

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

WHEREAS, an application was filed by the property owners, Formosa Commerce Center, LLC, and Lee Land Holdings, LLC, to rezone a 129.77±-acre parcel from Agricultural (AG-2) to Industrial Planned Development (IPD) in reference to a project known as Formosa Commerce Center; and,

WHEREAS, a public hearing was advertised and held on August 10, 2005, before the Lee County Zoning Hearing Examiner, Diana M. Parker. Written submissions were requested by the Hearing Examiner at the close of hearing with due dates of August 12, 2005, and August 22, 2005. The Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2004-00092; and,

WHEREAS, a second public hearing was advertised and held on November 7, 2005, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 129.77±-acre parcel from AG-2 to IPD to allow 1.1 million square feet of industrial uses, and 30,000 square feet of commercial uses. Maximum building height is 65 feet (three stories). Blasting was not requested. The property is located in the Industrial Development, Wetlands, and Rural Future Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviation specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development must be consistent with the two-page Master Concept Plan (MCP) entitled "ZONING MASTER CONCEPT PLAN: FORMOSA COMMERCE CENTER, LLC" stamped received November 17, 2005, (attached as Exhibit B) except as modified by the conditions below.

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

A. Schedule of Uses

All uses, including those with an asterisk, are permitted on Lots 10-43 and Lots 48-65, as may be further limited below. All uses with an **asterisk** are permitted on Lots 1-9 and Lots 44-47.

- *Accessory Uses and Structures
- *Administrative Offices
- *Agricultural Services: Office/Base operations
- *Agricultural Uses and Agricultural Accessory Uses - See Agricultural Condition.
- *Animals: Clinic or Kennel (No outdoor runs).
- *ATM - Automatic Teller Machine
- Automobile Service Station
- Auto Repair and Service, Groups I and II
- * Bait and Tackle Shop
- * Boat Parts Store
- Boats: Boat Rental, Boat Repair and Service, Boatyard
- * Broadcast Studio, Commercial Radio and Television
- * Building Material Sales
- * Business Services, Groups I and II
- Bus Station/Depot
- * Cleaning and Maintenance Services
- Cold Storage, Pre-Cooling, Warehouse
- * Computer and Data Processing Services
- * Consumption on Premises, in conjunction with a Restaurant or Night Club (See LDC Sec. 34-1264)
- * Contractors and Builders, Groups I, II and III. Lots 1-9, 44-47 limited to Groups I and II only
- * Drive through facility for any permitted use
- * Emergency Operations Center
- * EMS, Fire or Sheriff's Station
- * Entrance Gate and Gatehouse
- * Essential Services
- * Essential Service Facilities, Groups I & II (Lots 1-9, 44-47 limited to Group I only)
- * Excavation, Water Retention. Excavated material may not be removed from the site.
- * Factory Outlets, Point of Manufacture Only
- Farm Equipment, Sales, Storage, Rental or Service
- * Fences, Walls
- Flea Market, Open
- * Food Stores, Groups I and II / Lots 1-9, 44-47 limited to Group I only
- * Gasoline Dispensing Systems, Special
- Government Maintenance Facility
- * Health Care Facilities, Group III
- * Laundry or Dry Cleaning, Groups I and II

Manufacturing of

- * Apparel Products
- Boats
- Chemical and Allied Products: Groups I and II. Lots 1-9, 44-47 limited to Group I only.
- * Electrical Machinery and Equipment
- Fabricated Metal Products, Groups I, II and III
- * Food and Kindred Products, Group III
- * Furniture and Fixtures
- * Leather Products, Group II
- * Lumber and Wood Products, Groups I, II, III, IV, V and VI. Lots 1-9, 44-47 limited to Group II only.
- * Machinery, Groups I, II and III / Lots 1-9, 44-47 limited to Group I and II only
- * Measuring, Analyzing and Controlling Instruments
- * Novelties, Jewelry, Toys, and Signs: Groups I, II and III
- * Paper and Allied Products, Groups II and III.
- Rubber and Plastic Products, Group II
- Stone, Clay, Glass and Concrete Products: Groups I, II, III and IV
- Textile Mill Products, Groups I, II, and III
- Transportation Equipment, Groups I, II and III
- * Medical Office - Limited to Lots 1-9, 44-47.
- * Motion Picture Production Studio
- * Nightclub - Limited to Lots 1-9, 44-47. Maximum 6,000 square feet.
- * Nonstore Retailer, Groups I, II, and III
- * Parcel and Express Services
- * Parking Lot, Accessory, Garage - Public Parking, Temporary
- * Personal Services, Groups I and III
- * Photofinishing Laboratory
- * Post Office
- * Printing and Publishing
- Processing and Warehousing
- * Recreational Facilities: Personal, Private - On- Site, ~~Private Off Site~~.
- Recycling Facility
- * Rental or Leasing Establishment, Groups, II, III and IV / Lots 1-9, 44-47 limited to Groups II and III only.
- * Repair Shops, Groups I, II, III, IV and V / Lots 1-9, 44-47 limited to Groups I, II and III only.
- * Research and Development Laboratories, Groups II and IV
- * Restaurants, Group I, II, III, IV / Limited to Lots 1-9, 44-47.
- * Restaurants, Fast Food
 - No stand-alone fast-food restaurants. Fast-food within a multi-occupancy building may be permitted on Lots 1-9, 44-47.
- * Retail and Wholesale Sales when clearly incidental and subordinate to a permitted principal use on the same premises.
- Salvage and Disposal of Materials, limited to auto junkyards and impound yards (See LDC Sec.34-2441 et. seq.) Lots 63-65 only
- * Schools, Commercial

~~Self-Service Fuel Pumps~~ [Disputed]

* Signs, in accordance with Chapter 30

* Social Services, Group II

Storage

* Indoor Only

Open Storage

Transportation Services, Groups II, III and IV / Lots 1-9, 44-47 limited to Groups II and III only

Truck Stop, Trucking Terminal

* Vehicle and Equipment Dealers, Groups I, II, III, and IV / Lots 1-9, 44-47 limited to Groups I and II only

* Warehouse

* Mini-warehouse

* Private

* Public

Wireless Communication Facilities - See Condition 8. Lots 14-40 only

* Wholesale Establishments - Groups I, III and IV

* Wrecking Yard: Auto and Other

Schedule of Uses - Lot 66

Accessory Uses and Structures

Administrative Offices

Agricultural Services: office/base operations

Agricultural Uses and Agricultural Accessory Uses - See Agricultural Condition.

ATM - Automatic Teller Machine

Bait and Tackle Shop

Broadcast Studio, Commercial Radio and Television

Business Services, Groups I and II

Cleaning and Maintenance Services

Computer and Data Processing Services

Contractors and Builders, Groups I and II

Drive-thru facility for any permitted use

Entrance Gate and Gatehouse

Essential Services

Essential Service Facilities, Group I only

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

Factory Outlets, Point of Manufacture Only

Fences, Walls

Gasoline Dispensing Systems, Special

Health Care Facilities, Group III

Laundry or Dry Cleaning, Groups I and II

Manufacturing of

Apparel Products

Chemical and Allied Products: Group I only.

Electrical Machinery and Equipment

Leather Products: Group II only

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

B. Site Development Regulations

Minimum Lot Area and Dimensions:

Area: 10,000 square feet
 Width: 100 feet
 Depth: 100 feet

Minimum Setbacks:

Street: In accordance with § 34-2192(a) of the LDC.
 Side: 15 feet
 Rear: 15 feet

Water Body: 25 feet

Maximum Building Height: 45 feet (three stories) - without wetland restoration as recommended by staff.

Area of Reduced Intensity(Portion of Lot 66) - three stories / 30 feet (See MCP)

Area of Reduced Intensity (Portion of Lot 66) - two stories / 24 feet. (See MCP)

Minimum Building Separation:

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

Maximum Lot Coverage: 40 percent

Development Perimeter Building Setback: 25 feet

3. Development Parameters

- A. A maximum of 1.1 million square feet of industrial uses and 30,000 square feet of commercial office/retail will be permitted on +/-129.77 acres of land, not to exceed a total of 2,499 parking spaces.
- B. At the time of local development order, the developer must provide a cumulative land development summary table indicating the square footage of commercial, acreage of commercial and industrial uses, and the number of commercial and the number of industrial parking spaces to ensure that the project does not exceed the Development of Regional Impact (DRI) thresholds set forth in Florida Administrative Code (FAC) 28-24.014.; and
- C. The land use totals may not exceed the mixed use DRI threshold set forth in FAC 28-24.014 without the submission and approval of an Application for Development Approval in accordance with Chapter 380 FS.

4. Environmental Conditions

- a. Prior to local development order approval, the development order plans must reflect a minimum of 11.8 acres of common open space. Individual parcels within the development must also provide a minimum of 11 percent of each parcel as open space for industrial uses, and a minimum of 21 percent of each parcel as open space for commercial uses.
- 5. All industrial or commercial buildings and structures located on or in proximity to Alico Road (Lots 1-9 and 44-47) must comply with LDC Chapter 10, Article IV, Design Standards and Guidelines for Commercial Buildings and Development.
 - 6. Land within the Rural Future Land Use Category (located on the northern 150 feet of Lot 66) may be used for water management, wetland preserve, buffering, open space, and accessory parking only.

7. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.
8. WIRELESS COMMUNICATION FACILITIES
 - a. Freestanding Wireless Communication Facilities (only monopole type towers) are limited to one (1) for the entire 129.77-acre site, if approved in accordance with LDC § 34-1441, et. seq.
 - b. Wireless Communication Facilities are limited to the monopole design only, and are restricted to the southern one-half of the site.
 - c. Other Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC Sec. 34-1441, et. seq.
 - d. Federal Communication Commission review will be required for wireless communication facilities to ensure that signals from the wireless communication facilities do not interfere with navigation aids and radar at the Lee County Port Authority (and airport).
 - e. Wireless Communication Facilities, if approved in accordance with LDC § 34-1441, et. seq. are permitted on Lots 14-40. Wireless Communication Facilities may not exceed 90 feet in height above average grade level (AGL), without a Special Exception. Wireless Communication Facilities greater than 90.1 feet and less than 149 feet must first obtain Special Exception approval. Wireless communication facilities exceeding 149 feet in height must be in accordance with LDC § 34-1441, et. seq., including variance criteria set out in LDC Sec. 34-1453.
 - f. Before the approval of a freestanding Wireless Communication Facility, the developer must demonstrate that attempts to collocate on existing towers in the area were not successful in achieving the desired goals for coverage.
9. Development will be subject to Lee County LDC Sec. 34-1008 "Permit for Tall Structures." Depending on the height and location of the proposed structures, review and approval by the Federal Aviation Administration (FAA) and the Lee County Port Authority may be necessary to determine airspace impacts of proposed permanent buildings, wireless communication facilities, and any temporary construction equipment cranes within the site.
10. The subject property is located within the area the Southwest Florida International Airport FAR Part 150 Study has identified as noise sensitive. It is located within the 60 DNL Contour area as depicted on the 2020 Composite DNL Contours Map.

Noise sensitive land uses (including residential dwelling units, places of worship, libraries, schools, hospitals, correctional institutions, or nursing homes) are prohibited pursuant to LDC § 34-1006 et. seq. as amended.

11. AGRICULTURAL USES: Existing bona fide agricultural uses on this site in the form of cattle grazing are allowed only in strict compliance with the following:

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

The covenant must be properly recorded in the public records of the county at the owner's expense.

- (2) Termination of the agricultural tax exemption for any portion of the property included in the development order application/approval. Proof as to termination must include a copy of the request to terminate the tax exemption provided to the Property Appraiser.

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

13. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC §§ 34-2174(a) and 34-935(e)(4).
14. If the Tracts shown on the MCP are substantially reconfigured, either subdivided or recombined, the developer must amend the IPD approvals in accordance with LDC § 34-380.
15. Approval of this IPD 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.
16. Approval of the IPD rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
17. 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.
18. Deleted during hearing.
19. Due to the proximity to the airport runways, buildings in excess of 45 feet in height, including wireless communication facilities, may only be approved if, after review by the Federal Aviation Administration and the Lee County Port Authority, they are found not to be an obstruction to air traffic.
20.
 - a. Alico Road: The developer must provide an enhanced Type "D" buffer along Alico Road. The enhanced Type D buffer must consist of 10 trees per 100 linear feet, 30 shrubs per 100 linear feet (24-inch height, 3-gallon container size at planting, & maintained at a minimum 36-inch height); and 25 shrubs per 100 linear feet (48-inch height at planting and maintained at a minimum 60-inch height). The buffer must be placed outside of any easements. The trees must be a variety of native tree such as Florida slash pines and sabal palms, and may be installed in clusters to provide a more natural looking vegetative pattern.
 - b. North Property Line: As part of the initial development order and prior to the issuance of a Certificate of Compliance for any part of the development, a 75-foot-wide buffer with a 12-foot height berm (maximum 3:1 slope) must be provided along the north property line and must be planted with 25 native trees (minimum 10-foot height, 2-inch caliper at planting) per 100 linear feet. The buffer must be designed to provide 10 trees per 100 linear feet along the top of the berm with the remaining 15 trees per 100 linear feet staggered along the north side of the berm to allow the trees to grow in a healthy natural form. A minimum of three tree species including but not limited to live oak, south Florida slash pine and wax myrtle that will provide

a varying level of mature height must be provided to create, to the greatest extent possible, a dense vegetative barrier across the top of the berm and vegetative cover on the north face of the berm (See attached Exhibit D). All other areas of the berm must be sodded or mulched, as appropriate, and properly maintained.

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

- c. 3.2-acre Preserve: As part of the initial development order, and prior to the issuance of a Certificate of Compliance for any part of the development, the approximately 3.2-acre wetland preservation (0.49 acres) and the native upland restoration area (2.7 acres) will be restored consistent with the attached restoration plan dated August 9, 2005. The restoration plantings will include 595 3-gallon container size wax myrtles and 795 3-gallon container size south Florida slash pines to be installed in a random manner within the 2.7-acre upland restoration area. The developer must provide a structural barrier, i.e. chain link or wrought iron fence, must be provided between any lot, development area and the preserves.
21. All required buffers must utilize 100% native vegetation.
 22. UNIFIED DRAINAGE PLAN. The developer must submit and receive approval of a unified drainage plan for the entire site from the Division of Development Services prior to any approval from the Department of Community Development for vertical construction activities. If the Tracts shown on the MCP are substantially reconfigured, an updated unified drainage plan must also be submitted to and approved by the Division of Development Services prior to approval of vertical construction activities from the Department of Community Development. (Also See Condition 14).

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-415(b) requirement that large developments must provide 50 percent of the required open space as indigenous preservation to allow the preservation and restoration of 3.2 acres of indigenous native vegetation. This deviation is APPROVED, SUBJECT TO Condition 20.C., above.
2. Deviation (2) - withdrawn during hearing.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
- Exhibit B: Master Concept Plan stamped Received November 17, 2005
- Exhibit C: Bona Fide Agricultural Uses Affidavit (cattle grazing)
- Exhibit D: Planting Plan for Northern Property Line
- Exhibit E: Restoration Area Detail
- Exhibit F: Zoning Map (subject parcel identified with shading)

The applicant has indicated that the STRAP numbers for the subject property are:
04-46-25-00-00001.0070 & 04-46-25-00-00001.0080

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the IPD rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or regulations.
2. The IPD rezoning, as approved:
 - a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and 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 IPD 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, 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	Absent
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 7th day of November 2005.

ATTEST:
CHARLIE GREEN, CLERK

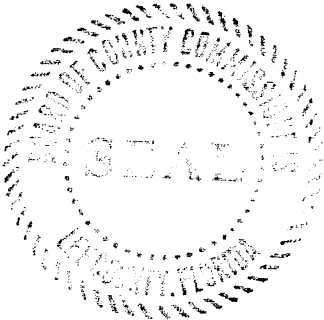
BY: *Charlie Green*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Tammara Hall*
Tammara Hall, Chairwoman

Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office



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MINUTES OFFICE

2005 DEC -6 PM 3:10

DESCRIPTION

A PARCEL OF LAND BEING THE SAME LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3883, PAGE 2464 AND 2483 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SECTION 4, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH 1/4 CORNER OF SAID SECTION 4; THENCE NORTH 00°59'17"WEST ALONG THE NORTH-SOUTH 1/4 SECTION LINE, A DISTANCE OF 100.01 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF ALICO ROAD AS DESCRIBED IN THE ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 3208, PAGE 357 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 89°38'46"EAST ALONG SAID NORTH LINE, A DISTANCE OF 1.19 FEET TO AN ANGLE POINT; THENCE NORTH 89°44'24"EAST ALONG SAID NORTH LINE, A DISTANCE OF 226.21 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00°59'17"WEST ALONG A LINE THAT IS PARALLEL TO SAID NORTH-SOUTH 1/4 SECTION LINE, A DISTANCE OF 6175.65 FEET TO A POINT ON THE SOUTH DRAINAGE RIGHT OF WAY LINE RECORDED IN OFFICIAL RECORDS BOOK 3442, PAGE 3231 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE NORTH 89°06'32"EAST ALONG SAID SOUTH LINE, A DISTANCE OF 910.22 FEET TO A POINT ON A LINE THAT IS 1506.33 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 4; THENCE SOUTH 01°05'06"EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 3659.51 FEET TO AN ANGLE POINT; THENCE SOUTH 00°59'09"EAST ALONG A LINE THAT IS 1506.33 FEET WEST OF AND PARALLEL TO THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 4, A DISTANCE OF 2526.25 FEET TO A POINT ON SAID NORTH RIGHT OF WAY LINE OF ALICO ROAD; THENCE SOUTH 89°44'24" WEST ALONG SAID NORTH LINE, A DISTANCE OF 916.38 FEET TO THE POINT OF BEGINNING. CONTAINING 129.77 ACRES, MORE OR LESS.

SUBJECT TO A 170 FOOT WIDE FLORIDA POWER AND LIGHT EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 876, PAGE 610-613 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THE BEARINGS ARE BASED ON THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF SECTION 4, BEING NORTH 89°44'24"EAST AS ASSUMED MERIDIAN.

Applicant's Legal Checked
by Lgm 4/28/05

RECEIVED
DEC 21 2004

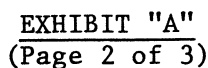
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DCI 2004-00092

By Lgm 4/28/05

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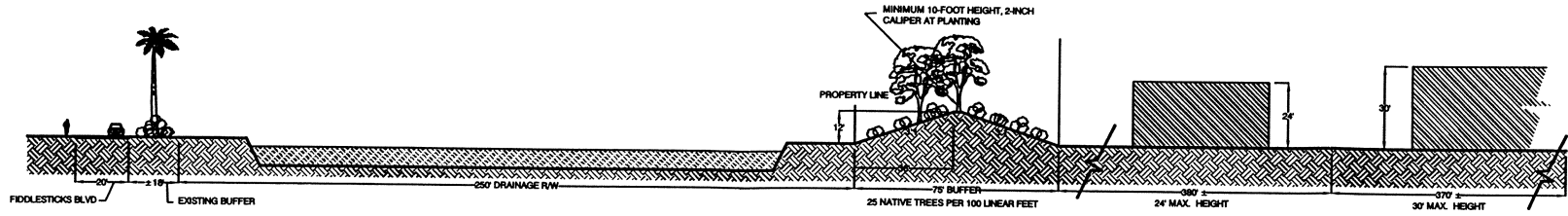


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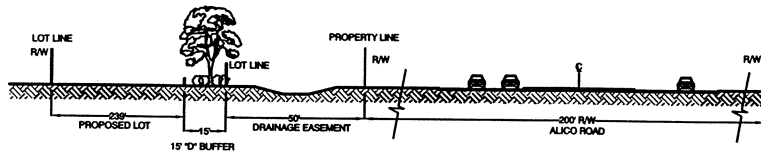
DEVIATION:

DEVIATION #1: DEVIATION FROM LDC 10-415(B)(1) WHICH REQUIRES DEVELOPMENTS WITH EXISTING INDIGENOUS VEGETATION TO PROVIDE 50% OF THEIR OPEN SPACE THROUGH THE ONSITE PRESERVATION OF EXISTING NATIVE VEGETATION COMMUNITIES, TO ALLOW THE PRESERVATION AND RESTORATION OF 3.2 ACRES OF INDIGENOUS NATIVE VEGETATION.



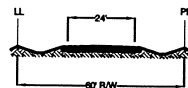
TYPICAL CROSSECTION NORTH BOUNDARY

(A) SECTION



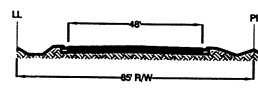
15' BUFFER "D" CROSSECTION ON ALICO ROAD

(B) SECTION



LEE ROAD EXTENSION CROSSECTION (PROPOSED)

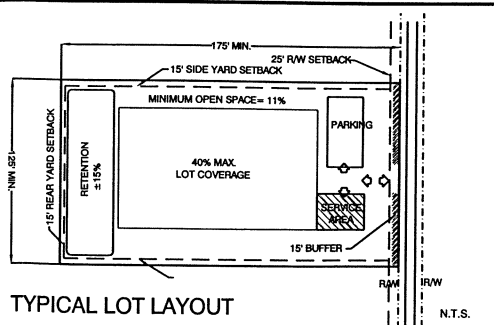
(C) SECTION



LEE ROAD EXTENSION CROSSECTION (PROPOSED)

(D) SECTION

TYPICAL CROSSECTION SCALE 1:50



TYPICAL LOT LAYOUT

Approved as Exhibit B
MCP Page 2 of 2
Resolution #2-05-01c/c

RECEIVED
NOV 17 2005

PERMIT COUNTER

DCI 2004-00092

Revised per 01/10/05 Sufficiency Review Letter
Revised per 02/18/05 Sufficiency Review Letter
Revised per 05/21/05 Sufficiency Review Letter
Revised per 11/14/05 Lee County Attorney's Office
(11/17/05)

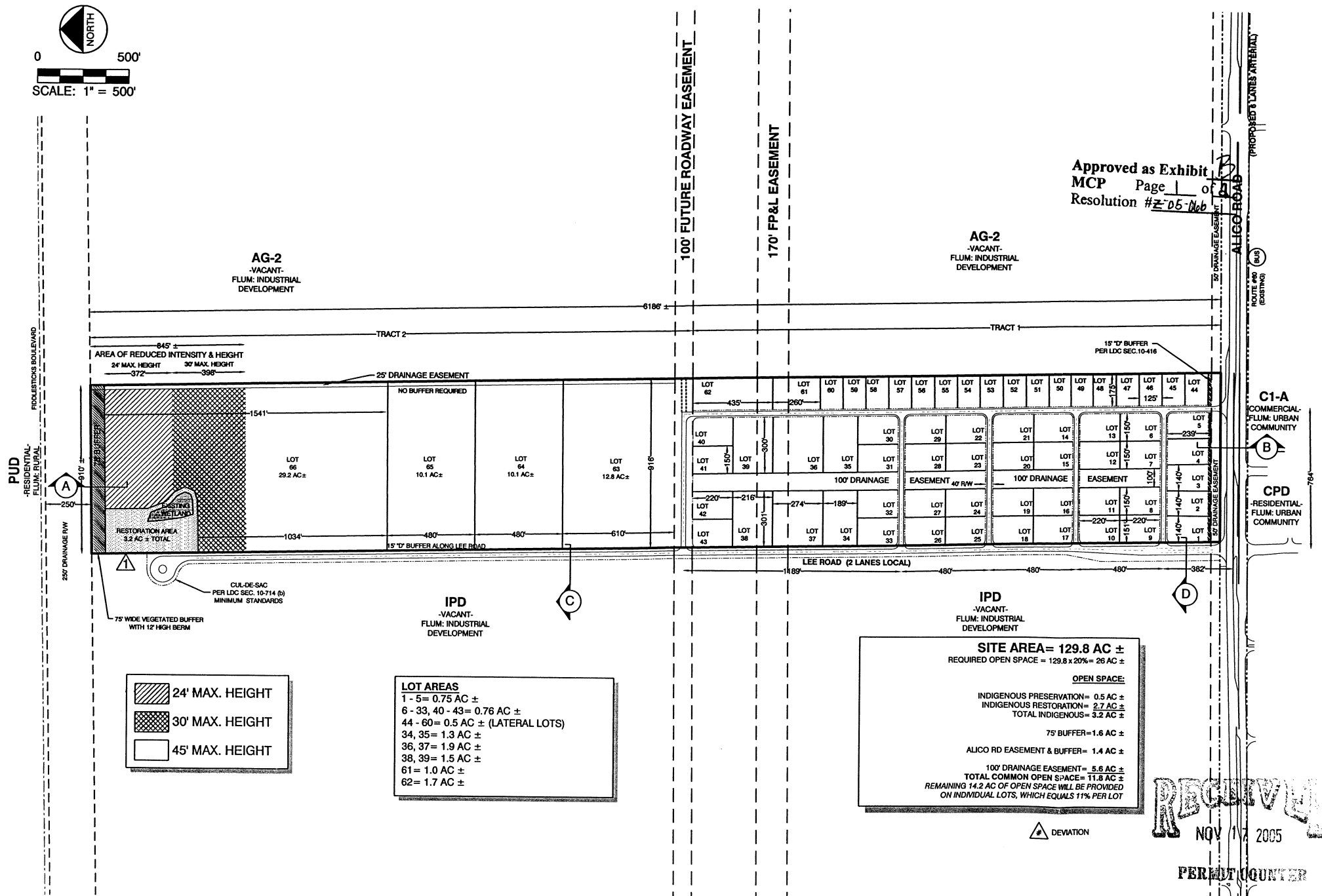
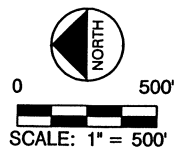
EXHIBIT B
Page 2 of 2

ZONING MASTER CONCEPT PLAN
FORMOSA COMMERCE CENTER, LLC
FORMOSA COMMERCE CENTER
Section 04, T-4c-5, R-25-F, Lee County, Florida

MORRIS - DEPEW ASSOCIATES, INC.
ENGINEERS - PLANNERS - SURVEYORS & MAPPERS
200 N. W. 1st St., Suite 200, Ft. Lauderdale, FL 33301
Phone: (954) 561-1111 Fax: (954) 561-1112

MD

MDA PROJECT:
040328
CHECKED BY:
DWI
DESIGNED BY:
AZ
DATE:
4/14/05
SHEET:
2/2



Approved as Exhibit
MCP Page 1 of 2
Resolution #Z-05-066

REVISIONS
Revised per 01/10/05 Sufficiency Review Letter
Revised per 02/18/05 Sufficiency Review Letter
Revised per 05/20/05 Sufficiency Review Letter
Revised per 11/14/05 Lee County Attorney's Office (11/17/05)

EXHIBIT B
Page 1 of 2

ZONING MASTER CONCEPT PLAN
FORMOSA COMMERCE CENTER, LLC
FORMOSA COMMERCE CENTER
Section Ch. 14-6-3, R. 25-2, Lee County, Florida

MORRIS - DEPEW ASSOCIATES, INC.
ENGINEERS - PLANNERS - SURVEYORS & MAPPERS
204 West Lake Street, Suite 200, Tallahassee, FL 32301
(904) 222-1111

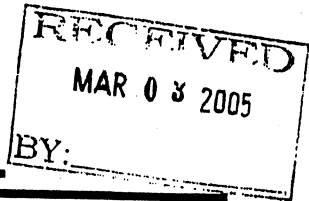
MD
MDA PROJECT: 04032B
CHECKED BY: DWF
DESIGNED BY: AZ
DATE: 4/14/05
SHEET: 1/2

SITE AREA = 129.8 AC ±
REQUIRED OPEN SPACE = 129.8 x 20% = 26 AC ±
OPEN SPACE:
INDIGENOUS PRESERVATION = 0.5 AC ±
INDIGENOUS RESTORATION = 2.7 AC ±
TOTAL INDIGENOUS = 3.2 AC ±
75' BUFFER = 1.6 AC ±
ALICO RD EASEMENT & BUFFER = 1.4 AC ±
100' DRAINAGE EASEMENT = 5.6 AC ±
TOTAL COMMON OPEN SPACE = 11.8 AC ±
REMAINING 14.2 AC OF OPEN SPACE WILL BE PROVIDED ON INDIVIDUAL LOTS, WHICH EQUALS 11% PER LOT

DEVIATION

RECEIVED
NOV 17 2005
PERMIT CENTER
DCI 2004-00092

Formosa Commerce Center L.L.C.



February 14, 2005

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

RE: Formosa Commerce Center

To Whom it May Concern:

Please accept this statement as the notarized statement required pursuant to Section 34-202(b)(7) of the LDC. The owner is required to provide a notarized statement describing the type and intensity of the bona fide agricultural uses in existence on the date of zoning approval.

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

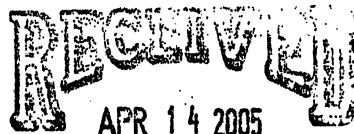
The area of the property subject to cattle grazing is the **entire parcel of 130± acres**.

The intensity of use is the number of cattle that can be adequately accommodated by the parcel; this is determined in part by the health and amount of the vegetation which can vary from time to time.

Further, the continuation of these agricultural uses is supported by the comprehensive plan, policy 9.2.2.

Planned development rezonings within the Future Urban Areas must not establish new, or expand existing, agricultural uses. Bona fide agricultural uses that exist at the time of rezoning may be approved and the use allowed to continue until development commences. The approved existing agricultural uses must not expand beyond the boundaries that existed at the time of rezoning. Existing agricultural uses within any tract or phase must be discontinued upon local development order approval including that tract or phase.

DCI2004-00092



Page 1 of 2

COUNTER

October 20, 2004

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

By: 
Maylene Kiang Wu, Managing Member
Formosa Commerce Center, LLC

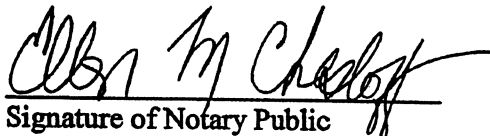
STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 28 day of February,
2004, by _____, who is personally known to me or who has produced
_____ as identification and who did (did not) take an oath.

(Notary Seal)

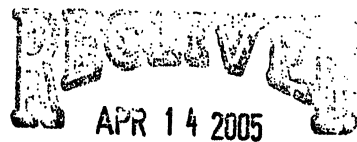


Ellen M. Chesloff
My Commission DD245384
Expires January 03, 2007


Signature of Notary Public

Ellen M Chesloff
(Print, type or stamp commissioned
Name of Notary Public)

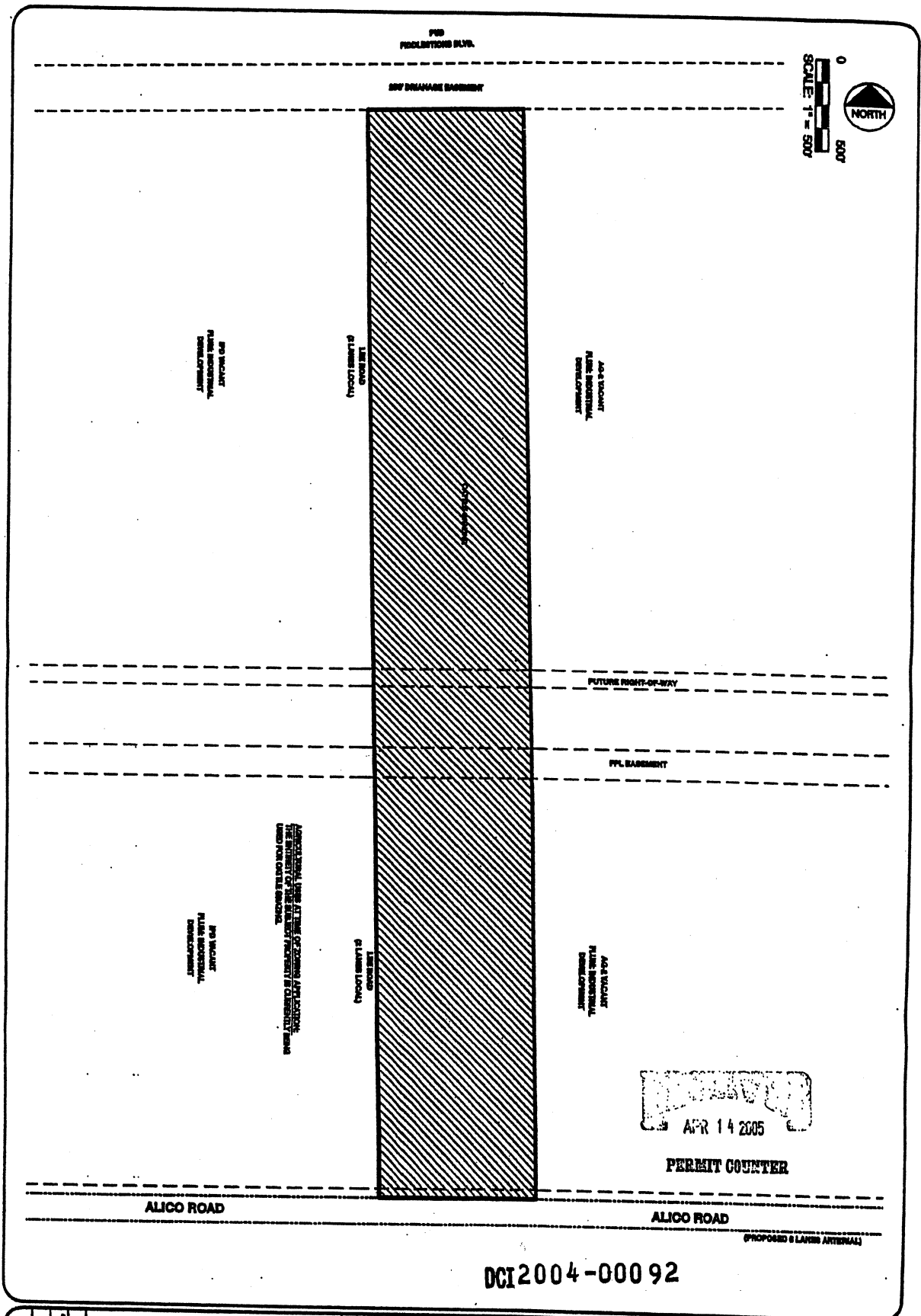
Commission No: PD245384



PERMIT COUNTER

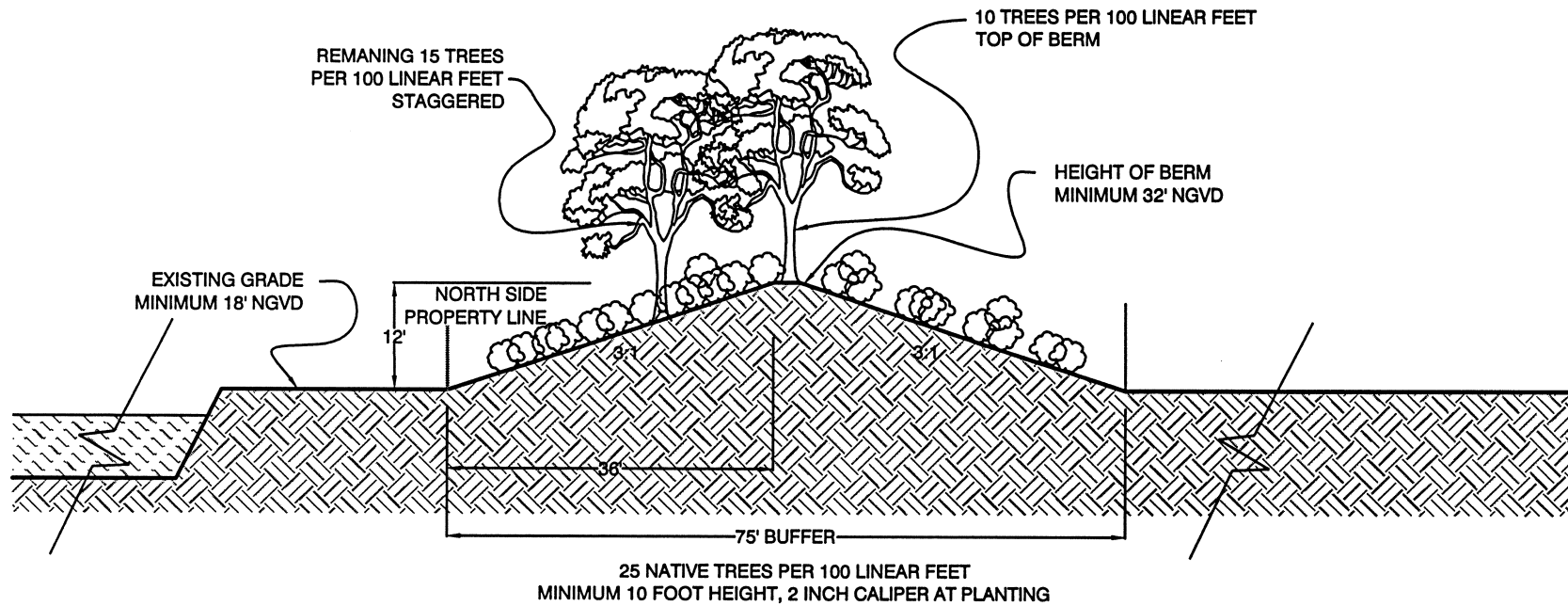
DCI2004-00092

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DCI2004-00092

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100	MD MORRIS - DEPEW ASSOCIATES, INC. <small>ENGINEERING • PLANNING • SURVEYING & MAPPING</small> <small>2000 Central Avenue • Fort Myers, Florida 33901 • (941) 336-0000 • Fax (941) 336-0001</small>	AGRICULTURAL USES AT TIME OF REZONING APPLICATION FORMOSA COMMERCE CENTER, LLC FORMOSA COMMERCE CENTER <small>Formosa P/L, 74-000, 8,000 S. 1st Street, Miami</small>	Date:
	EXHIBIT "C" (Page 3 of 3)		



TYPICAL CROSSECTION OF NORTH BOUNDARY BUFFER
EXHIBIT "D"

0 20'
SCALE: 1" = 20'

REVISIONS

EXHIBIT "D" - BUFFER DETAIL -

FORMOSA COMMERCE CENTER, LLC
FORMOSA COMMERCE CENTER
Section 04, T-46-S, R-25-E, Lee County, Florida

MORRIS - DEPEW ASSOCIATES, INC.
ENGINEERS • PLANNERS • SURVEYORS & MAPPERS
265 Alameda Avenue • Fort Myers, Florida 33901 • (813) 335-3993 • (813) 335-3994



MDA PROJECT:
040328

CHECKED BY: DWF
DESIGNED BY: AZ

DATE:
11/17/05

SHEET

1



0 200'
SCALE: 1" = 200'

FIDDLESTICKS BOULEVARD

250' DRAINAGE R/W

250'

910' ±

75' WIDE VEGETATED BUFFER
WITH 12' HIGH BERM

75' BUFFER

25'

EXISTING
WETLANDS

AREA OF REDUCED INTENSITY & HEIGHT
24' MAX. HEIGHT 30' MAX. HEIGHT
372' 398'

845' ±

RESTORATION AREA:

EXISTING WETLANDS= 0.5 ± AC
NATIVE RESTORATION AREA= 2.7 ± AC
TOTAL RESTORATION= 3.2 ± AC

PLANT ENHANCEMENT:

- 1.- 3 gl WAX MYRTLE ON 8' CENTER
38,115 ± sq.ft. /0.9 AC (595 ± PLANTS)
- 2.- 3 gl SLASH PINE ON 10' CENTER
79,550 ± sq.ft./1.8 AC (795 ± PLANTS)

LOT
68
29.2 AC ±

1541'

RESTORATION AREA - DETAIL

FORMOSA COMMERCE CENTER, LLC
FORMOSA COMMERCE CENTER

EXHIBIT "E"

(1 of 1 Page)

MORRIS - DEPREW ASSOCIATES, INC.
PLANNING • DESIGN • CONSTRUCTION & MAINTENANCE



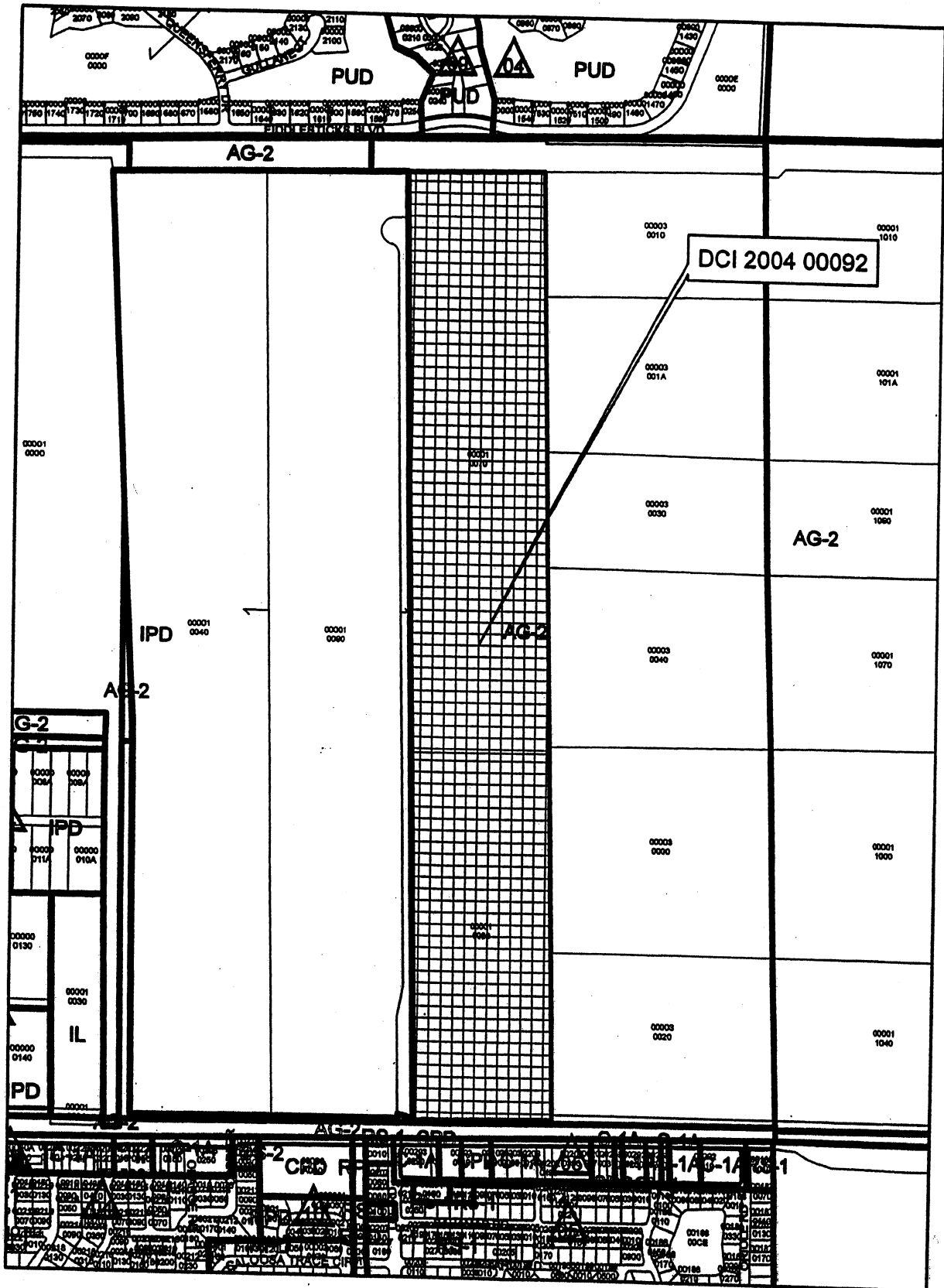
040385

DM 12

8/2005

DCI2004-00092 FORMOSA IPD

6/24/2005



1,100 550 0 1,100 Feet