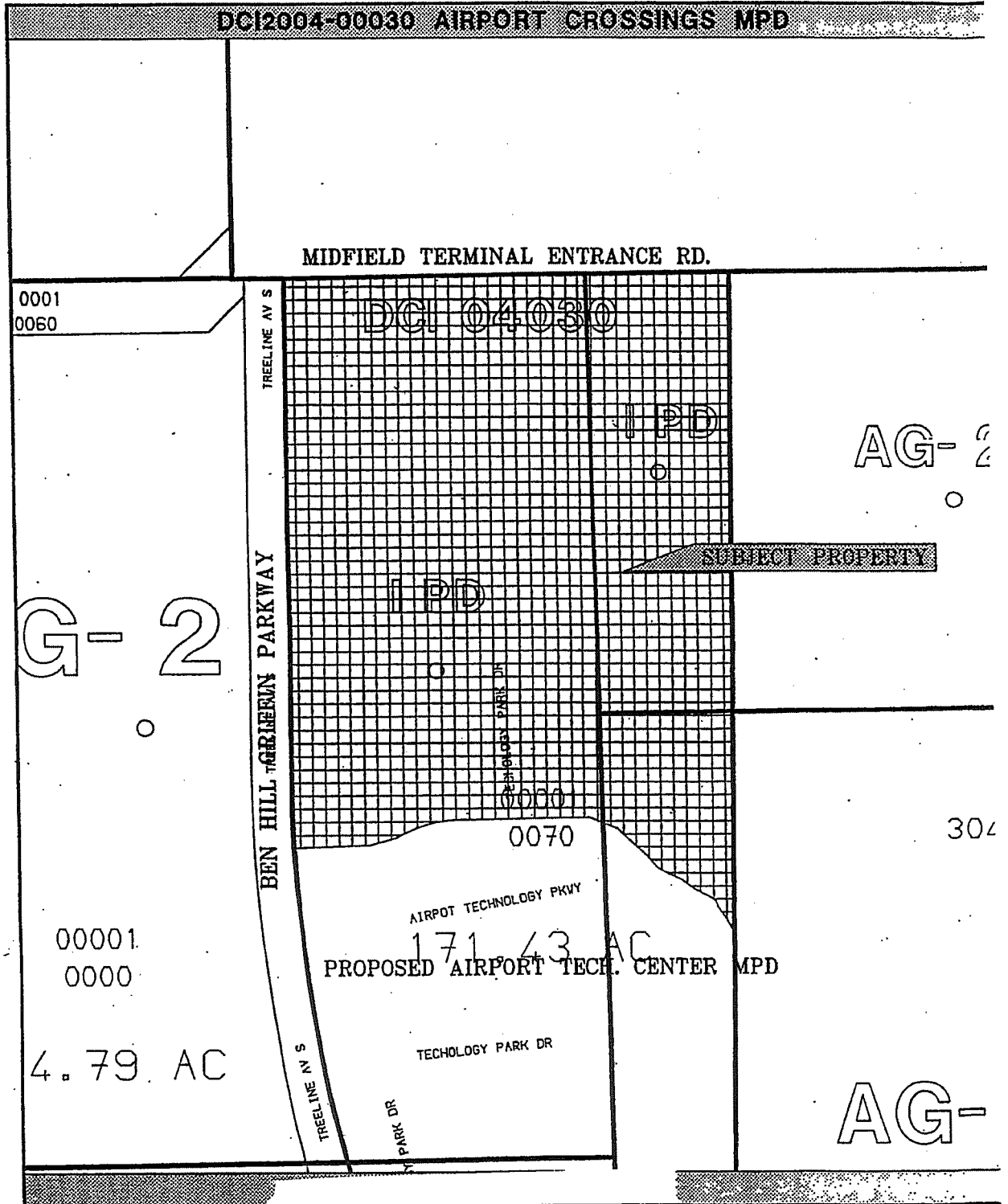
DESIGNED BY	N.A.M.	DATE	02/24/01
DRAWN BY	N.A.M.	DATE	4/4/01
CHECKED BY	N.A.M.	DATE	2/2/01
SCALE	HORIZONTAL SCALE 1"=600'		
	VERTICAL SCALE N/A		
	DATE 02/24/01		
	BY (PRINT NAME) 02/24/01		

**PASSARELLA and ASSOCIATES, INC.**  
 Consulting Ecologists  
 3910 College Pointe Court, Fort Myers, Florida 33919

AIRPORT TECHNOLOGY CENTER  
 SFWMD WETLAND MITIGATION AND MONITORING PLAN

Drawing No. 99BKK421-MM  
 Figure No. FIGURE 2

EXHIBIT H





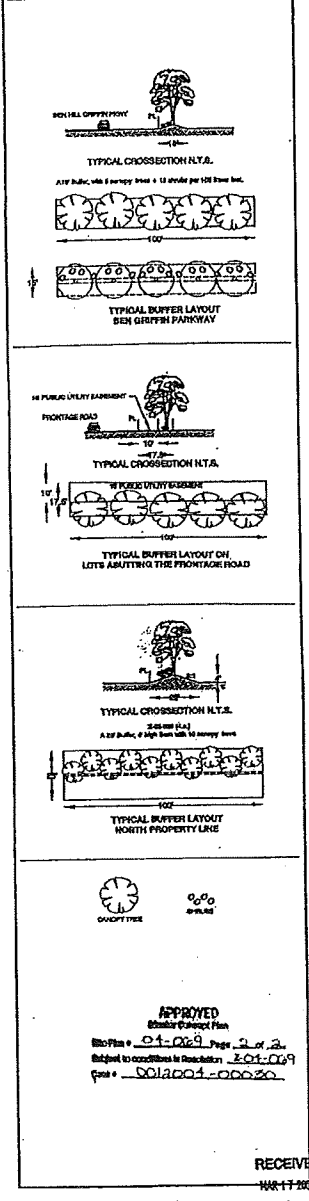
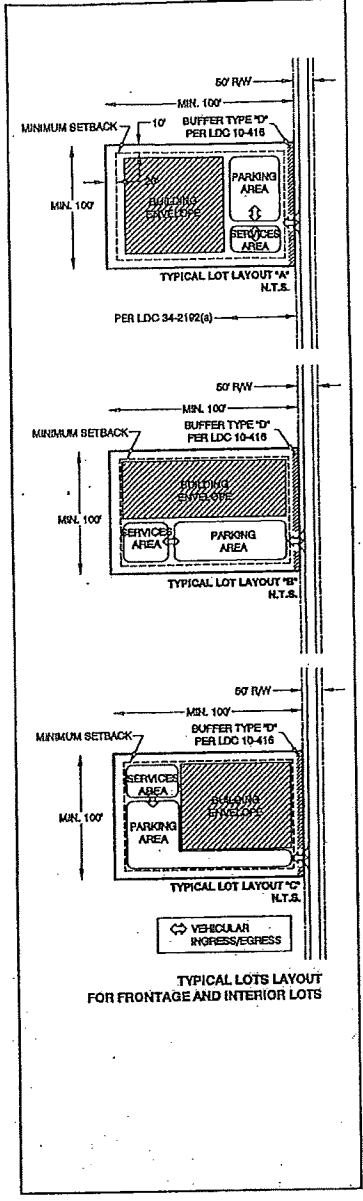
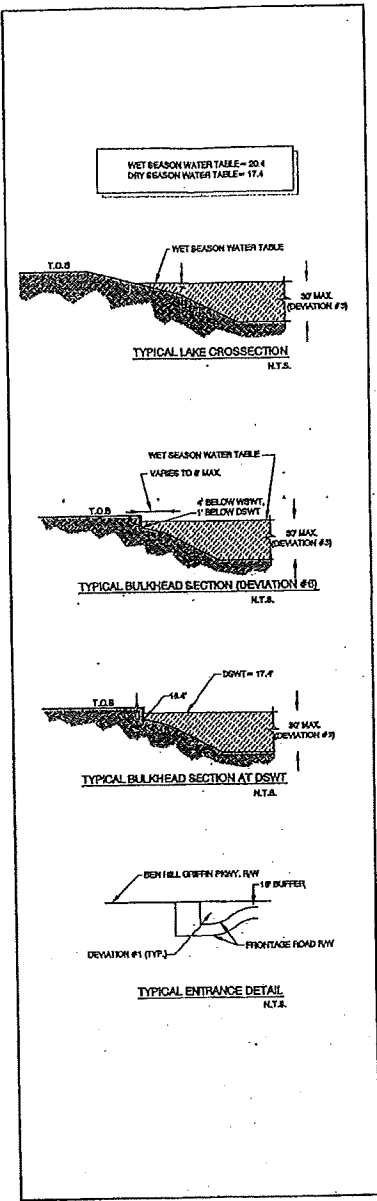


**OPEN SPACE:**

THE REQUIRED MINIMUM OPEN SPACE SHALL BE PROVIDED PURSUANT TO LDC SECTION 10-415. OPEN SPACE PROVIDED BY EACH INDIVIDUAL LOT WITHIN A DEVELOPMENT AREA SHALL TOTAL THE OVERALL REQUIRED OPEN SPACE FOR THAT AREA PER LDC SECTION 34-414(c). NO LOT SHALL PROVIDE LESS THAN 10%.

Land Use	Area	%/acres Required Open Space	%/acres Provided Open Space
Frontage Lots (# 1-6) (incl. infra. alloc.)	34.6± ac.	30% /10.38± ac.	10% /1.83± ac.
Interior Lots (# 7-12) (incl. infra. alloc.)	28.37± ac.	20% /5.67± ac.	10% /1.59± ac.
Max. 25% lake			4.00± ac.
Lake Open Space			1.70± ac.
Wet B Open Space			0.00± ac.
<b>Total</b>	<b>62.97± ac.**</b>	<b>16.05 ± acres</b>	<b>18.03 acres **</b>

\* Total Developed Area  
 \*\* 6.03 acres will be of indigenous composition.



MORRIS • DEPEW ASSOCIATES, INC.  
 ENGINEERS • PLANNERS • SURVEYORS & MAPPERS  
 225 Westwood Avenue • Fort Myers, Florida 33901 • 813-339-3339  
 FAX: 813-339-3338  
 www.morrisdepew.com

ZONING MASTER CONCEPT PLAN - NOTES & DETAILS  
 AIRPORT CROSSINGS MPD  
 December 02, 2004, 10:23:23 AM, 10:23:23 AM

RECEIVED  
 MAR 17 2005  
 5/7/04  
 2/2

DCI 2004-00030