

ADMINISTRATIVE AMENDMENT (PD) ADD2010-00078

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Bean, Whitaker, Lutz & Kareh, Inc./Ahmad R. Kareh, P.E., filed an application for administrative approval to a Mixed Use Planned Development on a project known as Daniels/I-75 Commerce Center MPD (D75) **to amend the revised Master Concept Plan approved in Administrative Amendment (PD) ADD2005-00123 to split Tract 8 into two (2) parcels (8-1 and 8-2) for the property** located off Daniels Parkway, east of I-75 exit 131, at the southeast intersection of Daniels Interstate Court and Intercom Drive, described more particularly as:

LEGAL DESCRIPTION: In Section 22, Township 45 South, Range 25 East, Lee County, Florida and recorded in Plat Book 82, Page 76:

See Exhibit "A"

WHEREAS, the subject property is located in the General Interchange Future Land Use Category and the Gateway/Airport Planning Community as designated by the Lee Plan; and

WHEREAS, the total project, consisting of 64 acres, was originally rezoned from Tourist Commercial (CT), Agricultural (AG-2), and Commercial Planned Development (CPD) on September 16, 2002 in case number DCI2001-00057 and resolution number Z-02-032 to allow for development of a mixture of retail and non-retail commercial, light industrial, and hotel uses, with conditions (see Exhibit "B"); and

WHEREAS, the subject property was originally platted in Plat Book 82, Pages 76-78, and accepted by the Lee County Clerk's office on May 20, 2005; and

WHEREAS, a subsequent amendment was approved on August 19, 2005 in case number ADD2005-00123 to amend the Master Concept Plan (MCP) reconfiguring Tract 1, Tract 2, and Lots 1 to 7, with conditions (see Exhibit "C"); and

WHEREAS, ADD2005-00123 amended the Master Concept Plan (MCP) as follows (see Exhibit "D"):

- a. Tract 1 became Tracts 11-14;
- b. Lots 2-7 became Tracts 4-10, with different sizes;
- c. Lot 1 became Tract 2 (conservation and drainage easement of 7.2 acres);
- d. Tract 2 became Tract 3, reduced in size; and

WHEREAS, the approval of ADD2005-00123 resulted in the creation of Tracts 2 through 14, with varying lot sizes, including the subject property as Tract 8; and

WHEREAS, the subject property, consisting of 3.76 acres, is currently vacant; however, was included in development order, case number DOS2003-00062, which was approved for the construction of infrastructure for the entire development including the construction of streets, utilities, and stormwater management facilities; and

WHEREAS, the applicant is requesting to split Tract 8, which is encumbered on the north and west property boundaries by a 10-foot wide public utility easement, into two lots, Tract 8-1 to consist of 2.665± acres (116,095 square feet) and Tract 8-2, to consist of 1.118± acres (48,689 square feet); and

WHEREAS, the applicant has applied for a limited review development order in case number LDO2010-00213 and a re-plat in case number PLT2010-00010 to accomplish the lot split; and

WHEREAS, the proposed lot split will create two lots that meet or exceed the approved site development regulations established in resolution Z-03-032, which require a minimum lot width of 100 feet, a minimum lot depth of 100 feet and a minimum area of 20,000 square feet; and

WHEREAS, the proposed Tract 8-1, located at the intersection of Daniels Interstate Court and Intercom Drive, will have 260 ± feet of frontage on Intercom Drive; 325± feet of frontage on Daniels Interstate Court; and a depth of 325 feet; and

WHEREAS, the proposed Tract 8-2 will have 150± feet of frontage on Intercom Drive and a depth of 325± feet; and

WHEREAS, staff finds that the request to split Tract 8 into two lots, Tract 8-1 and Tract 8-2 is de minimis and will not increase traffic or be detrimental to or negatively impact the health, safety, and welfare of the existing or future development of the adjacent, internal properties; and

WHEREAS, staff finds that for clarification purposes, this administrative amendment will restate the approved uses in accordance with case number ADD2005-00123 and the approved reconfiguration of Tract 1, Tract 2, and Lots 1 to 7; and

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

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

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval **to amend the revised Master Concept Plan approved in Administrative Amendment (PD) ADD2005-00123 to split Tract 8 into two (2) parcels (8-1 and 8-2) for the property** on a project known as Daniels/I-75 Commerce Center MPD (D75) is **APPROVED subject to the following conditions:**

1. **The Development must be in compliance with the amended Master Concept Plan, dated September 20, 2010 and stamped received October 14, 2010 to amend the revised Master Concept Plan approved in Administrative Amendment (PD) ADD2005-00123 to split Tract 8 into two (2) parcels (8-1 and 8-2). A reduced copy is attached hereto as Exhibit "E".**
2. **All other terms and conditions of the original zoning resolution, Z-02-032, will remain in full force and effect.**
3. **The schedule of uses is hereby restated to clarify the reconfiguration of lots approved in case number ADD2005-00123 for Tract 1, Tract 2, and Lots 1 to 7.**
4. **Tract 2, consisting of 7.2± acres, is restricted to the use of a conservation and drainage easement. Subject to approval, only recreational facilities, commercial in accordance with LDC §34-622(38), Group III limited to passive and active recreational and educational activities, and billboard sign usage are permitted.**
5. **Tract 3 is limited to stormwater detention.**
6. **The following uses are permitted in Tracts 4 through 10:**

- Accessory uses and structures**
- Administrative offices**
- Agricultural uses and agricultural accessory uses, existing only and subject to condition number 9 of Z-02-032**
- Aircraft food services and catering**
- Animals, clinic and/or kennel**
- ATM**
- Auto service station**
- Auto parts store, with or without installation**
- Auto repair and services, groups I and II**
- Bait and tackle shop**
- Banks and financial institutions, groups I and II**
- Boat parts store**

Boat repair and service
Boat sales
Broadcast studio, commercial radio and television
Building materials sales
Business services, all groups
Bus station/depot
Caretaker's residence
Car wash
Caterers
Cleaning and maintenance services
Clothing stores, general
Club: commercial, fraternal, membership organization, & private cold storage, pre-cooling, warehouse and processing plant
Communication tower (less than 100 feet in height)
Computer and data processing services
Consumption on premises, in accordance with LDC §34-1264, et seq of the LDC
Contractors and builders, all groups
Convenience food and beverage store, limited to 16 self-service fuel pumps
Cultural facilities
Day care center, adult, child
Department store
Drive thru (for any permitted use)
Drug store, pharmacy
EMS, Fire, or sheriff's station
Emergency operations center
Entrance gates and gate houses
Essential services
Essential service facilities, groups I, II, and III
Excavation, water retention
Factory outlets (point of manufacture only)
Farm equipment sales, storage, rental, and service
Fences, walls
Food stores, groups I and II
Freight and cargo handling establishments
Gasoline dispensing system
Gift and souvenir shop
Golf driving range
Government maintenance facility
Hardware store
Health care facilities, all groups (maximum of 100 beds)
Health club and/or spa
Hobby, toy, and game shops
Hotel (maximum of 120 rooms) - typical accessory uses

in accordance with LDC §34-3021(c)
Household and office furnishings, all groups
Insurance companies
Laundry and dry cleaning, groups I and II
Lawn and garden supply stores
Library
Machine shop
Manufacturing of:
 Apparel products
 Chemicals and allied products, group II
 Cosmetics, perfumes, etc.
 Electrical machinery and equipment
 Food and kindred products, group III
 Furniture and fixtures
 Leather products, group II
 Lumber and wood products, group II
 Measuring, analyzing, and control instruments
 Novelties, jewelry, toys, and signs, all groups
 Paper and allied products, groups II and III
 Rubber and plastic products, group II
 Stone, clay, glass, and concrete products, group I
Mass transit depot or maintenance facility
Medical office
Message answering service
Mobile home dealers
Models/display center
Motion picture production studios
Night clubs
Non-store retailers, all groups
Package store
Paint, glass, and wallpaper
Parcel and express service
Parks, group I and II
Parking lot, all groups
Personal services, groups I and II
Pet services
Pet shop
Photo finishing laboratory
Plant nursery
Post office
Printing and publishing
Processing and warehousing
Real estate sales office - limited to sale of lots/structures within subject
 property only
Recreation facilities, commercial, all groups

Rental or leasing establishments, all groups
Repair shops, all groups
Research and development, all groups
Restaurants, all groups
Restaurants, fast food
Retail and wholesale sales (incidental to principal use)
Schools, commercial
Self service fuel pumps/stations
Signs, in accordance with LDC Chapter 30
(including Interstate Highway Interchange area sign and the
existing billboard on Tract 2)
Social services, group II
Specialty retail
Storage, all groups
Studios
Temporary uses
Theater, indoor or outdoor
Transportation services, groups II, III, and IV
Truck stop, trucking terminal
Used merchandise stores, all groups
Variety store
Vehicle and equipment dealers, all groups
Warehouses, public and private
Water retention
Wholesale establishments, groups I, III, and IV

7. The following uses are permitted on Tracts 11 through 14:

Accessory uses and structures
Administrative offices
Agricultural uses and agricultural accessory uses, existing only, and
subject to Condition number 9, Z-02-032
Aircraft food services and catering
Animals, clinic and/or kennel
ATM
Auto parts store, with or without installation
Auto repair and service groups I and II
Auto service station
Bait and tackle shop
Banks and financial establishments, groups I and II
Boat parts store
Boat repair and service
Boat sales
Broadcast studio, commercial radio and television
Business services, all groups

Bus station/depot
Caretaker's residence
Car wash
Caterers
Cleaning and maintenance services
Clothing stores, general
Club: commercial, fraternal, membership organization, and private
Communication tower (less than 100 feet in height)
Computer and data processing services
Consumption on premises in accordance with LDC §34-1264, et seq of the LDC
Convenience food and beverage store, limited to 16 self-service fuel pumps
Day care center, adult, child
Department store
Drive thru (for any permitted use)
Drug store, pharmacy
EMS, fire or sheriff's station
Emergency operations center
Entrance gates and gate houses
Essential services
Essential service facilities, groups I, II, and III
Excavation, water retention
Factory outlets (point of manufacture only)
Fences, walls
Food stores, groups I and II
Gasoline dispensing system
Gift and souvenir shop
Golf driving range
Hardware store
Health care facilities, all groups (maximum of 100 beds)
Health club and/or spa
Hotel (maximum of 120 rooms) - typical accessory uses in accordance with LDC §34-3021(c)
Household and office furnishings, all groups
Insurance companies
Laundry and dry cleaning, groups I and II
Lawn and garden supply stores
Library
Mass transit depot or maintenance facility
Medical office
Message answering service
Models/display center
Motion picture production studios
Night clubs

Non-store retailers, all groups
Package store
Paint, glass, and wallpaper
Parks, group I and II
Parking lot, all groups
Personal services, groups I and III
Pet services
Pet shop
Photo finishing laboratory
Post office
Printing and publishing
**Real estate sales office - limited to the sale of lots/structures within the
subject property only**
Recreation facilities, commercial, all groups
Rental or leasing establishments, all groups
Repair shops, all groups
Research and development, all groups
Restaurants, all groups
Restaurants, fast food
Retail and wholesale sales (incidental to primary use)
Schools, commercial
Self-service fuel pumps/stations
Signs, in accordance with LDC Chapter 30
Social services, group II
Specialty retail
Studios
Temporary uses
Theater, indoor or outdoor
Transportation services, groups II, III, and IV
Truck stop, trucking terminal
Used Merchandise stores, all groups
Variety store
Vehicle and equipment dealers, all groups
Warehouses, public and private
Water retention
Wholesale establishments, groups I, III, and IV

DULY SIGNED this 19th day of October, 2010.

BY: Pam Houck
Pam Houck, Director
Division of Zoning
Department of Community Development

Exhibits:

A. Legal Description

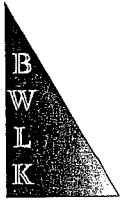
B. Resolution Z-02-032

C. ADD2005-00123

D. Approved MCP, ADD2005-00123

E. Amended MCP dated September 20, 2010 and stamped received September 23, 2010

EXHIBIT A



Bean, Whitaker, Lutz & Kareh, Inc.

13041 McGregor Boulevard
Fort Myers, Florida 33919-5910
email - fmoffice@bwlk.net
(Ph) 239-481-1331 (Fax) 239-481-1073

RECEIVED
SEP 23 2010

Description of a Parcel of Land
Lying in
Section 22, Township 45 South, Range 25 East
Lee County, Florida
Tract 8 - D75 Commerce Center

COMMUNITY DEVELOPMENT

(Description to be Used for Development Purposes Only - Not for Transfer of Title)

A tract or parcel of land situated in the State of Florida, County of Lee, lying in Section 22, Township 45 South, Range 25 East, being Tract 8 of D75 Commerce Center as recorded in Plat Book 82 at Pages 76 through 78, Public Records of said Lee County, and further described as follows:

Beginning at the southeast corner of Tract 8 of D75 Commerce Center as recorded in Plat Book 82 at Pages 76 through 78, Public Records of Lee County, Florida; thence S89°25'43"W along the south line of said Tract 8 for 582.99 feet to an intersection with the easterly right-of-way line of Daniels Interstate Court; thence N24°16'47"E along said easterly right-of-way line and the westerly line of said Tract 8 for 164.36 feet to the beginning of a curve concave to the southeast having a radius of 215.00 feet; thence northeasterly along the arc of said curve to the right, said easterly right-of-way and the westerly line of said Tract 8 through a central angle of 07°00'18" for 26.29 feet to a point of tangency; thence N31°17'04"E along said easterly right-of-way line and the westerly line of said Tract 8 for 192.68 feet to the beginning of a curve concave to the southeast having a radius of 42.00 feet; thence northeasterly, easterly and southeasterly along the arc of said curve to the right through a central angle of 83°34'01" for 61.26 feet to a point of reverse curve concave to the northeast having a radius of 280.00 feet; thence southeasterly and easterly along the arc of said curve to the left, the southerly right-of-way line of Intercom Drive (60 feet wide) and the northerly line of said Tract 8 through a central angle of 25°25'22" for 124.24 feet to a point of tangency; thence N89°25'43"E along said southerly right-of-way line and the northerly line of said Tract 8 for 222.92 feet to the northeast corner of said Tract 8; thence S01°05'10"E along the east line of said Tract 8 for 324.59 feet to the Point of Beginning.

Bearings are based on the plat of D75 Commerce Center as recorded in Plat Book 82 at Pages 76 through 78 of the Public Records of Lee County, Florida, with the east line of Tract 8 bearing S01°05'10"E.

Parcel contains 3.783 acres (164,784 square feet), more or less.

Sheet 1 of 2

ADD 2010-00078

BA
9-28-10

39609_DESC1 8/3/10

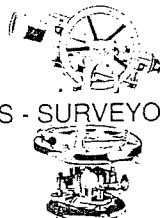
APPROVED
LEGAL

ASSOCIATES:

PRINCIPALS:

SCOTT C. WHITAKER, PSM, PRESIDENT
JOSEPH L. LUTZ, PSM
AHMAD R. KAREH, PE, MSCE, VICE PRESIDENT

CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS



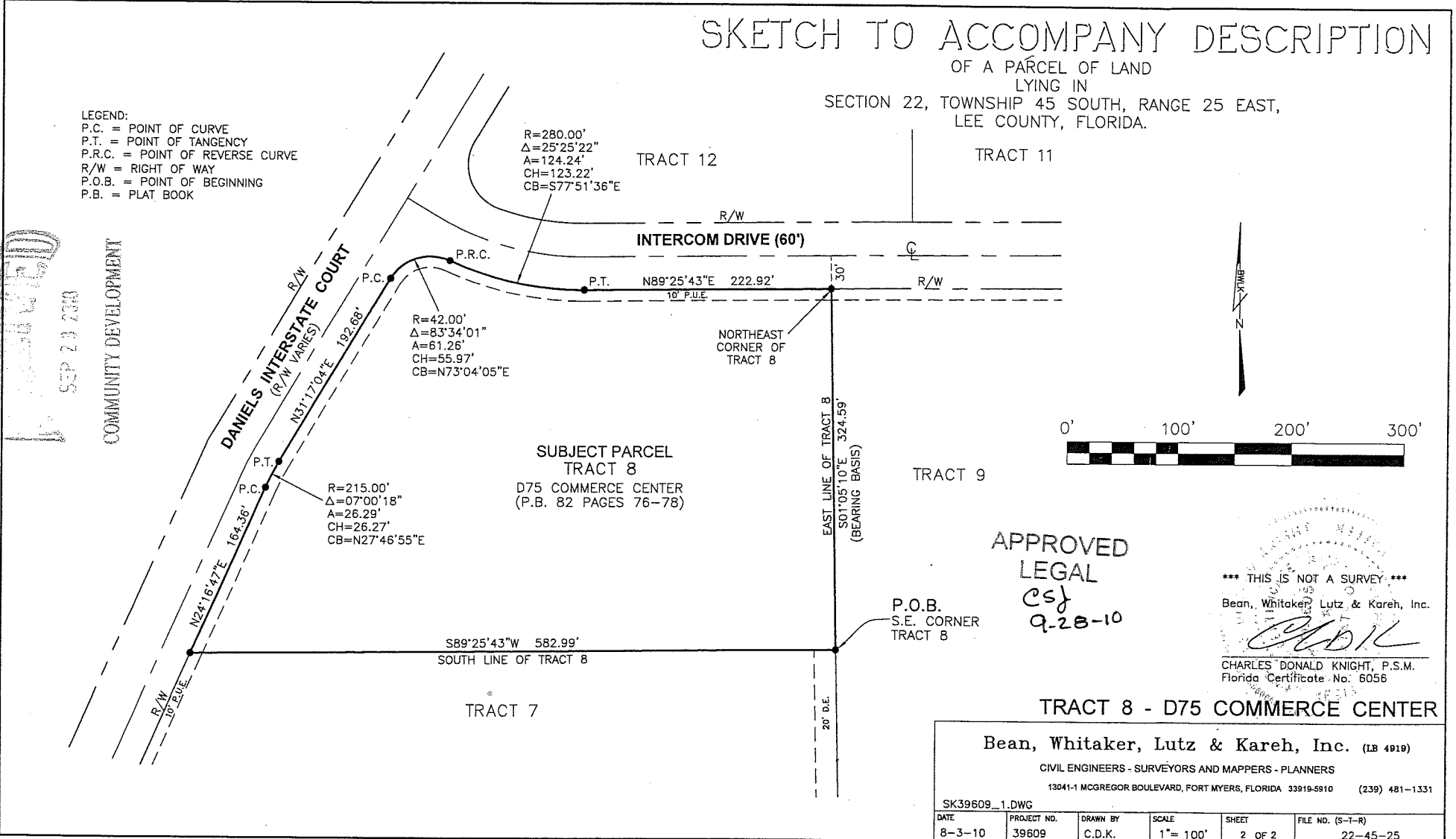
JAMES A. HESSLER, PSM
CHARLES D. KNIGHT, PSM
MUNIR R. SULEH, PE, M.S.E.E.

ADD 2010-00078

SKETCH TO ACCOMPANY DESCRIPTION

OF A PARCEL OF LAND
LYING IN
SECTION 22, TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA.

LEGEND:
 P.C. = POINT OF CURVE
 P.T. = POINT OF TANGENCY
 P.R.C. = POINT OF REVERSE CURVE
 R/W = RIGHT OF WAY
 P.O.B. = POINT OF BEGINNING
 P.B. = PLAT BOOK



APPROVED
 LEGAL
 CSJ
 9-28-10

*** THIS IS NOT A SURVEY ***
 Bean, Whitaker, Lutz & Kareh, Inc.
 CHARLES DONALD KNIGHT, P.S.M.
 Florida Certificate No. 6056

TRACT 8 - D75 COMMERCE CENTER

Bean, Whitaker, Lutz & Kareh, Inc. (LB 4919)					
CIVIL ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS					
13041-1 MCGREGOR BOULEVARD, FORT MYERS, FLORIDA 33919-5910 (239) 481-1331					
SK39609_1.DWG					
DATE	PROJECT NO.	DRAWN BY	SCALE	SHEET	FILE NO. (S-T-R)
8-3-10	39609	C.D.K.	1" = 100'	2 OF 2	22-45-25

RECEIVED
SEP 23 2002
EXHIBIT B
COMMUNITY DEVELOPMENT

ADD 2010-00078

RESOLUTION NUMBER Z-02-032

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

WHEREAS, BK Equities LLC filed an application on behalf of the property owner, Donald Frankel, et al., to rezone 64.0+/- acres from Tourist Commercial (CT), Agricultural (AG-2), and Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD), in reference to Daniels/I-75 Commerce Center; and,

WHEREAS, a public hearing was advertised and held on May 24, 2002, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2001-00057; and

WHEREAS, a second public hearing was advertised and held on September 16, 2002, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone an irregularly shaped 64-acre tract from CT, AG-2 and CPD to MPD, to allow for development of a mixture of retail and non-retail commercial, light industrial and hotel uses in the southeast quadrant of the I-75/Daniels Parkway interchange. The property is located in the General Interchange Land Use Category and legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the 2-page Master Concept Plan entitled "B K Equities, Inc., D75 Commerce Center," stamped "Received Oct 11 2002, Zoning Counter," and dated 10/08/02, 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

1. TRACT 1

Accessory Uses and Structures
Administrative Offices
Agricultural Uses and Agricultural Accessory Uses,
Existing Only and SUBJECT TO Condition 9
Aircraft Food Services and Catering
Animals, Clinic and/or Kennel
ATM
Auto Parts Store, with or without installation
Auto Repair and Service Groups I & II
Auto Service Station
Bait and Tackle Shop
Banks and Financial Establishments Groups I & II
Boat Parts Store
Boat Repair and Service
Boat Sales
Broadcast Studio, Commercial Radio and Television
Business Services, All Groups
Bus Station/Depot
Caretaker's Residence
Car Wash
Caterers
Cleaning and Maintenance Services
Clothing Stores, General
Club: Commercial, Fraternal, Membership Organization,
& Private
Communication Tower (less than 100 feet in height)
Computer and Data Processing Services
Consumption on Premises in accordance with § 34-1264,
et. seq. of the LDC.
Convenience Food and Beverage Store, limited to
16 self-service fuel pumps
Day Care Center, Adult, Child
Department Store
Drive Thru (For any Permitted Use)
Drug Store, Pharmacy
EMS, Fire, or Sheriff's Station
Emergency Operations Center
Entrance Gates and Gate Houses
Essential Services
Essential Service Facilities, Groups I, II, and III
Excavation, Water Retention
Factory Outlets (point of manufacture only)

Fences, Walls
Food Stores, Groups I and II
Gasoline Dispensing System
Gift and Souvenir Shop
Golf Driving Range
Hardware Store
Health Care Facilities, All Groups (maximum of 100 beds)
Health Club and/or Spa
Hobby, Toy, and Game Shops
Hotel (maximum of 120 rooms) - typical accessory uses which must
be in accordance with LDC § 34-3021(c)
Household and Office Furnishings, All Groups
Insurance Companies
Laundry and Dry Cleaning, Groups I & II
Lawn and Garden Supply Stores
Library
Mass Transit Depot or Maintenance Facility
Medical Office
Message Answering Service
Models/Display Center
Motion Picture Production Studios
Night Clubs
Non-Store Retailers, All Groups
Package Store
Paint, Glass, and Wallpaper
Parks, Group I & II
Parking Lot, All Groups
Personal Services, Groups, I & III
Pet Services
Pet Shop
Photo Finishing Laboratory
Post Office
Printing and Publishing
Real Estate Sales Office - limited to the sale of lots/structures
within the subject property only.
Recreation Facilities, Commercial, All Groups
Rental or Leasing Establishments, All Groups
Repair Shops, All Groups
Research and Development, All Groups
Restaurants, All Groups
Restaurants, Fast Food
Retail and Wholesale Sales (Incidental to Primary Use)
Schools, Commercial
Self Service Fuel Pumps/Stations
Signs, in accordance with Chapter 30 of the LDC
Social Services, Group II
Specialty Retail
Studios

Temporary Uses
Theater, Indoor or Outdoor
Transportation Services, Groups II, III, and IV
Truck Stop, Trucking Terminal
Used Merchandise Stores, All Groups
Variety Store
Vehicle and Equipment Dealers, All Groups
Warehouses, Public and Private
Water Retention
Wholesale Establishments, Groups I, III, and IV

2. Lots 1 - 7 *

Accessory Uses and Structures
Administrative Offices
Agricultural Uses and Agricultural Accessory Uses,
Existing Only and SUBJECT TO Condition 9
Aircraft Food Services and Catering
Animals, Clinic and/or Kennel
ATM
Auto Service Station
Auto Parts Store, with or without installation
Auto Repair and Service Groups I & II
Bait and Tackle Shop
Banks and Financial Institutions Groups I & II
Boat Parts Store
Boat Repair and Service
Boat Sales
Broadcast Studio, Commercial Radio and Television
Building Materials Sales
Business Services, All Groups
Bus Station/Depot
Caretaker's Residence
Car Wash
Caterers
Cleaning and Maintenance Services
Clothing Stores, General
Club: Commercial, Fraternal, Membership Organization,
& Private Cold Storage, Pre-Cooling,
Warehouse and Processing Plant
Communication Tower (less than 100 feet in height)
Computer and Data Processing Services
Consumption on Premises in accordance with § 34-1264,
et. seq. of the LDC
Contractors and Builders, All Groups
Convenience Food and Beverage Store, limited to
16 self- service fuel pumps
Cultural Facilities
Day Care Center, Adult, Child

Department Store
 Drive Thru (For any Permitted Use)
 Drug Store, Pharmacy
 EMS, Fire, or Sheriff's Station
 Emergency Operations Center
 Entrance Gates and Gate Houses
 Essential Services
 Essential Service Facilities, Groups I, II, and III
 Excavation, Water Retention
 Factory Outlets (point of manufacture only)
 Farm Equipment Sales, Storage, Rental, and Service
 Fences, Walls
 Food Stores, Groups I and II
 Freight and Cargo Handling Establishments
 Gasoline Dispensing System
 Gift and Souvenir Shop
 Golf Driving Range
 Government Maintenance Facility
 Hardware Store
 Health Care Facilities, All Groups (maximum of 100 beds)
 Health Club and/or Spa
 Hobby, Toy, and Game Shops
 Hotel (maximum of 120 rooms) - typical accessory uses
 which must be in accordance with LDC § 34-3021(c)
 Household and Office Furnishings, All Groups
 Insurance Companies
 Laundry and Dry Cleaning, Groups I & II
 Lawn and Garden Supply Stores
 Library
 Machine Shop
 Manufacturing of:
 Apparel Products
 Chemicals and Allied Products, Group II
 Cosmetics, Perfumes, etc.
 Electrical Machinery and Equipment
 Food and Kindred Products, Group III
 Furniture and Fixtures
 Leather Products, Group II
 Lumber and Wood Products, Group II
 Measuring, Analyzing, and Control Instruments
 Novelties, Jewelry, Toys, and Signs, All Groups
 Paper and Allied Products, Groups II & III
 Rubber and Plastic Products, Group II
 Stone, Clay, Glass, and Concrete Products Group I
 Mass Transit Depot or Maintenance Facility
 Medical Office
 Message Answering Service
 Mobile Home Dealers

Models/Display Center
Motion Picture Production Studios
Night Clubs
Non-Store Retailers, All Groups
Package Store
Paint, Glass, and Wallpaper
Parcel and Express Service
Parks, Group I & II
Parking Lot, All Groups
Personal Services, Groups, I & III
Pet Services
Pet Shop
Photo Finishing Laboratory
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales Office - limited to sale of lots/structures
within subject property only
Recreation Facilities, Commercial, All Groups
Rental or Leasing Establishments, All Groups
Repair Shops, All Groups
Research and Development, All Groups
Restaurants, All Groups
Restaurants, Fast Food
Retail and Wholesale Sales (Incidental to principal use)
Schools, Commercial
Self Service Fuel Pumps/Stations
Signs, in accordance with Chapter 30 of the LDC
(Including Interstate Highway Interchange Area sign and the
existing Billboard on Lot 1)
Social Services, Group II
Specialty Retail
Storage, All Groups
Studios
Temporary Uses
Theater, Indoor or Outdoor
Transportation Services, Groups II, III, and IV
Truck Stop, Trucking Terminal
Used Merchandise Stores, All Groups
Variety Store
Vehicle and Equipment Dealers, All Groups
Warehouses, Public and Private
Water Retention
Wholesale Establishments, Groups I, III, and IV

* If Lot 1 is restricted as a preserve, conservation or mitigation area, only passive recreational activities and billboard sign usage will be allowed on that Lot - if approved by the restricting governmental entities.

b. Site Development Regulations

Minimum Lot area and Dimensions:

Area: 20,000 Square Feet
Width: 100 feet
Depth: 100 feet

Minimum Setbacks:

Street: 25 feet
Side: 10 feet (internal)
Rear: 25 feet (internal)

Development Perimeter Setback: 25 feet
Water Body Setback: 25 feet
Maximum Lot Coverage: 40 percent
Maximum Building Height: 75 feet/6 stories
Minimum Building Separation: 20 feet or ½ the sum of building heights, whichever is greater

3. LAND USE CONVERSION TABLE

a. Uses may be converted between industrial, commercial retail, commercial office, and hotel activities according to the following ratios (based on the development of regional impact thresholds) and according to the following restrictions.

1. Conversion Ratios

- i. 1 acre industrial = 0.125 acres retail
- ii. 1 acre industrial = 0.91 hotel rooms
- iii. 1 acre industrial = 0.094 acres office
- iv. 1 acre retail commercial = 8 acres industrial
- v. 1 acre retail commercial = 0.75 acres office
- vi. 1 acre retail commercial = 8.75 hotel rooms
- vii. 1 acre office = 1.33 acres retail
- viii. 1 acre office = 11.67 hotel rooms
- ix. 1 acre office = 10.67 acres industrial
- x. 1 hotel room = 1.09 acres industrial
- xi. 1 hotel room = 0.11 acres retail
- xii. 1 hotel room = 0.086 acres office

2. Floor Area Ratios

- i. 1 acre retail uses = not more than 8,000 square feet building area
- ii. 1 acre non-retail uses = not more than 8,300 square feet building area
- iii. 1 acre industrial uses = not more than 11,000 square feet building area

Floor area conversions will ultimately depend on the actual building envelope proposed during the development order process, and

- b. The developer must provide a cumulative land development summary table indicating square footage and acreage of commercial retail, commercial office uses, industrial uses, and the number of hotel rooms/acreage to ensure DRI compliance with the above. A cumulative land development summary table must be included on development order submittal documents.
 - c. Under no circumstances will the land use totals meet or exceed 100% of the applicable mixed use DRI thresholds as outlined in Section 380.06, Florida Statutes, or in Rule Section 9J-2, F.A.C., as may be amended.
 - d. Maximum Individual Use Type Limitations
 1. Retail commercial uses are limited to a maximum of 200,000 square feet (any more than 40,000 square feet will require the conversion of permitted non-retail or industrial square footage).
 2. Non-retail (office) uses are limited to a maximum of 220,000 square feet.
 3. Industrial uses are limited to a maximum of 400,000 square feet (any more than 350,000 square feet will require the conversion of permitted non-retail or retail square footage).
 - e. Lee County staff, in conjunction with the County Attorney's Office, must review proposed amendments to the MPD approval under the governing regulations pertaining to Developments of Regional Impact (DRI) to determine whether the project should be SUBJECT TO further review as a Development of Regional Impact. This review must be conducted prior to a finding of sufficiency on the proposed changes to the development parameters or requests to add property to the MPD. This requirement does not apply to Administrative Approvals.
4. Prior to local development order approval for the subdivision and infrastructure, the plans must include a detailed open space plan indicating how the 17.4 acres of open space will be provided. Each individual lot must provide a minimum 10 percent open space, and no more than 4.15 acres may be lake area.

5. Prior to local development order approval, the development order plans must include the buffers as depicted in cross-section 1 "Daniels 10000 Typical Section" on Applicant's Exhibit 2, attached hereto as Exhibit D. The buffer located on the north and west side of the frontage road must be installed prior to the issuance of a Certificate of Compliance for the development order for the subdivision and infrastructure; and the final design provides that the roadside swale is utilized to convey the stormwater to the retention area.
6. A. Prior to local development order approval, the following must be addressed on the plans for the infrastructure and subdivision development order:
 1. The existing native pine trees in the southeast corner of the site adjacent to the proposed lake will be surveyed and located. The lake must be designed to preserve, as many as feasible, of these existing pine trees along the shoreline; and
 2. The littoral planting plan for the proposed lake in the southeast corner of the site must include 25 percent of the required plantings as native wetland tree species planted between the wet and dry water levels. Trees must be a minimum three-gallon container size and will count as 10 herbaceous littoral plants.
- B. Prior to local development order approval, the landscape plan must include 100 percent native vegetation for the LDC required trees and shrubs.
7. Communication towers will not exceed 100 feet in height above average grade level (AGL). The development must comply with LDC § 34-1008 for tall structures including permanent buildings, antenna, towers, and temporary construction cranes.
8. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC § 34-2174(a).
9. AGRICULTURAL USES: Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:
 - (a) Bona fide agricultural uses as shown on Exhibit E, attached hereto, may continue until approval of a local development order for the area of the project containing those uses.
 - (b) Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.

- (c) The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. 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 Appraiser's 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.
10. Required parking will be individually calculated based upon the specific uses developed and the requirements in § 34-2020 of the LDC, as amended. Joint use of parking facilities is permitted pursuant to the provisions of LDC § 34-2018, as amended.
 11. All industrial uses and manufacturing activities must take place within fully enclosed buildings.
 12. Approval of this rezoning 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.
 13. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
 14. This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

SECTION C. DEVIATIONS:

- (1) Deviation (1) seeks relief from the LDC § 10-329(f)(1) requirement to provide a 50-foot setback for excavations from private property lines, to allow a setback of 20 feet. This deviation is APPROVED SUBJECT TO the condition that:

Prior to the issuance of a Certificate of Compliance for the development order, a minimum four-foot-high fence must be installed around the excavation/lake.

- (2) Deviation (2) WITHDRAWN.
- (3) Deviation (3) WITHDRAWN.
- (4) Deviation (4) seeks relief from the LDC § 10-710(b) requirement to provide a 45-foot-wide right-of-way with a crowned cross section, to allow a 60-foot-wide right-of-way with a mono-sloped pavement. This deviation is APPROVED SUBJECT TO Condition 5.

(5) Deviation (5) WITHDRAWN AT HEARING.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: The legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Frontage Road Cross Section
- Exhibit E: Agricultural Uses Affidavit

The applicant has indicated that the STRAP number for the subject property is:
22-45-25-00-00007.0000

SECTION E. FINDINGS AND CONCLUSIONS:

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

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Andrew W. Coy, seconded by Commissioner Douglas R. St. Cerny and, upon being put to a vote, the result was as follows:

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

DULY PASSED AND ADOPTED this 16th day of September 2002.

ATTEST:
CHARLIE GREEN, CLERK

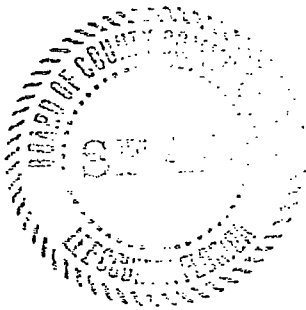
BY: Michele B. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

Approved as to form by:

[Signature]
County Attorney's Office



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MINUTES OFFICE
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2002 OCT 16 AM 8:53

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


DESCRIPTION

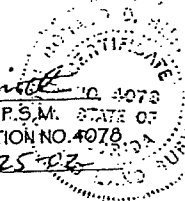
A PARCEL OF LAND BEING A PART OF THE SOUTHEAST ¼ OF SECTION 22, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID SECTION 22; THENCE SOUTH 89°34'43" WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST ¼ OF SECTION 22, A DISTANCE OF 1342.12 FEET TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 75; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE ARE THE FOLLOWING 6 COURSES; THENCE NORTH 00°38'16" WEST, A DISTANCE OF 471.28 FEET; THENCE NORTH 03°22'30" EAST, A DISTANCE OF 518.51 FEET; THENCE NORTH 10°21'45" EAST, A DISTANCE OF 324.85 FEET; THENCE NORTH 24°16'47" EAST, A DISTANCE OF 324.92 FEET; THENCE NORTH 31°17'04" EAST, A DISTANCE OF 927.09 FEET; THENCE NORTH 59°10'13" EAST, A DISTANCE OF 202.20 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF DANIELS ROAD; THENCE NORTH 85°12'04" EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 423.30 FEET TO THE EAST LINE OF SAID SOUTHEAST ¼ OF SECTION 22; THENCE SOUTH 01°05'10" EAST ALONG SAID EAST LINE, A DISTANCE OF 2526.50 FEET TO THE POINT OF BEGINNING. CONTAINING 64.00 ACRES, MORE OR LESS.

THE BEARINGS USED IN THIS DESCRIPTION ARE BASED ON THE EAST LINE OF THE SOUTHEAST ¼ OF SECTION 22 BEING SOUTH 01°05'10" EAST AS IT APPEARS ON THE PLAT OF JET-PORT INTERSTATE COMMERCE PARK RECORDED IN PLAT BOOK 43, AT PAGE 94.

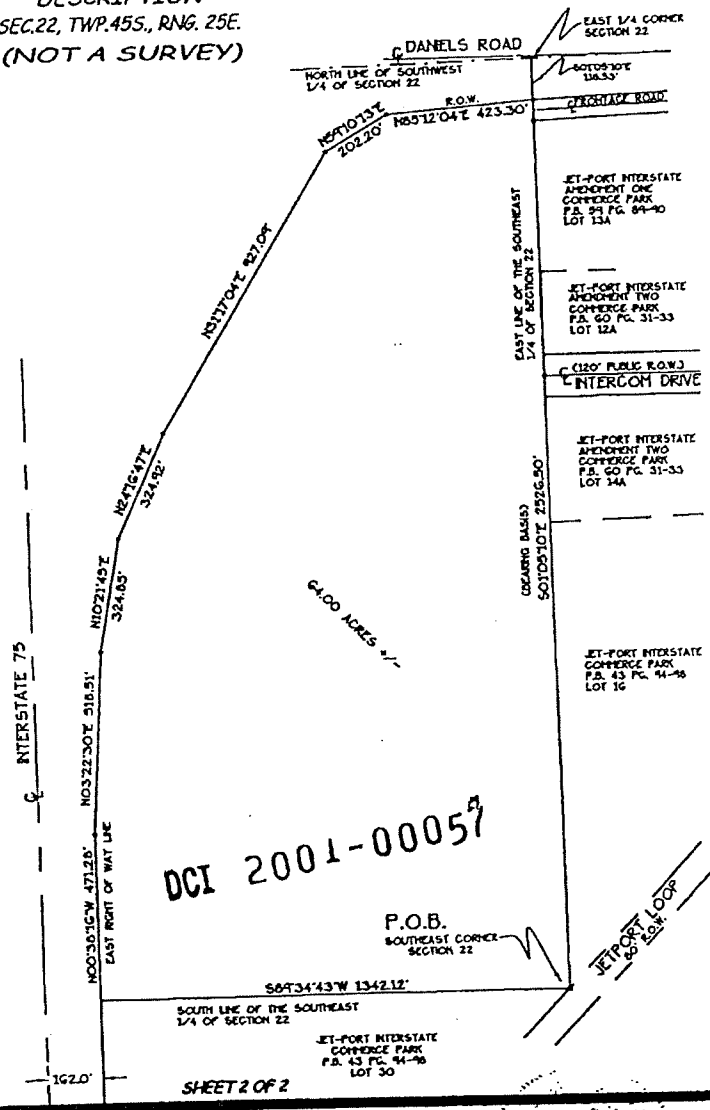
THIS DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE LICENSED FLORIDA SURVEYOR AND MAPPER.


DONALD D. SMITH, P.S.M. STATE OF FLORIDA
REGISTRATION NO. 4078
DATE SIGNED: 1-25-02



Applicant's Legal Checked
by gm 2/26/02

SKETCH
OF
DESCRIPTION
SEC. 22, TWP. 45S., RNG. 25E.
(NOT A SURVEY)



- LEGEND**
- P.O.B. = POINT OF BEGINNING
 - P.B. = PLAT BOOK
 - P.G. = PAGE
 - SEC. = SECTION
 - TWP. = TOWNSHIP
 - RNG. = RANGE
 - R.O.W. = RIGHT OF WAY

SHEET 2 OF 2



MORRIS - DEPEW ASSOCIATES, INC.
ENGINEERS * PLANNERS * SURVEYORS * MAPPERS
2216 Altonant Avenue * Fort Myers, Florida 33908 * (941) 337-3993 * (FAX) 337-3994

Donald D. Smith
DONALD D. SMITH, P.S.M.
FLORIDA REGISTRATION NO. 4078
DATE SIGNED: 12-25-02

THIS SKETCH TO ACCOMPANY DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE LICENSED FLORIDA SURVEYOR AND MAPPER

I:\01025\01025desc\dwg\01025desc.dwg 01/25/2002 10:17:38 AM dsmith

ZONING MAP

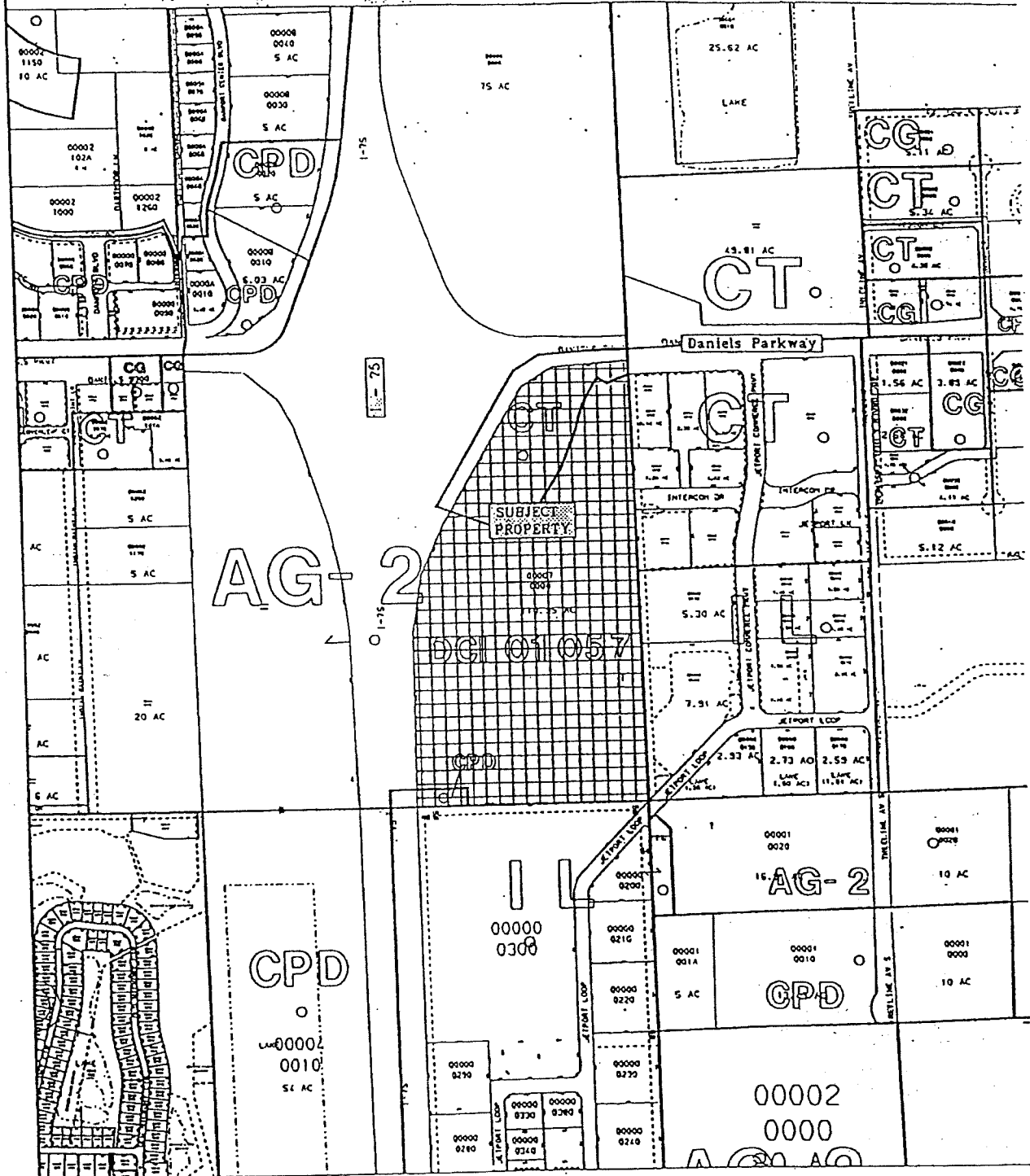
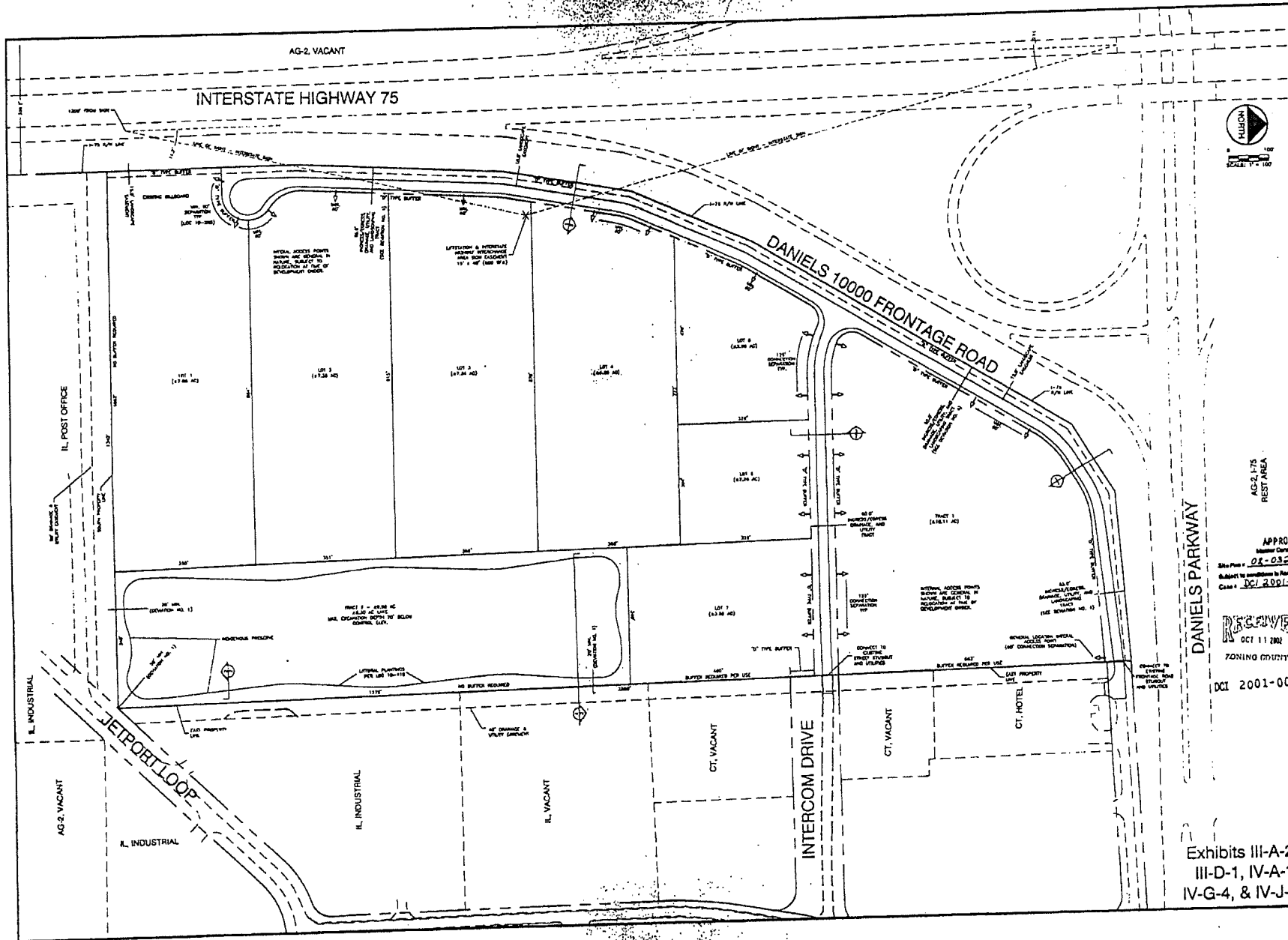


EXHIBIT "B"



AG-2, I-75
REST AREA

DANIELS PARKWAY

APPROVED
 04-032
 10/04/02
 DCI 2001-00057

OCT 11 2002
 ZONING DIVISION

DCI 2001-00057

MORRIS - DEFEW ASSOCIATES, INC.
 ENGINEERS - PLANNERS - SURVEYORS & ARCHITECTS
 20100 Morris Lane - 1st Fl. - Suite 200 - 14130
 MD

CONCEPTUAL SITE PLAN
 01/02
 B K Equities, Inc.
 D75 COMMERCE CENTER
 Lot 1, 2, 3, 4, 5, 6, 7

Exhibits III-A-2,
 III-D-1, IV-A-1,
 IV-G-4, & IV-J-3
 1 OF 3

10/04/02 10:15 AM

AFFIDAVIT

State of Texas
County of Harris

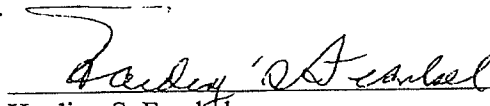
I, Harding S. Frankel, whose address is 2700 Post Oak Boulevard, Suite 1340, Houston, Texas 77056, do say and depose as follows:

1. I am an owner of the property shown graphically on Exhibit "A" attached hereto and generally described as: the Southeast Quarter of Section 22, Township 45 South, Range 25 East, Lee County, Florida, lying easterly of the right-of-way for Interstate 75 and southerly of the right-of-way for Daniels Parkway, said property comprising 64.00 acres, more or less. A metes and bounds legal description is attached hereto as Exhibit "B."

2. As an owner, I am aware that the property has been used for agricultural purposes since at least 1984. Said property has been used continuously since 1984 to the date of this affidavit for cattle grazing purposes.

3. I hereby attest that the entire 64.00 acres of the subject property has been used for agricultural purposes, specifically livestock grazing, and that Exhibit "A" accurately reflects the extent of agricultural use thereon.

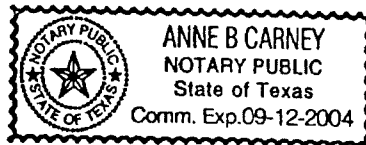
FURTHER AFFIANT SAYETH NAUGHT.


Harding S. Frankel

The foregoing instrument was sworn to and subscribed before me this 19th day of August, 2002, by Harding S. Frankel. He is () personally known to me or () produced the following identification: _____, and did not take an oath.


Notary Public Signature

Print Notary Public Name
My commission expires:

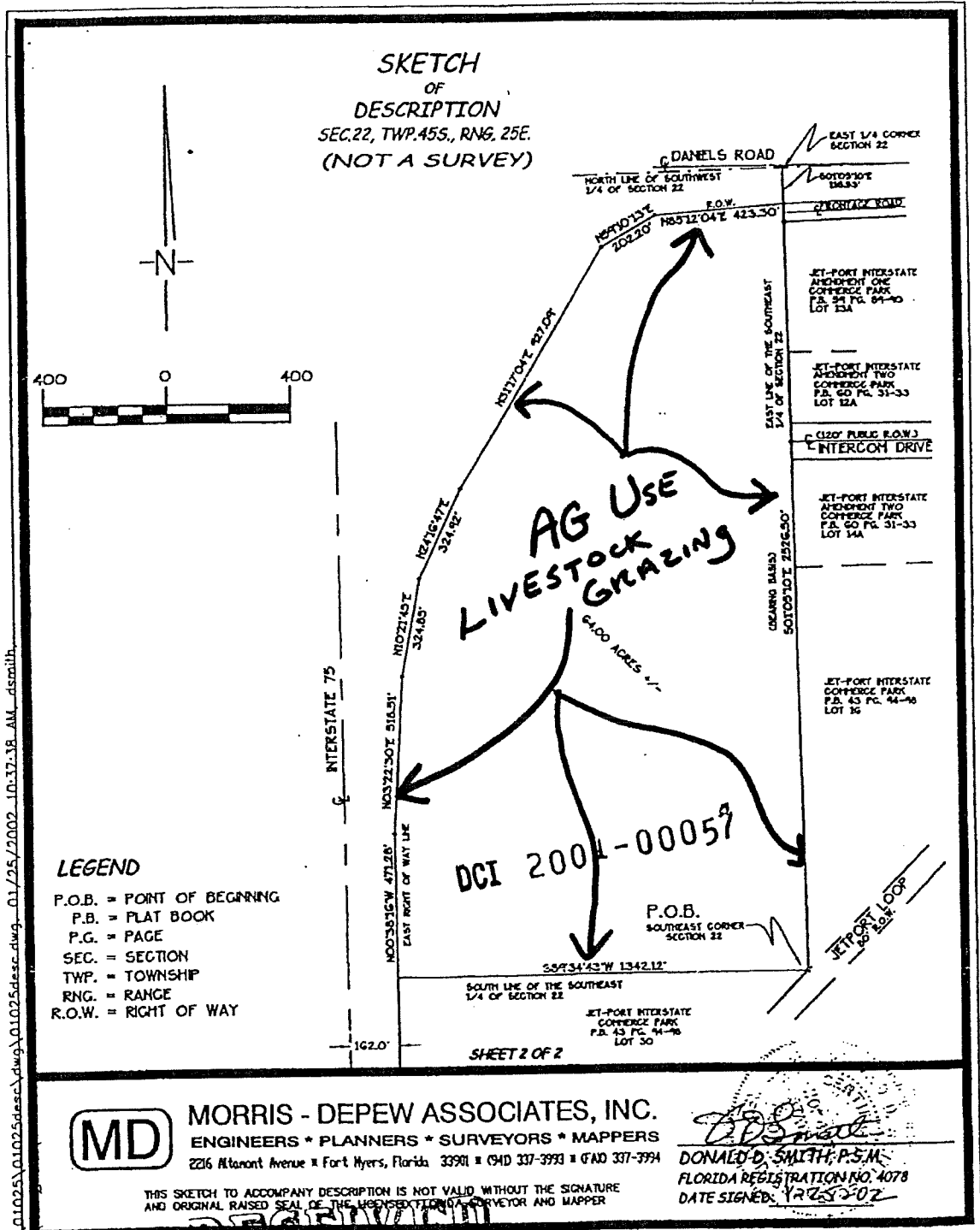


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AUG 27 2002

ZONING COUNTER

NOT 2001-00057

— EXHIBIT "A" - Bona Fide Agricultural —
 Uses at Time of Zoning Approval



RECEIVED

AUG 27 2002

DCI 2001-00057

EXHIBIT "B"


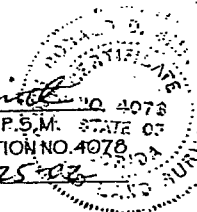
DESCRIPTION

A PARCEL OF LAND BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID SECTION 22; THENCE SOUTH 89°34'43"WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF SECTION 22, A DISTANCE OF 1342.12 FEET TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 75; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE ARE THE FOLLOWING 6 COURSES; THENCE NORTH 00°38'16" WEST, A DISTANCE OF 471.28 FEET; THENCE NORTH 03°22'30"EAST, A DISTANCE OF 518.51 FEET; THENCE NORTH 10°21'45"EAST, A DISTANCE OF 324.85 FEET; THENCE NORTH 24°16'47"EAST, A DISTANCE OF 324.92 FEET; THENCE NORTH 31°17'04" EAST, A DISTANCE OF 927.09 FEET; THENCE NORTH 59°10'13"EAST, A DISTANCE OF 202.20 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF DANIELS ROAD; THENCE NORTH 85°12'04"EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 423.30 FEET TO THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 22; THENCE SOUTH 01°05'10"EAST ALONG SAID EAST LINE, A DISTANCE OF 2526.50 FEET TO THE POINT OF BEGINNING. CONTAINING 64.00 ACRES, MORE OR LESS.

THE BEARINGS USED IN THIS DESCRIPTION ARE BASED ON THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 22 BEING SOUTH 01°05'10"EAST AS IT APPEARS ON THE PLAT OF JET-PORT INTERSTATE COMMERCE PARK RECORDED IN PLAT BOOK 43, AT PAGE 94.

THIS DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE LICENSED FLORIDA SURVEYOR AND MAPPER.


DONALD D. SMITH, P.S.M. STATE OF FLORIDA
FLORIDA REGISTRATION NO. 4078
DATE SIGNED: 1-25-02


Applicant's Legal Checked
by Jm 2/26/02

SHEET 1 OF 2

DCI 2001-00057

RECEIVED
AUG 27 2002

ZONING COUNTER

DCI 2001-00057

RECEIVED EXHIBIT C
SEP 23 2010

ADD 2010-00078

COMMUNITY DEVELOPMENT

ADMINISTRATIVE AMENDMENT (PD) ADD2005-00123

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, D-75 LLC c/o Chris Bundschu filed an application for administrative approval to a Mixed Use Planned Development on a project known as D-75 Commerce Park to reconfigure Tract 1, Tract 2 and Lots 1 to 7 on property located off Daniels Parkway, east of I-75 exit 131, described more particularly as:

LEGAL DESCRIPTION: In Section 22, Township 45 South, Range 25 East, Lee County, Florida:

See Exhibit "A"

WHEREAS, the property was originally rezoned in case number DCI2001-00057 (with subsequent amendments in case number DOS2003-00062; and

WHEREAS, the southerly portion of the site, Lot 1, is now being reserved as a conservation and drainage easement; and

WHEREAS, the change in Lot 1 results in less impervious surface, parking area and road area, which slightly decreases the lake area, and reconfigures the tracts; and

WHEREAS, the applicant is requesting the following changes on the master concept plan:

- a. Tract 1 will become Tracts 11-14
- b. Lots 2-7 will become Tracts 4-10, and will differ in size
- c. Lot 1 will become Tract 2 (conservation and drainage easement 7.2 acres)
- d. Tract 2 will become Tract 3 and will be slightly reduced in size; and

WHEREAS, the changes on the master concept plan will revise the conditions in resolution Z-02-032 as follows:

- a. Tract 1 uses will become the uses for Tracts 11-14
- b. Lot 1, whose uses are restricted as a conservation and drainage easement, will now apply to Tract 2
- c. Lots 2-7 uses will now become uses for Tracts 4-10; and

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

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

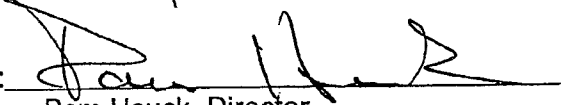
WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation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

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

Approval is subject to the following conditions:

1. The changes authorized by this administrative amendment are to amend the master concept plan to reflect Lot 1 becoming a conservation and drainage easement resulting in a reconfiguration of Tract 1, Tract 2 and Lots 1 to 7 . No other changes have been authorized as part of this amendment and development must remain in compliance with the original Zoning Resolution (Z-02-032).
2. The Development must be in compliance with the amended Master Concept Plan, dated June 18, 2005. Master Concept Plan for ADD2005-00123 is hereby **APPROVED** and adopted. A reduced copy is attached hereto.
3. The terms and conditions of the original zoning resolutions remain in full force and effect.

DULY SIGNED this 19th day of August, A.D., 2005.

BY: 
Pam Houck, Director
Division of Zoning
Department of Community Development

ADD 2005-00123

EXHIBIT A

METES AND BOUND DESCRIPTION FOR D-75 COMMERCE CENTER

DESCRIPTION (FURNISHED BY TITLE COMMITMENT)

ALL THAT TRACT OR PARCEL OF LAND LYING IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 22, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA LYING EASTERLY OF THE I-75 RIGHT-OF-WAY AND SOUTHERLY OF DANIELS ROAD RIGHT-OF-WAY.

MORE PARTICULARY DESCRIBED AS:

A PARCEL OF LAND BEING A PART OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

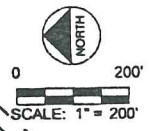
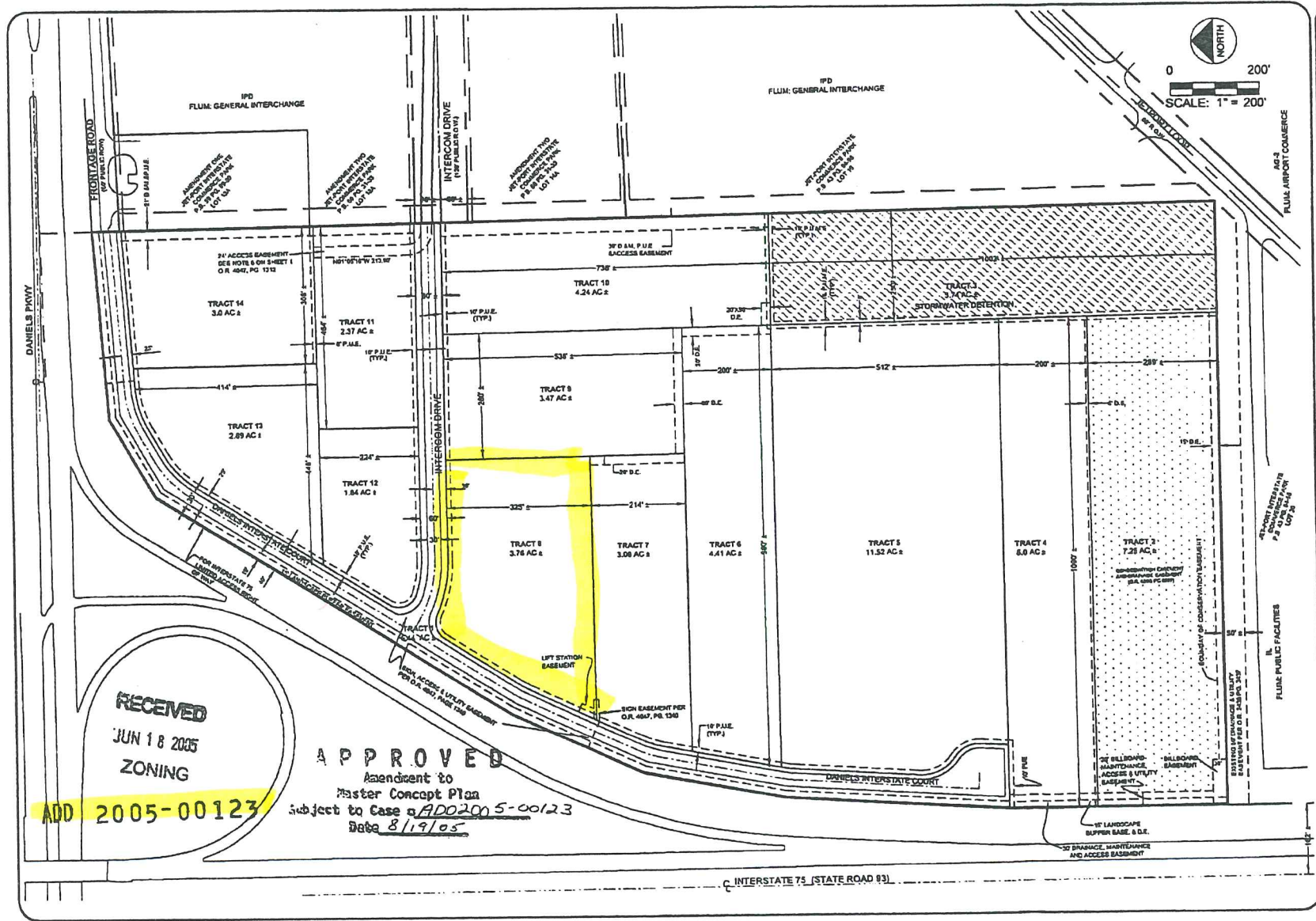
BEGIN AT THE SOUTHEAST CORNER OF SAID SECTION 22; THENCE SOUTH 89°34'43"WEST ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 OF SECTION 22, A DISTANCE OF 1342.12 FEET TO THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE 75; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE ARE THE FOLLOWING 6 COURSES; THENCE NORTH 00°38'16" WEST, A DISTANCE OF 471.28 FEET; THENCE NORTH 03°22'30"EAST, A DISTANCE OF 518.51 FEET; THENCE NORTH 10°21'45"EAST, A DISTANCE OF 324.85 FEET; THENCE NORTH 24°16'47"EAST, A DISTANCE OF 324.92 FEET; THENCE NORTH 31°17'04" EAST, A DISTANCE OF 927.09 FEET; THENCE NORTH 59°10'13"EAST, A DISTANCE OF 202.20 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF DANIELS ROAD; THENCE NORTH 85°12'04"EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 423.30 FEET TO THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 22; THENCE SOUTH 01°05'10"EAST ALONG SAID EAST LINE, A DISTANCE OF 2526.50 FEET TO THE POINT OF BEGINNING. CONTAINING 64.00 ACRES, MORE OR LESS.

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RECEIVED
JUN 27 2005
ZONING

Applicant's Legal Checked
by *[Signature]* 27 JUNE 05

0-16145 - Block 1-25 - Generated Local Agency (Project) 01/15/2005 4:55 - Barry Fuller, Owner/Planner, 781120208 08/23/07 4:14, Lawrence, LI



RECEIVED
 JUN 18 2005
 ZONING

ADD 2005-00123

APPROVED
 Amendment to
 Master Concept Plan
 subject to Case # **ADD2005-00123**
 Date **8/19/05**

MASTER CONCEPT PLAN
 BK EQUITIES, INC.
 D7'S COMMERCE CENTER

MORRIS - DEPEW ASSOCIATES, INC.
 ENGINEERS - PLANNERS - ARCHITECTS
 1100 W. 10th Street, Suite 100, Lawrence, KS 66044
 Phone: 781-208-1100, Fax: 781-208-1101



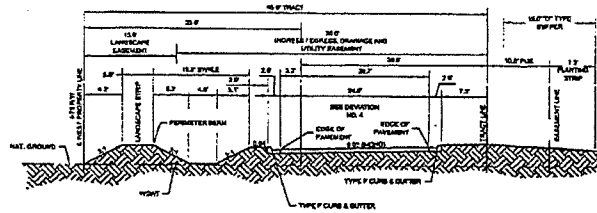
PROJECT NO. 01023
 DRAWING NO. 2-2
 DATE 5/12/05

NOTES:

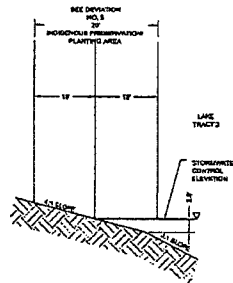
1. PROPOSED IS A REZONING FROM AG-2, CPD AND CT TO MIXED USE PLANNED DEVELOPMENT.
2. PARCEL SIZE = 64.01 +/- ACRES.
3. LEE PLAN FUTURE LAND USE DESIGNATION = GENERAL INTERCHANGE.
4. MAXIMUM BUILDING HEIGHT = 75', 6 STORIES
5. BUSINESS PARK DEVELOPMENT INTENSITY:
 TRACT 2: 7.25 AC ± CONSERVATION AND DRAINAGE EASEMENT
 TRACT 3: 5.74 AC ± STORMWATER DETENTION
 TRACT 4 - 14: 45.58 AC ± COMMERCIAL/INDUSTRIAL DEVELOPMENT
 TRACT 1 (ROAD RIGHT OF WAY & BUFFER EASEMENT): 5.44 AC ±
 MAXIMUM SQUARE FOOTAGE 641,150 SQ. FT. MIXED USE AND 120 HOTEL UNITS OR 663,140 SQ. FT. MIXED USE. SEE CONDITION IN ZONING RESOLUTION NO. Z-02-032.

6.	TOTAL PROJECT AREA = 64.01 AC ±
	REQUIRED OPEN SPACE
	MAXIMUM BUSINESS PARK DEVELOPMENT POTENTIAL FOR INDUSTRIAL @ 20% = 12.80 ACRES
	FOR OFFICE/RETAIL @ 30% = 19.20 ACRES
	OPEN SPACE PROVIDED
	DETENTION LAKE OPEN SPACE = 5.74(25% of 19.20) = 4.80 AC ±
	CONSERVATION EASEMENT OPEN SPACE = 7.20 AC ±
	RIGHT OF WAY, BUFFER EASEMENT = 2.78 AC ±
	10% OF LOTS AREA (45.58 AC) = 4.58 AC ±
	MINIMUM TOTAL OPEN SPACE PROVIDED = 19.34 AC ±
	* IN NO CASE SHALL ANY LOT PROVIDE LESS THAN 10% REQUIRED OPEN SPACE.

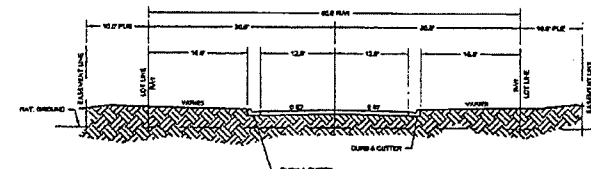
7. NO USES INVOLVING OUTDOOR STORAGE MAY BE PERMITTED ON TRACTS 11, 12, 13 & 14.
8. PARKING, LOADING AND DELIVERY AREAS TO BE DETERMINED ON A CASE BY CASE BASIS AT TIME OF DEVELOPMENT ORDER APPLICATION. LOADING AREAS WILL BE ORIENTED TO THE REAR OR MIDDLE OF THE SITE.



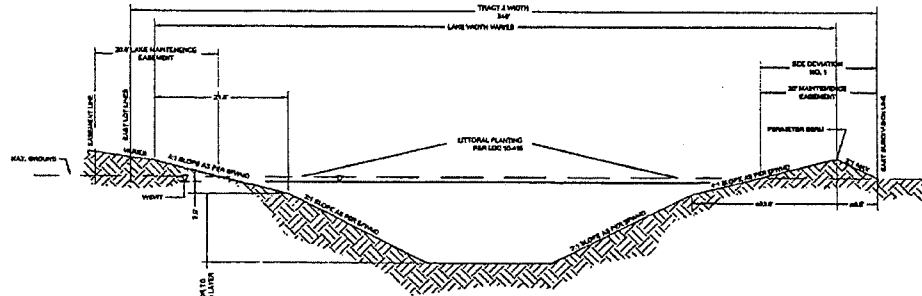
1 DANIELS INTERSTATE CORT - TYPICAL SECTION
N.T.S.



2 INDIGENOUS PRESERVATION AREA
N.T.S.



3 INTERCOM DRIVE TYPICAL SECTION
N.T.S.



4 TYPICAL LAKE SECTION
N.T.S.

RECEIVED
JUN 18 2005
ZONING

ADD 2005-00123

C:\91031 - Daniel 125 Commercial Center\Working\11125-0258-123 Zoning Master Concept Plan.dwg, 30/11/2005 10:02:11 AM, 14.4mb, 11

MASTER CONCEPT PLAN - NOTES -

BK EQUITIES, INC.
D75 COMMERCE CENTER
PROJECT # 11125-0258-123

MORRIS - DEPEW ASSOCIATES, INC.
ENGINEERS - PLANNERS - SURVEYORS & MAPPERS
1010 Lakeside Lane / Fairfax, Va 22031 / 703-271-0800 / FAX 703-271-0800

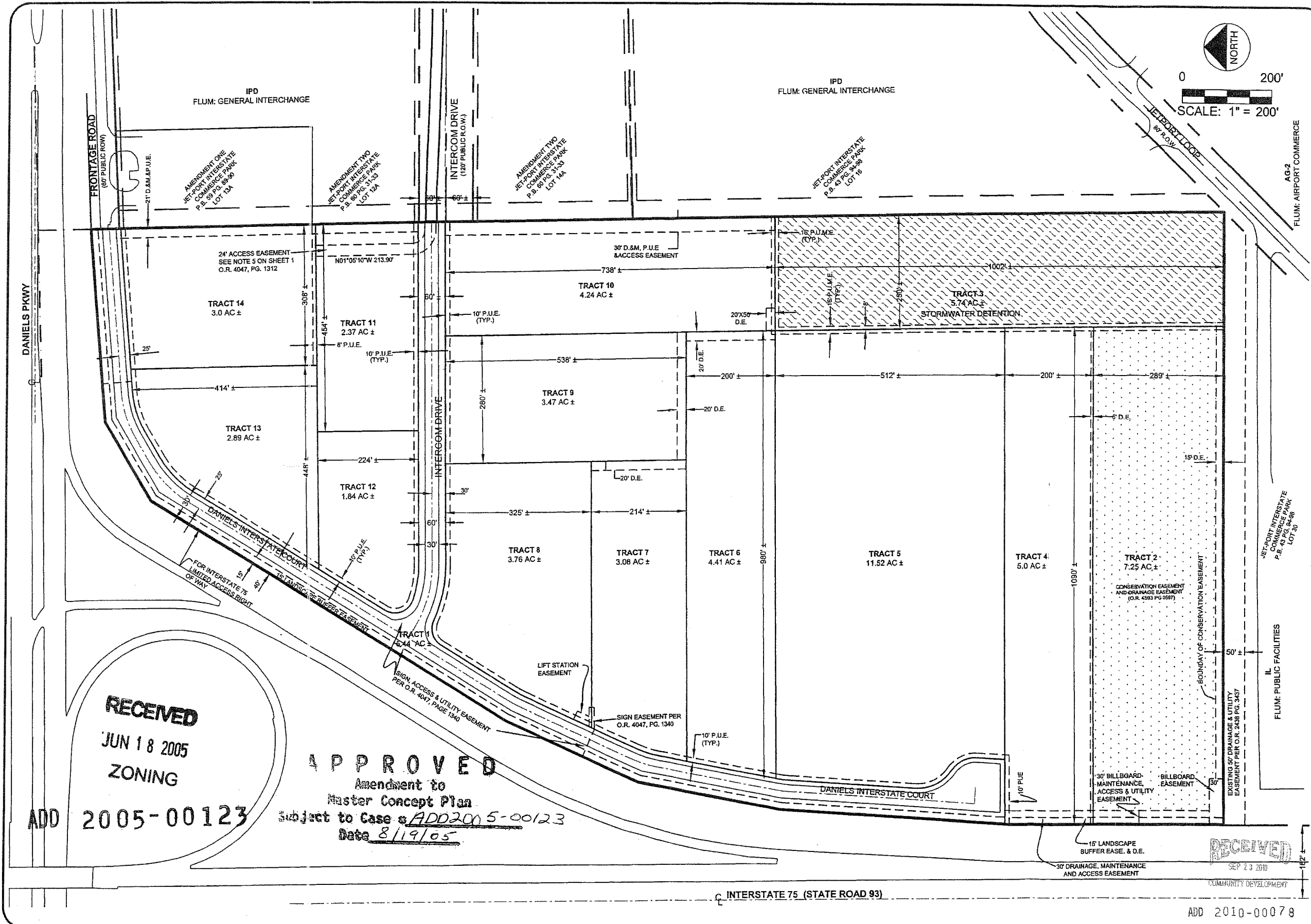


1/2" PROJECT
01.023

DATE: 5/11/2005

2/2

EXHIBIT D



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 JUN 18 2005
 ZONING
 ADD 2005-00123

APPROVED
 Amendment to
 Master Concept Plan
 Subject to Case # ADD2005-00123
 Date 8/19/05

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 SEP 23 2010
 COMMUNITY DEVELOPMENT

ADD 2010-00078

MASTER CONCEPT PLAN

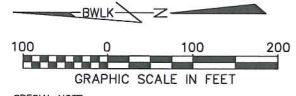
BK EQUITIES, INC.
 D75 COMMERCE CENTER
 Section 22, T-45-S, R-25-E, Lee County, Florida

MORRIS - DEPEW ASSOCIATES, INC.
 ENGINEERS - PLANNERS - SURVEYORS & MAPPERS
 2210 Alamo Avenue - Fort Myers, Florida 33901 - (239) 337-2993 - (FAX) 337-3794

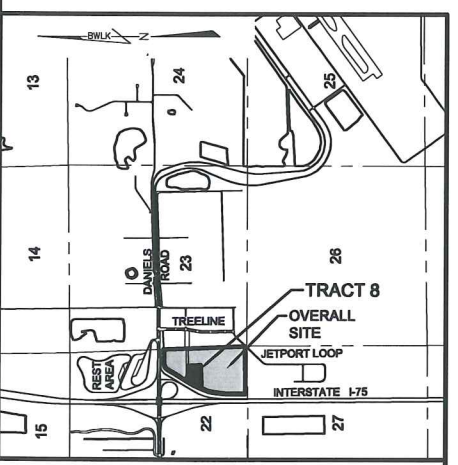
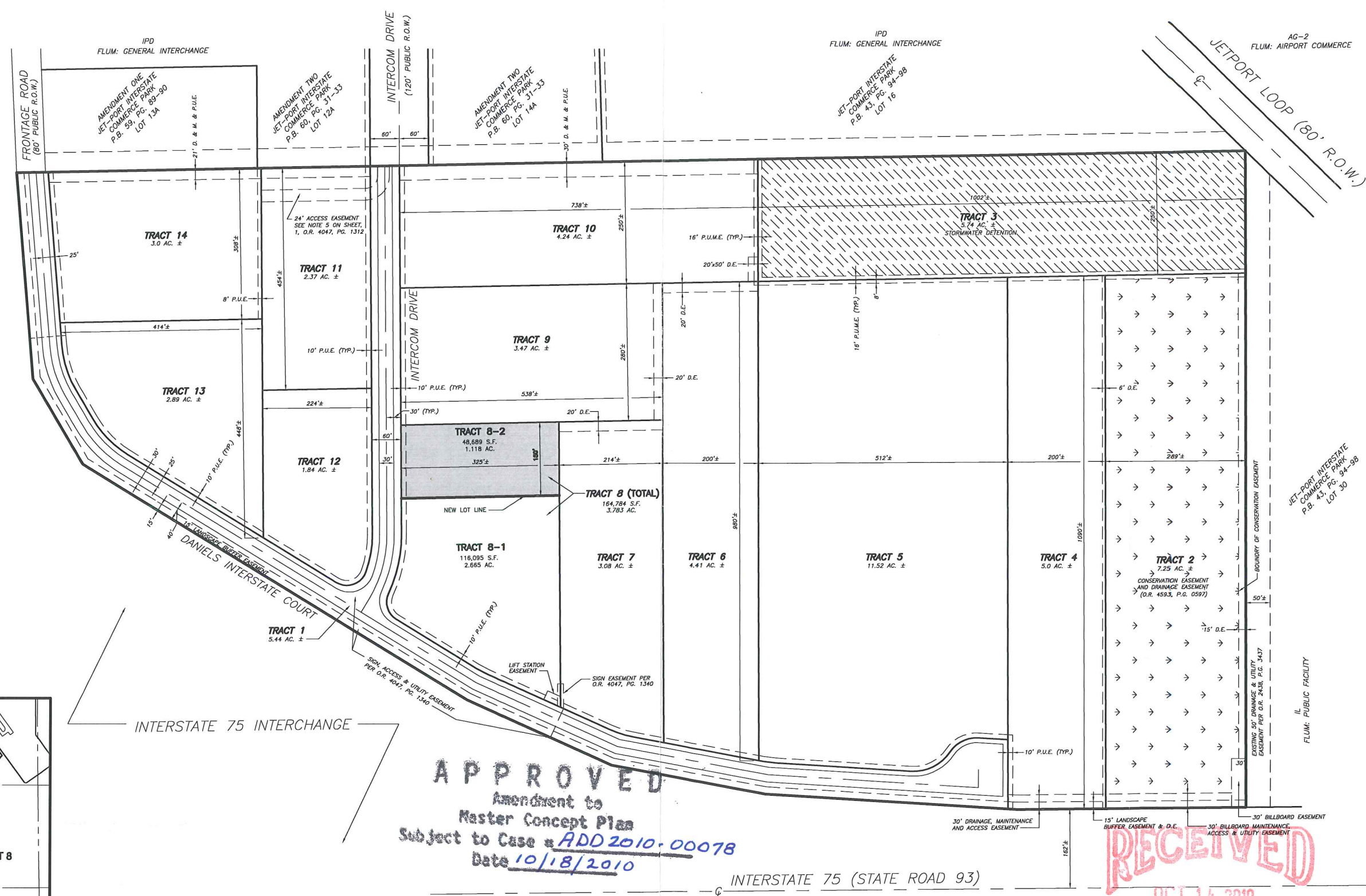
MD
 MDA PROJECT: 01025
 CHECKED BY: DWF DESIGNED BY: AZ
 DATE: 5/11/2005
 SHEET: 1/2

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EXHIBIT E



SPECIAL NOTE:
THIS STYLE OF TEXT REPRESENTS EXISTING FEATURES
THIS STYLE OF TEXT REPRESENTS PROPOSED FEATURES

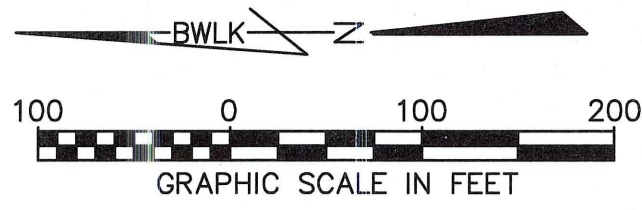


APPROVED
Amendment to
Master Concept Plan
Subject to Case # ADD 2010-00078
Date 10/18/2010

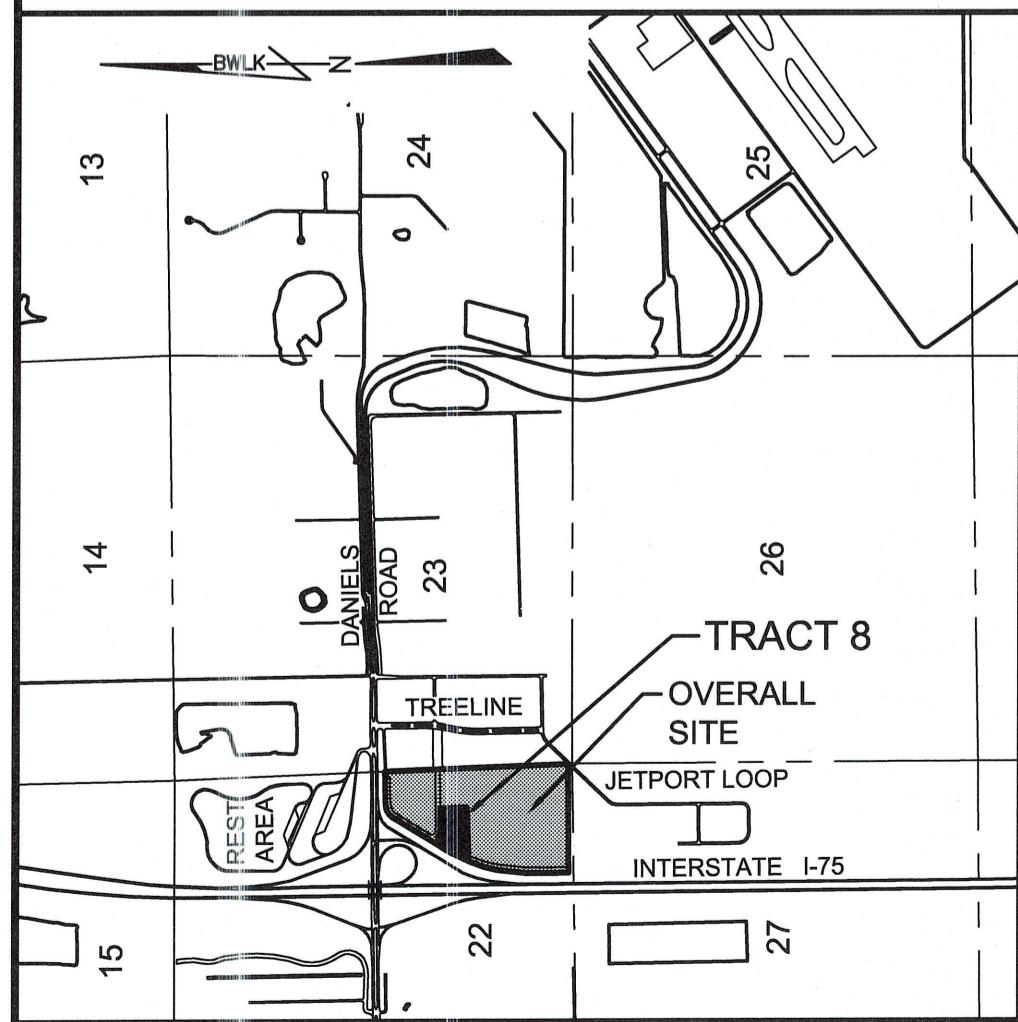
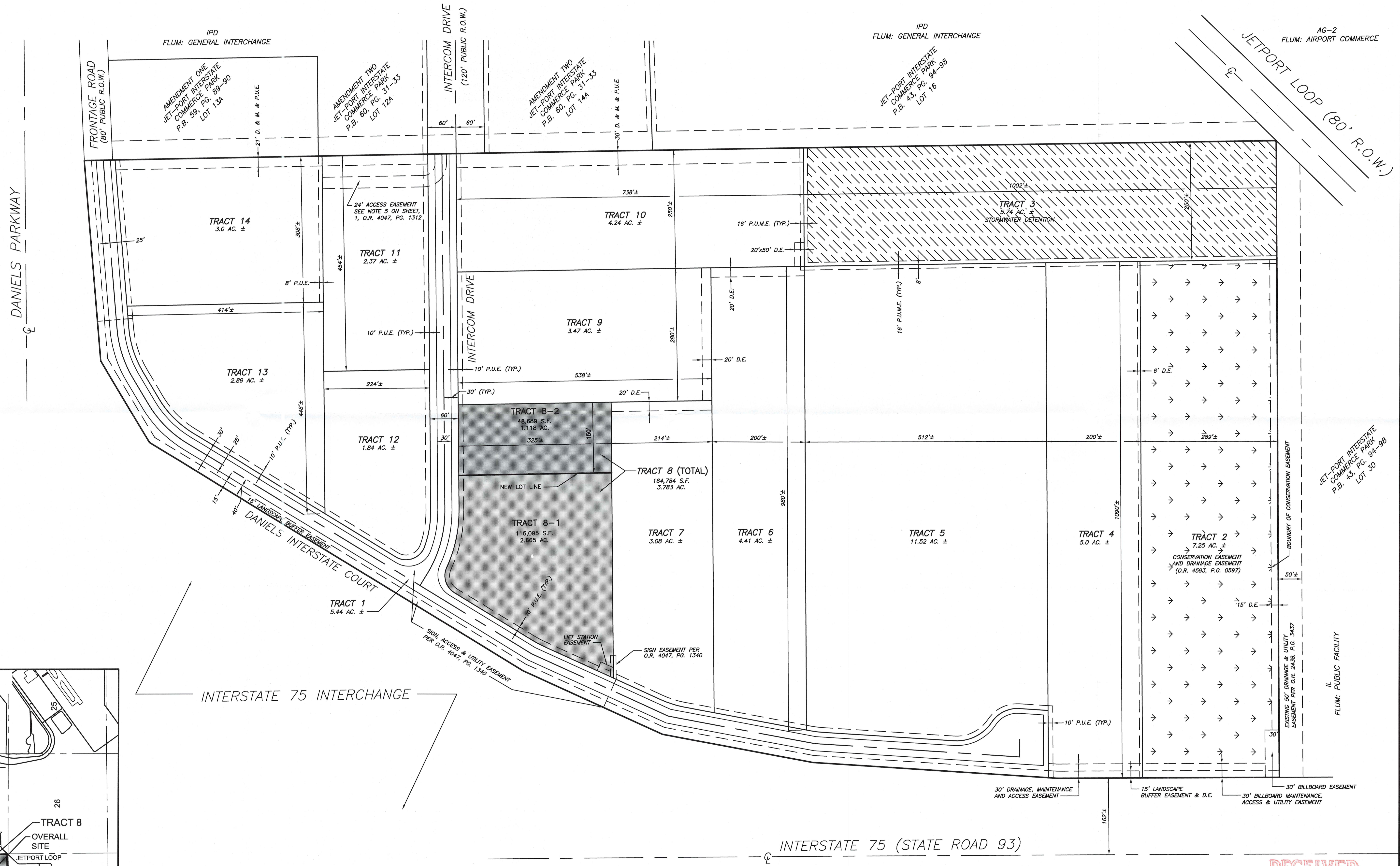
RECEIVED
OCT 14 2010
COMMUNITY DEVELOPMENT

AHMAD R. KAREH, P.E. FLORIDA LICENSE NO. 43324 DATE: 10/13/2010 REVISIONS PER LEE COUNTY REQUIREMENTS - 10/13/2010 STATUS	
T. T. OF FORT MYERS, INC. C/O AUTOMOTIVE MANAGEMENT SERVICES, INC. 515 WEST PALM BEACH DRIVE, SUITE P-400 WEST PALM BEACH, FLORIDA 33409 PHONE: (888) 855-1721	
D75 COMMERCE CENTER ZONING AMENDMENT SECTION 22, T 45S, R 25E, LEE COUNTY, FLORIDA	
BEAN, WHITAKER, LUTZ & KAREH, INC. CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS 13044 MCGREGOR BOULEVARD, FORT MYERS, FL 33919 (239) 481-1331 AUTHORIZATION NUMBER: EB4919	APPROVED BY: A.R. KAREH DATE: SEPTEMBER 10, 2010 SCALE: 1" = 100' PROJECT NUMBER: 4114210-16
MASTER CONCEPT PLAN SHEET 1 OF 1 EXHIBIT H-3.C. ADD 2010-00078	

SCANNED



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THIS STYLE OF TEXT REPRESENTS PROPOSED FEATURES



LOCATION SKETCH
NOT TO SCALE

APPROVED
SUBMITTED TO
Master Concept Plan
Subject to Case #ADD2010-00078ADD 2010-00078
Date 10/17/2010

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OCT 14 2010
COMMUNITY DEVELOPMENT

EXHIBIT H-3.C.

BEAN, WHITAKER LUTZ & KAREH, INC. CONSULTING ENGINEERS - SURVEYORS AND MAPPERS - PLANNERS 13041 MCGREGOR BOULEVARD, FORT MYERS, FL 33919 (239) 481-1331 AUTHORIZATION NUMBER: EB4919		T. T. OF FORT MYERS, INC. C/O AUTOMOTIVE MANAGEMENT SERVICES, INC. 515 NORTH FLAGLER DRIVE, SUITE P-400 WEST PALM BEACH, FLORIDA 33401 PHONE: (561) 655-1721	
DESIGNED BY: S.D. YORK DRAFTING S.D. YORK PROJECT NUMBER: 41142(10-16)	APPROVED BY: A.R. KAREH DATE: SEPTEMBER 10, 2010 SCALE: 1" = 100'	AHMAD R. KAREH, P.E. FLORIDA LICENSE NO. 43324 DATE: OCT 13 2010	REVISIONS PER LEE COUNTY REQUIREMENTS - 10/13/2010 STATUS
D75 COMMERCE CENTER ZONING AMENDMENT SECTION 22, T. 45S, R. 25E, LEE COUNTY, FLORIDA			
MASTER CONCEPT PLAN SHEET 1 OF 1 FILE: 22-45-25			