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

WHEREAS, an application was filed by the property owner, SW Florida Land Ten, LLC, to rezone a 92.85± acres from Agriculture (AG-2) and Commercial Planned Development (CPD) to Mixed Use Planned Development (MPD), in reference to Blackstone Corporate Park MPD; and,

WHEREAS, a public hearing was advertised and held on September 26, 2007, with the record held open for written submissions until October 5, 2007, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2006-00081; and

WHEREAS, a second public hearing was advertised and held on January 7, 2008, 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 from AG-2 and CPD to MPD, to allow for the development of 250,000 square feet of commercial uses and 810,000 square feet of industrial uses with a maximum height of 65 feet. The Schedule of Uses includes light manufacturing and intense commercial uses. The Applicant is proposing to provide an interim wastewater treatment facility for sewage disposal should FGUA not have sufficient capacity. The Applicant intends to connect to FGUA water utilities for the proposed development. The property is located in the Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the 2-page Master Concept Plan (MCP), attached as Exhibit "C," entitled "Project: Blackstone Corporate Park, Title: Master Concept Plan," dated 01-17-08, date-stamped "Received JAN 23 2008 Community Development," except as modified by the conditions below. This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The development is limited to a maximum of 1,060,000 square-feet of floor area. It is further limited to a maximum of 810,000 square-feet of industrial uses, 200,000 square-feet of commercial office and 250,000 square-feet of commercial retail uses. Uses may be converted based on the Land Use Conversion Table on Page 2 on the approved MCP. Any Land Use Conversion must be reviewed and approved through an administrative amendment application.

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

a. Schedule of Uses

Use Area A
Accessory Uses and Structures
Administrative Offices
Agricultural Uses & Agricultural Accessory Uses - subject to Condition 16 herein
Amusement Parks - subject to Condition 17 herein
Animals, Clinic
Auto Parts Store - without installation
ATM (Automatic Teller Machine)
Automobile Repair & Services - Group I only
Automobile Service Station
Bait & Tackle Shop
Banks and Financial Establishments - Groups I & II
Boat Parts Store
Boat Rental
Boat Sales
Broadcast Studio, Commercial Radio & Television
Building Materials Sales
Business Services - Group I only
Bus Station/Depot
Business Services - Group II only and limited to lawn and garden services, messenger services, packaging services, parcel and express services, and water softening services
Car Wash
Caretaker's Residence
Cleaning & Maintenance Services
Clothing Stores, General
Clubs: Commercial, fraternal, membership organization, private
Continuing Care Facilities
Computer & Data Processing
Consumption on Premises - limited to a Maximum of 5 for both Use Areas A and C
Contractors & Builders - Group I
Convenience Food and Beverage Store - limited to one with a maximum of 12 self-service fuel pumps
Cultural Facilities
Department Store
Day Care Center, Child or Adult

Drive-through Facility for Any Permitted Use
Drugstore, Pharmacy
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities - Groups I & II
Excavation, Water Retention
Excess Spoil Removal (in compliance with LDC §10-329)
Fences and Walls
Food Stores - Groups I & II
Food and Beverage Service, Limited
Funeral Home and Mortuary (with or without a crematory)
Gift and Souvenir Shop
Hardware Store
Health Care Facilities - All Groups
Household and Office Furnishings - All Groups
Laundry or Dry Cleaning - Groups I and II
Insurance Companies
Lawn and Garden Supply Stores
Library
Medical Office
Model Display Center
Motion Picture Production Studio
Package Store
Paint, Glass and Wallpaper
Parks - Group I, except Fishing Piers
Parking Lot, Accessory, Garage, Temporary
Personal Services - Groups I & III
Photofinishing Laboratory
Pet Services
Pet Shops
Pharmacy
Place of Worship
Post Office
Printing and Publishing
Processing and Packaging of Agricultural Products
Real Estate Sales Office
Recreation Facilities, Commercial - Groups III & IV
Religious Facilities
Rental or Leasing Establishment - Groups II & III
Repair Shops - Groups I & II
Restaurants, Fast Food - limited to a maximum of 2
Restaurants - Groups I, II, III & IV
Schools, Commercial and Noncommercial
Signs - in accordance with LDC Chapter 30
Specialty Retail Shops - All Groups
Social Services - Group II only
Storage, indoor only
Studios

Temporary Uses
Transportation Services - Group III only
Theater, Indoor or Outdoor (Drive-in)
Used Merchandise Stores - Groups I and II
Variety Store
Vehicle & Equipment Dealers - Groups I, II, III & IV
Warehouse, Mini-Warehouse, Private, Public, Cold Storage

Use Area B
Accessory Uses & Structures
Administrative Offices
Auto Parts Store - without installation
ATM (Automatic teller machine)
Bait & Tackle Shop
Banks and Financial Establishments - Groups I & II
Boat Parts Store
Broadcast Studio, Commercial Radio & Television
Business Services - Group I
Caretaker's Residence
Cleaning & Maintenance Services
Clothing Stores, General
Computer & Data Processing Services
Cultural Facilities
Day Care Center, Child or Adult
Drive-through Facility for Any Permitted Use
Drugstore, Pharmacy
Emergency Operations Center
Essential Services - All Groups
Essential Service Facilities - Groups I & II
Excavation: Water Retention
Excess Spoil Removal - in compliance with LDC §10-329
Fences and Walls
Food Stores - Groups I & II
Hardware Store
Health Care Facilities - all Groups
Household and Office Furnishings - All Groups
Laundry or Dry Cleaning - Groups I & II
Insurance Companies
Lawn and Garden Supply Stores (No outdoor display or storage)
Library
Manufacturing:
- Apparel Products
- Leather - Group II only
- Measuring, Analyzing and Controlling Instruments
- Novelties, Jewelry, Toys and Signs

Medical Office
Model, Display Center
Motion Picture Production Studio

Nonstore Retailers - All Groups
Paint, Glass and Wallpaper
Parking Lot - Accessory, Garage, Temporary
Personal Services - Groups I & III
Photofinishing Laboratory
Pet Services
Pet Shop
Pharmacy
Place of Worship
Post Office
Printing & Publishing
Real Estate Sales Office
Recreation Facilities Personal
Religious Facilities
Rental or Leasing Establishment - Groups II & III
Research & Development Laboratories - Groups II & IV
Schools: Commercial and Noncommercial
Signs - in accordance with LDC Chapter 30
Specialty Retail Shops - All Groups
Storage: Indoor Only, Open
Studios
Temporary Uses
Used Merchandise Stores - All Groups
Variety Store
Warehouse: Mini-Warehouse, Private, Public, Cold Storage
Wholesale Establishments - Group III only

Use Area C
Accessory Uses and Structures
Administrative Offices
Agricultural Services: Office/Base Operations
Agricultural Uses & Agricultural Accessory Uses - subject to Condition 16 herein
Amusement Parks - subject to Condition 17 herein
Animals: Clinic or Kennel, Control Center (including Humane Society)
Auto Parts Store - with installation
ATM (Automatic Teller Machine)
Automobile Repair & Services - All Groups
Automobile Service Station - no fueling facilities
Bait & Tackle Shop
Banks and Financial Establishments - Groups I & II
Boat Parts Store
Boat Rental
Boat Repair & Service
Boat Sales
Boat Storage, Dry
Broadcast Studio, Commercial Radio & Television
Building Materials Sales
Business Services - Groups I & II

Bus Station/Depot
Car Wash
Caretaker's Residence
Cleaning & Maintenance Services
Clothing Stores, General
Clubs - all Groups
Cold Storage, Pre-Cooling, Warehouse & Processing Plant
Communication Facilities, Wireless - in compliance with LDC Chapter 34, Division 11
Computer & Data Processing
Consumption on Premises - Limited to a Maximum of 5 for both Use Areas A and C
Contractors & Builders - Groups I & II
Cultural Facilities
Day Care Center, Child or Adult
Drive-through Facility for Any Permitted Use
Entrance Gates or Gatehouse
EMS, Fire or Sheriff's Station
Essential Services - All Groups
Essential Service Facilities - Groups I & II
Excavation, Water Retention - NO BLASTING
Excess Spoil Removal - in compliance with LDC §10-329
Factory Outlets - point of manufacture only
Farm Equipment, Sales, Storage, Rental or Service
Fences and Walls
Flea Market - Open & Indoor
Food Stores - Groups I & II
Food and Beverage Service, Limited
Funeral Home and Mortuary - with or without a crematory
Freight & Cargo Handling Establishments
Gasoline Dispensing System, Special - Two self-service fuel pumps are permissible as an accessory use to businesses to provide fuel for their fleet of vehicles and equipment.
Gift and Souvenir Shop
Hardware Store
Helistop - limited to emergency use only
Household and Office Furnishings - All Groups
Laundry or Dry Cleaning - Groups I and II
Insurance Companies
Lawn and Garden Supply Stores
Library
Maintenance Facility (Government)
Manufacturing:
- Apparel Products
- Chemical & Allied Products - Groups I & II - Perfumes and Cosmetics only
- Electrical Machinery & Equipment
- Fabricated Metal Products - Groups II & III

(Manufacturing continued)
Food & Kindred Products - Groups II & III
Furniture & Fixtures
Leather Products - Group II only
Lumber & Wood Products - Groups II & IV
Measuring, Analyzing & Controlling Instruments
Novelties, Jewelry, Toys & Signs
Paper & Allied Products - Groups II & III
Rubber & Plastic Products - Group II only
Stone, Clay, Glass & Concrete Products - Group I only
Transportation Equipment - Groups I, III & IV, with Group IV limited to Car or Boat Trailers, Travel Trailers and Campers only
Medical Office
Mobile Home Dealer
Model Display Center
Motion Picture Production Studio
Nonstore Retailer - All Groups
Paint, Glass and Wallpaper
Parcel and Express Services
Parking Lot - Accessory, Garage, Commercial & Temporary
Personal Services - Groups I & III
Photofinishing Laboratory
Pet Services
Pet Shops
Pharmacy
Place of Worship
Post Office
Printing and Publishing
Processing or Packaging of Agricultural
Processing & Warehousing
Real Estate Sales Office
Recreation Facilities, Commercial - Groups I, III & IV
Recreation Facilities, Personal
Recycling Facility
Religious Facilities
Rental or Leasing Establishment - Groups II & III
Repair Shops - Groups I, II, III & IV
Research & Development Laboratories - Groups II & IV
Restaurants - Groups I, II, & III
Retail & Wholesale Sales - when clearly incidental and subordinate to a permitted principal use on the same premises
Schools, Commercial and Noncommercial
Signs - in accordance with LDC Chapter 30
Specialty Retail Shops - All Groups
Social Services - Group II only
Storage - Indoor, Open
Studios
Temporary Uses

Transportation Services - Groups II & III
Vehicle & Equipment Dealers - Groups I, II, III & IV
Used Merchandise Stores - All Groups
Variety Store
Warehouse: Mini-Warehouse, Private, Public & Cold Storage
Wholesale Establishments - Groups I, III & IV

b. Site Development Regulations

Setbacks:

Street:	in accordance with § 34-2192(a)
Rear	20 feet
Side	15 feet
Development perimeter	25 feet
Water	25 feet
Indigenous preserve	20 feet

Building separation	One half the sum of the heights of both buildings, or 20 feet, whichever is greater
Lot Dimensions:	
Minimum Lot Area	10,000 square feet
Minimum Lot Width	100 feet
Minimum Lot Depth	100 feet
Maximum Lot Coverage	45 percent
Maximum Height	65 feet or 4 stories, **except** Use Area B is limited to 45 feet or 3 stories; **and** as limited by those additional height limitations noted in Table B on the approved MCP.

3. Environmental Conditions

a. Prior to local development order approval, a Big Cypress fox squirrel management plan must be submitted for the Lee County Division of Environmental Sciences staff review and approval.

b. Prior to any site work, the property must be surveyed specifically for active hawk nests. If any active hawk nest is identified, the project will comply with the requirements stipulated in the Migratory Bird Treaty Act (50 CFR Part 21) as regulated by the Florida Fish and Wildlife Commission. Lee County Environmental Sciences Staff must be copied on all correspondence to the Florida Fish and Wildlife Commission.

4. The project must connect to public water and sewer prior to local development order approval for vertical construction.

5. For industrial uses, Retail & Wholesale Sales may be permitted when clearly incidental & subordinate to a permitted principal use on the same premises

6. No blasting is permitted as part of this development.

7. Excess spoil removal must be in compliance with LDC §10-329.

8. All manufacturing activity permitted in Section B, Condition 2.a. must be conducted indoors.

9. Access to State Road 82 is limited to the easternmost access point only. The MCP will be revised, to delete the westernmost access, and the internal roadway providing this access must be included within the land area of the adjacent parcel to the immediate southeast of the internal roadway.

10. All buildings above 45 feet in height must meet the minimum architectural requirements as outlined in LDC §10-600.

11. All buildings in Use Areas A and B must meet the architectural requirements in LDC §10-600.

12. Building exceeding 35 feet in height must maintain additional building setback as regulated by LDC §34-2174(a).

13. Approval of this zoning request does not address mitigation of the project's vehicular of pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

14. Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee County Comprehensive Plan provisions.

15. This project is deemed exempt from the concurrency requirements set forth in LDC Chapter 2 and the Lee County Comprehensive Plan by virtue of the Certificate of Concurrency Exemption issued by the County pursuant to the Stipulation and Settlement Agreement dated June 9, 1992, in *Lehigh Corporation v. Lee County*, Case No. 91-2482 CA (Exhibit "E").

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

    (a) Bona fide agricultural uses that are in existence at the time the application for this project was filed, and as shown on Exhibit "D"

attached hereto, may continue until approval of a local development order for the area of the project containing those uses.

(b) Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.

(c) Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:

(1) Termination of all agricultural use on any portion of the property included in the development order application/approval. Proof must include a sworn affidavit from the person or entity holding title to the subject property that specifically provides:

a) the date the agricultural uses ceased;

b) the legal description of the property subject to the development order approval;

c) an affirmative statement that the owner acknowledges and agrees that all agricultural uses are illegal and prohibited on the property and that the owner covenants with the county that they will not allow any such uses on the property unless and until the property is re-zoned to permit such uses; and,

d) that the affidavit constitutes a covenant between the owner and the county that is binding on the owner and their assignees and successors in interest. The covenant must be properly recorded in the public records of the county at the owner's expense.

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

17. Amusement Park is a permitted use in Use Areas A and C only, subject to the condition that any outdoor activities associated with such uses are limited to playgrounds, small-scale amusements, batting cages, putt-putt golf, recreational go-

kart tracks, and other similar small-scale uses; and provided, further, that such outdoor activities must be approved by Lee County Zoning Staff through the administrative amendment process. During the administrative amendment process, the use will be reviewed for compatibility with surrounding uses and approval may contain conditions pertaining to hours of operation, lighting, buffering, and similar items to insure such compatibility. Such uses will be limited in height to a maximum of 35 feet.

18. The development order for all, or part, of this project will include signage, acceptable to the Lee County Department of Community Development, that will discourage left turns from the access point on Blackstone Drive.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the §10-355(a)(1) requirement of a 10-foot-wide public utility easement on both sides of a roadway, to allow the 10-foot-wide public utility easement on the building lot side of the roadway only. This deviation is APPROVED.

2. Deviation (2) seeks relief from the §10-352 requirement that a commercial development provide connections to sanitary sewage facilities to allow for the proposed development to provide a sanitary sewage package treatment facility until sufficient capacity becomes available to serve the proposed development. This deviation is APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Bona fide Agricultural Uses at time of Zoning Application
Exhibit E: Stipulation and Settlement Agreement dated June 9, 1992, in *Lehigh Corporation v. Lee County*, Case No. 91-2482 CA

The applicant has indicated that the STRAP numbers for the subject property are:
20-45-27-00-00000.0010
20-45-27-63-00239.0090
20-45-27-63-00239.0100
20-45-27-71-00050.0000 and
20-45-27-72-00051.0000

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;

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c. is compatible with existing or planned uses in the surrounding area;

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location;

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

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

Commissioner Tammara Hall made a motion to adopt the foregoing resolution, seconded by Commissioner Robert P. Janes. The vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Nay
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 7th day of January 2008.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Ray Judah
Ray Judah, Chair

SEAL

Approved as to form by:

John J. Fredyma
Assistant County Attorney
County Attorney's Office

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MINUTES OFFICE
mw
2008 JAN 30 AM 9:3

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

LEGAL DESCRIPTION

A tract or parcel of land lying in Section 19 & 20, Township 45 South, Range 27 East, Lee County Florida, said tract or parcel being a portion of lands described in Plat Book 27, Pages 158-160, Lee County Records, being more particularly described as follows:

Beginning at the Southeasterly most Corner of Parcel 44, Unit 55, Mirror Lakes as recorded in Plat Book 27, Page 142, Lee County Records, said point also being a point on the Southerly Right-of-Way of State Road 82 (200' wide) as recorded in F.D.O.T. Right-of-Way Map, Section No. 1207-101, said point being the Point of Beginning; Thence run S49°58'02"E for 710.70 feet along said Right-of-Way, to a point of curvature; Thence continuing along said Right-of-Way, run Southeasterly along an arc of curve to the right having a radius of 1,045.92 feet (delta 25°00'35") (chord bearing S37°27'44"E)(chord 452.93 feet) for 456.55 feet to a point of tangency; Thence continuing along said Right-of-Way, run S24°57'27"E for 301.16 feet; Thence leaving said Right-of-Way run S32°18'43"W for 1,043.32 feet to a point of curvature; Thence run Southwesterly along an arc of curve to the right having a radius of 87.40 feet (delta 57°16'10") (chord bearing S60°56'48"W)(chord 83.77 feet) for 87.37 feet to a point of tangency; Thence run S89°34'53"W for 2,003.63 feet to a point of curvature; Thence run Northwesterly along an arc of curve to the right having a radius of 100.00 feet (delta 89°45'25") (chord bearing N45°32'25"W)(chord 141.12 feet) for 156.66 feet to a point of tangency; Thence run N00°39'42"W for 460.65 feet to a point of curvature; Thence run Northerly along an arc of curve to the left having a radius of 824.21 feet (delta 20°30'00") (chord bearing N10°54'42"W)(chord 293.33 feet) for 294.90 feet to a point of tangency; Thence run N21°09'42"W for 42.13 feet to a point on a non-tangent curve also being a point on the Southeasterly Right-of-Way of Grant Boulevard (80' wide), Mirror Lakes as recorded in Plat Book 27, Pages 83-160, Lee County Records; Thence continuing along the aforementioned Right-of-Way, run Northeasterly along an arc of curve to the left having a radius of 1,138.98 feet (delta 23°29'07") (chord bearing N51°46'32"E) (chord 463.60 feet) for 466.86 feet to a point of tangency; Thence continuing along the aforementioned Right-of-Way, run N40°01'58"E for 115.80 feet to the Northwesterly most corner of Lot 11, Block 239, Unit 63, Mirror Lakes as recorded in Plat Book 27, Page 150, Lee County Records; Thence run S56°22'28"E for 150.94 feet to the Southerly most corner of said Lot 11; Thence run N40°01'58"E for 100.65 feet to the East most point of Lot 10, Block 239, as recorded in the aforementioned Plat; Thence run N49°58'02"W for 150.00 feet to a point on said Right-of-Way also being the Northwesterly most Corner of said Lot 10; Thence continuing along said Right-of-Way, run N40°01'58"E for 200.00 feet to the Northerly most Corner of Lot 9, as recorded in the aforementioned Plat; Thence run S49°58'02"E for 150.00 feet to the Southeasterly most Corner of said Lot 9; Thence run N40°01'58"E for 810.00 feet to the Southeasterly most Corner of Lot 1 as recorded in said Plat; Thence run S49°58'02"E for 450.00 feet to the Southerly most Corner of Parcel 44, Unit 55, as recorded in Plat Book 27, Page 142; Thence run N40°01'58"E for 375.00 feet to the Point of Beginning.
Containing 92.85 acres, more or less.

RECEIVED
DEC 18 2006
COMMUNITY DEVELOPMENT

Sheet 1 of 3

Applicant's Legal Checked DCI 2006-00081
By CSJ 12-20-06

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

EXHIBIT "A"
(Page 1 of 4)

Cont'd from sheet #1

Bearings herein above mentioned are based upon the record Plat of Parcel 51, Unit 73, Mirror Lakes as recorded in Plat Book 27, Page 160, Lee County Records and the Northeasterly line of Parcel 51 to bear S24°57'27"E.

11-14-06
John Robert Avery III (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5298

I:\2196pr - S.R.S. Lehigh Acres\DESC\[illegible]

DCI 2006-00081

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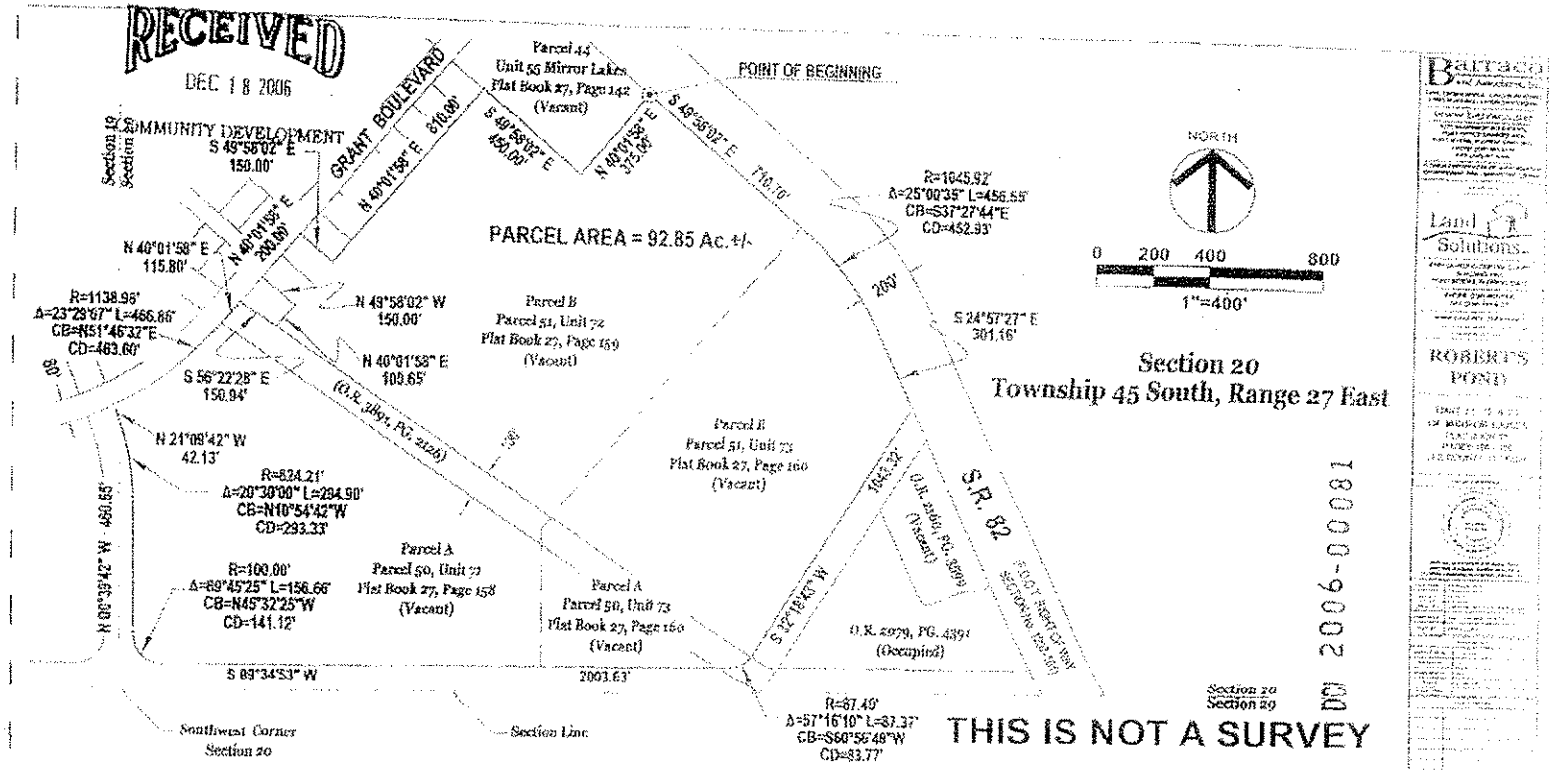
COMMUNITY DEVELOPMENT



THIS IS NOT A SURVEY

NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS
3. PG. - DENOTES PAGE.
4. BEARINGS AS SHOWN ARE BASED UPON THE RECORD PLAT OF PARCEL 51 UNIT 73, MIRROR LAKES, AS RECORDED IN PLAT BOOK 27, PAGE 160, LEE COUNTY RECORDS, AND THE NORTHEASTERLY LINE OF PARCEL 51 TO BEAR S24°57'27"E.
5. DESCRIPTION IS ATTACHED

Applicant's Legal Checked
by CSS 12-20-06

EXHIBIT PH-3 C.1

JOHN ROBERT AVERY III (FOR THE FIRM - LB-4948) 11-14-06
PROFESSIONAL SURVEYOR AND MAPPER DATE SIGNED
FLORIDA CERTIFICATE NO. 5298

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

Barraco and Associates, Inc.
Land Solutions
ROBERTS POND

DD 2006-00081

EXHIBIT "A"
(Page 3 of 4)

DCI 2006-00081
RECEIVED
SEP 07 2006
COMMUNITY DEVELOPMENT

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF LEE

BEFORE ME, the undersigned authority, on this 22nd day of August, 2006 personally appeared Janet E. Allison, as Vice President of S.W. Florida Land Ten, LLC, who is personally known to me ~~or who produced~~ _____ ~~as identification~~ and who did take on oath, who deposes and says as follows:

1. That I am the owner or authorized representative of the following described property, to wit:
See attached Exhibit "A"

2. That the above described property is and has been used for bona fide agricultural purposes, to wit livestock grazing and pasturage, at the time of the application to Lee County Board of County Commissioners for 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 92.85 +/- acres. The entire property described on the attached Exhibit "A" is being used for the grazing of livestock. The grazing of livestock includes the raising of sod from time to time.

5. The property owner intends to continue the agricultural uses on the property, when a Development Order is obtained, the owner will cease its agricultural operation on that portion of the property subject to a Development Order that includes a vegetation removal permit. The property owner may obtain a master development order on the entire property to enable the County and the South Florida Water Management District to review the entire plan of development for internal consistency; however no work can be initiated on site without a vegetation removal permit. Therefore, the cessation of agricultural activities will cease on that portion of the property subject to a development order and a vegetation removal permit.

6. Affiant further states that she 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 she has read, or has had read to her, the full facts of this affidavit and understands its meaning and context.

FURTHER AFFIANT SAYETH NAUGHT.

Janet E. Allison, Vice President
S.W. Florida Land Ten, LLC

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

GAIL EBERT LYNN
MY COMMISSION # DD 334384
EXPIRES: July 30, 2008
Bonded Thru Notary Public Underwriters

Signature of Notary Public

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

Commission No. DD 334384

EXHIBIT "D"
Bona Fide Agricultural Uses
at time of Zoning Application
(Page 1 of 4)

EXHIBIT "A"

BLACKSTONE CORPORATE PARK
LEGAL DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN SECTION 20, TOWNSHIP 45 SOUTH, RANGE 27 EAST, LEE COUNTY FLORIDA, SAID TRACT OR PARCEL BEING A PORTION OF LANDS DESCRIBED IN PLAT BOOK 27, PAGES 158-160, LEE COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY MOST CORNER OF PARCEL 44, UNIT 55, MIRROR LAKES AS RECORDED IN PLAT BOOK 27, PAGE 142, LEE COUNTY RECORDS, SAID POINT ALSO BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF STATE ROAD 82 (200' WIDE) AS RECORDED IN F.D.O.T. RIGHT-OF-WAY
MAP, SECTION NO. 1207-101, SAID POINT BEING THE POINT OF BEGINNING; THENCE RUN S49°58'02"E FOR 710.70 FEET ALONG SAID RIGHT-OF-WAY, TO A POINT OF CURVATURE; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, RUN SOUTHEASTERLY ALONG AN ARC OF CURVE TO THE RIGHT HAVING A RADIUS OF 1,045.92 FEET (DELTA 25°00'35") (CHORD BEARING S37°27'44"E)(CHORD 452.93 FEET) FOR 456.55 FEET TO A POINT OF TANGENCY; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, RUN S24°57'27"E FOR 301.16 FEET; THENCE RUN S32°18'43"W FOR 1,043.32 FEET TO A POINT OF CURVATURE; THENCE RUN SOUTHWESTERLY ALONG AN ARC OF CURVE TO THE RIGHT HAVING A RADIUS OF 87.40 FEET (DELTA 57°16'10") (CHORD BEARING S60°56'48"W)(CHORD 83.77 FEET) FOR 87.37 FEET TO A POINT OF TANGENCY; THENCE RUN S89°34'53"W FOR 2,003.63 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHWESTERLY ALONG AN ARC OF CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET (DELTA 89°45'25") (CHORD BEARING N45°32'25"W)(CHORD 141.12 FEET) FOR 156.66 FEET TO A POINT OF TANGENCY; THENCE RUN N00°39'42"W FOR 460.65 FEET TO A POINT OF CURVATURE; THENCE RUN NORTHERLY ALONG AN ARC OF CURVE TO THE LEFT HAVING A RADIUS OF 824.21 FEET (DELTA 20°30'00") (CHORD BEARING N10°54'42"W)(CHORD 293.33 FEET) FOR 294.90 FEET TO A POINT OF TANGENCY; THENCE RUN N21°09'42"W FOR 42.13 FEET TO A POINT ON A NON-TANGENT CURVE ALSO BEING A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY OF GRANT BOULEVARD (80' WIDE), MIRROR LAKES AS RECORDED IN PLAT BOOK 27, PAGES 83-160, LEE COUNTY RECORDS; THENCE CONTINUING ALONG THE AFOREMENTIONED RIGHT-OF-WAY, RUN NORTHEASTERLY ALONG AN ARC OF CURVE TO THE LEFT HAVING A RADIUS OF 1,138.98 FEET (DELTA 23°29'07") (CHORD BEARING N51°46'32"E) (CHORD 463.60 FEET) FOR 466.86 FEET TO A POINT OF TANGENCY; THENCE CONTINUING ALONG THE AFOREMENTIONED RIGHT-OF-WAY, RUN N40°01'58"E FOR 115.80 FEET TO THE NORTHWESTERLY MOST CORNER OF LOT 11, BLOCK 239, UNIT 63, MIRROR LAKES AS RECORDED IN PLAT BOOK 27, PAGE 150, LEE COUNTY RECORDS; THENCE RUN S56°22'28"E FOR 150.94 FEET TO THE SOUTHERLY MOST CORNER OF SAID LOT 11; THENCE RUN N40°01'58"E FOR 100.65 FEET TO THE EAST MOST POINT OF LOT 10, BLOCK 239, AS RECORDED IN THE AFOREMENTIONED PLAT; THENCE RUN N49°58'02"W FOR 150.00 FEET TO A POINT ON SAID RIGHT-OF-WAY ALSO BEING THE NORTHWESTERLY MOST CORNER OF SAID LOT 10;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY, RUN N40°01'58"E FOR 200.00 FEET TO THE NORTHERLY MOST CORNER OF LOT 9, AS RECORDED IN THE AFOREMENTIONED PLAT; THENCE RUN S49°58'02"E FOR 150.00 FEET TO THE SOUTHEASTERLY MOST CORNER OF SAID LOT 9; THENCE RUN N40°01'58"E FOR 810.00 FEET TO THE SOUTHEASTERLY MOST CORNER OF LOT 1 AS RECORDED IN SAID PLAT; THENCE RUN S49°58'02"E FOR 450.00 FEET TO THE SOUTHERLY MOST CORNER OF PARCEL 44, UNIT 55, AS RECORDED IN THE AFOREMENTIONED PLAT; THENCE RUN N40°01'58"E FOR 375.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 92.85 ACRES, MORE OR LESS.

BEARINGS HEREIN ABOVE MENTIONED ARE BASED UPON THE RECORD PLAT OF PARCEL 51, UNIT 72, MIRROR LAKES AS RECORDED IN PLAT BOOK 27, PAGE 159, LEE COUNTY RECORDS AND THE NORTHWESTERLY LINE OF PARCEL 51 TO BEAR S24°57'27"E.

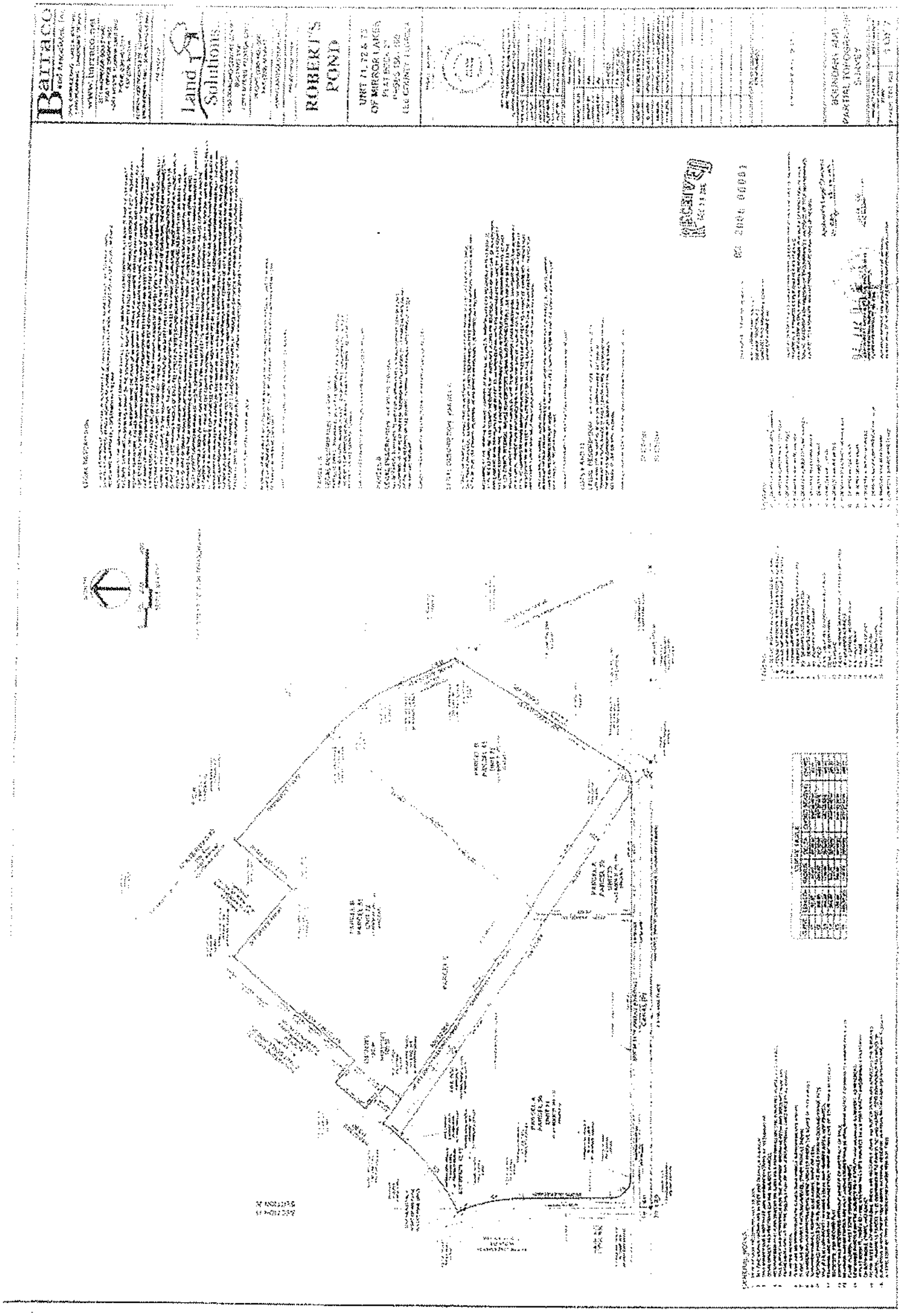


EXHIBIT "A"
(Page 4 of 4)

DCI2006-00081

Zoning Map

9/10/2007

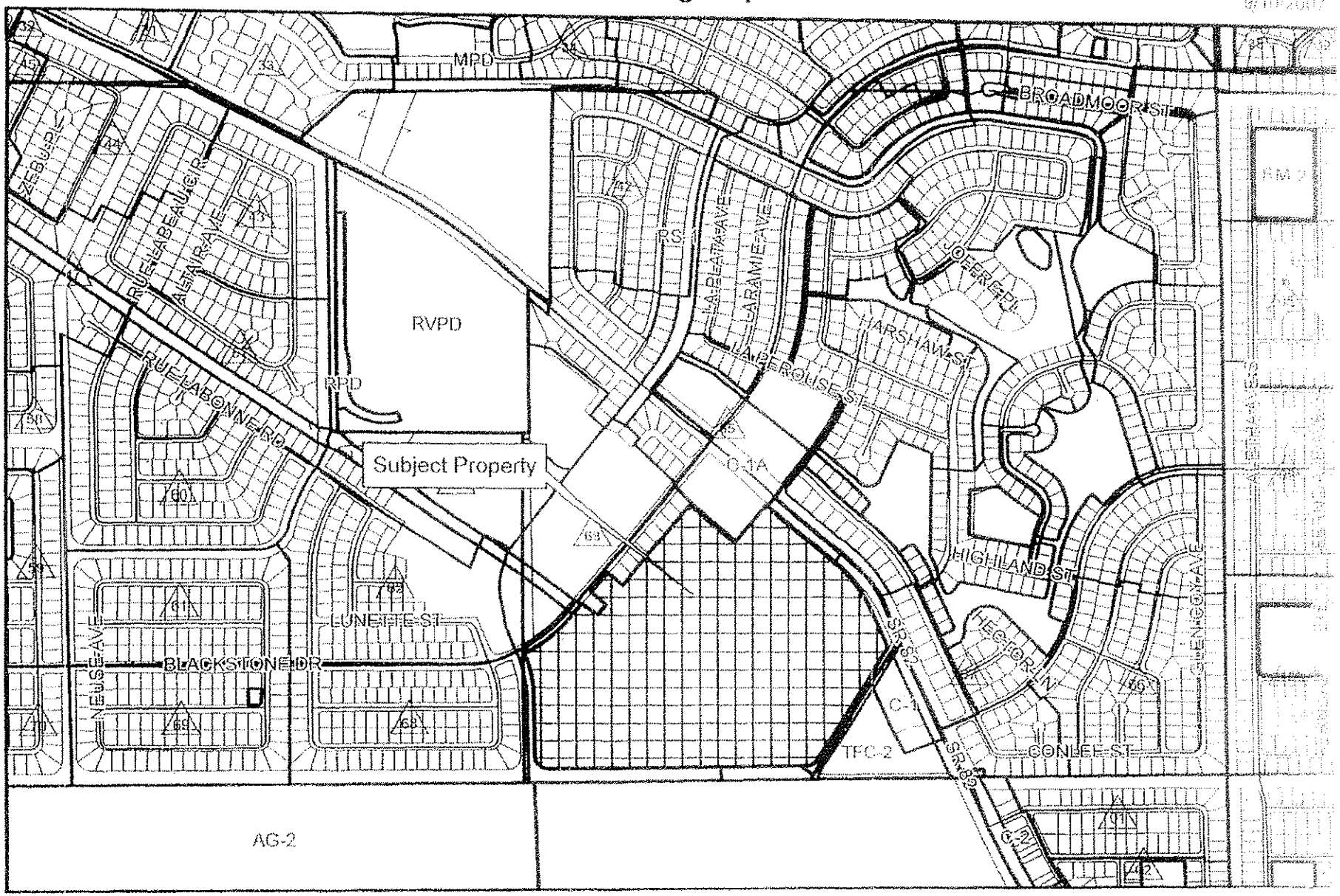
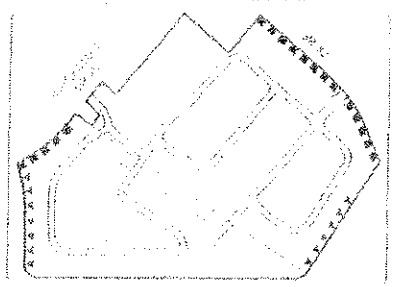


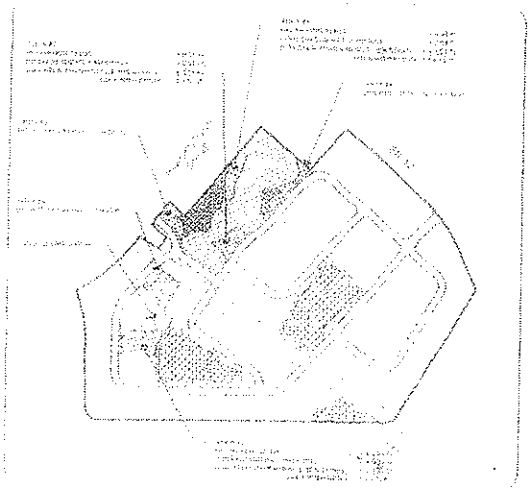
EXHIBIT "B"
(Zoning Map)

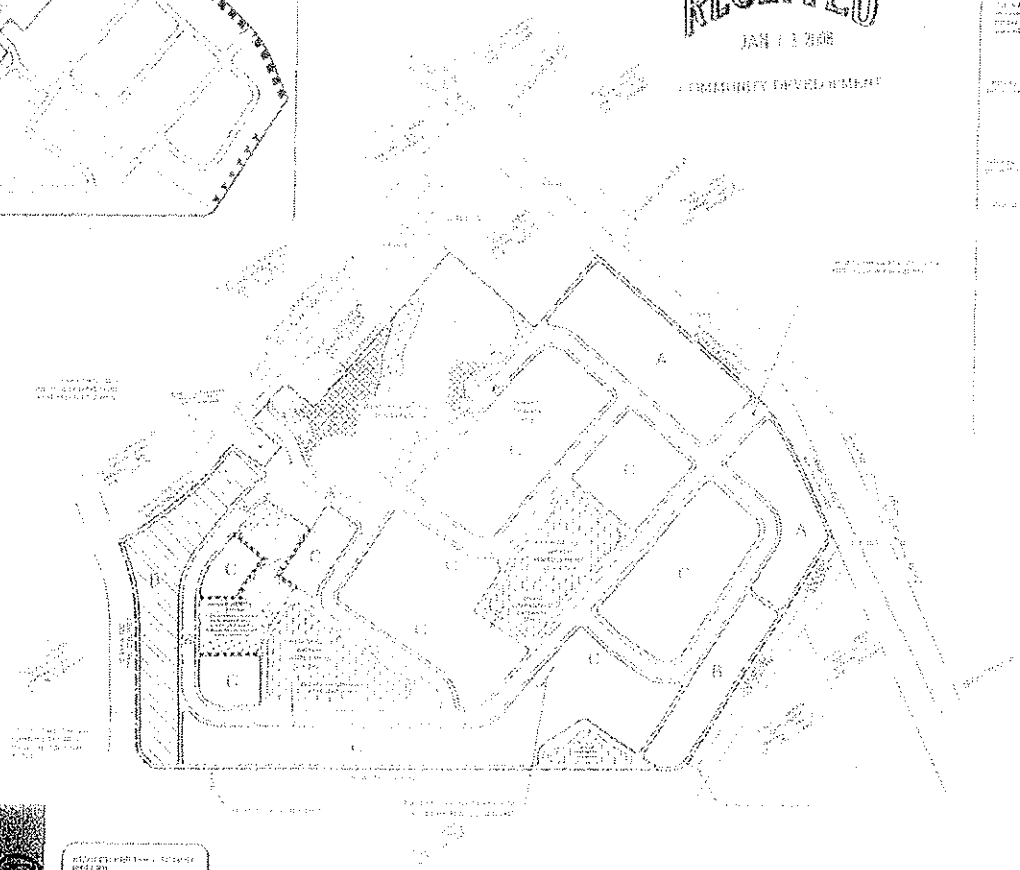
1,000 500 0 1,000

INSET A - ENHANCED BUFFERS



INSET B - INDIGENOUS PRESERVATION





Approved as Exhibit C
MCP Page 1 of 3
Resolution # Z-07-05

EXHIBIT "C"
Page 1 of 3

BOI 2006-05021

10

Consultants

PROJECT:
BLACKSTONE CORPORATE PARK

Exhibit 6-1
1 of 2

TABLE A

INTENSITY SUMMARY

LAND USE CONVERSION

TABLE B

BUILDING HEIGHTS

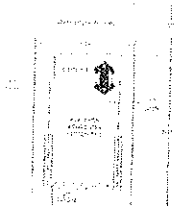
TABLE C

OPEN SPACE

INDIGENOUS

TYPICAL LAKE LITTORAL PLANTING SECTION

TYPICAL LAKE SECTION



TYPICAL MINIMUM LOT LAYOUT

Approved as Exhibit C
MCP Page 4 of 5
Resolution # 2-07-051

RECEIVED
JAN 22 2008
COMMUNITY DEVELOPMENT

DC 2007-00081

Exhibit C

DESIGN TEAM

PROJECT:
BLACKSTONE CORPORATE PARK
TITLE:
MCP TABLES & DETAILS

OWNER/DEVELOPER:
NAVI FLORIDA LAND TEN, LLC
8300 NATURES CENTER COURT
FORT MYERS FL 33912
PH (239) 489-8966 FAX (239) 98-8[illegible]

Table C1
2 of 2

DCI 2006-00081

RECEIVED

SEP 07 2006

COMMUNITY DEVELOPMENT

LEGEND

Consulting

PROJECT:
BLACKSTONE CORPORATE PARK

TITLE:
Agricultural Uses At Time Of Zoning Application

OWNER/CLIENT:
SW FLORIDA LAND VEN, LLC
[illegible]
FORT MYERS, FL 33912
TEL (239) 489-[illegible] FAX (239) 489-[illegible]

EXHIBIT "E"
Page Rule Applicable [illegible]
at Time of Zoning Application
(Page [illegible])

Exhibit
PD-1(E)