

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

WHEREAS, William Milam, filed an application on behalf of the property owner, Formosa Commerce Center, LLC., to amend the Formosa Commerce Center Industrial Planned Development (IPD), Zoning Resolution Z-05-066; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Richard A. Gescheidt, was advertised and held on September 14, 2011. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to his Office on or before October 7, 2011, October 14, 2011, October 21, 2011, November 8, 2011, and November 21, 2011; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2011-00003 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on February 6, 2012 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 Formosa Commerce Center Industrial Planned Development (IPD), Zoning Resolution Z-05-066, to re-configure Lots 1-10 of the Master Concept Plan (MCP), amend the schedule of uses to allow a Convenience Food and Beverage Store with self service fuel pumps as an approved use, and to amend Condition 20a. to address buffering requirements along Alico Road. No development blasting is requested. Any development must connect to public potable water and public sanitary sewer service.

The property is located in the Industrial Development Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development of this project must be consistent with the three-page Master Concept Plan (MCP) entitled "Formosa Commerce Center," prepared by Andrew Fitzgerald., date

stamped received NOV 17 2011, and attached hereto as Exhibit C, except as modified by the conditions below. Development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The terms and conditions of the original Zoning Resolution Z-05-066, Administrative Amendments ADD2006-00051(A) and ADD2006-00226 are all null and void and are superseded by this zoning action.

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 8-17, as may be further limited below. All uses with an asterisk are permitted on Lots 1-7.

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

- \*Factory Outlets, Point of Manufacture Only
- Farm Equipment, Sales, Storage, Rental or Service
- \*Fences, Walls
- Flea Market, Open
- \*Food Stores, Groups I & II. Lots 1-7 limited to Group I only
- \*Gasoline Dispensing Systems, Special Government Maintenance Facility
- \*Health Care Facilities, Group III
- \*Laundry or Dry Cleaning, Groups I and II
- Manufacturing of
  - \*Apparel Products
  - Boats
  - Chemical and Allied Products: Groups I and II. Lots 1-7 limited to Group I only
  - \*Electrical Machinery and Equipment
  - Fabricated Metal Products, Groups I, II and III
  - \*Food and Kindred Products, Group III
  - \*Furniture and Fixtures
  - \*Leather Products, Group II
  - \*Lumber and Wood Products, Groups I, II, III, IV, V and VI. Lots 1-7 limited to Group II only
  - \*Machinery, Groups I, II, and III. Lots 1-7 limited to Groups I and II only
  - \*Measuring, Analyzing and Controlling Instruments
  - \*Novelties, Jewelry, Toys, and Signs: Groups I, II and III
  - \*Paper and Allied Products, Groups II and III
  - 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 1-7
- \*Motion Picture Production Studio
- \*Nightclub - Limited to Lots 1-7 Maximum 6,000 square feet
- \*Nonstore Retailer, Groups I, II, and III
- \*Parcel and Express Services
- \*Parking Lot, Accessory, Garage - Public Parking, Temporary
- \*Personal Services, Groups I and II
- \*Photofinishing Laboratory
- \*Post Office
- \*Printing and Publishing
- Processing and Warehousing
- \*Recreational Facilities: Personal, Private - On - Site
- \*Rental or Leasing Establishment, Groups II, III and IV. Lots 1-7 limited to Groups II and III only
- \*Repair Shops, Groups I, II, III, IV and V. Lots 1-7 limited to Groups I, II, and III only
- \*Research and Development Laboratories, Groups II and IV
- \*Restaurants, Groups I, II, III, IV. Limited to Lots 1-7. No stand-alone fast food restaurants. Fast food within a multi-occupancy building may be permitted on Lots 1-7

- \*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 §34-2441 *et. seq.* Lots 12-14 only
- \*Schools, Commercial
- Self Service Fuel Pumps - 24 maximum Lot 1 only
- \*Signs in Accordance with Chapter 30
- \*Social Services, Group II
- Storage
- \*Indoor Only
- Open Storage
- Transportation Services, Groups II, III and IV. Lots 1-7 limited to Groups II and III only
- Truck Stop, Trucking Terminal
- \*Vehicle and Equipment Dealers, Groups I, II, III, and IV. Lots 1-7 limited to Groups I and II only
- \*Warehouse
- \*Mini-Warehouse
  - \*Private
  - \*Public
- Wireless Communication Facilities - See Condition 8. Lots 8-10 only
- \*Wholesale Establishments - Groups I, III and IV
- \*Wrecking Yard: Auto and Other

Schedule of Uses - Lots 16 and 17

- Accessory Uses and Structures
- Administrative Offices
- Agricultural Services: office/base operations
- Agricultural Uses and Agricultural Accessory Uses - See Agricultural Condition
- ATM - Automatic Teller Machine
- Bait and Tackle Shop
- Broadcast Studio, Commercial Radio Television
- Business Services, Groups I and II
- Cleaning and Maintenance Services
- Computer and Data Processing Services
- Contractors and Builders, Groups I and II
- Drive through facility for any permitted use
- Essential Services
- Essential Service Facilities, Group I only
- Excavation, Water Retention. Excavated material may not be removed from the site
- Factory Outlets, Point of Manufacture Only
- Fences, Walls
- Gasoline Dispensing Systems, Special
- Health Care Facilities, Group III
- Laundry or Dry Cleaning, Groups I and II
- Manufacturing of

- Apparel Products
- Chemical and Allied Products: Group I only
- Electrical Machinery and Equipment
- Leather Products: Group II only
- Machinery, Groups I and II. Assembly only
- Measuring, Analyzing and Controlling Instruments
- Novelties, Jewelry, Toys, and Signs: Groups I, II and III
- Paper and Allied Products, Group II only
- Stone, Clay, Glass and Concrete Products: Group I only
- Textile Mill Products, Groups I and II only
- Motion Picture Production Studio
- Nonstore Retailer, Groups I, II, and III
- Parking Lot, Accessory, Temporary
- Personal Services, Groups I and III
- Photofinishing Laboratory
- Post Office
- Printing and Publishing
- Processing and Warehousing
- Recreational Facilities: Personal, Private - On - Site
- Rental or Leasing Establishment, Groups I and 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 Lee County LDC
Side:	15 feet

Rear: 15 feet

Water Body: 25 feet

Maximum Building Height: 45 feet/3 stories - without wetland restoration as recommended by staff

Area of Reduced Intensity (Portion of Lot 16) - 3 stories/ 30 feet (See MCP)

Area of Reduced Intensity (Portion of Lot 16) - 2 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 maximum of 1.1 million square feet of industrial uses and 30,000 square feet of commercial office/retail will be permitted on +/-129.77 acres of land, not to exceed a total of 2,499 parking spaces.

4. Environmental Conditions.

- a. The Project must provide a minimum of 20.3 acres of common open space as depicted on the MCP. The remaining 6.9 acres of open space must be provided on individual lots, with Lot 1 required to provide a minimum 20 percent open space, and Lots 2-17 required to provide a minimum 10 percent open space.
- b. Prior to local development order approval, the 0.69 acre and 0.49 acre wetlands must be delineated on the plans and designated as indigenous preservation. These wetlands must be incorporated into the surface water management system for the development to maintain and enhance the hydrology and health of the wetland preserves.

5. Design Standards and Guidelines for Commercial Buildings and Development. All industrial or commercial buildings and structures located on or in proximity to Alico Road (Lots 1-7) must comply with Chapter 10, Article IV, Design Standards and Guidelines for Commercial Buildings and Development, of the Lee County LDC.

6. Land Use. Land within the Rural Future Land Use Category (located on the northern 150 feet of Lot 16) may be used for water management, wetland preserve, buffering, open space, and accessory parking only.

7. Accessory Uses. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.
8. Wireless Communication Facilities.
  - a. Freestanding wireless communication facilities (towers, including stealth type) are limited to one for the entire 129.77 - acre site, if approved in accordance with Lee County LDC §34-1441, *et. seq.*
  - b. Wireless Communication Facilities are limited to the monopole design only, and are restricted to the southern one-half of the site.
  - c. Other Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with Lee County LDC §34-1441, *et. seq.*
  - d. Federal Communication Commission review will be required for any wireless communication facilities to ensure that signals from the wireless communication facilities do not interfere with navigation aids and radar at the Lee County Port Authority (and airport).
  - e. Wireless communication facilities, if approved in accordance with Lee County LDC §34-1441, *et. seq.* are permitted on Lots 8-11 only. Wireless communication facilities may not exceed 90 feet in height above average grade level (AGL), without a Special Exception. Wireless communication facilities greater than 90.1 feet and less than 149 feet must first obtain Special Exception approval. Wireless communication facilities, with heights greater than 149 feet, must be in accordance with Lee County LDC §34-1441, *et. seq.*, including variance criteria per Lee County LDC §34-1453.
  - f. Before the approval of a freestanding Wireless Communication Facility, the developer must demonstrate that attempts to collocate on existing towers in the area were not successful in achieving the desired goals for coverage.
9. Tall Structures. The proposed development will be subject to the provisions of the Lee County LDC §34-1008 "Permit for Tall Structures." Depending on the height and location of the proposed structures, an application may need to be submitted for review and approval to the Federal Aviation Administration (FAA) and the Lee County Port Authority to determine airspace impacts of proposed permanent buildings, wireless communication facilities, and any temporary construction equipment cranes within the site.
10. Noise Zone. The subject property is located within the area that the Southwest Florida International Airport FAR Part 150 Study had 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 consistent

with LDC §34-1006 *et. seq.* as amended.

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

- a. Bona fide agricultural uses that are in existence at the time the application for this project was filed, and as shown on Exhibit D, attached hereto, may continue until approval of a local development order for the area of the project containing those uses.
- b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.
- c. Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:
  - (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 subject 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 re-zoned 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. Development blasting has not been requested as part of this planned development. No development blasting is permitted as part of this project unless



approved at a subsequent public hearing as an amendment to the planned development.

13. Building Height. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by Lee County LDC §§ 34-2174(a) and 34-935(e)(4).
14. Master Concept Plan. If the Tracts shown on the MCP are substantially reconfigured, the developer will be required to receive approval of an amendment to this Industrial Planned Development, pursuant to Lee County LDC §34-380.
15. Vehicular/Pedestrian Impacts. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
16. Lee Plan Consistency. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive 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 County Comprehensive Plan provisions.
17. Building Height. 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.
18. Buffers.
  - a. Alico Road: Prior to development order approval, the development plans must provide an enhanced Type "D" buffer along Alico Road. The enhanced Type D buffer must consist of 10 trees per 100 linear feet, 30 shrubs per 100 linear feet (24-inch height, 3-gallon container size at planting, and maintained at a minimum 36-inch height); and 25 shrubs per 100 linear feet (48-inch height at planting and maintained at a minimum 60-inch height). The buffer must be placed outside of any easements. The trees must be a variety of native tree such as Florida Slash Pines and Sabal Palms, and may be installed in clusters to provide a more natural looking vegetative pattern.

Alico Road Lot 1: If a Convenience Food and Beverage Store use is proposed, development plans must provide a buffer as required by LDC §34-1353(e). The trees must be a variety of native trees, and may be installed in clusters to provide a more natural looking vegetative pattern; and the entire Alico Road right-of-way buffer must be designed with a similar planting scheme. The Alico Road right-of-way buffer must be placed outside of any easements. The planting area must be a minimum of 12.5-feet in width.
  - b. North Property Line: As part of the initial development order and prior to the issuance of a Certificate of Compliance for any part of the development, a 75-foot

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

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

- c. 3.2-acres 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.

All required buffers must utilize 100 percent native vegetation.

19. Concurrency. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in Lee County LDC Chapter 2 and the Lee County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
20. Accessory uses. Accessory uses must be located on the same tract, parcel or outparcel where principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.
21. Solid Waste/Recycling. Prior to local development order approval for vertical development, the developer must provide facilities in compliance with Lee County LDC §10-261 and Lee County Solid Waste Ordinance #08-10 for the pick up/disposal of solid

waste and recyclables. The minimum area required for and specific locations of these facilities, will be reviewed at the time of local development order application.

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

#### SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the Lee County LDC §10-415(b) requirement to provide large developments to provide 50 percent of the required open space as indigenous preservation, to allow the preservation and restoration of 3.2 acres of indigenous native vegetation. This deviation was originally approved in Zoning Resolution Z-05-066. This deviation is APPROVED SUBJECT TO Condition 18.c above.
2. Deviation (2) seeks relief from the Lee County LDC §10-418 requirement to provide surface water management features to mimic natural systems, to allow narrow lakes with enhanced littoral plantings and create marsh. This deviation was originally approved in Administrative Amendment ADD2006-00226. This deviation is APPROVED SUBJECT TO the following condition.

Prior to local development order approval, the development order plans must delineate the enhanced littoral plantings and marsh creation areas as shown on the approved MCP.

3. Deviation (3) seeks relief from the Lee County LDC §10-329(d)(1)3 requirement to provide a 50-foot lake setback from a property line under separate ownership, to allow a 25-foot lake setback along the eastern boundary of the overall development. This deviation was originally approved in Administrative Amendment ADD2006-00226. This deviation is APPROVED.
4. Deviation (4) seeks relief from Lee County LDC §10-285(a) requirement to provide a minimum 660-foot driveway separation on an arterial road, to allow a 400-foot separation on Alico Road for a joint access driveway from Lee Road extension. This deviation is APPROVED.
5. Deviation (5) seeks relief from the Lee County LDC §34-1353(e)(1) requirement to provide a 25-foot landscape buffer width along right-of-way external to the development project, to allow the landscape buffer along Lee Road to be reduced to a 15-foot width, as depicted

for Lot 1 on the MCP. This deviation is APPROVED SUBJECT TO the following condition:

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

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

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

7. Deviation (7) seeks relief from Lee County LDC §10-328(a) requirement to provide developments abutting a watercourse, drainageway, canal, IDD easement, lake, pond or stream, to provide on one side a 20-foot wide easement for maintenance purposes, to allow for no requirement of a 20-foot maintenance easement along the north side of the existing 50-foot drainage easement traversing the southerly 50 feet of Lot 1 of the subject property. This deviation is APPROVED SUBJECT TO the following condition:

Development must be in compliance with Condition 22 above.

#### 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: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Agricultural Uses
- Exhibit E: Drainage Improvements

The applicant has indicated that the STRAP number for the subject property is: 04-46-25-05-00000.0010

## SECTION E. FINDINGS AND CONCLUSIONS:

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

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

John Manning	Aye
Brian Bigelow	Absent
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 6<sup>th</sup> day of February 2012.

ATTEST:  
CHARLIE GREEN, CLERK

BY: Marcia Wilson  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: John Manning  
John Manning, Chair

Approved as to form by:

Michael D. Jacob  
Michael D. Jacob  
Assistant County Attorney  
County Attorney's Office



RECEIVED  
MINUTES OFFICE  
mw  
2012 FEB 15 PM 1:56

# SKETCH OF DESCRIPTION (THIS IS NOT A BOUNDARY SURVEY)

## LEGAL DESCRIPTION:

FORMOSA 129 INDUSTRIAL PARK SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN INSTRUMENT NUMBER 2008000142731, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE ALONG THE WEST LINE OF SAID SUBDIVISION, N00°59'17"W, 6175.65 FEET, TO THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE ALONG THE NORTH LINE OF SAID SUBDIVISION, N89°06'32"E, 910.22 FEET, TO THE NORTHEAST CORNER OF SAID SUBDIVISION; THENCE ALONG THE EAST LINE OF SAID SUBDIVISION, THE FOLLOWING TWO (2) COURSES: 1) S01°05'06"E, 3659.51 FEET; 2) S00°59'09"E, 2526.25 FEET, TO THE SOUTHEAST CORNER OF SAID SUBDIVISION; THENCE ALONG THE SOUTH LINE OF SAID SUBDIVISION AND THE NORTH RIGHT-OF-WAY LINE OF ALICO ROAD, S89°44'24"W, 916.39 FEET, TO THE POINT OF BEGINNING.

CONTAINING 129.77 ACRES, MORE OR LESS.

## LEGEND

### ABBREVIATIONS

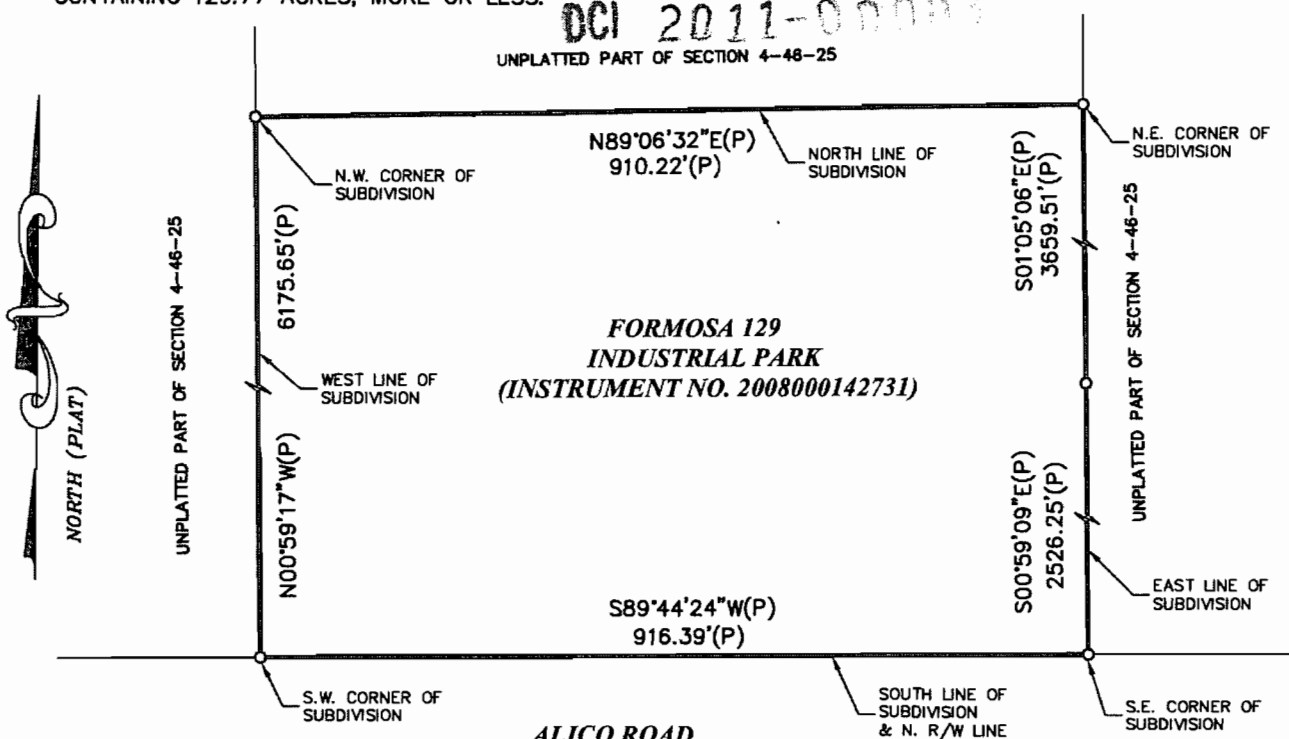
LB	LICENSED BUSINESS NUMBER
LS	LICENSED SURVEYOR
ORB	OFFICIAL RECORDS BOOK
PG	PAGE
P.L.S.	PROFESSIONAL LAND SURVEYOR

## GRAPHIC SCALE



( IN FEET )

1 inch = 200 feet



**EBI Surveying**

8415 Sunstate Street  
Tampa, Florida 33634

Phone: (813) 886-6080 / Fax: (813) 886-6081  
Certificate of Authorization Number: LB-7652

ALICO ROAD

APPROVED  
LEGAL 4/27/11  
CJ

## SKETCH REPORT:

1. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SHEET NO.

1  
OF 1

DATE: 1/04/2011  
DRAWN: JRC  
CHECKED: JRC  
REVISION:  
FILE: RT28ZDX.dwg  
SCALE: 1" = 200'

PROJECT NUMBER:  
RTPI0028

## SKETCH OF DESCRIPTION

## METES AND BOUNDS

FORMOSA 129 INDUSTRIAL PARK

SECTION 4-46-25  
LEE COUNTY, FLORIDA

I HEREBY CERTIFY THAT THIS SKETCH WAS MADE UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARD REQUIREMENTS OF CHAPTER 61G17-6 OF THE FLORIDA ADMINISTRATIVE CODE.

JERRY R. CARTWRIGHT  
License Number: LS-4525

Date Signed: 4/4/2011



**METRON**  
SURVEYING & MAPPING, LLC  
LAND SURVEYORS-PLANNERS  
F.B. #7071

10970 S. CLEVELAND AVENUE, SUITE #600  
FORT MYERS, FLORIDA 33807  
PHONE: (239) 275-8575  
FAX: (239) 275-8457

# FORMOSA 129 INDUSTRIAL PARK

A SUBDIVISION OF A PARCEL OF LAND  
LYING IN

SECTION 4, TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

**INSTRUMENT NUMBER:** 2008000142731

SHEET 1 OF 8

\*\*\* SEE SHEET 2 OF 6 FOR DEDICATIONS \*\*\*

NOTICE:

LANDS DESCRIBED IN THIS PLAT MAY BE SUBDIVIDED BY THE DEVELOPER WITHOUT THE ROADS, DRAINAGE, WATER & SEWER FACILITIES BEING ACCEPTED FOR MAINTENANCE BY LEE COUNTY. ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED TO DETERMINE WHETHER THE LOT MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OF OR ALL THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR IMPROVEMENT OF ROADS, DRAINAGE, WATER & SEWER FACILITIES.

NOTICE:

THIS PLAT, AS RECORDED IN GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

NOTES:

1. DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
2. ALL CURVES ARE CIRCULAR.
3. ALL LOT LINES ON CURVES ARE RADIAL UNLESS NOTED OTHERWISE.
4. BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST, AS BEARING N.89°44'24"E

**SURVEYOR'S CERTIFICATION:**

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF FORMOSA 120 INDUSTRIAL PARK, A PLAT OF A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 46 SOUTH, RANGE 25 EAST, 11E COUNTY, FLORIDA, WAS PREPARED UNDER MY DIRECTION AND SUPERVISION AND COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 127, PART 1, FLORIDA STATUTES. I FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS (PRM'S) HAVE BEEN PLACED AT THE LOCATIONS SHOWN ON THIS PLAT.

**CLERK'S CERTIFICATION:**

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF FORMOSA 129 INDUSTRIAL PARK, A SUBDIVISION OF A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 48 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WAS FILED FOR RECORD AT 11:03 A.M. THIS 29TH DAY OF MAY 2008, AND DULY RECORDED IN

INSTRUMENT NUMBER 2008000142731 OF THE PUBLIC  
RECORDS OF LEE COUNTY, FLORIDA

Charlie Green  
CHARLIE GREEN  
CLERK OF THE CIRCUIT COURT IN AND FOR  
LEE COUNTY, FLORIDA

MILITRON SURVEYING & MAPPING, LLC, LB #7071  
10070 S. CLEVELAND AVENUE, SUITE #803  
FORT MYERS, FLORIDA 33907

DATE: 5/23/08

DENNIS J. O'CONNELL, JR. P.S.M. → FLORIDA CERTIFICATE NO. 3430

DESCRIPTION:


A PARCEL OF LAND BEING THE SAME LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3683, PAGE 2464 AND 2463 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, SECTION 4, TOWNSHIP 48 SOUTH, RANGE 23 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTH 1/4 CORNER OF SAID SECTION 4; THENCE NORTH  
09°51' WEST ALONG THE NORTH-SOUTH 1/4 SECTION LINE A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; THENCE S86°07' EAST ALONG AN OLD  
ORDER OF TACKING RECORDS IN OFFICIAL RECORDS BOOK NO. 200, PAGE 357  
TO THE POINT OF BEGINNING; OR, THENCE S86°07' EAST ALONG THE  
OLD SAID NORTH LINE A DISTANCE OF 1.10 FEET TO AN ANGULAR POINT; THENCE  
NORTH BY 42°42' EAST ALONG SAID LINE A DISTANCE OF 226.21 FEET TO THE  
POINT OF BEGINNING; OR, THENCE N86°07' EAST ALONG THE NORTH-SOUTH  
PARALLEL TO THE NORTH-SOUTH 1/4 SECTION LINE A DISTANCE OF 61.55 FEET  
TO THE POINT OF BEGINNING; OR, THENCE N86°07' EAST ALONG THE  
RECORDS BOOK 3442, PAGE 3231 OF THE PUBLIC RECORDS OF LEE COUNTY,  
MISSISSIPPI TO THE POINT OF BEGINNING; OR, THENCE N86°07' EAST  
110.22 FEET TO A POINT ON A LINE THAT IS 1506.35 FEET WEST AND PARALLEL  
TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 4; THENCE SOUTH  
ALONG SAID LINE A DISTANCE OF 1506.35 FEET TO THE POINT OF BEGINNING;  
OR, THENCE S86°07' EAST ALONG AN OLD LINE THAT IS 1500.33 FEET  
WEST AND PARALLEL TO THE EAST LINE OF THE NORTHEAST 1/4 OF SAID  
SECTION 4, A DISTANCE OF 3252.23 FEET TO A POINT ON SAID NORTH LINE  
OF THE OLD LINE THAT IS 1506.35 FEET WEST AND PARALLEL TO THE EAST  
LINE OF THE NORTHEAST 1/4 OF SAID SECTION 4; THENCE S86°07' EAST  
A DISTANCE OF 110.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 129.77 ACRES, MORE OR LESS.

APPROVAL:

THIS PLAT IS ACCEPTED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS,  
LEE COUNTY, FLORIDA THIS 12TH DAY OF MAY, 2008.

  
 CHAIRMAN OF THE BOARD  
 PRINT NAME: RAY JUDAH

*Michael D. Jacob*  
ASSISTANT COUNTY ATTORNEY  
MICHAEL D. JACOB

Mary Gibbs  
DIRECTOR, DEPARTMENT OF  
COMMUNITY DEVELOPMENT  
MARY GIBBS

CLERK OF THE COURT  
CHARLIE GREEN

2.

DIRECTOR, DIVISION OF DEVELOPMENT  
SERVICES  
PETER J. ECKENRODE

REVIEW BY THE DESIGNATED COUNTY PSN  
DETERMINED THAT THIS PLAT CONFORMS  
TO THE REQUIREMENTS OF F.S. CH. 177,  
PART I  
*Michael L. Harbouch*  
MICHAEL L. HARBOUCH, PSN



THIS INSTRUMENT PREPARED BY:

**METRON**  
SURVEYING & MAPPING, LLC  
LAND SURVEYORS-PLANNERS  
L.N. #7071  
10970 S. CLEVELAND AVENUE, SUITE #605  
FORT MYERS, FLORIDA 33907  
PHONE: (734) 775-8571  
FAX: (734) 775-8457

# FORMOSA 129 INDUSTRIAL PARK

A SUBDIVISION OF A PARCEL OF LAND  
LYING IN  
SECTION 4, TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

INSTRUMENT NUMBER: 2008000142731

SHEET 2 OF 8

## DEDICATION:

KNOW ALL MEN BY THESE PRESENTS THAT ALCO LAND INVESTMENT, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY, ALCO ROAD BUSINESS PARK, L.P., A FLORIDA LIMITED PARTNERSHIP, LEE ROAD PROJECT, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY, BROWN LAND HOLDINGS, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY, AND ALCO LAND PLANNING, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY, THE OWNERS OF THE LANDS DESCRIBED HEREIN HAVE CAUSED THIS PLAT OF FORMOSA 129 INDUSTRIAL PARK, A PART OF A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, TO BE MADE AND ENDS IT HERBY:

- DEDICATE TO THE FORMOSA 129 INDUSTRIAL PARK COMMERCE ASSOCIATION, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, ITS SUCCESSORS AND ASSIGNS, WITH THE RESPONSIBILITY FOR MAINTENANCE;
- A LAKE MAINTENANCE EASEMENT (L.M.E.), A NONEXCLUSIVE EASEMENT FOR THE PURPOSE OF CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF THESE FACILITIES;
- A LAKE MAINTENANCE AND DRAINAGE EASEMENT (L.M.A.D.E.), A NONEXCLUSIVE EASEMENT FOR THE PURPOSE OF CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF THESE FACILITIES;
- A SHOWN EASEMENT (S.E.), A NONEXCLUSIVE EASEMENT FOR THE PURPOSE OF CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF THESE FACILITIES;
- A LANDSCAPE BUFFER EASEMENT (L.B.E.);
- TRACT "A" AS A LAKE TRACT.

IN WITNESS WHEREOF ALCO LAND INVESTMENT, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY, HAS CAUSED THIS DEDICATION TO BE MADE THIS 14th DAY OF MAY, 2008.

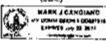
James S. Arpin  
PRINT NAME: JAMES S. ARPIN  
ALCO LAND INVESTMENT, L.L.C.  
A FLORIDA LIMITED LIABILITY COMPANY  
WITNESS:  
Daniel Marini  
PRINT NAME: DANIEL MARINI  
ALCO ROAD BUSINESS PARK, L.P.  
A FLORIDA LIMITED PARTNERSHIP  
WITNESS:  
Michael J. Rodolfo  
PRINT NAME: MICHAEL J. RODOLFO  
ALCO ROAD BUSINESS PARK, L.P.  
A FLORIDA LIMITED PARTNERSHIP  
WITNESS:  
Robert W. Brown  
PRINT NAME: ROBERT W. BROWN  
BROWN LAND HOLDINGS, L.L.C.  
A FLORIDA LIMITED LIABILITY COMPANY  
WITNESS:  
James S. Arpin  
PRINT NAME: JAMES S. ARPIN  
ALCO LAND PLANNING, L.L.C.  
A FLORIDA LIMITED LIABILITY COMPANY  
WITNESS:  
Michael J. Rodolfo  
PRINT NAME: MICHAEL J. RODOLFO  
ALCO ROAD BUSINESS PARK, L.P.  
A FLORIDA LIMITED PARTNERSHIP  
WITNESS:  
Robert W. Brown  
PRINT NAME: ROBERT W. BROWN  
BROWN LAND HOLDINGS, L.L.C.  
A FLORIDA LIMITED LIABILITY COMPANY

## ACKNOWLEDGMENT:

STATE OF FLORIDA  
COUNTY OF LEE

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS 14th DAY OF MAY, 2008, BY JAMES S. ARPIN, MANAGER OF ALCO LAND INVESTMENT, L.L.C., ON BEHALF OF THE COMPANY, WHO IS PERSONALLY KNOWN TO ME OR HAS BEEN IDENTIFIED TO ME BY \_\_\_\_\_ AS IDENTIFICATION.

NOTARY PUBLIC  
PRINT NAME: Mark J. Casiano  
MY COMMISSION EXPIRES: 7-22-11



IN WITNESS WHEREOF ALCO LAND PLANNING, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY, HAS CAUSED THIS DEDICATION TO BE MADE THIS 14th DAY OF MAY, 2008.

James S. Arpin  
PRINT NAME: JAMES S. ARPIN  
ALCO LAND PLANNING, L.L.C.  
A FLORIDA LIMITED LIABILITY COMPANY  
WITNESS:  
Daniel Marini  
PRINT NAME: DANIEL MARINI  
ALCO ROAD BUSINESS PARK, L.P.  
A FLORIDA LIMITED PARTNERSHIP  
WITNESS:  
Michael J. Rodolfo  
PRINT NAME: MICHAEL J. RODOLFO  
ALCO ROAD BUSINESS PARK, L.P.  
A FLORIDA LIMITED PARTNERSHIP  
WITNESS:  
Robert W. Brown  
PRINT NAME: ROBERT W. BROWN  
BROWN LAND HOLDINGS, L.L.C.  
A FLORIDA LIMITED LIABILITY COMPANY  
WITNESS:  
James S. Arpin  
PRINT NAME: JAMES S. ARPIN  
ALCO LAND PLANNING, L.L.C.  
A FLORIDA LIMITED LIABILITY COMPANY  
WITNESS:  
Michael J. Rodolfo  
PRINT NAME: MICHAEL J. RODOLFO  
ALCO ROAD BUSINESS PARK, L.P.  
A FLORIDA LIMITED PARTNERSHIP  
WITNESS:  
Robert W. Brown  
PRINT NAME: ROBERT W. BROWN  
BROWN LAND HOLDINGS, L.L.C.  
A FLORIDA LIMITED LIABILITY COMPANY

## ACKNOWLEDGMENT:

STATE OF FLORIDA  
COUNTY OF LEE

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NOTARY PUBLIC  
PRINT NAME: Mark J. Casiano  
MY COMMISSION EXPIRES: 7-22-11



IN WITNESS WHEREOF ALCO ROAD BUSINESS PARK, L.P., A FLORIDA LIMITED PARTNERSHIP, HAS CAUSED THIS DEDICATION TO BE MADE THIS 14th DAY OF MAY, 2008.

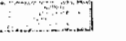
James S. Arpin  
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ALCO ROAD BUSINESS PARK, L.P.  
A FLORIDA LIMITED PARTNERSHIP  
WITNESS:  
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A FLORIDA LIMITED LIABILITY COMPANY

## ACKNOWLEDGMENT:

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NOTARY PUBLIC  
PRINT NAME: Mark J. Casiano  
MY COMMISSION EXPIRES: 7-15-09



IN WITNESS WHEREOF BROWN LAND HOLDINGS, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY, HAS CAUSED THIS DEDICATION TO BE MADE THIS 14th DAY OF MAY, 2008.

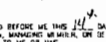
James S. Arpin  
PRINT NAME: JAMES S. ARPIN  
BROWN LAND HOLDINGS, L.L.C.  
A FLORIDA LIMITED LIABILITY COMPANY  
WITNESS:  
Daniel Marini  
PRINT NAME: DANIEL MARINI  
ALCO ROAD BUSINESS PARK, L.P.  
A FLORIDA LIMITED PARTNERSHIP  
WITNESS:  
Michael J. Rodolfo  
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ALCO ROAD BUSINESS PARK, L.P.  
A FLORIDA LIMITED PARTNERSHIP  
WITNESS:  
Robert W. Brown  
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A FLORIDA LIMITED LIABILITY COMPANY  
WITNESS:  
James S. Arpin  
PRINT NAME: JAMES S. ARPIN  
ALCO LAND PLANNING, L.L.C.  
A FLORIDA LIMITED LIABILITY COMPANY  
WITNESS:  
Michael J. Rodolfo  
PRINT NAME: MICHAEL J. RODOLFO  
ALCO ROAD BUSINESS PARK, L.P.  
A FLORIDA LIMITED PARTNERSHIP  
WITNESS:  
Robert W. Brown  
PRINT NAME: ROBERT W. BROWN  
BROWN LAND HOLDINGS, L.L.C.  
A FLORIDA LIMITED LIABILITY COMPANY

## ACKNOWLEDGMENT:

STATE OF FLORIDA  
COUNTY OF LEE

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NOTARY PUBLIC  
PRINT NAME: Mark J. Casiano  
MY COMMISSION EXPIRES: 7-15-09



IN WITNESS WHEREOF ALCO ROAD BUSINESS PARK, L.P., A FLORIDA LIMITED PARTNERSHIP, HAS CAUSED THIS DEDICATION TO BE MADE THIS 14th DAY OF MAY, 2008.

James S. Arpin  
PRINT NAME: JAMES S. ARPIN  
ALCO ROAD BUSINESS PARK, L.P.  
A FLORIDA LIMITED PARTNERSHIP  
WITNESS:  
Daniel Marini  
PRINT NAME: DANIEL MARINI  
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A FLORIDA LIMITED LIABILITY COMPANY

## ACKNOWLEDGMENT:

STATE OF FLORIDA  
COUNTY OF LEE

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NOTARY PUBLIC  
PRINT NAME: Mark J. Casiano  
MY COMMISSION EXPIRES: 7-15-09



IN WITNESS WHEREOF LEE ROAD PROJECT, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY, HAS CAUSED THIS DEDICATION TO BE MADE THIS 14th DAY OF MAY, 2008.

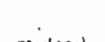
James S. Arpin  
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A FLORIDA LIMITED LIABILITY COMPANY  
WITNESS:  
Daniel Marini  
PRINT NAME: DANIEL MARINI  
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James S. Arpin  
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WITNESS:  
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BROWN LAND HOLDINGS, L.L.C.  
A FLORIDA LIMITED LIABILITY COMPANY

## ACKNOWLEDGMENT:

STATE OF FLORIDA  
COUNTY OF LEE

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS 14th DAY OF MAY, 2008, BY JAMES S. ARPIN, MANAGER OF ALCO LAND INVESTMENT, L.L.C., ON BEHALF OF THE COMPANY, WHO IS PERSONALLY KNOWN TO ME OR HAS BEEN IDENTIFIED TO ME BY \_\_\_\_\_ AS IDENTIFICATION.

NOTARY PUBLIC  
PRINT NAME: Mark J. Casiano  
MY COMMISSION EXPIRES: 7-15-09



IN WITNESS WHEREOF BROWN LAND HOLDINGS, L.L.C., A FLORIDA LIMITED LIABILITY COMPANY, HAS CAUSED THIS DEDICATION TO BE MADE THIS 14th DAY OF MAY, 2008.

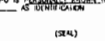
James S. Arpin  
PRINT NAME: JAMES S. ARPIN  
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WITNESS:  
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WITNESS:  
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BROWN LAND HOLDINGS, L.L.C.  
A FLORIDA LIMITED LIABILITY COMPANY

## ACKNOWLEDGMENT:

STATE OF FLORIDA  
COUNTY OF LEE

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS 14th DAY OF MAY, 2008, BY JAMES S. ARPIN, MANAGER OF ALCO LAND INVESTMENT, L.L.C., ON BEHALF OF THE COMPANY, WHO IS PERSONALLY KNOWN TO ME OR HAS BEEN IDENTIFIED TO ME BY \_\_\_\_\_ AS IDENTIFICATION.

NOTARY PUBLIC  
PRINT NAME: Mark J. Casiano  
MY COMMISSION EXPIRES: 7-15-09



IN WITNESS WHEREOF ALCO ROAD BUSINESS PARK, L.P., A FLORIDA LIMITED PARTNERSHIP, HAS CAUSED THIS DEDICATION TO BE MADE THIS 14th DAY OF MAY, 2008.

James S. Arpin  
PRINT NAME: JAMES S. ARPIN  
ALCO ROAD BUSINESS PARK, L.P.  
A FLORIDA LIMITED PARTNERSHIP  
WITNESS:  
Daniel Marini  
PRINT NAME: DANIEL MARINI  
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WITNESS:  
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PRINT NAME: MICHAEL J. RODOLFO  
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A FLORIDA LIMITED PARTNERSHIP  
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A FLORIDA LIMITED LIABILITY COMPANY

## ACKNOWLEDGMENT:

STATE OF FLORIDA  
COUNTY OF LEE

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NOTARY PUBLIC  
PRINT NAME: Mark J. Casiano  
MY COMMISSION EXPIRES: 7-15-09



# FORMOSA 129 INDUSTRIAL PARK

A SUBDIVISION OF A PARCEL OF LAND  
LYING IN  
SECTION 4, TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

INSTRUMENT NUMBER: 2008000142731

SHEET 3 OF 6

THIS INSTRUMENT PREPARED BY:

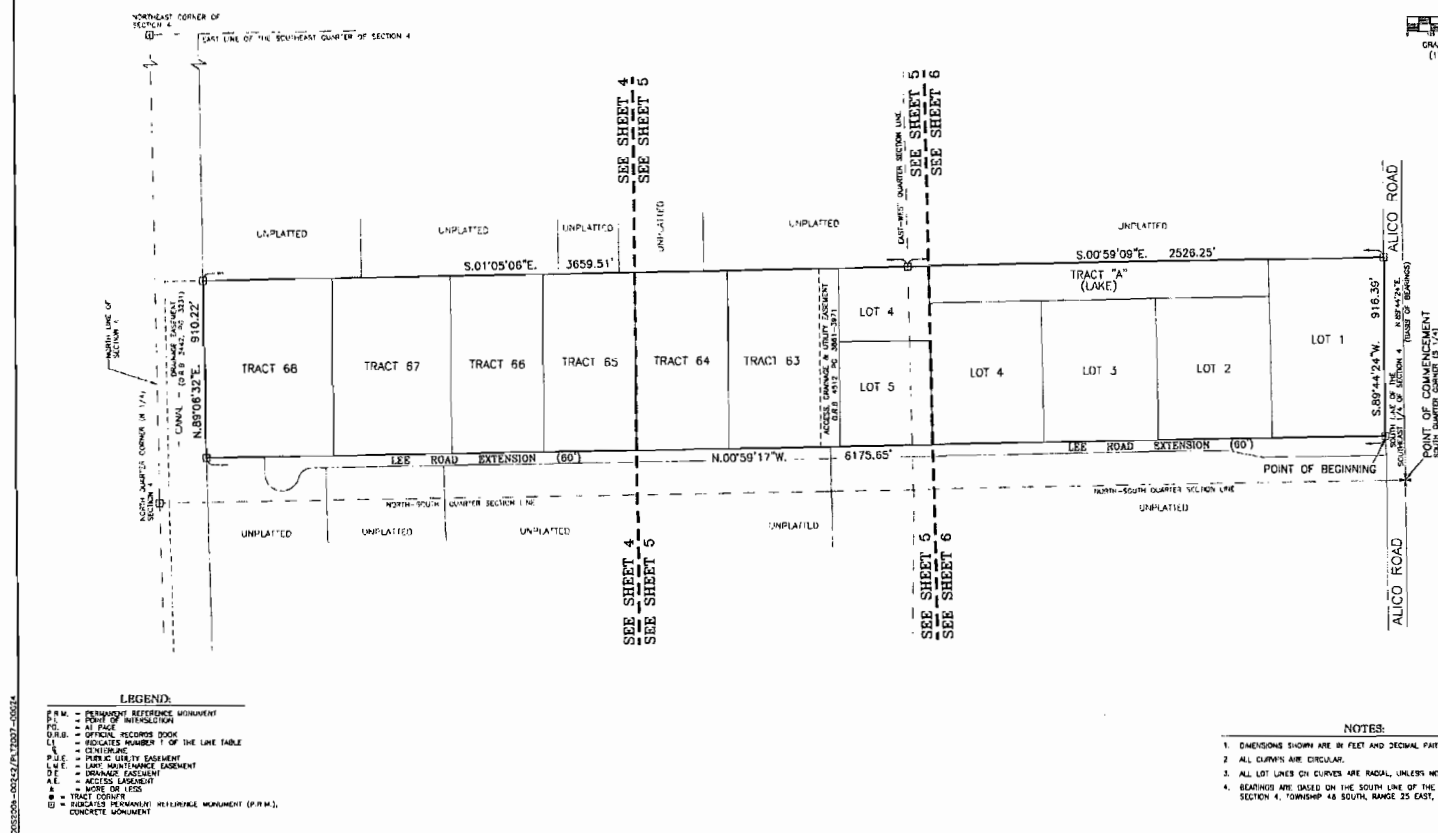
**METRON**  
SURVEYING & MAPPING, LLC  
LAND SURVEYORS-PLANNERS  
L.B. #7071

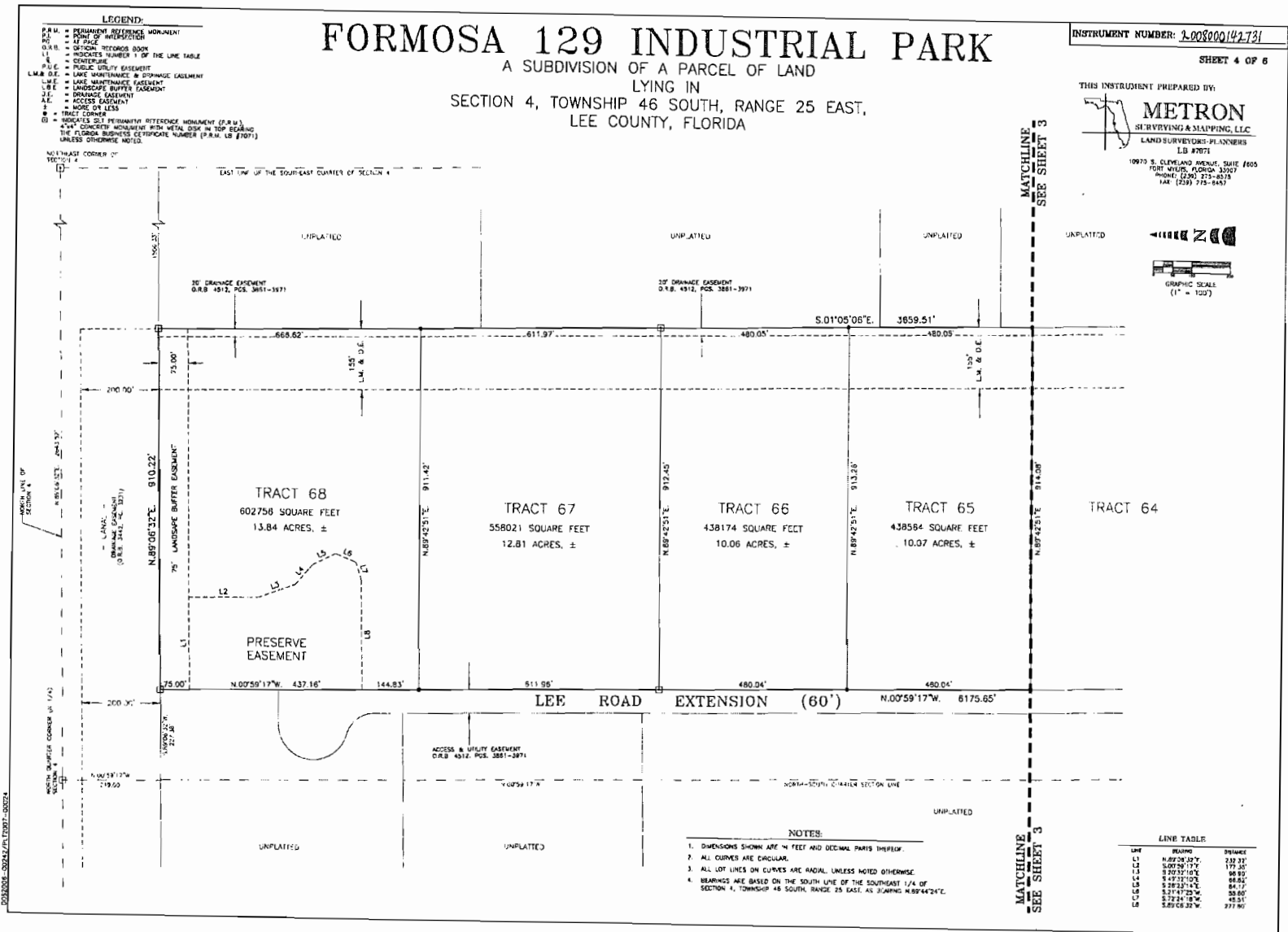
10070 S. CLEVELAND AVENUE, SUITE #405  
FORT MYERS, FLORIDA 33907  
PHONE: (239) 375-8575  
FAX: (239) 375-8157

## INDEX MAP



GRAPHIC SCALE  
(1" = 250')





# FORMOSA 129 INDUSTRIAL PARK

A SUBDIVISION OF A PARCEL OF LAND

LYING IN

SECTION 4, TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

INSTRUMENT NUMBER: 2008000142731

SECRET 6 OF 6

THIS INSTRUMENT PREPARED BY:



**METRON**  
SURVEYING & MAPPING, LLC

## SURVEYORS-PLANNERS

10970 3 CLEVELAND AVENUE, SUITE #600  
FORT MYERS, FLORIDA 33907  
PHONE: (238) 275-8075  
FAX: (238) 275-8157

— 444 —



GRAPHIC SCALE  
(1" = 100')

**LEGEND:**

- P.R.M. = PERMANENT REFERENCE MONUMENT  
 \* = POINT OF INTERSECTION  
 \* = SET BACK  
 \* = OFFICIAL RECORDS BOOK  
 \* = INDICATES MEASUREMENT OF THE LINE IN FEET  
 \* = CENTERLINE  
 \* = PUBLIC UTILITY EASEMENT  
 \* = LAKE MAINTENANCE EASEMENT  
 \* = LAKE MAINTENANCE EASEMENT  
 \* = LANDSCAPE GUYOT EASEMENT  
 \* = DISTANCE EASEMENT  
 \* = ACCESS EASEMENT  
 \* = INSTRUMENT  
 \* = MORE OR LESS  
 \* = TRACT CORNER  
 \* = INDICATES SET PERMANENT REFERENCE MONUMENT (P.R.M.)  
 \* = CONCRETE MONUMENT WITH METAL DISK ON TOP BEARING  
 \* = SURVEY BOUNDARY CERTIFICATE NUMBER (P.R.M. LB 8707)  
 \* = UNLESS OTHERWISE NOTED

## LINE TABLE:

LINE	BEARING	DISTANCE
19	S 00°59'09"E.	107.38'

NOTES:

1. DIMENSIONS SHOWN ARE IN FEET AND DECIMAL PARTS THEREOF.
2. ALL CURVES ARE CIRCULAR.
3. ALL LOT LINES ON CURVES ARE RADIAL, UNLESS NOTED OTHERWISE.
4. BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 4, TOWNSHIP 45 SOUTH, RANGE 20 EAST, AS BEARING  $N 105^{\circ} 44' 24'' E$

052008-00242 / 54,12003-00026

# FORMOSA 129 INDUSTRIAL PARK

A SUBDIVISION OF A PARCEL OF LAND

LYING IN

SECTION 4, TOWNSHIP 46 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA

INSTRUMENT NUMBER: 2008000142731

SHEET 0 OF 6

THIS INSTRUMENT PREPARED BY

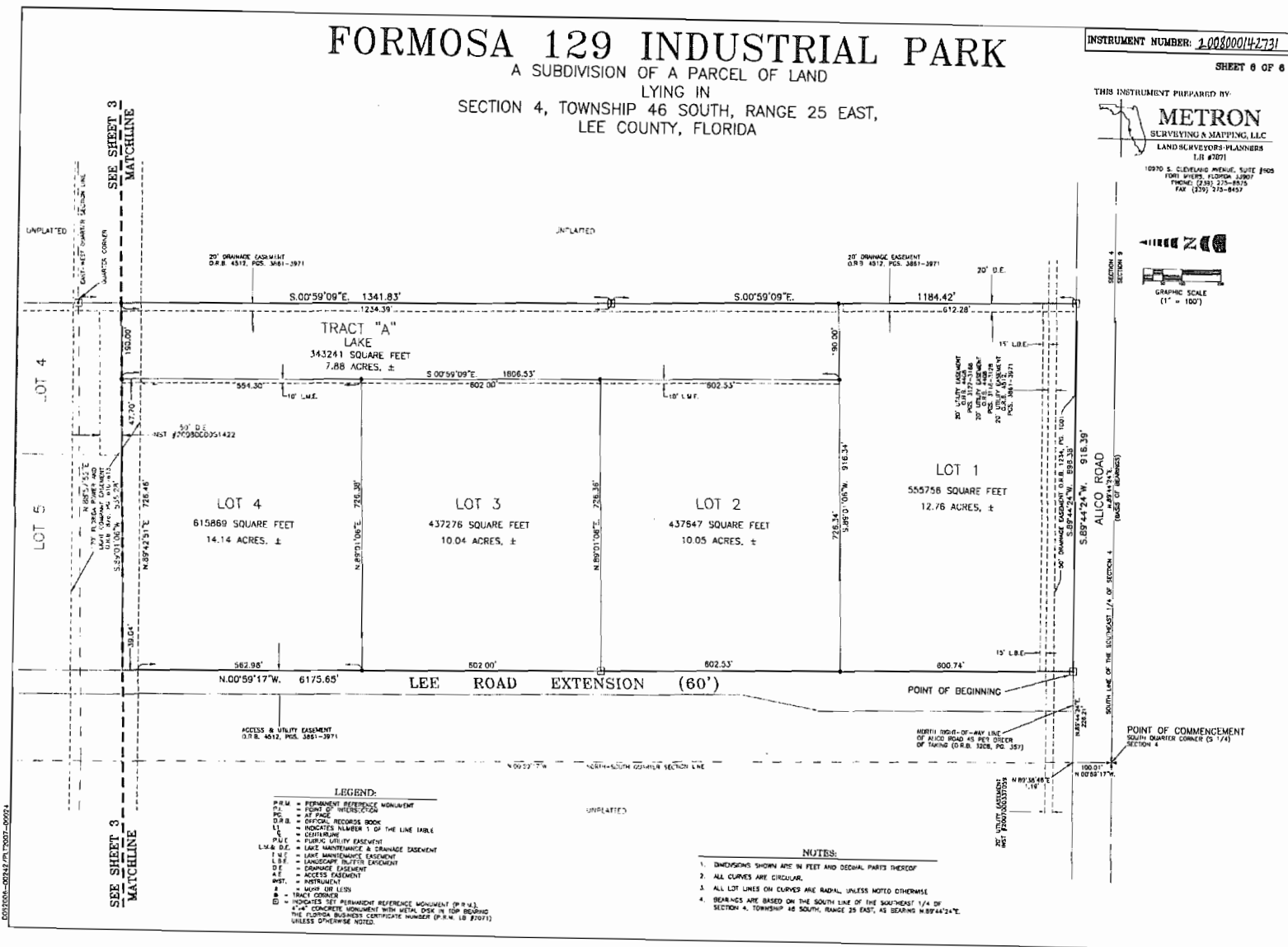


**METRON**  
SURVEYING & MAPPING, LLC  
LAND SURVEYORS • PLANNERS  
L.R. #7071

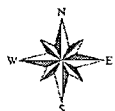
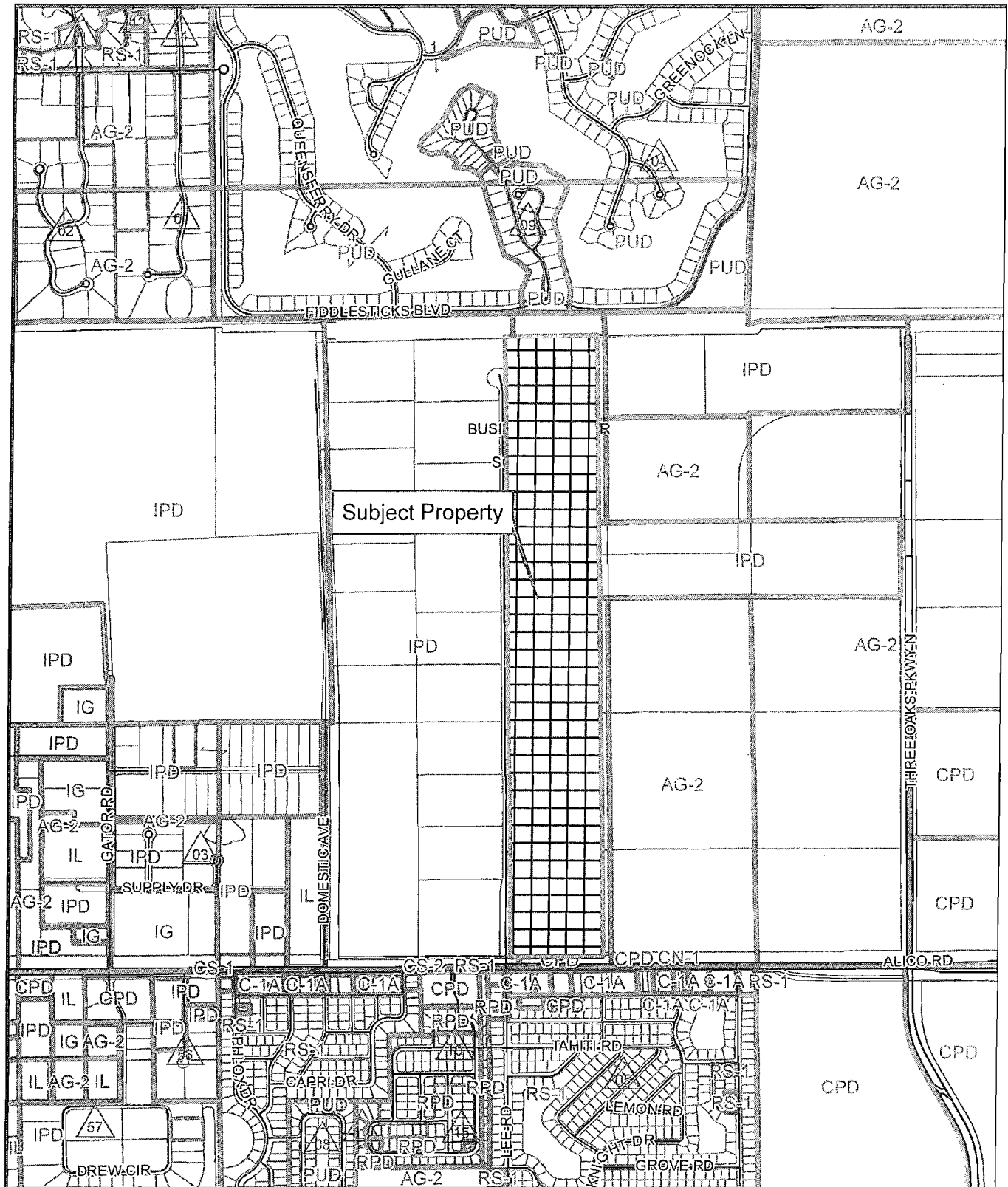
10970 S. CLEVELAND AVENUE, SUITE 1505  
FORT MYERS, FLORIDA 33907  
PHONE: (239) 275-8575  
FAX: (239) 275-8457



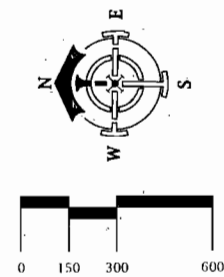
GRAPHIC SCALE  
(1" = 100')








8/12/2011

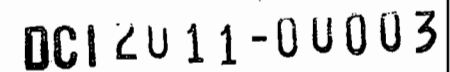






 INDIGENOUS RESTORATION ( $\pm 2.7$  AC.)  
 INDIGENOUS PRESERVATION ( $\pm 0.5$  AC.)  
 COMMON OPEN SPACE ( $\pm 10.3$  AC.)  
 TYPICAL LITTORAL AREA  
 ENHANCED LITTORAL AREA

**ENGINEER OF RECORD:**  
ANDREW D. FITZGERALD, P.E. (FOR THE FIRM)  
FIRM: ANDREW D. FITZGERALD, P.E.  
1405 HENDRY STREET  
FORT MYERS, FLORIDA 33901  
PHONE: 239-418-0631



RECEIVED  
FEB 07 2012

COMMUNITY DEVELOPMENT

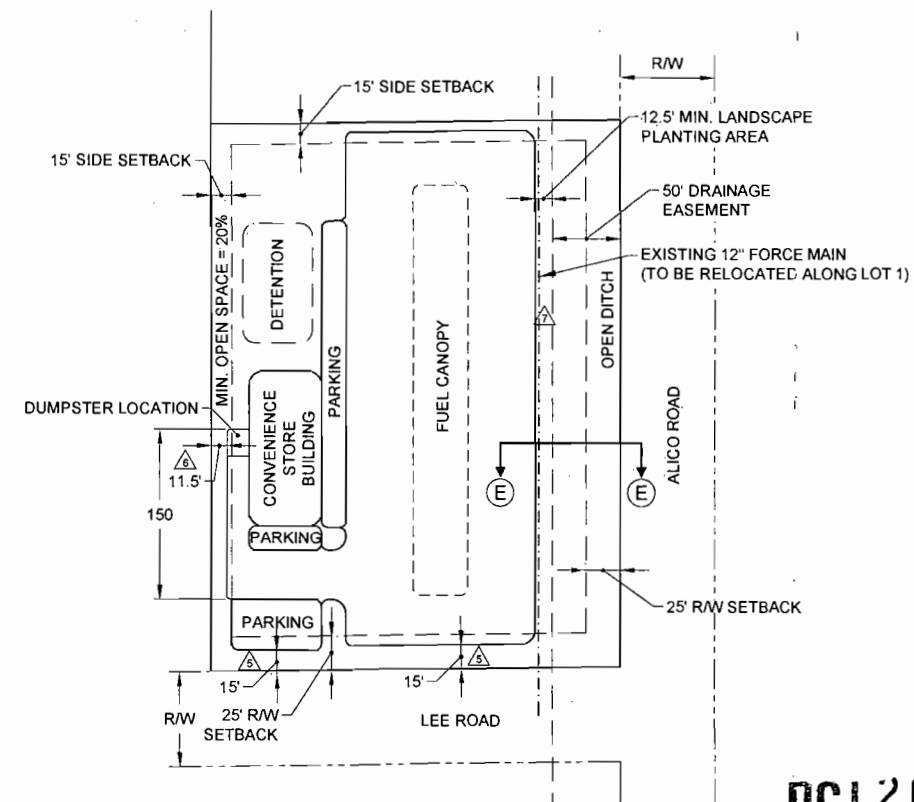
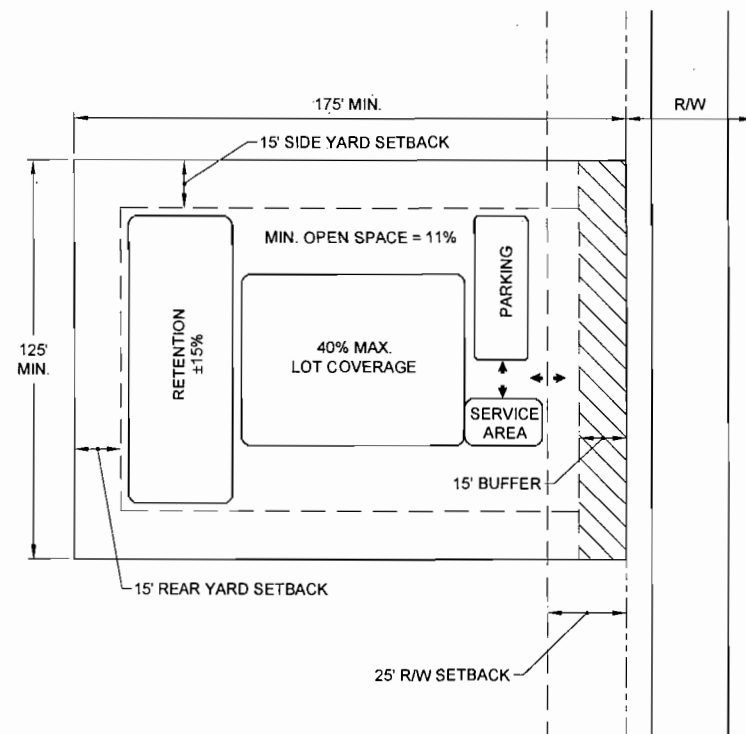
OWNER/DEVELOPER  
RACETRAC PETROLEUM, INC.  
3225 CUMBERLAND BLVD. SUITE 100  
ATLANTA, GA 30339  
(770) 431-7600

PROJECT:  
FORMOSA COMMERCE C

PART OF SEC. 04, TWP. 46 S., RNG. 25 E.,

PLAN REVISIONS:	
DATE:	DESCRIPTION:
<b>OPEN SPACE PLAN &amp; LITTORAL DETAIL (SHEET 2 of 3)</b>	
Project Manager:	ADF
Drawn By:	CAD
Checked By:	ADF
Project Number:	21189
Cad File:	FILE
Xref:	-
Xref:	-
<b>Status:</b> <b>FOR PERMITTING PURPOSES ONLY</b> <b>NOT FOR CONSTRUCTION</b>	
<b>Sheet Number:</b>	<b>02</b>





**NOTES:**

1. ACCESS ALONG LEE ROAD WILL BE IN ACCORDANCE WITH LEE COUNTY LAND DEVELOPMENT CODE REQUIREMENTS.
2. LANDSCAPING ALONG ALICO ROAD TO BE IN ACCORDANCE WITH L.D.C. SECTION 34-1353 AND MEET CONDITION 20.0 A. OF ZONING RESOLUTION Z-05-066.
3. INTERNAL BUFFERS TO MEET LEE COUNTY LAND DEVELOPMENT CODE REQUIREMENTS.

DCI 2011-00003

RECEIVED  
FEB 07 2012

FEB 07 2012

COMMUNITY DEVELOPMENT

Approved as Exhibit C  
MCP Page 3 of 3  
Resolution # Z-11-020

MCP Page 3 of 3  
Resolution # Z-11-020

Resolution # Z-11-020

**ENGINEER OF RECORD:**  
ANDREW D. FITZGERALD, P.E. (FOR THE FIRM)  
FLORIDA P.E. NO. 56776  
1605 HENDRY STREET  
FORT MYERS, FLORIDA 33901  
PHONE: 239-418-0691

**ENGINEER OF RECORD:**  
ANDREW D. FITZGERALD, P.E. (FOR THE FIRM)  
FLORIDA P.E. NO. 56776  
1605 HENDRY STREET  
FORT MYERS, FLORIDA 33901  
PHONE: 239-418-0691

**ENGINEER OF RECORD:**  
ANDREW D. FITZGERALD, P.E. (FOR THE FIRM)  
FLORIDA P.E. NO. 56776  
1605 HENDRY STREET  
FORT MYERS, FLORIDA 33901  
PHONE: 239-418-0691

**ENGINEER OF RECORD:**  
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1605 HENDRY STREET  
FORT MYERS, FLORIDA 33901  
PHONE: 239-418-0691

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FORT MYERS, FLORIDA 33901  
PHONE: 239-418-0691

**ENGINEER OF RECORD:**  
ANDREW D. FITZGERALD, P.E. (FOR THE FIRM)  
FLORIDA P.E. NO. 56776  
1605 HENDRY STREET  
FORT MYERS, FLORIDA 33901  
PHONE: 239-418-0691

OWNER/DEVELOPER  
RACETRAC PETROLEUM, INC.

OWNER/DEVELOPER  
RACETRAC PETROLEUM, INC.

OWNER/DEVELOPER  
RACETRAC PETROLEUM, INC.

OWNER/DEVELOPER  
RACETRAC PETROLEUM, INC.

OWNER/DEVELOPER  
RACETRAC PETROLEUM, INC.

**PROJECT:**

PROJECT: **FORMOSA COMMERCE CENTER**

PLAN REVISIONS:	DATE:	DESCRIPTION:
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PLAN REVISIONS:	DATE:	DESCRIPTION:
-----------------	-------	--------------

TYPICAL LOT LAYOUT  
(SHEET 3 of 3)

TYPICAL LOT LAYOUT  
(SHEET 3 of 3)

Project Manager:	AD
Drawn By:	CA
Checked By:	AD
Project Number:	2118
Cad File:	FILE
Xref:	
Xref:	

Project Manager:	AD
Drawn By:	CA
Checked By:	AD
Project Number:	2118
Cad File:	FILE
Xref:	
Xref:	

Project Manager:	AD
Drawn By:	CA
Checked By:	AD
Project Number:	2118
Cad File:	FILE
Xref:	
Xref:	

Project Manager:	AD
Drawn By:	CA
Checked By:	AD
Project Number:	2118
Cad File:	FILE
Xref:	
Xref:	

Project Manager:	AD
Drawn By:	CA
Checked By:	AD
Project Number:	2118
Cad File:	FILE
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Xref:	

Project Manager:	AD
Drawn By:	CA
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Project Number:	2118
Cad File:	FILE
Xref:	
Xref:	

Project Manager:	AD
Drawn By:	CA
Checked By:	AD
Project Number:	2118
Cad File:	FILE
Xref:	
Xref:	

Status:  
FOR PERMITTING PURPOSES ONLY  
NOT FOR CONSTRUCTION

Status:  
FOR PERMITTING PURPOSES ONLY  
NOT FOR CONSTRUCTION

Status:  
FOR PERMITTING PURPOSES ONLY  
NOT FOR CONSTRUCTION

Sheet Number:	03
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Exhibit D

**FORMOSA COMMERCE CENTER, LLC**

14975 Technology Court  
Fort Myers, FL 33912  
Phone: (239) 277-7099  
Fax: (239) 267-1492

May 24, 2011

DCI 2011-00003

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

RECEIVED  
JUN 1 4 2011

RE: Formosa Commerce Center

COMMUNITY DEVELOPMENT

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 the zoning approval.

The type of agricultural use on the property is cattle grazing

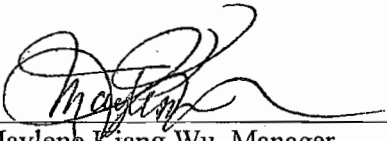
The area of the property subject to cattle grazing is the entire parcel of 50+/- acres.

The intensity of the 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 rezoning 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.*

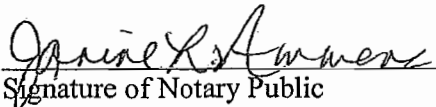
I have reviewed the above statements and submit that they are true and correct.

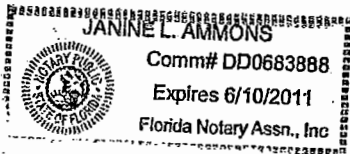
By:   
Maylene Kiang Wu, Manager  
Formosa Commerce Center, LLC

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 28<sup>th</sup> day of May, 2011 by Maylene Kiang Wu, who is personally known to me or has produced \_\_\_\_\_ as identification and who did (did not) take an oath.

(Notary Seal)

  
Signature of Notary Public



Janine L. Ammons  
(Print, type or stamp commissioned name of Notary Public)

Commission No: DD0683888

**RECEIVED**  
JUN 14 2011

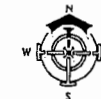
COMMUNITY DEVELOPMENT

OCI 2011-00003

ATTACHMENT D

1. THE APPLICANT WILL PROVIDE COMPENSATING STORAGE ON-SITE FOR DISPLACED WATER QUALITY STORAGE WITHIN SWALE ALONG ALICO ROAD IN ACCORDANCE WITH SFYMD REQUIREMENTS;

(10.0) - EXISTING TOPOGRAPHY (NAVD83)

 - DRAINAGE MAINTENANCE AREA

**DELSI FITZGERALD, INC.**  
Planning • Engineering • Project Management

1605 Hendry Street  
Fort Myers, FL 33901  
239-418-0691 • 239-418-0692 fax

Florida Certificate of Authorization:  
Engineering LB #: 26978

**ENGINEER OF RECORD:**  
 MICHAEL J. STUTZMAN, P.E., FOR THE FIRM  
 FLORENCE, P.A. 29507  
 1221 HENRY STREET  
 FORT MYERS, FLORIDA 33901  
 PHONE: 239-114-0031

OWNER/DEVELOPER  
RACETRAC PETROLEUM, INC.  
3225 CUMBERLAND BLVD. SUITE 100  
ATLANTA, GA 30339  
(770) 431-7600

PROJECT: FORMOSA COMMERCE CENTER

PART OF SEC. 04, TWP. 46 S., RNG. 25 E., LEE COUNTY, FL.

[illegible]

Stamp  
FOR PERMITTING PURPOSES ONLY  
NOT FOR CONSTRUCTION

Sheet Number:	01
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EXHIBIT E