

ADMINISTRATIVE AMENDMENT (PD) ADD2021-00217

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Youngquist Brothers Family Holdings, LLC filed an application for an administrative amendment to a Mixed Use Planned Development (MPD) on a project known as Youngquist Trade Center MPD (fka Airport Interstate Commerce Park) to amend the schedule of uses to include "Warehouse, High Cube" on property located at 16200 Ben Hill Griffin Parkway, described more particularly as:

LEGAL DESCRIPTION: In Sections 02 and 03, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the subject property has the STRAP Numbers 02-46-25-00-00001.0000, 02-46-25-00-00001.1010, 03-46-25-00-00001.0000, 03-46-25-00-00001.1120, and 03-46-25-00-00001.0080; and

WHEREAS, the property was originally rezoned by Resolution Z-02-016 (with subsequent amendments in case number ADD2006-00087, ADD2007-00091, Resolution Z-05-029/DCI2004-00010, Resolution Z-18-027/DCI2017-00028 and Resolution Z-21-009/DCI2021-00002); and

WHEREAS, the subject property is located in the Tradeport, Wetlands, and Industrial Interchange Future Land Use Categories as designated by the Lee Plan; and

WHEREAS, Resolution Z-21-009, included as Exhibit "B", increased the industrial square footage to 2,500,000 square feet, increased the office square footage to 225,000 square feet, and added 200,000 square feet of medical office and a 360 room hotel developed exclusive of square footage limits; and

WHEREAS, the Applicant proposes to add "warehouse, high-cube" to the approved schedule of uses of the MPD; and

WHEREAS, the proposed use is similar in character and intensity to the warehouse uses currently approved within the MPD and may be integrated without further external impacts; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Mixed Use Planned Development is **APPROVED**.

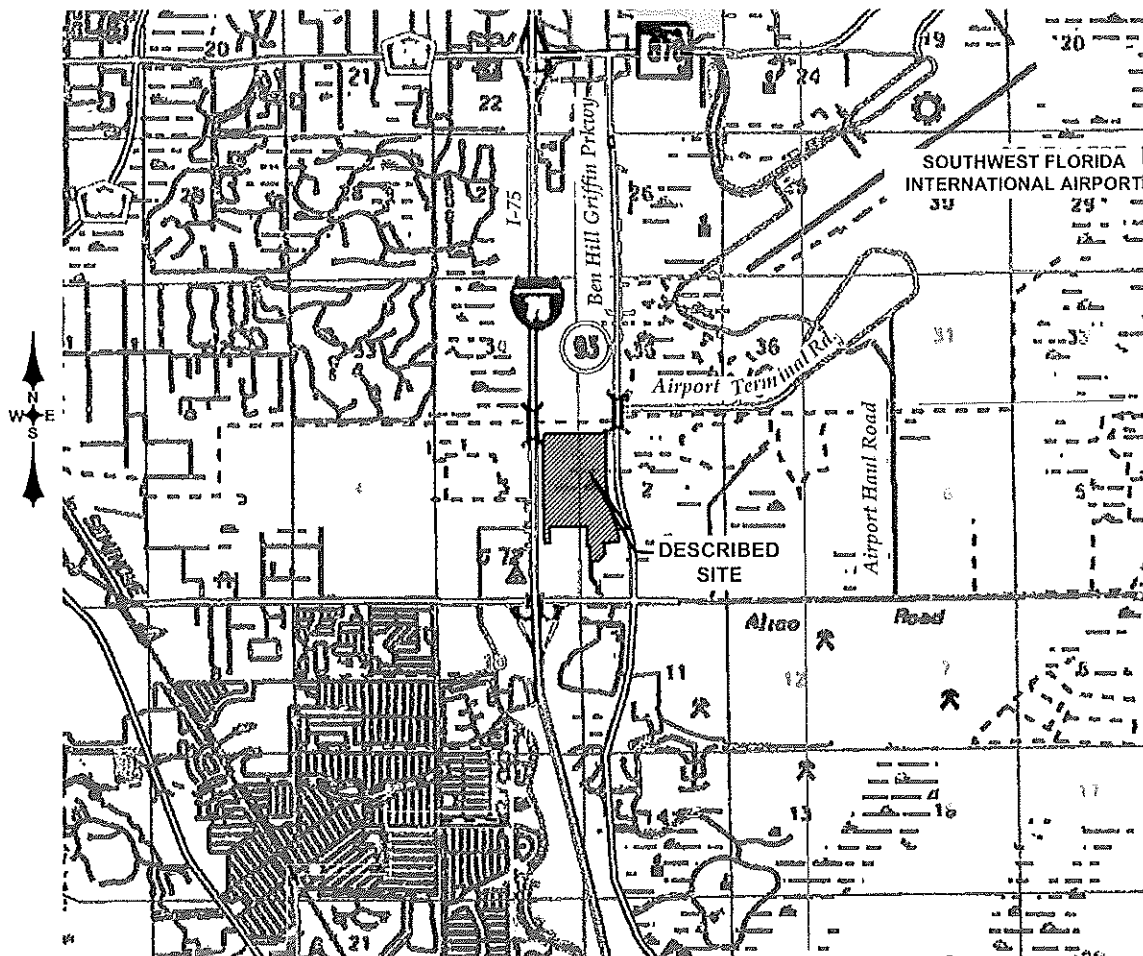
Approval is subject to the following conditions:

1. **Approval of this amendment is limited to the inclusion of warehouse, high cube, as defined by the LDC, in the approved schedule of uses within Resolution Z-21-009.**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**
3. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 2/8/2022

Anthony R. Rodriguez, AICP, Zoning Manager

Exhibit A – Legal Description
Exhibit B – Resolution Z-21-009



VICINITY MAP

1" = 1 MILE

ABBREVIATIONS

C1	= CURVE DESIGNATION
C.A.	= CENTRAL ANGLE
C.B.	= CHORD BEARING
CHD	= CHORD LENGTH
C/L	= CENTERLINE
INST.	= INSTRUMENT
L1	= LINE DESIGNATION
LB	= LICENSED BUSINESS
NO.	= NUMBER
OR	= OFFICIAL RECORDS
PG.	= PAGE
PERP.	= PERPETUAL
P.B.	= PLAT BOOK
POB	= POINT-OF-BEGINNING
POC	= POINT-OF-COMMENCEMENT
RAW	= RIGHT OF WAY
RAD.	= RADIUS
SEC.	= SECTION
SQ.FT.	= SQUARE FEET
S.R.	= STATE ROAD

SURVEYOR'S NOTES:

THE DESCRIPTION SHOWN HEREON IS NEW.

COORDINATES SHOWN HEREON BASED ON FLORIDA GRID, WEST ZONE, NAD 83-(2011).

SKETCH PREPARED IN ACCORDANCE WITH THE STATE OF FLORIDA'S STANDARDS OF PRACTICE FOR SURVEYING, RULE 5J-17 F.A.C.

ORIENTATION BASED ON THE NORTH LINE OF THE NORTHEAST-QUARTER OF SECTION 3, T.46 S., R. 25 E. AS BEARING N.89°23'14"E.

UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER, AND ALL SHEETS ARE INCLUDED, THIS MAP IS NOT VALID.

PREPARED BY



PSM 6347

Digitally signed by
Thomas M. Rooks Jr.
Date: 2021.04.12
16:12:59 -04'00'

THOMAS M. ROOKS JR., P.S.M.
FLORIDA CERTIFICATE NO. 6347

DATE

REV: UPDATE SURVEYOR SIGNATURE 04-12-2021

MDA PROJECT: 17037 CHECKED BY: MAH DATE: 01-15-19 SHEET: 1 OF 4	DESCRIPTION DRAWING PARCEL OF LAND LYING IN SECTIONS 2 AND 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA	MORRIS DEPEW EX-GRADERS • PLATERS • SURVEYORS LANDSCAPE ARCHITECTS FL CA NO. 6532 / FL CERT NO. LE6891 / LC26000330	Fort Myers Tallahassee Destin 2017-00-00000 R.S. Fort Myers, FL 33901 (941) 337-5293 Fax: (941) 337-5294 TOLL FREE: 800-397-7311
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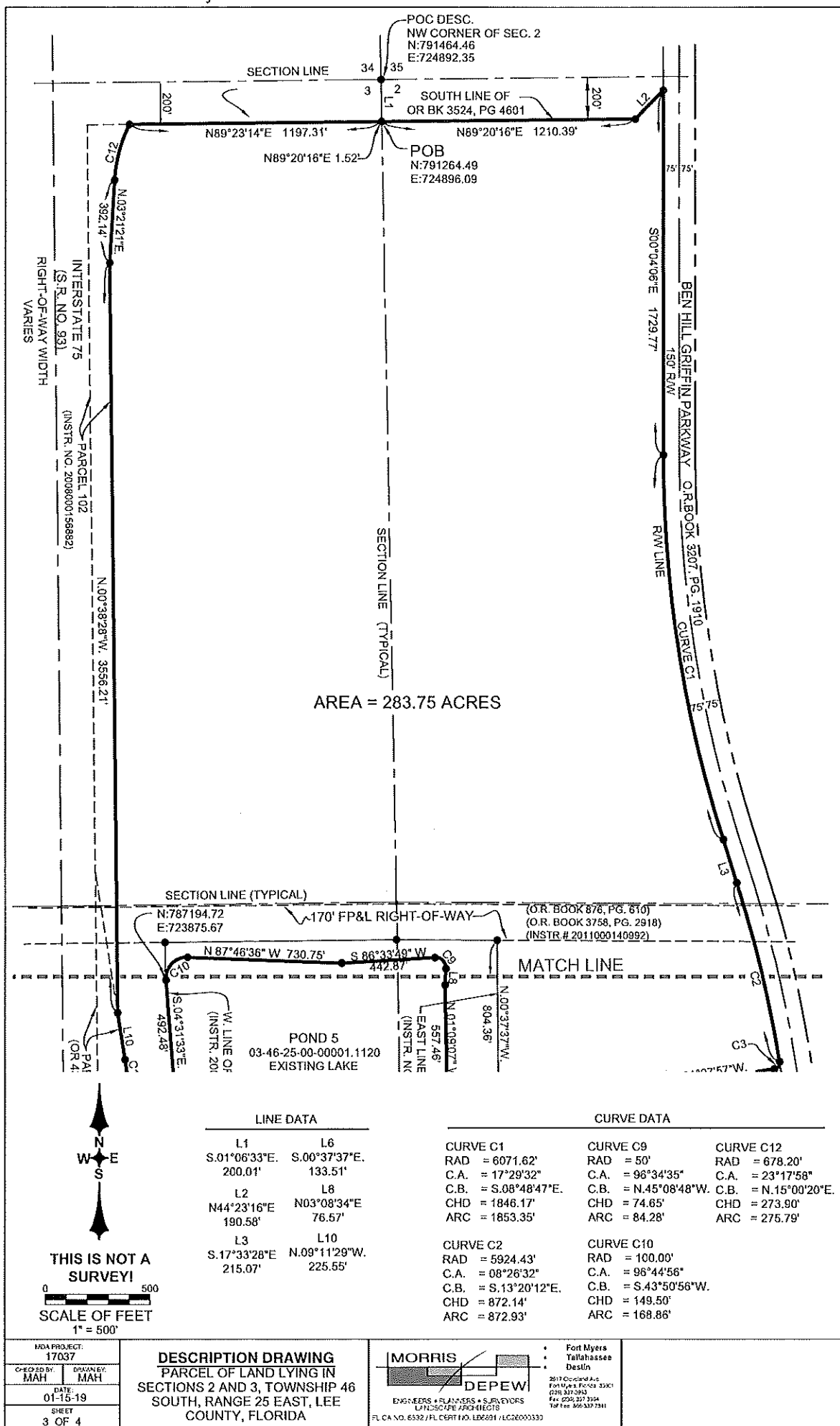
**DESCRIPTION:
EXHIBIT "A" METES AND BOUNDS**

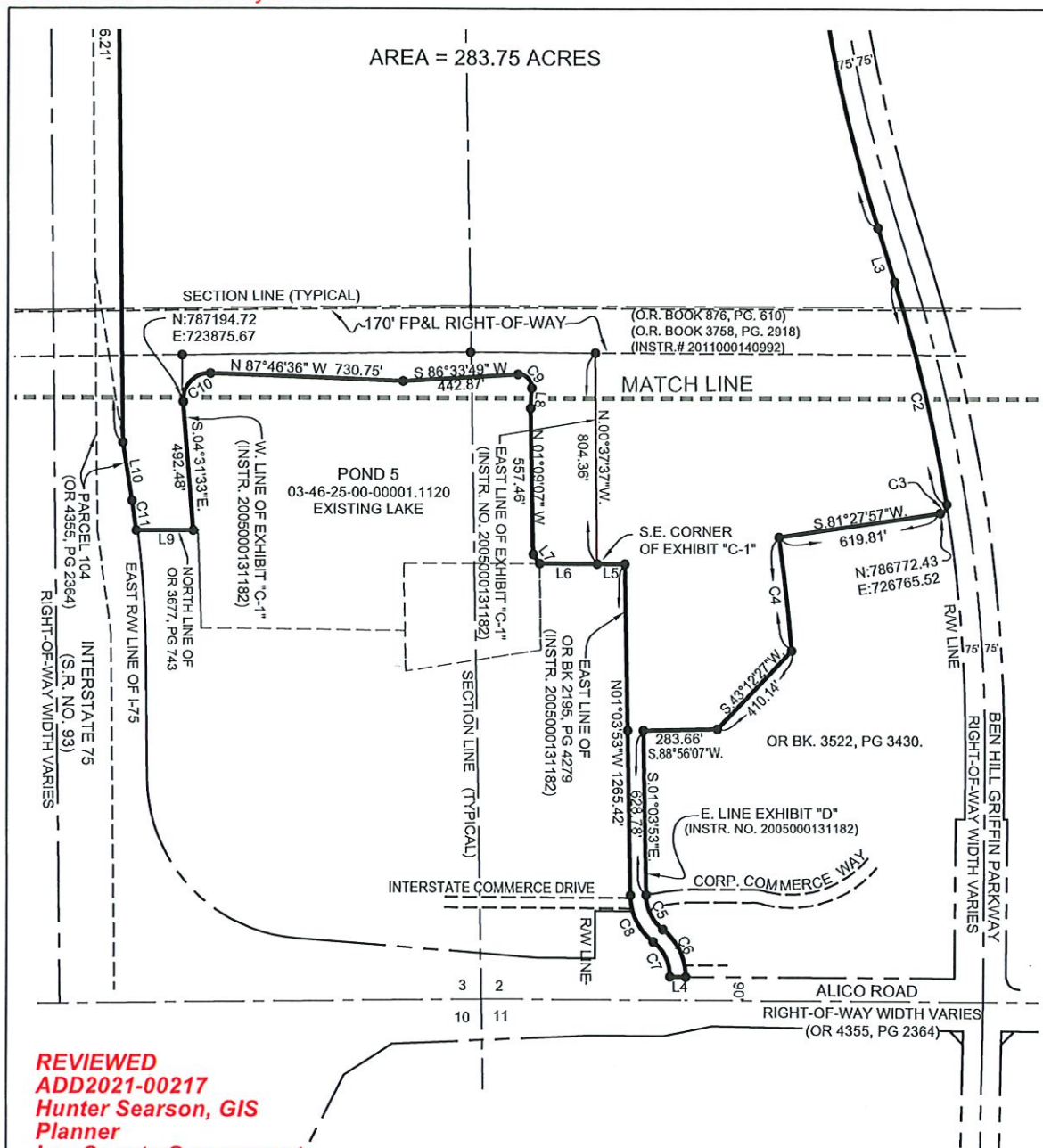
PARCEL OF LAND LYING IN SECTIONS 2 AND 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING THE NORTHWEST CORNER OF SAID SECTION 2; THENCE S.01° 06' 33"E., ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 2 FOR 200.01 FEET TO AN INTERSECTION WITH A LINE 200.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER (NW 1/4) OF SECTION 2 AND THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE N.89° 20' 16" E. ALONG SAID PARALLEL LINE AND ALSO ALONG THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3524, PAGE 4601, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, A DISTANCE OF 1210.39 FEET; THENCE N.44° 23' 16"E. CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 190.58 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (150.00' RIGHT-OF-WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 3207, PAGE 1910 OF SAID PUBLIC RECORDS; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR THE NEXT FOUR (4) COURSES; S.00° 04' 06" E. A DISTANCE OF 1,729.77 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE SOUTHERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 6071.62 FEET, A CENTRAL ANGLE OF 17°29'22" AND WHOSE CHORD BEARS S.08°48'47"E. FOR A DISTANCE OF 1846.17 FEET, HAVING AN ARC LENGTH OF 1853.35 FEET; THENCE S.17° 33' 28"E., ALONG A TANGENT LINE, A DISTANCE OF 215.07 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE SOUTHERLY, ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 5924.43 FEET, A CENTRAL ANGLE OF 08°26'32" AND WHOSE CHORD BEARS S.13°20'12"E., FOR A DISTANCE OF 872.14 FEET, HAVING AN ARC LENGTH OF 872.93 FEET, TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT; THENCE LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY, ALONG THE BOUNDARY OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3522, PAGE 3430, OF SAID PUBLIC RECORDS, FOR THE NEXT EIGHT (8) COURSES, SOUTHWESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 90°34'53" AND WHOSE CHORD BEARS S.36°10'31"W. FOR A DISTANCE OF 42.64 FEET, HAVING AN ARC LENGTH OF 47.43 FEET; THENCE S.81°27'57"W. ALONG A TANGENT LINE, A DISTANCE OF 619.81 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 5274.39 FEET, A CENTRAL ANGLE OF 04°44'31" AND WHOSE CHORD BEARS S.06°27'12"E. FOR A DISTANCE OF 436.40 FEET, ARC LENGTH BEING 436.52 FEET; THENCE S.43°12'27"W. ALONG A NON-TANGENT LINE, A DISTANCE OF 410.14 FEET; THENCE S.88°56'07"W. A DISTANCE OF 283.66 FEET; THENCE CONTINUING ALONG SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3522, PAGE 3430, AND ALSO ALONG THE EAST BOUNDARY OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN CLERK'S INSTRUMENT NUMBER 2005000131182, SAID PUBLIC RECORDS, FOR THE NEXT THREE (3) COURSES; S.01°03'53"E. A DISTANCE OF 628.78 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 170.01 FEET, A CENTRAL ANGLE OF 50°48'27" AND WHOSE CHORD BEARS S.26°28'06"E. FOR A DISTANCE OF 145.87 FEET, HAVING AN ARC LENGTH OF 150.87 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT; THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 230.01 FEET, A CENTRAL ANGLE OF 52°04'24" AND WHOSE CHORD BEARS S.25°50'08"E. FOR A DISTANCE OF 201.92 FEET, HAVING AN ARC LENGTH OF 209.04 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 4355, PAGE 2364, SAID PUBLIC RECORDS; THENCE N.89°42'18"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 60.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID EXHIBIT "D" AND TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT; THENCE NORTHWESTERLY ALONG AN ARC OF SAID CURVED WEST LINE OF "EXHIBIT D", HAVING A RADIUS OF 170.01 FEET, A CENTRAL ANGLE OF 52°02'25" AND WHOSE CHORD BEARS N.25°51'07"W. FOR A DISTANCE OF 149.16 FEET, HAVING AN ARC LENGTH OF 154.42 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT; THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 230.01 FEET, A CENTRAL ANGLE OF 50°48'27" AND WHOSE CHORD BEARS N.26°28'06"W. FOR A DISTANCE 197.35 FEET, HAVING AN ARC LENGTH OF 203.97 FEET; THENCE N.01°03'53"W. ALONG THE SAID WEST LINE OF "EXHIBIT D" AND THE EAST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 2195, PAGE 4279, SAID PUBLIC RECORDS, A DISTANCE OF 1265.42 FEET; THENCE N.89°42'18"W. ALONG NORTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2195, PAGE 4279, A DISTANCE OF 107.62 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN CLERK'S INSTRUMENT NUMBER 2018000217893, PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID CERTAIN PARCEL FOR THE NEXT EIGHT (8) COURSES; N.89°42'18"W. A DISTANCE OF 221.98 FEET; THENCE N.35°32'45"W. A DISTANCE OF 42.43 FEET; THENCE N.01°09'07"W. A DISTANCE OF 557.46 FEET; THENCE N.03°08'34"E. A DISTANCE OF 76.57 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 96°34'35" AND WHOSE CHORD BEARS N.45°08'48"W. A DISTANCE OF 74.65 FEET, HAVING AN ARC LENGTH OF 84.28 FEET; THENCE S.86°33'49"W. A DISTANCE OF 442.87 FEET; THENCE N.87°46'36"W. A DISTANCE OF 730.75 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 96°44'56" AND WHOSE CHORD BEARS S.43°50'56"W. A DISTANCE OF 149.50 FEET, HAVING AN ARC LENGTH OF 168.86 FEET; THENCE S.04°31'33"E., LEAVING SAID SOUTHERLY BOUNDARY OF THAT CERTAIN PARCEL DESCRIBED IN CLERK'S INSTRUMENT NUMBER 2018000217893, OF SAID PUBLIC RECORDS OF LEE COUNTY, FLORIDA, A DISTANCE OF 492.53 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3677, PAGE 743, SAID PUBLIC RECORDS; THENCE S.89°54'37"W, LEAVING THE BOUNDARY OF SAID "EXHIBIT C-1" AND ALONG THE NORTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 3677, PAGE 743, A DISTANCE OF 218.60 FEET TO A NON-RADIAL INTERSECTION WITH THE CURVED EASTERLY BOUNDARY OF THAT CERTAIN PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 4355, PAGE 2364, SAID PUBLIC RECORDS, ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 (STATE ROAD NO. 93); THENCE NORTHERLY, ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE FOR THE NEXT FIVE (5) COURSES; NORTHERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 3913.93 FEET, A CENTRAL ANGLE OF 01°40'50" AND WHOSE CHORD BEARS N.08°21'29"W. FOR A DISTANCE OF 114.79 FEET, HAVING AN ARC LENGTH OF 114.79 FEET; THENCE N.09°11'29"W. A DISTANCE OF 225.55 FEET TO THE MOST SOUTHERLY CORNER OF PARCEL 102 AS DESCRIBED IN CLERK'S INSTRUMENT NUMBER 2008000156882; THENCE NORTHERLY ALONG THE EAST BOUNDARY LINE OF SAID PARCEL 102 AND SAID EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 FOR THE NEXT THREE (3) COURSES; N.0°38'28"W. A DISTANCE OF 3556.21 FEET; THENCE N.03°21'21"E A DISTANCE OF 392.14 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 678.20 FEET, A CENTRAL ANGLE OF 23°17'58" AND WHOSE CHORD BEARS N.15°00'20"E. A DISTANCE OF 273.90 FEET, HAVING AN ARC LENGTH OF 275.79 FEET TO A NON-TANGENT INTERSECTION THE SAID SOUTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3524, PAGE 4601, SAID PUBLIC RECORDS; THENCE N.89°23'14"E. ALONG SAID SOUTH LINE, A DISTANCE OF 1197.31 FEET; THENCE N.89°20'16"E. ALONG SAID SOUTH LINE A DISTANCE OF 1.52 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION.

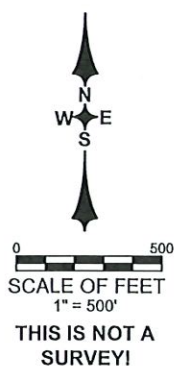
CONTAINING 283.75 ACRES, MORE OR LESS.

M&A PROJECT: 17037		DESCRIPTION DRAWING PARCEL OF LAND LYING IN SECTIONS 2 AND 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA	 MORRIS DEPEU ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS FL. CA. NO. 6532 / FL. CERT. NO. 118691 / LCP6000350	 Fort Myers Tallahassee Destin 3617 Greyside Ave Fort Myers, Florida 33901 Cell 237-3264 Fax 237-3264 Toll Free 800-337-7341	
CHECKED BY: MAH	DESIGNED BY: MAH				
DATE 01-15-19					
SHEET 2 OF 4					





REVIEWED
ADD2021-00217
Hunter Searson, GIS
Planner
Lee County Government
1/25/2022



LINE DATA

L3 S.17°33'28"E 215.07'	L9 S.89°54'37"W. 218.60'
L4 N.89°42'18"W 60.00'	L10 N.09°11'29"W. 225.55'
L5 N89°42'18"W 107.62'	
L6 N89°42'18"W 221.98'	
L7 N35°32'45"W 42.43'	
L8 N03°08'34"E 76.57'	

CURVE DATA

CURVE C2 RAD = 5924.43' C.A. = 08°26'32" C.B. = S.13°20'12"E. CHD = 872.14' ARC = 872.93'	CURVE C6 RAD = 230.01' C.A. = 52°04'24" C.B. = S.25°50'08"E. CHD = 201.92' ARC = 209.04'	CURVE C10 RAD = 100.00' C.A. = 96°44'56" C.B. = S.43°50'56"W. CHD = 149.50' ARC = 168.86'
CURVE C3 RAD = 30.00' C.A. = 90°34'53" C.B. = S.36°10'31"W. CHD = 42.64' ARC = 47.43'	CURVE C7 RAD = 170.01' C.A. = 52°02'25" C.B. = N.25°51'07"W. CHD = 149.16' ARC = 154.42'	CURVE C11 RAD = 3913.93' C.A. = 01°40'50" C.B. = N.08°21'29"W. CHD = 114.79' ARC = 114.79'
CURVE C4 RAD = 5274.39' C.A. = 04°44'34" C.B. = S.06°27'12"E. CHD = 436.40' ARC = 436.52'	CURVE C8 RAD = 230.01' C.A. = 50°48'27" C.B. = N.26°28'06"W. CHD = 197.35' ARC = 203.97'	
CURVE C5 RAD = 170.01' C.A. = 50°48'27" C.B. = S.26°28'06"E. CHD = 145.87' ARC = 150.76'	CURVE C9 RAD = 50' C.A. = 96°34'35" C.B. = N.45°08'48"W. CHD = 74.65' ARC = 84.28'	

MDA PROJECT: 17037		DESCRIPTION DRAWING PARCEL OF LAND LYING IN SECTIONS 2 AND 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA	 MORRIS DEPEW ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS FL CA NO. 6532 / FL CERT NO. 156891 / LC26000330	• Fort Myers • Tallahassee • Destin 2617 Cleveland Ave. Fort Myers, Florida 33901 (941) 337-3393 Fax: (941) 337-3394 Toll Free: 866-337-7341
CHECKED BY: MAH	DRAWN BY: MAH			
DATE: 01-15-19				
SHEET 4 OF 4				

Exhibit B

RESOLUTION NUMBER Z-21-009

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

WHEREAS, Waldrop Engineering, P.A., filed an application on behalf of the property owner, Youngquist Brothers Family Holdings, LLC, to amend the Youngquist Trade Center Mixed Use Planned Development (MPD) in reference to Youngquist Trade Center; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on July 29, 2021; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2021-00002 and recommended APPROVAL of the Request with conditions; and

WHEREAS, a second public hearing was advertised and held on September 8, 2021 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 the Youngquist Trade Center Mixed Use Planned Development (MPD) to:

- Increase approved industrial square footage from 1,400,000 to 2,500,000;
- Increase approved office square footage from 131,000 sq. ft. to 225,000;
- Add a maximum of 200,000 sq. ft. of medical office; and
- Allow for the development of 360 hotel rooms without reducing approved square footage of other approved uses.

The property is located in the Tradeport and Wetland 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 must be consistent with the 2-page MCP entitled "Youngquist Trade Center Master Concept Plan" prepared by Waldrop Engineering, date stamped received June 18, 2019, and attached hereto as Exhibit C, except as modified by the conditions below. Development must comply with the Lee Plan and the LDC at time of local development order approval, except where deviations have been approved by this resolution. Changes to the MCP require further development approvals.

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

a. Schedule of Uses:

Accessory Uses and Structures
Administrative Offices
Agricultural Uses: See Condition 5
Aircraft Food Service and Catering
Amusement Parks
Animals: Clinic or kennel
ATM (automatic teller machine)
Auto Parts Store, with installation services
Auto Repair and Service, all groups
Automobile Service Station
Bait and Tackle Shop
Banks and Financial Establishments: all groups
Bar and Cocktail Lounge, in conjunction with a restaurant
Billboards, existing only
Boardwalks
Boats, boat part store boat repair and service
Boat Sales
Broadcast Studio, Commercial Radio and Television
Building Material Sales
Business Services: All groups
Bus Station/Depot
Car Wash
Cleaning and Maintenance Services
Clothing Store, general
Clubs, commercial, fraternal, membership organization, and private
Cold Storage, Pre-Cooling, Warehouse and Processing Plant
Communication Facilities, Wireless, subject to Condition 10
Computer and Data Processing Service
Consumption on Premises, in conjunction with a restaurant
Convenience Food and Beverage Store with Fuel Pumps, limited to one (1) store
with 36 fuel pumps
Contractors and Builders: All groups
Drive-Through Facility for Any Permitted Use
Emergency Operations Center
EMS, Fire or Sheriff's Station
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities: Groups I and II (Group II is limited to communication,
telephone and electrical distribution facilities, and electrical substations)
Excavation: Water retention, including dewatering
Factory Outlets, point of manufacture only
Fences and Walls
Food and Beverage Services, limited
Food Stores: all groups
Freight and Cargo Handling Establishments
Gasoline Dispensing Systems, Special
Gift and Souvenir Shop

Government Maintenance Facility
Healthcare Facilities, Group III
Heliport or Helistop, subject to Condition 11
Hobby, Toy, and Game Shops
Hotels/ Motels – limited to 360 rooms
Household and Office Furnishings, All Groups
Lawn and Garden Supply Stores
Laundry or Dry Cleaning: All Groups
Manufacturing of:
 Apparel products
 Boats
 Chemical and allied products: Groups I and II, (Group II is limited to cosmetics, perfumes, soaps, detergents, and other toilet preparations)
 Electrical machinery and equipment, all operations must be conducted within a fully enclosed building
 Fabricated metal products: Group II, all operations must be conducted within a fully enclosed building
 Food and kindred products: Groups II and III
 Furniture and Fixtures, all operations must be conducted within a fully enclosed building
 Leather products: Group II
 Lumber and wood products: Group II, III, IV, V and VI
 Measuring, analyzing and controlling instruments
 Novelties, jewelry, toys and signs: All Groups
 Paper and allied products: Groups II and III
 Rubber and plastic products: All Groups
 Stone, clay, glass and concrete products: Group I
 Textile mill products: All groups
 Transportation equipment: Groups I and II
Medical Office
Mini-Warehouse
Motion Picture Production Studio
Nightclubs
Non-Store Retailers: All groups
Package Store, limited to one
Paint and Glass and Wallpaper
Parcel and Express Services
Parking Lot:
 Accessory
 Commercial, subject to Condition 13
 Garage, public parking, subject to Condition 13
 Temporary
Personal Services: Groups I, II, III and IV except for massage parlors, palm readers, fortune tellers, card readers and tattoo parlors
Pet Services
Photofinishing Laboratory
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales Office, for sale of lots/structures within the development only

Recreational Facilities: All groups excluding outdoor gun ranges
 Rental or Leasing Establishment: Groups II, III, and IV
 Repair Shops: Groups I, II, III, IV, and V
 Research and Development Laboratories: All groups
 Restaurants: All groups including fast food
 Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use on the same premises
 Schools, Commercial, (excluding charter and private schools unless located in a multitenant building) – prohibited in Airport Noise Zone B
 Signs including one (1) interstate highway interchange area identification sign, subject to Conditions 12 and 16
 Social Services, Groups I and II
 Specialty Retail Shops: All groups
 Storage:
 Indoor
 Open, including RV storage
 Technical Training Facilities
 Temporary Uses
 Transportation Services: Groups II, III, and IV
 Trucking Terminal
 Used Merchandise Stores: All groups
 Variety Store
 Vehicle and Equipment Dealers: All groups
 Warehouse:
 Private
 Public
 Wholesale Establishments: Groups III, and IV

b. Site Development Regulations

i. Office, Retail, and Mixed Use Development

Minimum Lot Area and Dimensions:

Minimum Lot Area: 7,500 square feet, 10,000 square feet for mixed use buildings

Minimum Lot Width: 75 feet

Minimum Lot Depth: 100 feet

Minimum Setbacks:

Ben Hill Griffin Parkway: 25 feet

Interstate 75: 30 feet

Internal Streets: 20 feet

Side: 10 feet

Rear: 20 feet

Accessory: 5 feet

Waterbody: 20 feet, 0 feet waterbody setback for decks, patios, and boardwalks accessory to restaurants, hotels, health clubs/spas, and offices.

Preserve: 25 feet

Minimum Building Separation: $\frac{1}{2}$ sum of the building height, or 20 feet,
whichever is greater

Maximum Building Height: 75 feet

Maximum Lot Coverage: 55%

ii. Hotel/Motel Development

Minimum Lot Area and Dimensions:

Minimum Lot Area: 20,000 square feet

Minimum Lot Width: 100 feet

Minimum Lot Depth: 100 feet

Minimum Setbacks:

Ben Hill Griffin Parkway: 25 feet

Interstate 75: 30 feet

Internal Streets: 20 feet

Side: 10 feet

Rear: 20 feet

Accessory: 5 feet

Waterbody: 20 feet, 0 feet waterbody setback for decks, patios, and boardwalks accessory to restaurants, hotels, health clubs/spas, and offices.

Preserve: 25 feet

Minimum Building Separation: $\frac{1}{2}$ sum of the building height, or 20 feet,
whichever is greater

Maximum Building Height: 120 feet

Maximum Lot Coverage: 55%

iii. Industrial Development

Minimum Lot Area and Dimensions:

Minimum Lot Area: 25,000 square feet

Minimum Lot Width: 100 feet

Minimum Lot Depth: 100 feet

Minimum Setbacks:

Ben Hill Griffin Parkway: 25 feet for all buildings conforming to LDC design standards and guidelines for commercial buildings. 100 feet for buildings that do not conform to the LDC design standards and guidelines for commercial buildings (see Condition 9)

Interstate 75: 30 feet

Internal Streets: 20 feet

Side: 10 feet

Rear: 20 feet

Accessory: 5 feet

Waterbody:	20 feet, 0 feet waterbody setback for decks, patios, and boardwalks accessory to restaurants, hotels, health clubs/spas, and offices.
Preserve:	25 feet
Minimum Building Separation:	$\frac{1}{2}$ sum of the building height, or 20 feet, whichever is greater
Maximum Building Height:	75 feet
Maximum Lot Coverage:	65%

3. Development Parameters

- a. The floor area for the development will not exceed 2,500,000 square feet of light industrial uses, 175,000 square feet of commercial retail development and 225,000 square feet commercial office development, 200,000 square feet of medical office development, and up to 360 hotel/motel rooms.
- b. Permitted restaurant gross floor area includes restaurant outdoor seating areas.
- c. The developer must submit a report/tabulation with every Local development order application itemizing:
 - i. the intensity of commercial, office, and industrial uses (expressed as square footages), and the number of hotel rooms, proposed by the application;
 - ii. the cumulative total intensity of uses permitted by previous development order approvals; and
 - iii. remaining intensity available for future development.

4. Environmental

- a. Development order plans must be in substantial compliance with the open space table and delineate preserves in substantial compliance with the MCP. A minimum of 40.36+/- acres of existing indigenous plant communities must be preserved within the approximately 83.15-acre preserve on Parcel A, and 0.83+/- acres of existing indigenous plant communities must be preserved within the 4.15 acre preserve on Parcel B.
- b. The developer must coordinate removal of invasive exotic plants within preserve areas with the Division of Environmental staff. The developer must utilize hand removal methods within indigenous plant communities with 75% or less invasive exotic plant coverage.
- c. The developer must survey the portion of the property to be cleared pursuant to a development order application for active Big Cypress Fox Squirrel nests prior to issuance of a Vegetation Removal Permit. If the survey identifies active Big Cypress Fox Squirrel nests, the developer must protect the nests with a 125-foot buffer until the nest is confirmed inactive. Onsite preserves provide adequate

habitat for Big Cypress Fox Squirrels, therefore no additional preserves will be required if Big Cypress Fox Squirrels nests are identified.

5. Existing Agricultural Use

Existing bona fide agricultural uses may continue in compliance with the following:

- a. Bona fide agricultural uses in existence at the time of this resolution and as shown on Exhibit "D" attached hereto may continue until approval of a local development order for vertical construction for the lot or parcel containing those uses.
- b. The property owner must terminate the agricultural tax exemption for the lot or parcel receiving a local development order for vertical construction. The agricultural use must cease and the exemption termination must be filed with the Property Appraisers Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.

6. Right-of-way Buffers

a. Interstate 75

Prior to development order approval for vertical construction within Parcels A and B, the development order plans must reflect a 25-foot-wide buffer, within the 50 foot setback, along the west property line.

The buffer must consist of a 2-foot-high berm (3:1 slope) measured from the centerline of the frontage road. The buffer must be planted with 5 trees per 100 linear feet and a double staggered hedge. Palms may substitute for canopy trees at a 3:1 ratio (3 palms to one canopy tree) but may not exceed 50% of the buffer. The landscape plans must specify trees at 14 feet in height and shrubs at 36 inches in height at the time of planting

Required plantings must be installed on the top of the berm or on the west side of the berm near the top.

Trees and shrubs used to meet the buffer requirement must be indigenous to Southwest Florida. Clustering of trees and shrubs is strongly recommended to create visibility windows and provide a more naturalistic buffer with canopy trees and understory vegetation. Post installation, the hedge must be maintained at a minimum 36 inches in height.

b. Ben Hill Griffin Parkway

Prior to development order approval for vertical construction within Parcels A and B, development order plans must reflect a 15-foot right-of-way buffer along Ben Hill Griffin Parkway.

The buffer must consist of a two-foot-high berm with seven (7) trees, 66 shrubs, and 56 ground cover plants per 100 linear feet (excluding the preserve area).

Required plantings must be located on the top of the berm or near the top of the berm on the east side of the berm.

Trees and shrubs used to meet the buffer requirement must be indigenous to Southwest Florida. Clustering of trees and shrubs is strongly recommended to create visibility windows and provide a more naturalistic buffer with canopy trees and understory vegetation.

c. Non-Vertical Development

Prior to the issuance of a development order for infrastructure, developer must demonstrate there is at least 25 feet of existing native vegetation adjacent to I-75 and Ben Hill Griffin Parkway. Development orders for vertical development will trigger the installation of landscape buffers indicated in the paragraphs above.

7. Roadway Access/Drainage

- a. All access points depicted on the master concept plan, for the proposed Ben Hill Griffin Parkway extension, must be consistent with the access spacing requirements established in the October 19, 1999, Memorandum of Understanding between Alico, Inc. and the Lee County Port Authority and with the design of the Ben Hill Griffin Parkway/Treeline project or as agreed to by the parties involved.
- b. In accordance with the October 19, 1999 Memorandum of Understanding between Alico, Inc. and the Lee County Port Authority and South Florida Water Management District Permits for the RSW Midfield Terminal Project, Glevin 275 LLC and Slevin 275 LLC T/C and Airport Interstate Association LLC agree to execute drainage easements consistent with the Ben Hill Griffin Parkway Memorandum of Understanding, as amended and agreed to by both parties.

8. Detention Pond Relocation

Prior to local development order approval, any change in the location of the detention pond (water management area), on the subject property, for Ben Hill Griffin Parkway from Alico Road north to the Midfield terminal must be approved by the South Florida Water Management District and be consistent with the approved October 19, 1999 Memorandum of Understanding between Alico, Inc. and the Lee County Port Authority and South Florida Water Management District Permits, as amended and agreed to by all parties.

9. Buildings and Structures

- a. The primary façade of industrial buildings and structures within 100 feet of Ben Hill Griffin Parkway must comply with the design standards and guidelines for commercial buildings and development set forth in the LDC. Industrial buildings more than 100 feet from Ben Hill Griffin Parkway will not be subject to the commercial building design standards.
- b. All structures must be designed to be architecturally compatible and share a common architectural theme.

- c. The developer may not develop or use the property within the Florida Power and Light (FP&L) easement in a manner inconsistent with that easement. The developer is not required to obtain approval from FP&L to develop within the easement if the developer provides evidence of the legal authority to develop within easement. Such evidence may consist of an attorney opinion the proposed use of the property within the easement does not violate the easement. The attorney rendering the opinion must be board certified in real estate.

10. Wireless Communication Facilities

- a. If approved under the LDC, wireless communication facilities are permitted in the FP&L easement.
- b. Freestanding wireless communication facilities, including stealth towers, are prohibited.
- c. Federal Communication Commission review will be required for any wireless communication facilities to ensure that signals from wireless communication facilities do not interfere with navigation aids and radar at Lee County Port Authority (and Airport).

11. Heliport/Helistops

The developer must fully coordinate future heliports or helistops with, and approved by, the Lee County Port Authority and the Florida Department of Transportation Aviation Office to avoid interference with the operation of the Southwest Florida International Airport.

12. Signs

The developer must submit a unified signage plan for staff review and approval with application for local development order approval subject to Condition 16 and Deviation 10.

13. Commercial Parking Lot/Garage, Public Parking

- a. Square footage of all floor area within commercial parking buildings will be deducted from approved industrial square footage. The ITE Trip Generation does not provide any data for long term car storage, and based on the current information available, the use should be considered industrial.

Applicant/developer has the option of submitting a traffic analysis establishing the actual trip generation rate of the commercial vehicle storage facility with the local development order application. The trip generation analysis will include the following:

- i. Traffic counts conducted at all driveways leading to and from the commercial parking structure for a period not less than three consecutive weekdays. The traffic counts must be conducted during the months of February or March in order 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 a survey for this purpose. Twenty-four hour machine counts must be summarized in tabular form.

- ii. The average weekday P.M. peak hour trip generation will be determined from the three day count.
 - iii. The 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 square feet commercial parking facility does not generate the same number of trips as 80,000 square feet of industrial use).
 - iv. The developer will submit this analysis to the Department of Community Development, Development Services Division, in order to request additional industrial floor area, with the overall floor area within the MPD not exceeding the floor area permitted in this resolution.
- b. The commercial parking lot or public parking garage (vehicle storage building) is limited to a maximum of 2,000 vehicles and a maximum height of 75 feet.
- c. Parking Garage buffers:
- i. The east side of the parking structure along Ben Hill Griffin Parkway must include the following vegetation on top of a 2-foot-high meandering berm: eight trees (four canopy at a minimum of 12 feet in height and four palms at a minimum of 30 feet in height at planting), 66 shrubs (minimum 24-inch height, 3-gallon container size at planting, and allowed to grow to their natural height), and 56 ground cover (minimum 1-gallon container size at planting) per 100 linear feet.
 - ii. The north and south sides of the parking structure must include the following vegetation: four palms at a minimum 30-foot in height at planting, four canopy trees at a minimum 12-foot height at planting, and a double staggered hedge (minimum 24-inch height, 3-gallon container size at planting, and allowed to grow to their natural height).
- d. A vehicle storage building must be setback a minimum of 50 feet from Ben Hill Griffin Parkway.

14. Industrial Uses

Industrial uses (manufacturing), located within 100 feet of the Ben Hill Griffin right-of-way are subject to the following standards:

- a. If producing a tangible product, the use or activity must stand at or near the end of the manufacturing process, accounting only for the last steps of preparation or assembly of components or preprocessed materials.
- b. All operations must be conducted within a fully enclosed building.

- c. The use may not emit dust, smoke, odor or other air or water pollutant, glare, sound or other vibration that can be perceived outside the boundaries of the development tract or industrial use area.
- d. Open storage of waste products is prohibited. Open storage of raw materials must be fully screened from external property lines and Ben Hill Griffin Parkway by proposed buildings and/or screening in accordance with the LDC.
- e. Open storage of finished goods awaiting shipment is permitted, provided the storage area meets LDC visibility screening requirements.

15. Interconnection with Adjacent Property

At the time of local development order approval, the roadway interconnections with the two projects to the south (Jetway Tradeport and Airport South Interchange) must be reviewed to ensure the roadways are in alignment.

16. Interstate Highway Interchange Sign

One on-site interstate interchange area sign is permitted within one quarter mile of Interstate 75 and the Airport Direct Connect Ramp. This sign may not 400 square feet in area and 50 feet in height. This sign is in addition to the allowances provided in Deviation 10.

SECTION C. DEVIATIONS:

1. Surface Water Management Systems

Deviation (1) seeks relief from the LDC §10-418(3) requirement to permit a maximum of 20% of lake banks to be comprised of bulkhead or similar hardened shoreline, to allow bulkheads on 30% of the shoreline. This deviation is APPROVED SUBJECT TO the following condition:

Prior to local development order approval, the development order plans must delineate the locations of the bulkheads. Lakes that include up to 20% of the shoreline as bulkhead must be designed to include a compensatory 4:1 lake bank slope equivalent to the linear footage of the bulkhead and also provide one wetland tree per 100 required littoral plants, subject to LDC compensatory calculations. Lakes with 21-30% of the shoreline as bulkhead must be designed to provide a compensatory 4:1 lake bank slope equivalent to the linear feet of bulkhead and also provide two wetland trees per 100 required littoral plants, subject to LDC compensatory calculations. See Deviations 8, 9, and 13.

2. Drainage Easements

Deviation (2) seeks relief from the LDC §10-328(a) requirement to provide a minimum 20 foot wide maintenance access easement along lake perimeters, to allow zero (0) feet where lakes have bulkheads. This deviation is APPROVED SUBJECT TO the following condition:

At the time of development order approval, the developer must demonstrate to Development Services Division that permanent access to the lakes is available to launch a boat(s) to maintain the lake bulkheads.

3. Waterbody Setbacks

Deviation (3) seeks relief from the LDC §34-2194(b) requirement to provide a 25-foot waterbody setback for buildings, to allow a zero-foot setback at bulkhead areas. This deviation is APPROVED SUBJECT TO the site development regulations set forth in Condition 2.

4. Excavations

Deviation (4) seeks relief from the LDC §10-329(d)(1)a.3. requirement to provide water retention or detention excavations be setback 50 feet from private property line under separate ownership, to allow:

- a. A 25-foot setback between Lake B1 and Jetway Tradeport MPD.
- b. A 20-foot setback between Lakes A1, A2, A3, B1, and B2 and internal property lines and internal roadways; and
- c. A zero-foot setback between Lake A4 (existing borrow pit) and Airport South Interchange CPD and the Coca Cola Bottling Plant property.

This deviation is APPROVED SUBJECT TO the following condition:

Prior to local development order approval, the developer order plans must include details for wetland trees around the existing lake, even if reconfigured. (MCP Lake A4) Wetland trees must be calculated on one wetland tree per 100 littoral plants.

At the time of development order approval, the developer must provide elements to protect wayward vehicles on the internal roadways adjacent to Lakes A1, A2, A3, B1, and B2. The elements may include guardrails, berms, swales, vegetation, or other protections approved by the Development Services Director.

5. Deviation (5) withdrawn.

6. Excavations

Deviation (6) seeks relief from the LDC §10-329(d)(4) requirement to provide 6:1 lake bank slopes, to allow for 4:1 lake bank slopes. This deviation is APPROVED.

7. Shoreline Configuration

Deviation (7) seeks relief from the LDC §10-418(1) requirement to provide a sinuous lake shoreline, to allow for a non-sinuous lake shoreline. This deviation is APPROVED.

8. Planted littoral shelf configuration

Deviation (8) seeks relief from the LDC §10-418(2)(c) requirement to provide a 20-foot-wide littoral shelf no greater than two feet below control elevation, to omit the 20-foot-wide planted littoral shelf extending water ward of the control elevation at a depth no greater than two feet below the control elevation to minimize potential bird attractants. The developer will plant substituted native trees along the 4:1 lake bank slopes and/or Lake Maintenance Easements, depending upon species. See Deviations 9 and 13. This deviation is APPROVED SUBJECT TO the following condition:

Prior to development order approval for any lake, the landscape plans must illustrate the wetland trees installed within the 4:1 lake bank slope or meandering the 20 foot lake maintenance easement allowing sufficient clearance for lake maintenance vehicles.

9. Littoral Shelf Plant Selection

Deviation (9) seeks relief from the LDC §10-418(2)(d) requirement which allows the substitution of native trees for up to 25% of the total number of herbaceous plants, to allow native trees to substitute for 100% of the required herbaceous plants. This deviation is APPROVED.

10. Permanent Sign in Commercial and Industrial Areas

Deviation (10) seeks relief from the LDC §30-153(2)(a)(ii) requirement which permits two identification signs totaling 400 square feet in area along street frontages exceeding 330 feet, to allow a total combined sign area per frontage of 1,000 square feet along Ben Hill Griffin Parkway, and 500 feet along I-75. This deviation is APPROVED SUBJECT TO the following condition:

Total sign area for Ben Hill Griffin Parkway is 1,000 square feet, not to exceed 250 square feet per sign. A maximum of 500 square feet of sign area is permitted along I-75 frontage. Signs must comply with LDC Chapter 30 in all other respects.

11. Phased Projects

Deviation (11) seeks relief from the LDC §10-117 to allow for phased installation of project perimeter buffers. Perimeter buffers must be installed upon issuance of a development order approving construction on the subject parcel/phase. This deviation is APPROVED SUBJECT TO the following condition:

Prior to development order approval for vertical construction, project landscape plans must illustrate a common plant pallet theme for the Interstate 75 and Ben Hill Griffin Parkway buffer requirements.

12. Required Parking Spaces

Deviation (12) seeks relief from the LDC §34-2020(e)(1)(a), requirement to provide an additional 80 square feet of internal parking island landscape area for every additional parking space over 120% of required parking, to allow for an additional 40 square feet of internal parking island landscape area for every additional parking space over 120%, to

be planted with ground cover plants at a minimum one gallon container size, and allow the developer to locate the required canopy trees in the project's perimeter and/or internal buffer areas. This deviation is APPROVED SUBJECT TO the following condition:

Prior to development order approval, landscape plans must illustrate the additional 40 square feet of internal parking landscape area for each parking space that is over the 120% requirement. Industrial uses must provide that additional internal parking landscape area to the internal parking island and within a minimum five foot with building perimeter planting area located adjacent to the front of the building. Commercial uses must provide the additional square feet to the internal parking islands and to the required five-foot wide building perimeter. The landscaping must consist of trees, palms, and shrubs. Landscaping material must be installed in accordance with LDC §10-420.

13. Surface Water Management Systems

Deviation (13) seeks relief from the LDC §10-418(3) requirement to provide a five-foot wide littoral planted shelf, planted with herbaceous wetland plants for compensatory littoral zones, to allow native trees to be substituted for 100% of the required compensatory herbaceous plants based upon the calculations in LDC §10-418(3). Native trees will be substituted at a ratio of 100 plants per one (1) tree. This deviation is APPROVED SUBJECT TO the following condition:

Prior to development order approval, the landscape plans must illustrate a 4:1 lake bank slope consisting of native wetland trees within the lake maintenance easement, while maintaining sufficient area for required maintenance activities and associated access.

14. Property Development Regulations

Deviation (14) seeks relief from the LDC §34-935 requirement which limits building height in Tradeport to 95 feet, to allow for a maximum building height of 120 feet. This deviation is APPROVED.

15. Interstate Highway Interchange Area Signs

Deviation (15) seeks relief from LDC §30-154(2) to allow one on-site interstate highway interchange area sign within the project not to exceed 50 feet in height and 400 square feet in sign area. This deviation is APPROVED SUBJECT TO Condition 16.

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: Bona Fide Agricultural 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 proposed MPD amendment complies with the Lee Plan. Lee Plan Vision Statement Paragraph 10 (Gateway/Airport), Lee Plan Goals 2, 4, 6, 7, 60, 61, 77, 123, 124, 158, Objectives 2.2, 11.1, Policies 2.1.2, 6.1.3, 7.1.1, 7.1.2, 7.1.3, 158.3.5.
2. As conditioned, the amendments to the MPD:
 - a. Meet the LDC and other county regulations or qualifies for deviations. LDC §§ 2-265, 2-385, 10-287, 10-321, 34-411, 34-413, 34-491, 34-612(2), 34-1012; 34-2175(b);
 - b. Are compatible with existing and planned uses in the surrounding area. Lee Plan Objective 47.2, Policies 2.1.2, 2.2.1, 6.1.3, 6.1.4, 7.1.2, 7.1.3;
 - c. Provide access sufficient to support the proposed development intensity. Expected impacts on transportation facilities will be addressed by county regulations and conditions of approval. Lee Plan Objective 39.1, Policies 2.2.1, 6.1.1, 6.1.3, 7.1.1, 7.1.2, 7.1.5, Policy 39.1.1; LDC §§ 34-411(d) and (e);
 - d. Will not adversely affect environmentally critical areas and natural resources. Lee Plan Goals 60, 77, 123, 124, 125, Objectives 60.5, 61.2, 77.2, 77.3, Policies 60.1.2, 60.5.2, 61.2.4, 61.3.11, 77.3.1, 77.3.5, 123.2.4, 125.1.3, Standard 4.1.4; and
 - e. Will be served by urban services including paved roads, potable water, sanitary sewer, urban surface water management, police, fire, and emergency services. Lee Plan Glossary, Lee Plan Goals 2, 4, Objectives 2.1, 6.1, 7.1 Policies 2.2.1, 6.1.4, 7.1.1, 7.1.5, 7.1.6, and Standards 4.1.1 and 4.1.2; LDC §34-411(d).
3. The proposed mix of uses is appropriate at the proposed location. Lee Plan Goal 158, Objective 2.1, Policies 2.1.1, 2.1.2, 6.1.1, 6.1.2, 7.1.1, 7.1.2, 7.1.3.
4. Recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. In addition, recommended conditions reasonably relate to impacts expected from the proposed development. Lee Plan Goals 123, 124, Objective 47.2, Policies 6.1.1, 7.1.2, 123.2.13; LDC §§ 34-377(a)(3), 34-411, 34-932(b) and (c), 34-1012, 34-1104.
5. As conditioned, the deviations:
 - a. Enhance 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.

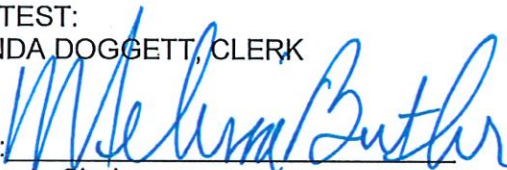
Commissioner Hamman made a motion to adopt the foregoing resolution, seconded by Commissioner Sandelli. The vote was as follows:

Adopted by unanimous consent.

Kevin Ruane	Absent
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 8th day of September 2021.

ATTEST:
LINDA DOGGETT, CLERK

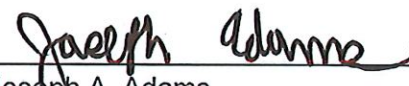
BY: 
Deputy Clerk

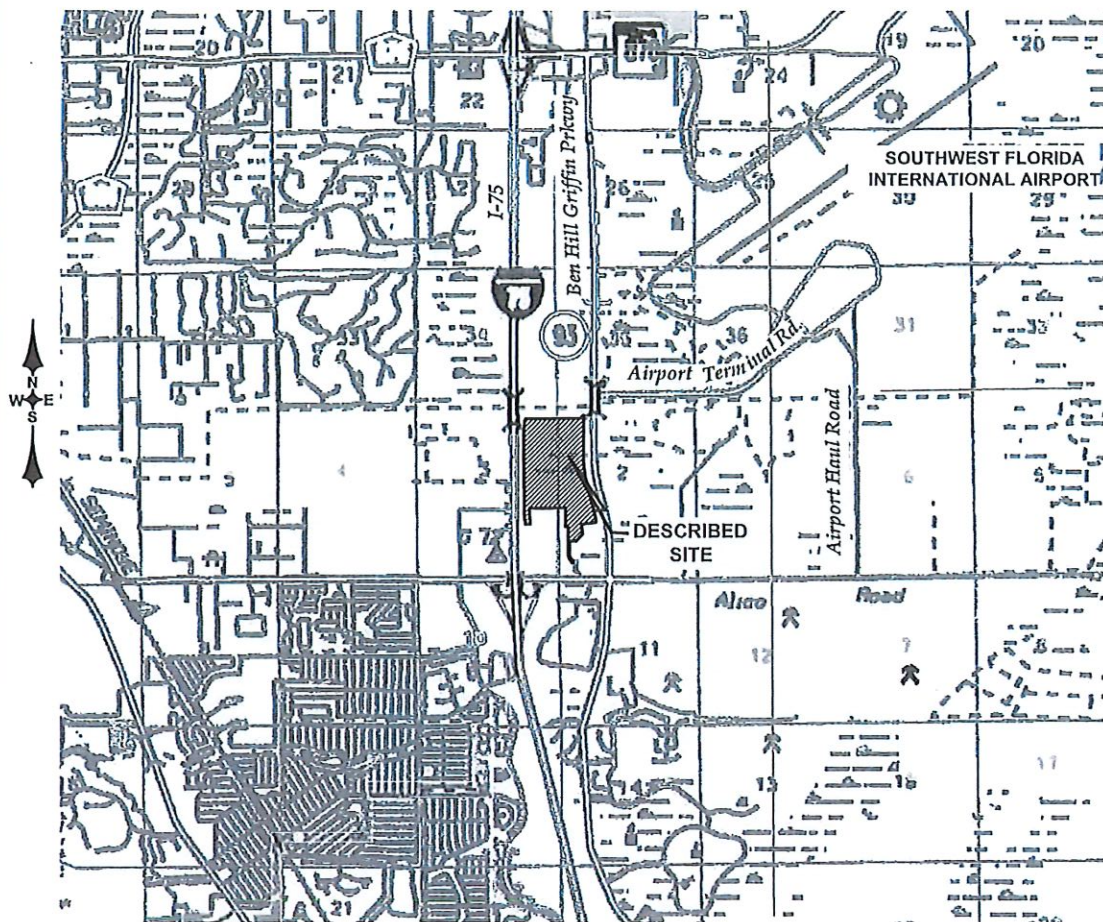


BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Vice Chair
Commissioner Cecil L. Pendergrass
Lee County Board of County Commissioners
District 2

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


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



VICINITY MAP
1" = 1 MILE

ABBREVIATIONS

C1	= CURVE DESIGNATION
C.A.	= CENTRAL ANGLE
C.B.	= CHORD BEARING
CHD	= CHORD LENGTH
C/L	= CENTERLINE
INST.	= INSTRUMENT
L1	= LINE DESIGNATION
LB	= LICENSED BUSINESS
NO.	= NUMBER
OR	= OFFICIAL RECORDS
PG.	= PAGE
PERP.	= PERPETUAL
P.B.	= PLAT BOOK
POB	= POINT-OF-BEGINNING
POC	= POINT-OF-COMMENCEMENT
R/W	= RIGHT OF WAY
RAD.	= RADIUS
SEC.	= SECTION
SQ.FT.	= SQUARE FEET
S.R.	= STATE ROAD

SURVEYOR'S NOTES:

THE DESCRIPTION SHOWN HEREON IS NEW.

COORDINATES SHOWN HEREON BASED ON FLORIDA GRID, WEST ZONE, NAD 83-(2011).

SKETCH PREPARED IN ACCORDANCE WITH THE STATE OF FLORIDA'S STANDARDS OF PRACTICE FOR SURVEYING, RULE 5J-17 F.A.C.

ORIENTATION BASED ON THE NORTH LINE OF THE NORTHEAST-QUARTER OF SECTION 3, T.46 S., R. 25 E. AS BEARING N.89°23'14"E.

UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER, AND ALL SHEETS ARE INCLUDED, THIS MAP IS NOT VALID.

EXHIBIT **A**

PREPARED BY



PSM 6347

Digitally signed by
Thomas M. Rooks Jr.
Date: 2021.04.12
16:12:59 -04'00'

THOMAS M. ROOKS JR., P.S.M.
FLORIDA CERTIFICATE NO. 6347

DATE

REV: UPDATE SURVEYOR SIGNATURE 04-12-2021

MDA PROJECT: 17037	CHECKED BY: MAH	DRAWN BY: MAH
DATE: 01-15-19		
SHEET 1 OF 4		

DESCRIPTION DRAWING
PARCEL OF LAND LYING IN
SECTIONS 2 AND 3, TOWNSHIP 46
SOUTH, RANGE 25 EAST, LEE
COUNTY, FLORIDA

MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL. CA. NO. 6532 / FL. CERT. NO. LB6691 / LC200000330

Fort Myers
Tallahassee
Destin
3517 Colonial Ave.
Fort Myers, Florida 33901
(941) 337-3333
Fax: (941) 337-3334
Toll Free: 800-337-3241

**DESCRIPTION:
EXHIBIT "A" METES AND BOUNDS**

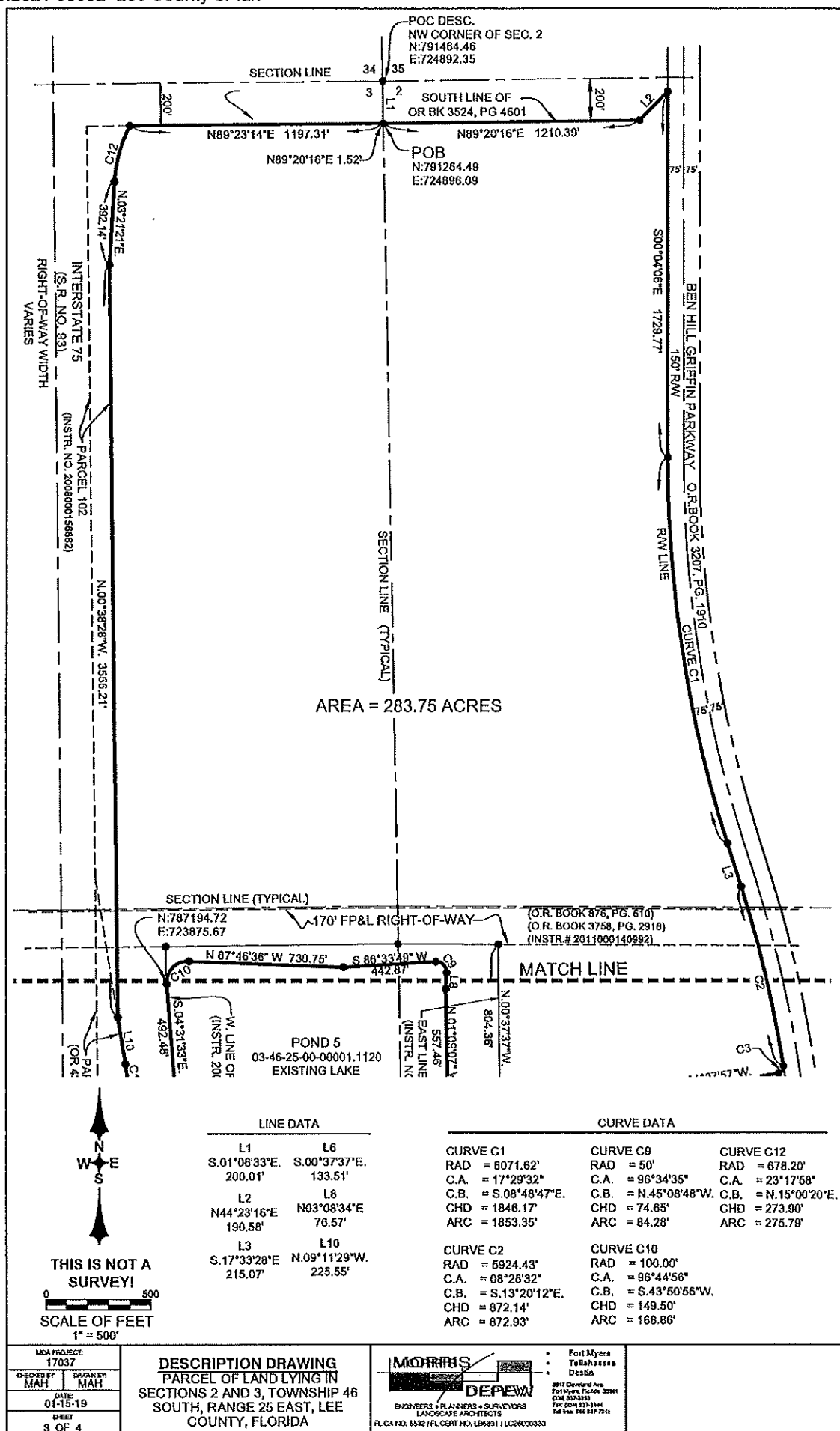
PARCEL OF LAND LYING IN SECTIONS 2 AND 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING THE NORTHWEST CORNER OF SAID SECTION 2; THENCE S.01° 06' 33"E., ALONG THE WEST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 2 FOR 200.01 FEET TO AN INTERSECTION WITH A LINE 200.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES) AND PARALLEL WITH THE NORTH LINE OF SAID NORTHWEST QUARTER (NW 1/4) OF SECTION 2 AND THE POINT-OF-BEGINNING OF THIS DESCRIPTION; THENCE N.89° 20' 16" E. ALONG SAID PARALLEL LINE AND ALSO ALONG THE SOUTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3524, PAGE 4601, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, A DISTANCE OF 1210.39 FEET; THENCE N.44° 23' 16"E. CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 190.58 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (150.00' RIGHT-OF-WAY) AS DESCRIBED IN OFFICIAL RECORDS BOOK 3207, PAGE 1910 OF SAID PUBLIC RECORDS; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR THE NEXT FOUR (4) COURSES; S.00° 04' 06" E. A DISTANCE OF 1,729.77 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE SOUTHERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 6071.62 FEET, A CENTRAL ANGLE OF 17°29'22" AND WHOSE CHORD BEARS S.08°48'47"E. FOR A DISTANCE OF 1846.17 FEET, HAVING AN ARC LENGTH OF 1853.35 FEET; THENCE S.17° 33' 28"E., ALONG A TANGENT LINE, A DISTANCE OF 215.07 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE SOUTHERLY, ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 5924.43 FEET, A CENTRAL ANGLE OF 08°26'32" AND WHOSE CHORD BEARS S.13°20'12"E., FOR A DISTANCE OF 872.14 FEET, HAVING AN ARC LENGTH OF 872.93 FEET, TO A POINT OF COMPOUND CURVATURE OF A CURVE TO THE RIGHT; THENCE LEAVING THE WESTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY, ALONG THE BOUNDARY OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3522, PAGE 3430, OF SAID PUBLIC RECORDS, FOR THE NEXT EIGHT (8) COURSES, SOUTHWESTERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 30.00 FEET, A CENTRAL ANGLE OF 90°34'53" AND WHOSE CHORD BEARS S.36°10'31"W. FOR A DISTANCE OF 42.84 FEET, HAVING AN ARC LENGTH OF 47.43 FEET; THENCE S.81°27'57"W. ALONG A TANGENT LINE, A DISTANCE OF 619.81 FEET TO A NON-RADIAL INTERSECTION WITH A CURVE TO THE RIGHT; THENCE SOUTHERLY ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 5274.39 FEET, A CENTRAL ANGLE OF 04°44'31" AND WHOSE CHORD BEARS S.06°27'12"E. FOR A DISTANCE OF 436.40 FEET, ARC LENGTH BEING 436.52 FEET; THENCE S.43°12'27"W. ALONG A NON-TANGENT LINE, A DISTANCE OF 410.14 FEET; THENCE S.88°56'07"W. A DISTANCE OF 283.66 FEET; THENCE CONTINUING ALONG SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3522, PAGE 3430, AND ALSO ALONG THE EAST BOUNDARY OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN CLERK'S INSTRUMENT NUMBER 2005000131182, SAID PUBLIC RECORDS, FOR THE NEXT THREE (3) COURSES; S.01°03'53"E. A DISTANCE OF 628.78 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 170.01 FEET, A CENTRAL ANGLE OF 50°48'27" AND WHOSE CHORD BEARS S.26°28'08"E. FOR A DISTANCE OF 145.87 FEET, HAVING AN ARC LENGTH OF 150.87 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT; THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 230.01 FEET, A CENTRAL ANGLE OF 52°04'24" AND WHOSE CHORD BEARS S.25°50'08"E. FOR A DISTANCE OF 201.92 FEET, HAVING AN ARC LENGTH OF 209.04 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF ALICO ROAD, AS DESCRIBED IN OFFICIAL RECORDS BOOK 4355, PAGE 2364, SAID PUBLIC RECORDS; THENCE N.89°42'18"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 60.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID EXHIBIT "D" AND TO AN INTERSECTION WITH A NON-TANGENT CURVE TO THE LEFT; THENCE NORTHWESTERLY ALONG AN ARC OF SAID CURVED WEST LINE OF "EXHIBIT D", HAVING A RADIUS OF 170.01 FEET, A CENTRAL ANGLE OF 52°02'25" AND WHOSE CHORD BEARS N.25°51'07"W. FOR A DISTANCE OF 149.16 FEET, HAVING AN ARC LENGTH OF 154.42 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE TO THE RIGHT; THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 230.01 FEET, A CENTRAL ANGLE OF 50°48'27" AND WHOSE CHORD BEARS N.26°28'06"W. FOR A DISTANCE 197.35 FEET, HAVING AN ARC LENGTH OF 203.97 FEET; THENCE N.01°03'53"W. ALONG THE SAID WEST LINE OF "EXHIBIT D" AND THE EAST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 2195, PAGE 4279, SAID PUBLIC RECORDS, A DISTANCE OF 1265.42 FEET; THENCE N.89°42'18"W. ALONG NORTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2195, PAGE 4279, A DISTANCE OF 107.62 FEET TO THE SOUTHEAST CORNER OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN CLERK'S INSTRUMENT NUMBER 2018000217893, PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID CERTAIN PARCEL FOR THE NEXT EIGHT (8) COURSES; N.89°42'18"W. A DISTANCE OF 221.98 FEET; THENCE N.35°32'45"W. A DISTANCE OF 42.43 FEET; THENCE N.01°09'07"W. A DISTANCE OF 557.46 FEET; THENCE N.03°08'34"E. A DISTANCE OF 76.57 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 96°34'35" AND WHOSE CHORD BEARS N.45°08'48"W. A DISTANCE OF 74.65 FEET, HAVING AN ARC LENGTH OF 84.28 FEET; THENCE S.86°33'49"W. A DISTANCE OF 442.87 FEET; THENCE N.87°46'36"W. A DISTANCE OF 730.75 FEET TO THE BEGINNING OF A CURVE TO THE LEFT; THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 96°44'56" AND WHOSE CHORD BEARS S.43°50'56"W. A DISTANCE OF 149.50 FEET, HAVING AN ARC LENGTH OF 168.86 FEET; THENCE S.04°31'33"E., LEAVING SAID SOUTHERLY BOUNDARY OF THAT CERTAIN PARCEL DESCRIBED IN CLERK'S INSTRUMENT NUMBER 2018000217893, OF SAID PUBLIC RECORDS OF LEE COUNTY, FLORIDA, A DISTANCE OF 492.53 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3677, PAGE 743, SAID PUBLIC RECORDS; THENCE S.89°54'37"W. LEAVING THE BOUNDARY OF SAID "EXHIBIT C-1" AND ALONG THE NORTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 3677, PAGE 743, A DISTANCE OF 218.60 FEET TO A NON-RADIAL INTERSECTION WITH THE CURVED EASTERLY BOUNDARY OF THAT CERTAIN PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 4355, PAGE 2364, SAID PUBLIC RECORDS, ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 (STATE ROAD NO. 93); THENCE NORTHERLY, ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE FOR THE NEXT FIVE (5) COURSES; NORTHERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 3913.93 FEET, A CENTRAL ANGLE OF 01°40'50" AND WHOSE CHORD BEARS N.08°21'29"W. FOR A DISTANCE OF 114.79 FEET, HAVING AN ARC LENGTH OF 114.79 FEET; THENCE N.09°11'29"W. A DISTANCE OF 225.55 FEET TO THE MOST SOUTHERLY CORNER OF PARCEL 102 AS DESCRIBED IN CLERK'S INSTRUMENT NUMBER 2008000156882; THENCE NORTHERLY ALONG THE EAST BOUNDARY LINE OF SAID PARCEL 102 AND SAID EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 FOR THE NEXT THREE (3) COURSES; N.0°38'28"W. A DISTANCE OF 3556.21 FEET; THENCE N.03°21'21"E A DISTANCE OF 392.14 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT; THENCE ALONG AN ARC OF SAID CURVE, HAVING A RADIUS OF 678.20 FEET, A CENTRAL ANGLE OF 23°17'58" AND WHOSE CHORD BEARS N.15°00'20"E. A DISTANCE OF 273.90 FEET, HAVING AN ARC LENGTH OF 275.79 FEET TO A NON-TANGENT INTERSECTION THE SAID SOUTH LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 3524, PAGE 4601, SAID PUBLIC RECORDS; THENCE N.89°23'14"E. ALONG SAID SOUTH LINE, A DISTANCE OF 1197.31 FEET; THENCE N.89°20'16"E. ALONG SAID SOUTH LINE A DISTANCE OF 1.52 FEET TO THE SAID POINT-OF-BEGINNING OF THIS DESCRIPTION.
CONTAINING 283.75 ACRES, MORE OR LESS.

MAP PROJECT:	17037
CHECKED BY:	MAH
DATE:	01-15-19
SHEET:	2 OF 4

DESCRIPTION DRAWING
PARCEL OF LAND LYING IN
SECTIONS 2 AND 3, TOWNSHIP 46
SOUTH, RANGE 25 EAST, LEE
COUNTY, FLORIDA



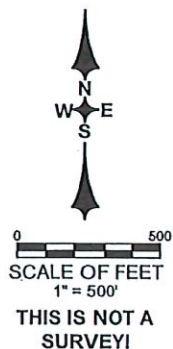
Fort Myers
Tallahassee
Destin
1817 Osceola Ave.
Fort Myers, Florida 33901
(239) 577-9883
Fax: (239) 577-9894
Toll Free: 866-550-7241





L3 S.17°33'28"E 215.07'	L9 S.89°54'37"W. 218.60'
L4 N.89°42'18"W 60.00'	L10 N.09°11'29"W. 225.55'
L5 N89°42'18"W 107.62'	
L6 N89°42'18"W 221.98'	
L7 N35°32'45"W 42.43'	
L8 N03°08'34"E 76.57'	

CURVE C2	CURVE C6	CURVE C10
RAD = 5924.43'	RAD = 230.01'	RAD = 100.00'
C.A. = 08°26'32"	C.A. = 52°04'24"	C.A. = 96°44'56"
C.B. = S.13°20'12"E.	C.B. = S.25°50'08"E.	C.B. = S.43°50'56"W.
CHD = 872.14'	CHD = 201.92'	CHD = 149.50'
ARC = 872.93'	ARC = 209.04'	ARC = 168.86'
CURVE C3	CURVE C7	CURVE C11
RAD = 30.00'	RAD = 170.01'	RAD = 3913.93'
C.A. = 90°34'53"	C.A. = 52°02'25"	C.A. = 01°40'50"
C.B. = S.36°10'31"W.	C.B. = N.25°51'07"W.	C.B. = N.08°21'29"W.
CHD = 42.64'	CHD = 149.16'	CHD = 114.79'
ARC = 47.43'	ARC = 154.42'	ARC = 114.79'
CURVE C4	CURVE C8	
RAD = 5274.39'	RAD = 230.01'	
C.A. = 04°44'34"	C.A. = 50°48'27"	
C.B. = S.06°27'12"E.	C.B. = N.26°28'06"W.	
CHD = 436.40'	CHD = 197.35'	
ARC = 436.52'	ARC = 203.97'	
CURVE C5	CURVE C9	
RAD = 170.01'	RAD = 50'	
C.A. = 50°48'27"	C.A. = 96°34'35"	
C.B. = S.26°28'06"E.	C.B. = N.45°08'48"W.	
CHD = 145.87'	CHD = 74.65'	
ARC = 150.76'	ARC = 84.28'	



MDA PROJECT: 17037	
CHECKED BY: MAH	DRAWN BY: MAH
DATE: 01-15-19	
SHEET 4 OF 4	

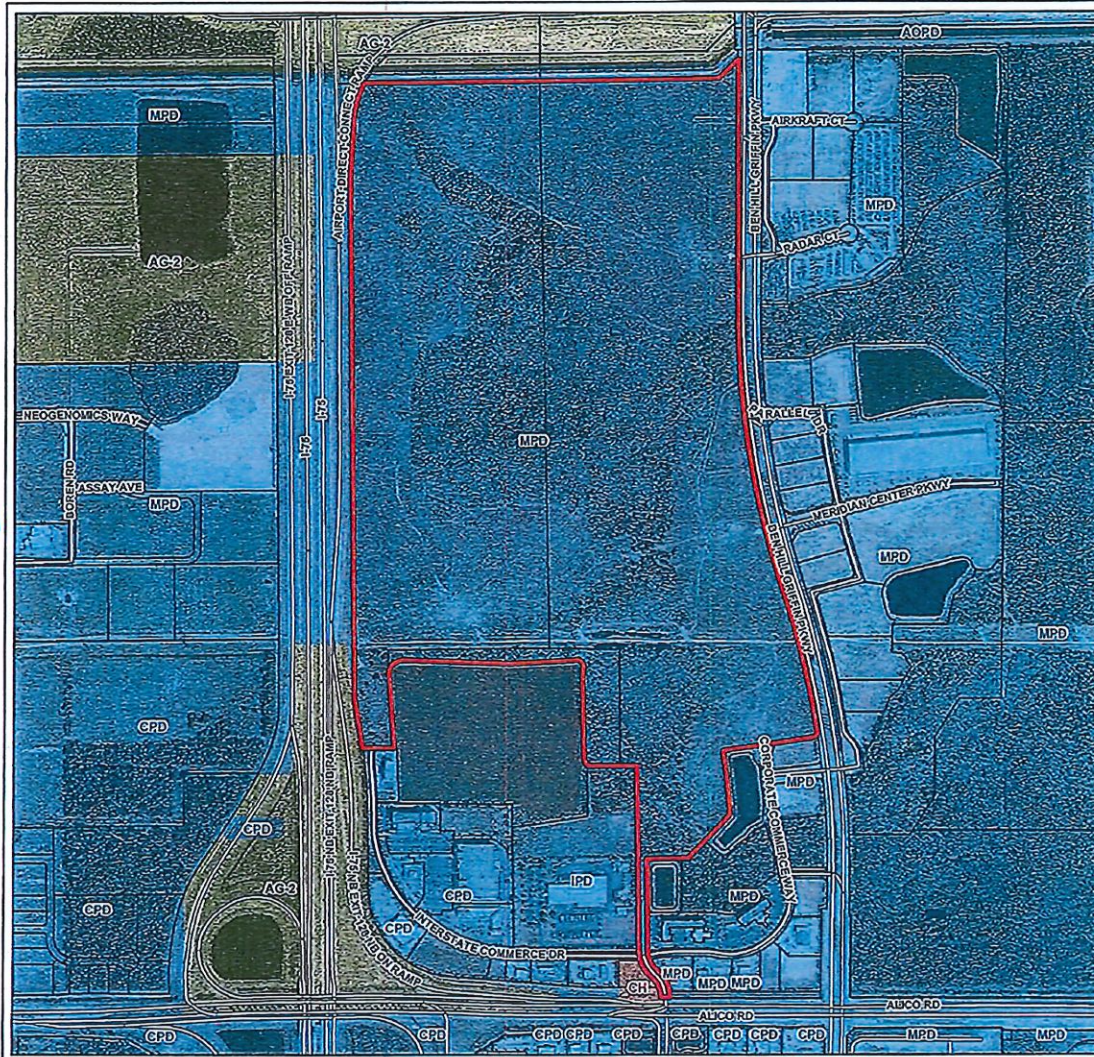
DESCRIPTION DRAWING
PARCEL OF LAND LYING IN
SECTIONS 2 AND 3, TOWNSHIP 46
SOUTH, RANGE 25 EAST, LEE
COUNTY, FLORIDA



- Fort Myers
- Tallahassee
- Destin

2917 Cleveland Ave
Fort Myers, Florida 33901
(941) 337-3193
Fax: (239) 337-3854
Toll free: 866-327-7241

EXHIBIT B



**DCI2021-00002
Zoning**

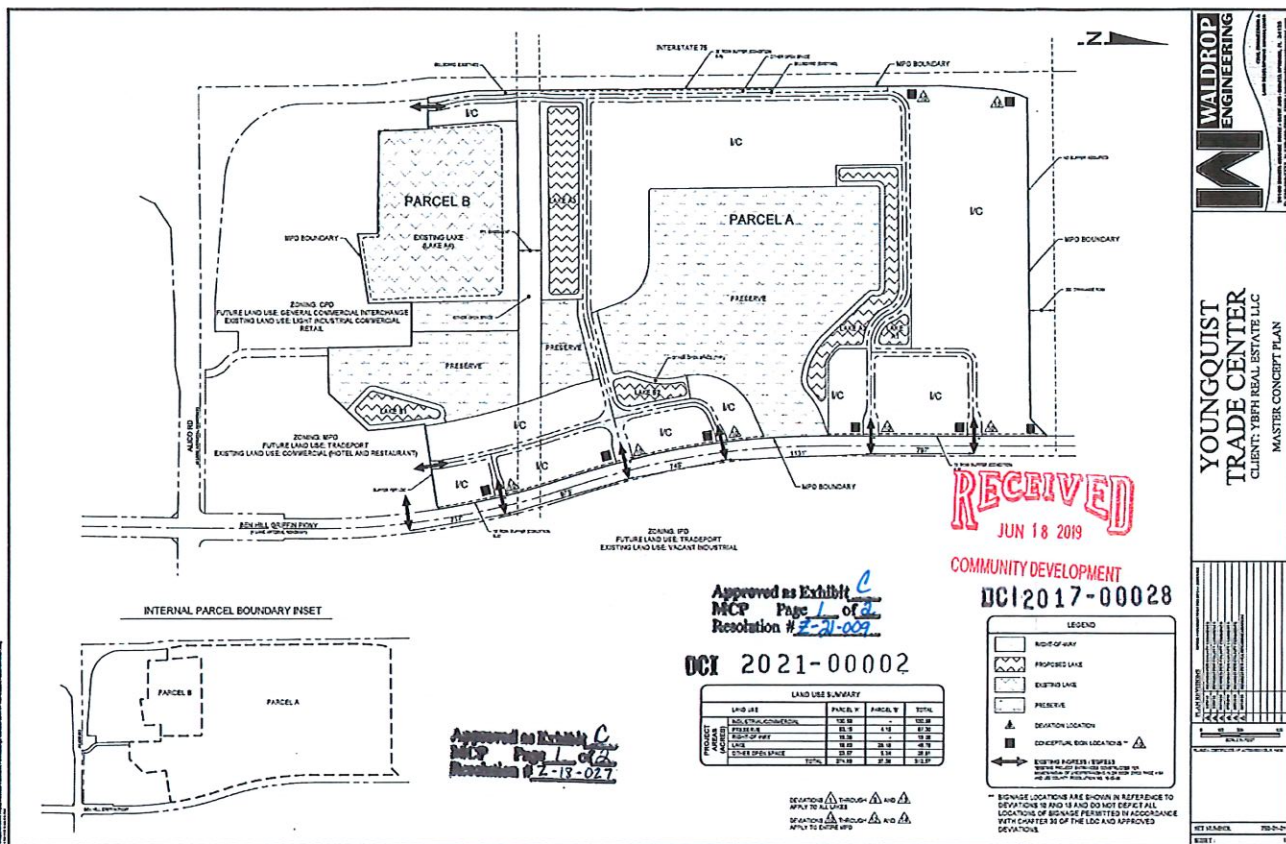
Legend

 Subject Parcel

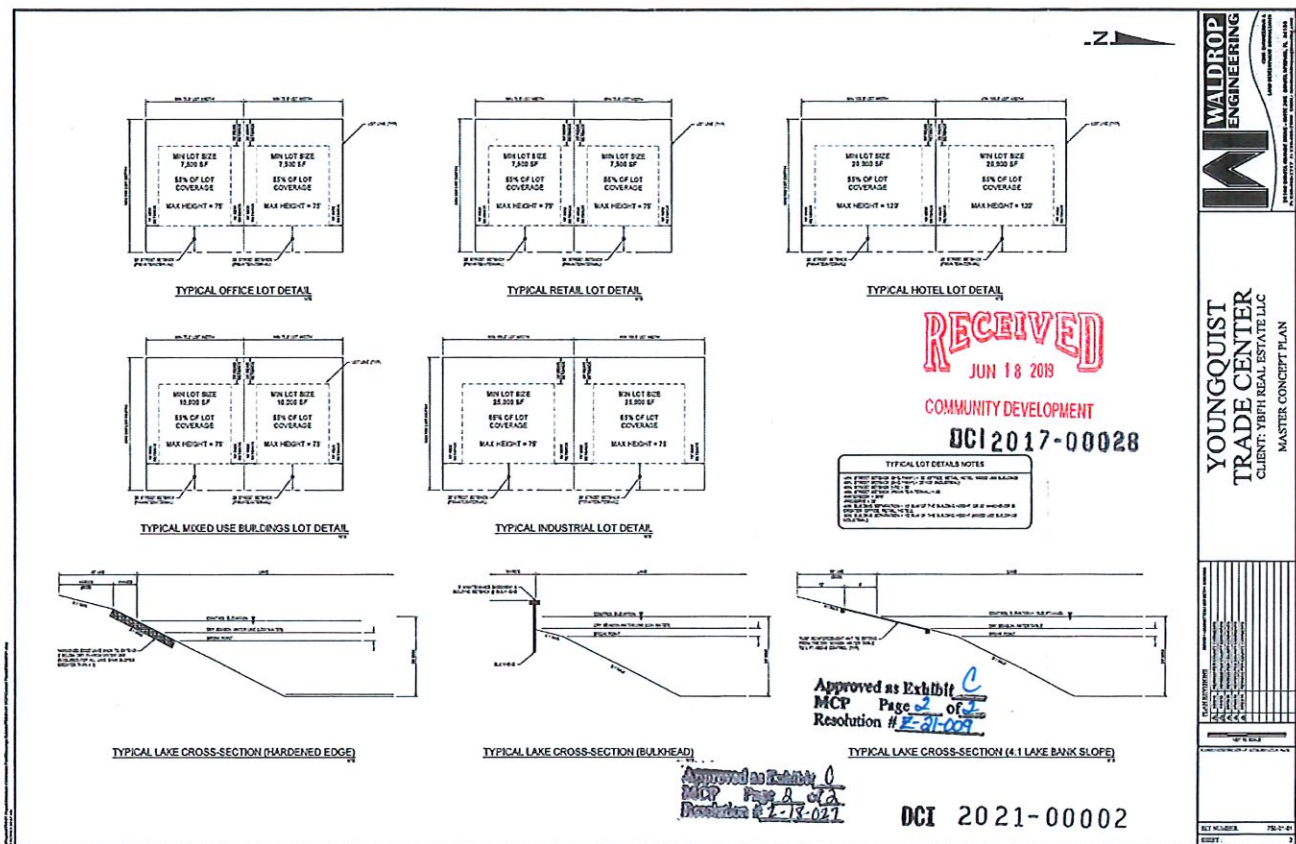


0 1,200
Feet





ADD2021-00217 Lee County ePlan



AFFIDAVIT

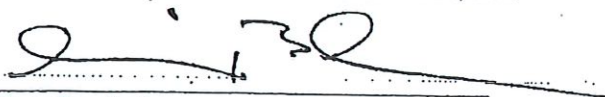
STATE OF FLORIDA,
COUNTY OF LEE.

BEFORE ME, the undersigned authority, on this 2nd day of Aug, 2004, personally appeared Chris Bundschu, Managing Member of Airport Interstate Associates, LLC, a Florida limited liability company, who is personally known to me and who did take an oath, who deposes and says as follows:

1. That I am the owner of the following described properties, to wit:
See attached Exhibit "A"
2. That the above described property was used for bona fide agricultural purposes, to wit livestock grazing and pasturage, at the time of the Lee County Board of County Commissioners review and consideration of the rezoning of the property described on the attached Exhibit "A".
3. The agricultural use of the property is an existing bona fide agricultural use.
4. The agricultural use is being conducted on the entire 38.77 acres. The entire property described on the attached Exhibit "A" is being used for the grazing of livestock.
5. Affiant further states that he is familiar with the nature of an oath; and with the penalties as provided by the laws of the State of aforesaid for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that he has read or has heard read to him, the full facts of this affidavit and understands its meaning and context.

FURTHER AFFIANT SAYETH NAUGHT.

AIRPORT INTERSTATE ASSOCIATES, LLC


Chris Bundschu

SWORN TO and subscribed before me on the date and year first above written.

(Notary Seal)



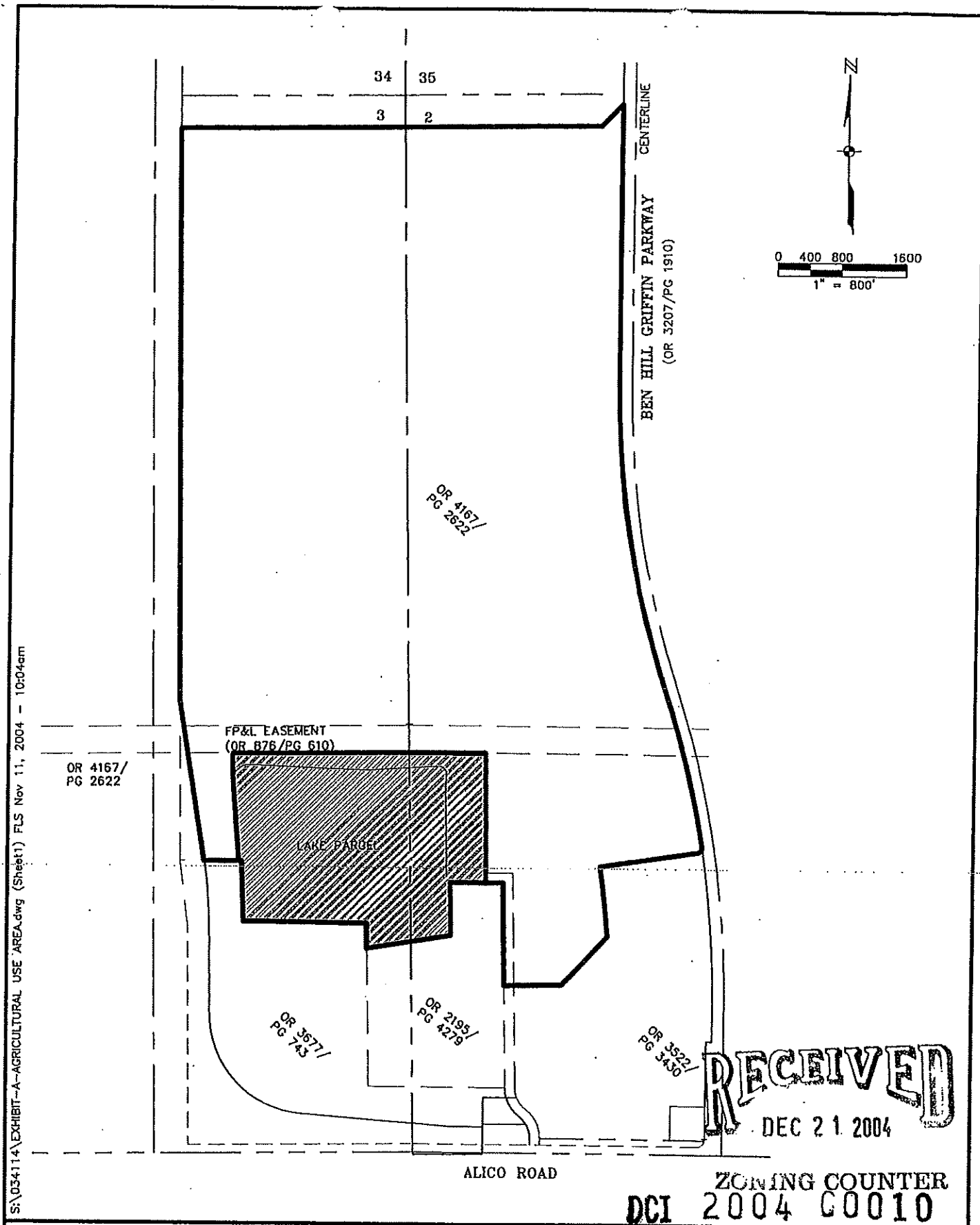

Signature of Notary Public

Commission No.

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

EXHIBIT D

RECEIVED
DEC 21 2004
DCI-2004-3010
ZONING COUNTER



S:\034114\EXHIBIT-A-AGRICULTURAL USE AREA.dwg (Sheet1) FLS Nov 11, 2004 - 10:04am

RECEIVED
DEC 21 2004

DCI 2004 00010
ZONING COUNTER

JOHNSON ENGINEERING	215B JOHNSON STREET P.O. BOX 1550 FORT MYERS, FLORIDA 33902-1550 PHONE (239) 334-0046 FAX (239) 334-3661 E.B. #642 & L.B. #642	EXHIBIT "A" AGRICULTURAL USE AREA				
		DATE NOV 2004	PROJECT NO. 20034114	FILE NO. 2&3-46-25	SCALE 1" = 800'	SHEET 2 OF 2

AFFIDAVIT

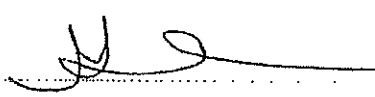
STATE OF FLORIDA,
COUNTY OF BROWARD.

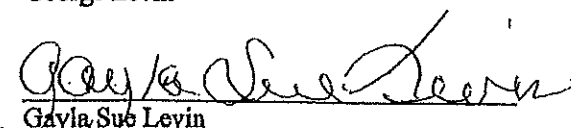
BEFORE ME, the undersigned authority, on this 3rd day of Aug, 2004, personally appeared George Levin and Gayla Sue Levin, who is personally known to me or who produced Driver License as identification and who did take an oath, who deposes and says as follows:

1. That I am the owner of the following described properties, to wit:

See attached Exhibit "A"
2. That the above described property was used for bona fide agricultural purposes, to wit livestock grazing and pasturage, at the time of the Lee County Board of County Commissioners review and consideration of the rezoning of the property described on the attached Exhibit "A".
3. The agricultural use of the property is an existing bona fide agricultural use.
4. The agricultural use is being conducted on the entire 283.77 acres. The entire property described on the attached Exhibit "A" is being used for the grazing of livestock.
5. Affiant further states that he is familiar with the nature of an oath; and with the penalties as provided by the laws of the State of aforesaid for falsely swearing to statements made in an instrument of this nature. Affiant further certifies that he has read or has heard read to him, the full facts of this affidavit and understands its meaning and context.

FURTHER AFFIANT SAYETH NAUGHT.


George Levin


Gayla Sue Levin

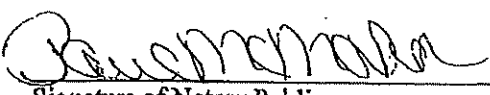
SWORN TO and subscribed before me on the date and year first above written.

(Notary Seal)



Paul McMahon
Commission #DD289671
Expires: Feb 10, 2008
Bonded Thru
Atlantic Bonding Co., Inc.

Commission No.


Signature of Notary Public

PAUL MCMAHON
(Print, type or stamp commissioned name of
Notary Public)

RECEIVED
DCI DEC 21 2004 10

S:\034114\EXHIBIT-A-AGRICULTURAL USE AREA.dwg (Sheet 2) FLS Nov 11, 2004 - 10:04am

OR 4167/
PG 2622

FOR EASEMENT
(OR 876/PG 610)

LAKE PARCEL

OR 3671/
PG 745

OR 2195/
PG 4279

FOR
DEC

2004-00010
RECEIVED

DEC 21 2004

ALICO ROAD

ZONING COUNTER

JOHNSON
ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

EXHIBIT "A"
AGRICULTURAL USE AREA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
NOV 2004	20034114	2&3-46-25	1" = 800'	1 OF 2

