



LEE COUNTY BOARD OF COUNTY COMMISSIONERS

ZONING HEARING AGENDA

Wednesday, September 8, 2021

9:30AM

REZ2020-00020
Z-21-008

2240 BRUNER, LLC

DCI2021-00002
Z-21-009

YOUNGQUIST TRADE CENTER MPD

NOTICE OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold a public hearing at 9:30 am on Wednesday, September 8, 2021 in the Board Chambers at 2120 Main St., Ft. Myers, FL, to review the written recommendations made by the Hearing Examiner and make a final decision on the cases below.

REZ2020-00020 / 2240 Bruner, LLC

Request to rezone 1.28± acres from Commercial (C-2) to Light Industrial (IL).

Located at 2240 Bruner Lane, South Fort Myers Planning Community, Lee County, FL.

DCI2021-00002 / Youngquist Trade Center MPD

Request to amend the 312.5± acre existing Mixed Use Planned Development (MPD) to increase the industrial square footage from 1,400,000 SF to 2,500,000 square feet; increase the office square footage from 131,000 SF to 225,000 SF; add a maximum of 200,000 SF of medical office uses; and allow for development of the approved 360 hotel rooms without conversion matrix.

Located West of Ben Hill Griffin Parkway and north of Alico Road, Gateway / Airport Planning Community, Lee County, FL.

Copies of the Hearing Examiner's recommendation may be obtained or the electronic file reviewed at the Zoning Section, 1500 Monroe St., Ft. Myers, FL. You may also view and track zoning cases online, through eConnect at <https://accelaaca.leegov.com/aca/>. Telephone 239-533-8585 for additional information.

If you did not appear before the Hearing Examiner or otherwise become a participant for that case in which you wish to testify, the law does not permit you to address the Board of County Commissioners.

Statements before the Board of County Commissioners regarding the zoning case will be strictly limited to testimony presented to the Hearing Examiner, testimony concerning the correctness of the findings of fact or conclusions of law contained in the record, or to allege the discovery of new, relevant information which was not available at the time of the hearing before the Hearing Examiner.

If a participant decides to appeal a decision made by the Board of County Commissioners with respect to any matter considered at this hearing, a verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

In accordance with the Americans with Disabilities Act, Lee County will not discriminate against qualified individuals with disabilities in its services, programs, or activities. To request an auxiliary aid or service for effective communication or a reasonable modification to participate, contact Joan LaGuardia, (239) 533-2314, ADArequests@leegov.com or Florida Relay Service 711. Accommodation will be provided at no cost to the requestor. Requests should be made at least five business days in advance.

REZ2020-00020
2240 BRUNER, LLC

Staff Summary

CASE NUMBER & NAME: REZ2020-00020 / 2240 Bruner, LLC

REQUEST: Request to rezone 1.28± acres from Commercial (C-2) to Light Industrial (IL).

RESOLUTION NUMBER: Z-21-008

LOCATION: 2240 Bruner Lane, South Fort Myers Planning Community, Lee County, FL

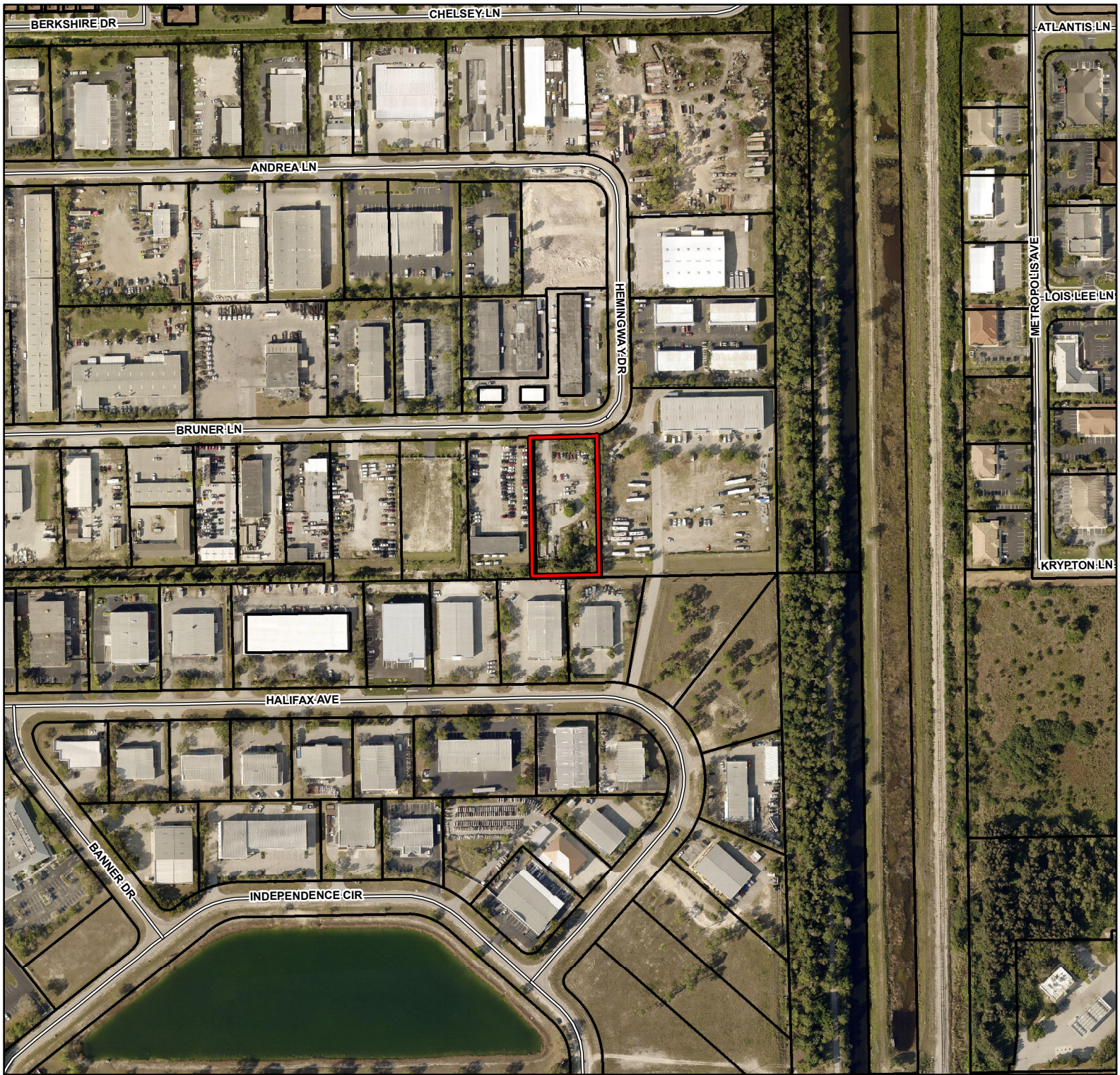
OWNER: 2240 Bruner LLC

APPLICANT: BSA Engineering, Inc.

AGENT: Donald D. Slisher
BSA Engineering, Inc.
13861 Plantation Rd., Ste 105
Fort Myers, FL 33912



HEARING EXAMINER
RECOMMENDATION: Approve

PARTICIPANTS: (0) None



REZ2020-00020 Aerial

Legend

-  Subject Parcel
-  City Limits



0 210
Feet

Summary of Hearing Examiner Recommendation

2240 BRUNER LANE, LLC

(By BSA Engineering, Inc.)

Request: Rezone from Commercial (C-2) to Light Industrial (IL)

Location: 2240 Bruner Lane

South Fort Myers Planning Community

District #2

Size: 1.28± acres

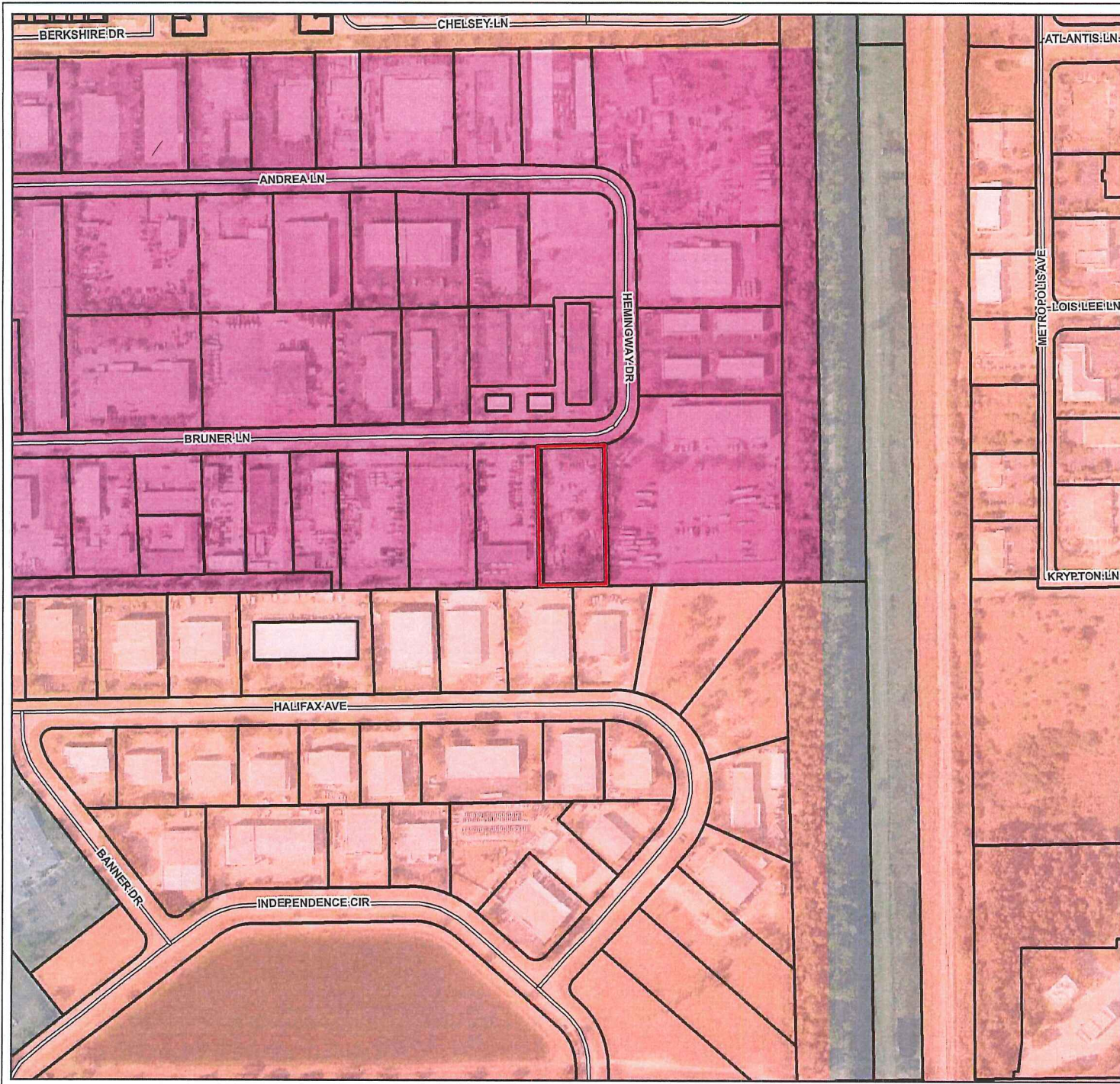
Recommendation: Approve

Public Concerns: None

Hearing Examiner Remarks:

Rezoning the property for light industrial uses improves consistency with its Industrial Development future land use designation.

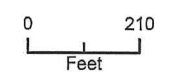
Detailed recommendation follows



REZ2020-00020 Future Land Use

Legend



-  Subject Parcel
-  Intensive Development
-  Industrial
-  Public Facilities
-  City Limits





REZ2020-00020 Aerial

Legend

-  Subject Parcel
-  City Limits



0 210
Feet



Attachment B

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: REZ2020-00020

Regarding: 2240 BRUNER LANE, LLC

Location: 2240 Bruner Lane

South Fort Myers Planning Community
(District #2)

Hearing Date: July 22, 2021

I. Request

Rezone 1.28± acres from Commercial (C-2) to Light Industrial (IL).

The property's legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.¹ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on the application to rezone 1.28± acres to the IL district.

In preparing a recommendation to the Board, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), and other County regulations to the facts presented in a rezoning request.² The record must contain competent substantial evidence to support the Hearing Examiner's recommendation.³

Discussion supporting the Hearing Examiner's recommendation of approval follows below.

¹ LDC 34-145(d)(1)a.

² LDC 34-145(d)(3)-(4)(a)(1).

³ Lee Co. Admin. Code 2-6 §3.3(A)(2).

Synopsis of Request

Applicant seeks to rezone a vacant parcel to IL to permit industrial activity.⁴ A towing company historically used the site as an impound yard and outdoor storage area.⁵ Warehousing and distribution facilities surround the property.⁶ Rezoning allows Applicant to develop the site consistent with surrounding uses.

Staff found the request satisfies LDC review criteria and recommended approval.

Zoning Review Criteria

Before recommending approval for rezoning to the Board, the Hearing Examiner must find the request:

- A. Complies with the Lee Plan;
- B. Meets the LDC and other applicable County regulations or qualifies for deviations;
- C. Is compatible with existing and planned uses in the surrounding area;
- D. Will provide access sufficient to support the proposed development intensity;
- E. The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- F. Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- G. Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.⁷

Character of the Area and Zoning History

The property sits within an industrial node east of US 41, west of Metro Parkway. Industrial and commercial uses dominate the area. Adjacent properties host warehousing, distribution, outdoor storage, and other light industrial uses.⁸

⁴ See Staff Report (pg. 1); Testimony of Chris Stedman. Mr. Stedman indicated his intent to construct a 7,500 square foot building on the site to support heavy construction uses.

⁵ See Staff Report (pg. 1).

⁶ *Id.*

⁷ LDC 34-145(d)(4)(a)(1).

⁸ See Staff Report (pg. 1).

Rezoning to IL allows Applicant to develop the site consistent with surrounding uses.

Lee Plan Consistency and Compatibility

Before recommending approval, the Hearing Examiner must find the request complies with the Lee Plan and is compatible with existing or planned uses in the surrounding area.⁹ The Hearing Examiner finds the requested rezoning is consistent with the Lee Plan and is compatible with neighboring properties.

Lee Plan Consistency

The property is located in the Industrial Development future land use category in the South Fort Myers Planning Community.¹⁰

Industrial Development properties are targeted for industrial activities and selective land use mixtures. ¹¹ Appropriate mixtures include industrial, manufacturing, and research uses constituting a growing segment of the county's economy.¹² IL uses are consistent with the site's Industrial Development designation.

The Lee Plan mandates industrial zoning actions must be consistent with the Plan's Economic Element.¹³ The request is consistent with this requirement by expanding employment opportunities. Revitalizing a dormant site also increases the tax base.¹⁴ Rezoning to IL furthers Lee Plan objectives.

Compatibility

The property abuts industrial zoned lands.¹⁵ Rezoning to IL allows for well-planned industrial development in a suitable location.

The requested rezoning is consistent with Lee Plan directives and compatible with the surrounding area.

Meets LDC and Other Applicable County Regulations

Requests to rezone property must meet the LDC and other County regulations, or qualify for deviations.¹⁶

⁹ LDC 34-145(d)(4)(a).

¹⁰ Lee Plan Map 1, Vision Statement ¶15, Policy 1.1.7.

¹¹ Lee Plan Policy 1.1.7.

¹² *Id.*

¹³ Lee Plan Policy 7.1.10.

¹⁴ See Lee Plan Goal 158.

¹⁵ See Staff Report (Attachment B). Properties to the south are zoned IL, as well as properties sitting farther to the north. *Id.*

¹⁶ LDC 34-145(d)(4)(a)(1)(b).

Applicant seeks to reclassify the property to IL, a conventional zoning district.¹⁷ Accordingly, it is not possible to impose conditions on approval. Rather, the IL use regulation table will govern permitted uses.¹⁸ Deviations from LDC requirements may be granted by variance.¹⁹

The IL zoning district permits a broad range of light industrial and quasi-industrial commercial uses.²⁰ The request seeks no variances from LDC requirements.

Transportation

Rezoning requests must demonstrate access to existing or proposed roads with sufficient capacity to support the proposed intensity.²¹ Expected impacts on transportation facilities must be addressed by existing regulations.²²

The site accesses Bruner Lane via an existing driveway. Andrea Lane connects Bruner Lane with South Tamiami Trail/US 41.²³

Industrial and heavy commercial uses line Bruner Lane. Travel to the site is exclusively through non-residential areas.²⁴

The property has adequate frontage to accommodate access.²⁵ Transportation impacts will be addressed at the time of development order review.²⁶

Urban Services

Properties proposed for rezoning must be served by urban services.²⁷ Industrial land uses must be located in areas appropriate to their needs, considering: access; utilities; proximity to supportive and related land uses; and compatibility with neighboring uses.²⁸

The site is located in an established industrial park with adequate access to urban services and infrastructure.²⁹ The property is appropriately positioned for light industrial use given its placement within an established industrial node. Tamiami Trail/US 41 provides ready access to nearby commercial uses.

¹⁷ LDC 34-612(1).

¹⁸ LDC 34-621(b), LDC 34-903.

¹⁹ LDC 34-621(a)(2).

²⁰ LDC 34-901(b). Permitted uses include light manufacturing, warehousing, recycling services, repair shops, and administrative offices. LDC 34-903.

²¹ LDC 34-145(d)(4)(a)(1)(d).

²² LDC 34-145(d)(4)(a)(1)(e).

²³ See Staff Report (Attachment C).

²⁴ See Lee Plan Policy 7.1.9.

²⁵ *Id.*

²⁶ *Id.*; Lee Plan Objective 39.1, Policy 39.1.1.

²⁷ LDC 34-145(d)(4)(a)(1)(g); Lee Plan Objective 7.1.

²⁸ See Lee Plan Policy 7.1.3.

²⁹ See Lee Plan Policy 2.2.1; See Staff Report (pg. 3).

South Trail Fire District and the Lee County Sheriff service the area.³⁰ Public transit stops are also in proximity.³¹

Potable water lines serve the property.³² Accordingly, the site must connect once development activity triggers LDC connection requirements.³³ Sanitary sewer service is not available.³⁴ Applicant will rely on an on-site sewage treatment facility.³⁵

Environmental

A request to rezone cannot be approved if it will adversely affect environmentally critical or sensitive areas and natural resources.³⁶

The request does not affect environmentally sensitive areas or natural resources. The property is cleared.³⁷ Future development must comply with LDC requirements for open space, landscaping, and buffering.³⁸

Public

No members of the public attended the hearing.

Conclusion

The Hearing Examiner concurs with staff's analysis and recommendation of approval. The requested IL zoning district satisfies approval criteria set forth in the LDC.

IV. Findings and Conclusions

Based on the testimony and evidence presented in the record, the Hearing Examiner makes the following findings and conclusions:

The requested Light Industrial (IL) zoning district:

³⁰ See Staff Report (pg. 2); Lee Plan Policy 7.1.5. The South Trail Fire Protection District with EMS substation is located 1.5 miles from the site. The Sheriff's station is 1.6 miles from the site.

³¹ See Staff Report (pg. 2). LeeTran Route 240 travels between Bell Tower Shops and Coconut Point mall, with a bus stop within a mile of the property. *Id.*

³² See Staff Report (pg. 2, Attachment C).

³³ See LDC 10-352.

³⁴ See Staff Report (pg. 2)

³⁵ See Staff Report (pg. 2). Potable water is available adjacent to the site, but sanitary sewer is not.


³⁶ LDC 34-145(d)(4)(a)(1)(f).

³⁷ See Staff Report (Attachment B).

³⁸ See Lee Plan Objective 39.1, Policy 7.1.1, 7.1.8, 39.1.1.

- A. Is consistent with the Lee Plan. See Lee Plan Vision Statement Paragraph 15 (South Fort Myers Planning Community), Lee Plan Goals 1, 2, 4, 7, 158; Objectives 2.1, 2.2, 7.1, and Policies 1.1.7, 1.7.6, 2.2, 7.1.1, 7.1.3, 7.1.5, 7.1.10, Map 16 and Table 1(b);
- B. Will meet or exceed the performance and location standards for the uses allowed in the IL zoning district. See Lee Plan Objectives 2.1, 2.2 and Policy 2.1.2; 7.1.1, 7.1.3, 7.1.9;
- C. Is compatible with existing and planned uses in the surrounding area. See Lee Plan Objective 2.1, Policies 1.1.7, 2.1.1, 7.1.3; 7.1.9;
- D. Provides sufficient access to support development intensity. Expected impacts on transportation facilities will be addressed by existing county regulations. See Lee Plan Policy 7.1.5;
- E. Will not adversely affect environmentally critical or sensitive areas or natural resources on the property; and
- F. Will be served by adequate urban services. See Lee Plan Glossary, Goal 4, Objective 2.2, Policies 1.1.7, 2.2.1, Standards 4.1.1, 4.1.2.

Date of Recommendation: July 29, 2021.



Amanda L. Rivera
Deputy Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Exhibits Presented at Hearing
Exhibit C Hearing Participants
Exhibit D Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

EXHIBIT "A"

DESCRIPTION TO ACCOMPANY SKETCH:

EASTERLY 1/2, OF LOT 11 SOUTH COMMERCIAL PARK

(UNRECORDED) SECTION 25, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

DESCRIPTION: (INSTRUMENT No. 2014000045354)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF SECTION 25, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND FURTHER BOUNDED AND DESCRIBED AS FOLLOWS: STARTING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF THE TAMiami TRAIL (215.00 FEET WIDE) AND THE NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTH ONE-HALF (N 1/2) OF THE AFORESAID SECTION 25; THENCE RUN N.89°04'59"E. ALONG THE NORTH LINE OF THE SOUTH ONE-HALF (S 1/2) OF THE NORTH ONE-HALF (N 1/2) OF THE AFORESAID SECTION 25 A DISTANCE OF 4258.20 FEET; THENCE RUN S.00°55'41"E. A DISTANCE 982.32 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SOUTH COMMERCIAL DRIVE (ALSO KNOWN AS: BRUNER LANE; 60.00 FEET WIDE); THENCE RUN N.89°04'19"E. ALONG SAID SOUTH RIGHT OF WAY LINE FOR 165.00 FEET TO THE POINT OF BEGINNING; THENCE RUN N.89°04'19"E. TO A POINT OF CUSP OF CURVATURE FOR 145.00 FEET; THENCE RUN ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH FOR 20.01 FEET, SAID CURVE HAVING THE FOLLOWING ELEMENTS, A RADIUS OF 110.00 FEET, A CENTRAL DELTA ANGLE OF 10°25'25", A CHORD THAT BEARS N.83°49'18"E., AND A CHORD DISTANCE OF 19.98 FEET; THENCE RUN S.00°56'41"E. TO A POINT ALONG THE SOUTH LINE OF THE NORTH ONE-HALF (N 1/2) OF THE AFORESAID SECTION 25, A DISTANCE OF 341.83 FEET; THENCE RUN S.89°14'09"W. ALONG SAID SOUTH LINE OF THE NORTH ONE-HALF (N 1/2) OF THE AFORESAID SECTION 25 FOR 165.00 FEET; THENCE RUN N.00°55'41"E. TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF SOUTH COMMERCIAL DRIVE (ALSO KNOWN AS: BRUNER LANE; 60.00 FEET WIDE), FOR 339.99 FEET TO THE POINT OF BEGINNING.

CONTAINING: 56,113.53 SQUARE FEET, OR 1.29 ACRES, MORE OR LESS.

SAID PARCEL SUBJECT TO A DRAINAGE EASEMENT OVER AND ACROSS THE SOUTHERLY 30.00 FEET.

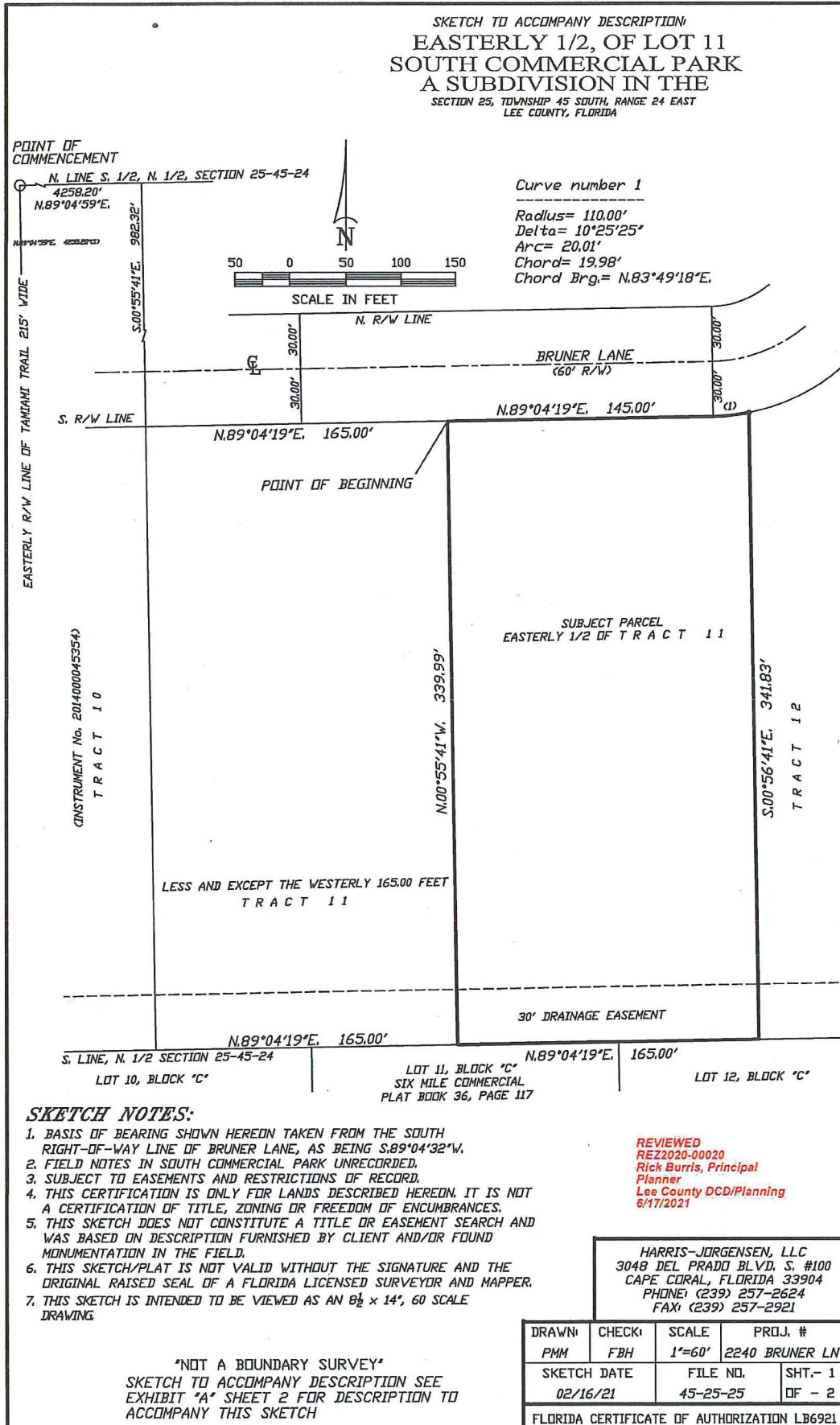
SAID TRACT OR PARCEL ALSO BEING DESCRIBED AS THE EASTERLY ONE-HALF (E 1/2) OF TRACT 11, SOUTH COMMERCIAL PARK, AN UNRECORDED SUBDIVISION LYING IN SECTION 25, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA.

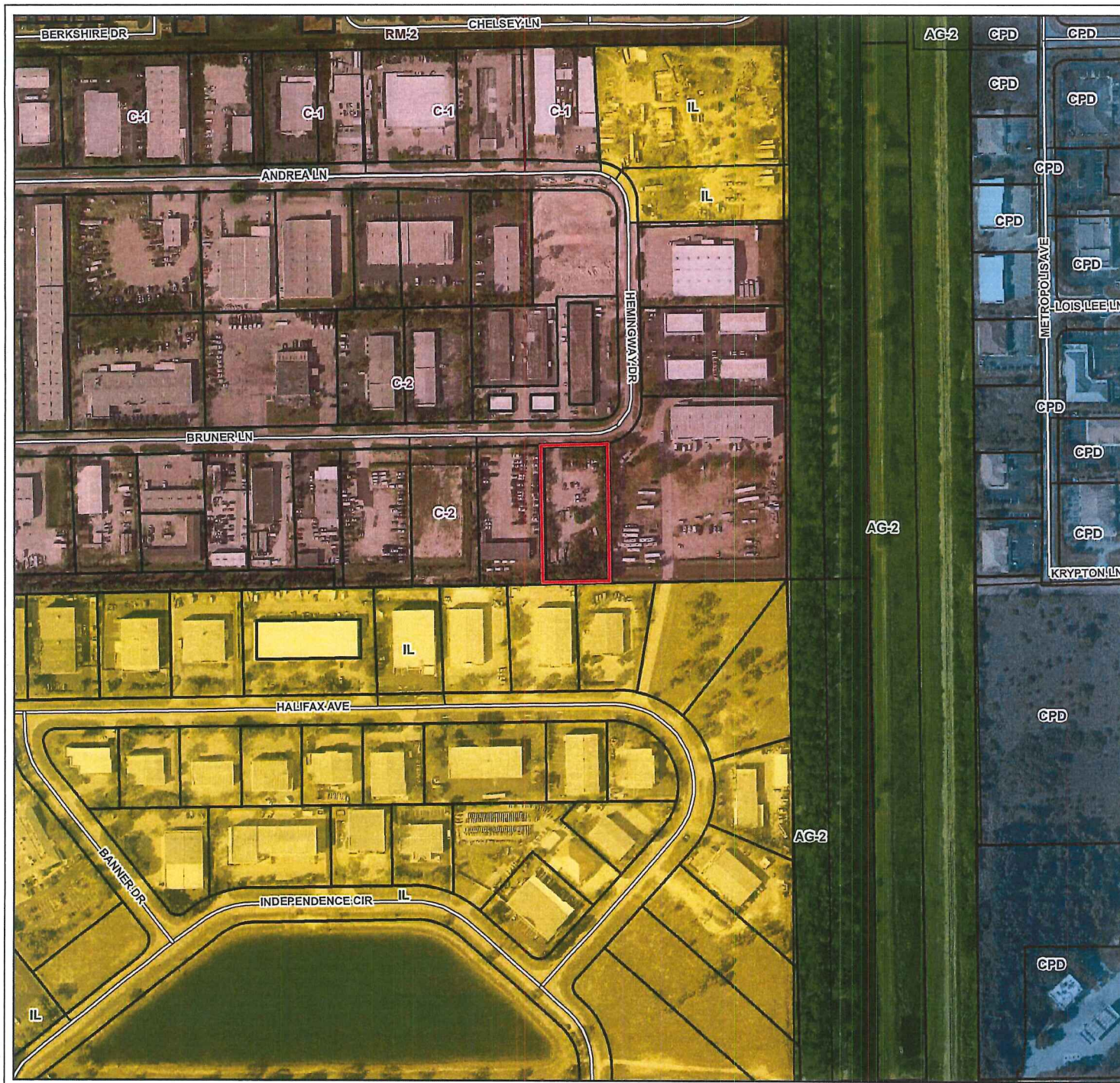


PHILLIP M. MOULD
PROFESSIONAL SURVEYOR AND MAPPER
LS6515 - STATE OF FLORIDA
02/17/2021

REVIEWED
REZ2020-00020
Rick Burris, Principal
Planner
Lee County DCD/Planning
6/17/2021



Exhibit A





REZ2020-00020 Zoning

Legend

-  Subject Parcel
-  City Limits



0 210
Feet



Exhibit B

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Chahram Badamtchian, Senior Planner, stamped received July 8, 2021 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

APPLICANT EXHIBITS

None

Exhibit C

HEARING PARTICIPANTS

County Staff:

1. Chahram Badamtchian

Applicant Representatives:

1. Chris Stedman
2. Anthony Slisher

Public Participants:

None

Exhibit D
INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.

B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.

B. A verbatim transcript may also be available for purchase from the court reporting service.

**LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT**

TYPE OF CASE: CONVENTIONAL REZONING
CASE NUMBER: REZ2020-00020
HEARING EXAMINER DATE: July 22, 2021
SUFFICIENCY DATE: May 20, 2021

APPLICATION SUMMARY

Applicant: BSA Engineering, Inc. in reference to 2240 Bruner Lane, LLC Rezoning

Request: A request to rezone 1.28± acres from Commercial C-2 to Light Industrial (IL).

Location: The subject property is located at 2240 Bruner Lane, South Fort Myers Planning Community, Lee County, FL. (District #2). The applicant indicates the STRAP number is: 25-45-24-00-00001.0640

RECOMMENDATION:

Staff recommends APPROVAL of the applicant's request for rezoning from C-2 to IL.

BACKGROUND INFORMATION AND ANALYSIS:

The subject property is located at 2240 Bruner Lane. The property is approximately 1.28± acres and is zoned Commercial (C-2) with a Future Land Use designation of Industrial Development. The site is currently vacant, but in the past it was used as an outdoor storage area and as an impound yard by a towing company. The site is surrounded on all sides by warehousing and distribution type businesses. The property is surrounded by C-2 zoning on three sides, while it abuts properties zoned IL to the south. The applicant is requesting to rezone the property to Light Industrial (IL) for industrial uses.

Rezoning Request to IL Zoning District

The purpose and intent of the IL district per LDC Section 34-901(c) is to permit the designation of suitable locations for and to facilitate the proper development and use of areas devoted to various light industrial and quasi-industrial commercial uses. While it is presumed that most industrial processes will take place within enclosed buildings, any activity not taking place within a building shall take place within a yard enclosed by an opaque wall or fence.

Neighborhood Compatibility and Surrounding Zoning

The industrial uses permitted in the IL zoning district are compatible with the Industrial Development Future Land Use designation of the subject property. The site is surrounded on all sides by Warehousing and distribution type businesses. The uses allowed in the IL district are compatible with the existing land uses in the area.

Availability of Urban Services

Urban services are defined by the Lee Plan as: the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity.

Public sewer and water: This parcel is located within Lee County Utilities Future Service Area. Potable water lines are in operation adjacent to the subject property. Development must connect to public water when development activity triggers the connection requirements of the LDC. The sanitary sewer service is currently unavailable to this site and the site will use an on-site sewage treatment facility.

Paved streets and roads: The subject property has an existing driveway onto Bruner Lane, which connects to South Tamiami Trail through Andrea Lane.

Public transit: LeeTran Route 240, traveling between Bell Tower Shops and Coconut Point Mall, has a bus stop on South Tamiami Trail about a mile from this subject property.

Parks and recreation facilities/Community facilities: The Lee County Sports Complex is located on Six Mile Cypress/Ben C Pratt Pkwy, within 3 miles driving distance from this site.

Urban levels of police, fire, and emergency services: The subject property will be provided urban levels of police, fire and emergency services. Fire protection is provided by South Trail Fire Protection District, located at 5531 Halifax Ave, 1.5 miles from the subject property. This fire station also contains an EMS substation. The Sheriff's station is located at 14750-754 Ben C Pratt/Six Mile Cypress, within 1.6 miles of the subject property.

Urban surface water management: Any future development will be required to comply with the LDC, including provisions for surface water management.

Schools: The subject property is served by the School District of Lee County and is located in South Choice Zone, Sub Zone S-2. This request will have no impact on classroom needs.

Employment, industrial, and commercial centers: The subject property is surrounded by existing commercial and industrial uses that provide employment and shopping opportunities.

The Planning Communities Map and Acreage Allocation:

According to the 2030 acreage allocation calculations, 900 acres of industrial acreage is allocated in the South Fort Myers Planning Community. There are currently 470 acres available for industrial development within the planning community. The proposed IL zoning, which allows industrial uses, is consistent with Lee Plan Policy 1.7.6, Map 16 and Table 1(b).

Lee Plan Consistency

The subject property is located in the South Fort Myers Planning Community and is located in the Industrial Development Future Land Use category of the Lee Plan.

The proposed IL zoning is consistent with the Vision for the South Fort Myers Planning Community, as the Vision Statement for South Fort Myers states that the amount of commercial

and light industrial uses in the community are expected to double by the year 2030. The IL zoning will expand the opportunities for industrial and commercial businesses on the property.

Industrial Development Future Land Use areas are reserved mainly for industrial activities and selective land use mixtures. The purpose and intent of the IL zoning district is to permit use of areas devoted to various industrial uses. The IL zoning district permits uses that are consistent with the Industrial Development future land use category. This request is consistent with Policy 1.1.7 of the Lee Plan.

The proposed IL zoning will allow the property to be used in a manner that promotes contiguous and compact growth patterns. It will allow for infill development within an urban area of Lee County, where existing growth is occurring and services and infrastructure are available to serve the project. This request is consistent with Objective 2.1 and Policy 2.1.1 of the Lee Plan.

The request to rezone the property to IL will help to contain urban sprawl by allowing continued industrial use of the subject property. The property is located in the Industrial Development Future Land Use category, one of Lee County's Future Suburban Areas. Rezoning the subject property will utilize existing public facilities, thereby encouraging compact and contiguous development patterns. This request is consistent with Objective 2.2 and Policy 2.2.1 of the Lee Plan.

The subject property's Future Land Use designation is Industrial Development and it is anticipated that it will be developed as an industrial site. The existing zoning allows a limited number of manufacturing, automobile repair and service activities. This rezoning will allow the applicant to redevelop the site in compliance with the Land Development Code. This request is consistent with Policy 5.1.5 of the Lee Plan.

The request's impact on neighboring properties, the environment, transportation, etc. have been considered and any future development on the property must be in compliance with all applicable provisions of the Lee Plan, the LDC, and State regulations regarding air, water, and noise pollution. This request is consistent with Policy 7.1.1 of the Lee Plan.

The subject property is easily accessed from US-41 via Bruner Lane. The IL zoning will allow the property to be used in an industrial capacity that is compatible with its Future Land Use designation and with the surrounding zoning and uses. This request is consistent with this Policy 7.1.3 of the Lee Plan.

As discussed above, urban services are available and adequate to support potential industrial development. In addition, Table 1(b) of the Lee Plan demonstrates that there is currently 470 acres available for industrial development within the South Fort Myers planning community. This request is consistent with Policy 7.1.5 of the Lee Plan.

Water service is available to the site through Lee County Utilities. The sewer service is currently unavailable in the area. This request is consistent with Standards 4.1.1 and 4.1.2 of the Lee Plan.

Findings and Conclusions

Based upon an analysis of the application and the standards for approval of conventional rezoning, staff makes the following findings and conclusions:

- a) The request to rezone to IL complies with the Lee Plan Objectives 2.1 and 2.2, Policies 1.1.7, 1.7.6, 2.1.1, 2.2.1, 7.1.1, 7.1.3, and 7.1.5, Standards 4.1.1 and 4.1.2, Map 16 and Table 1(b);

- b) Meets the requirements of the Land Development Code and other applicable County regulations;
- c) The IL zoning district is compatible with existing and planned uses in the surrounding area;
- d) The request will provide access sufficient to support the proposed development intensity and the expected impacts on existing and planned transportation facilities will be mitigated through existing County regulations;
- e) The request will not adversely affect environmentally critical or sensitive areas and natural resources; and
- f) The request will be served by urban services, defined in the Lee Plan consistent with Objectives 2.1 and 2.2, and Policies 2.2.1 and 7.1.5.

Conclusion

The request to rezone from C-2 to IL is appropriate for the subject property and meets the standards for approval of a conventional rezoning. The IL zoning district is consistent with the Industrial Development Future Land Use designation and the applicable goals, objectives and policies of the Lee Plan. Staff recommends approval of the request to rezone the subject property from C-2 to IL.

ATTACHMENTS:

- A. Expert Witness Information
- B. Maps: surrounding zoning, future land use and aerial photograph
- C. Letter of availability for water
- D. LeeTran Bus Route
- E. Application
- F. Legal Description

DCI2021-00002
YOUNGQUIST
TRADE CENTER
MPD

Staff Summary

CASE NUMBER & NAME: DCI2021-00002 / Youngquist Trade Center MPD

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RESOLUTION NUMBER: Z-21-009

LOCATION: West of Ben Hill Griffin Parkway and north of Alico Road, Gateway / Airport Planning Community, Lee County, FL.

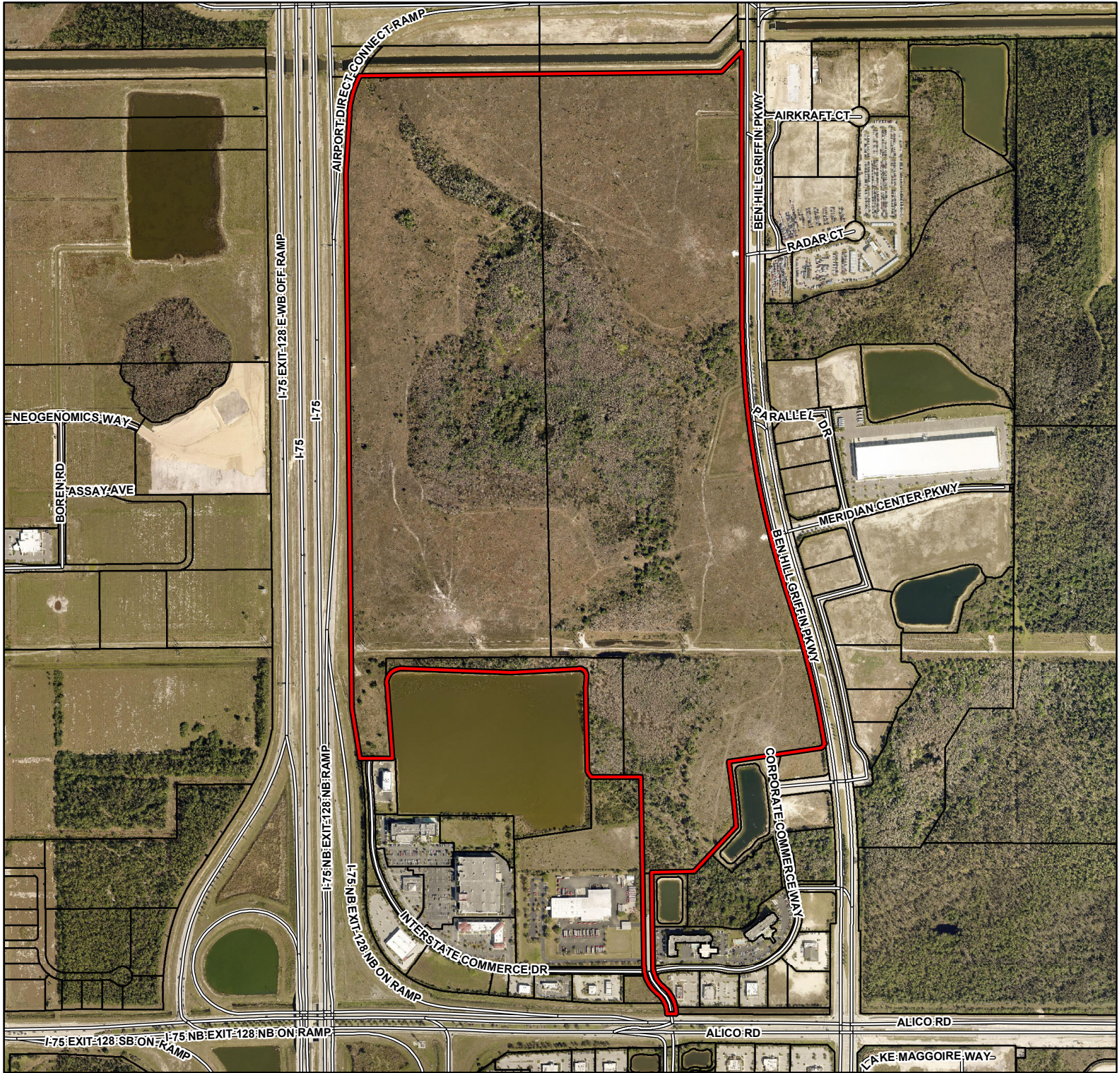
OWNER: YBFH REAL ESTATE LLC

APPLICANT: Youngquist Brothers Family Holding, LLC

AGENT: Alexis Crespo, AICP
Waldrop Engineering, P.A.
28100 Bonita Grande Dr. #305
Bonita Springs, FL 34135

HEARING EXAMINER
RECOMMENDATION: Approve, with conditions

PARTICIPANTS: (0) None



DCI2021-00002
Aerial

Legend

 Subject Parcel



Summary of Hearing Examiner Recommendation

YOUNGQUIST TRADE CENTER

(by Youngquist Brothers Family Holdings Real Estate, LLC)

Request: Amend Youngquist Trade Center Mixed Use Planned Development to:

- Increase industrial square footage from 1,400,000 to 2,500,000 square feet;
- Increase the office square footage from 131,000 to 225,000 square feet;
- Add a maximum of 200,000 square feet of medical office uses; and
- Allow development of 360 hotel rooms without using a conversion matrix

There is no change to previously approved intensity of retail commercial.

Location: 16200 Ben Hill Griffin Parkway

Gateway/Airport Planning Community
District 2

Size: 312.5 acres

Recommendation: Approve, with conditions

Deviations: 14 (1 withdrawn)

Hearing Examiner Remarks:













Applicant seeks to increase industrial and office floor area and permit development of 360 hotel rooms without reducing square footage of other uses.

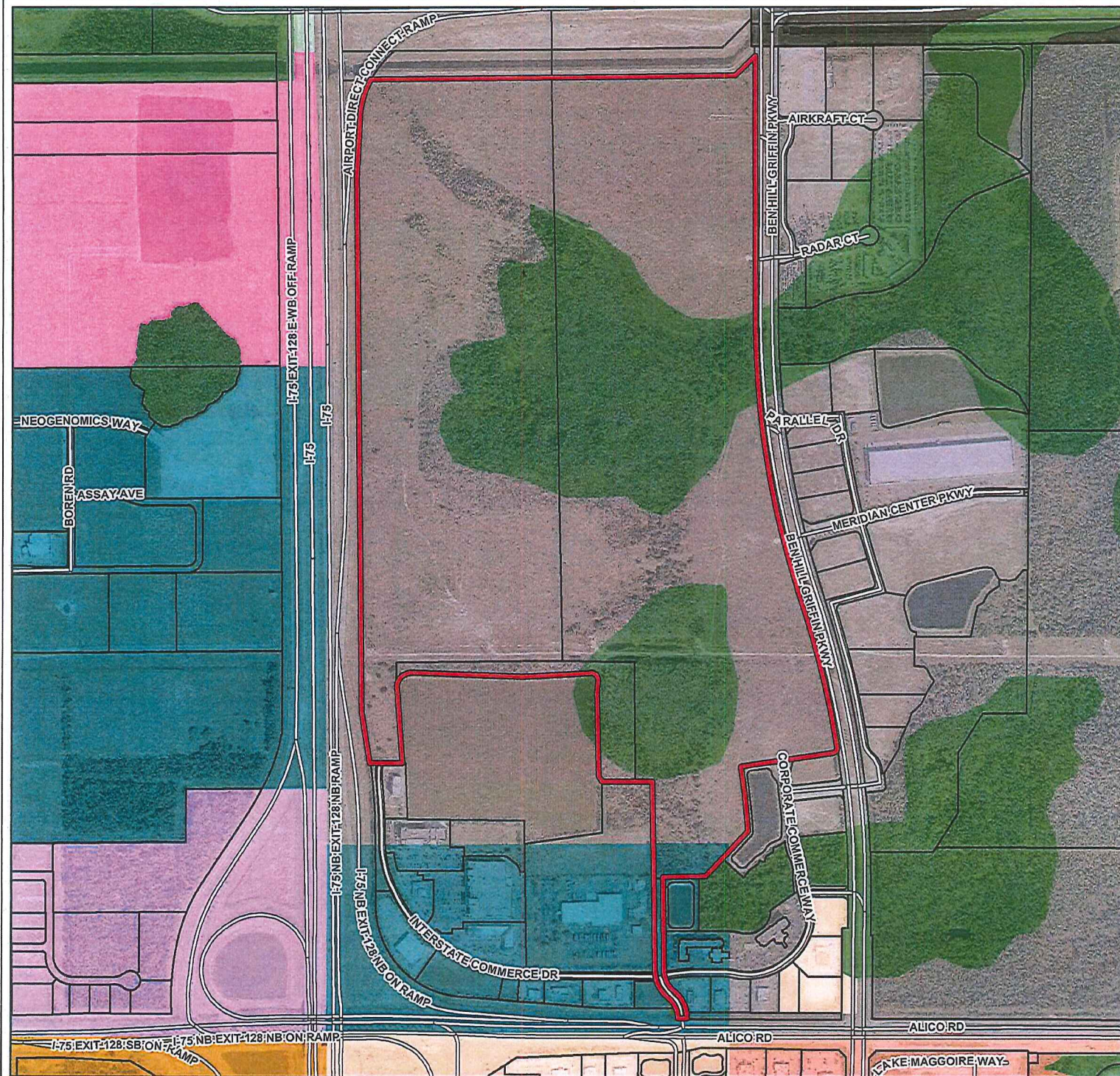
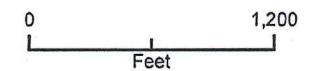
The request is compatible with surrounding development approvals and promotes Lee Plan policies favoring compact development patterns and economic development.

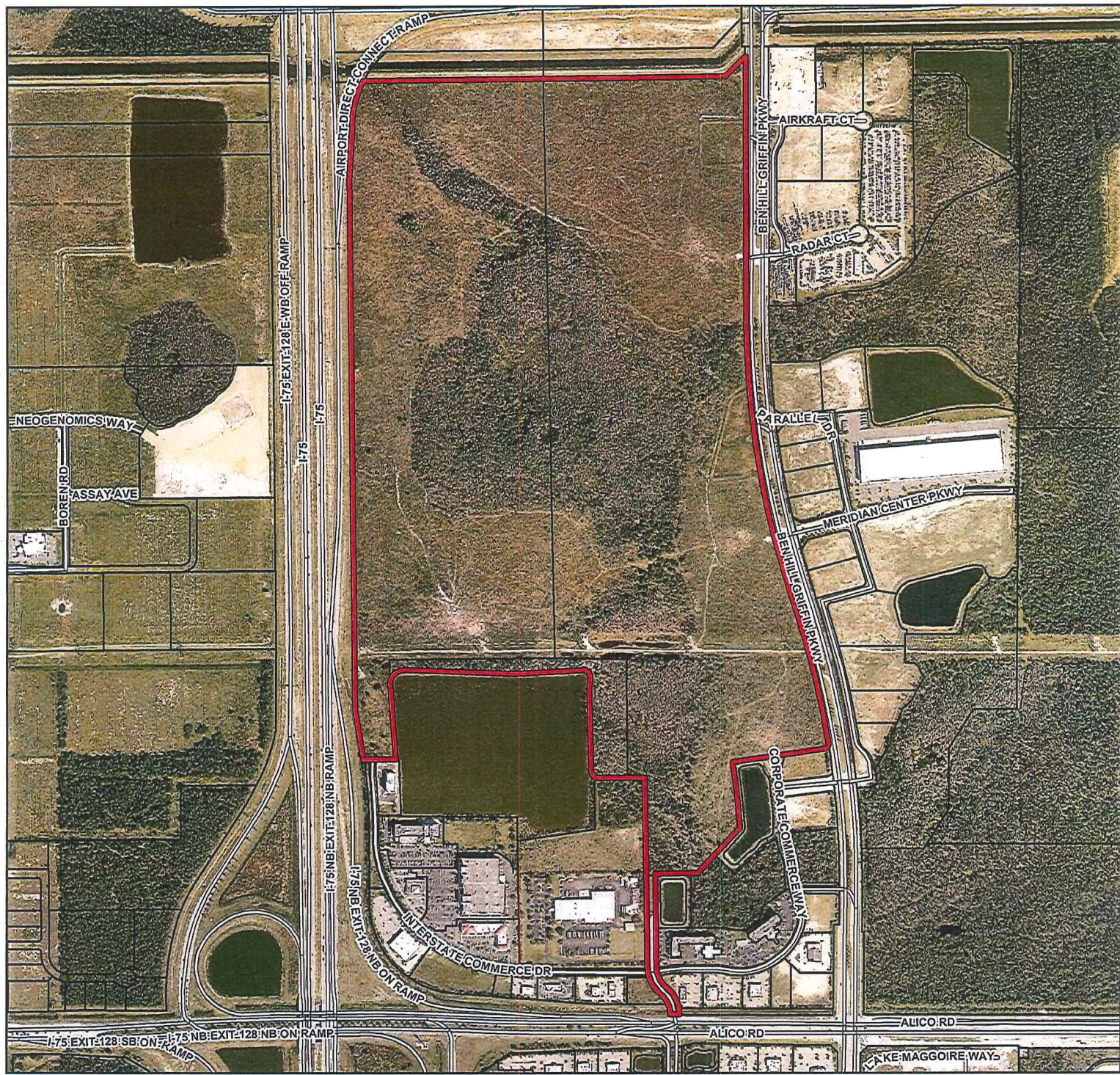
Detailed recommendation follows

DCI2021-00002 Future Land Use

Legend

-  Subject Parcel
-  Urban Community
-  Industrial
-  University Community
-  General Interchange
-  Industrial Interchange
-  Commercial Interchange
-  University Village Interchange
-  Tradeport
-  Airport
-  Rural
-  Wetlands





DCI2021-00002
Aerial

Legend

 Subject Parcel



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2021-00002

Regarding: **YOUNGQUIST TRADE CENTER**

Location: 16200 Ben Hill Griffin Parkway
Gateway/Airport Planning Community
(District 2)

Hearing Date: July 29, 2021

I. Request

Amend the Youngquist Trade Center Mixed Use Planned Development (MPD) to:

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

Property legal description set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to conditions and deviations in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.¹ In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on the application to amend the zoning approvals of 312.5+/- acres of an existing MPD.

In preparing a recommendation to the Board, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC) and other County regulations to the facts adduced at the hearing. There

¹ LDC 34-145(d)(4)a.

must be substantial competent evidence in the record to support the recommendation to the Board.

Discussion supporting the Hearing Examiner's recommendation of approval follows below.

Character of Area

The property is in the Tradeport land use category a focal point of development activity stimulated by the International Airport, Florida Gulf Coast University and the Interstate. Area development approvals include light industrial, hotel, office and limited retail commercial uses.

The property lies between I-75 and Ben Hill Griffin Parkway, north of the Alico Road interchange. Across Ben Hill Griffin Parkway is the International Airport and private property approved for light industrial and commercial uses.

History

The Board rezoned the site from Agriculture to MPD in 2005 authorizing an array of commercial and light industrial uses.² Approved development parameters include 175,000 sq. feet retail commercial, 131,000 sq. feet office and 1,400,000 sq. feet industrial use.

Two administrative amendments followed, revising the Master Concept Plan (MCP)³ and re-establishing agricultural uses following vacation of a development order.⁴ In 2018, the Board amended the MCP, conditions and deviations.⁵ Later that year, the County issued a development order for earthwork and drainage improvements.⁶

The property is vacant with infrastructure improvements underway.

² Airport Interstate Commerce Park MPD Z-05-029 approved June 6, 2005.

³ ADD2007-00091. This administrative approval (1) removed a proposed berm between Lakes A4 and E1 to create one large lake, (2) renamed Lakes A4 and E1 as Lake A1, (3) increased size of Lake B2 from 3.8 to 4.0 acres, (4) realigned a portion of the internal road network, (5) increased land areas assigned to Tract C-8 by 2.24 acres, and (6) modified the north shoreline of Lake A4.

⁴ ADD2013-00056.

⁵ Z-18-027 The amendment revised the schedule of permitted uses, increased maximum building heights, amended property development regulations, and added deviations. The amendment also modified the MCP by locating an internal project roadway closer to the interstate.

⁶ DOS018-10047 The development order authorizes grading, driveways to Ben Hill Griffin Parkway, internal roadways, potable water, sanitary sewer, and irrigation improvements.

Synopsis of Request

The proposed amendment seeks to increase development intensity and remove the existing conversion matrix for hotel uses.

The request seeks to increase project intensity as follows:

Industrial uses from 1,400,000 to 2,500,000 square feet,
Office uses from 131,000 to 225,000 square feet,
Add up to 200,000 square feet medical office, and
Add 360 hotel rooms.

The request proposes no changes to the MCP or previously approved retail uses.⁷ Applicant seeks to remove the blasting exhibit from the resolution.

Staff recommended approval with conditions.

Lee Plan

The property lies within the Tradeport and Wetlands land use categories.⁸ Tradeport areas are developing with commercial and industrial uses necessary to accommodate growth through 2030.⁹ Development in Tradeport typically includes light manufacturing, assembly, warehousing and distribution facilities, research and development, laboratories, hotels, ground transportation and airport related transfer facilities, meeting space, and office.¹⁰ The requested intensification of development parameters will expand employment opportunities in the region.¹¹

The Wetlands future land use category may develop with limited uses that do not adversely affect ecological function of wetlands.¹² The MCP designates over 80 acres of onsite wetlands as preserve. The amendment proposes no change to those areas.

Compatibility

Project intensity is determined taking into account the Lee Plan, availability of public infrastructure/services and the nature of development surrounding the project.¹³ The proposed intensification in development parameters is consistent with surrounding development. There is adequate public infrastructure to serve

⁷ Prior zoning approvals in Z-18-027 authorize 175,000 square feet retail commercial use.

⁸ Lee Plan Policy 1.2.2; Lee Plan Map 1; see also Glossary definition of Future Urban Areas

⁹ Lee Plan Policies 1.2.2 and 158.3.5. The property is in the Tradeport lands area Gateway/Airport Planning Community. Tradeport lands accommodate commercial and industrial development stimulated by the airport. Lee Plan Vision Statement Paragraph 10 and Map 16 Planning Communities Map.

¹⁰ Lee Plan Policy 1.2.2.

¹¹ See, Lee Plan Goals 2, 158, Policies 6.1.4, 7.1.3, 7.1.4.

¹² Lee Plan Policy 1.5.1; Wetlands must be consistent with Lee Plan Goal 124.

¹³ LDC 34-413; Lee Plan 7.1.3.

increased development intensity.¹⁴ The changes offer greater flexibility to develop the property in response to market demand.¹⁵

Transportation

The site is bordered by the Terminal Access Road to the north, Ben Hill Griffin Parkway to the east and I-75 to the west.¹⁶ The southern property line borders approved commercial light industrial and hotel uses. The request does not increase the number or location of previously approved access drives.¹⁷ Traffic impacts were evaluated based on buildout in 2028.¹⁸

The request increases weekday traffic impacts by approximately 65% from existing approvals.¹⁹ The Traffic Impact Statement reveals that Daniels Parkway west of Treeline Avenue is projected to operate below adopted level of service in 2028 with *and without* the proposed increase in development intensity. For this reason, Daniels Parkway is considered an existing transportation deficiency.²⁰ All other roadways are projected to operate above the adopted level of service at buildout.²¹

The County will determine site related improvements including turn lanes during development order review.²² Development will be subject to road impact fees.²³

Transit

Lee Tran Route 60 runs along Alico Road then south on Ben Hill Griffin Parkway. Route 50 runs along Ben Hill Griffin Parkway, but turns into the airport at the property's northeast corner. Improvements facilitating access to transit will be a condition of development order approval if the property is found to be within a quarter mile radius of a transit route. The Hearing Examiner recommends the project design incorporate features to facilitate transit access since the project will serve as an employment center for the region.

¹⁴ Lee Plan Policies 6.1.1, 6.1.3, 7.1.3, LDC 34-411(i) and (j).

¹⁵ Staff Report Attachment D, Applicant's Request Statement & Lee Plan Compliance Narrative.

¹⁶ Ben Hill Griffin Parkway is a County maintained two lane divided arterial roadway with a posted speed limit of 50 mph.

¹⁷ Access drives approved by the Board in Z-18.025 remain unchanged by the request.

¹⁸ Staff Report Attachment M: Traffic Impact Statement for Youngquist Trade Center MPD prepared by TR Transportation Consultants Inc. revised March 23, 2021. Report shows 91% increase during AM peak hour and 721% increase during PM peak hour.

¹⁹ *Id.*

²⁰ The County proposed improvements to Daniels Parkway and FDOT planned improvements to the I-75 may ameliorate the deficiencies.

²¹ Staff Report Attachments M and N: Traffic Impact Statement for Youngquist Trade Center MPD and Memo from Lili Wu, Planner; See Lee Plan Policies 6.1.3, 6.1.5, 7.1.2,

²² Lee Plan Objective 39.1, Policy 39.1.1.

²³ LDC 2-265.

Urban Services

Property within Tradeport has special location requirements to address, transportation, and industrial levels of water, sewer, fire protection, and other urban services.²⁴ Applicant demonstrated there are adequate services and infrastructure available to the site; including public water and sanitary sewer, paved roads, police, fire and emergency medical services.

Environmental

The revised MCP retains preserve areas established in prior approvals.²⁵ Proposed amendments do not change previously approved environmental conditions.

Conditions

The amended MPD will be subject to several conditions of approval. These conditions reasonably relate to the impacts anticipated from the development.²⁶

The Hearing Examiner recommends revisions to proposed Conditions 1 and 3 to improve clarity.

Deviations

The Board approved 14 deviations from the LDC in prior MPD zoning approvals. No additional deviations have been requested.

IV. Findings and Conclusions

The Hearing Examiner makes the following findings and conclusions based on the testimony and evidence in the record:

- A. The proposed MPD amendment complies with the Lee Plan. Lee Plan Vision Statement Paragraph 10 (Gateway/Airport), Lee Plan Goals 2, 4, 6, 7, 60, 61, 77, 123, 124, 158, Objectives 2.2, 11.1, Policies 2.1.2, 6.1.3, 7.1.1, 7.1.2, 7.1.3, 158.3.5;
- B. *As conditioned*, the amendments to the MPD:
 - 1. Meet the LDC and other county regulations or qualifies for deviations. LDC §§ 2-265, 2-385, 10-287, 10-321, 34-411, 34-413, 34-491, 34-612(2), 34-1012; 34-2175(b);

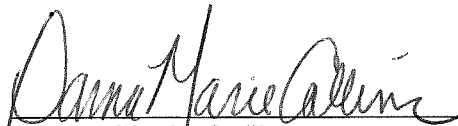
²⁴ Lee Plan Policy 1.2.2; The project will be subject to the LDC standards for connection to the water and sewer infrastructure at the development order stage in accordance with LDC 10-352 and 10-353.

²⁵ Lee Plan Goals 123, 124, Objective 1.5, Policies 6.1.6, 7.1.8.

²⁶ LDC 34-83(b)(4)a.3

2. Are compatible with existing and planned uses in the surrounding area. Lee Plan Objective 47.2, Policies 2.1.2, 2.2.1, 6.1.3, 6.1.4, 7.1.2, 7.1.3;
 3. Provide access sufficient to support the proposed development intensity. Expected impacts on transportation facilities will be addressed by county regulations and conditions of approval. Lee Plan Objective 39.1, Policies 2.2.1, 6.1.1, 6.1.3, 7.1.1, 7.1.2, 7.1.5, Policy 39.1.1; LDC 34-411(d) and (e).
 4. Will not adversely affect environmentally critical areas and natural resources. Lee Plan Goals 60, 77, 123, 124, 125, Objectives 60.5, 61.2, 77.2, 77.3, Policies 60.1.2, 60.5.2, 61.2.4, 61.3.11, 77.3.1, 77.3.5, 123.2.4, 125.1.3, Standard 4.1.4, and
 5. Will be served by urban services including paved roads, potable water, sanitary sewer, urban surface water management, police, fire, and emergency services. Lee Plan Glossary, Lee Plan Goals 2, 4, Objectives 2.1, 6.1, 7.1 Policies 2.2.1, 6.1.4, 7.1.1, 7.1.5, 7.1.6, and Standards 4.1.1 and 4.1.2; LDC 34-411(d).
- C. The proposed mix of uses is appropriate at the proposed location. Lee Plan Goal 158, Objective 2.1, Policies 2.1.1, 2.1.2, 6.1.1, 6.1.2, 7.1.1, 7.1.2, 7.1.3;
- D. Recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. In addition, recommended conditions reasonably relate to impacts expected from the proposed development. Lee Plan Goals 123, 124, Objective 47.2, Policies 6.1.1, 7.1.2, 123.2.13; LDC 34-377(a)(3), 34-411, 34-932(b) and (c), 34-1012, 34-1104.
- E. As conditioned, the deviations:
1. Enhance the planned development, and
 2. Preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

Recommendation dated: August 9, 2020.

A handwritten signature in cursive script, appearing to read "Donna Maria Collins", written over a horizontal line.

Donna Maria Collins
Chief Hearing Examiner

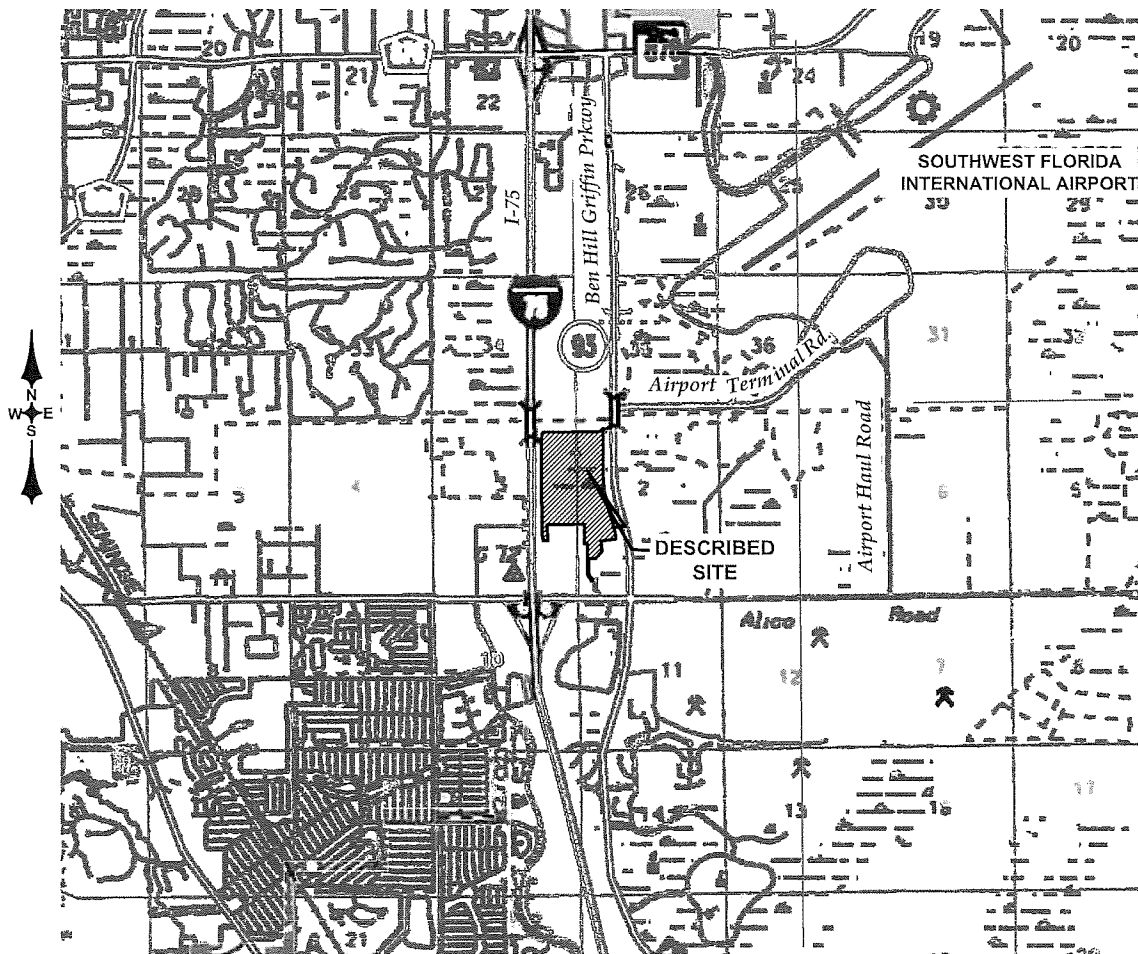
Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Strike Through/Underlined Recommended Conditions/Deviations with MCP
Exhibit C Clean Recommended Conditions/Deviations with MCP
Exhibit D Exhibits Presented at Hearing
Exhibit E Hearing Participants
Exhibit F Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP



VICINITY MAP

1" = 1 MILE

ABBREVIATIONS

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

SURVEYOR'S NOTES:

THE DESCRIPTION SHOWN HEREON IS NEW.

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

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

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

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

PREPARED BY



PSM 6347

Digitally signed by
Thomas M. Rooks Jr.

Date: 2021.04.12

16:12:59 -04'00'

DATE

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

REV: UPDATE SURVEYOR SIGNATURE 04-12-2021

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

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

MORRIS DEPEW
ENGINEERS • PLANNERS • SURVEYORS
LANDSCAPE ARCHITECTS
FL. CA. NO. 6532 / FL. CERT. NO. LB6891 / LC26000330


Fort Myers
Tallahassee
Destin
2917 Cleveland Ave.
Fort Myers, Florida 33901
(239) 337-0393
Fax: (239) 337-0394
Toll Free: 866-337-7541

DESCRIPTION:
EXHIBIT "A" METES AND BOUNDS

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


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

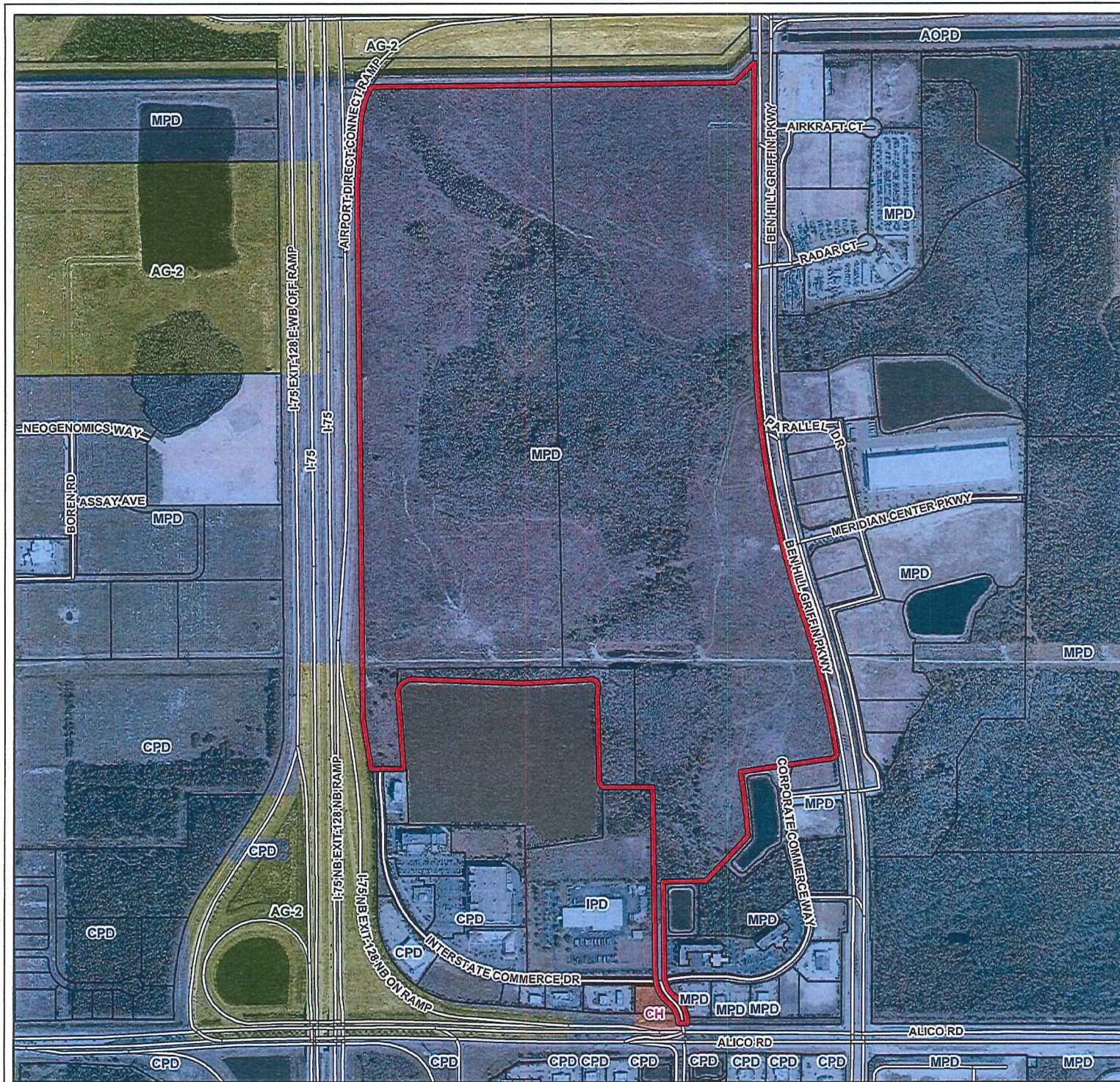
CONTAINING 283.75 ACRES, MORE OR LESS.

MDA PROJECT: 17037 CHECKED BY: MAH DRAWN BY: MAH DATE: 01-15-19 SHEET: 2 OF 4	DESCRIPTION DRAWING PARCEL OF LAND LYING IN SECTIONS 2 AND 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA	 MORRIS DEPEW ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS FL. CA. NO. 6532 / FL. CERT. NO. LB8851 / LC26000350	Fort Myers Tallahassee Destin 2017 Cleveland Ave. Fort Myers, Florida 33901 (941) 317-2063 Fax: (941) 317-3304 Toll free: 866-327-7341
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L3	L9
S.17°33'28"E	S.89°54'37"W.
215.07'	218.60'
L4	L10
N.89°42'18"W	N.09°11'29"W.
60.00'	225.55'
L5	
N89°42'18"W	
107.62'	
L6	
N89°42'18"W	
221.98'	
L7	
N35°32'45"W	
42.43'	
L8	
N03°08'34"E	
76.57'	

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

MDA PROJECT: 17037		<div style="text-align: center;"> <h2>DESCRIPTION DRAWING</h2> <h3>PARCEL OF LAND LYING IN SECTIONS 2 AND 3, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA</h3> </div>	<div style="text-align: center;">  <p>ENGINEERS • PLANNERS • SURVEYORS LANDSCAPE ARCHITECTS</p> <p>FL. CA. NO. 6532 / FL. CERT. NO. LB6891 / LC26000330</p> </div>	<ul style="list-style-type: none"> • Fort Myers • Tallahassee • Destin <p>2017 Cleveland Ave. Fort Myers, Florida 33901 (941) 337-3000 Fax: (941) 337-3964 Toll free: 866-337-7241</p>
CHECKED BY: MAH	DRAWN BY: MAH			
DATE: 01-15-19				
SHEET 4 OF 4				



DCI2021-00002 Zoning

Legend

 Subject Parcel



0 1,200
Feet

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS (Strike Through/Underlined Version)

CONDITIONS

1. Development of this project must be consistent with the 2-page MCP entitled "Youngquist Trade Center Master Concept Plan" prepared by Waldrop Engineering, date stamped received June 18, 2019, and attached hereto as Exhibit C,²⁷ except as modified by the conditions below. Development must comply with all requirements of the Lee Plan and the LDC at time of local development order approval, except as may be granted by where deviations have been approved by this resolution as part of this planned development. If Cehanges to the MCP are subsequently pursued, appropriate require further development approvals will be necessary.

Hearing Examiner Note: Modified for clarity.

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

- a. Schedule of Uses:

Accessory Uses and Structures
Administrative Offices
Agricultural Uses: See Condition 5
Aircraft Food Service and Catering
Amusement Parks
Animals: Clinic or kennel
ATM (automatic teller machine)
Auto Parts Store, with installation services
Auto Repair and Service, all groups
Automobile Service Station
Bait and Tackle Shop
Banks and Financial Establishments: all groups
Bar and Cocktail Lounge, in conjunction with a restaurant
Billboards, existing only
~~Blasting, subject to Condition 14~~

Hearing Examiner Note: Removal of blasting use results in deletion of Resolution Exhibit E "Proposed Areas of Blasting."

Boardwalks
Boats, boat part store boat repair and service
Boat Sales

²⁷ Resolution Z-18-027 Exhibit C remains unchanged.

Broadcast Studio, Commercial Radio and Television
Building Material Sales
Business Services: all groups
Bus Station/Depot
Car Wash
Cleaning and Maintenance Services
Clothing Store, general
Clubs, commercial, fraternal, membership organization, and private
Cold Storage, Pre-Cooling, Warehouse and Processing Plant
Communication Facilities, Wireless, subject to Condition 10
Computer and Data Processing Service
Consumption on Premises, in conjunction with a restaurant
Convenience Food and Beverage Store with Fuel Pumps, limited to one (1)
store with 36 fuel pumps
Contractors and Builders: all groups
Drive-Through Facility for Any Permitted Use
Emergency Operations Center
EMS, Fire or Sheriff's Station
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities: Groups I and II (Group II is limited to
communication, telephone and electrical distribution facilities, and
electrical substations)
Excavation: Water retention, including dewatering
Factory Outlets, point of manufacture only
Fences and Walls
Food and Beverage Services, limited
Food Stores: all groups
Freight and Cargo Handling Establishments
Gasoline Dispensing Systems, Special
Gift and Souvenir Shop
Government Maintenance Facility
Healthcare Facilities, Group III
Heliport or Helistop, subject to Condition 11
Hobby, Toy, and Game Shops
Hotels/ Motels – limited to 360 rooms
Household and Office Furnishings, All Groups
Lawn and Garden Supply Stores
Laundry or Dry Cleaning: All Groups
Manufacturing of:
Apparel products
Boats
Chemical and allied products: Groups I and II, (Group II is limited to
cosmetics, perfumes, soaps, detergents, and other toilet
preparations)

Electrical machinery and equipment, all operations must be conducted within a fully enclosed building
Fabricated metal products: Group II, all operations must be conducted within a fully enclosed building
Food and kindred products: Groups II and III
Furniture and Fixtures, all operations must be conducted within a fully enclosed building
Leather products: Group II
Lumber and wood products: Group II, III, IV, V and VI
Measuring, analyzing and controlling instruments
Novelties, jewelry, toys and signs: All Groups
Paper and allied products: Groups II and III
Rubber and plastic products: All Groups
Stone, clay, glass and concrete products: Group I
Textile mill products, all groups
Transportation equipment: Groups I and II
Medical Office
Mini-Warehouse
Motion Picture Production Studio
Nightclubs
Non-Store Retailers: all groups
Package Store, limited to one
Paint and Glass and Wallpaper
Parcel and Express Services
Parking Lot:
 Accessory
 Commercial, subject to Condition 13
 Garage, public parking, subject to Condition 13
 Temporary
Personal Services: Groups I, II, III and IV except for massage parlors, palm readers, fortune tellers, card readers and tattoo parlors
Pet Services
Photofinishing Laboratory
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales Office, for sale of lots/structures within the development only
Recreational Facilities, all groups excluding outdoor gun ranges
Rental or Leasing Establishment: Groups II, III, and IV
Repair Shops: Groups I, II, III, IV, and V
Research and Development Laboratories: all groups
Restaurants: all groups including fast food
Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use on the same premises

Schools, Commercial, (excluding charter and private schools unless located in a multitenant building) – prohibited in Airport Noise Zone B
Signs including one (1) interstate highway interchange area identification sign, subject to Conditions 12 and 16
Social Services, Groups I and II
Specialty Retail Shops: All groups
Storage:
 Indoor
 Open, including RV storage
Technical Training Facilities
Temporary Uses
Transportation Services: Groups II, III, and IV
Trucking Terminal
Used Merchandise Stores: all groups
Variety Store
Vehicle and Equipment Dealers: all groups
Warehouse:
 Private
 Public
Wholesale Establishments: Groups III, and IV

b. Site Development Regulations

i. Office, Retail, and Mixed Use Development

Minimum Lot Area and Dimensions:

Minimum Lot Area:	7,500 square feet, 10,000 square feet for mixed use buildings
Minimum Lot Width:	75 feet
Minimum Lot Depth:	100 feet

Minimum Setbacks:

Ben Hill Griffin Parkway:	25 feet
Interstate 75:	30 feet
Internal Streets:	20 feet
Side:	10 feet
Rear:	20 feet
Accessory:	5 feet
Waterbody:	20 feet, 0 feet waterbody setback for decks, patios, and boardwalks accessory to restaurants, hotels, health clubs/spas, and offices.
Preserve:	25 feet

Minimum Building Separation: ½ sum of the building height, or 20 feet, whichever is greater

Maximum Building Height: 75 feet

Maximum Lot Coverage: 55%

ii. Hotel/Motel Development

Minimum Lot Area and Dimensions:

Minimum Lot Area: 20,000 square feet

Minimum Lot Width: 100 feet

Minimum Lot Depth: 100 feet

Minimum Setbacks:

Ben Hill Griffin Parkway: 25 feet

Interstate 75: 30 feet

Internal Streets: 20 feet

Side: 10 feet

Rear: 20 feet

Accessory: 5 feet

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

Preserve: 25 feet

Minimum Building Separation: ½ sum of the building height, or 20 feet, whichever is greater

Maximum Building Height: 120 feet

Maximum Lot Coverage: 55%

iii. Industrial Development

Minimum Lot Area and Dimensions:

Minimum Lot Area: 25,000 square feet

Minimum Lot Width: 100 feet

Minimum Lot Depth: 100 feet

Minimum Setbacks:

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

Interstate 75: 30 feet
Internal Streets: 20 feet
Side: 10 feet
Rear: 20 feet
Accessory: 5 feet

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

Preserve: 25 feet

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

Maximum Building Height: 75 feet

Maximum Lot Coverage: 65%

3. Development Parameters

- a. The floor area for the development will not exceed ~~1,400,000~~ 2,500,000 square feet of light industrial uses, 175,000 square feet of commercial retail development and ~~131,000~~ 225,000 square feet commercial office development, 200,000 square feet of medical office development, and up to 360 hotel/motel rooms, ~~subject to the following conversion matrix:~~

	Industrial Park (ITE LUC 130)	Medical-Dental Office Building (ITE LUC 720)	Office Park (ITE LUC 750)	Shopping Center (ITE LUC 820)
Hotel (ITE LUC 310)	1,700 ft ² /hotel room	200 ft ² /hotel room	637 ft ² /hotel room*	257 ft ² /hotel room

- b. Permitted restaurant gross floor area includes restaurant outdoor seating areas.
- c. The developer must **subject** submit a report/tabulation with every Local development order application itemizing:
- the intensity of commercial, office, and industrial uses (expressed as square footages), and the number of hotel rooms, proposed by the application;
 - the cumulative total intensity of uses permitted by previous development order approvals; and
 - remaining intensity available for future development.

Hearing Examiner Note: Replacing the word "subject" with the word "submit."

4. Environmental

- a. Development order plans must be in substantial compliance with the open space table and delineate preserves in substantial compliance with the MCP. A minimum of 40.36+/- acres of existing indigenous plant communities must be preserved within the approximately 83.15-acre preserve on Parcel A, and 0.83+/- acres of existing indigenous plant communities must be preserved within the 4.15 acre preserve on Parcel B.
- b. The developer must coordinate removal of invasive exotic plants within preserve areas with the Division of Environmental staff. The developer must utilize hand removal methods within indigenous plant communities with 75% or less invasive exotic plant coverage.
- c. The developer must survey the portion of the property to be cleared pursuant to a development order application for active Big Cypress Fox Squirrel nests prior to issuance of a Vegetation Removal Permit. If the survey identifies active Big Cypress Fox Squirrel nests, the developer must protect the nests with a 125-foot buffer until the nest is confirmed inactive. Onsite preserves provide adequate habitat for Big Cypress Fox Squirrels, therefore no additional preserves will be required if Big Cypress Fox Squirrels nests are identified.

5. Existing Agricultural Use

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

- a. Bona fide agricultural uses in existence at the time of this resolution and as shown on Exhibit "D"²⁸ attached hereto may continue until approval of a local development order for vertical construction for the lot or parcel containing those uses.
- b. The property owner must terminate the agricultural tax exemption for the lot or parcel receiving a local development order for vertical construction. The agricultural use must cease and the exemption termination must be filed with the Property Appraisers Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.

²⁸ Resolution Z-18-027 Exhibit D (Agricultural Affidavit) remains unchanged.

6. Right-of-way Buffers

a. Interstate 75

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

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

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

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

b. Ben Hill Griffin Parkway

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

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

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

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

c. Non-Vertical Development

Prior to the issuance of a development order for infrastructure, developer must demonstrate there is at least 25 feet of existing native vegetation

adjacent to I-75 and Ben Hill Griffin Parkway. Development orders for vertical development will trigger the installation of landscape buffers indicated in the paragraphs above.

7. Roadway Access/Drainage

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

8. Detention Pond Relocation

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

9. Buildings and Structures

- a. The primary façade of industrial buildings and structures within 100 feet of Ben Hill Griffin Parkway must comply with the design standards and guidelines for commercial buildings and development set forth in the LDC. Industrial buildings more than 100 feet from Ben Hill Griffin Parkway will not be subject to the commercial building design standards.
- b. All structures must be designed to be architecturally compatible and share a common architectural theme.
- c. The developer may not develop or use the property within the Florida Power and Light (FP&L) easement in a manner inconsistent with that easement. The developer is not required to obtain approval from FP&L to develop within the easement if the developer provides evidence of the legal authority

to develop within easement. Such evidence may consist of an attorney opinion the proposed use of the property within the easement does not violate the easement. The attorney rendering the opinion must be board certified in real estate.

10. Wireless communication facilities

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

11. Heliport/Helistops

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

12. Signs

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

13. Commercial Parking Lot/Garage, Public Parking

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

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

- i. Traffic counts conducted at all driveways leading to and from the commercial parking structure for a period not less than three consecutive weekdays. The traffic counts must be conducted during

the months of February or March in order to determine the peak season usage of the commercial parking structure. Operators of the facility will be consulted as to the peak months of operation. The facility must be open a minimum of 60 days before conducting a survey for this purpose. Twenty-four hour machine counts must be summarized in tabular form.

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

- d. A vehicle storage building must be setback a minimum of 50 feet from Ben Hill Griffin Parkway.

~~14. Development Blasting~~

~~Development blasting is permitted in areas identified as Proposed Areas of Blasting in Exhibit E provided developer complies with the LDC and provides 72-hour notification of blasting to the Lee County Port Authority Director of Planning and Environmental Compliance. Two hours prior to blasting, the developer must ensure the individuals supervising blasting activity contact the FAA Air Traffic Control Tower Watch Desk at (239) 768-1370 to provide the proposed blasting times and a cellular telephone number contact for the individual supervising the blasting activity.~~

Hearing Examiner Note: Deleting "Condition 14 Development Blasting" results in elimination of Resolution Z-18-027 Exhibit E (Proposed Areas of Blasting).

~~15~~14. Industrial Uses

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

- a. If producing a tangible product, the use or activity must stand at or near the end of the manufacturing process, accounting only for the last steps of preparation or assembly of components or preprocessed materials.
- b. All operations must be conducted within a fully enclosed building.
- c. The use may not emit dust, smoke, odor or other air or water pollutant, glare, sound or other vibration that can be perceived outside the boundaries of the development tract or industrial use area.
- d. Open storage of waste products is prohibited. Open storage of raw materials must be fully screened from external property lines and Ben Hill Griffin Parkway by proposed buildings and/or screening in accordance with the LDC.
- e. Open storage of finished goods awaiting shipment is permitted, provided the storage area meets LDC visibility screening requirements.

~~16. Accessory Uses~~

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

~~17.~~ Mitigation of Impacts

~~— Zoning approval does not address mitigation of vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.~~

Hearing Examiner Note: Staff recommended deletion of two conditions due to redundancy with subject matter of Condition 1.

~~18~~15. Interconnection with Adjacent Property

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

~~19~~16. Interstate Highway Interchange Sign

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

DEVIATIONS

1. Surface Water Management Systems

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

This deviation is APPROVED SUBJECT TO the following condition:

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

2. Drainage Easements

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

This deviation is APPROVED SUBJECT TO the following condition:

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

3. Waterbody Setbacks

Deviation (3) seeks relief from the LDC §34-2194(b) requirement to provide a 25-foot waterbody setback for buildings, to allow a zero-foot setback at bulkhead areas.

This deviation is APPROVED SUBJECT TO the site development regulations set forth in Condition 2.

4. Excavations

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

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

This deviation is APPROVED SUBJECT TO the following condition:

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

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

5. Deviation (5) withdrawn.

6. Excavations

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

This deviation is APPROVED.

7. Shoreline Configuration

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

This deviation is APPROVED.

8. Planted littoral shelf configuration

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

This deviation is APPROVED SUBJECT TO the following condition:

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

9. Littoral Shelf Plant Selection

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

This deviation is APPROVED.

10. Permanent Sign in Commercial and Industrial Areas

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

This deviation is APPROVED SUBJECT TO the following condition:

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

11. Phased Projects

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

This deviation is APPROVED SUBJECT TO the following condition:

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

12. Required Parking Spaces

Deviation (12) seeks relief from the LDC §34-2020(e)(1)(a), requirement to provide an additional 80 square feet of internal parking island landscape area for every additional parking space over 120% of required parking, to allow for an additional 40 square feet of internal parking island landscape area for every additional parking space over 120%, to be planted with ground cover plants at a minimum one gallon container size, and allow the developer to locate the required canopy trees in the project's perimeter and/or internal buffer areas.

This deviation is APPROVED SUBJECT TO the following condition:

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

13. Surface Water Management Systems

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

This deviation is APPROVED SUBJECT TO the following condition:

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

14. Property Development Regulations

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

This deviation is APPROVED.

15. Interstate Highway Interchange Area Signs

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

This deviation is APPROVED SUBJECT TO Condition 16.

Exhibits to Conditions and Deviations
Master Concept Plan (Resolution Exhibit C)
Agricultural Use Affidavit (Resolution Exhibit D)

Exhibit C

RECOMMENDED CONDITIONS AND DEVIATIONS (Clean Version)

CONDITIONS

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

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

- a. Schedule of Uses:

Accessory Uses and Structures
Administrative Offices
Agricultural Uses: See Condition 5
Aircraft Food Service and Catering
Amusement Parks
Animals: Clinic or kennel
ATM (automatic teller machine)
Auto Parts Store, with installation services
Auto Repair and Service, all groups
Automobile Service Station
Bait and Tackle Shop
Banks and Financial Establishments: all groups
Bar and Cocktail Lounge, in conjunction with a restaurant
Billboards, existing only
Boardwalks
Boats, boat part store boat repair and service
Boat Sales
Broadcast Studio, Commercial Radio and Television
Building Material Sales
Business Services: all groups
Bus Station/Depot
Car Wash
Cleaning and Maintenance Services
Clothing Store, general
Clubs, commercial, fraternal, membership organization, and private
Cold Storage, Pre-Cooling, Warehouse and Processing Plant
Communication Facilities, Wireless, subject to Condition 10

Computer and Data Processing Service
Consumption on Premises, in conjunction with a restaurant
Convenience Food and Beverage Store with Fuel Pumps, limited to one (1)
store with 36 fuel pumps
Contractors and Builders: all groups
Drive-Through Facility for Any Permitted Use
Emergency Operations Center
EMS, Fire or Sheriff's Station
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities: Groups I and II (Group II is limited to
communication, telephone and electrical distribution facilities, and
electrical substations)
Excavation: Water retention, including dewatering
Factory Outlets, point of manufacture only
Fences and Walls
Food and Beverage Services, limited
Food Stores: all groups
Freight and Cargo Handling Establishments
Gasoline Dispensing Systems, Special
Gift and Souvenir Shop
Government Maintenance Facility
Healthcare Facilities, Group III
Heliport or Helistop, subject to Condition 11
Hobby, Toy, and Game Shops
Hotels/ Motels – limited to 360 rooms
Household and Office Furnishings, All Groups
Lawn and Garden Supply Stores
Laundry or Dry Cleaning: All Groups
Manufacturing of:
Apparel products
Boats
Chemical and allied products: Groups I and II, (Group II is limited to
cosmetics, perfumes, soaps, detergents, and other toilet
preparations
Electrical machinery and equipment, all operations must be
conducted within a fully enclosed building
Fabricated metal products: Group II, all operations must be
conducted within a fully enclosed building
Food and kindred products: Groups II and III
Furniture and Fixtures, all operations must be conducted within a
fully enclosed building
Leather products: Group II
Lumber and wood products: Group II, III, IV, V and VI
Measuring, analyzing and controlling instruments
Novelties, jewelry, toys and signs: All Groups

- Paper and allied products: Groups II and III
- Rubber and plastic products: All Groups
- Stone, clay, glass and concrete products: Group I
- Textile mill products, all groups
- Transportation equipment: Groups I and II
- Medical Office
- Mini-Warehouse
- Motion Picture Production Studio
- Nightclubs
- Non-Store Retailers: all groups
- Package Store, limited to one
- Paint and Glass and Wallpaper
- Parcel and Express Services
- Parking Lot:
 - Accessory
 - Commercial, subject to Condition 13
 - Garage, public parking, subject to Condition 13
 - Temporary
- Personal Services: Groups I, II, III and IV except for massage parlors, palm readers, fortune tellers, card readers and tattoo parlors
- Pet Services
- Photofinishing Laboratory
- Post Office
- Printing and Publishing
- Processing and Warehousing
- Real Estate Sales Office, for sale of lots/structures within the development only
- Recreational Facilities, all groups excluding outdoor gun ranges
- Rental or Leasing Establishment: Groups II, III, and IV
- Repair Shops: Groups I, II, III, IV, and V
- Research and Development Laboratories: all groups
- Restaurants: all groups including fast food
- Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use on the same premises
- Schools, Commercial, (excluding charter and private schools unless located in a multitenant building) – prohibited in Airport Noise Zone B
- Signs including one (1) interstate highway interchange area identification sign, subject to Conditions 12 and 16
- Social Services, Groups I and II
- Specialty Retail Shops: All groups
- Storage:
 - Indoor
 - Open, including RV storage
- Technical Training Facilities
- Temporary Uses
- Transportation Services: Groups II, III, and IV

Trucking Terminal
Used Merchandise Stores: all groups
Variety Store
Vehicle and Equipment Dealers: all groups
Warehouse:
 Private
 Public
Wholesale Establishments: Groups III, and IV

b. Site Development Regulations

i. Office, Retail, and Mixed Use Development

Minimum Lot Area and Dimensions:

Minimum Lot Area: 7,500 square feet, 10,000 square feet for mixed use buildings
Minimum Lot Width: 75 feet
Minimum Lot Depth: 100 feet

Minimum Setbacks:

Ben Hill Griffin Parkway: 25 feet
Interstate 75: 30 feet
Internal Streets: 20 feet
Side: 10 feet
Rear: 20 feet
Accessory: 5 feet
Waterbody: 20 feet, 0 feet waterbody setback for decks, patios, and boardwalks accessory to restaurants, hotels, health clubs/spas, and offices.
Preserve: 25 feet

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

Maximum Building Height: 75 feet

Maximum Lot Coverage: 55%

ii. Hotel/Motel Development

Minimum Lot Area and Dimensions:

Minimum Lot Area: 20,000 square feet
Minimum Lot Width: 100 feet
Minimum Lot Depth: 100 feet

Minimum Setbacks:

Ben Hill Griffin Parkway:	25 feet
Interstate 75:	30 feet
Internal Streets:	20 feet
Side:	10 feet
Rear:	20 feet
Accessory:	5 feet
Waterbody:	20 feet, 0 feet waterbody setback for decks, patios, and boardwalks accessory to restaurants, hotels, health clubs/spas, and offices.
Preserve:	25 feet

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

Maximum Building Height: 120 feet

Maximum Lot Coverage: 55%

iii. Industrial Development

Minimum Lot Area and Dimensions:

Minimum Lot Area:	25,000 square feet
Minimum Lot Width:	100 feet
Minimum Lot Depth:	100 feet

Minimum Setbacks:

Ben Hill Griffin Parkway:	25 feet for all buildings conforming to LDC design standards and guidelines for commercial buildings. 100 feet for buildings that do not conform to the LDC design standards and guidelines for commercial buildings (see Condition 9)
Interstate 75:	30 feet
Internal Streets:	20 feet
Side:	10 feet
Rear:	20 feet
Accessory:	5 feet
Waterbody:	20 feet, 0 feet waterbody setback for decks, patios, and boardwalks accessory to restaurants, hotels, health clubs/spas, and offices.
Preserve:	25 feet

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

Maximum Building Height: 75 feet

Maximum Lot Coverage: 65%

3. Development Parameters

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

4. Environmental

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

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

5. Existing Agricultural Use

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

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

6. Right-of-way Buffers

a. Interstate 75

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

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

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

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

b. Ben Hill Griffin Parkway

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

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

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

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

c. Non-Vertical Development

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

7. Roadway Access/Drainage

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

8. Detention Pond Relocation

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

9. Buildings and Structures

- a. The primary façade of industrial buildings and structures within 100 feet of Ben Hill Griffin Parkway must comply with the design standards and guidelines for commercial buildings and development set forth in the LDC. Industrial buildings more than 100 feet from Ben Hill Griffin Parkway will not be subject to the commercial building design standards.
- b. All structures must be designed to be architecturally compatible and share a common architectural theme.
- c. The developer may not develop or use the property within the Florida Power and Light (FP&L) easement in a manner inconsistent with that easement. The developer is not required to obtain approval from FP&L to develop within the easement if the developer provides evidence of the legal authority to develop within easement. Such evidence may consist of an attorney opinion the proposed use of the property within the easement does not violate the easement. The attorney rendering the opinion must be board certified in real estate.

10. Wireless communication facilities

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

11. Heliport/Helistops

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

12. Signs

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

13. Commercial Parking Lot/Garage, Public Parking

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

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

- i. Traffic counts conducted at all driveways leading to and from the commercial parking structure for a period not less than three consecutive weekdays. The traffic counts must be conducted during the months of February or March in order to determine the peak season usage of the commercial parking structure. Operators of the facility will be consulted as to the peak months of operation. The facility must be open a minimum of 60 days before conducting a survey for this purpose. Twenty-four hour machine counts must be summarized in tabular form.
- ii. The average weekday P.M. peak hour trip generation will be determined from the three day count.
- iii. The peak hour trip generation will be analyzed to determine that an industrial land use of similar size to the parking facility does not generate similar P.M. peak hour trips as does a commercial parking structure (i.e. an 80,000 square feet commercial parking facility does not generate the same number of trips as 80,000 square feet of industrial use).

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

14. Industrial Uses

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

- a. If producing a tangible product, the use or activity must stand at or near the end of the manufacturing process, accounting only for the last steps of preparation or assembly of components or preprocessed materials.
- b. All operations must be conducted within a fully enclosed building.
- c. The use may not emit dust, smoke, odor or other air or water pollutant, glare, sound or other vibration that can be perceived outside the boundaries of the development tract or industrial use area.

- d. Open storage of waste products is prohibited. Open storage of raw materials must be fully screened from external property lines and Ben Hill Griffin Parkway by proposed buildings and/or screening in accordance with the LDC.
 - e. Open storage of finished goods awaiting shipment is permitted, provided the storage area meets LDC visibility screening requirements.
15. Interconnection with Adjacent Property
- At the time of local development order approval, the roadway interconnections with the two projects to the south (Jetway Tradeport and Airport South Interchange) must be reviewed to ensure the roadways are in alignment.
16. Interstate Highway Interchange Sign
- One on-site interstate interchange area sign is permitted within one quarter mile of Interstate 75 and the Airport Direct Connect Ramp. This sign may not 400 square feet in area and 50 feet in height. This sign is in addition to the allowances provided in Deviation 10.

DEVIATIONS

1. Surface Water Management Systems

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

This deviation is APPROVED SUBJECT TO the following condition:

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

2. Drainage Easements

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

This deviation is APPROVED SUBJECT TO the following condition:

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

3. Waterbody Setbacks

Deviation (3) seeks relief from the LDC §34-2194(b) requirement to provide a 25-foot waterbody setback for buildings, to allow a zero-foot setback at bulkhead areas.

This deviation is APPROVED SUBJECT TO the site development regulations set forth in Condition 2.

4. Excavations

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

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

This deviation is APPROVED SUBJECT TO the following condition:

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

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

5. Deviation (5) withdrawn.

6. Excavations

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

This deviation is APPROVED.

7. Shoreline Configuration

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

This deviation is APPROVED.

8. Planted littoral shelf configuration

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

This deviation is APPROVED SUBJECT TO the following condition:

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

9. Littoral Shelf Plant Selection

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

This deviation is APPROVED.

10. Permanent Sign in Commercial and Industrial Areas

Deviation (10) seeks relief from the LDC§ 30-153(2)(a)(ii) requirement which permits two identification signs totaling 400 square feet in area along street

frontages exceeding 330 feet, to allow a total combined sign area per frontage of 1,000 square feet along Ben Hill Griffin Parkway, and 500 feet along I-75.

This deviation is APPROVED SUBJECT TO the following condition:

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

11. Phased Projects

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

This deviation is APPROVED SUBJECT TO the following condition:

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

12. Required Parking Spaces

Deviation (12) seeks relief from the LDC §34-2020(e)(1)(a), requirement to provide an additional 80 square feet of internal parking island landscape area for every additional parking space over 120% of required parking, to allow for an additional 40 square feet of internal parking island landscape area for every additional parking space over 120%, to be planted with ground cover plants at a minimum one gallon container size, and allow the developer to locate the required canopy trees in the project's perimeter and/or internal buffer areas.

This deviation is APPROVED SUBJECT TO the following condition:

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

13. Surface Water Management Systems

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

This deviation is APPROVED SUBJECT TO the following condition:

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

14. Property Development Regulations

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

This deviation is APPROVED.

15. Interstate Highway Interchange Area Signs

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

This deviation is APPROVED SUBJECT TO Condition 16.

Exhibits to Conditions and Deviations

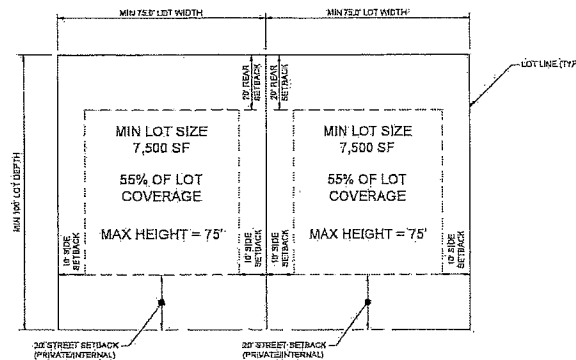
Master Concept Plan (Resolution Exhibit C)

Agricultural Use Affidavit (Resolution Exhibit D)

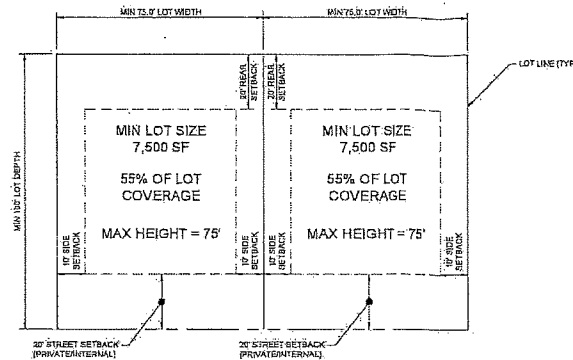
**YOUNGQUIST
TRADE CENTER**

CLIENT: YBFH REAL ESTATE LLC

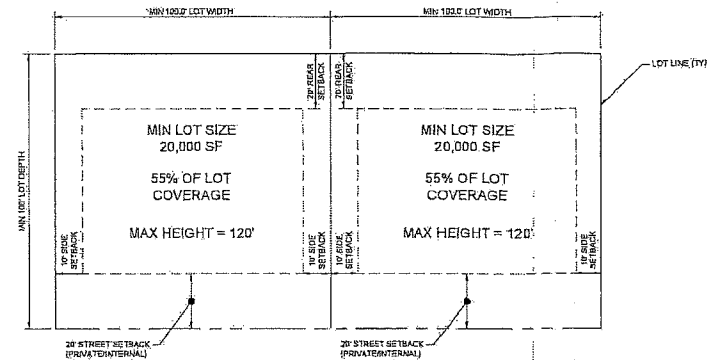
MASTER CONCEPT PLAN



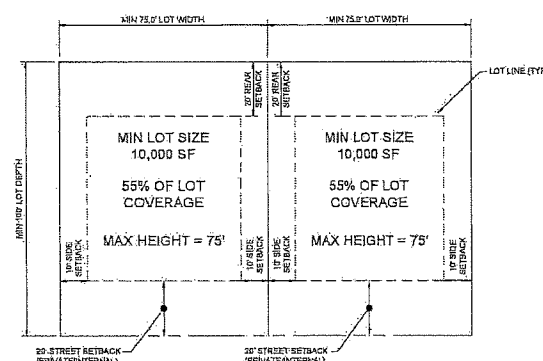
TYPICAL OFFICE LOT DETAIL



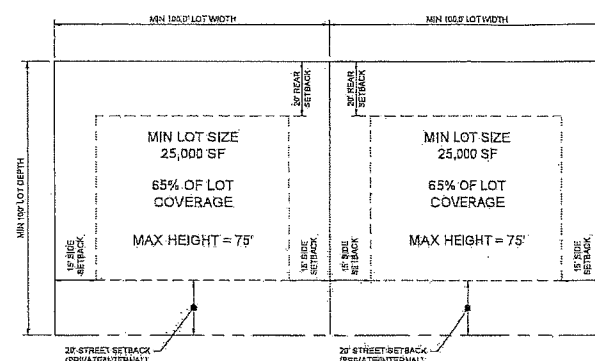
TYPICAL RETAIL LOT DETAIL



TYPICAL HOTEL LOT DETAIL



TYPICAL MIXED USE BUILDINGS LOT DETAIL



TYPICAL INDUSTRIAL LOT DETAIL

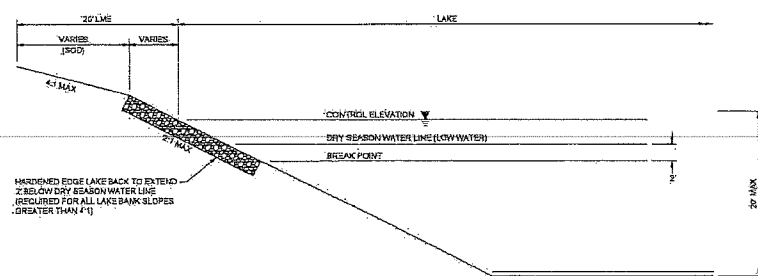
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JUN 18 2019

COMMUNITY DEVELOPMENT

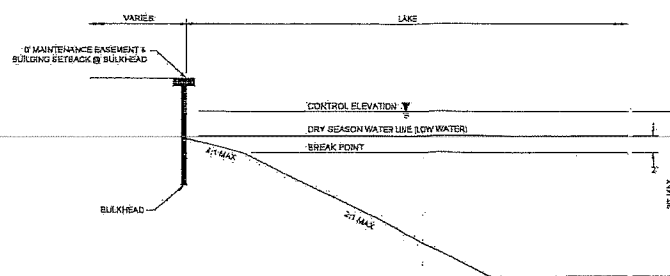
DCI 2017-00028

TYPICAL LOT DETAILS NOTES

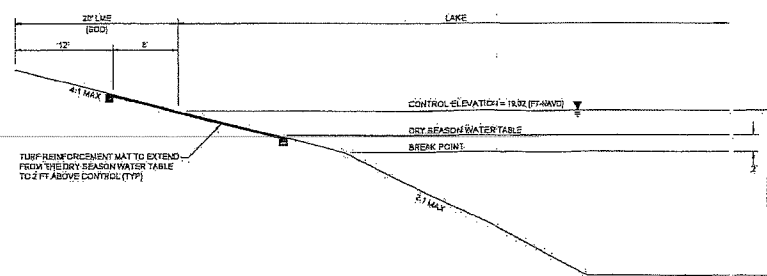
- MIN. STREET SETBACK (BKG PKWY.) = 20' OFFICE, RETAIL, HOTEL, MIXED-USE BUILDING
- MIN. STREET SETBACK (BKG PKWY.) = 20' (INDUSTRIAL)
- MIN. STREET SETBACK (BKG PKWY.) = 20'
- MIN. STREET SETBACK (PRIVATE/INTERNAL) = 20'
- WATERBODY = 20'
- PRESERVE = 25'
- MIN. BUILDING SEPARATION = 1/2 SUM OF THE BUILDING HEIGHT, OR 30' WHICHEVER IS GREATER (OFFICE, RETAIL, HOTEL)
- MIN. BUILDING SEPARATION = 1/2 SUM OF THE BUILDING HEIGHT (MIXED USE BUILDINGS, INDUSTRIAL)



TYPICAL LAKE CROSS-SECTION (HARDENED EDGE)



TYPICAL LAKE CROSS-SECTION (BULKHEAD)



TYPICAL LAKE CROSS-SECTION (4:1 LAKE BANK SLOPE)

Approved as Exhibit 0
MCP, Page 2 of 2
Revision 2-18-027

PLAN REVISIONS	REVISION	DATE	BY	CHKD	APP'D
1	REVISED PER COUNTY COMMENTS	06/18/19	AW	AW	AW
2	REVISED PER COUNTY COMMENTS	06/18/19	AW	AW	AW
3	REVISED PER COUNTY COMMENTS	06/18/19	AW	AW	AW
4	REVISED PER COUNTY COMMENTS	06/18/19	AW	AW	AW
5	REVISED PER COUNTY COMMENTS	06/18/19	AW	AW	AW
6	REVISED PER COUNTY COMMENTS	06/18/19	AW	AW	AW
7	REVISED PER COUNTY COMMENTS	06/18/19	AW	AW	AW
8	REVISED PER COUNTY COMMENTS	06/18/19	AW	AW	AW
9	REVISED PER COUNTY COMMENTS	06/18/19	AW	AW	AW
10	REVISED PER COUNTY COMMENTS	06/18/19	AW	AW	AW

RESOLUTION EXHIBIT D

AFFIDAVIT

STATE OF FLORIDA,
COUNTY OF LEE.

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

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

FURTHER AFFIANT SAYETH NAUGHT.

AIRPORT INTERSTATE ASSOCIATES, LLC


Chris Bundschu

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

(Notary Seal)




Signature of Notary Public

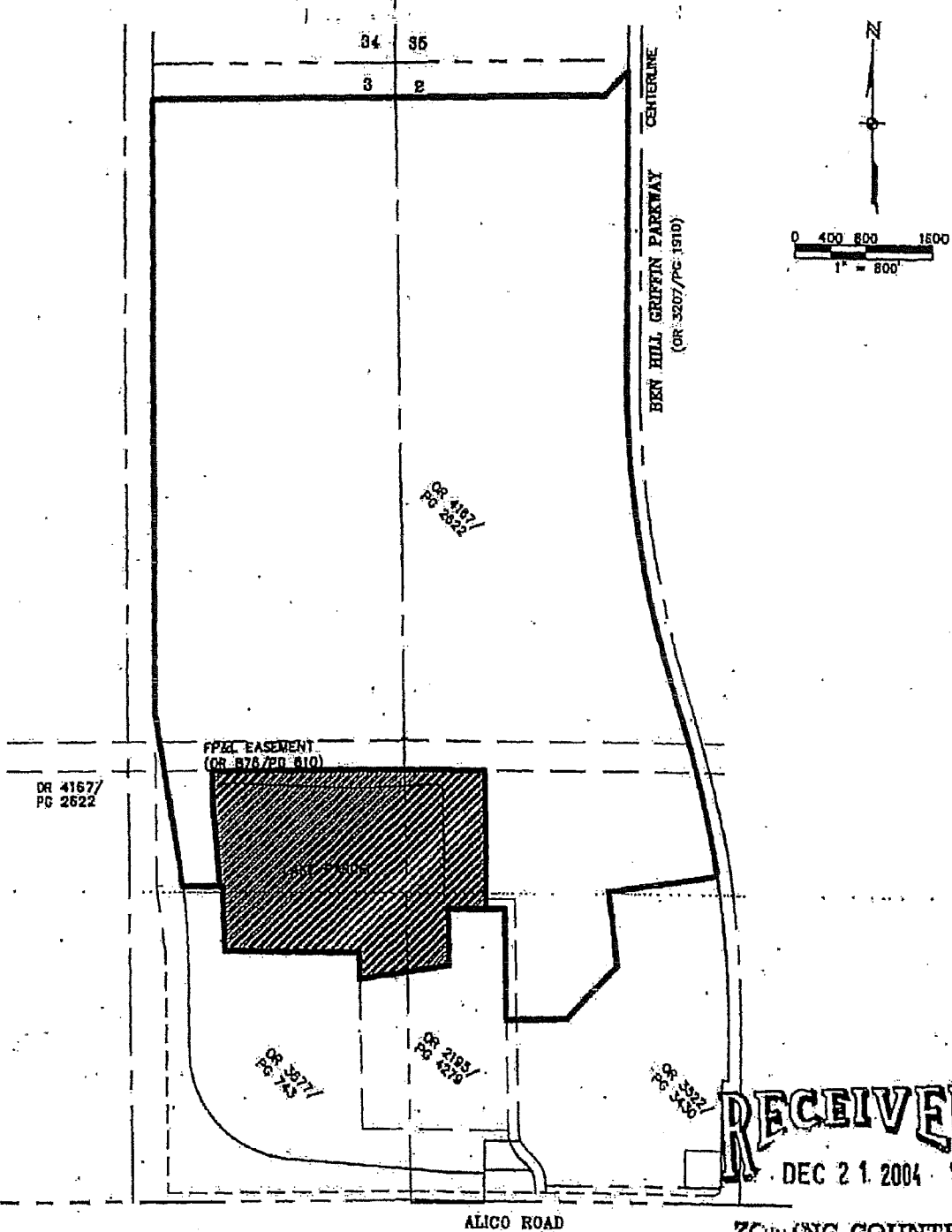
Commission No.

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

RECEIVED
DEC 21 2004
2064 2010
ZONING COUNTER

EXHIBIT D

S:\034114\EXHIBIT-A-AGRICULTURAL USE AREA.dwg (Sheet1) FLS Nov 11, 2004 - 10:00am



RECEIVED
DEC 21 2004

ZONING COUNTER
DCI 2004 00010

JOHNSON
ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3681
E.B. #842 & L.B. #842

EXHIBIT "A"					AGRICULTURAL USE AREA	
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET		
NOV 2004	20034114	263-45-25	1" = 800'	2 OF 2		

AFFIDAVIT

STATE OF FLORIDA,
COUNTY OF BROWARD.

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

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

FURTHER AFFIANT SAYETH NAUGHT.

George Levin
George Levin

Gayla Sue Levin
Gayla Sue Levin

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

(Notary Seal)



Paul McMahon
Commission #DD089671
Expires: Feb 10, 2008
Bonded Through
Atlantic Bonding Co., Inc.

Commission No.

Paul McMahon
Signature of Notary Public

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

RECEIVED
DEC 21 2004
DCI 2064 00010
ZONING COUNTER

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

OR 4187/
PG 2622

LAKE PARCEL

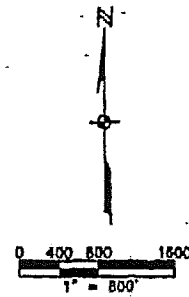
OR 3271
PG 1251

OR 2185/
PG 4229

BEN HILL GRIFFIN PARKWAY
(OR 3207/PG 1910)

CENTERLINE

ALICO ROAD



2004-00010
RECEIVED
DEC 21 2004

ZONING COUNTER

JOHNSON
ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0048
FAX (239) 334-3881
E.B. #842 & L.B. #842

EXHIBIT "A"
AGRICULTURAL USE AREA

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
NOV 2004	20034114	2&3-45-25	1" = 800'	1 OF 2

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

- a. *48-Hour Notice:* Memorandum from Dirk Danley, Jr., Senior Planner, to Donna Marie Collins, Chief Hearing Examiner, dated July 27, 2021 (multiple pages – 8.5"x11")
- 1. *DCD Staff Report with attachments for DCI:* Prepared by Dirk Danley, Jr., Senior Planner, dated July 14, 2021 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
- 2. *PowerPoint Presentation:* Youngquist Trade Center DCI2021-00002, Amendment to the Mixed Use Planned Development, by DCD Staff Presentation (multiple pages – 8.5"x11")[color]

APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email from Laurie L. Plue, Pavese Law Firm, to Maria Perez, with copies to Neale Montgomery, Esq., Alexis Crespo, Richard Friday, Dirk Danley, Jr., Elizabeth Workman, Brett Youngquist, & Olga Ramos, dated Monday, July 26, 2021 3:57 PM (3 pages – 8.5"x11")
- 1. *PowerPoint Presentation:* Youngquist Trade Center MPD Zoning Amendment, DCI2021-00002, Hearing Examiner Presentation, dated July 29, 2021
- 2. *Aerial:* (1 page – 11"x17")

Exhibit D

HEARING PARTICIPANTS

County Staff

1. Dirk Danley, Jr.

Applicant Representatives

1. Alexis Crespo
2. Neale Montgomery, Esq.

Exhibit E
INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

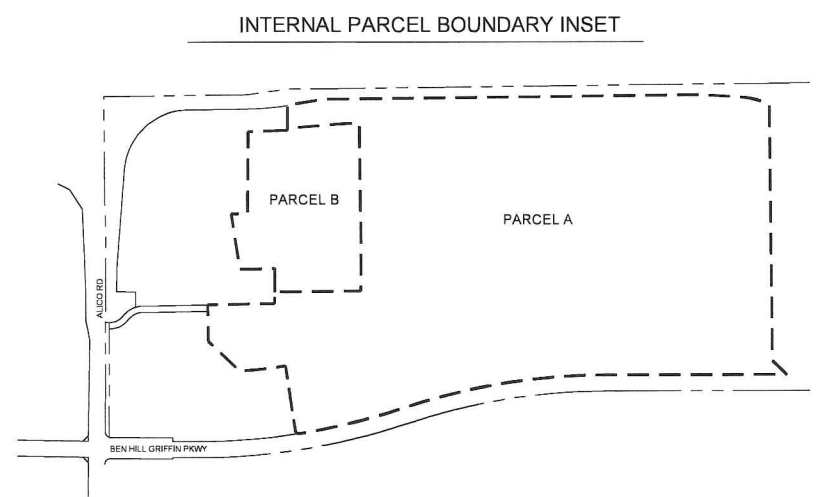
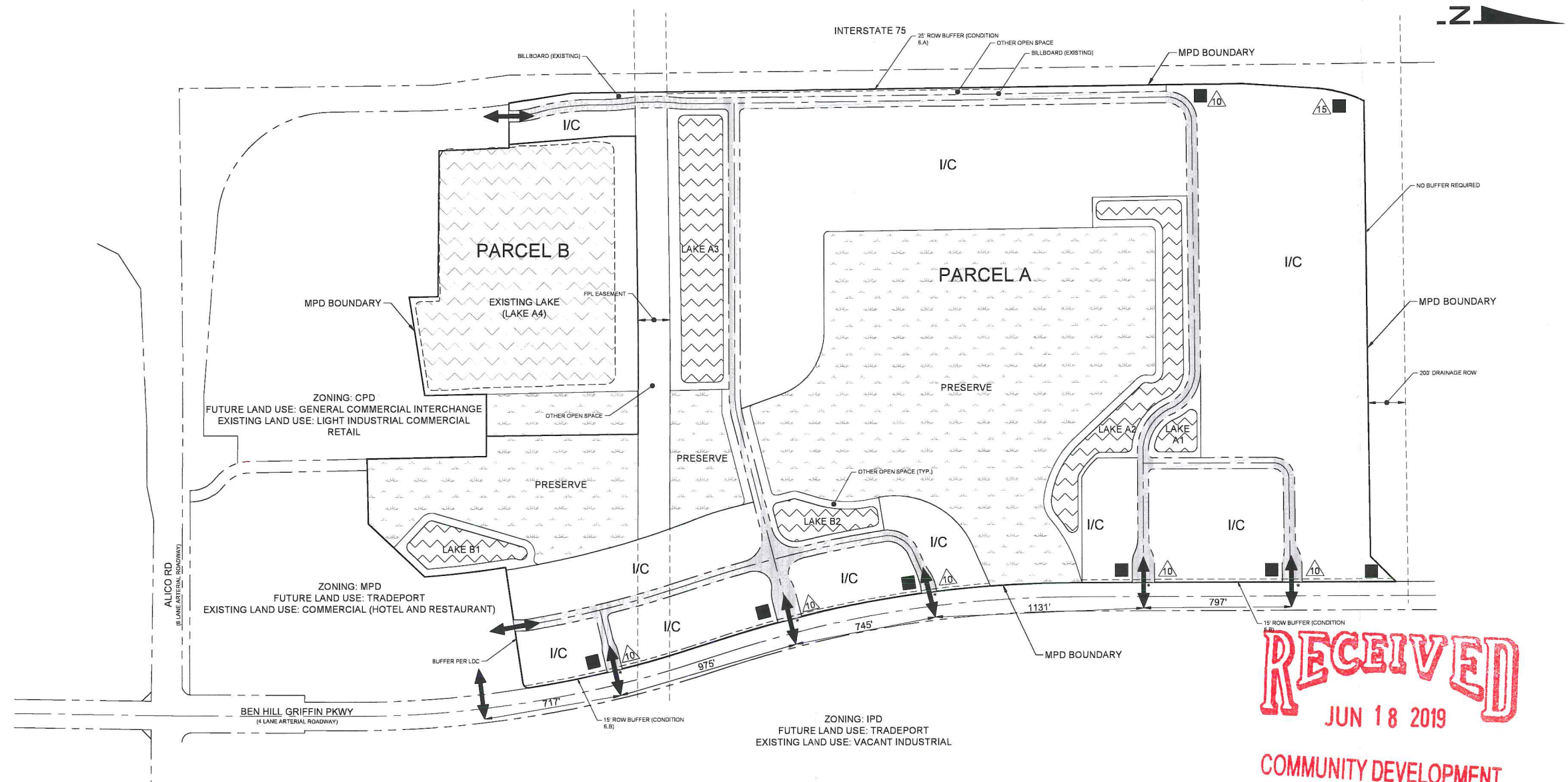
A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.

B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.

B. A verbatim transcript may also be available for purchase from the court reporting service.



Approved as Exhibit C
MCP Page 1 of 2
Resolution # Z-18-027

LAND USE SUMMARY			
PROJECT AREAS (ACRES)	PARCEL 'A'	PARCEL 'B'	TOTAL
INDUSTRIAL/COMMERCIAL	130.59	-	130.59
PRESERVE	83.15	4.15	87.30
RIGHT-OF-WAY	19.08	-	19.08
LAKE	18.80	28.19	46.99
OTHER OPEN SPACE	23.57	5.24	28.81
TOTAL	274.99	37.58	312.57

DEVIATIONS 11 THROUGH 13 AND 15
APPLY TO ALL LAKES
DEVIATIONS 10 THROUGH 12 AND 14
APPLY TO ENTIRE MPD

LEGEND

RIGHT-OF-WAY

PROPOSED LAKE

EXISTING LAKE

PRESERVE

DEVIATION LOCATION

CONCEPTUAL SIGN LOCATIONS **

EXISTING INGRESS / EGRESS
*EXISTING PROJECT ENTRANCES CONSTRUCTED PER MEMORANDUM OF UNDERSTANDING IN OR BOOK 23625 PAGE 4194 AND LEE COUNTY RESOLUTION NO. 16-05-08

** SIGNAGE LOCATIONS ARE SHOWN IN REFERENCE TO DEVIATIONS 10 AND 15 AND DO NOT DEPICT ALL LOCATIONS OF SIGNAGE PERMITTED IN ACCORDANCE WITH CHAPTER 30 OF THE LDC AND APPROVED DEVIATIONS.

RECEIVED
JUN 18 2019

COMMUNITY DEVELOPMENT
DCI2017-00028

WALDROP ENGINEERING

28100 BONITA GRANDE DRIVE, SUITE 305 BONITA SPRINGS, FL 34135
P: 239-485-7777 F: 239-485-7959 EMAIL: info@waldropengineering.com

**YOUNGQUIST
TRADE CENTER**
CLIENT: YBFH REAL ESTATE LLC

MASTER CONCEPT PLAN

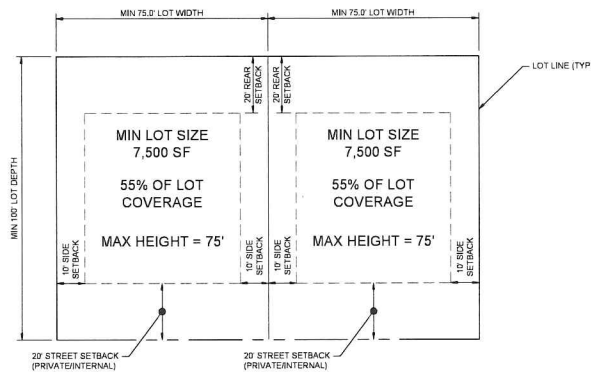
PLAN REVISIONS	REV#	DATE	DESCRIPTION
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2	02/14/18	02/14/18	REVISED PER COUNTY COMMENTS
3	03/14/18	03/14/18	REVISED PER COUNTY COMMENTS
4	04/11/18	04/11/18	REVISED PER COUNTY COMMENTS
5	05/02/18	05/02/18	REVISED PER COUNTY COMMENTS
6	06/22/18	06/22/18	REVISED PER COUNTY COMMENTS
7	08/17/18	08/17/18	REVISED PER RECOMMENDATION

8	150	300	600
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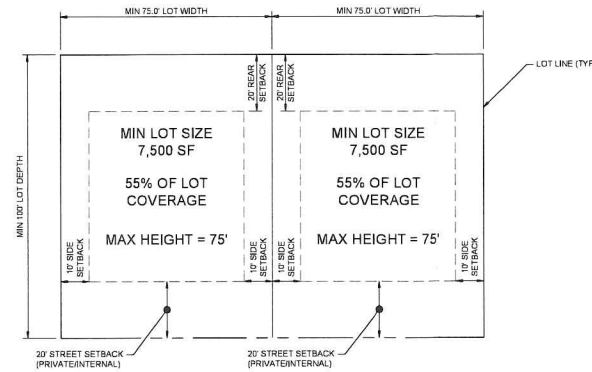
SCALE IN FEET

FLORIDA CERTIFICATE OF AUTHORIZATION: #6336

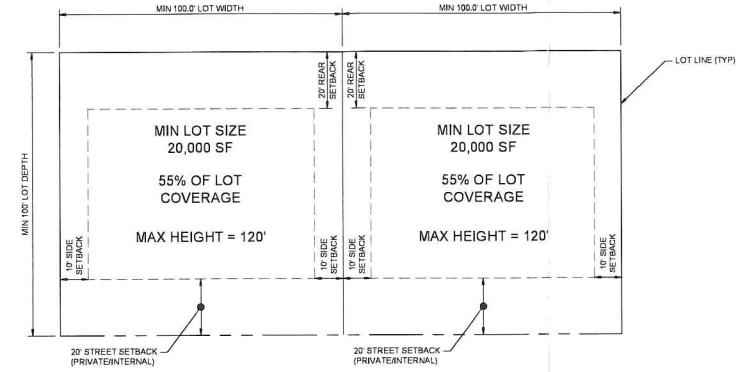
SET NUMBER: 750-01-01
SHEET: 1



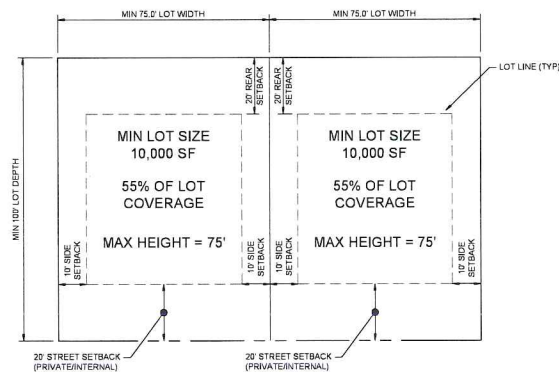
TYPICAL OFFICE LOT DETAIL
NTS



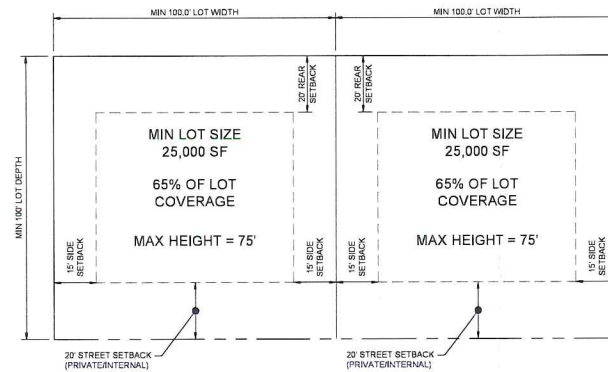
TYPICAL RETAIL LOT DETAIL
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TYPICAL HOTEL LOT DETAIL
NTS



TYPICAL MIXED USE BUILDINGS LOT DETAIL
NTS



TYPICAL INDUSTRIAL LOT DETAIL
NTS

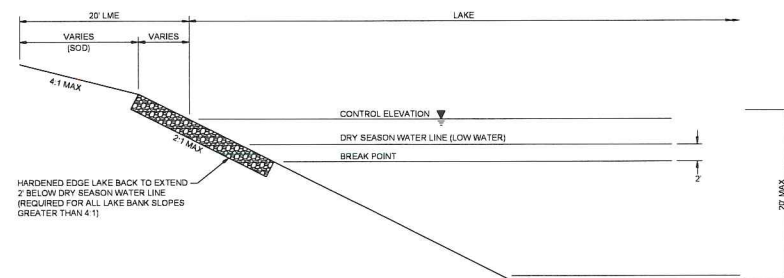
RECEIVED
JUN 18 2019

COMMUNITY DEVELOPMENT

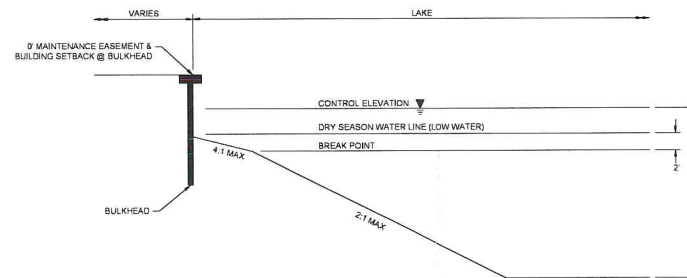
DCI 2017-00028

TYPICAL LOT DETAILS NOTES

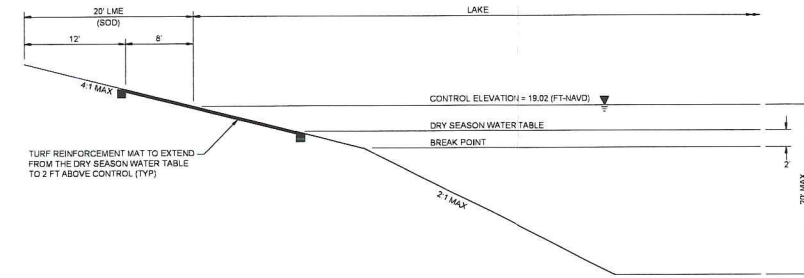
- MIN. STREET SETBACK (BHD PKWY) = 25' (OFFICE, RETAIL, HOTEL, MIXED USE BUILDING)
- MIN. STREET SETBACK (BHD PKWY) = 25' (INDUSTRIAL)
- MIN. STREET SETBACK (1-1/2) = 20'
- MIN. STREET SETBACK (PRIVATE/INTERNAL) = 20'
- WATERBODY = 20'0"
- PRESERVE = 25'
- MIN. BUILDING SEPARATION = 1/2 SUM OF THE BUILDING HEIGHT, OR 20' WHICHEVER IS GREATER (OFFICE, RETAIL, HOTEL)
- MIN. BUILDING SEPARATION = 1/2 SUM OF THE BUILDING HEIGHT (MIXED USE BUILDINGS, INDUSTRIAL)



TYPICAL LAKE CROSS-SECTION (HARDENED EDGE)
NTS

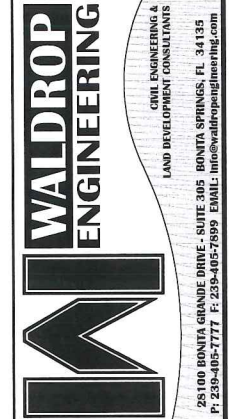


TYPICAL LAKE CROSS-SECTION (BULKHEAD)
NTS



TYPICAL LAKE CROSS-SECTION (4:1 LAKE BANK SLOPE)
NTS

Approved as Exhibit C
MCP, Page 2 of 2
Resolution # 2-18-027



**YOUNGQUIST
TRADE CENTER**
CLIENT: YBFH REAL ESTATE LLC
MASTER CONCEPT PLAN

PLAN REVISIONS	REVISED BY	DATE	REVISION
1	YOUNGQUIST	06/18/19	REVISED PER COUNTY COMMENTS
2	YOUNGQUIST	06/18/19	REVISED PER COUNTY COMMENTS
3	YOUNGQUIST	06/18/19	REVISED PER COUNTY COMMENTS
4	YOUNGQUIST	06/18/19	REVISED PER COUNTY COMMENTS
5	YOUNGQUIST	06/18/19	REVISED PER COUNTY COMMENTS
6	YOUNGQUIST	06/18/19	REVISED PER COUNTY COMMENTS
7	YOUNGQUIST	06/18/19	REVISED PER COUNTY COMMENTS
8	YOUNGQUIST	06/18/19	REVISED PER COUNTY COMMENTS
9	YOUNGQUIST	06/18/19	REVISED PER COUNTY COMMENTS
10	YOUNGQUIST	06/18/19	REVISED PER COUNTY COMMENTS

NOT TO SCALE

FLORIDA CERTIFICATE OF AUTHORIZATION #9836

SET NUMBER: 750-01-01
SHEET: 2

Attachment C – Conditions.

A. Conditions

1. The development of this project must be consistent with the three page Master Concept Plan “Youngquist Trade Center Master Concept Plan” stamped received June 18, 2019, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

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

a. Schedule of Uses:

ACCESSORY USES AND STRUCTURES
ADMINISTRATIVE OFFICES
AGRICULTURAL USES See Condition 5 below
AIRCRAFT FOOD SERVICE AND CATERING
AMUSEMENT PARKS
ANIMALS: Clinic or kennel
ATM (automatic teller machine)
AUTO PARTS STORE, with installation services
AUTO REPAIR AND SERVICE, all groups
AUTOMOBILE SERVICE STATION
BAIT AND TACKLE SHOP
BANKS AND FINANCIAL ESTABLISHMENTS: all groups
BAR AND COCKTAIL LOUNGE, in conjunction with a restaurant
BILLBOARDS, existing only (See Condition 19 below)
BLASTING, See Condition 21 below
BOARDWALKS
BOATS, boat part store boat repair and service
BOAT SALES
BROADCAST STUDIO, COMMERCIAL RADIO AND
TELEVISION
BUILDING MATERIAL SALES
BUSINESS SERVICES: all groups
BUS STATION/DEPOT
CAR WASH
CLEANING AND MAINTENANCE SERVICES
CLOTHING STORE, general
CLUBS, commercial, fraternal, membership organization, and
private
COLD STORAGE, PRE-COOLING, WAREHOUSE AND
PROCESSING PLANT
COMMUNICATION FACILITIES, WIRELESS, in accordance with
section 34-1442 et seq., and conditions 11, 12, and 13 below –

FREESTANDING WIRELESS COMMUNICATION FACILITIES
(towers including stealth types) ARE PROHIBITED
COMPUTER AND DATA PROCESSING SERVICE
CONSUMPTION ON PREMISES, in conjunction with a restaurant
CONVENIENCE FOOD AND BEVERAGE STORE WITH FUEL
PUMPS, limited to one (1) store with 36 fuel pumps
CONTRACTORS AND BUILDERS: all groups
DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE
EMERGENCY OPERATIONS CENTER
EMS, FIRE OR SHERIFF'S STATES
ENTRANCE GATES AND GATEHOUSE
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES: Group I with Group II (limited
to communication, telephone and electrical distribution facilities,
and electrical substations)
EXCAVATION: Water retention, including dewatering
FACTORY OUTLETS, point of manufacture only
FENCES AND WALLS
FOOD AND BEVERAGE SERVICES, limited
FOOD STORES: all groups
FREIGHT AND CARGO HANDLING ESTABLISHMENTS
GASOLINE DISPENSING SYSTEMS, Special
GIFT AND SOUVENIR SHOP
GOVERNMENT MAINTENANCE FACILITY
HEALTHCARE FACILITIES, Group III
HELIPORT OR HELISTOP, See Condition 14 below
HOBBY, TOY, AND GAME SHOPS
HOTELS/ MOTELS (See Condition 3)
HOUSEHOLD AND OFFICE FURNISHINGS, All Groups
LAWN AND GARDEN SUPPLY STORES
LAUNDRY OR DRY CLEANING: All Groups
MANUFACTURING of:
 Apparel products
 Boats
 Chemical and allied products: Groups I and II, with Group II
 limited to cosmetics, perfumes, soaps, detergents, and
 other toilet preparations
 Electrical machinery and equipment, all operations must be
 conducted within a fully enclosed building
 Fabricated metal products: Group II, all operations must be
 conducted within a fully enclosed building
 Food and kindred products: Groups II and III
 Furniture and Fixtures, all operations must be conducted
 within a fully enclosed building
 Leather products: Group II
 Lumber and wood products: Group II, III, IV, V and VI
 Measuring, analyzing and controlling instruments
 Novelties, jewelry, toys and signs: All Groups
 Paper and allied products: Groups II and III

Rubber and plastic products: All Groups
 Stone, clay, glass and concrete products: Group I
 Textile mill products, All groups
 Transportation equipment: Groups I and II
 MEDICAL OFFICE
 MINI-WAREHOUSE
 MOTION PICTURE PRODUCTION STUDIO
 NIGHTCLUBS
 NONSTORE RETAILERS: all groups
 PACKAGE STORE, limited to one
 PAINT AND GLASS AND WALLPAPER
 PARCEL AND EXPRESS SERVICES
 PARKING LOT:
 Accessory
 Commercial, See Condition 13 below
 Garage, public parking, See Condition 13 below
 Temporary
 PERSONAL SERVICES: Groups I, II, III and IV except for massage parlors, palm readers, fortune tellers, card readers and tattoo parlors
 PET SERVICES
 PHOTOFINISHING LABORATORY
 POST OFFICE
 PRINTING AND PUBLISHING
 PROCESSING AND WAREHOUSING
 REAL ESTATE SALES OFFICE, for sale of lots/structures within the development only
 RECREATIONAL FACILITIES, All groups excluding outdoor gun ranges
 RENTAL OR LEASING ESTABLISHMENT: Groups II, III, and IV
 REPAIR SHOPS: Groups I, II, III, IV, and V
 RESEARCH AND DEVELOPMENT LABORATORIES: All Groups
 RESTAURANTS: All Groups including fast food
 RETAIL AND WHOLESALE SALES, when clearly incidental and subordinate to a permitted principal use on the same premises
 SCHOOLS, COMMERCIAL, (excluding charter and private schools unless located in a multitenant building) – not permitted in Airport Noise Zone B
 SIGNS including one (1) interstate highway interchange area identification sign structure in accordance with chapter 30, and subject to approved deviations, also see Condition 16.
 SOCIAL SERVICES, Groups I and II
 SPECIALTY RETAIL SHOPS: All groups
 STORAGE:
 Indoor, open, including RV storage
 TECHNICAL TRAINING FACILITIES
 TEMPORARY USES
 TRANSPORTATION SERVICES: Groups II, III, and IV
 TRUCKING TERMINAL

USED MERCHANDISE STORES: All groups
VARIETY STORE
VEHICLE AND EQUIPMENT DEALERS: All Groups
WAREHOUSE:
 Private
 Public
WHOLESALE ESTABLISHMENTS: Groups III, and IV

b. Site Development Regulations

~~The approved site development regulations have been removed and replaced with the following:~~

i. **Office, Retail, and Mixed Use Development**

Minimum Lot Area and Dimensions:

Minimum Lot Area:	7,500 square feet, 10,000 square feet for mixed use buildings
Minimum Lot Width:	75 feet
Minimum Lot Depth:	100 feet

Minimum Setbacks:

Ben Hill Griffin Parkway:	25 feet
Interstate 75:	30 feet
Internal Streets:	20 feet
Side:	10 feet
Rear:	20 feet
Accessory:	5 feet
Waterbody:	20 feet, 0 feet waterbody setback for decks, patios, and boardwalks accessory to restaurants, hotels, health clubs/spas, and offices.
Preserve:	25 feet

Minimum Building Separation: ½ sum of the building height, or 20 feet, whichever is greater

Maximum Building Height: 75 feet

Maximum Lot Coverage: 55%

ii. **Hotel/Motel Development**

Minimum Lot Area and Dimensions:

Minimum Lot Area:	20,000 square feet
Minimum Lot Width:	100 feet
Minimum Lot Depth:	100 feet

Minimum Setbacks:

Ben Hill Griffin Parkway:	25 feet
---------------------------	---------

Interstate 75:	30 feet
Internal Streets:	20 feet
Side:	10 feet
Rear:	20 feet
Accessory:	5 feet
Waterbody:	20 feet, 0 feet waterbody setback for decks, patios, and boardwalks accessory to restaurants, hotels, health clubs/spas, and offices.
Preserve:	25 feet

Minimum Building Separation: ½ sum of the building height, or 20 feet, whichever is greater
Maximum Building Height: 120 feet
Maximum Lot Coverage: 55%

iii. **Industrial Development**

Minimum Lot Area and Dimensions:

Minimum Lot Area:	25,000 square feet
Minimum Lot Width:	100 feet
Minimum Lot Depth:	100 feet

Minimum Setbacks:

Ben Hill Griffin Parkway: 25 feet for all buildings that conform to LDC Section 10-620, Design standards and guidelines for commercial buildings. Industrial buildings that are exempt from these standards must be set back a minimum of 100 feet from Ben Hill Griffin Parkway

Interstate 75:	30 feet
Internal Streets:	20 feet
Side:	10 feet
Rear:	20 feet
Accessory:	5 feet
Waterbody:	20 feet, 0 feet waterbody setback for decks, patios, and boardwalks accessory to restaurants, hotels, health clubs/spas, and offices.
Preserve:	25 feet

Minimum Building Separation: ½ sum of the building height, or 20 feet, whichever is greater
Maximum Building Height: 75 feet
Maximum Lot Coverage: 65%

3. Development Parameters

- a. The total floor area for the development will not exceed a maximum of ~~1,400,000~~2,500,000 square feet of light industrial uses, 175,000 square feet of commercial retail development and ~~431,000~~225,000 square feet commercial office development, 200,000 square feet of medical office development, and up to 360 hotel/motel rooms, ~~subject to the following conversion matrix:~~

	Industrial Park (ITE LUC 130)	Medical-Dental Office Building (ITE LUC 720)	Office Park (ITE LUC 750)	Shopping Center (ITE LUC 820)
Hotel (ITE LUC 310)	1,700 ft ² /hotel room	200 ft ² /hotel room	637 ft ² /hotel room*	257 ft ² /hotel room

- b. Permitted restaurant gross floor area includes restaurant outdoor seating areas.
- c. The developer must submit a report/tabulation with every Local Development Order application itemizing:
- the intensity of commercial, office, and industrial uses (expressed as square footages), and the number of hotel rooms, proposed by the development order application;
 - the cumulative total intensity of uses permitted by previous development order approvals; and
 - remaining intensity available for future development.

4. Environmental

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

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

5. Existing Agricultural Use

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

6. Right-of-way Buffers

a. Interstate 75

Prior to development order approval for vertical construction within Parcel A and/or B, the Development Order plans must reflect A a 25-foot-wide buffer, included in the 50 foot setback, along the west property line.

The buffer must consist of a 2-foot-high berm (3:1 slope) measured from the centerline of the frontage road. The buffer must be planted with 5 trees per 100 linear feet and a double staggered hedge. Palms may be used at a 3:1 ratio (3 palms to one canopy tree) but may not exceed 50% of the I-75 buffer. The landscape plans must specify trees at 14 feet in height and shrubs at 36 inches in height on the landscape plans at the time of planting

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

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

b. Ben Hill Griffin Parkway

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

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

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

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

c. Non-Vertical Development

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

7. Roadway Access/Drainage

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

8. Detention Pond Relocation

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

9. Buildings and Structures:

- a. The primary façade of all industrial buildings or structures located within 100 feet of Ben Hill Griffin Parkway must comply with Chapter 10, Article IV, Design Standards and Guidelines for Commercial Buildings and Development, of the Lee County Land Development Code. Industrial buildings located more than 100 feet from Ben Hill Griffin Parkway will not be subject to the commercial building design standards.
- b. All structures must be designed to be architecturally compatible and share a common architectural theme.
- c. The developer may not develop or use the property within the Florida Power and Light (FP&L) easement in a manner that is inconsistent with that easement. The applicant or developer will be required to show appropriate evidence of authority or ability to develop the area within this easement. Appropriate evidence can be a copy of the easement or an attorney's opinion that the use is not in violation of the easement. Appropriate evidence does not require the applicant or developer to obtain the affirmative approval of Florida Power and Light. The attorney rendering the opinion must be board certified in real estate.

10. Wireless communication facilities

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

11. Heliport/Helistops

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

12. Signs

A unified signage plan will be submitted for staff review and approval in conjunction with local development order approval subject to Deviation 11.

13. Commercial Parking Lot/Garage, Public Parking

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

Applicant/Developer has the option of performing a traffic analysis of the commercial vehicle storage facility to determine the actual trip generation rate at the time of local development order application. The trip generation analysis will include the following:

- i. Traffic counts will be conducted at all driveways leading to and from the commercial parking structure for a period not less than three (3) consecutive weekdays. The traffic counts shall be conducted during the months of February or March in order to determine the peak season usage of the commercial parking structure. Operators of the facility will be consulted as to the peak months of operation. The facility must be open a minimum of 60 days before any survey can be conducted. The twenty-four hour machine count will be summarized in tabular form.
 - ii. From the three day count, the average weekday P.M. peak hour trip generation will be determined.
 - iii. The peak hour trip generation will be analyzed to determine that an industrial land use of similar size to the parking facility does not generate similar P.M. peak hour trips as does a commercial parking structure (i.e. an 80,000 sf commercial parking facility does not generate the same number of trips as 80,000 sf of industrial use).
 - iv. The developer will submit this analysis to the Lee County Department of Community Development, Development Services Section~~Division~~, in order to request additional industrial floor area, with the overall floor area within the MPD not exceeding the floor area permitted under the final zoning resolution.
- b. The commercial parking lot or public parking garage (vehicle storage building) will be limited to a maximum of 2,000 vehicles and a Maximum height 75 feet.
- c. Parking Garage buffers:
 - i. The east side of the parking structure along Ben Hill Griffin Parkway must include the following vegetation on top of a 2-foot-high meandering berm: eight trees (four canopy at a minimum of 12 feet in height and four palms at a minimum of 30 feet in overall height at planting), 66 shrubs (minimum 24-inch height, 3-gallon container size at planting, and allowed to grow to their natural height), and 56 ground

- cover (minimum 1-gallon container size at planting) per 100 linear feet.
- ii. The north and south sides of the parking structure must include the following vegetation: four palms at a minimum 30-foot in height at planting, four canopy trees at a minimum 12-foot height at planting, and a double staggered hedge (minimum 24-inch height, 3-gallon container size at planting, and allowed to grow to their natural height).
- d. A vehicle storage building must be setback a minimum of 50 feet from Ben Hill Griffin Parkway.

14. Development Blasting

~~Development blasting is permitted only in areas identified as Proposed Areas of Blasting in Exhibit A to the extent the developer is able to comply with the provisions of Chapter 3 of the Land Development Code, as it may be amended, including the 72-hour notification of blasting to the Director of Planning and Environmental Compliance at the Lee County Port Authority. In addition, two hours prior to blasting, those supervising the activity must also contact the FAA Air Traffic Control Tower (ATCT) Watch Desk at (239) 768-1370 and provide the proposed time of blasting and a cellular telephone number for the person supervising the blasting at the site.~~

154. Industrial uses (manufacturing), located within 100 feet of the Ben Hill Griffin right-of-way, may only be permitted in accordance with the following standards:
- a. If producing a tangible product, the use or activity must stand at or near the end of the manufacturing process, accounting only for the last steps of preparation or assembly of components or preprocessed materials.
 - b. All operations must be conducted within a fully enclosed building.
 - c. The use may not emit dust, smoke, odor or other air or water pollutant, glare, sound or other vibration that can be perceived outside the boundaries of the development tract or industrial use area.
 - d. Open storage of waste products is prohibited. Open storage of raw materials must be fully screened from external property lines and Ben Hill Griffin Parkway by proposed buildings and/or screening in accordance with the requirements of the LDC.
 - e. Open storage of finished goods awaiting shipment is permitted, provided the storage area meets the visibility screening requirements of the Land Development Code.

15. Accessory Uses

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

20. Mitigation of 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.~~

2416. Interconnection with Adjacent Property

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

2217. Interstate Highway Interchange Sign

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

B. Deviations

1. Surface Water Management Systems

Deviation (1) seeks relief from the Section 10-418(3) requirement that a maximum of 20% of lake banks may be comprised of bulkhead or similar hardened shoreline, to allow bulkheads on 30 percent of the shoreline.

Staff recommends **approval** of this deviation, with the following condition:

- Prior to local development order approval, the development order plans must delineate the locations of the bulkheads. Lakes which include up to 20% of the shoreline as bulkhead must be designed to provide a compensatory 4:1 lake bank slope that is equivalent to the linear footage of the bulkhead and provides one wetland tree per 100 required littoral plants, subject to the compensatory calculations set forth in LDC Section 10-418. Lakes which include 21-30% of the shoreline as bulkhead must be designed to provide a compensatory 4:1 lake bank slope that is equivalent to the linear feet of bulkhead and provides two wetland trees per 100 required littoral plants, subject to the compensatory calculations set forth in LDC Section 10-418. See also Deviations 8, 9, and 13.

2. Drainage Easements

Deviation (2) requests relief from Section 10-328(a), which requires a minimum 20 foot wide maintenance access easement along lake perimeters; to allow zero (0) feet where lakes have bulkheads.

Staff recommends **approval** of this deviation, with the existing condition:

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

3. Waterbody Setbacks

Deviation (3) seeks relief from the Section 34-2194(b) requirement to provide a 25-foot setback for buildings from a water body, to allow a zero-foot setback at bulkhead areas. This deviation is APPROVED, SUBJECT to Condition 2.

Staff recommends **approval** of this deviation.

4. Excavations

Deviation (4) seeks relief from the Section 10-329(d)(1)a.3. requirement that water retention or detention excavations be set back 50 feet from any private property line under separate ownership, to allow:

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

Staff continues to recommend **approval** of this deviation with the following conditions:

- a. Prior to Local Development Order approval, the developer order plans must include details for wetland trees around the existing lake (Lake A4 on the MCP), even if reconfigured. Wetland trees must be calculated on one wetland tree per 100 littoral plants.
- b. At the time of development order approval, The Developer must provide elements for the protection of wayward vehicles for that portion of the internal roadway adjacent to Lakes A1, A2, A3, B1, and B2. The elements for the protection of wayward vehicles may include guardrails, berms, swales, vegetation, or other protections as determined by the Development Services Director.

5. Deviation (5) is withdrawn and no longer applicable.

6. Excavations

Deviation (6) seeks relief from LDC Section 10-329(d)(4) which requires 6:1 lake bank slopes to allow for 4:1 lake bank slopes.

Staff recommends **approval** of this deviation.

7. Shoreline Configuration

Deviation (7) seeks relief from LDC Section 10-418(1) which requires sinuous lake shoreline to allow for a non-sinuous lake shoreline.

Staff recommends **approval** of this deviation.

8. Planted littoral shelf configuration

Deviation (8) seeks relief from LDC Section 10-418(2)(c) which requires a 20-foot-wide littoral shelf no greater than two feet below control elevation to omit the 20-foot-wide planted littoral shelf extending waterward of the control elevation at a depth no greater than 2 feet below the control elevation to minimize the potential for bird attractants. The substituted native trees (see Deviations 10 and 17) will be planted along the 4:1 lake bank slope areas and/or Lake Maintenance Easements, depending upon species. See deviations 9 and 13

Staff recommends **approval** with the following condition:

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

9. Littoral Shelf Plant Selection

Deviation (9) seeks relief from LDC Section 10-418(2)(d) to allow native trees to be substituted for up to 25% of the total number of herbaceous plants to allow for native trees to be substituted for 100% of the required herbaceous plants.

Staff recommends **approval** of this deviation.

10. Permanent Sign in Commercial and Industrial Areas

Deviation (10) seeks relief from LDC Section 30-153(2)(a)(ii) which permits a total of two identification signs totaling 400 square feet along any street frontage exceeding 330 feet to allow for a total combined sign area per frontage of 1,000 square feet along Ben Hill Griffin Parkway, and 500 feet along I-75.

Staff recommends **approval** of this deviation with the following condition:

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

11. Phased Projects

Deviation (11) seeks relief from LDC Section 10-117 to allow for the phasing of the development where perimeter buffers are not required to be installed for the future phases shown on the master phasing plan until such time as a development order is issued for construction on that parcel/phase.

Staff recommends **approval** of this deviation with the following condition:

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

12. Required Parking Spaces

Deviation (12) seeks relief from LDC Section 34-2020(e)(1)(a), which requires an additional 80 square feet of internal parking island landscape area for every additional parking space over 120% of the requirement, to allow for an additional 40 square feet of internal parking island landscape area for every additional parking space over 120%, to be planted with ground cover plants at a minimum one gallon container size, and allow the developer to locate the required canopy trees in the project's perimeter and/or internal buffer areas.

Staff recommends **approval** of this deviation with the following condition:

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

13. Surface Water Management Systems

Deviation (13) seeks relief from LDC Section 10-418(3), which requires a five-foot wide littoral planted shelf, planted with herbaceous wetland plants, for compensatory

littoral zones, to allow native trees to be substituted for 100% of the required compensatory herbaceous plants based upon the calculations set forth in Section 10-418(3). Native trees must be substituted at a ratio of 100 plants per 1 tree.

Staff recommends **approval** of this deviation with the following condition:

- Prior to Development Order approval, the landscape plans must illustrate a 4:1 lake bank slope that contains all native wetland trees within the lake maintenance easement, while maintaining sufficient area for required maintenance activities and associated access.

14. Property Development Regulations

Deviation (14) seeks relief from LDC Section 34-935, which limits building height in the Tradeport future land use category to 95 feet, to allow for a maximum building height of 120 feet.

Staff recommends **approval** of this deviation.

15. Interstate Highway Interchange Area Signs

Deviation (15) seeks relief from LDC Section 30-154(2) to allow one on-site interstate highway interchange area sign within the MPD not to exceed fifty feet (50') in height and 400 square feet in sign area.

Staff recommends **approval** of this deviation, subject to Condition 19.

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

CASE NUMBER: DCI2021-00002

CASE NAME: YOUNGQUIST TRADE CENTER

TYPE OF CASE: MAJOR PLANNED DEVELOPMENT AMENDMENT

HEARING EXAMINER DATE: JULY 29, 2021

SUFFICIENCY DATE: MAY 12, 2021

REQUEST:

An application has been submitted by Alexis Crespo, AICP of Waldrop Engineering on behalf of Youngquist Brothers Family Holdings (YBFH) Real Estate, LLC to amend the Youngquist Trade Center Mixed Use Planned Development (MPD) to increase industrial square footage from 1,400,000 square feet to 2,500,000 square feet; increase the office square footage from 131,000 square feet to 225,000 square feet; add a maximum of 200,000 square feet of medical office uses and allow for the development of 360 hotel rooms.

The subject property is located at 16200 Ben Hill Griffin Parkway, Gateway/Airport Planning Community, Lee County, FL. (District #2), STRAP Numbers 02-46-25-00-00001.0000, 02-46-25-00-00001.1010, 03-46-25-00-00001.0000, 03-46-25-00-00001.1120, and 03-46-25-00-00001.0080.

SUMMARY:

Staff recommends **APPROVAL** of the applicant's request, with the Conditions found in Attachment C. This request does not amend the Master Concept Plan, schedule of uses, or schedule of deviations approved under Resolution Z-18-027, nor does it change the approved 175,000 square feet of commercial retail uses approved by the previous resolution. Staff recommends continued approval of the Master Concept Plan, schedule of uses, and deviations from Resolution Z-18-027.

HISTORY OF PARCEL:

The subject parcel is approximately 312.5 acres in size. On the property, there is one 30±- acre lake located on the southwest portion of the property and a 170-foot FP&L Easement established under OR Book 0876, Page 0610 that runs east-west and bisects the property. The following resolutions establish the zoning history of this parcel:

- In 2005, Resolution Z-05-029 was approved to rezone the property from Agricultural (AG-2) to Mixed Use Planned Development (MPD) (Airport Interstate Commerce Park). This resolution

established a Master Concept Plan, development intensity, property development regulations, and deviations for the site (Attachment H).

- In 2007, Resolution ADD2007-00091 approved a Planned Development Amendment to amend the master concept plan for the Mixed Use Planned Development (Attachment I).
- In 2013, Resolution ADD2013-00056 approved a Planned Development Amendment to address condition 5 of the Resolution Z-05-029, which permitted bona fide agricultural uses to exist until a development order was issued for the development. The administrative approval re-established agricultural uses with the vacation of the Development Order that ended these agricultural uses (Attachment J).
- In 2018, Resolution Z-18-027 approved an amendment to the Master Concept Plan, conditions and schedule of uses, and deviations (Attachment K).

There is an approved Development Order DOS018-10047 which approved the earthwork and drainage associated with the development, including grading, access connections to Ben Hill Griffin Parkway, water, sanitary sewer, and irrigation, and the establishment of the internal roadway network.

CHARACTER OF THE AREA:

The subject property is located between Interstate 75 and Ben Hill Griffin Parkway. Ben Hill Griffin Parkway is a county maintained arterial road. The northern boundary of the site is the Airport Connector Ramp that connects Interstate 75 to Terminal Access Road. The subject property is approximately 1,800 feet north of the intersection of Ben Hill Griffin Parkway and Alico Road. The subject property is located in the Tradeport and Wetland Future Land Use categories, and is located in the Gateway/Airport Planning Community.

The following are the zoning districts and existing land uses that surround the subject property:

North:

Property to the north is separated by the Airport Connector Ramp, is currently zoned Agricultural (AG-2), and is undeveloped.

East:

Property to the east is separated by Ben Hill Griffin Parkway and is zoned as Mixed Use Planned Development (MPD). This development is comprised of a commercial parking business and a commercial/industrial subdivision that is largely vacant.

South:

Property to the South is zoned Commercial Planned Development (CPD), Industrial Planned Development (IPD), and Mixed Use Planned Development (MPD). Properties to the south are developed with hotels, commercial retail businesses, and some industrial uses.

West:

Property to the west is separated by Interstate 75 and is zoned Agricultural (AG-2), Mixed Use Planned Development (MPD), and Commercial Planned Development (CPD). Properties to the west are being developed with commercial offices and some light industrial development.

ANALYSIS

This request intends to amend the existing Youngquist Trade Center Mixed Use Planned Development (MPD), approved under Resolution Z-18-027, to increase industrial square footage from 1,400,000 square feet to 2,500,000 square feet; increase the office square footage from 131,000 square feet to 225,000 square feet; add a maximum of 200,000 square feet of medical office uses; and allow for the development of 360 hotel rooms. This request does not amend the approved Master Concept Plan, deviations, or schedule of uses approved for this MPD, nor does it change the approved 175,000 square feet of commercial retail uses.

The applicant has provided a request statement that describes the nature of the request and the reasoning behind this proposed amendment. The applicant states that the market demand for the subject property exceeds its current approved development intensity, as approved. The proposed development intensity will allow for a more urban form of development including corporate headquarters, medical campuses, and industrial manufacturing.

Planned Development Amendment:

Section 34-612 of the Lee County Land Development Code describes the intent of the utilization of the Planned Development zoning district. The purpose of this district is to further implement the goals, objectives, and policies of the Lee Plan, while providing some degree of flexibility in the planning and design of proposed developments.

Section 34-380(a) of the Lee County Land Development Code states that amendments to the Master Concept Plan or its attendant documentation may be requested at any time during the useful life of the Planned Development.

Master Concept Plan:

This request does not amend the Master Concept Plan approved under Resolution Z-18-027; therefore, the previously approved Master Concept Plan from this resolution is proposed to be codified herein and will remain in effect if this amendment is approved. The master concept plan describes the general site

July 2, 2021 / DAD

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plan for lot orientation, rights-of-way, easements, preserve areas, and lakes. The master concept plan also includes deviation reference locations, parking, buffering requirements, and access points onto Ben Hill Griffin Parkway. The master concept plan has been attached to this report (Attachment R).

Approximately 130 acres of the development is available for commercial and industrial development, 87 acres will be designated as preserve area, and approximately 75 acres will be designated as lake and open spaces areas.

The access points onto Ben Hill Griffin Parkway are regulated through Lee County Resolution 16-05-08, which designates this portion of Ben Hill Griffin Parkway as a Controlled Access Road and establishes all permitted access points for developments (Attachment L). The proposed Master Concept Plan does not propose any changes to the access points that were previously approved by Resolution Z-05-029 and approved by Lee County Resolution 16-05-08.

Blasting Exhibit:

The applicant has provided an amended blasting exhibit to be included with the proposed conditions (Attachment P). Previous zoning resolutions approved a location map for approved blasting locations, and the applicant has proposed to amend those locations to better suit the proposed development.

Airport Notification Zone:

Land Development Code Section 34-1104 establishes additional regulations for properties within Airport Notification Zones, including limitations in permitted uses and height limitations. The majority of the property is located in either the Airport Noise Zones B or C requiring compliance with LDC Sec. 34-1104 at the time of development order approval and prior to the issuance of building permit.

Development Pattern Considerations:

The subject property is located in the Tradeport Future Land Use category as defined in Lee Plan Policy 1.2.2. This category has been established to facilitate commercial and industrial growth through the year 2030. The Tradeport land use category does establish limitations on retail commercial to "...one acre of standalone retail development for every 10 acres of Tradeport and preserved wetland acres within the project." The existing approved Mixed Use Planned Development provides limitations to the retail commercial development by providing a maximum square footage of commercial retail development. This Planned Development Amendment does not increase the approved commercial retail development; staff finds this amendment consistent with the Tradeport future land use.

Portions of this property are located in the Wetlands Future Land Use category as defined in Objective 1.5 of the Lee Plan. The applicant has established preserves where the wetland areas are located and will be required to comply with the requirements of the Lee Plan and Land Development Code during the development of this site consistent with Objective 1.5 and Goal 124.

Objectives 2.1 and 2.2 encourage new growth in future urban areas where adequate facilities exist or are assured and where compact and contiguous development patterns can be created. Policy 2.2.1 encourages clustered mixed use development within Lee County where sufficient infrastructure exists. This Planned Development is already entitled to a mix of uses that would be consistent with these Objectives and Policy. The applicant has provided sufficient documentation to demonstrate that the available infrastructure would support the development intensity that is proposed. This is evidenced by the letter of utility availability and the Traffic Impact Statement. The property is also located in a corridor between Daniels Parkway and Alico Road, which are both of which are commercial hubs that also have influence on the development pressure of this site. The Gateway/Airport planning community is described in the Lee Plan as an area of future growth in commercial and industrial components. The development of this property will be considered infill development that has access to urban services and infrastructure. Staff finds this Planned Development Amendment consistent with Objective 2.1, Objective 2.2, and Policy 2.2.1.

Policy 6.1.1 of the Lee Plan requires that applications be reviewed for traffic and access impacts, incorporate landscaping and detailed site planning, provide screening and buffering, ensure availability of services and facilities, minimize impacts on adjacent uses, be located in proximity to other similar centers, and properly mitigate environmental considerations. This development was previously approved consistent with this policy and the Master Concept Plan, open space, and buffering standards are not proposed to be changed as part of this amendment. Staff finds the planned development amendment consistent with Policy 6.1.1.

Policy 6.1.4 of the Lee Plan requires that commercial uses be approved only when compatible with adjacent existing and proposed land uses as well as existing and programmed services and facilities. This Mixed Use Planned Development was previously found to be and will continue to be consistent with surrounding uses. Staff finds this planned development amendment consistent with Policy 6.1.4.

Policy 6.1.6 of the Lee Plan requires commercial development to provide adequate and appropriate landscaping, open space, and buffering. Except as deviated and conditioned herein, the applicant has demonstrated compliance with the landscaping, open space, and buffering requirements of the LDC. Staff finds this planned development amendment consistent with Policy 6.1.6.

Policy 6.1.7 of the Lee Plan prohibits commercial developments from locating in a way that opens new areas to premature, scattered, or strip development. This planned development amendment will allow for the future development of a commercial and industrial area that is a major focus of development in Lee County. Staff finds this planned development amendment consistent with Policy 6.1.7.

Goal 7 of the Lee Plan establishes objectives and policies regarding industrial development. Policy 7.1.1 requires that all industrial rezoning and development orders comply with local, state, and federal air, water, and noise pollution standards and be reviewed and evaluated for impact and effect on environmental and natural resources, impact on water quality and water needs, fire and safety, noise and odor, buffering and screening, utility and sewer demands, and employment characteristics. The

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applicant's request does not include any requests for relief from the Land Development Code requirements pertaining to natural resources, including water quality. The proposed development intensity will likely generate significant employment in the area. All proposed uses are expected to comply with local, state, and federal air, water, and noise pollution standards. Staff finds the proposed rezoning consistent with Policy 7.1.1.

Policies 7.1.2 requires Industrial Planned Developments to be designed to arrange development in a way that promotes compatibility and screening, reduces dependence on the automobile, promotes pedestrian movement, utilizes joint parking, and provides necessary facilities and services where existing facilities are inadequate to serve the proposed use. This planned development will comply with Land Development Code requirements as it pertains to the promotion of pedestrian movement, and landscaping and screening, except as deviated from in previous zoning actions. Staff finds the proposed rezoning consistent with Policy 7.1.2.

Policy 7.1.8 and 7.1.9 require industrial development to properly screen from residential uses and prohibit industrial traffic from traversing through primarily residential uses. There are no residential uses immediately adjacent to the proposed use. Staff finds this planned development amendment request consistent with Policies 7.1.8 and 7.1.9.

Objective 11.1 allows and encourages mixed use development within Future Land Use categories and at appropriate locations where sufficient infrastructure exists to support the development. This Mixed Use Planned Development (MPD) contains sufficient infrastructure for existing and future development as evidenced by the applicant. Staff finds this planned development amendment consistent with Objective 11.1

Policy 115.1.2 requires new development and additions of existing development to not degrade surface and ground water quality. No new changes are proposed to the surface and ground water quality as part of this amendment. Future development of the property will require an Environmental Resource Permit from the South Florida Water Management District. Staff finds this planned development amendment request consistent with Policy 115.1.2.

Goal 158 of the Lee Plan establishes the County's intent to provide a diversified and stable economy by providing a positive business climate a maximum employment opportunities for the residents of Lee County. Staff finds that the increase in development intensity furthers the intent of this goal by providing the opportunity for new and expanded employment opportunities in the area. Staff finds this planned development consistent with Goal 158.

Transportation Considerations:

The applicant has provided a traffic impact statement for the proposed development and provided analysis on the surrounding transportation system (Attachment M). Infrastructure planning staff has provided analysis of the applicant's traffic impact statement (Attachment N). Staff concluded that many

roadway sections that are affected by this planned development amendment will be operating at a failing level of service with or without the intensification of this project. It should be noted that all major movements along Ben Hill Griffin Parkway, the primary frontage of this planned development, will operate at an acceptable Level of Service.

Bicycle and Pedestrian Facilities:

The subject property fronts Ben Hill Griffin Parkway which is designated as a future bike/pedestrian way on the Lee Plan Map 3D. At the time of development order approval, the applicant must comply with the bicycle and pedestrian facilities requirements of LDC Chapter 10.

Transit Facilities:

The subject property is located within a ¼ mile radius of Lee Tran Route 50. At the time of development order approval, the applicant must comply with the transit requirements of LDC Chapter 10.

Urban Services:

The subject property is serviced by the San Carlos Park Fire and EMS Station that is approximately 3.4 miles south, and sheriff's station 7.5 miles west of the property. The proposed development will have access to Lee County Utilities for both water and wastewater (Attachment Q). The applicant is consistent with Lee Plan Standards 4.1.1 and 4.1.2.

Deviation Requests:

No new deviation requests have been submitted as part of this amendment. Staff continues to recommend approval of all existing deviations, and will codify these deviations within Attachment C.

CONCLUSION:

The proposed amendment to the Mixed Use Planned Development (MPD), as conditioned, is consistent with the Lee Plan. As conditioned, the requested Planned Development Amendment is compatible with the uses surrounding the subject property. As conditioned, this application meets all the criteria for rezoning including compliance with the Land Development Code. The request will not adversely affect environmentally critical areas or natural resources as conditioned. Approval of the request, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities. Urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed development. Staff, therefore, recommends approval of this Planned Development Amendment, as conditioned in Attachment C.

ATTACHMENTS:

- A. Expert Witness Information
- B. Maps: Surrounding Zoning, Future Land Use and Aerial Photograph
- C. Recommended Conditions and Deviations
- D. Request Statement
- E. Legal Description
- F. Proposed Schedule of Uses
- G. Applicant Proposed Amendments to Conditions
- H. Resolution Z-05-029
- I. Resolution ADD2007-00091
- J. Resolution ADD2013-00056
- K. Resolution Z-18-027
- L. Lee County Resolution 16-05-08
- M. Traffic Impact Statement
- N. Infrastructure Planning Comments
- O. Request for Waiver of Submittal Requirements
- P. Blasting Exhibit
- Q. Letter of Utility Availability
- R. Master Concept Plan