

RESOLUTION NUMBER Z-12-018

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

WHEREAS Morris-Depew & Associates, Inc., c/o David W. Depew, PhD, AICP, LEED® AP, filed an application on behalf of the property owner, Meridian Airport Park, LLC (f/k/a Airport Technology Center), to amend the intensity of the development within the existing 90.6± acre Mixed Use Planned Development (MPD) zoning, in reference to Meridian Airport Park, LLC (f/k/a Airport Technology Center); and

WHEREAS a public hearing was advertised and held on June 28, 2012 before the Lee County Hearing Examiner, Laura B. Belflower, who gave full and complete consideration to the evidence in the record for Case No. DCI2012-00005 and recommended approval of the request with conditions and deviations; and

WHEREAS, the Lee County Board of Commissioners 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 amend the intensity of the development within the existing 90.6± acre zoning to allow a maximum of 295,000 square feet of office use (of which 95,000 square feet can be medical office); 500,000 square feet of industrial use; 100,000 square feet of commercial use; and 200 hotel/motel units. The applicant also sought to eliminate the existing conversion table related to DRI thresholds, combine two lists of uses into one in the Schedule of Uses, and to clarify allowed heights, lot combination options, and landscaping requirements.

The property is located in both the Tradeport and Wetlands Future Land Use Categories 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).

A. Master Concept Plan/Development Parameters

1. Development of this project must be consistent with the three-page Master Concept Plan (MCP) entitled "Meridian Airport Park MPD," with page 1 stamped

RECEIVED June 26, 2012, prepared by Morris-Depew, last revised June 21, 2012 and pages 2 and 3 stamped RECEIVED September 11, 2008, prepared by Morris-Depew, last revised May 29, 2008 attached hereto as Exhibit B. Development must comply with all requirements of the 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-04-070 (as amended by ADD2008-00083) will become null and void.

3. **Uses and Site Development Regulations**

The following Limits apply to the project and uses:

a. **Schedule of Uses**

Accessory uses and structures – 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.

Administrative offices

Aircraft food services and catering

Amateur radio antennas and satellite earth station - limited to 50' from finished grade 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 see Condition #21

Auto repair and service, per LDC § 34-622(c)(2) - all groups no retail sale of gasoline permitted, see Condition #22

Banks and financial establishments, per § 34-622(c)(3) - all groups

Bar or cocktail lounge - limited to one (1) on the entire MPD

Boats:

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, warehouse and processing plant
 Communications facility, wireless - per LDC § 34-1441, *et seq.* (also see
 wireless communication facility Conditions #10, #11, and #19).
 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)
 Day care facilities, child and adult
 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, all groups
 Excavation, water retention, including on-site dewatering during
 construction - see blasting Condition #16
 Factory outlets (point of manufacture only)
 Farm equipment, sales, storage, rental or service
 Fences, walls
 Food and beverage service, limited
 Food stores, per LDC § 34-622(c)(16) - all groups
 Freight and cargo handling establishments, per LDC § 34-622(c)(17)
 Funeral home and mortuary with or without a 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) - see Conditions #7 and #8
 Group I - nursing and personal care
 Group II - skilled nursing/hospice
 Group III - outpatient care facilities and
 Group IV - hospitals
 Heliport or helistop - See Condition #9
 Hobby, toy and game shops (§ 34-622(c)(21))
 Hotel/motel - maximum 200 rooms. See Condition 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)
 Boats
 Chemical and allied products (§ 34-622(c)(6)), Group II with 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, II and III, 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
 Paper and allied products (34-622(c)(44)) - Group II
 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
 Tobacco products (§ 34-622(c)(51))
 Transportation equipment (§ 34-622(c)(52)) - 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
 Non store 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 #20), 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
 Pet shop
 Photo finishing laboratories
 Plant nursery
 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, IV

Personal

Private - on site

Private - off site

Rental or leasing establishments per LDC § 34-622(c)(39) Group I, II, III and 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) - Groups I, II, and IV. Excluding Group III (Chemical).

Restaurant, fast food - the fast food restaurant 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) - all Groups. Group 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 and noncommercial - see Condition #7

Self-service fuel pumps - see Condition #21

Signs in accordance with Chapter 30 - with approved deviations

Social services per LDC § 34-622(c)(46) - Groups I, II, III excluding any residential dwelling units (i.e., half way houses and group homes). See Condition #7.

Specialty retail shops per LDC § 34-622(c)(47) - all groups excluding ammunition, firearms, hunters equipment

Storage, indoor

Storage, open - only for uses that are permitted, per LDC § 34-3001, *et seq.*

Storage, vehicles

Studios, per LDC § 34-622(c)(49)

Temporary uses

Theater, indoor

Transportation services, per LDC § 34-622(c)(53) - Groups II, III, and IV

Truck stop, trucking terminal

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) all Groups

Warehouse, mini warehouse, private, public, cold storage

Wholesale establishments per LDC § 34-622(c)(56) - Groups I, III, IV

b. Site Development Regulations

Development Intensity: The approved development intensity for this planned development is:

- 200 hotel/motel units;
- 295,000 square feet of office use, of which 95,000 could be devoted to medical office;
- 500,000 square feet of industrial use; and
- 100,000 square feet of retail use.

c. Property Development Regulations

Minimum Lot Area Dimensions (all uses):

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

Minimum Setbacks:

Street: Consistent with LDC § 34-2192(a).
 Side: 10 feet
 Rear: 20 feet
 Water Body: 25 feet except as approved by Deviation #4.
 Accessory: Consistent with LDC §§ 34-1171 and 34-2194, *et seq.*
 Perimeter: All buildings to be located on the perimeter of the entire Meridian Airport Park property must be set back a minimum of 25 feet from the property boundary.

Maximum Lot Coverage:

50 percent, except for a long-term vehicular storage structure which is 75 percent.

Maximum Building Height:

Hotel, motel, and office uses - 75 feet
 All other uses (except wireless communication facilities) are limited to a maximum of 45 feet.
 Buildings exceeding 35 feet in height must maintain additional building setbacks consistent with LDC § 34-2174(a).
 Wireless communication facilities - Height governed by Condition #19 below.

An Administrative Amendment may be sought to increase the height limitation of any use (except wireless communication facilities as governed by Condition #19, below), up to the maximum height allowed by the applicable sections of the LDC. At the

time of submittal of the Administrative Amendment, documentation must be provided from the Lee County Port Authority (LCPA) and Federal Aviation Administration (FAA) demonstrating an application for the revised height has been submitted for review. Prior to approval of the Administrative Amendment, evidence of approval from the LCPA and FAA must be submitted.

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 21.3 acres of open space for the project, including a minimum of 10.35-acre indigenous wetland preserve within the 21.3-acre preserve in substantial compliance with the approved MCP. Individual lots must provide a minimum of 10 percent open space.

4. Buffers

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 eighteen (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. These 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.

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

5. Roadway Access

All access to the planned development must be consistent with the Controlled Access Resolution for Ben Hill Griffin Parkway and Treeline Parkway between Alico Road and Daniels Parkway.

6. Drainage

In accordance with the October 19, 1999 MOU between Alico, Inc. and the LCPA, the owner of the Airport Technology Center agrees to execute permanent drainage easements within the completed Airport Technology Center surface water management

systems upon final certification of the system as complete. (See Exhibit C to this Resolution.).

7. Noise Sensitivity

Noise sensitive land uses (including residential dwelling units, places of worship, libraries, schools, hospitals, correctional institutions, or nursing homes) are prohibited within Airport Noise Overlay Zone B.

8. Sound Insulation

Developers constructing commercial buildings, especially hotel/motel facilities located in Airport Noise Overlay Zone B, 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

Heliports and Helistops may only be permitted after review and approval by the Florida Department of Transportation Aviation Office and the LCPA.

10. Tall Structures

The proposed development will be subject to the provisions of LDC § 34-1010 "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 FAA and the LCPA to determine airspace impacts of proposed permanent buildings, wireless communication facilities, and temporary construction equipment (cranes).

11. Wireless Communication

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 LCPA (and airport).

12. 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 B or Noise Zone C of the Airport Compatibility 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 D and labeled "Airport Noise Zone Disclosure Statement."

13. Architectural Design

All industrial buildings and developments within frontage Lots C-1 through C-11 must be in substantial compliance with the Airport Technology Center Architectural Design Standards attached hereto as Exhibit E. Design standards and development must also comply with the LDC and this resolution.

14. Vehicular and Pedestrian Impacts

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.

15. Lee Plan Allocation Table

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 1b).

16. Blasting

Development blasting is permitted only in areas identified as proposed areas of blasting in Exhibit F, to the extent the developer is able to comply with the provisions of Chapter 3 of the LDC, as it may be amended, including 72-hour notification of blasting to the LCPA.

17. Excavation Materials

Excavated material may not be removed from the site.

18. Excavation and Dewatering

a. Written approval from the LCPA is necessary prior to commencing dewatering activity.

b. If written approval by the LCPA is granted, or granted with conditions, then dewatering is permitted subject to the following additional conditions:

(1) The combined staff gauges and monitoring wells specified in the Environmental Resource Permit in the vicinity of Lake 1-SG-2 and Lake 2-SG-4 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) Daily surface water and groundwater monitoring level monitoring at SG-2 and SG-4 shall be implemented at least one day prior to initiation of dewatering activities and continue during dewatering operations.

(3) The developer must report the daily surface water and groundwater level observations to the Division of Natural Resources on a weekly basis.

(4) If surface water levels decline by one foot or groundwater levels decline by one foot as a result of the developer's dewatering, all dewatering operations must be suspended immediately and the developer must notify the Division of Natural Resources within 24 hours.

(5) Following suspension of dewatering operations in response to adverse surface water or groundwater declines that are 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.

(6) If the developer's dewatering operations cannot be redesigned to eliminate adverse surface water or groundwater level declines, no further dewatering operations will be allowed.

(7) Any additional conditions recommended by the LCPA.

19. Wireless Communication Facilities

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.*

20. 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

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 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 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, then the developer has the option of performing a traffic analysis of the commercial vehicle storage facility to determine the actual trip generation rate.

(4) The trip generation analysis must be submitted to the DCD Development Services Division.

(5) Traffic counts will be conducted at all driveways leading to and from the commercial parking structure for a period not less than three (3) consecutive weekdays.

(a) 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 24-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).

21. Retail Sale of Gasoline

No retail sale of gasoline is permitted on the property. However, self-service fuel pumps are permissible as an accessory use to a business to provide fuel for their own fleet of vehicles/equipment and customers of the commercial parking lot limited to a maximum of two pumps. Additional pumps will require special exception approval.

22. FPL Easement

The applicant, the County, and FPL are working together to locate FPL transformer cabinets on the property. The location of the utility cabinets would 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.

23. Sign Lighting

All lighting for the signs within the project must be directed at the sign face and shielded so that no lighting is directed in an upward direction other than onto the sign face.

24. Visibility

No sign shall be erected which will impair visibility at a street intersection or driveway entrance.

25. Project Identification Sign

The "V" project identification/directory sign, must be in substantial compliance with EXHIBIT H, attached hereto, and will be reviewed and approved in accordance with the proposed unified sign package to be reviewed at the time of local development order approval.

26. Project Sign Design

The two proposed project signs on either side of the north entrance must be similar in design to the "V" project identification/directory sign located at the south entrance. The two signs must be no greater than 200 sq. ft. and have a maximum height of 10 feet.

27. Lots

The combination of lots, including parts thereof, shown on the approved Master Concept Plan into one development parcel will not require amendment of the approved Master Concept Plan for this planned development.

28. Landscape plantings

At the time of Development Order submittal, the Landscape Plans must depict landscape plantings designed to minimize vegetation that has the potential to attract wildlife hazardous to safe aviation. The Landscape Plans must depict utilization of vegetation from the most current LCPA "Recommended Compatible and Incompatible

Native Landscape List". Any landscaping changes to the approved Development Order DOS2004-00070 must comply with the most current LCPA "Recommended Compatible and Incompatible Native Landscape List."

29. **Solid waste**

As part of any local development order approval for vertical development, the Development Order plans must include facilities in compliance with LDC §10-261 and Solid Waste Ordinance # 11-27 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of these facilities will be reviewed at the time of Local Development Order application.

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

SECTION C. DEVIATIONS:

Deviations 1 through 5 and 7 through 11 were previously approved in Resolution Z-04-070 (amended by ADD2008-00083). Because Zoning Resolution Z-04-070 (amended by ADD2008-00083) will become null and void upon passage of this resolution, they are set out below only as codification of the conditions and deviations contained in Resolution Z-04-070 (amended by ADD2008-00083) relevant to this rezoning.

Deviation 1 sought relief from the LDC § 30-153(2), which limits non-residential subdivision developments exceeding 330 linear feet of frontage to 2 signs not to exceed 300 square feet, to allow 2 ground mounted single-faced subdivision identification signs limited to 10 feet high, and 1 on-site ground mounted double-faced sign limited to 15 feet high with each sign allowed 200 square feet of signage on each face, and 1 double-faced subdivision identification sign limited to 24 feet high and 50 square feet of signage on each face and 2 monument column signs at the three entrances along approximately 3,000 linear feet of Ben Hill Griffin Parkway frontage, with each sign allowed 200 square feet of signage on each face. In addition, the on-site sign located within the common area, the off-site signs located on abutting parcels, and the signs will not be included in sign calculations for the receiving parcels.

Deviation 1 was approved by Zoning Resolution Z-04-070, SUBJECT TO the following conditions:

- a. The developer must submit a unified signage, landscaping, and design plan for Staff's review at the time of local development order application.
- b. All signs must be consistent with Chapter 30, including provisions for height, setbacks, and square footage, except as provided in Deviation 10.

c. This deviation is limited to two, 200-square-foot ground mounted, single faced subdivision identification signs, no higher than 10 feet high at entrance locations, as shown on the approved Master Concept Plan, one double-faced sign, no higher than 24 feet at the central entrance, two monument column signs and one, 200 square foot double-faced sign, no higher than 15 feet within the frontage road "jug handle", as shown on the approved MCP.

Deviation 2 sought relief from LDC § 30-153(2)a.4, which prohibits identification signs between a collector or arterial street and a frontage road, to allow one "V" shaped sign in the "jug handle area" between the arterial road and a local road.

Deviation 2 was approved by Zoning Resolution Z-04-070, SUBJECT TO the following conditions:

- a. This Deviation is limited to one, 200 square-foot double-faced sign no higher than 15 feet within the frontage road "jug handle" shown on the approved MCP.
- b. The developer must submit a unified signage, landscaping, and design plan for Staff's review at the time of local development order application.
- c. All signs must be consistent with Chapter 30, including provisions for height, setbacks, and square footage.

Deviation 3 was withdrawn prior to the adoption of Resolution Z-04-070 (amended by ADD2008-00083).

Deviation 4 sought relief from LDC § 34-21 94, which requires that buildings and structures may not be placed closer than 25 feet to a canal or to a bay or other water body or the distance required by the provisions of Chapter 6, Article IV, pertaining to flood hazard reduction, whichever is greater, to allow a zero-foot setback at the bulkhead for the following uses: hotels, health club or spa, offices, restaurants, all groups, bar or cocktail lounge, cultural facilities, banks and financial institutions. Additional uses that may be considered for a zero-foot water-body setback on a case-by-case basis via an administrative amendment include the following: administrative office for any permitted use, business services, Group I.

Deviation 4 was approved by Zoning Resolution Z-04-070.

Deviation 5 was withdrawn prior to the adoption of Resolution Z-04-070 (amended by ADD2008-00083).

Deviation 6, amended by this application, seeks relief from LDC §10-285(a), which requires a minimum of 330 feet of access separation on a collector road, to allow a maximum of 3 access points on the north side of Meridian Center Parkway east of Parallel Drive, and a maximum of 3 access points on the south side of Meridian Center

Parkway east of Parallel Drive, with no access point closer than 215 feet; and two right in/right out only access points (north/south) on Meridian Center Drive west of Parallel Drive.

The Board of County Commissioners APPROVES Deviation 6, SUBJECT TO the following condition:

A maximum of three (3) access points may be constructed on Meridian Center Parkway to the east of Parallel Drive. These access points may be no closer than 215 feet apart, as measured from the edge-of-pavement to the nearest edge-of-pavement. For the two-lane, undivided condition of Meridian Center Parkway, while access points are not required to line up on both the north side and south side of the facility, aligned access points that are constructed across from one another will be considered to be a single access point. Access points that do not align on both the north and south sides will each be counted as an access. For the future, multi-lane, divided condition of the roadway, each side of the divided roadway will be allowed three (3) access points, consistent with the above referenced spacing.

Deviation 7 sought relief from LDC §30-94(h), which prohibits against double-faced signs with opposing faces having an interior angle greater than 30 degrees, to allow signs at the entrance with an interior angle of 45 to 90 degrees.

Deviation 7 was approved by Zoning Resolution Z-04-070, SUBJECT TO the following conditions:

- a. Limited to one, 200 square-foot double-faced sign no higher than 15 feet within the frontage road "jug handle" as shown on the approved MCP.
- b. The developer must submit a unified signage, landscaping, and design plan for Staff's review at the time of local development order application.
- c. All signs must be consistent with Chapter 30, including provisions for height, setbacks, and square footage.

Deviation 8 sought relief from LDC §10-329(d)(4), to permit excavation bank slope requirements to allow a bulkhead to be placed at the edge of an excavation (with a 0:1 slope) rather than sloped at a ratio not greater than 4:1; 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 as delineated on the MCP.

Deviation 8 was approved by Zoning Resolution Z-04-070, SUBJECT TO the following conditions:

- a. If bulkheads are to be used as depicted on the MCP, a compensatory littoral zone equivalent to the linear footage of the bulkhead must be provided within the lake. The compensatory littoral zone must have an 8:1 slope with the

control elevation set to hold a minimum of 3-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 provided as native wetland trees (minimum 3-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, paving, and grading plans.

b. Provision must be made for wayward vehicles during the development order process.

Deviation 9 sought relief from LDC §34-329(d)(1)a.3, which prohibits against excavations within 50 feet of private property lines under separate ownership unless granted an administrative deviation in accordance with §10-104, to allow the water retention detention excavation at the northeast corner of the proposed development to be not less than 25 feet from the property line without an administrative deviation.

Deviation 9 was approved by Zoning Resolution Z-04-070.

Deviation 10 sought relief from LDC §30-91(a), which requires that the sign area shall be measured from the outside edges of the sign or the sign frame, whichever is greater, excluding the area of the supporting structures provided that the supporting structures are not used for advertising purposes and are of an area equal to or less than the permitted sign area. In the case of wall signs without a border or frame, the surface area shall include such reasonable and proportionate space as would be required if a border or frame were used.

Deviation 10 was approved by ADD2008-00083, SUBJECT TO the following conditions:

- a. The project identification sign located in the median of the central (main) entrance must be in substantial compliance with the elevations attached hereto as EXHIBIT I.
- b. The two new monument column signs to be located at the intersection of Meridian Center Parkway and Parallel Drive must be identical to the existing two monument column signs on either side of the central (main entrance) located at the intersection of Meridian Center Parkway and Ben Hill Griffin Parkway, except that the two most easterly column signs cannot exceed a maximum height of 10 feet and the two most westerly column signs (existing columns) on either side of the main entrance cannot exceed a maximum height of 18 feet.
- c. No wording, except for street numbers on the two 18 foot high monument column signs, is permitted on the four the monument column signs other than the stylized symbol of a "globe", as shown on the elevation attached hereto as EXHIBIT J.

Deviation 11 sought relief from LDC §30-153(2)a.4., which requires a 15-foot setback from the property line on the street side and a 10-foot setback from any other property line, to allow a 4-foot setback.

Deviation 11 was approved by ADD2008-00083, SUBJECT TO the following condition:

No sign shall be erected which will impair visibility at a street intersection or driveway entrance.

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: The Master Concept Plan
- Exhibit C: 1999 Memorandum of Understanding
- Exhibit D: Airport Noise Zone Disclosure Statement
- Exhibit E: Airport Technology Center Architectural Standards
- Exhibit F: Proposed Areas of Blasting Map
- Exhibit G: October 21, 2004, Edelstein Memorandum
- Exhibit H: 'V' Sign Elevation
- Exhibit I: Main Entrance Sign Elevation
- Exhibit J: Monument Column Sign Elevations
- Exhibit K: Zoning Map (with the subject parcel indicated)

The applicant has indicated that the STRAP numbers for the subject property are:

02-46-25-03-00000.0C10; 02-46-25-03-00000.0C20; 02-46-25-03-00000.0C30; 02-46-25-03-00000.0C40; 02-46-25-03-00000.0C50; 02-46-25-03-00000.0C60; 02-46-25-03-00000.0C70; 02-46-25-03-00000.0C80; 02-46-25-03-00000.0C90; 02-46-25-03-00000.0I10; 02-46-25-03-00000.0I20; 02-46-25-03-00000.0I30; 02-46-25-03-00000.0I40; 02-46-25-03-00000.0I50; 02-46-25-03-00000.0I60; 02-46-25-03-00000.0I70; 02-46-25-03-00000.0I80; 02-46-25-03-00000.0I90; 02-46-25-03-00000.C100; 02-46-25-03-00000.C110; 02-46-25-03-00000.C120; 02-46-25-03-00000.C130; 02-46-25-03-00000.C140; 02-46-25-03-00000.C150; 02-46-25-03-00000.C160; 02-46-25-03-00000.C170; 02-46-25-03-00000.C180; 02-46-25-03-00000.I100; 02-46-25-03-0000A.00CE; 02-46-25-03-0000B.00CE; 02-46-25-03-0000C.00CE; 02-46-25-03-0000D.00CE; 02-46-25-03-0000E.0010; and 02-46-25-03-0000E.0020;

SECTION E. FINDINGS AND CONCLUSIONS:

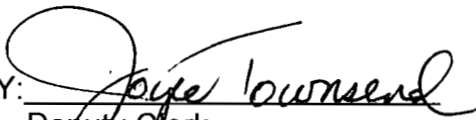
1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;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

Commissioner Ray Judah made a motion to adopt the foregoing resolution, seconded by Commissioner Tammara Hall. The vote was as follows:

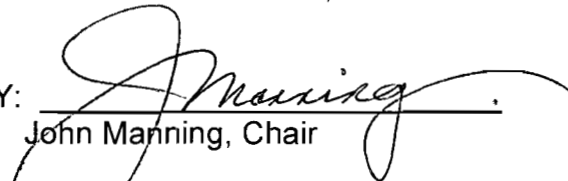
John Manning	<u>Aye</u>
Brian Bigelow	<u>Absent</u>
Ray Judah	<u>Aye</u>
Tammara Hall	<u>Aye</u>
Frank Mann	<u>Absent</u>

DULY PASSED AND ADOPTED this 20th day of August 2012.

ATTEST:
CHARLIE GREEN, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY
COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
John Manning, Chair

Approved as to form by:


Susan M. Henderson
Assistant County Attorney
County Attorney's Office



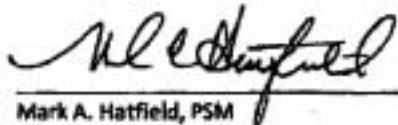
RECEIVED
MINUTES OFFICE
2012 AUG 29 PM 4:03

MERIDIAN AIRPORT PARK

DESCRIPTION

All of "Meridian Center" recorded as Clerk's Instrument Number 2008000146054, Public Records of Lee County, Florida, located in Section 2, Township 46 South, Range 25 East, Lee County, Florida

Prepared By:

 1-23-12

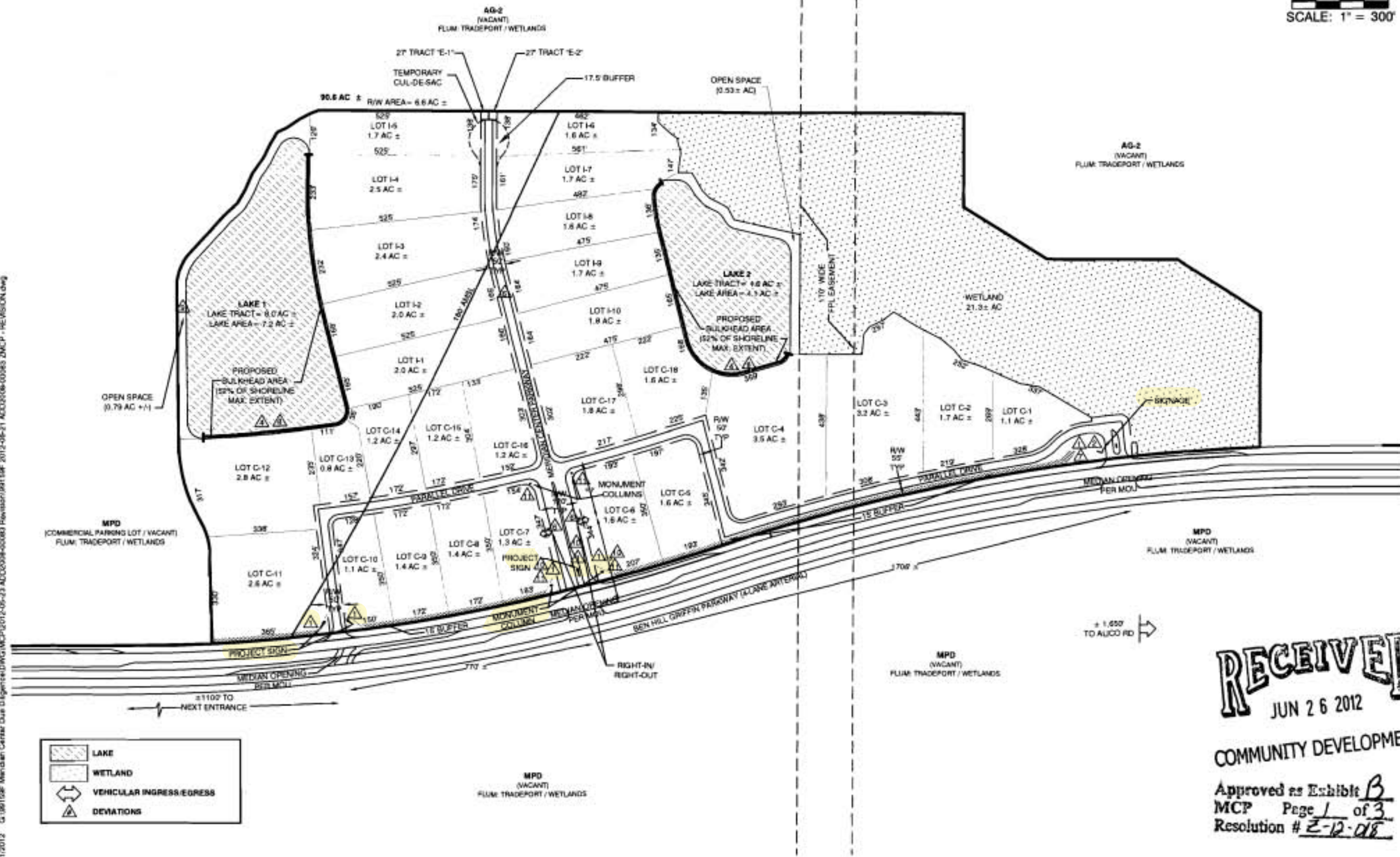
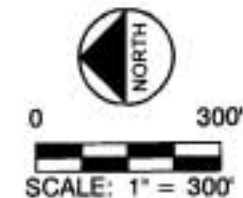
Mark A. Hatfield, PSM
Florida Certificate Number 4155

Morris-Depew Associates, Inc.
2914 Cleveland Avenue
Fort Myers, Florida 33901
(239) 337-3993



DCI2012-00005
8-12-018
Exhibit A

6/21/2012 11:06:06 Meridian Center Due Diligence/DWG/MCP/2012-05-23 ADD2022-00023 Revision/901 EAF 2012-05-21 ADD2022-00023 ZNCP - REVISION.dwg



RECEIVED
JUN 26 2012

COMMUNITY DEVELOPMENT

Approved as Exhibit B
MCP Page 1 of 3
Resolution # E-12-018

8/20/08 - REVISED
9/11/08 - REVISED
6/24/12 - REVISED
6/21/12 - REVISED

ZONING MASTER CONCEPT PLAN

MERIDIAN AIRPORT PARK MFD

SACRED: 0.1 - 1.44 S. R-25 L. 100' (100')
FORMERLY: 100' x 100' (100' x 100')

MORRIS
DEVELOPMENT
ENGINEERING & ARCHITECTURE
P.L.L.C.
1000 N. 10TH AVE., SUITE 100
TALLAHASSEE, FL 32301
TEL: 904.241.1000
WWW.MORRISDEVELOPMENT.COM

99155F
DWG: ANJAB
5/29/08
1/3

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%.

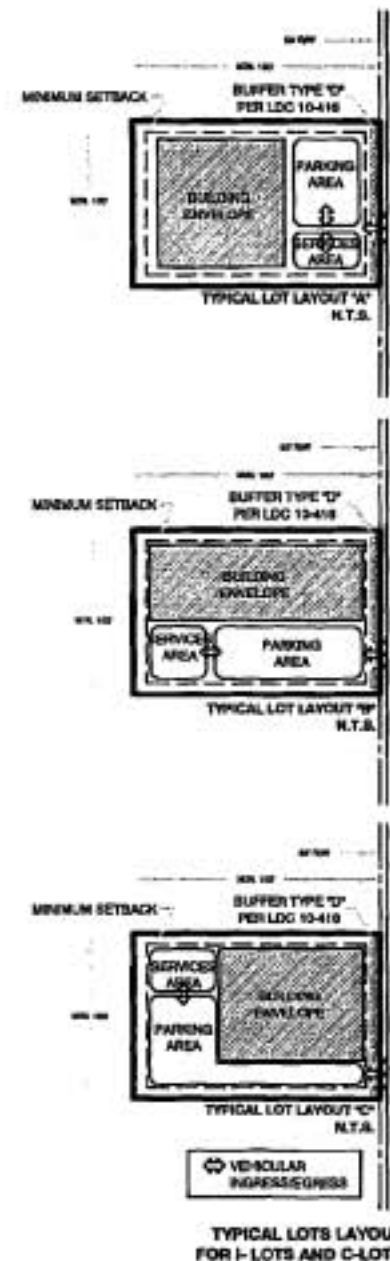
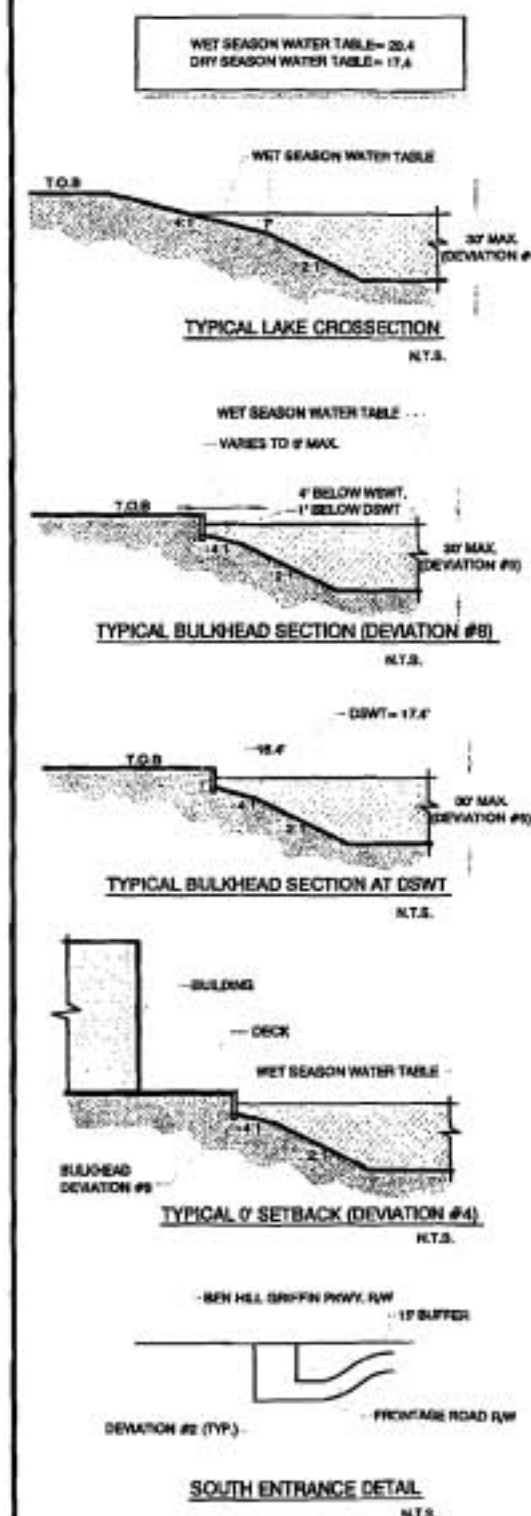
Land Use	Area	% / acres Required Open Space	% / acres Provided Open Space
Frontage (C-lots = 31.10ac) (incl. infra, etc.)	50.47± ac.	30% / 15.14± ac.	10% / 3.11± ac.
Interior (I-lots = 19.00ac) (incl. infra, etc.)	30.83± ac.	20% / 6.17± ac.	10% / 1.90± ac.
Max. 25% take			5.00± ac.
N. Lake Open Space			0.80± ac.
S. Lake Open Space			0.50± ac.
Wetland Open Space			12.0± ac.
Total	81.30± ac.*	21.31± acres	23.31± acres **

* Total Developed Area

** 10.55± acres will be of indigenous composition.

Approved as Exhibit
MCP Page 2 of 3
Resolution # E-12-018

APPROVED
Amendment to
Master Concept Plan Pg 2
Subject to Case # AD02008-00083
Date 9/15/08



RECEIVED
SEP 11 2008
COMMUNITY DEVELOPMENT

ADD 2008-00083

ZONING MASTER CONCEPT PLAN -NOTES & DETAILS

AIRPORT TECHNOLOGY CENTER MPD

Section 02, 1-14-05, 8-25-06, Lee County, Florida

Port Myers
• Telephones
• Gas Stations
• Food Stores
• Banks
• Post Office
• Police Station
• Fire Station
• Hospital
• School
• Church
• Cemetery
• Public Works
• Landmarks and Monuments
FL DA MC 6032 / FL CITY NO. 1000001 / 1000000

MORRIS
DEWEY
JULY
5/23/08
2/3

EXHIBIT C
19 PagesDCI2012-00005
E-12-018

DCI 2004-00035

RECEIVED
JUL 09 2004

Lee County Contract _____

PERMIT COUNTER

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING is made and entered into this 19th 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

ENVIRONMENTAL COORDINATOR
September 30, 1999

2

DCI 2004-00035

RECEIVED
JUL 09 2004

PERMIT COUNTER

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.

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

7/20/98 MON 09:02 FAX 1 813 675 6028
 09/17/1998 16:22 941-594-8884
 SEP. 17. 1998 16:21:41 MYL33 W-222X

ALICO

BEG OFFICE

FLORIDA REAL ESTATE

0001

PAGE 86

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

ALICO, INC.
 A FLORIDA CORPORATION

By

BOARD OF PORT COMMISSIONERS
 LEE COUNTY, FLORIDA

By

ATTEST: CHARLIE GREEN
 Clerk of the Circuit Court

By

Deputy Clerk

APPROVED AS TO FORM

By

Port Authority Attorney's Office

DCI 2004-00035

RECEIVED
 JUL 09 2004

PERMIT COUNTER

Wilson Miller

Surveying & 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**

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; $7.01^{\circ}05'14''$ 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 Northernly right-of-way line, $S.89^{\circ}42'18''$ 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 $90^{\circ}00'10''$ and being subtended by a chord which bears $N.45^{\circ}17'37''$ E. for 70.71 feet to the point of tangency; thence $N.00^{\circ}17'32''$ E. for 549.99 feet; thence $S.89^{\circ}42'28''$ E. for 36.00 feet; thence $N.00^{\circ}17'32''$ 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 $17^{\circ}51'00''$ and being subtended by a chord which bears $N.08^{\circ}37'58''$ W. for 1838.15 feet; thence $N.17^{\circ}33'28''$ 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 $17^{\circ}29'22''$ and being subtended by a chord which bears $N.08^{\circ}48'47''$ W. for 1846.07 feet; thence $N.00^{\circ}04'06''$ W. for 1795.01 feet to the Northernly line of said Section 2; thence $N.89^{\circ}20'22''$ E. along said Section line for 150.01 feet; thence departing from said Section line, $S.00^{\circ}04'06''$ E. for 1796.36 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 $17^{\circ}29'22''$ and being subtended by a chord which bears $S.08^{\circ}48'47''$ E. for 1800.46 feet; thence $S.17^{\circ}33'28''$ 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 $17^{\circ}51'00''$ and being subtended by a chord which bears $S.08^{\circ}37'58''$ E. for 1884.69 feet; thence $S.00^{\circ}17'32''$ W. for 282.03 feet; thence $S.89^{\circ}42'28''$ E. for 14.00 feet; thence $S.00^{\circ}17'32''$ 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 $89^{\circ}59'50''$ and being subtended by a chord which bears $S.44^{\circ}42'23''$ E. for 70.71 feet to a point of cusp and the North right-of-way line of said Alico Road; thence $N.89^{\circ}42'18''$ 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 $S.89^{\circ}22'23''$ E.

Wilson Miller, Inc.

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

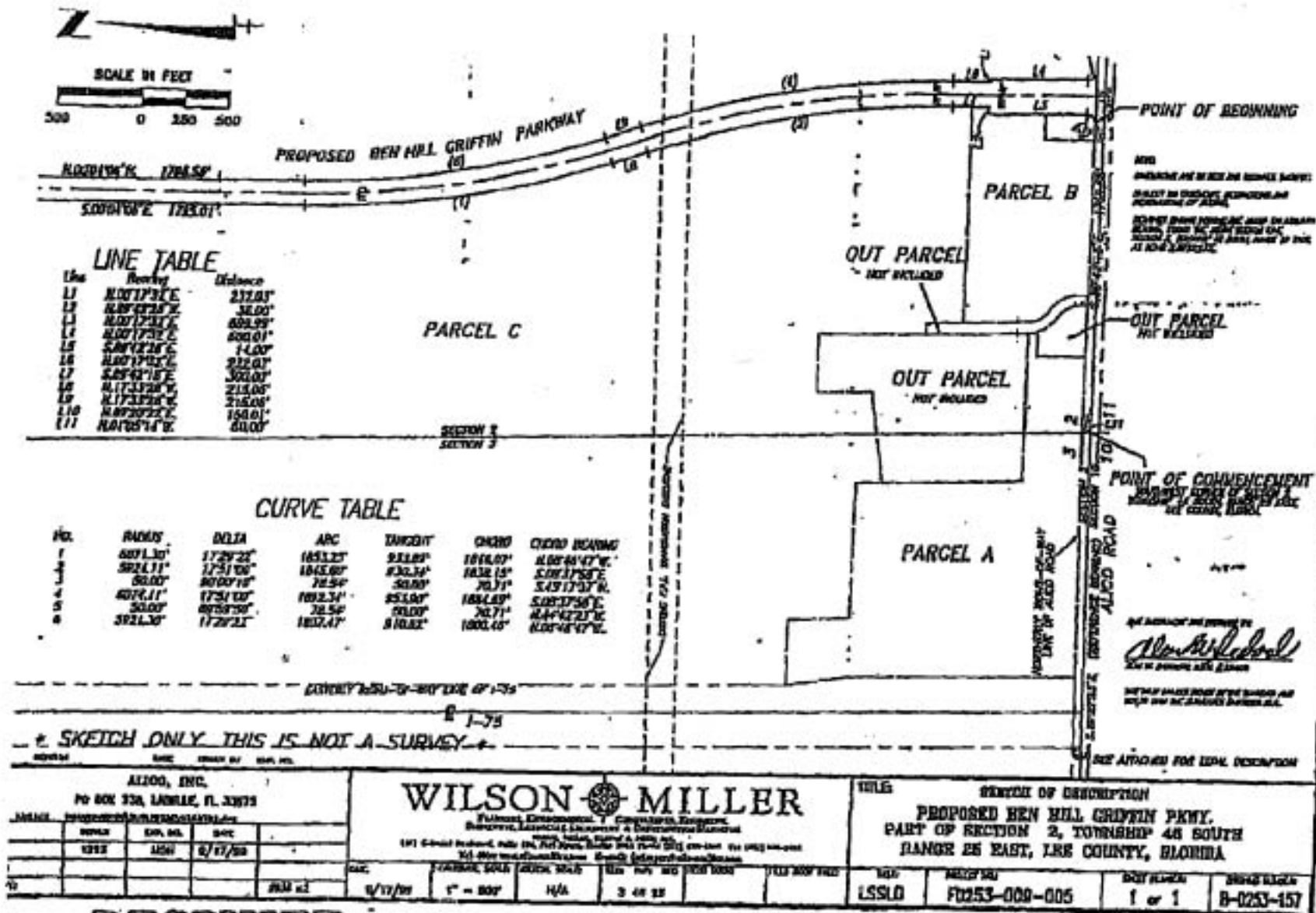
Not valid unless embossed with the Professional's seal.
W.Q. : F0153-009-005-LSLD Ref B-0153-157 Rev: September 11, 1999

9-17-99
Date

Hopkins • Fort Myers • Sarasota • Bradenton • Tampa

4571 Colonial Boulevard, Suite 100 • Fort Myers, Florida 33912-1052 • 941-938-1020 • 941-938-7475

www.wilsonmiller.com



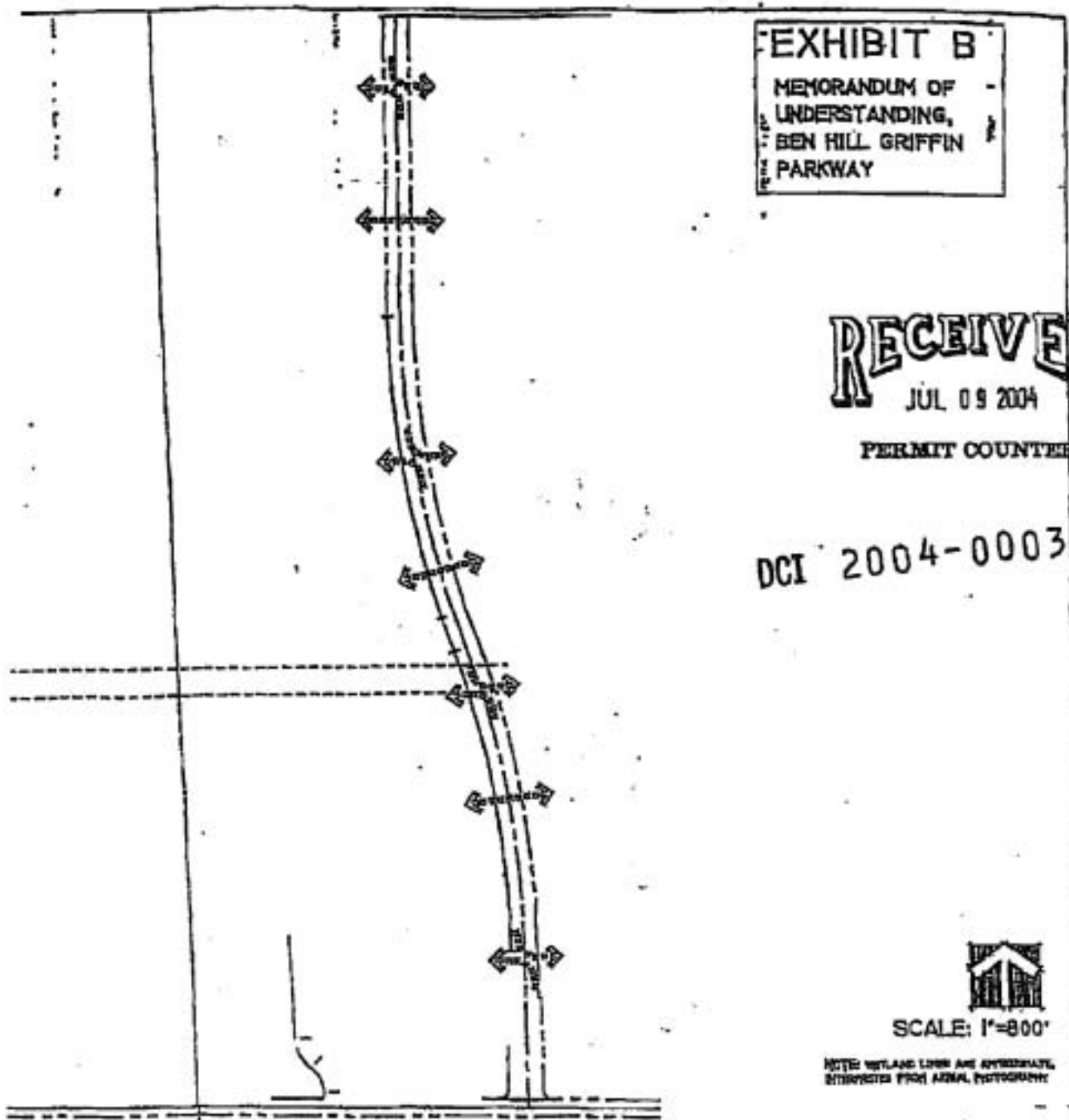


EXHIBIT B
MEMORANDUM OF
UNDERSTANDING,
BEN HILL GRIFFIN
PARKWAY

RECEIVED
JUL 09 2004

PERMIT COUNTER

DCI 2004-00035



SCALE: 1"=800'

NOTE: WETLAND LINES ARE APPROXIMATE,
DETERMINED FROM AERIAL PHOTOGRAPHY

PROJECT: **ALICO**

APPLICANT:

WilsonMiller

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

WilsonMiller, Inc.

Florida • Fort Myers • Orlando • Sarasota • Tampa

1111 3rd Avenue South, PMB • Sarasota, Florida 34234-1001 • Phone 941-744-8700 • Fax 941-744-8800 • Web Site www.wilsonmiller.com

FLA. REG. #

DATE	DATE	DATE	DATE
DATE	DATE	DATE	DATE
PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.
PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.
PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.
PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.

DATE	DATE	DATE	DATE
DATE	DATE	DATE	DATE
PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.
PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.
PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.
PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.

DATE	DATE	DATE	DATE
DATE	DATE	DATE	DATE
PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.
PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.
PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.
PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.

DATE	DATE	DATE	DATE
DATE	DATE	DATE	DATE
PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.
PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.
PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.
PROJECT NO.	PROJECT NO.	PROJECT NO.	PROJECT NO.

09/17/1999 18:13 FAX 1 841 594 8884
 SEP. 17. 1999 18:13 FAX 1 841 594 8884

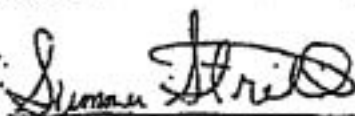
FLORIDA REAL ESTATE

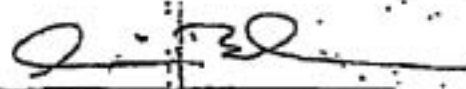
PAGE 27

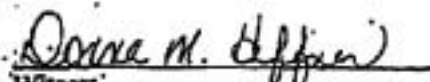
ADDENDUM

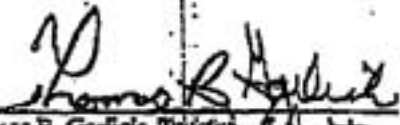
1. During the negotiations between the Port Authority and Alice, Alice entered into contracts of purchase and sale to sell its holdings adjacent to the right-of-way.

2. Southwest Florida Equities Corporation, a Florida Corporation, and Thomas B. Garlick, Trustee are the contract purchasers of certain property owned by Alice. The contract purchasers have reviewed the terms and conditions of the above memorandum of understanding by and between Alice 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 Alice 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 Alice at the time title is obtained.


 Witness

BY: 
 Southwest Florida Equities Corporation,
 a Florida Corporation


 Witness

BY: 
 Thomas B. Garlick, Trustee

DCI 2004-00035

PERMIT COUNTER
 September 17, 1999

RECEIVED
 JUL 09 2004

PERMIT COUNTER

7/17/1999 18:13 941-594-8884
 SEP 17 1999 18:11:47 PHYSICAL UNIT

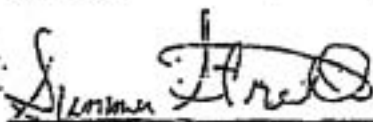
FLORIDA REAL ESTATE

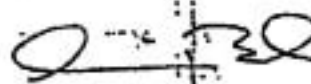
PAGE 87

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.


 Witness


 BY:
 Southwest Florida Equities Corporation,
 a Florida Corporation

 Witness

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
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:

WilsonMiller, Inc.

Alan W. Sadowski
Alan W. Sadowski, Professional Surveyor & Mapper

Florida Registration No. 4800

Not valid unless embossed with the Professional's seal.

DCI 2004-00035

9-20-99
Date

RECEIVED
JUL 09 2004

W.O.: PG253-009-003 LSSLD REF.: C-0253-153 Date: June 10, 1999 REV.: September 17, 1999

PERMIT COUNTER

Rapids Fort Myers Sarasota Bradenton Tampa

1111 E. Fort Myers Parkway Suite 1002 941-239-1020 FAX 941-239-7479

Wilson Miller
Now Offices in Planning, Design & Engineering

RECEIVED
 JUL 09 2004

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°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°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°38'28" West, 1353.60 feet; Thence continue along said Easterly right of way line North 07°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°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°23'14" East, 1398.64 feet to the Northeast corner of Section 3;
 Thence along the North line of Section 2, North 89°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°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°29'22", a chord bearing of South 08°48'47" East, 1846.07 feet to the point of tangency;
3. South 17°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°51'00", a chord bearing of South 08°37'58" East, 1838.15 feet to the point of tangency;
5. South 00°17'32" East, 124.95 feet;

Thence departing from said Westerly right-of-way line, North 89°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°03'53" West, 223.27 feet;
 Thence South 88°56'07" West, 60.00 feet;
 Thence North 01°03'53" West, 636.60 feet;
 Thence South 89°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°03'54" East, 329.62 feet;
 Thence South 81°01'36" West, 526.87 feet;
 Thence North 01°03'53" West, 153.82 feet;
 Thence North 89°22'23" West, 772.32 feet;

Wilson Miller

Thence North $02^{\circ}02'48''$ West, 373.78 feet;

Thence South $89^{\circ}54'40''$ West, 386.31 feet to the Point of Beginning of the tract or parcel of land herein described.

Parcel contains 353.25 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 $89^{\circ}22'23''$ West.

Prepared by:

Wilson Miller, 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

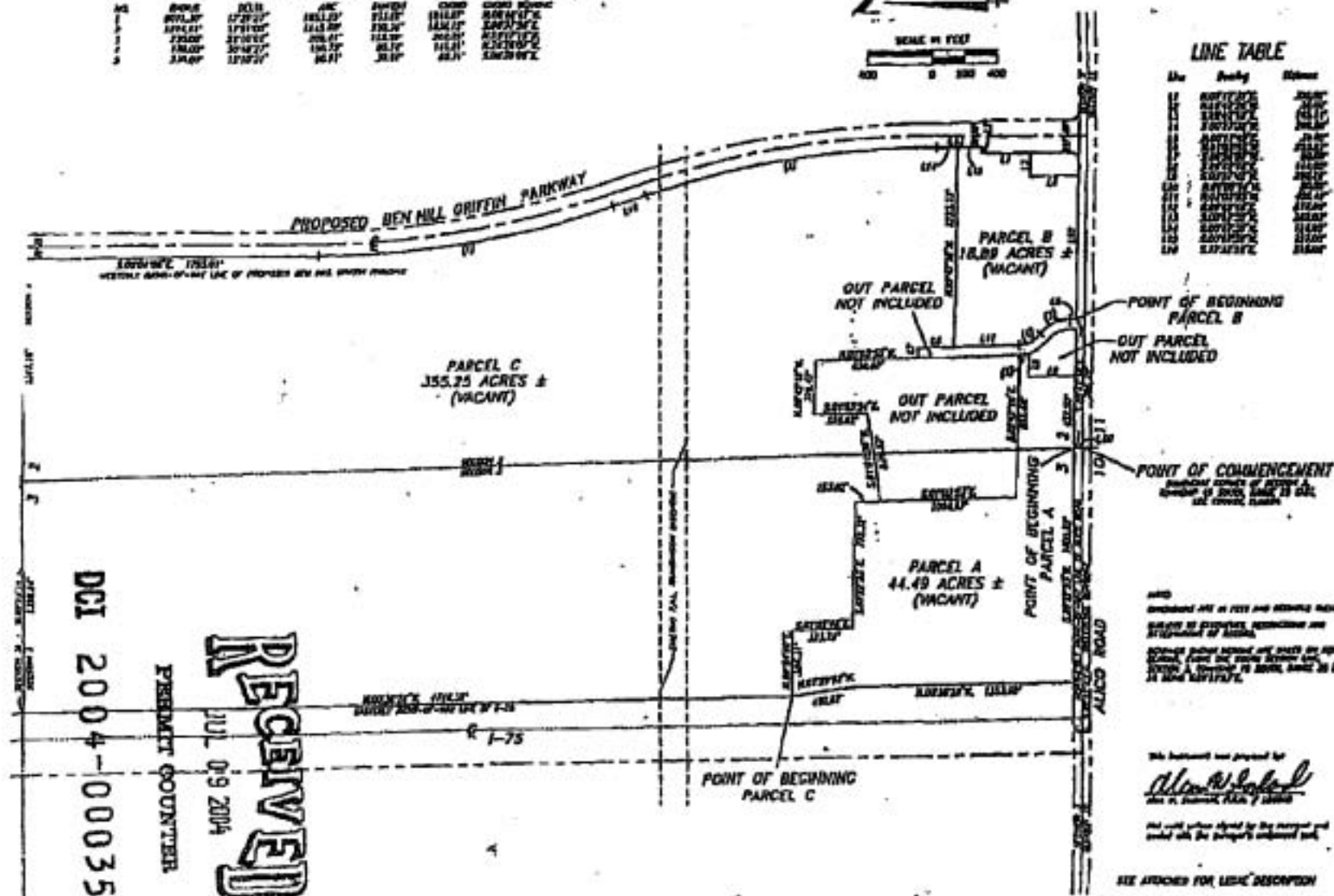
DCI 2004-00035

RECEIVED
JUL 09 2004

PERMIT COUNTER



Line	Party	Amount
101	AMERICAN	200.00
102	AMERICAN	200.00
103	AMERICAN	200.00
104	AMERICAN	200.00
105	AMERICAN	200.00
106	AMERICAN	200.00
107	AMERICAN	200.00
108	AMERICAN	200.00
109	AMERICAN	200.00
110	AMERICAN	200.00
111	AMERICAN	200.00
112	AMERICAN	200.00
113	AMERICAN	200.00
114	AMERICAN	200.00
115	AMERICAN	200.00
116	AMERICAN	200.00
117	AMERICAN	200.00
118	AMERICAN	200.00
119	AMERICAN	200.00
120	AMERICAN	200.00



• SKETCH ONLY THIS IS NOT A SURVEY •

[illegible]

WilsonMiller
How Cheaper 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 1684.69 feet to the point of tangency;
5. N17°33'28"W. for 215.06 feet to the point of curvature;
6. northerly, 1837.47 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
Alan W. Sadowski, Professional Surveyor & Mapper
Florida Registration No. 4800

Date

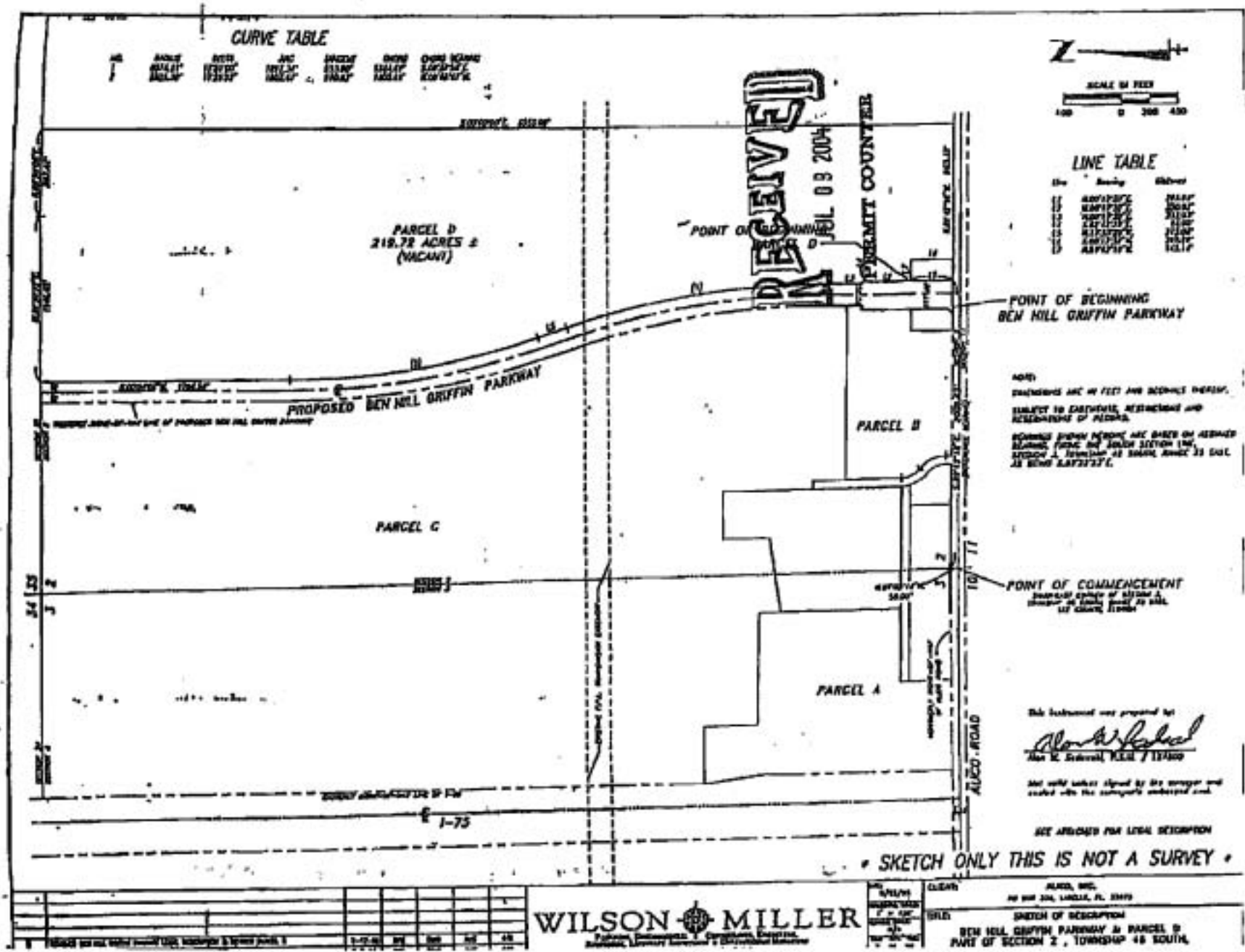
9-20-99

Not valid unless embossed with the Professional's seal.

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

Naasles Fort Myers Sarasota Bradenton Tampa

DCL 2004-00023



WilsonMiller
New Directions in Planning, Design & Engineering

RECEIVED
JUL 09 2004

PERMIT COUNTER

Exhibit "A"

.. Description of Ben Hill Griffin Parkway
North of Alico Road

DCI 2004-00035

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

9-20-99
Date

Not valid unless embossed with the Professional's seal.
W.O. : F0253-009-005-LS4800 Ref: B-0253-157 Rev: September 17, 1999

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)]

DCI2012-00005; 2-12-018; Exhibit D

Airport Technology Center Architectural Standards
DC2012-00005; Resolution Z-12-018; Exhibit E

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 Technology Center (ATC) 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 the Airport Technology Center.

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.

- a. Awnings, other than canvas or attached canopies;
- b. Overhangs;
- c. Porticos;
- d. Arcades, minimum of eight feet clear in width;
- e. Peaked roof forms;
- f. Wainscoting;
- g. Curved corners and/or arched openings;
- h. Elevated planters against a primary facade wall;
- i. Side wing walls, which also can shield objectionable uses;
- j. 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

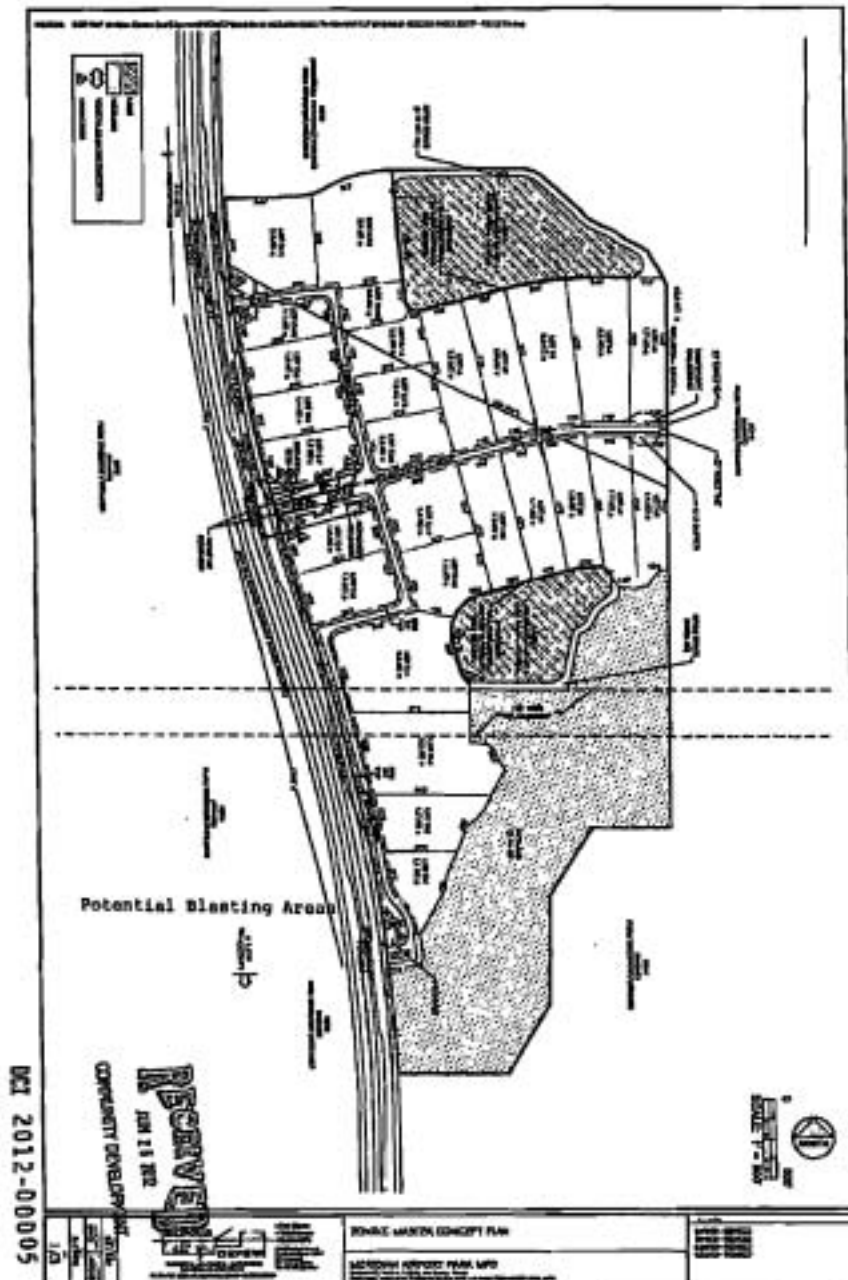
facade and must be integrated into the overall architectural style. These elements may not consist solely of applied graphics, or paint.

(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.



DCI2012-00005

Z-12-018

EXHIBIT F



Lee County
SOUTHWEST FLORIDA

INTEROFFICE MEMORANDUM
FROM
PUBLIC WORKS
NATURAL RESOURCES MANAGEMENT

Date: October 21, 2004

TO: Tony Palermo

From: Rand Edelman Jr.

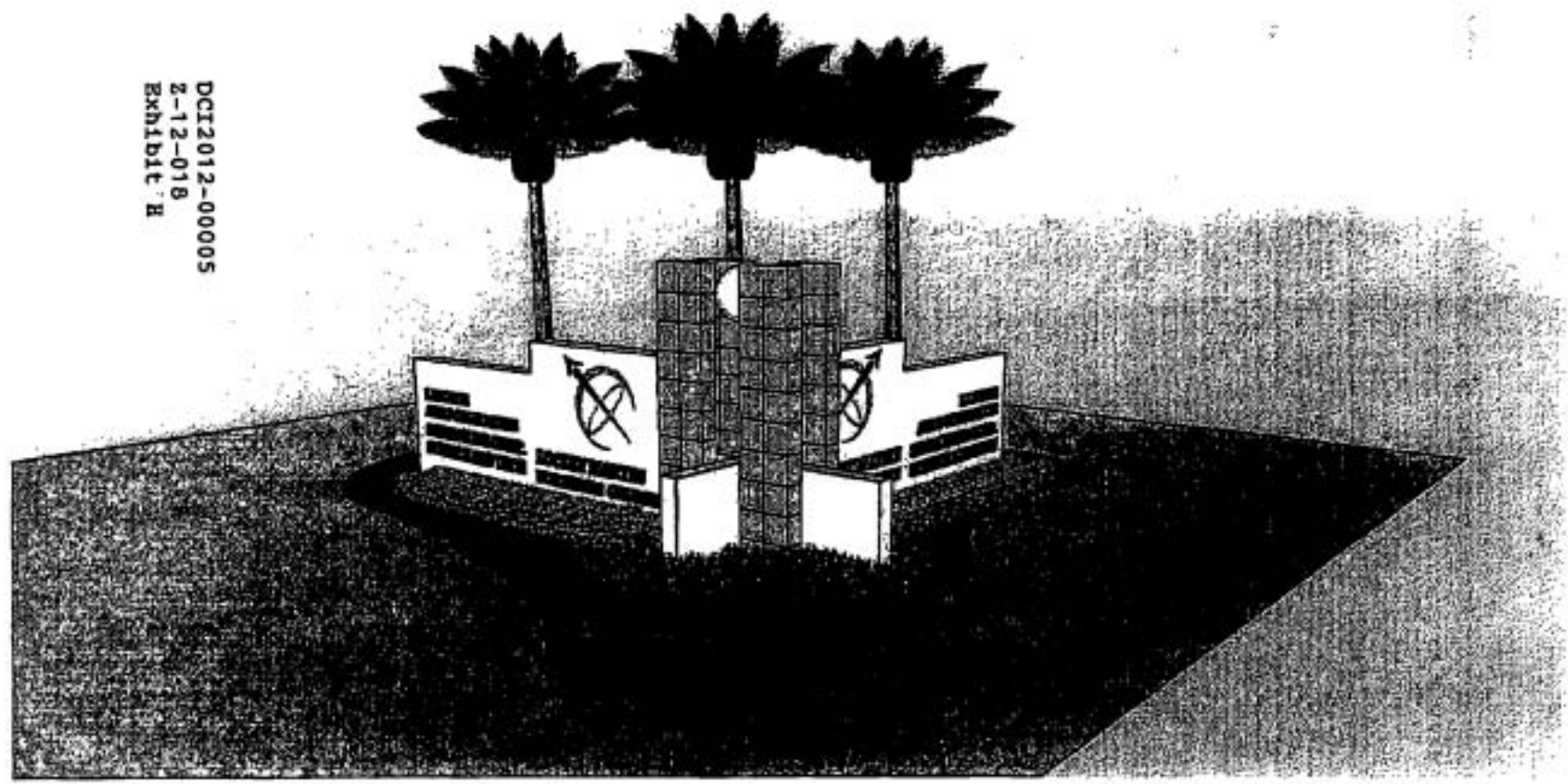
SUBJECT: Substantive Review Comments, Airport Technology Center
Case # DCI2004-00035

Dear Tony:

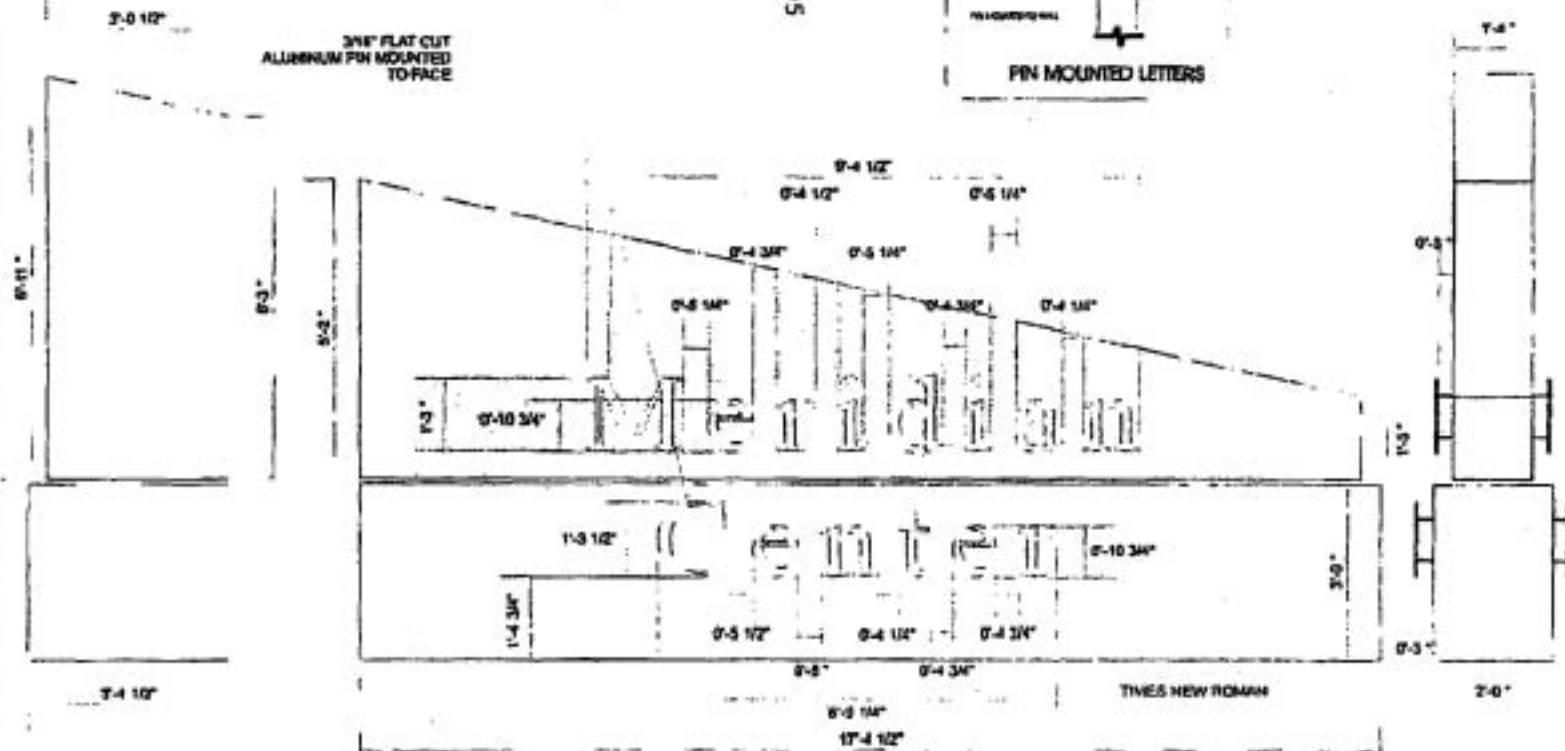
The Lee County Natural Resources Division, Groundwater Unit has completed review of the proposed Technology Center (Case # DCI2004-00035) proposed dewatering and Water Use Permit (WUP) No. 36-04413-W issued for dewatering by the South Florida Water Management District (SFWMD) on December 11, 2003. The 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 ponds 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 1, SG-2 and Lake 2, SG-4 shall be installed prior to initiation of lake excavation or dewatering (see attached Figure);
- Daily surface water and groundwater level monitoring at SG-2 and SG-4 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.

DCI2012-00005
2-12-018
Exhibit H



DCI2012-00005
2-12-018
Exhibit 1



THIS DESIGN IS THE SOLE PROPERTY OF LEE DESIGNS LLC AND IS NOT TO BE USED IN WHOLE OR PART BY ANY OTHER PARTY WITHOUT THE WRITTEN PERMISSION OF LEE DESIGNS LLC. DIMENSIONS AND COLORS MAY VARY SLIGHTLY DUE TO CUSTOMER SPECIFICATION CHANGES.

CLIENT VALLEYCREST	DATE 012908	SALESPERSON MIKE JOHNSTON	DESIGNER Anthony Warner	 Custom Signs Are Our Specialty 239.278.4245 Fax 239.278.3012
LOCATION FT MYERS FL.	SCALE 3/8" = 1'	SQUARE FT.	DOCUMENT LOCATION C:\DESIGN\00005\DCI2012-00005.dwg	
			FILE NAME DETAILS2.cdr	

DCI2012-00005
Z-12-018
Exhibit J, Pg. 1





DCI2012-00005
Z-12-018
Exhibit J, Pg. 2

DCI2012-00005; Z-12-018; Exhibit K