

RESOLUTION NUMBER Z-00-075

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

WHEREAS, an application was filed by J.E.D. of Southwest Florida, Inc., on behalf of the property owners, Rosalia Brunco and CM&J Partners, to rezone 73.65± total acres of land from Agricultural (AG-2) and Light Industrial (IL) zoning districts to Commercial Planned Development (CPD) and Industrial Planned Development (IPD), in reference to Alico Commercial Park (f/k/a Alico Road MPD); and,

WHEREAS, a public hearing was advertised and held on October 25, 2000 before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2000-00031; and

WHEREAS, a second public hearing was advertised and held on December 18, 2000, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone 73.65± total acres of land from AG-2 and IL zoning districts to CPD and IPD to permit a mixed commercial and industrial project consisting of a maximum of 70,000 square feet of commercial use and 650,000 square feet of industrial use with buildings not to exceed a maximum building height of 35 feet. The property is located in the Industrial Development Land Use Category and legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Alico Commercial Park," prepared by Gary F. Muller, AICP, dated 09/00, stamped "Received Sep 22 2000 Permit Counter," except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

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

a. **Schedule of Uses**

The Schedule of Uses proposed on the Master Concept Plan is hereby replaced by the following Schedule:

**In the CPD district:**

ACCESSORY USES AND STRUCTURES (LDC §§ 34-1171 *et seq.*,  
34-2441 *et seq.*, 34-1863, and 34-2141 *et seq.*)  
ADMINISTRATIVE OFFICES  
ANIMALS: Clinic or kennel (LDC § 34-1321 *et seq.*)  
Control center (including Humane Society)  
ATM (automatic teller machine)  
AUTO REPAIR AND SERVICE [LDC § 34-622(c)(2)],  
All Groups LDC § 34-1351  
BANKS AND FINANCIAL ESTABLISHMENTS [LDC § 34-622(c)(3)]:  
Group I  
BUILDING MATERIAL SALES [LDC § 34-622(c)(4) and 34-3001 *et seq.*]  
BUSINESS SERVICES [LDC § 34-622(c)(5)]: Groups I and II  
CARETAKER'S RESIDENCE  
CAR WASH  
CLEANING AND MAINTENANCE SERVICES [LDC § 34-622(c)(7)]  
COMMUNICATION TOWERS: 100 feet or less in height (LDC § 34-1441)  
CONTRACTORS AND BUILDERS [LDC § 34-622(c)(9)], All Groups  
(LDC §§ 34-1352, 34-3001 *et seq.*)  
CONVENIENCE FOOD AND BEVERAGE STORE  
DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE  
ENTRANCE GATES AND GATEHOUSE (LDC § 34-1741 *et seq.*)  
ESSENTIAL SERVICES (LDC §§ 34-1611 *et seq.*, and 34-1741 *et seq.*)  
ESSENTIAL SERVICE FACILITIES [LDC § 34-622(c)(13)]: Group I  
(LDC §§ 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)  
EXCAVATION: Water retention (LDC § 34-1651)  
FARM EQUIPMENT, SALES, STORAGE, RENTAL OR SERVICE  
FENCES, WALLS (LDC § 34-1741)  
FOOD STORES [LDC § 34-622(c)(16)]: Group I  
GASOLINE DISPENSING SYSTEM, SPECIAL  
HOUSEHOLD AND OFFICE FURNISHINGS [LDC § 34-622(c)(22)],  
All Groups  
LAUNDRY OR DRY CLEANING [LDC § 34-622(c)(24)]: Group I  
MEDICAL OFFICE  
MINI-WAREHOUSE  
PAINT, GLASS AND WALLPAPER  
PARKING LOT: Accessory  
Temporary (LDC § 34-2022)

PERSONAL SERVICES [LDC § 34-622(c)(33)]: Groups I, II, III, and IV  
PHARMACY  
POST OFFICE  
PRINTING AND PUBLISHING [LDC § 34-622(c)(36)]  
RENTAL OR LEASING ESTABLISHMENT [LDC § 34-622(c)(39)]:  
    Group IV only (LDC § 34-1201 *et seq.*, 34-1352, and 34-3001 *et seq.*)  
REPAIR SHOPS [LDC § 34-622(c)(40)]: Groups IV and V  
RESEARCH AND DEVELOPMENT LABORATORIES [LDC § 34-622(c)(41)]:  
    Groups II and IV  
RESTAURANTS [LDC § 34-622(c)(43)]: Group II  
RETAIL AND WHOLESALE SALES, when clearly incidental and subordinate to  
    a permitted principal use on the same premises  
SELF-SERVICE FUEL PUMPS  
SIGNS in accordance with Chapter 30  
STORAGE: Indoor only (LDC § 34-3001 *et seq.*)  
STUDIOS [LDC § 34-622(c)(49)]  
TEMPORARY USES (LDC § 34-3041 *et seq.*)  
TRANSPORTATION SERVICES [LDC § 34-622(c)(53)]: Group II  
USED MERCHANDISE STORES [LDC § 34-622(c)(54)]: Group II  
VEHICLE AND EQUIPMENT DEALERS [LDC § 34-622(c)(55)]:  
    Group V only (LDC § 34-1352)  
WAREHOUSE: Private  
    Public  
WHOLESALE ESTABLISHMENTS [LDC § 34-622(c)(56)]: Groups III and IV

**In the IPD District:**

ACCESSORY USES AND STRUCTURES (LDC §§ 34-1171 *et seq.*,  
    34-2441 *et seq.*, 34-1863, and 34-2141 *et seq.*)  
ADMINISTRATIVE OFFICES  
AGRICULTURAL SERVICES: office/base operations  
ANIMALS: Clinic or kennel (LDC § 34-1321 *et seq.*)  
AUTO REPAIR AND SERVICE [LDC § 34-622(c)(2)], All Groups  
    LDC § 34-1351  
BOATS: Boat parts store  
    Boat repair and service  
    (LDC § 34-1352, and 34-3001 *et seq.*)  
BROADCAST STUDIO, COMMERCIAL RADIO AND TELEVISION  
    (LDC § 34-1441 *et seq.*)  
BUILDING MATERIAL SALES [LDC § 34-622(c)(4) and 34-3001 *et seq.*]  
BUSINESS SERVICES [LDC § 34-622(c)(5)]: Groups I and II  
CARETAKER'S RESIDENCE  
CLEANING AND MAINTENANCE SERVICES [LDC § 34-622(c)(7)]  
COLD STORAGE, PRE-COOLING, WAREHOUSE AND PROCESSING PLANT  
COMMUNICATION TOWERS: 150 feet or less in height (LDC § 34-1441)  
COMPUTER AND DATA PROCESSING SERVICES

CONTRACTORS AND BUILDERS [LDC § 34-622(c)(9)], All Groups  
 (LDC §§ 34-1352, 34-3001 *et seq.*)  
 ENTRANCE GATES AND GATEHOUSE (LDC § 34-1741 *et seq.*)  
 ESSENTIAL SERVICES (LDC § 34-1611 *et seq.*, and 34-1741 *et seq.*)  
 ESSENTIAL SERVICE FACILITIES [LDC § 34-622(c)(13)]: Group I  
 (LDC §§ 34-1611 *et seq.*, 34-1741 *et seq.*, and 34-2141 *et seq.*)  
 EXCAVATION: Water retention (LDC § 34-1651)  
 FACTORY OUTLETS (point of manufacture only)  
 FARM EQUIPMENT, SALES, STORAGE, RENTAL OR SERVICE  
 FENCES, WALLS (LDC § 34-1741)  
 FREIGHT AND CARGO HANDLING ESTABLISHMENTS  
 [LDC § 34-622(c)(17)]  
 GASOLINE DISPENSING SYSTEM, SPECIAL  
 LAUNDRY OR DRY CLEANING [LDC § 34-622(c)(24)]: Group II  
 MANUFACTURING of:  
     Apparel products [LDC § 34-622(c)(1)]  
     Boats  
     Electrical machinery and equipment [LDC § 34-622(c)(11)]  
     Fabricated metal products [LDC § 34-622(c)(14)]: Groups II and III  
     Food and kindred products [LDC § 34-622(c)(15)]: Group II and III  
     Furniture and fixtures [LDC § 34-622(c)(18)]  
     Leather products [LDC § 34-622(c)(25)]: Group II  
     Lumber and wood products [LDC § 34-622(c)(26)]: Groups II and IV  
     Machinery [LDC § 34-622(c)(27)], Groups I and II  
     Measuring, analyzing and controlling instruments  
     [LDC § 34-622(c)(28)]  
     Novelties, jewelry, toys and signs [LDC § 34-622(c)(29)], All Groups  
     Paper and allied products [LDC § 34-622(c)(31)] Groups II and III  
     Rubber and plastic products [LDC § 34-622(c)(44)]: Groups I and II  
     Stone, clay, glass and concrete products [LDC § 34-622(c)(48)]:  
         Groups I and III  
     Transportation equipment [LDC § 34-622(c)(52)]: Group II  
 MINI-WAREHOUSE  
 MOTION PICTURE PRODUCTION STUDIO  
 PARCEL AND EXPRESS SERVICES  
 PARKING LOT:  
     Accessory  
     Temporary (LDC § 34-2022)  
 PERSONAL SERVICES [LDC § 34-622(c)(33)]: Groups I and III  
 PHOTO FINISHING LABORATORY  
 PROCESSING OR PACKAGING OF AGRICULTURAL PRODUCTS ONLY - -  
     NO fish processing or packaging is allowed  
 PROCESSING AND WAREHOUSING  
 RECYCLING FACILITY  
 REPAIR SHOPS [LDC § 34-622(c)(40)]: Groups I, II, III, IV, V  
 RESEARCH AND DEVELOPMENT LABORATORIES [LDC § 34-622(c)(41)]:

Groups II and IV  
RETAIL AND WHOLESALE SALES, when clearly incidental and subordinate to  
a permitted principal use on the same premises  
SELF-SERVICE FUEL PUMPS  
SIGNS in accordance with Chapter 30  
SOCIAL SERVICES [LDC § 34-622(c)(46)]: Group II  
STORAGE:  
Indoor only (LDC § 34-3001 *et seq.*)  
Storage, open (LDC § 34-3001 *et seq.*)  
Large-scale storage of noxious or hazardous materials (flammable, toxic,  
explosive, corrosive, etc.), including liquid petroleum, fractions and distillates  
thereof, and fuel gases (LDC § 34-3001 *et seq.*)  
TRANSPORTATION SERVICES [LDC § 34-622(c)(53)]: Groups II, III,  
and IV  
VEHICLE AND EQUIPMENT DEALERS [LDC § 34-622(c)(55)]: Groups I, II,  
III, IV, and V (LDC § 34-1352)  
WAREHOUSE:  
Private  
Public

**The following uses may be permitted in the IPD district but must be set back  
a minimum of 660 feet from any residentially used or zoned property under  
separate ownership. This setback applies to all buildings and structures, and  
all areas used for the parking of trucks or equipment, shipping, receiving, or  
storage areas:**

MANUFACTURING of:  
Chemical and allied products [LDC § 34-622(c)(6)], Groups I and II  
Fabricated metal products [LDC § 34-622(c)(14)]: Group I  
Lumber and wood products [LDC § 34-622(c)(26)]: Groups I, III,  
V and VI  
Machinery [LDC § 34-622(c)(27)], Group III  
Paper and allied products [LDC § 34-622(c)(31)] Group I  
Petroleum [LDC § 34-622(c)(34)]  
Primary metal industries [LDC § 34-622(c)(35)]  
Stone, clay, glass and concrete products [LDC § 34-622(c)(48)]:  
Groups II and IV  
Textile mill products [LDC § 34-622(c)(50)], All Groups  
Tobacco products [LDC § 34-622(c)(51)]  
Transportation equipment [LDC § 34-622(c)(52)]: Groups I, III and IV  
RESEARCH AND DEVELOPMENT LABORATORIES [LDC § 34-622(c)(41)]:  
Group III

**The following uses may be permitted in the IPD district but must be set back  
a minimum of 330 feet from any residentially used or zoned property under  
separate ownership. This setback applies to all buildings and structures, and**

**all areas used for the parking of trucks or equipment, shipping, receiving, or storage areas:**

MANUFACTURING of:

Food and kindred products [LDC § 34-622(c)(15)]: Group I

Leather products [LDC § 34-622(c)(25)]: Group I

WHOLESALE ESTABLISHMENTS [LDC § 34-622(c)(56)]: Groups I, II, III and IV

**b. Site Development Regulations**

**In the CPD District:**

Minimum Lot Area and Dimensions:

Area: 10,000 square feet

Width: 100 feet

Depth: 100 feet

Minimum Setbacks:

Street: variable according to the functional classification of the street or road (§ 34-2191 *et seq.*)

Side: 15 feet

Rear: 20 feet

Water Body: 25 feet

Accessory Use and Structure setbacks must comply with LDC §§ 34-1171 *et seq.* and 34-2194.

Maximum Lot Coverage: 40 percent

Maximum Building Height: 35 feet

Minimum Building Separation: Minimum building separation is the greater of either the minimum required setbacks or one-half the sum of the height of the buildings.

**In the IPD District:**

Minimum Lot Area and Dimensions:

All Lots except Lots 4 thru 10:

Area: 31,350 square feet

Width: 110 feet

Depth: 285 feet, except

Lots 4 thru 10 Only:

Area: 27,500 square feet

Width: 110 feet

Depth: 250 feet

Minimum Setbacks - All Lots:

Street: variable according to the functional classification of the street or road (§ 34-2191 *et seq.*)

Side: 15 feet

Rear: 15 feet

Water Body: 25 feet

Accessory Use and Structure setbacks must comply with LDC §§ 34-1171 *et seq.* and 34-2194.

Maximum Lot Coverage: 40 percent

Maximum Building Height: 35 feet

Minimum Building Separation: Minimum building separation is the greater of either the minimum required setbacks or the sum of the height of the buildings.

3. Prior to local development order approval, a replanting plan for the 0.58-acre disturbed pine flatwoods within the indigenous preserve must be submitted for the Division of Planning / Environmental Sciences Staff review and approval. The plan must include native plant species that provide forage for gopher tortoises; a temporary irrigation plan; a mulching plan (no cypress mulch may be used); and plant specifications including species, size and number.
4. Prior to local development order approval for the first phase of development, a detailed Gopher Tortoise Management Plan meeting the requirements of LDC § 10-474 must be submitted to the Division of Planning / Environmental Sciences Staff for review and approval. The development order plans must label the indigenous preserve area #4 as depicted on the approved Master Concept Plan as "Gopher Tortoise Area."
5. Prior to issuance of a Certificate of Compliance for the first phase of development, a permanent fence must be installed on the south lot lines of Lots 22 through 27. The fence details (location and type of fence) must be shown on the local development order.
6. If a traffic signal is warranted at Gator Road, the applicant will be responsible for paying a pro rata share (based on trip generation) of the cost of providing a signal, excluding the cost associated with the railroad crossing. The applicant will be required to pay for all site-related turn lanes (westbound left and eastbound right turn lanes) on Allico Road. In addition, any additional right-of-way required for the construction of the site-related turn lanes must be turned over to the County at no cost to the County.

7. No local development order may be approved for the industrial portion of this development without the project providing a stub out to or means of interconnecting with Jean Boulevard located to the west of the subject property.
8. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
9. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b).
10. The CPD is limited to a maximum of 30,000 square feet of ancillary minor retail commercial uses, intended to support the surrounding industrial land uses.

Office uses in the CPD are limited to a maximum of 70,000 square feet (in absence of retail uses), and will be allowed only when directly related to an industrial use in the surrounding industrial neighborhood. Prior to issuance of any local development order, the developer must record covenants and restrictions for the property limiting any office use developed on the property to that which is specifically related to adjoining industrial uses as provided in Policy 1.1.7 of the Lee County Comprehensive Plan.

11. The overall intensity of the IPD portion of the property will be limited to a maximum of 650,000 square feet of floor area.
12. Within the IPD portion of the property, the Retail or Wholesale Sales of products manufactured or processed on the same premises will be allowed at a ratio of one square foot of commercial use to ten square feet of industrial use. Any area used for the retail or wholesale of products manufactured or processed on the premises will be applied toward the maximum IPD intensity of 650,000 square feet.
13. Any building area used for office within the IPD portion of the property will be applied toward the maximum IPD intensity of 650,000 square feet.

#### SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from LDC § 10-415(b)(1) which requires that large developments, with existing indigenous vegetation, must provide 50 percent of their open space requirement through the onsite preservation of existing indigenous native vegetation; to allow the 50 percent indigenous vegetation requirement to be met by including a 0.57-acre area of disturbed pine flatwoods (shown as a dark area in the southwest corner of the MCP) as part of the indigenous preserve area. This deviation is APPROVED, SUBJECT TO CONDITION 3.



2. Deviation (2) seeks relief from LDC § 10-416(d)(3) which requires that a Type "C/F" buffer be provided between an existing residential use and a proposed commercial use; to allow no buffer to be provided along a residential lot abutting a portion of the southern boundary of the proposed CPD development area. This deviation is DENIED.
3. Deviation (3) seeks relief from LDC § 10-416 (d)(3) which requires that a Type "E/F" buffer be provided between an existing residential use and a proposed industrial use; to allow no buffer to be provided along a residential lot abutting a portion of the western boundary of the proposed IPD development area. This deviation is DENIED.
4. Deviation (4) seeks relief from LDC § 10-416(d)(6) which requires that roads, drives or parking areas be located at least 125 feet from residential subdivisions or residential lots (where no wall or berm is required); to allow a private road right-of-way to be located within 10 feet of a residential lot abutting the western portion of the proposed IPD development area. This deviation is APPROVED.
5. Deviation (5) seeks relief from LDC § 34-935(b)(2) which requires that parking, or internal roads or drives may not be closer to the development perimeter than the width of any buffer area or landscape strip required by Chapter 10 or five feet, whichever is greater; to allow a private road right-of-way to be located within 10 feet of a residential lot abutting the western boundary of the proposed IPD development area. This deviation is DENIED.

#### SECTION D. EXHIBITS:

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

- Exhibit A: The legal description and STRAP numbers of the property.  
Exhibit B: Zoning Map (subject parcel identified with shading)  
Exhibit C: The Master Concept Plan

#### SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
  - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
  - c. is compatible with existing or planned uses in the surrounding area; and,

- d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
- a. the proposed use or mix of uses is appropriate at the subject location; and
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
  - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

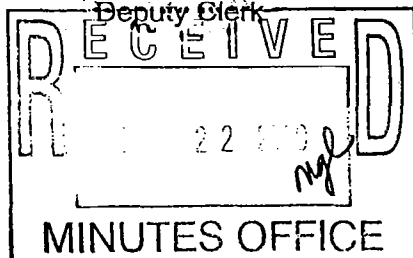
The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner John E. Albion, seconded by Commissioner Robert P. Janes and, upon being put to a vote, the result was as follows:

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

DULY PASSED AND ADOPTED this 18th day of December, 2000.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Michele B. Leismar  
Deputy Clerk



CASE NO: DCI2000-00031

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: [Signature]  
Chairman

Approved as to form by:

John J. [Signature]  
County Attorney's Office

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
Property located in Lee County, Florida



**GULF SHORE SURVEYING, INC.**

TIM J. PUFAHL, P.L.S.  
30930 OIL WELL RD., PUNTA GORDA, FL 33955  
(941) 639-7800 • FAX: (941) 639-7600

NICK POULOS, P.L.S.  
2112 SE. 11<sup>TH</sup> ST., CAPE CORAL, FL 33990  
(941) 458-2388 • FAX: (941) 574-3719

MAY 13, 2000  
JOB NUMBER 0013  
FILE: 0013L002.LGL

Applicant's Legal Checked

by *[Signature]* 5/17/00

**DESCRIPTION**

A TRACT OR PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA WHICH IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE S.89°41'05"W. FOR 993.64 FEET ALONG THE NORTH SECTION LINE; THENCE S.01°16'33"E. FOR 75.01 FEET TO THE SOUTHERLY RIGHT OF WAY OF ALICO ROAD AND THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING THENCE CONTINUE S.01°16'33"E. FOR 480.26 FEET; THENCE S.89°33'28"W. FOR 331.00 FEET; THENCE N.01°17'48"W. FOR 480.99 FEET TO THE SOUTHERLY RIGHT OF WAY OF ALICO ROAD 75 FEET SOUTHERLY OF THE NORTH LINE OF SECTION 8; THENCE N.89°41'05"E. FOR 331.19 FEET ALONG SAID RIGHT OF WAY TO THE POINT OF BEGINNING.

CONTAINING 3.6527 ACRES OR 159,111 SQUARE FEET MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORDS.

BEARINGS MENTIONED HEREIN ARE BASED ON THE NORTH LINE OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 25 EAST BEING S.89°41'05"W.

REFER TO 8 1/2" X 11" SKETCH  
GULF SHORE SURVEYING, INC.

*Tim J. Pufahl* 5/14/00  
TIM J. PUFAHL  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATE NUMBER 4666

**RECEIVED**  
MAY 15 2000

PERMIT COUNTER

**DCI 2000-00031**



## GULF SHORE SURVEYING, INC.

TIM J. PUFAHL, P.L.S.  
30930 OIL WELL RD., PUNTA GORDA, FL. 33955  
(941) 639-7800 FAX: (941) 639-7600

NICK POULOS, P.L.S.  
2112 SE. 11<sup>TH</sup> ST., CAPE CORAL, FL. 33990  
(941) 458-2388 FAX: (941) 574-3719

MAY 13, 2000  
JOB NUMBER 0013  
FILE: 0013L001.LGL

Applicant's Legal Checked

01 *[Signature]* 5/17/00

### DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA WHICH IS DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE S.89°41'05"W. FOR 662.43 FEET ALONG THE NORTH SECTION LINE; THENCE S.01°15'18"E. FOR 74.73 FEET TO THE SOUTHERLY RIGHT OF WAY OF ALICO ROAD AND THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING THENCE CONTINUE S.01°15'18"E. FOR 1252.51 FEET; THENCE N.89°25'51"E. FOR 661.42 FEET TO THE EAST LINE OF SAID SECTION 8; THENCE S.01°12'48"E. FOR 1324.30 FEET ALONG SAID SECTION LINE; THENCE S.89°10'35"W. FOR 1981.29 FEET ALONG THE QUARTER SECTION LINE (1/4); THENCE N.01°20'17"W. FOR 1333.14 FEET; THENCE N.89°25'51"E. FOR 992.13 FEET; THENCE N.01°16'33"W. FOR 1253.70 FEET TO THE SOUTHERLY RIGHT OF WAY OF ALICO ROAD 75 FEET SOUTHERLY OF THE NORTH LINE OF SECTION 8; THENCE N.89°41'05"E. FOR 318.55 FEET ALONG SAID RIGHT OF WAY; THENCE N.88°24'24"E. FOR 12.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 69.9961 ACRES OR 3,049,032 SQUARE FEET MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORDS.

BEARINGS MENTIONED HEREIN ARE BASED ON THE NORTH LINE OF SECTION 8, TOWNSHIP 46 SOUTH, RANGE 25 EAST, BEARING S.89°41'05"W.

REFER TO 8 1/2" X 11" SKETCH  
GULF SHORE SURVEYING, INC.

*[Signature]* 5/14/00  
TIM J. PUFAHL  
PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA CERTIFICATE NUMBER 4666

**RECEIVED**  
MAY 15 2000

PERMIT COUNTER

DCI 2000-00031

The applicant has indicated that the STRAP numbers for the subject property are:  
08-46-25-00-00003.0090 & 08-46-25-00-00003.0110  
CASE NO: DCI2000-00031

# ZONING MAP

**SUBJECT  
PROPERTY**

**RS-1**

EXHIBIT "B"

**EXHIBIT "B"**

**EXHIBIT IV-E**

TOTAL PROJECT AREA:	73.85 ACRES
WETLAND AREAS:	1.00 ACRES
INDUSTRIAL/PRESERVE AREAS:	7.78 ACRES
PROPOSED LAKE AREA:	7.87 ACRES
MAXIMUM BUILDING AREA:	720,000 S.F.
MAXIMUM BUILDING HEIGHT:	35 FEET
MINIMUM OPEN SPACE:	21 PERCENT

DEVELOPMENT AREA	ACREAGE	BUILDING AREA	OPEN SPACE	BUILDING HEIGHT
CPD	7.28 ACRES	70,000 S.F.	30% (MIN)	35 FEET/2 STORIES
MPD	64.37 ACRES	850,000 S.F.	20% (MIN)	35 FEET/2 STORIES

<sup>1</sup> UP TO A MAXIMUM TOTAL OF 30,000 S.F. OF RETAIL USES

CPD: 7.28 ACRES  $\times$  30% = 2.18 ACRES  
 IPD: 44.37 ACRES  $\times$  20% = 13.27 ACRES  
 15.45 ACRES

CPD: 2.18 ACRES  $\times$  50% = 1.09 ACRES  
 IPD: 13.27 ACRES  $\times$  50% = 6.64 ACRES  
 7.73 ACRES

- ACCESSORY USES AND STRUCTURES
- ADMINISTRATIVE OFFICES
- ANIMALS:
  - CONTROL CENTER (INCLUDING HUMANE SOCIETY)
- ATM (AUTOMATIC TELLER MACHINE)
- AUTO PARKING
- AUTOMOBILE SERVICE STATION
- AUTO REPAIR AND SERVICE, ALL GROUPS
- BAIT AND TACKLE SHOP
- BAKERS AND FINANCIAL ESTABLISHMENTS: GROUPS I AND II
- BAR OR COCKTAIL LOUNGE
- BOATS: BOAT PLANT STORES
  - BOAT REPAIR AND SERVICE
  - BOAT SALES

- ACCESSORY USES AND STRUCTURES
- ADMINISTRATIVE OFFICES
- AGRICULTURAL SERVICES: OFFICE/BASE OPERATIONS
- ANIMALS: CLING ON KIDNEY
- AUTO REPAIR SERVICE, ALL GROUPS
- BOATS: BOAT PARTS STORE
- BOAT REPAIR AND SERVICE
- BROADCAST STUDIO: COMMERCIAL RADIO AND TELEVISION
- BUILDING MATERIAL SALES
- BUSINESS SERVICES: GROUPS I AND II
- CARETAKER'S RESIDENCE
- CLEANING AND MAINTENANCE SERVICES
- COLD STORAGE: FREEZING, WAREHOUSE AND PROCESSING PLANT
- COMMUNICATION TOWERS, 150-FT. OR LESS IN HEIGHT

BUSINESS SERVICES, GROUPS 1 AND 2  
CARETAKER'S RESIDENCE  
CAR WASH  
CLEANING AND MAINTENANCE SERVICES  
CLOTHING STORE, GENERAL  
CLUBS, COMMERCIAL  
FEATHERAL, MEMBERSHIP ORGANIZATION  
PRIVATE  
COMMUNICATION TOWERS, 100 FEET OR LESS IN HEIGHT  
CONSULTING ON BUSINESS  
CONTRACTORS AND BUILDERS, ALL GROUPS  
CONVENIENCE FOOD AND BEVERAGE STORE  
DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE  
DRUGSTORE, PHARMACY

ENTRANCE GATES AND GATEHOUSE  
ESSENTIAL SERVICES  
ESSENTIAL SERVICE FACILITIES: GROUPS I AND II  
EXCAVATIONS: WATER RETENTION  
FACTORY OUTLETS (GROUP OF MANUFACTURE ONLY)  
FARM EQUIPMENT, SALES, STORAGE, RENTAL OR SERVICE  
FENCES, WALLS  
FREIGHT AND CARGO HANDLING ESTABLISHMENTS  
GASOLINE DISPENSING SYSTEM, SPECIAL  
LAUNDRY AND DRY CLEANING: GROUP II  
MANUFACTURING OF:  
    APPAREL PRODUCTS  
    BOATS  
\*\*CHEMICAL AND ALLIED PRODUCTS: GROUPS I AND II

ESSENTIAL SERVICE FACILITIES: GROUP I  
EXCAVATION, WATER RETENTION  
FARM EQUIPMENT, SALES, STORAGE, RENTAL OR SERVICE  
FENCES, WALLS  
FOOD AND BEVERAGE SERVICE, LIMITED  
GOLF COURSES: GROUPS I AND II  
FUNERAL HOME AND MORTUARY WITH OR WITHOUT A CREMATORY;  
GASOLINE DISPENSING SYSTEM, SPECIAL  
GIFT AND SOUVENIR SHOP  
HARDWARE: STORE  
HOBBY, TOY AND GAME SHOPS  
HOUSEHOLD AND OFFICE FURNISHINGS, ALL GROUPS  
INSURANCE COMPANIES  
LAUNDRY OR DRY CLEANING: GROUP I

- \*FABRICATED METAL PRODUCTS: GROUPS II AND III
- \*FOOD AND KINDRED PRODUCTS: GROUP I
- \*FOOD AND KINDRED PRODUCTS: GROUPS II AND III
- \*FURNITURE AND FIXTURES: GROUP I
- \*LEATHER PRODUCTS: GROUP I
- \*LEATHER PRODUCTS: GROUP II
- \*LUMBER AND WOOD PRODUCTS: GROUP I
- \*LUMBER AND WOOD PRODUCTS: GROUP II AND IV
- \*LUMBER AND WOOD PRODUCTS: GROUP III, V AND VI
- \*MACHINERY: GROUPS I AND II
- \*MACHINERY: GROUP III
- \*MEASURING, ANALYZING AND CONTROLLING INSTRUMENTS
- \*NOVELTIES, JEWELRY, TOYS AND SIGNS -- ALL GROUPS
- \*PAPER AND ALLIED PRODUCTS: GROUP I

MINI-WAREHOUSE  
MOBILE HOME DEALERS  
MONSIEUR RETAILERS, ALL GROUPS  
PACKAGE STORE  
PAINT, GLASS AND WALLPAPER  
PARKING LOT: ACCESSORY  
TEMPORARY  
PERSONAL SERVICES, ALL GROUPS  
PET SERVICES  
PET SHOP  
PHARMACY  
POST OFFICE  
PRINTING AND PUBLISHING  
REAL ESTATE SALES OFFICE

\*\*PRIMARY METAL INDUSTRIES  
 RUBBER AND PLASTIC PRODUCTS: GROUPS I AND II  
 STONE, CLAY, GLASS AND CONCRETE PRODUCTS: GROUPS I AND II  
 MOTION PICTURE FILM AND CONCRETE PRODUCTS: GROUPS II AND IV  
 \*\*TEXTILE PRODUCTS: GROUPS I AND II  
 \*\*TEXTILE PRODUCTS: GROUP II  
 \*\*TOBACCO PRODUCTS  
 \*\*TRANSPORTATION EQUIPMENT: GROUPS I, II AND IV  
 TRANSPORTATION EQUIPMENT: GROUP II  
 WHOLESALE  
 MOTION PICTURE PRODUCTION STUDIO  
 NONSTORE RETAILERS, ALL GROUPS  
 PARCEL AND EXPRESS SERVICES  
 PARKING LOTS: ACCESSORY

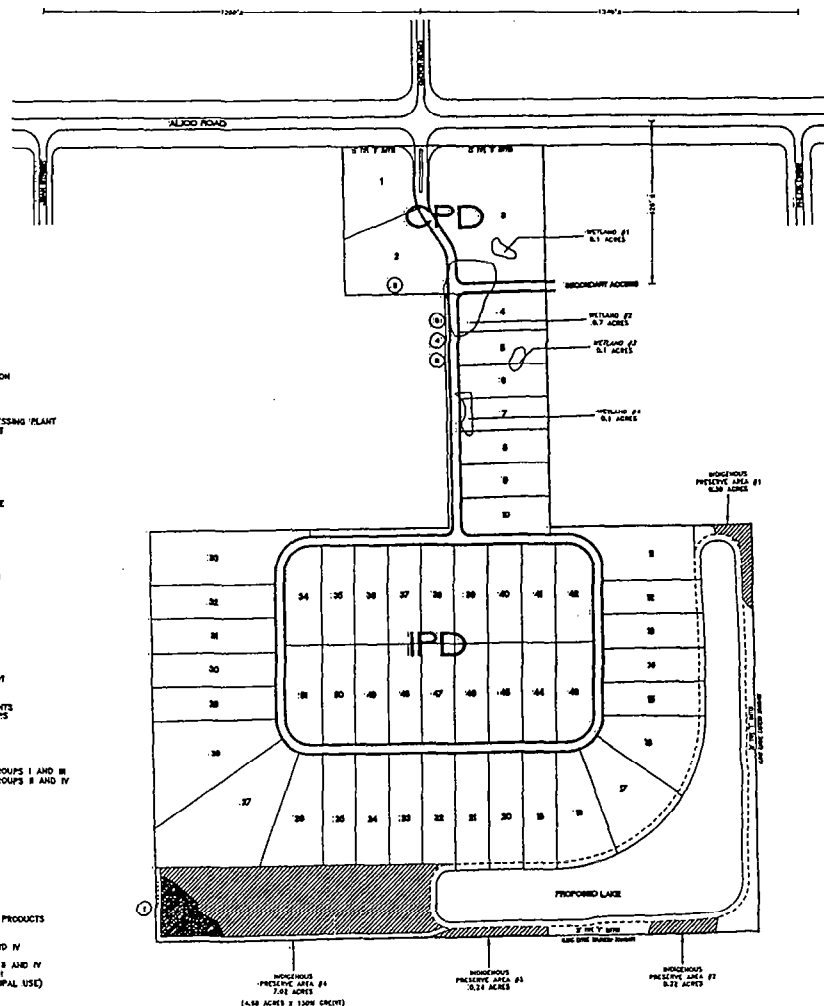
REPAIR SHOPS, ALL GROUPS  
RESEARCH AND DEVELOPMENT LABORATORIES: GROUPS II AND IV  
REPAIR SHOPS, ALL GROUPS  
RETAIL AND WHOLESALE SALES (SUBORDINATE TO PRINCIPAL USE)  
SCHOOLS: COMMERCIAL  
NONCOMMERCIAL  
SELF-SERVICE FUEL PUMPS  
SHOPS IN ACCORDANCE WITH CHAPTER 30  
SPECIAL SERVICES: GROUPS I, II, AND IV  
SPECIALTY RETAIL SHOPS, ALL GROUPS  
STORAGE: INDOOR ONLY  
STUDIOS  
TEMPORARY USES  
TRANSPORTATION SERVICES: GROUPS I, II AND IV  
USED, REPAIRABLE: GROUPS I, II, AND IV  
USED, REPAIRABLE: GROUPS I, II, AND IV

PHOTOFINISHING LABORATORY  
PRINTING AND PUBLISHING  
PROCESSING OF PACKAGING OF AGRICULTURAL OR FISH PRODUCTS  
PROCESSING AND WAREHOUSING  
RECYCLING FACILITY  
RENTAL OR LEASING ESTABLISHMENT; GROUPS II, III AND IV  
REPAIR SHOPS, ALL GROUPS  
RESEARCH AND DEVELOPMENT LABORATORIES; GROUPS II AND IV  
RESEARCH AND DEVELOPMENT LABORATORIES; GROUP II  
RETAIL AND WHOLESALE SALES (SUBORDINATE TO PRINCIPAL USE)  
SELF-SERVICE FUEL PUMPS  
SIGNS IN ACCORDANCE WITH CHAPTER 30  
SOCIAL SERVICES; GROUP II  
STORAGE; MOORE

VEHICLE AND EQUIPMENT DEALERS, ALL GROUPS  
WAREHOUSE: MIS-WAREHOUSE  
PUBLIC  
WHOLESALE ESTABLISHMENTS: GROUPS I AND II  
WHOLESALE ESTABLISHMENTS: GROUPS III AND IV

SEE NOTE -B3

TRANSPORTATION SERVICES: GROUPS II, III AND IV  
VEHICLE AND EQUIPMENT DEALERS: ALL GROUPS  
WAREHOUSE: 1 AND 2  
PRIVATE  
PUBLIC  
\*WHOLESALE ESTABLISHMENTS: GROUPS III AND IV  
WHOLESALE ESTABLISHMENTS: GROUPS I AND II



$r = 200'$

MINIMUM LOT WIDTH:	100 FEET
MINIMUM LOT DEPTH:	100 FEET
MINIMUM LOT AREA:	10,000 S.F.
MINIMUM SETBACK:	
ALCO ROAD:	25 FEET
INTERNAL STREET:	20 FEET
SIDE YARD:	15 FEET
REAR YARD:	20 FEET
WATER BODY:	25 FEET
MINIMUM OPEN SPACE:	20 PERCENT
MAXIMUM LOT COVERAGE:	40 PERCENT

MINIMUM LOT WIDTH	110' FEET
MINIMUM LOT DEPTH	285' FEET
MINIMUM LOT AREA	31,350 S.F.
MINIMUM SETBACKS:	
FRONTAL STREET	30' FEET
SIDE YARD	15' FEET
REAR YARD	15' FEET
WATER BODY	25' FEET
MINIMUM OPEN SPACE	10% PERCENT
MAXIMUM LOT COVERAGE	40% PERCENT

SEE NOTE 4A

- 1) DEVIATION FROM THE REQUIREMENT THAT LARGE DEVELOPMENTS, WITH EXISTING MODERATE VEGETATION, MUST PROVIDE FIFTY PERCENT OF THEIR OPEN SPACE WITH NATURAL OR NATURAL-LIKE VEGETATION, PER LDC SECTION 10-16(N)(1)(X), TO ALLOW THE PRIVATE PROPERTY TO BE A PART OF THE WESTERN BOUNDARY OF THE PROPOSED DEVELOPMENT, OR 0.56 ACRES OF DISTURBED FINE FLATWOODS AS PART OF THE MODERATE VEGETATION AREA.
- 2) DEVIATION FROM THE REQUIREMENT THAT A TYPE "C" BUFFER BE PROVIDED BETWEEN AN EXISTING RESIDENTIAL USE AND A PROPOSED COMMERCIAL, INDUSTRIAL OR RECREATIONAL USE, OR A PORTION OF THE SOUTHERN BOUNDARY OF THE PROPOSED CP DEVELOPMENT AREA.
- 3) DEVIATION FROM THE REQUIREMENT THAT A TYPE "C" BUFFER BE PROVIDED BETWEEN AN EXISTING RESIDENTIAL USE AND A PROPOSED INDUSTRIAL USE, PER LDC SECTION 10-16(N)(1)(X), OR A PORTION OF THE WESTERN BOUNDARY OF THE PROPOSED CP DEVELOPMENT AREA.
- 4) DEVIATION FROM THE REQUIREMENT THAT ROADS, DRIVES, OR PARKING AREAS BE LOCATED AT LEAST 150 FEET FROM RESIDENTIAL SUBDIVISIONS OR RESIDENTIAL LOTS (UNDER 100' WIDE WALL OR ROAD IS REQUIRED), PER LDC SECTION 10-16(N)(1)(X), OR A PRIVATE DRIVE OR DRIVEWAY, PER LDC SECTION 10-16(N)(1)(X), OR A RESIDENTIAL LOT ADJACENT TO THE WESTERN BOUNDARY OF THE PROPOSED CP DEVELOPMENT AREA.
- 5) DEVIATION FROM THE REQUIREMENT THAT PARKING, OR INTERNAL ROADS OR DRIVEWAYS NOT BE CLOSER TO THE DEVELOPMENT PERIMETER THAN THE SUM OF ANY EXISTING OR PROPOSED LOT WIDTHS, PER LDC SECTION 10-16(N)(1)(X), TO ALLOW A PRIVATE DRIVEWAY TO BE A PART OF THE WESTERN BOUNDARY OF THE PROPOSED CP DEVELOPMENT AREA.

[illegible]

**APPROVED**  
Master Concept Plan

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SEP 22 2000

Site Plan # 00-075 Page 1 of 1  
Subject to conditions in Resolution 2-00-075  
Case # DCE 2000-00031

PERMIT COUNTER

DCI 2000-00031

**GARY F. MULLER, AICP**

BEC 00, TWP 40S, R0E 20E.  
(SEE COUNTY IN 0000A)

MASTER CONCEPT PLAN

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