

See ADD2007-  
00199

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

WHEREAS, an application was filed by the property owner, DP-TA Associates, LTD., to rezone a 68.23± acre parcel from Agricultural (AG-2) and Commercial Tourist (CT) to Commercial Planned Development (CPD) in reference to Arborwood Village CPD; and

WHEREAS, a public hearing was advertised and held on July 20, 2006, before the Lee County Zoning Hearing Examiner, Richard A. Gescheidt, who gave full consideration to the evidence in the record for Case #DCI2006-00005; and

WHEREAS, a second public hearing was advertised and held on October 16, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 68.23± acre parcel from AG-2 and CT to CPD, to allow a maximum 302,000 square feet of commercial office and/or retail and up to 120 hotel rooms. Maximum heights proposed are three stories/45 feet for commercial uses and 12 stories/130 feet for a hotel use. No development blasting is proposed. The applicant indicates that development of this site will include connection to public potable water and public sanitary sewer service. The property is located in the General Interchange 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 1-page Master Concept Plan (MCP) entitled "ARBORWOOD VILLAGE CPD" date stamped "Received Nov 03 2006", attached hereto as Exhibit C, 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

10/16/06

planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

Development approval is limited to the following:

250,000 square feet of retail commercial  
No individual retail building may exceed 100,000 square feet  
42,000 square feet of office  
10,000 square feet of essential services  
120 hotel rooms

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

a. Schedule of Uses

**OUTPARCELS 1 THROUGH 7**

Accessory Uses  
Administrative Offices  
Automatic Teller Machine  
Auto Parts Store  
Automobile Repair and Service, Group I - Limited to one for the entire CPD  
Banks and Financial Establishments, Groups I and II  
Business Services, Groups I and II - excluding Bail Bonding, Armored Car Services, and Automobile Repossessing Services  
Car Wash, limited to one for the entire Commercial Planned Development. No Full Service Car Washes. Only permitted for a single-bay Car Wash Ancillary to a Convenience Food & Beverage Store.  
Convenience Food and Beverage Shop - Limited to one for the entire Planned Development.  
Consumption on Premises - Indoor and Outdoor - See Conditions.  
Day Care Center, Child and Adult  
Drive Through for any permitted use  
Drugstore, Pharmacy  
Essential Services  
Essential Service Facilities, Group I  
Excavation, Water Retention - No Blasting. Not to include removal of excavated material from site.  
Fences, Walls  
Florist Shop  
Food Store, Group I - Not including Supermarkets  
Hobby, Toy and Game Shops  
Hotel/Motel - Maximum 120 rooms for the entire CPD.  
Household and Office Furnishings, Groups I and II. No Outdoor Display or Sales.  
Insurance Companies

Laundry and Dry Cleaners, Group I  
Medical Office  
Non-store Retailers, All Groups  
Package Store, permitted in a multi-occupancy building. One stand-alone  
Package Store permitted on the entire Planned Development.  
Parcel and Express Services  
Parking Lot, Accessory  
Personal Services, Groups I, II, III and IV. Excluding Massage Parlors, Steam  
or Turkish Baths, Dating Services, Escort Services, Palm Readers,  
Fortune Tellers, Card Readers, Tattoo Parlors.  
Pet Services, Pet Shops - Indoor Only, No Outdoor Runs  
Real Estate Sales Office  
Repair Shop, Groups I, II and III  
Restaurant, Fast Food - Limited to two stand-alone for the entire CPD. Other  
Fast Food Establishments may be part of a multi-occupancy building or  
as an accessory use within a Convenience Food and Beverage Store.  
Restaurant, Groups I, II and III  
Self Service Fuel Pumps - Limited to 16 in conjunction with a Convenience Food  
& Beverage Store only.  
Signs, in accordance with Ch. 30  
Storage, Indoor only  
Temporary Uses  
Used Merchandise Stores, Groups I and II - No Pawn Shops  
Variety Stores

#### **ANCHOR PARCEL**

Accessory Uses  
Administrative Offices  
Automatic Teller Machine  
Auto Parts Store  
Automobile Repair and Service, Group I - Limited to one for the entire CPD  
Banks and Financial Establishments, Groups I and II  
Business Services, Groups I and II - excluding Bail Bonding, Armored Car  
Services, and Automobile Repossessing Services  
Clothing Stores  
Consumption on Premises - Indoor and Outdoor - See Conditions.  
Contractors and Builders, Group I  
Convenience Food and Beverage Shop - Limited to one for the entire Planned  
Development  
Day Care Center, Child and Adult  
Department Store  
Drive Through for any permitted use  
Drugstore, Pharmacy  
Essential Services

Essential Service Facilities, Group I  
Excavation, Water Retention - No Blasting. Not to include removal of excavated material from site.  
Fences, Walls  
Florist Shop  
Food Store, Groups I and II  
Hardware Store  
Hobby, Toy and Game Shops  
Hotel/Motel - Maximum 120 rooms for the entire CPD  
Household and Office Furnishings, Groups I, II and III  
Laundry and Dry Cleaners, Group I  
Lawn and Garden Stores  
Medical Office  
Non-store Retailers, all Groups  
Package Store, permitted in a multi-occupancy building. One stand-alone Package Store permitted on the entire Planned Development.  
Paint, Glass and Wallpaper  
Parcel and Express Service  
Parking Lot, Accessory  
Personal Services, Groups I, II, III and IV. Excluding Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.  
Pet Services, Pet Shops - Indoor Only, No Outdoor Runs  
Real Estate Sales Office  
Rental and Leasing Establishments, Groups II and III  
Repair Shop, Groups I, II and III  
Restaurant, Fast Food - Fast Food Establishments may be part of a multi-occupancy building.  
No Drive-through Fast Food in the anchor parcel. No stand-alone Fast Food in the anchor parcel.  
Restaurant, Groups I, II, III and IV  
Retail and Wholesale when clearly incidental and subordinate to a permitted principle use on the same premises.  
Self Service Fuel Pumps - limited to 16  
Signs, in accordance with Ch. 30  
Specialty Retail Shop, Groups I, II, III, and IV  
Storage, Indoor Only  
Temporary Uses  
Theater, Indoor  
Vehicle and Equipment Dealer, Group II only - 10,000 square feet of Outdoor Display Area only.

#### **TRACT #1**

Accessory Uses  
Administrative Offices

Business Services, Group I - excluding Bail Bonding  
Essential Services  
Essential Service Facilities, Group I  
Excavation, Water Retention - No Blasting. Not to include removal of excavated material from site.  
Fences, Walls  
Parks, Group I  
Parking Lot, Accessory  
Recreation Facilities, Commercial - Group III  
Signs, in accordance with Ch. 30  
Temporary Uses

## **TRACT #2**

Accessory Uses  
Administrative Offices  
Automatic Teller Machine  
Auto Parts Store  
Automobile Repair and Service, Group I - Limited to one for the entire CPD.  
Banks and Financial Establishments, Groups I and II  
Business Services, Groups I and II - excluding Bail Bonding, Armored Car Services, and Automobile Repossessing Services.  
Car Wash, limited to one for the entire Commercial Planned Development. No Full Service Car Washes. Only permitted for a single-bay Car Wash Ancillary to a Convenience Food & Beverage Store.  
Contractors and Builders, Group I  
Convenience Food and Beverage Shop - Limited to one for the entire Planned Development.  
Consumption on Premises - Indoor and Outdoor - See Conditions.  
Day Care Center, Child and Adult  
Drive Through for any permitted use  
Drugstore, Pharmacy  
EMS, Fire or Sheriff's Station  
Essential Services  
Essential Service Facilities, Group I  
Excavation, Water Retention - No Blasting. Not to include removal of excavated material from site.  
Fences, Walls  
Florist Shop  
Food Store, Group I - not including Supermarkets  
Hobby, Toy and Game Shops  
Hotel/Motel - Maximum 120 rooms for the entire CPD.  
Household and Office Furnishings, Groups I and II. No outdoor display or sales.  
Insurance Companies  
Laundry and Dry Cleaners, Group I  
Medical Office

Non-store Retailers, all Groups  
 Parcel and Express Services  
 Parking Lot, Accessory  
 Personal Services, Groups I, II, III and IV. Excluding Massage Parlors, Steam  
 or Turkish Baths, Dating Services, Escort Services, Palm Readers,  
 Fortune Tellers, Card Readers, Tattoo Parlors.  
 Pet Services, Pet Shops - Indoor Only, No Outdoor Runs  
 Real Estate Sales Office  
 Repair Shop, Groups I, II and III  
 Restaurant, Fast Food - limited to two stand-alone for the entire CPD. Other  
 Fast Food Establishments may be part of a multi-occupancy building or  
 as an Accessory Use within a Convenience Food and Beverage Store.  
 Restaurant, Groups I, II and III  
 Self Service Fuel Pumps - Limited to 16 in conjunction with a Convenience Food  
 & Beverage Store Only.  
 Signs, in accordance with Ch. 30  
 Storage, Indoor Only  
 Temporary Uses  
 Used Merchandise Stores, Groups I and II - No Pawn Shops  
 Variety Stores

b. Site Development Regulations

**OUTPARCELS 1-7; ANCHOR PARCEL; TRACTS 1 AND 2**

Minimum Lot Area and Dimensions

Lot Size:	20,000 square feet
Lot Width:	100 feet
Lot Depth	100 feet

Minimum Setbacks

Street (Daniels Parkway)	40 feet
(Treeline Avenue)	25 feet
Internal Street	20 feet
Side	10 feet
Rear	25 feet
Water Body	25 feet (20 feet for accessory uses)

Accessory Uses:	Per the LDC (20 feet for water bodies, whichever is greater)
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Setbacks from Preserves:	25 feet for all buildings
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Minimum Perimeter Setbacks      25 feet

Maximum Lot Coverage:              40 percent

Maximum Building Height:

OUTPARCELS      35 feet/2 stories - 75 feet/6 stories for hotel/motel use only.

ANCHOR PARCEL      45 feet/3 stories - 75 feet/6 stories for hotel/motel use only.

TRACT 1              45 feet/3 stories - no hotel.

TRACT 2              35 feet/2 stories - 75 feet/6 stories for hotel/motel use only.

Minimum Building Separation: One half of the sum of the building heights, but not less than 20 feet.

Maximum Lot Coverage: 40 percent

3. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).
4. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
5. Approval of this rezoning request 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.
6. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
7. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.



8. No agricultural uses are existing on site and none are approved by virtue of this rezoning.

The Master Concept Plan (and Alternative Master Concept Plan) must be adjusted to show no "AG-2" notations.

9. Enhanced Buffer:

The development order plans must be revised to include a minimum 20-foot wide right-of-way buffer along Daniels Parkway and Treeline Avenue. The buffer must include a double staggered hedge of native shrubs (minimum 3 gallon container size, 3 feet height at planting, maintained at a minimum of 4 feet high). All shrubs must create a continuous visual screen within 1 year after time of planting. A minimum of 10 native trees per 100 linear feet (minimum 10-foot height at planting) are required. At a minimum, 1/2 of the buffer trees must be canopy-type trees. No more than 1/2 of the required buffer trees may be native palms.

10. Consumption on Premises:

- a. Consumption on premises (indoor and outdoor) is permitted only in conjunction with a Group III Restaurant or Hotel/Motel use.
- b. The hours of operation for outdoor consumption on premises is limited to between noon and midnight daily. Indoor consumption on premises is limited from 7 a.m. to 2 a.m. daily.
- c. No sale, service or consumption of alcoholic beverages, in conjunction with a Group III Restaurant or hotel/motel, will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.
- d. Outdoor consumption on premises may only be approved by administrative amendment to the Planned Development. No public hearing is required. The applicant must provide adequate detail of the outdoor seating area (including 500-foot separation from parks and dwelling units under separate ownership) consistent with the requirements of the LDC.

11. Dewatering was not a requested use, nor is dewatering permitted as part of this planned development. Provided, however, dewatering in conjunction with utility installations may be permitted if specifically approved by the South Florida Water Management District and included as part of the local development order approval.

12. The alternative MCP is not approved as part of this planned development. No development orders will be issued for a building in excess of 100,000 square feet unless the MCP is amended through the public hearing process. As part of the amendment

application, the developer must submit proposed building elevations in support of the proposed amendment in addition to the requirements of LDC §34-373(a)(6).

13. Wireless Communication Facilities/height:

- a. Freestanding wireless communication facilities (tower, including stealth type) are prohibited. However, other wireless communication facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC §34-1441, *et seq.*
- b. Due to the proximity to the airport runways, buildings in excess of 45 feet in height, including wireless communication facilities, may only be approved if after review by the Federal Aviation Administration and the Lee County Port Authority, they are found not to be an obstruction to air traffic.
- c. The proposed development will be subject to the provisions of the Lee County LDC §34-1008 "Permit for Tall Structures." Depending on the height and location of the proposed structures, an application may need to be submitted for review and approval to the Federal Aviation Administration (FAA) and the Lee County Port Authority to determine airspace impacts of proposed permanent buildings, wireless communication facilities, and any temporary construction equipment (cranes) within the site.
- d. Federal Communication Commission review will be required for any wireless communication facilities to ensure that signals from the wireless communication facilities do not interfere with navigation aids and radar at the Lee County Port Authority (and airport).

14. No single-family or multi-family residential development has been requested or approved as part of this rezoning request. Residential uses are not permitted in the General Interchange Future Land Use category.
15. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.
16. Prior to local development order approval, the landscape plan must demonstrate that 30 percent or 24.14 acres of open space is provided for this project with a minimum 10 percent open space on each lot.
17. Prior to local development order approval, all development plans must delineate 11.29 acres of indigenous preservation.

18. Prior to local development order approval, all development order plans must include shorelines that are sloped or bermed to direct stormwater through pretreatment systems or swales prior to discharge into the lake. The minimum required number of native wetland herbaceous plants is one plant per linear foot of lake shoreline measured at the control elevation water level. Native wetland trees or shrubs may be substituted for up to 50 percent of the total number of herbaceous plants required. One tree (minimum four foot height; three gallon container size at planting) or one shrub (minimum 24-inch height; three gallon container size at planting) may be substituted for ten herbaceous plants. Plants must be installed around the lake perimeter and clustered around inlet and outfall areas. Clusters must contain a minimum of 25 plants within a 50 square foot area. At least four herbaceous wetland species must be planted with a minimum two inch liner container size. Trees and shrubs must meet the minimum standards per LDC §10-420. All trees proposed in the Deep Lake Management Plan must be included along with littoral zone plantings and must be appropriately clumped.
19. Prior to local development order approval, development order plans must delineate appropriate native herbaceous vegetation with a minimum one-gallon container size planted on three-foot centers for the 0.9 acres of dry detention. For each 400 square feet of dry detention area or drainage swale planted with the appropriate native herbaceous vegetation (minimum one-gallon container size planted three-foot on the center) the general tree requirement may be reduced by one 10-foot tree per LDC §10-418(4). The number of trees that are reduced by meeting this requirement must also be included on the development order plans.
20. Removal of material excavated from the subject property is prohibited. This includes material excavated from the proposed lake expansion.

#### SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-329(d)(3)b requirement that water retention or detention ponds proposed to be greater than 20 feet in depth be approved as a planned development rezoning deviation or as a condition of a zoning special exception, to allow additional excavation of the existing borrow pit to be a depth of  $\pm 35$  feet, or to the confining layer. This deviation is APPROVED, SUBJECT TO the following conditions:
  - a. The applicant must comply with the terms and conditions of the Arborwood Village CPD Lake Management Plan attached as Exhibit D.
  - b. Removal of material excavated from the subject site is prohibited. All fill removed from the excavation must be used on site.
  - c. No blasting will occur incident to the excavation of the borrow pit.

- d. Prior to approval of a local development order, a Deep Lake Management Plan must be reviewed and approved by Environmental Sciences and Natural Resources staff. The plan must include monitoring for water quality and groundwater levels using a minimum of four wells (one at each corner) and require developer to monitor wells for at least three years after a County Certificate of Compliance is issued for the lake.
2. Deviation (2) seeks relief from the LDC §10-285(a) Table 1 requirement that the centerline intersection separation distance along a roadway classified as an arterial be 660', to allow reduced distances as shown on the Master Concept Plan (+/- 595 on Treeline). This deviation is APPROVED.
3. Deviation (3) withdrawn.
4. Deviation (4) seeks relief from the LDC §30-153(2)a.4 requirement that identification signs be set back a minimum of 15 feet from any street right of way and ten feet from any property line, to allow an identification sign to be placed 7.5 feet from the western property line so long as they are outside of the visibility triangle per LDC §30-93(a). This deviation is APPROVED, SUBJECT TO the following conditions:
  - a. All signage must otherwise be in compliance with the Lee County LDC.
  - b. All signage must be consistent with the "Proposed Project Signage Plan," date stamped "Received July 26, 2006 Permit Counter," attached as Exhibit E.
  - c. Signs must be consistent with the overall architectural theme of the development.
5. Deviation (5) seeks relief from the LDC §30-153(3) requirement that individual office, business or industrial establishments, and multi-occupancy complexes of five or less establishments be allowed one ground-mounted sign, to allow a ground-mounted overall project identification sign and an individual ground-mounted sign on out parcels 1 and 7. This deviation is APPROVED, SUBJECT TO the following conditions:
  - a. The separation between the individual signs on the out parcels will be a minimum of 100 feet.
  - b. Signs must be consistent with the overall architectural theme of the development.
  - c. All signs must be consistent with the "Proposed Project Signage Plan," date stamped "Received July 26, 2006 Permit Counter," attached as Exhibit E.
  - d. All signage must otherwise be in compliance with the Lee County LDC, including, but not limited to, Chapter 30.

#### 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: Arborwood Village CPD Lake Management Plan
- Exhibit E: Proposed Project Signage Plan

The applicant has indicated that the STRAP number for the subject property is: 23-45-25-00-00001.0000, 23-45-25-00-00001.0010, 23-45-25-00-00001.0020, 23-45-25-00-00001.0030.

#### 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.

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

Robert P. Janes	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 16<sup>th</sup> day of October 2006.

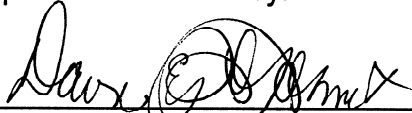
ATTEST:  
CHARLIE GREEN, CLERK

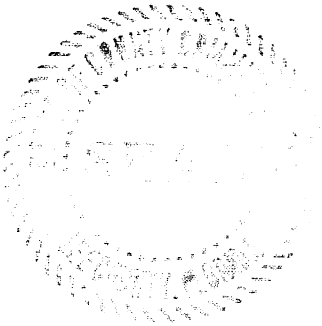
BY:   
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:   
Tammara Hall  
Chairwoman

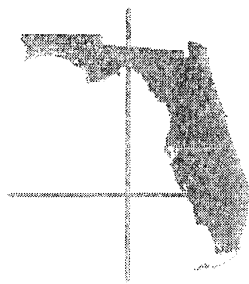
Approved as to form by:

  
Dawn E. Perry-Lehnert  
County Attorney's Office



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# METRON

SURVEYING & MAPPING, LLC

LAND SURVEYORS • PLANNERS

DESCRIPTION OF A PARCEL OF LAND LYING IN  
SECTION 23, TOWNSHIP 45 SOUTH RANGE 25 EAST,  
LEE COUNTY, FLORIDA  
(DANTREE COMMERCIAL & LAKE PARCEL)

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE NORTHWEST CORNER OF SAID SECTION 23; THENCE N.88°10'10"E., ALONG THE NORTH LINE OF SAID SECTION 23, A DISTANCE OF 1,293.64 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF TREELINE AVENUE AS RECORDED IN OFFICIAL RECORD BOOK 4788 AT PAGE 2150 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG THE WEST LINE OF SAID TREELINE AVENUE FOR THE FOLLOWING 14 CALLS: SAID POINT BEING ON A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.88°58'01"W., A RADIAL DISTANCE OF 1,137.50 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 14°31'03", A DISTANCE OF 288.22 FEET; THENCE S.13°29'05"W., A DISTANCE OF 406.80 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 1,262.50 FEET; THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 09°39'34", A DISTANCE OF 212.84 FEET; THENCE S.14°33'39"W., A DISTANCE OF 53.27 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES S.88°31'49"E., A RADIAL DISTANCE OF 1,273.50 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°23'18", A DISTANCE OF 319.81 FEET; THENCE S.12°55'07"E., A DISTANCE OF 62.74 FEET; THENCE S.03°04'07"E., A DISTANCE OF 10.20 FEET; THENCE S.12°40'04"E., A DISTANCE OF 86.29 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.21°18'55"W., A RADIAL DISTANCE OF 30.00 FEET; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 55°45'57", A DISTANCE OF 29.20 FEET; THENCE S.12°55'07"E., A DISTANCE OF 183.90 FEET; THENCE S.00°18'07"E., A DISTANCE OF 54.24 FEET TO THE POINT OF CURVE OF A NON-TANGENT CURVE TO THE RIGHT, OF WHICH THE RADIUS POINT LIES S.79°17'34"W., A RADIAL DISTANCE OF 1,137.50 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 09°41'01", A DISTANCE OF 192.25 FEET; THENCE S.01°01'24"E., A DISTANCE OF 609.18 FEET; THENCE S.44°13'46"W., A DISTANCE OF 140.97 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF DANIELS ROAD; THENCE S.89°26'26"W., ALONG SAID NORTH LINE OF DANIELS ROAD, A DISTANCE OF 721.62 FEET; THENCE N.00°36'43"W., A DISTANCE OF 123.32 FEET; THENCE N.66°55'51"W., A DISTANCE OF 451.80 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 23; THENCE N.01°01'45"W., ALONG SAID WEST LINE OF SAID SECTION 23, A DISTANCE OF 2,237.54 FEET TO THE POINT OF BEGINNING.

CONTAINING 68.25 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN)

BEARINGS ARE BASED ON THE WEST LINE OF SECTION 23 BEING N.01°01'45"W.

Certification for Description  
Surveyor and Mapper in Responsible Charge:  
Denis J. O'Connell, Jr., LS #5430  
Metron Surveying & Mapping, LLC, LB #7071  
10970 S. Cleveland Avenue, Suite 605  
Fort Myers, FL 33907

Signed: \_\_\_\_\_

Date: 5/4/06

DCI 2006-00005

Exhibit A  
Page 1 of 2

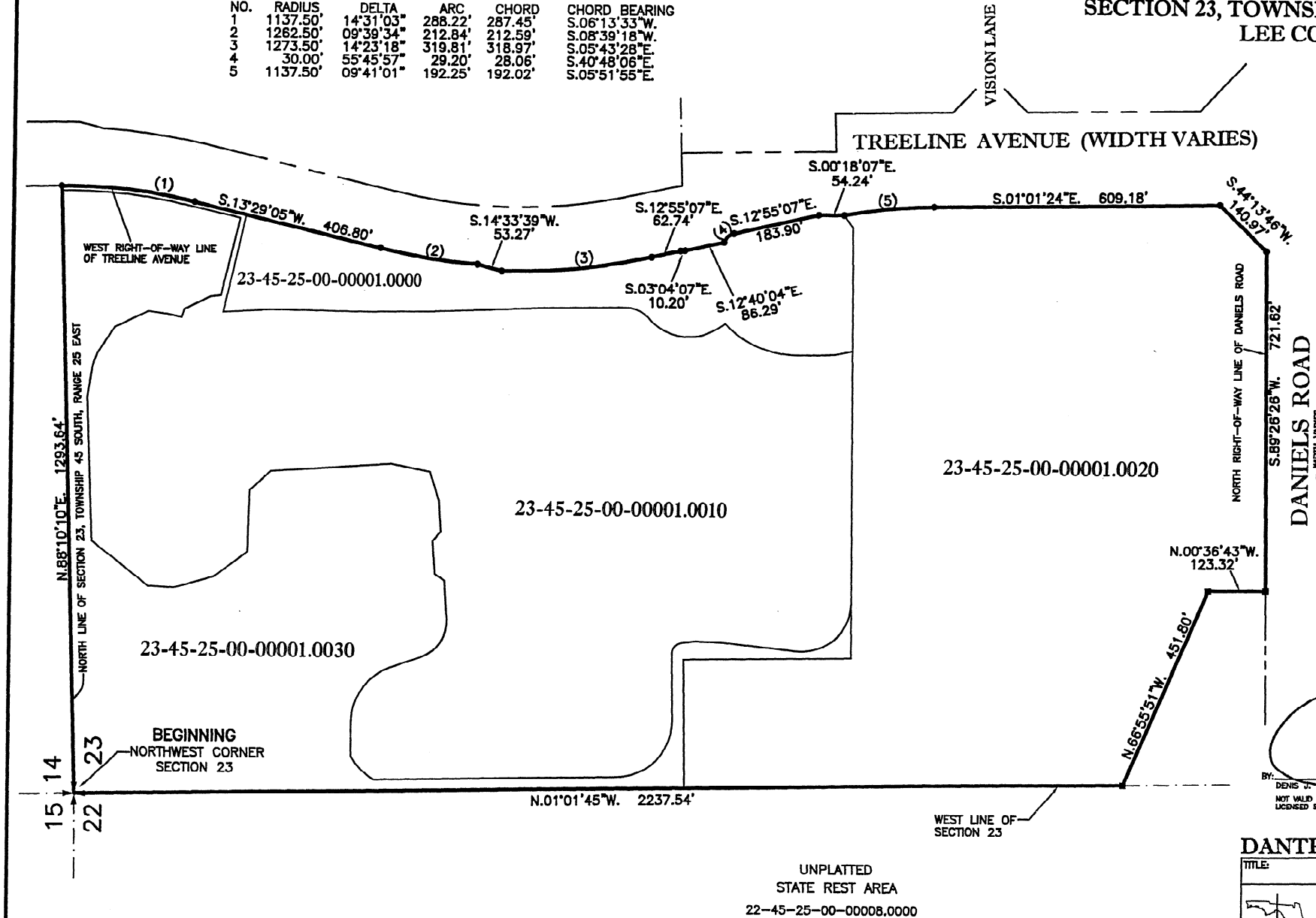


### CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	1137.50'	14°31'03"	288.22'	287.45'	S.06°13'33"W.
2	1262.50'	09°39'34"	212.84'	212.59'	S.08°39'18"W.
3	1273.50'	14°23'18"	319.81'	318.97'	S.05°43'28"E.
4	30.00'	55°45'57"	29.20'	28.06'	S.40°48'06"E.
5	1137.50'	09°41'01"	192.25'	192.02'	S.05°51'55"E.

# SKETCH

OF A PARCEL LYING IN  
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST,  
LEE COUNTY, FLORIDA




DCI 2006-00005

\*\*\* THIS IS NOT A SURVEY \*\*\*

BY: DENIS J. MCCANNELL, JR., PROFESSIONAL SURVEYOR AND MAPPER L# 3430 DATE SIGNED 5/4/06

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

### DANTREE COMMERCIAL/LAKE SITE

TITLE: SKETCH			
 <b>METRON</b> SURVEYING & MAPPING, LLC LAND SURVEYORS-PLANNERS L# 7071			
10070 S. CLEVELAND AVENUE, SUITE 605 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com			
FILE NAME: 9398SK.DWG	FIELD BOOK/PAGE:	PROJECT NO.: 9398	SHEET: 1 OF 1
SURVEY DATE: 05-04-2006	DRAWN BY: DJO	CHECKED BY: DJO	FILE NO. (S-T-R) 23-45-25



# Zoning Map

6/14/2006

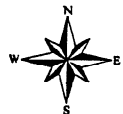
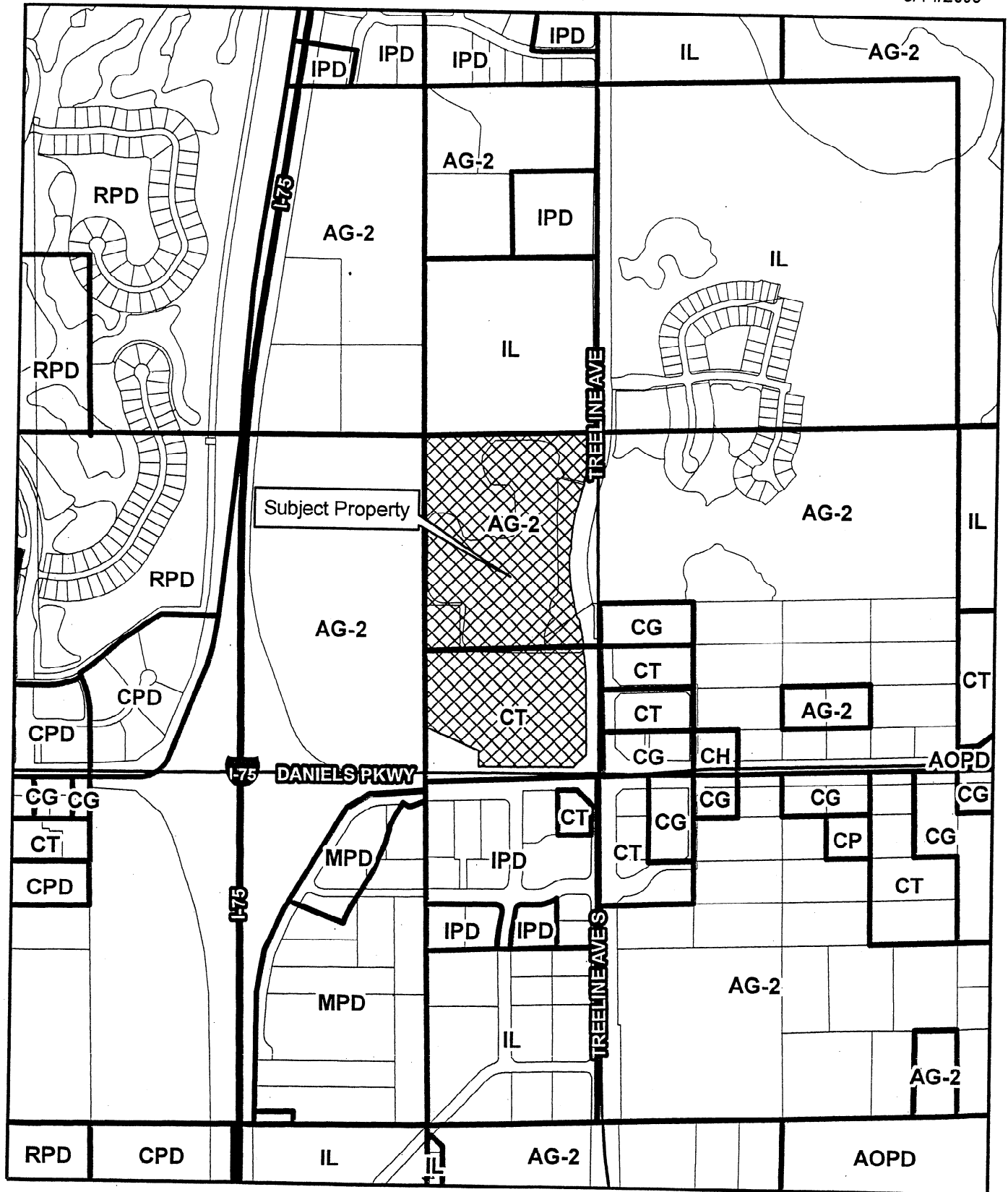
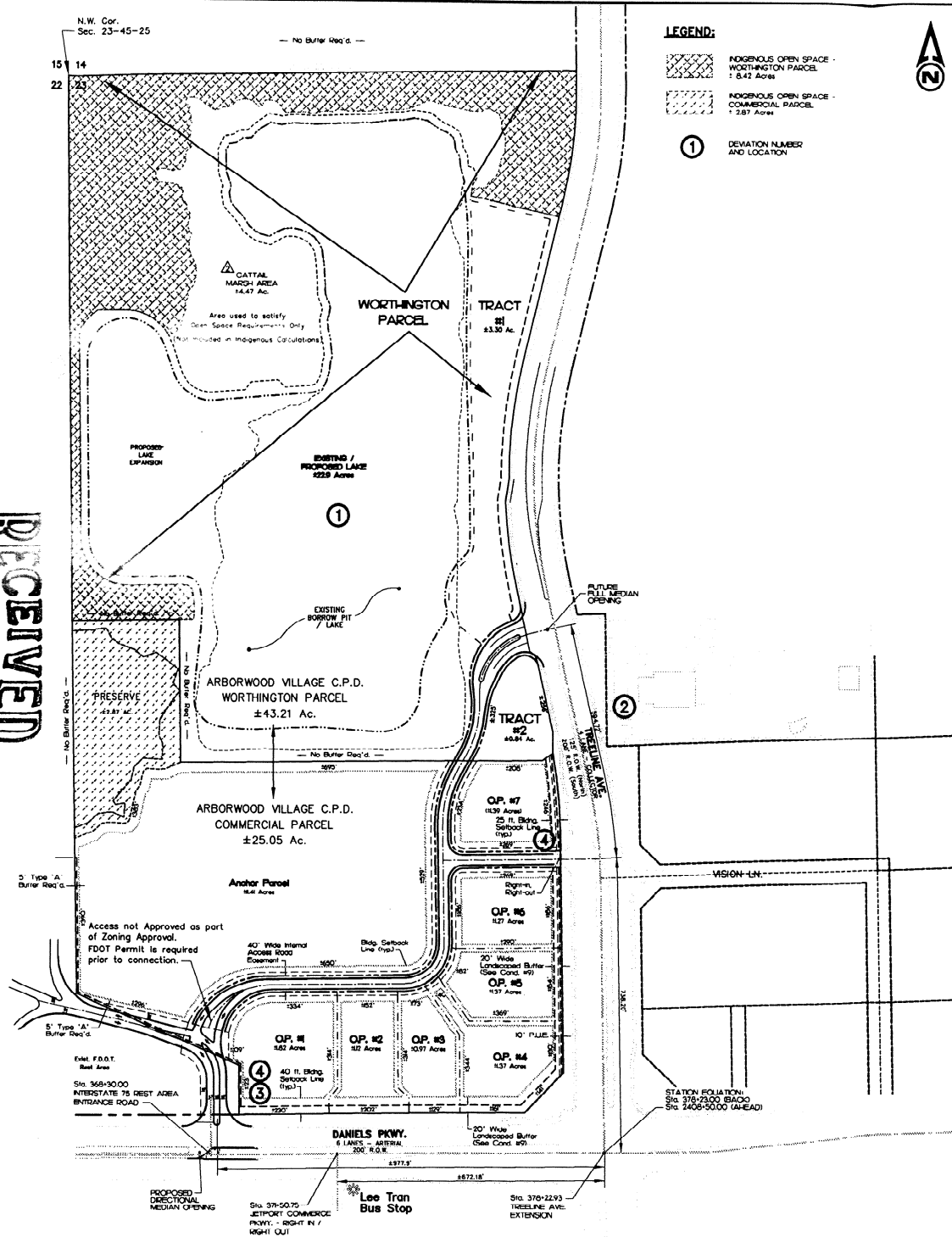


Exhibit B

DCI 2006-00005

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COMMUNITY DEVELOPMENT & PLANNING Response to DCI 2006-00005 (04/25/2006) Rev. 10/31/06.dwg



## PROJECT SUMMARY:

### 1.) CONCEPTUAL LAND USE BREAKDOWN:

C.P.D. - COMMERCIAL PARCEL	
On-Site Wetland / Upland Preserve Area /	± 2.87 Ac.
O.S. / Green Space	± 1.46 Ac.
Internal (Private) R.O.W.	± 20.72 Ac.
Development Parcels	

Total Site - CPD Commercial Parcel ±25.05 Ac.

### 2.) CONCEPTUAL OPEN SPACE:

C.P.D. - WORTHINGTON PARCEL	
On-Site Wetland / Conservation Area	± 8.42 Ac.
Exist. Lake / Proposed Lake Expansion	± 22.90 Ac.
O.S. / Green Areas	± 7.71 Ac.
Internal (Private) R.O.W.	± 0.54 Ac.
Worthington Tract #1	± 3.30 Ac.
Worthington Tract #2	± 0.84 Ac.

Total Site - CPD - D.E. Parcel ±43.21 Ac.

Total CPD Parcel Area ±68.26 Ac.

### 3.) INDIGENOUS OPEN SPACE:

C.P.D. - COMMERCIAL PARCEL	
±25.1 Ac. x 0.3 =	± 7.50 Ac.

Total Open Space Req'd.: ± 7.50 Ac.

Open Space Prov'd.: ± 7.50 Ac.

Indigenous / Preserve Area ± 2.87 Ac.

Anchor Parcel (± 23.5%) ± 2.68 Ac.

△ O.P.'s #1 thru #7 (± 22.0%) ± 2.05 Ac.

O.P. #1 (±1.82 Ac. x 0.22) ±0.40 Ac.

O.P. #2 (±1.12 Ac. x 0.22) ±0.25 Ac.

O.P. #3 (±0.97 Ac. x 0.22) ±0.21 Ac.

O.P. #4 (±1.37 Ac. x 0.22) ±0.30 Ac.

O.P. #5 (±1.37 Ac. x 0.22) ±0.30 Ac.

O.P. #6 (±1.27 Ac. x 0.22) ±0.28 Ac.

O.P. #7 (±1.39 Ac. x 0.22) ±0.31 Ac.

Sub-total (Out-parcels) ±2.05 Ac.

Total Open Space Prov'd.: ± 7.60 Ac.

### C.P.D. - WORTHINGTON PARCEL

±43.2 Ac. x 0.3 = ±12.96 Ac.

Total Open Space Req'd.: ±12.96 Ac.

Open Space Prov'd.: ±12.96 Ac.

On-Site Wetland / Conservation Area ± 8.42 Ac.

△ Cattail Marsh Area ± 4.47 Ac.

Exist. Lake / Proposed Lake Expansion

(± 12.96 Ac. x 0.25%) ± 3.24 Ac.

△ Tract #1 (±3.30 Ac. x 0.10) ±0.33 Ac.

△ Tract #2 (±0.84 Ac. x 0.10) ±0.08 Ac.

Sub-total (Tracts) ± 0.41 Ac.

Total Open Space Prov'd.: ±16.54 Ac.

### 4.) PUBLIC TRANSIT:

C.P.D. - COMMERCIAL PARCEL	
Indigenous Open Space Req'd.	± 7.5 Ac. x 50% ± 3.75 Ac.
Indigenous Open Space Prov'd.	± 2.87 Ac.*
Existing Preserve Area /	
Total Prov'd.	± 2.87 Ac.*

\*(See Note Below)

### C.P.D. - WORTHINGTON PARCEL

Indigenous Open Space Req'd.	± 12.96 Ac. x 50% ± 6.48 Ac.
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Indigenous Open Space Prov'd.	± 8.42 Ac.*
-------------------------------	-------------

On-Site Wetland / Conservation Area ± 8.42 Ac.\*

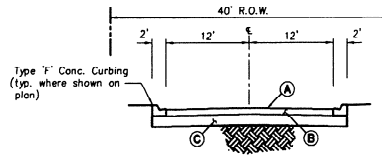
Total Open Space Prov'd.: ± 8.42 Ac.

△ Indigenous Open Space Req'd.:	
(Total Project)	± 10.23 Ac.
Indigenous Open Space Prov'd.:	
(Total Project)	± 11.29 Ac.

△ \*The actual acreage available, in the On-site Wetland / Conserv. Area, is ±11.29 Ac., with only ±10.23 Ac. needed to satisfy this requirement.

### 5.) PROJECT INTENSITY:

The site is located on Lee Tran Route #50.	
Intensity:	
Anchor Parcel:	200,000 s.f. - Retail, and 120 Bed Hotel
Out-Parcels #1 - #7:	50,000 s.f. - Commercial 12,000 s.f. - Office
Tract #1:	30,000 s.f. - Office
Tract #2:	10,000 s.f. - Essential Services (EM)



### INTERNAL ACCESS ROAD TYPICAL PAVEMENT SECTION

- ① 1 1/2" ASPHALT TYPE S-III SURFACE COURSE
- ② 8" LIMEROCK BASE
- ③ 12" STABILIZED SUBGRADE

Approved as Exhibit  
MCP Page 1 of 2  
Resolution # Z-06-061

Case #DCI2006-000  
Res. #Z-06-061

Revised per Client Comments of Nov. 2nd, 2006	11/02/06	DESIGNED BY: CLK/CRB	DATE:
Revised per Sufficiency Comments of Oct. 26th, 2006	10/23/06	DRAWN BY: CRB	DATE:
Revised per Sufficiency Comments of Oct. 17th, 2006	10/23/06	CHECKED BY: CLK	DATE:
Revised per Sufficiency Comments of May 9th, 2006	05/11/06	VERTICAL SCALE:	HORIZON:
Revised per Sufficiency Comments of April 4th, 2006	04/13/06	REFERENCE NO.	DRAWING NO.
Revised per comments from Co. Atty's Office	03/31/06	0492B_MCP	
NUMBER	REVISIONS	PROJECT NO.	SHEET NO.
		04.92-B	

**H.M.**  
HOLEMOTIES  
ENGINEERS-PLANNERS-SURVEYORS

6200 Whiskey Creek Drive  
Fort Myers, FL 33919  
Phone: (239) 985-1200  
Florida Certificate of Authorization No.1772  
Naples · Fort Myers · Venice · Englewood

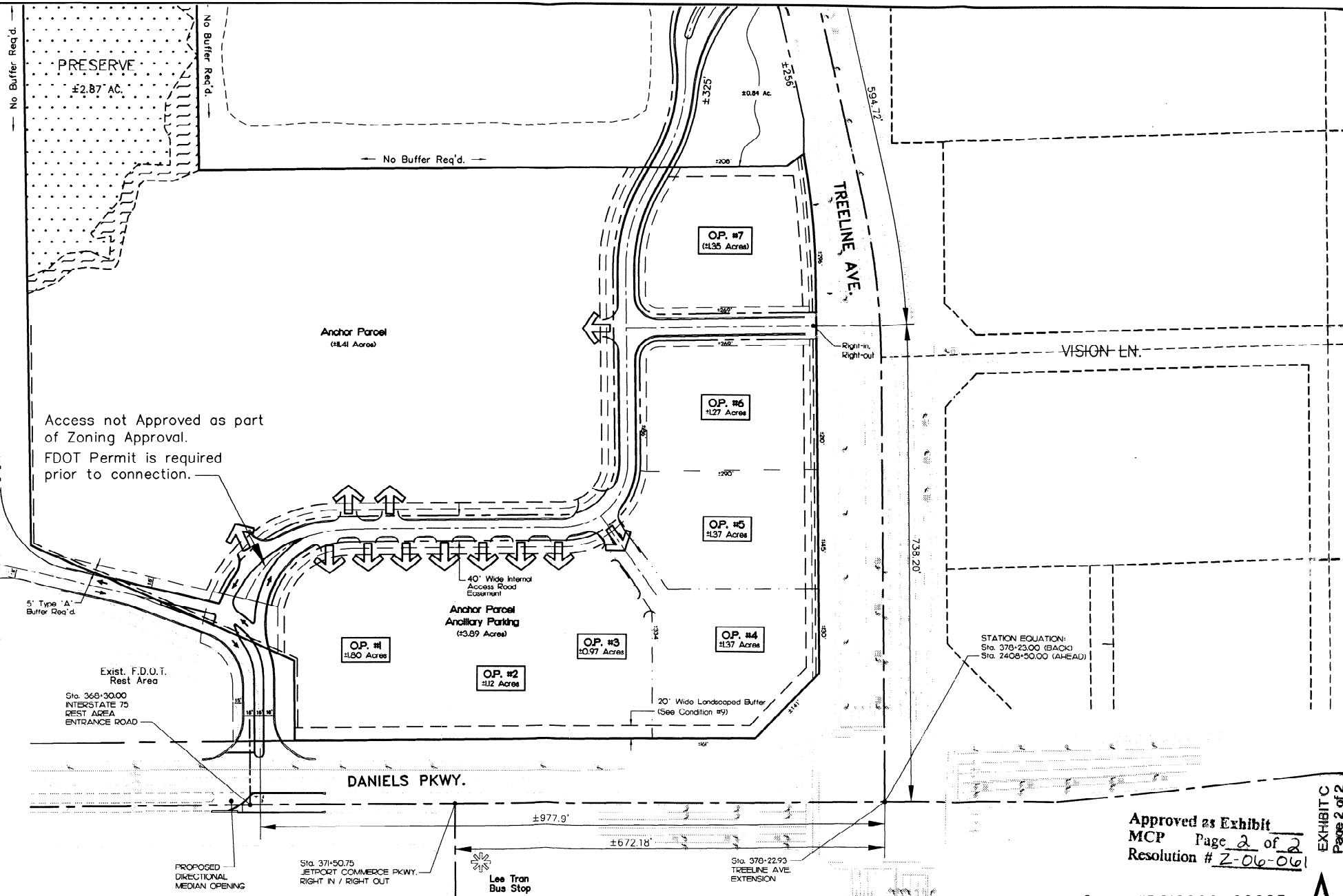
**Arborwood Village CPD  
Master Concept Plan  
EXHIBIT 6-J**

DCI 2006-00005

COMMUNITY DEVELOPMENT

NOV 03 2006

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Approved as Exhibit  
MCP Page 2 of 2  
Resolution # Z-06-06

Case #DCI2006-00005  
Res. #Z-06-061

EXHIBIT C  
Page 2 of 2

ARBORWOOD  
VILLAGE  
CPD

DEVELOPER:  
DP - TA Associates, Ltd.  
Elias Vassilaras, Exec. Vice Pres.  
Waterford at Blue Lagoon  
703 Waterford Way, Suite 800  
Miami, FL 33126  
Ph. No.: (305) 261-4330

DESIGNED BY: DATE:  
DRAWN BY: DATE:  
CHECKED BY: DATE:  
VERTICAL SCALE: HORIZONTAL SCALE: 1" = 150'

**H M**  
HOLE MONTES  
ENGINEERS PLANNERS SURVEYORS

6200 Whiskey Creek Drive  
Fort Myers, FL 33919  
Phone: (239) 985-1700  
Florida Certificate of Authorization No. 1772  
Naples - Fort Myers - Venice - Englewood

ALTERNATIVE  
MASTER CONCEPT PLAN  
EXHIBIT 6-J-1

REFERENCE NO.: 0492B\_MCP  
PROJECT NO.: 04.92-B  
DRAWING NO.:  
SHEET NO.: 2 of 2

\\s004\c004\00005\00005 - Zoning\Surveys\Responses to Co. Atty\13106\0492B\_MCP.dwg User: jason\_10/27/2006 11:04:25 AM EST

# ARBORWOOD VILLAGE CPD

## General Background

Arborwood Village is located at the northwest corner of Daniels Parkway and Treeline Avenue. There is an existing borrow pit lake that provides the attenuation for the southern 25.05 Acres of the water management system. This lake will be excavated to a maximum depth of 35 feet, or to the confining layer, whichever is less.

This plan outlines one method of lake circulation: aeration. Irrigation or fountains can vertically mix the water column and may be used in addition to aeration. This lake management plan required using the on-site wetlands and adjacent buffers as a means of reducing pollution. Additional trees will be planted along the lakes as part of the aquatic planting plan.

## LAKE MANAGEMENT PLAN

### Introduction

One component of lake management for maintaining good water quality is to prevent deeper lakes from having long-term vertical stratification during the warmer months of the year. Such stratification will eventually lead to low dissolved oxygen and enhanced regeneration of nutrients from the sediments. Both conditions lead to undesirable habitat conditions for many aquatic organisms and complaints from property owners adjacent to such lakes. Because of these typical stratification conditions eventually forming in deep lakes, Lee County has general criteria preventing lakes from being dug deeper than 12 feet from the surface of ordinary high water. No direct management is required for shallow lake water quality by Lee County, since stormwater management and littoral vegetation plantings are required. More intensive management is proposed for lakes dug deeper than 12 feet.

Warmer temperatures of surface waters can have a negative role within natural and artificial water bodies. Therefore, it is desirable to provide for shade tree plans around the perimeter of water bodies to decrease surface water temperatures.

Any water body which has multiple use such as, part of the development's flow-way for moving stormwater from the uplands to offsite, boating, fishing, good habitat for aquatic life and swimming or owned by more than one entity may have to directly meet State Water Quality Standards. Artificial systems which are used solely for stormwater management and owned by one entity may have to meet State Water quality Standards only at the outfall of the property. The State Standard for dissolved oxygen content in Class III fresh waters is 5.0 mg/l or greater at all times. The target dissolved oxygen content Class III freshwaters is dissolved oxygen level greater than 5.0 mg/l at all times.

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Exhibit D  
Page 1 of 3

001 2006-000005

### **Lakes greater than 12 feet deep**

Arborwood Village proposes to excavate all lakes to depths greater than 12 feet, but not greater than 35 feet.

### **Financial Management of Lakes**

A section in the property owner's Covenants would provide that the property owners are responsible for the lake management programs for the life of the deeper lakes. In addition to these covenants, the developer agrees to provide assurance of financial support for the installation of appropriate aeration devices to inhibit vertical stratification. The amount of the assurance will be based on the estimated cost of providing appropriate measures to inhibit stratification. The assurance would be placed in the form of an escrow agreement, irrevocable letter of credit, performance assurance bond, special reserve fund or other assurance as approved by Lee County.

The lakes identified in this document are planned to be excavated in a short period of time. A showing of financial responsibility will proceed based on actual excavation plans for the lakes.

### **Lake circulation**

A breakdown of the stratified (thermocline or halocline) water layers to completely mixed is the solution to poor dissolved oxygen levels. This change in the vertical characteristic of the water body may occur by: 1) forcing water from the bottom to the surface for re-aeration by physical exchange with the atmosphere, 2) removing enough bottom water for irrigation or by use of a fountain, 3) a combination used to restore a vertically mixed water body throughout the water columns.

Definition of satisfaction: Water columns with less dense water overlaying water with a greater density.

Physical evidence of stratification caused by density differences include the following vertical profile characteristics:

1. A change in temperature (thermocline) from a mixed layer above to a cooler layer below. The discontinuity often occurs over a short distance.
2. A change in conductivity from a mixed layer above to a high conductivity below. The discontinuity often occurs over a short distance. Sometimes salinity or chloride levels are used to describe the halocline. Conductivity is often a good predictor of salinity.

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APR 27 2006

Exhibit D  
Page 2 of 3

3. Both the thermocline and halocline usually have high correlation in the shape of the curves and reflect the underlying density differences.
4. Calculation of specific gravity from temperature and chloride, salinity or conductivity values confirm the density differences.

### **Vegetation Planting**

Due to the fact that warmer temperatures and nutrient runoff can play a negative role within natural and artificial water bodies, it is desirable to provide for shade tree plantings around the perimeter of the water bodies to decrease surface water temperatures. In addition to standard requirements for <12' water bodies by Lee County for lake and littoral plantings, any lake deeper than 12' will have more native shade trees planted around the perimeter calculated on 100' centers. Desirable species include cypress, maple, cabbage palm, live oak and laurel oak. Specifically, live oak and laurel oak trees are the most desirable due to their more abundant shade benefits, wildlife perching and nesting values. All aforementioned tree plantings will be a minimum of 10 gallon material. These plantings will be coordinated with the littoral zone plan and will be appropriately clumped. Seasonal low and high level pools will be maintained in the lakes connected to natural wetlands to maintain healthy systems.

### **Vertical Stratification**

Dissolved oxygen values near the bottom should reach at least 4.0 mg/l and be maintained during the summer higher than 2.0 mg/l. Documentation of aeration systems adequacy for each lake must be provided to the Division of Environmental Sciences.

#### **Aeration diffusers**

Aeration systems will be designed for the lake to meet a minimum of 5.0 mg/l dissolved oxygen level. Documentation of the aeration system adequacy for each lake must be provided to the Division of Environmental Sciences prior to issuing a certificate of compliance. Minimum operation of the air compressors will be from May through October each year. No water quality monitoring will be required in lakes with aeration systems.

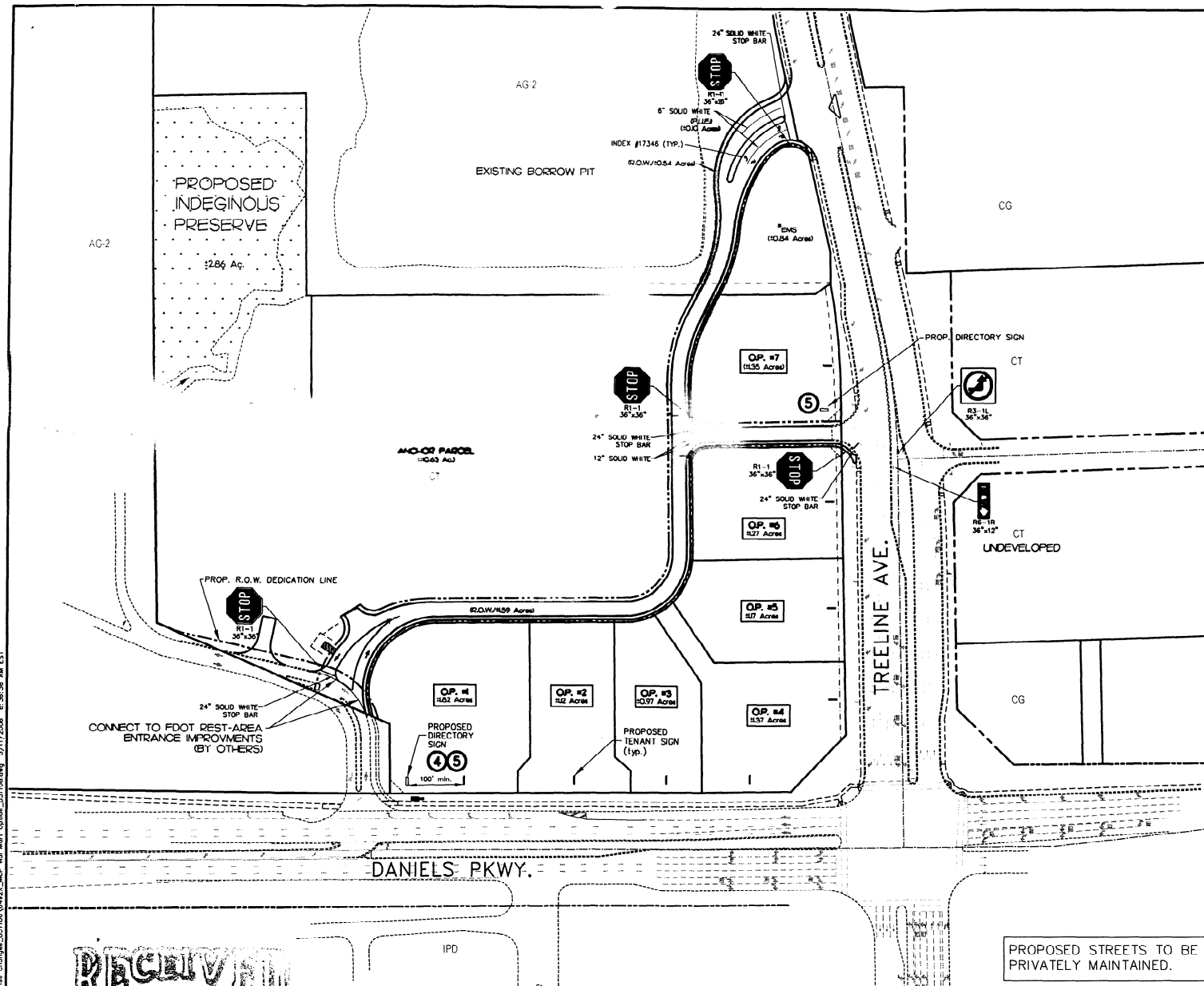
#### **Irrigation and fountain systems**

The amount of water pumped through one or more fountains or from irrigation systems can be sufficient to prevent stratification of the water column and may augment aeration diffusers.

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Exhibit D  
Page 3 of 3



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△		
△		
△	Add Deviation #5 as requested by County Staff	07/26/06
NUMBER	REVISIONS	DATE

ARBORWOOD  
VILLAGE  
CPD

DEVELOPER:  
DP - TA Associates, Ltd.  
Elias Vassilaros, Exec. Vice Pres.  
Waterford at Blue Lagoon  
703 Waterford Way, Suite 800  
Miami, Fl. 33126  
Ph. No.: (305) 261-4330





DESIGNED BY:	DATE:
DRAWN BY:	DATE:
CHECKED BY:	DATE:
VERTICAL SCALE:	HORIZONTAL SCALE: 1" = 200'

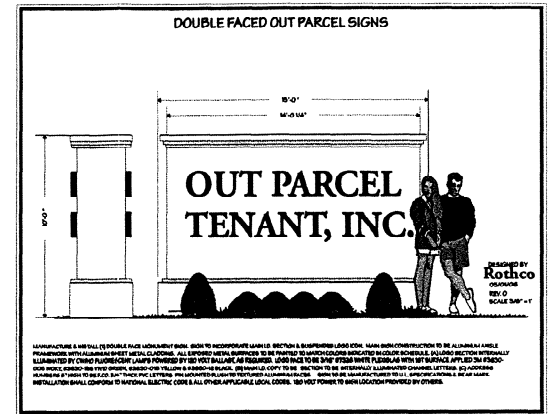


**HOLE MONTES**  
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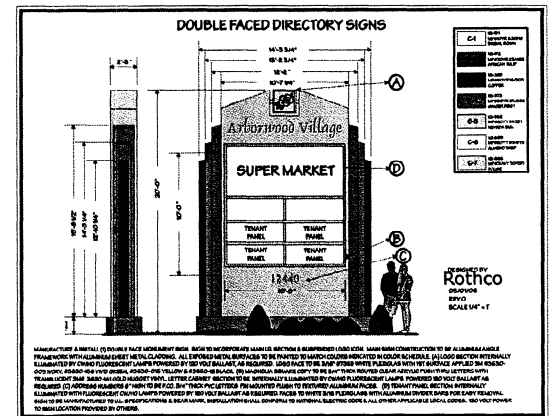
LEGEND

	CONSERVATION AREA	-----	¢ OF ROAD
	BOUNDARY LINE	=====	PROPOSED LOT LINE
	RIGHT-OF-WAY	=====	BACK OF CURB / EDGE OF PAVEMENT
	EASEMENT	-----	EXISTING EDGE OF PAVEMENT



### PROPOSED PROJECT TENANT SIGNS

N.T.S.



## PROPOSED PROJECT DIRECTORY SIGNS

N.T.S.

DCI 2006-00005

## PROPOSED PROJECT SIGNAGE PLAN

REFERENCE NO. 0492B_PSP	DRAWING NO. .
PROJECT NO. 04.92-B	SHEET NO.

## Exhibit E