

RESOLUTION NUMBER Z-20-001

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

WHEREAS, RaceTrac Petroleum, Inc. filed an application on behalf of the property owner, Formosa Commerce Center, LLC, to amend RaceTrac Alico EDO (Formosa Commerce Center IPD) as follows:

- Combine and renumber Lots 1 through 7 into proposed Lots 1 and 2 and renumber all subsequent lots on the Master Concept Plan (MCP); and
- Amend Schedule of Uses to increase the maximum number of fuel pumps from 24 to 28 and amend lot number references on the Schedule of Uses; and
- Add two deviations pertaining to sidewalk construction on Lee Road and driveway width.

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on January 9, 2020; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case # DCI2019-00015 and recommended APPROVAL of the Request with conditions; and

WHEREAS, a second public hearing was advertised and held on March 18, 2020 before the Lee County Board of Commissioners; 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 RaceTrac Alico EDO (Formosa Commerce Center IPD) as follows:

- Combine and renumber Lots 1 through 7 into proposed Lots 1 and 2 and renumber all subsequent lots on the Master Concept Plan (MCP); and
- Amend Schedule of Uses to increase the maximum number of fuel pumps from 24 to 28 and amend lot number references on the Schedule of Uses; and
- Add two deviations pertaining to sidewalk construction on Lee Road and driveway width.

The property is located in the Industrial Development, Rural 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).

1. Development of this project must be consistent with the three-page Master Concept Plan (MCP) entitled "Formosa Commerce Center," prepared by DeLisi Fitzgerald, Inc., date stamped received October 3, 2019, and attached hereto as Exhibit C, except as modified by the conditions below. 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.

The terms and conditions of Resolution Z-11-020 are null and void and are superseded by this zoning resolution.

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

- a. Schedule of Uses

All uses, including those with an asterisk (*), are permitted on Lots 3-12, as may be further limited below. All uses with an asterisk (*) are permitted on Lots 1 and 2.

- *Accessory Uses and Structures
- *Administrative Offices
- *Agricultural Services: office/base operations
- *Agricultural Uses and Agricultural Accessory uses - See Condition 10
- *Animals: Clinic or Kennel (No outdoor runs)
- *ATM - Automatic Teller Machine
- Automobile Service Station
- Auto Repair and Service, Groups I and II
- *Bait and Tackle Shop
- *Boat Parts Store
- Boats: Boat Rental, Boat Repair and Service, Boatyard
- *Broadcast Studio, Commercial Radio and Television
- *Building Material Sales
- *Business Services, Groups I and II
- Bus Station/Depot
- *Cleaning and Maintenance Services
- Cold Storage, Pre-Cooling, Warehouse
- *Computer and Data Processing Services
- *Consumption on Premises, in conjunction with a restaurant or nightclub (Lots 1-10 only)
- *Contractors and Builders, All Groups
 - Lots 1, 2, 11 and 12 limited to Groups I and II only
- *Convenience Food & Beverage Store (Lot 1 only)
- *Drive through facility for any permitted use
- *Emergency Operations Center (Lots 1-10 only)
- *EMS, Fire or Sheriff's Station (Lots 1-10 only)

- *Entrance Gate and Gatehouse (Lots 1-10 only)
- *Essential Services
- *Essential Service Facilities, Groups I and II
 - Lots 1, 2, 11 and 12 limited to Group I only
- *Excavation, Water Retention, Excavated material may not be removed from the site
- *Factory Outlets, Point of Manufacture Only
- Farm Equipment, Sales, Storage, Rental or Service (Lots 1-10 only)
- *Fences, Walls
- Flea Market, Open (Lots 1-10 only)
- *Food Stores, Groups I and II (Lots 1-10 only)
 - Lots 1 and 2 limited to Group I only
- *Gasoline Dispensing Systems, Special
- Government Maintenance Facility (Lots 1-10 only)
- *Health Care Facilities, Group III
- *Laundry or Dry Cleaning, Groups I and II
- Manufacturing of
 - *Apparel Products
 - Boats (Lots 1-10 only)
 - Chemical and Allied Products, Groups I and II
 - Lots 1, 2, 11 and 12 limited to Group I only
 - *Electrical Machinery and Equipment
 - Fabricated Metal Products, Groups I, II and III (Lots 1-10 only)
 - *Food and Kindred Products, Group III (Lots 1-10 only)
 - *Furniture and Fixtures (Lots 1-10 only)
 - *Leather Products, Group II
 - *Lumber and Wood Products, Groups I, II, III, IV, V and VI (Lots 1-10 only)
 - Lots 1 and 2 limited to Group II only
 - *Machinery, Groups I, II and III
 - Lots 1, 2, 11 and 12 limited to Groups I and II only
 - *Measuring, Analyzing and Controlling Instruments
 - *Novelties, Jewelry, Toys, and Signs: Groups I, II and III
 - *Paper and Allied Products, Groups II and III
 - Lots 11 and 12 limited to Group II only
 - Rubber and Plastic Products, Group II (Lots 1-10 only)
 - Stone, Clay, Glass and Concrete Products: Groups I, II, III and IV
 - Lots 11 and 12 limited to Group I only
 - Textile Mill Products, Groups I, II, and III
 - Lots 11 and 12 limited to Groups I and II only
 - Transportation Equipment, Groups I, II and III (Lots 1-10 only)
- *Medical Office, Limited to Lots 1 and 2
- *Motion Picture Production Studio
- *Nightclub (Lots 1 and 2 only, maximum 6,000 square feet)
- *Non-store Retailer, Groups I, II and III
- *Parcel and Express Services (Lots 1-10 only)
- *Parking Lot, Accessory, Garage - Public Parking, Temporary
 - Lots 11 and 12 limited to Accessory and Temporary only
- *Personal Services, Groups I, II and III
 - Group III limited to Lots 11 and 12 only
- *Photofinishing Laboratory
- *Post Office
- *Printing and Publishing

Processing and Warehousing

*Recreational Facilities, Personal, Private On-Site

*Rental or Leasing Establishment, Groups I, II, III, and IV

Lots 1 and 2 limited to Groups II and III only

Lots 11 and 12 limited to Groups I and III only

*Repair Shops, Groups I, II, III, IV and V

Lots 1, 2, 11 and 12 limited to Groups I, II, and III only

*Research and Development Laboratories, Groups II and IV

*Restaurants, Groups I, II, III, and IV

Lots 1 and 2 only. No standalone fast food restaurants. Fast food within a multi-occupancy building may be permitted on Lots 1 and 2.

*Retail and Wholesale Sales when clearly incidental and subordinated to a permitted principal use on the same premises

Salvage and Disposal of Materials

Limited to auto junkyards and impound yards. Lots 7 to 9 only

*Schools, Commercial

Self Service Fuel Pumps

28 maximum, Lot 1 only

*Signs

*Social Services, Group II

Storage

*Indoor Only

Open Storage (Lots 1-10 only)

Transportation Services, Groups II, III and IV

Lots 1 and 2 limited to Groups II and III only

Lots 11 and 12 limited to Group II only

Truck Stop, Trucking Terminal (Lots 1-10 only)

*Vehicle and Equipment Dealers, Groups I, II, III and IV (Lots 1-10 only)

Lots 1 and 2 limited to Groups I and II only

*Warehouse

*Mini-warehouse

*Private

*Public

Wireless Communication Facilities - See Condition 8 (Lots 3-5 only)

*Wholesale Establishments, Groups I, III and IV

Lots 11 and 12 limited to Group III only

*Wrecking Yard, Auto and Other (Lots 1-10 only)

b. Site Development Regulations

Minimum Lot Area and Dimensions

Area: 10,000 square feet

Width: 100 feet

Depth: 100 feet

Minimum Setbacks

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

Side: 15 feet

Rear: 15 feet

Waterbody: 25 feet

Maximum Building Height: 45 feet/3 stories

Area of Reduced Intensity: 3 stories/30 feet (see MCP)
(Portions of Lots 11 and 12)

Area of Reduced Intensity: 2 stories/24 feet (see MCP)
(Portion of Lot 12)

Minimum Building Separation

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

Maximum Lot Coverage: 40 percent

Development Perimeter: 25 feet
Building Setback

3. Development Parameters

A maximum of 1.1 million square feet of industrial uses and 30,000 square feet of commercial office/retail will be permitted on ±129.77 acres of land, not to exceed a total of 2,499 parking spaces.

4. Environmental Conditions

- a. The project must provide a minimum of 20.3 acres of common open space as depicted on the MCP. The remaining 6.9 acres of open space must be provided on individual lots, with Lot 1 required to provide a minimum 20 percent open space, and Lots 2-12 required to provide a minimum 10 percent open space.
- b. Prior to local development order approval, the 0.69 acre and 0.49 acre wetlands must be delineated on the plans and designated as indigenous preservation. These wetlands must be incorporated into the surface water management system for the development to maintain and enhance the hydrology and health of the wetland preserves.
- c. Development order landscape plans for parcels within 10,000 feet of Lee County Port Authority airport operations must comply with the Lee County Port Authority Compatible Plant List.

5. Design Standards and Guidelines for Commercial Buildings and Development

All industrial or commercial buildings and structures located on or in proximity to Alico Road (Lots 1 and 2) must comply with Chapter 10, Article IV, Design Standards and Guidelines for Commercial Buildings and Developments, of the Lee County LDC.

6. Land Use

Land within the Rural Future Land Use Category (located on the northern 150 feet of Lot 12) may be used for water management, wetland preserve, buffering, open space, and accessory parking only.

7. Accessory Uses

Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

8. Wireless Communication Facilities

- a. Freestanding wireless communication facilities are limited to one for the entire 129.77-acre site, if approved in accordance with Lee County LDC §34-1441, *et seq.*
- b. Wireless Communication Facilities are limited to the monopole design only, and are restricted to the southern one-half of the site.
- c. Other Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with Lee County LDC §34-1441, *et seq.*
- d. Federal Communication Commission review will be required for any wireless communication facilities to ensure that signals from the wireless communication facilities do not interfere with navigation aids and radar at the Lee County Port Authority (and airport).
- e. Wireless communication facilities, if approved in accordance with Lee County LDC §34-1441, *et seq.*, are permitted on Lots 3-6 only. Wireless communication facilities may not exceed 90 feet in height above average grade level (AGL) without a Special Exception. Wireless communication facilities greater than 90.1 feet and less than 149 feet must first obtain Special Exception approval. Wireless communication facilities with heights greater than 149 feet must be in accordance with Lee County LDC §34-1441, *et seq.*, including variance criteria per Lee County LDC §34-1453.
- f. Before the approval of a freestanding Wireless Communication Facility, the developer must demonstrate that attempts to collocate on existing towers in the area were not successful in achieving the desired goals for coverage.

9. Notification of Potential Noise Impact

The developer, successors and assigns acknowledge the property's proximity to Southwest Florida International Airport and potential for noise created by and incidental to the operation of the airport. The developer, successors and assigns acknowledge a disclosure statement is required on plats, and in association documents for condominium, property owner and homeowner associations as outlined in LDC §34-1104(b).

10. Agricultural Uses

Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:

- a. Bona fide agricultural uses that are in existence at the time the application for this project was filed, and as shown on Exhibit C, attached hereto, may continue until approval of a local development order for the area of the project containing those uses.
- b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.
- c. Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:
 - i. Termination of all agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:
 - 1) the date the agricultural uses ceased;
 - 2) the legal description of the property subject to the development order approval;
 - 3) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the County that they will not allow any such uses on the property unless and until the property is re-zoned to permit such uses; and
 - 4) that the affidavit constitutes a covenant between the owner and the County that is binding on the owner and their assignees and successors in interest.

The covenant must be properly recorded in the public records of the County at the owner's expense.
 - ii. Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to termination must include a copy of the request to terminate the tax exemption provided to the Property Appraiser.

11. Development Blasting

Development blasting has not been requested as part of this planned development. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

12. Master Concept Plan

If the Tracts shown on the MCP are substantially reconfigured, the developer will be required to receive approval of an amendment to this Industrial Planned Development, pursuant to Lee County LDC §34-380.

13. Buffers

- a. Alico Road: Prior to development order approval, the development plans must provide an enhanced Type "D" buffer along Alico Road. The enhanced Type D buffer must consist of 10 trees per 100 linear feet, 30 shrubs per 100 linear feet (24-inch height, 3-gallon container size at planting, and maintained at a minimum 36-inch height); and 25 shrubs per 100 linear feet (48-inch height at planting and maintained at a minimum 60-inch height). The buffer must be placed outside of any easements. The trees must be a variety of native tree such as Florida Slash Pines and Sabal Palms, and may be installed in clusters to provide a more natural looking vegetative pattern.

Alico Road Lot 1: If a Convenience Food and Beverage Store use is proposed, development plans must provide a buffer as required by LDC §34-1353(e). The trees must be a variety of native trees, and may be installed in clusters to provide a more natural looking vegetative pattern; and the entire Alico Road right-of-way buffer must be designed with a similar planting scheme. The Alico Road right-of-way buffer must be placed outside of any easements. The planting area must be a minimum of 12.5 feet in width.

- b. North Property Line: As part of the initial development order and prior to the issuance of a Certificate of Compliance for any part of the development, a 75-foot-wide buffer with a 12-foot height berm (maximum 3:1 slope) must be provided along the north property line and must be planted with 25 native trees (minimum 10-foot height, 2-inch caliper at planting) per 100 linear feet along the top of the berm with the remaining 15 trees per 100 linear feet staggered along the north side of the berm to allow the trees to grow in a healthy natural form. A minimum of three tree species including, but not limited to, Live Oak, South Florida Slash Pine and Wax Myrtle that will provide a varying level of mature height must be provided to create, to the greatest extent possible, a dense vegetative barrier across the top of the berm and vegetative cover on the north face of the berm. See the approved MCP Sheet 1. All other areas of the berm must be sodded or mulched, as appropriate, and properly maintained.

The berm will be connected to the adjacent berm to the west with the Alico 254 IPD project so that there is one continuous berm. The height of the berm will be measured from the existing grade elevation on the Formosa Commerce IPD site, and will extend across the full width of the property. Existing grade elevation will be established at no less than 18' NVGD in the form of trees, or additional berm material. If the grade elevation on the Formosa Commerce IPD site is different from that of the Alico 254 site, the finished height of the berm on the Formosa site must be level with that of the Alico 254 berm. In no case will the top of the Formosa IPD berm be less than 32' NGVD in height.

- c. 3.2-acre Preserve: As part of the initial development order, and prior to the issuance of a Certificate of Compliance for any part of the development, the approximately 3.2-acre wetland preservation (0.49 acres) and the native upland restoration area (2.7 acres) will be restored consistent with the Open Space Plan and Littoral Plan on sheet 2 of the MCP. The restoration plantings will include 595 3-gallon container size wax myrtles and 795 3-gallon container size south Florida

Slash Pines to be installed in a random manner within the 2.7-acre upland restoration area. The developer must provide a structural barrier, i.e., chain link or wrought iron fence, must be provided between any lot, development area and the preserves.

All required buffers must utilize 100 percent native vegetation.

14. Drainage Improvements

The development plans for Lot 1 will depict improvements to the Alico Road Right-of-Way, in conjunction with the joint access driveway connection to Alico Road. The attached Exhibit C depicts the described improvement. The improvements will provide a 15' accessible unpaved platform between the curb of Alico Road and the top of the bank of the Alico Road drainage ditch. The improvements shall include piping of the water quality swale within the existing Alico Road right-of-way along the section of Alico Road between Lee Road and the start of the proposed turn lane serving the joint access driveway. The compensation storage volume for the area from Alico Road between Lee Road and the start of the proposed turn lane that is being displaced by the piping of the water quality treatment swale will be included within the water management system of Lot 1, in accordance with South Florida Water Management District requirements.

15. Solar Panels

Developer must request review by the Federal Aviation Administration (FAA) prior to the installation of solar panels to ensure equipment does not result in glare or other interference to aviation operations.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-415(b) requirement for large developments to provide 50 percent of the required open space as indigenous preservation, to allow the preservation and restoration of 3.2 acres of indigenous native vegetation. This deviation was originally approved in Zoning Resolution Z-05-066. This deviation is APPROVED SUBJECT TO Condition 13.c.
2. Deviation (2) seeks relief from the LDC §10-418 requirement to provide surface water management features to mimic natural systems, to allow narrow lakes with enhanced littoral plantings and create marsh. This deviation was originally approved in Administrative Amendment ADD2006-00226. This deviation is APPROVED SUBJECT TO the following condition:

Prior to local development order approval, the development order plans must delineate the enhanced littoral plantings and marsh creation areas as shown on the approved MCP.
3. Deviation (3) seeks relief from the LDC §10-329(d)(1)3 requirement to provide a 50-foot lake setback from a property line under separate ownership, to allow a 25-foot lake setback along the eastern boundary of the overall development. This deviation was originally approved in Administrative Amendment ADD2006-00226. This deviation is APPROVED.

4. Deviation (4) seeks relief from LDC §10-285(a) requirement to provide a minimum 660-foot driveway separation on an arterial road, to allow a 400-foot separation on Alico Road for a joint access driveway from Lee Road extension. This deviation was originally approved by Resolution Z-11-020. This deviation is APPROVED.
5. Deviation (5) seeks relief from the LDC §34-1353(e)(1) requirement to provide a 25-foot landscape buffer width along right-of-way external to the development project, to allow the landscape buffer along Lee Road to be reduced to a 15-foot width, as depicted for Lot 1 on the MCP. This deviation was approved by Resolution Z-11-020. This deviation is APPROVED SUBJECT TO the following condition:

Prior to development order approval for Lot 1, development plans must depict Lot 1 to provide an external right-of-way buffer along Lee Road (west property line) as per Lee County LDC §34-1353(e) to include a tiered double hedge row consisting of 33 shrubs per 100 linear feet (24-inch height, 3-gallon container size at planting, and maintained at a minimum 24-inch height) and 33 shrubs per 100 linear feet (24-inch height, 3-gallon container size at planting and maintained at a minimum 36-inch height); and 50 groundcover plants per 100 linear feet (1-gallon container size at planting).

6. Deviation (6) seeks relief from the LDC §34-1353(e)(1) requirement to provide a 15-foot landscape buffer width along right-of-ways internal to commercial development projects consisting of convenience food and beverage stores uses, to allow the landscape buffer along the rear property line to be reduced to a minimum 11.5-feet width as depicted for Lot 1 on the MCP. This deviation was approved by Resolution Z-11-020. This deviation is APPROVED SUBJECT TO the following condition:

Prior to development order approval for Lot 1, development plans must depict Lot 1 to provide an internal access road buffer (north property line) as per Lee County LDC §34-1353(e) to also include increased shrub heights (installed at minimum 36-inches and maintained at minimum 60-inches) within the buffer hedge adjacent to and flush with the dumpster enclosure area.

7. Deviation (7) seeks relief from the LDC §10-328(a) requirement for developments abutting a watercourse, drainage way, canal, IDD easement, lake, pond or stream, to provide on one side a 20-foot wide easement for maintenance purposes, to allow for no requirement of a 20-foot maintenance easement along the north side of the existing 50-foot drainage easement traversing the southerly 50 feet of Lot 1 of the subject property. This deviation was approved by Resolution Z-11-020. This deviation is APPROVED SUBJECT TO the condition that development must be in compliance with Condition 13.
8. Deviation (8) seeks relief from the LDC §10-256(a) requirement for all development and redevelopment within future urban areas or future suburban areas, as defined by the Lee Plan, to provide for bikeways and pedestrian ways, to waive the sidewalk requirement along the subject property's frontage on Lee Road. This deviation is DENIED.
9. Deviation (9) seeks relief from the LDC §34-2013(b) requirement which establishes a maximum width of 35 feet for parking lot driveways as measured along the property line, to allow a 45-foot-wide driveway providing access to the existing convenience food and beverage store with fuel pumps located on Lot 1. This deviation is APPROVED.

SECTION D. EXHIBITS:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Applicant's Proposed Schedule of Uses

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. The requested amendments to the Formosa Commerce Center IPD zoning approvals are consistent with the Lee Plan. See, Lee Plan Goals 2, 4, 6, 7, 158; Objectives 2.1, 2.2, 4.1, 6.1, 7.1, 152.1 and Policy 1.1.7; Lee Plan Map 16 and Table 1(b); Lee Plan Vision Statement Paragraph 10; LDC §34-934.
2. As conditioned, the amended IPD:
 - a. meets or exceeds the performance standards for the potential uses or qualifies for deviations; See Lee Plan Objectives 2.1, 2.2, 6.1, 7.1 and Policies 1.1.7, 2.1.1, 6.1.1, 6.1.3, 6.1.5, 6.1.6, 7.1.2, 7.1.8, 7.1.10;
 - b. is compatible with existing and planned uses in the surrounding area; See Lee Plan Goals 6, 7; Objectives 2.1, 2.2 and 47.2; Policies 6.1.4, 6.1.6, 6.1.7, 7.1.3, 7.1.8;
 - c. will provide access sufficient to support the approved intensity of development and roadway impacts will be addressed by existing County regulations and the conditions of approval. See Lee Plan Goal 4; Policies 6.1.5, 39.1.1; Lee Plan Map 3C. See also, LDC §§ 34-411(d) and (e);
 - d. will not adversely affect environmentally sensitive areas or natural resources. See Lee Plan Goal 4, Objective 77.2, and Policies 6.1.6, 7.1.2; LDC §§ 34-411(c) and (g).
3. Urban services are available to serve the project. See Goal 4, Objectives 2.1 and 2.2; Policies 2.2.1, 7.1.5.
4. The proposed uses are appropriate at the subject location. See Lee Plan Goals 4, 7; Policies 1.7.6, 2.1.1, 2.2.2, 6.1.4, 7.1.2, 7.1.3;
5. The recommended conditions of approval and County regulations provide sufficient safeguards to protect the public interest in accordance with Lee Plan Objective 47.2, Policies 6.1.3, 6.1.6, 7.1.2, 7.1.8, 47.2.1 and LDC §34-411.
6. The recommended conditions reasonably relate to the impacts expected from the proposed development. Lee Plan Policies 6.1.3, 6.1.6, 7.1.1, 7.1.2, 7.1.8, LDC §§ 34-411, 34-932.

7. Previously approved deviations along with the new deviation to expand driveway width on Lee Road:
 - a. enhance achievement of the objectives of the planned development; and
 - b. preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

Commissioner Mann made a motion to adopt the foregoing resolution, seconded by Commissioner Sandelli. The vote was as follows:

Adopted by unanimous consent.

John Manning	Absent
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 18th day of March 2020.

ATTEST:
LINDA DOGGETT, CLERK

BY: Missy Flint
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Brian Hamman
Brian Hamman, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

Joseph A. Adams
Joseph A. Adams
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE

2020 MAR 24 AM 10:29

MF

CASE NUMBER: DCI2019-00015

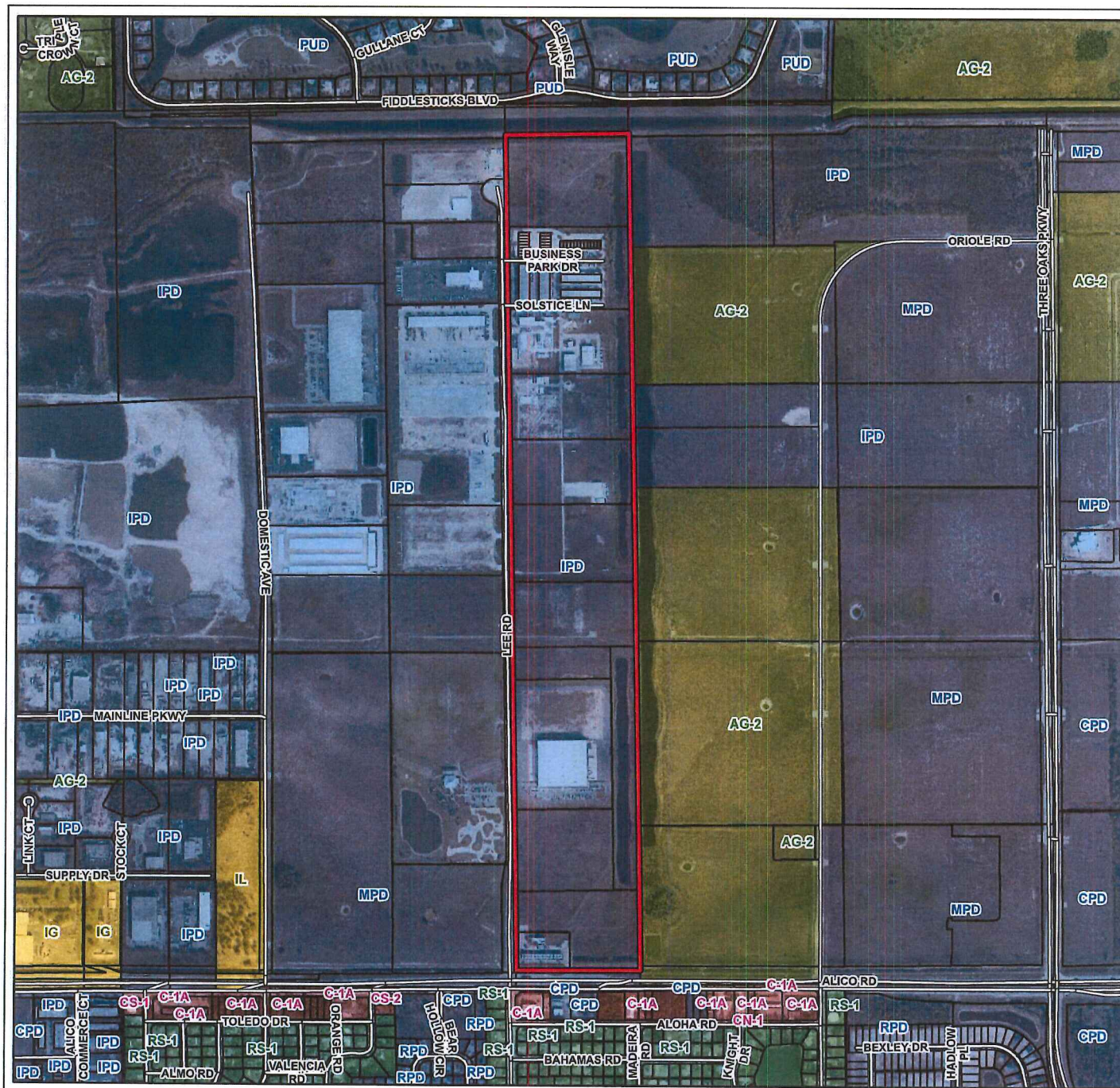
LEGAL DESCRIPTION

FORMOSA 129 INDUSTRIAL PARK, A SUBDIVISION, LOCATED IN
SECTION 4, TOWNSHIP 46, RANGE 25 EAST AS RECORDED IN
INSTRUMENT 2008000142731 OF THE PUBLIC RECORDS OF LEE
COUNTY, FLORIDA.

Applicant's Legal Checked
by DM 12/19/19

EXHIBIT A

EXHIBIT B



DCI2019-00015 Zoning

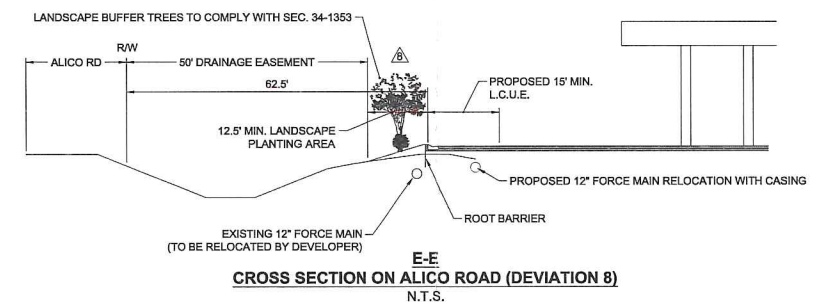
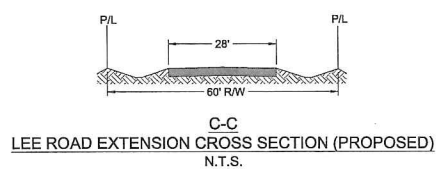
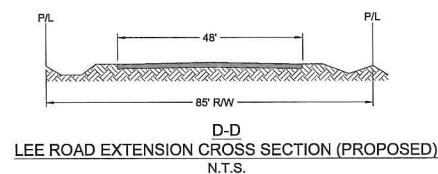
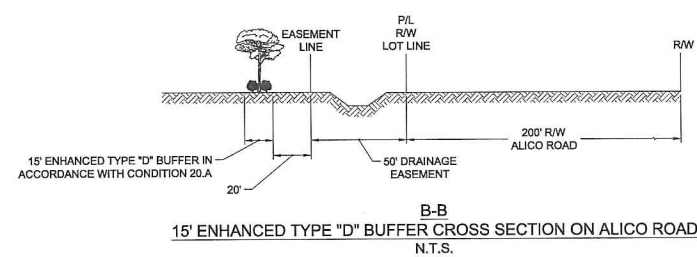
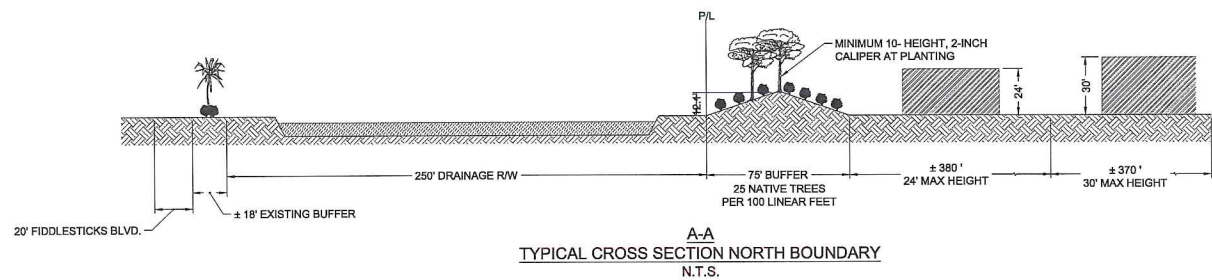
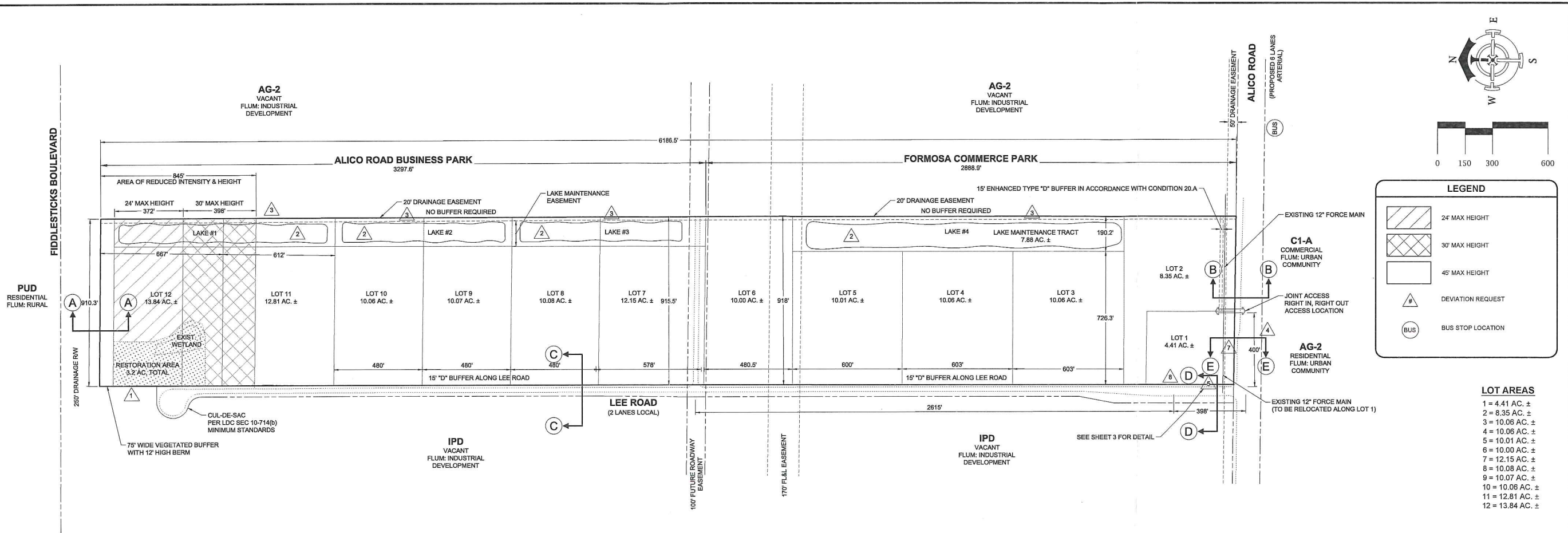
Legend

Subject Parcel



0 500
Feet





Approved as Exhibit C
MCP Page 1 of 3
Resolution # 2-20-001

OWNER / DEVELOPER:
RACETRAC PETROLEUM, INC.
200 GALLERIA PARKWAY SE SUITE 900
ATLANTA, GA 30339
(770) 431-7600

PROJECT:
FORMOSA COMMERCE CENTER

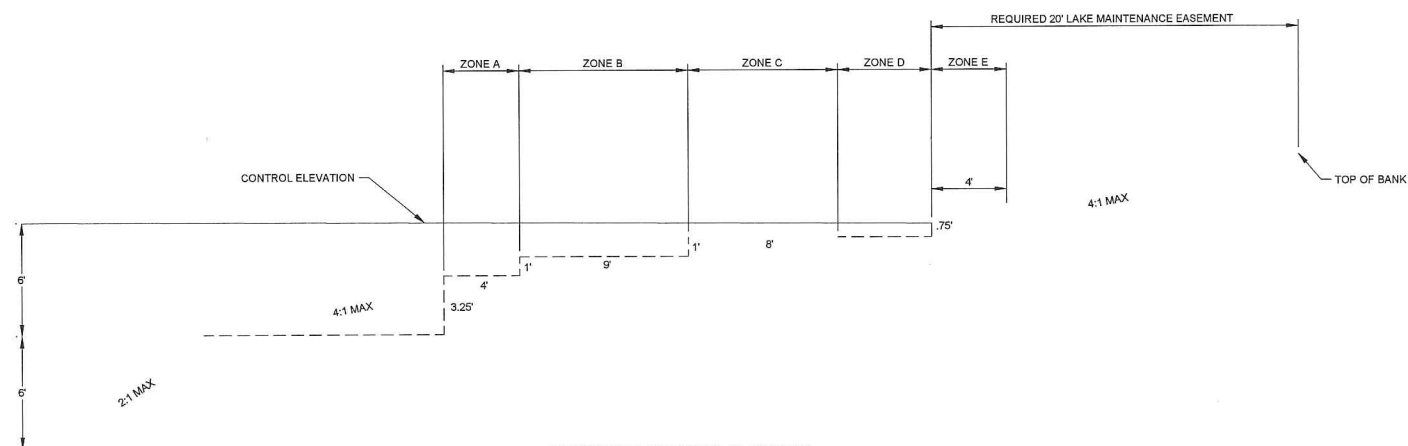
DELSI FITZGERALD, INC.
Planning - Engineering - Project Management
1605 Hendry Street
Fort Myers, FL 33901
(239) 418-0691
(239) 418-0692 fax

Florida Certificate of Authority
Engineer No. 18,239

MASTER CONCEPT PLAN (SHEET 1 OF 3)

Project Number: 21500
Plan Section: 4
Township: 48 S Range: 25 E
County, State: LEE COUNTY, FL

DCI 2019-000151

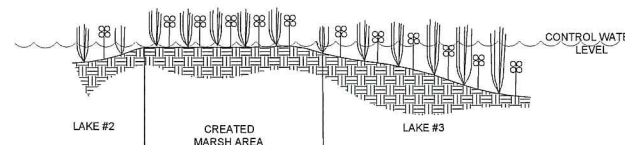


ENHANCED LITTORAL PLANTING
SECTION FOR LAKES #1, #2, AND #4
PER DEVIATION #2
NTS

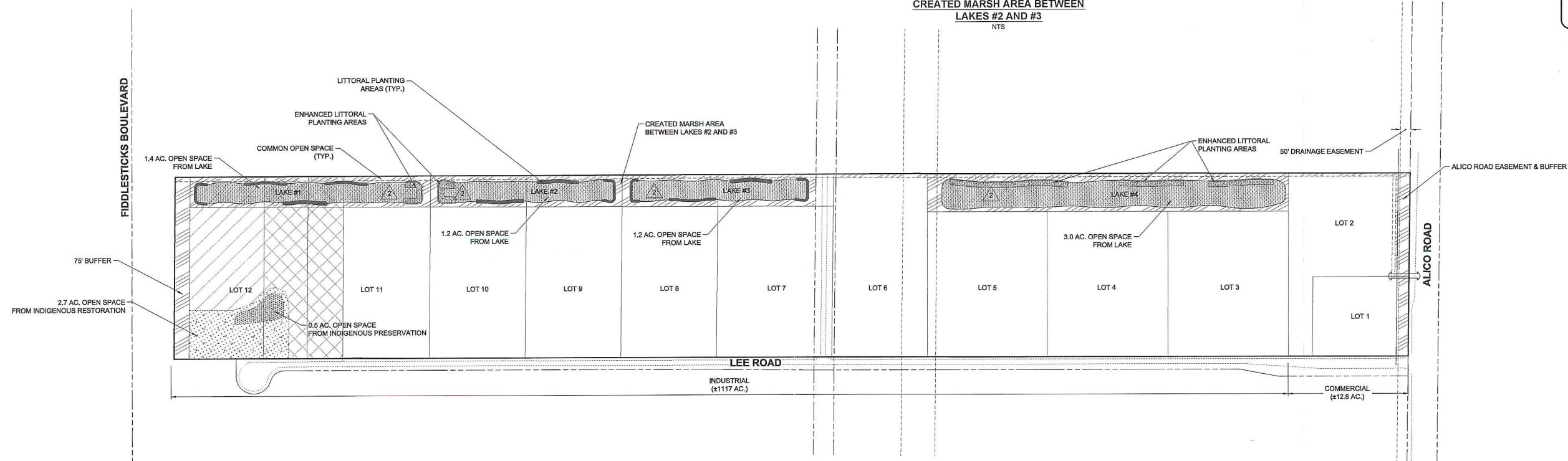
ENHANCED LITTORAL ZONE PLANTING ALTERNATIVES
FOR LAKES #1, #2, AND #4:

- ZONE A:
ALIGATOR FLAG
BULLRUSH
WATER LILY
- ZONE B:
PICKERALWEEK
SAWGRASS
SPIKERUSH
ARROWHEAD
ALIGATOR FLAG
FLAT SEDGE
- ZONE C:
RUSHES
BLUE FLAG IRIS
GOLDEN CANA
PICKERAL WEEED
ARROWHEAD
- ZONE D:
SWAMP LILY
POP ASH
WATER HYSSOP
SPIDER LILY
- ZONE E:
WAX MYRTLE
CABBAGE PALM
RED MAPLE
SWEET BAY
CYPRESS
LAUREL OAK
BUTTON BUSH
CORD GRASS
FAKAHATCHEE GRASS

NOTE: IT IS ANTICIPATED THAT DURING THE WET SEASON WATER COULD STAGE 1 FOOT ABOVE CONTROL.



CREATED MARSH AREA BETWEEN
LAKES #2 AND #3
NTS



LITTORAL PLANTING TABLE

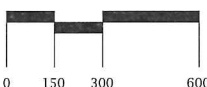
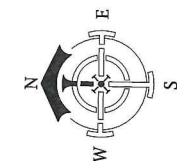
LAKE #1 REQUIRED LITTORAL PLANTINGS PER LDC SECTION 10-418 (2)(b) = 2,422 PLANTS (1 PER LF OF LAKE PERIMETER) = 2,422 PLANTS ENHANCED LITTORAL ZONE AT SOUTHERN END = 9,000 SF @ 1 PLANT / 2' SPACING = 2,250 PLANTS TOTAL LAKE #1 PLANTINGS = 4,672 PLANTS
LAKE #2 REQUIRED LITTORAL PLANTINGS PER LDC SECTION 10-418 (2)(b) = 1,955 PLANTS (1 PER LF OF LAKE PERIMETER) = 1,955 PLANTS ENHANCED LITTORAL ZONE AT NORTHERN END = 9,000 SF @ 1 PLANT / 2' SPACING = 2,250 PLANTS TOTAL LAKE #2 PLANTINGS = 4,205 PLANTS
CREATED MARSH AREA BETWEEN LAKES #2 AND #3 10,000 SF MARSH BETWEEN LAKES #2 AND #3 @ 1 PLANT / 2' SPACING = 2,500 PLANTS
LAKE #3 REQUIRED LITTORAL PLANTINGS PER LDC SECTION 10-418 (2)(b) = 1,955 PLANTS (1 PER LF OF LAKE PERIMETER) = 1,955 PLANTS
LAKE #4 REQUIRED LITTORAL PLANTINGS PER LDC SECTION 10-418 (2)(b) = 3,632 PLANTS (1 PER LF OF LAKE PERIMETER) = 3,632 PLANTS ENHANCED LITTORAL PLANTINGS = 8,478 PLANTS (15% LAKE COVERAGE @ 2' SPACING)

SITE AREA = 129.8 AC. ±

REQUIRED OPEN SPACE			
COMMERCIAL 30%	(±12.8 x 30%)	=	3.8 AC. ±
INDUSTRIAL 20%	(±117.0 x 20%)	=	23.4 AC. ±
TOTAL REQUIRED OPEN SPACE		=	27.2 AC. ±
COMMON OPEN SPACE:			
INDIGENOUS PRESERVATION		=	0.5 AC. ±
INDIGENOUS RESTORATION		=	2.7 AC. ±
TOTAL INDIGENOUS		=	3.2 AC. ±
OTHER COMMON OPEN SPACE			
75' BUFFER		=	1.6 AC. ±
ALICO RD EASEMENT & BUFFER		=	1.3 AC. ±
REMAINING COMMON OPEN SPACE		=	7.4 AC. ±
LAKES EQUAL 25% OF REQUIRED OPEN SPACE		=	6.8 AC. ±
TOTAL COMMON OPEN SPACE		=	20.3 AC. ±

REMAINING 6.9 AC. OF OPEN SPACE WILL BE PROVIDED ON INDIVIDUAL LOTS, WITH LOT 1 REQUIRED TO PROVIDE 20% OPEN SPACE, AND LOTS 2-12 REQUIRED TO PROVIDE 10% OPEN SPACE.

Approved as Exhibit C
MCP Page 2 of 3
Resolution # 2-20-001



LEGEND

- INDIGENOUS RESTORATION (±2.7 AC.)
- INDIGENOUS PRESERVATION (±0.5 AC.)
- COMMON OPEN SPACE (±10.3 AC.)
- TYPICAL LITTORAL AREA
- ENHANCED LITTORAL AREA

OWNER / DEVELOPER:
RACETRAC PETROLEUM, INC.
200 GALLERIA PARKWAY SE, SUITE 900
ATLANTA, GA 30339
(770) 431-7630

PROJECT:
FORMOSA COMMERCE CENTER

DE LISI FITZGERALD, INC.
Planning - Engineering - Project Management
1605 Hendry Street
Fort Myers, FL 33901
(239) 418-0631
(239) 418-0692 fax

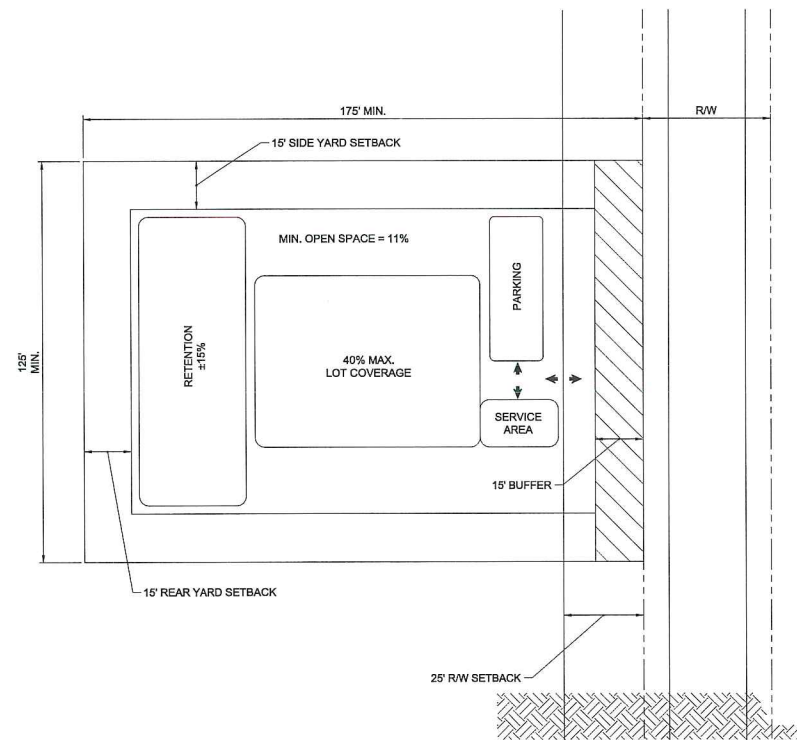
Florida Certificate of Authorization
Engineering LB #26978

MASTER CONCEPT PLAN (SHEET 2 OF 3)
Project Number: 21500
Plan Section: 4
Township: 46 S Range: 25 E
County, State: LEE COUNTY, FL

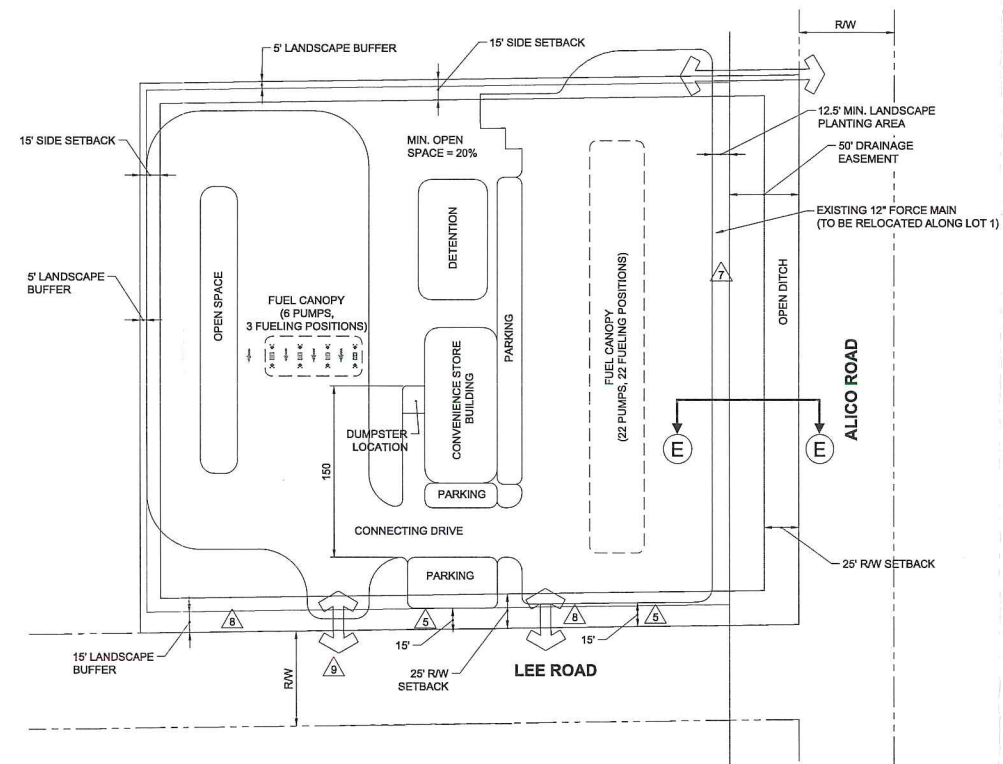
Sheet Number: 2

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TYPICAL INDUSTRIAL LOT LAYOUT
N.T.S.



RACETRAC PETROLEUM INC. LOT 1 SITE LAYOUT
N.T.S.

- NOTES:**
1. LANDSCAPING ALONG ALICO ROAD TO BE IN ACCORDANCE WITH L.D.C. SECTION 34-1553, AND MEET CONDITION 20 a. OF ZONING RESOLUTION Z-05-086.
 2. INTERNAL BUFFERS TO MEET LEE COUNTY LAND DEVELOPMENT CODE REQUIREMENTS

Approved as Exhibit C
MCP Page 3 of 3
Resolution # 2-20-001

OWNER / DEVELOPER:
RACETRAC PETROLEUM, INC.
200 GALLERIA PARKWAY SE, SUITE 900
ATLANTA, GA 30339
(770) 451-7600

PROJECT:
FORMOSA COMMERCE CENTER

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DeLisi FITZGERALD, INC.
Planning - Engineering - Project Management
1605 Hendry Street
Fort Myers, FL 33901
(239) 418-0691
(239) 418-0692 fax

Florida Certificate of Authorization
Engineering LB #24378

MASTER CONCEPT PLAN (SHEET 3 OF 3)
Project Name: FORMOSA COMMERCE CENTER
Project Number: 21500
Parcel Number: 4
Township: 46 S Range: 25 E
County, State: LEE COUNTY, FL
Sheet Number: 3

DCI 20-19-00015



**Schedule of Uses
Exhibit D-7-P**

(Strike-thru, underline format utilized to track changes to Schedule of Uses proposed under proposed amendment subsequent to revisions made under ADD2006-00051, ~~and~~ ADD2006-00226 and Z-11-020)

All uses, including those with an asterisk, are permitted on Lots 3-12 ~~8-17~~ as may be further limited below. All uses with an asterisk are permitted on Lots 1 ~~and 2-7~~.

- *Accessory Uses and Structures
- *Administrative Offices
- *Agricultural Services: Office/Base operations
- *Agricultural Uses and Agricultural Accessory Uses - See Agricultural Condition.
- *Animals: Clinic or Kennel (No outdoor runs).
- *ATM - Automatic Teller Machine
- Automobile Service Station
- Auto Repair and Service, Groups I and II
- * Bait and Tackle Shop
- * Boat Parts Store
- Boats: Boat Rental, Boat Repair and Service, Boatyard
- * Broadcast Studio, Commercial Radio and Television
- * Building Material Sales
- * Business Services, Groups I and II
- Bus Station/Depot
- * Cleaning and Maintenance Services
- Cold Storage, Pre-Cooling, Warehouse
- * Computer and Data Processing Services
- * Consumption on Premises, in conjunction with a Restaurant or Night Club (See LDC Sec. 34 1264)
- * Contractors and Builders, Groups I, II and III. Lots 1 ~~and 2-7~~ limited to Groups I and II only
- * Convenience Food and Beverage (Lot 1 only)
- * Drive through facility for any permitted use
- * Emergency Operations Center
- * EMS, Fire or Sheriff's Station
- * Entrance Gate and Gatehouse
- * Essential Services
- * Essential Service Facilities, Groups I & II (Lots 1 ~~and 2-7~~ limited to Group I only)
- * Excavation, Water Retention. Excavated material may not be removed from the site.
- * Factory Outlets, Point of Manufacture Only
- Farm Equipment, Sales, Storage, Rental or Service
- * Fences, Walls
- Flea Market, Open

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- * Food Stores, Groups I and II. Lots 1 and 2-7 limited to Group I only
- * Gasoline Dispensing Systems, Special Government Maintenance Facility
- * Health Care Facilities, Group III
- * Laundry or Dry Cleaning, Groups I and II
- Manufacturing of
 - * Apparel Products
- Boats
- Chemical and Allied Products: Groups I and II. Lots 1 and 2-7 limited to Group I only.
 - * Electrical Machinery and Equipment
- Fabricated Metal Products, Groups I, II and III
 - * Food and Kindred Products, Group III
 - * Furniture and Fixtures
 - * Leather Products, Group II
- * Lumber and Wood Products, Groups I, II, III, IV, V and VI. Lots 1 and 2-7 limited to Group II only.
- * Machinery, Groups I, II and III. Lots 1 and 2-9, limited to Group I and II only
- * Measuring, Analyzing and Controlling Instruments
- * Novelties, Jewelry, Toys, and Signs: Groups I, II and III
- * Paper and Allied Products, Groups II and III.
- Rubber and Plastic Products, Group II
- Stone, Clay, Glass and Concrete Products: Groups I, II, III and IV
- Textile Mill Products, Groups I, II, and III
- Transportation Equipment, Groups I, II and III
 - * Medical Office - Limited to Lots 1 and 2-7.
 - * Motion Picture Production Studio
 - * Nightclub - Limited to Lots 1 and 2-7. Maximum 6,000 square feet.
 - * Nonstore Retailer, Groups I, II, and III
 - * Parcel and Express Services
 - * Parking Lot, Accessory, Garage - Public Parking, Temporary
 - * Personal Services, Groups I and II
 - * Photofinishing Laboratory
 - * Post Office
 - * Printing and Publishing
- Processing and Warehousing
 - * Recreational Facilities: Personal, Private - On- Site
- * Rental or Leasing Establishment, Groups, II, III and IV. Lots 1 and 2-7 limited to Groups II and III only.
- * Repair Shops, Groups I, II, III, IV and V / Lots 1 and 2-7 limited to Groups I, II and III only.
- * Research and Development Laboratories, Groups II and IV
- * Restaurants, Group I, II, III, IV. Limited to Lots 1 and 2-7. No stand-alone fast food restaurants. Fast food within a multi-occupancy building may permitted on Lots 1 and 2.
- * Retail and Wholesale Sales when clearly incidental and subordinate to a permitted principal use on the same premises.

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Salvage and Disposal of Materials, limited to auto junkyards and impound yards (See LDC Sec.34-2441 et. seq.) Lots ~~7-9-12-14~~ only

* Self Service Fuel Pumps ~~284~~ Maximum Lot 1 only

* Signs, in accordance with Chapter 30

* Social Services, Group II

Storage

* Indoor Only

Open Storage

Transportation Services, Groups II, III and IV. Lots ~~1 and 2-7~~ limited to Groups II and III only

Truck Stop, Trucking Terminal

* Vehicle and Equipment Dealers, Groups I, II, III, and IV 1 Lots ~~1 and 2-7~~ limited to Groups I and II only

* Warehouse

* Mini-warehouse

* Private

* Public

Wireless Communication Facilities - See Condition 8. Lots ~~3-58-10~~ only

* Wholesale Establishments - Groups I, III and IV

* Wrecking Yard: Auto and Other

Schedule of Uses - Lots ~~11-16~~ and ~~12-17~~

Accessory Uses and Structures

Administrative Offices

Agricultural Services: office/base operations

Agricultural Uses and Agricultural Accessory Uses - See Agricultural Condition.

ATM - Automatic Teller Machine

Bait and Tackle Shop

Broadcast Studio, Commercial Radio and Television

Business Services, Groups I and II

Cleaning and Maintenance Services

Computer and Data Processing Services

Contractors and Builders, Groups I and II

Drive-thru facility for any permitted use

Essential Services

Essential Service Facilities, Group I only

Excavation, Water Retention. Excavated material may not be removed from the site.

Factory Outlets, Point of Manufacture Only

Fences, Walls

Gasoline Dispensing Systems, Special

Health Care Facilities, Group III

Laundry or Dry Cleaning, Groups I and II

Manufacturing of

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Apparel Products
Chemical and Allied Products: Group I only.
Electrical Machinery and Equipment
Leather Products: Group II only
Machinery, Groups I and II / Assembly only.
Measuring, Analyzing and Controlling Instruments
Novelties, Jewelry, Toys, and Signs: Groups I, II and III
Paper and Allied Products, Group II only
Stone, Clay, Glass and Concrete Products: Group I only
Textile Mill Products, Groups I and II only
Motion Picture Production Studio
Nonstore Retailer, Groups I, II, and III
Parking Lot, Accessory, Temporary
Personal Services, Groups I and III
Photofinishing Laboratory
Post Office
Printing and Publishing
Processing and Warehousing
Recreational Facilities: Personal, Private - On- Site
Rental or Leasing Establishment, Groups I and II
Repair Shops, Groups I, II and III
Research and Development Laboratories, Groups II and IV
Retail and Wholesale Sales when clearly incidental and subordinate to a permitted principal use on the same premises.
Schools, Commercial
Signs in Accordance, with Chapter 30
Social Services, Group II
Storage
Indoor Only
Transportation Services - Group II only
Warehouse
Mini-warehouse
Private
Public
Wholesale Establishments, Group III only

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COMMUNITY DEVELOPMENT 4

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