

ADMINISTRATIVE AMENDMENT (PD) ADD2008-00168

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, DP-TA Associates, Ltd., filed an application for administrative approval to a Commercial Planned Development (CPD) on a project known as Arborwood Village CPD to reallocate 8 of the self-service fuel pumps approved for the Anchor Parcel to the outparcels; and to reconfigure the outparcels from a total of seven to six on the approved master concept plan on property located at Arborwood Village, described more particularly as:

LEGAL DESCRIPTION: In Section 23, Township 45 South, Range 25 East, Lee County, Florida:

See Legal Description and Sketch attached hereto as Exhibit "A";

WHEREAS, the property was originally rezoned in case number Z-06-061 (with subsequent amendments in case numbers ADD2007-00199 and ADD2008-00039); and

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

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

WHEREAS, Arborwood CPD (Z-06-061) was approved with a maximum of 302,000 square feet of office and/or retail uses and up to 120 hotel rooms; and

WHEREAS, an Administrative Amendment (ADD2007-00199) was approved to reconfigure the lake and made other changes to the master concept plan; and

WHEREAS, an Administrative Amendment (ADD2008-00039) was approved to amend the schedule of uses for Tract 1 and 2; and

WHEREAS, this administrative amendment would reallocate 8 of the self-service fuel pumps approved for the Anchor Parcel to the outparcels; and to reconfigures the outparcels from a total of seven to six on the approved master concept plan; and

WHEREAS, the number of self service fuel pumps allowed on the outparcels will increase from 16 to 24; and

WHEREAS, the number of self service fuel pumps allowed on the anchor parcel will decrease from 16 to 8; and

WHEREAS, no new uses are proposed which are not already permitted per Arborwood CPD; and

WHEREAS, the proposed changes will not change the overall intensity of the commercial development; and

WHEREAS, the proposed master concept plan is consistent with Z-06-061, ADD2007-00199 and ADD2008-00039; and

WHEREAS, the proposed changes will not have any adverse impact on traffic, open space, or compatibility with surrounding uses; 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 Commercial Planned Development is **APPROVED**.

Approval is subject to the following conditions:

- 1. The Development must be in compliance with the amended Master Concept Plan, Sheet stamp-dated RECEIVED: COMMUNITY DEVELOPMENT JAN. 16, 2009. Master Concept Plan for ADD2008-00168 is hereby APPROVED and adopted. Reduced copies are attached hereto.**
- 2. Condition 2 a. of Zoning Resolution #Z-06-061 is revised with the attached "Exhibit 6-M Arborwood Village CPD Commercial Parcel Schedule of Uses Out - Parcels 1 through 6." (4 pages)**
- 3. The schedule of uses for Tract 1 and 2 are per ADD2008-00039.**
- 4. Per Condition 9 of #Z-06-061, development order plans must include a minimum 20-foot wide right-of-way buffer along Daniels Parkway and Treeline Avenue, including Tract #1, Tract #2 and the Outparcels.**
- 5. Per Condition 12 of #Z-06-061, 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 Sec. 34-373(a)(6).

6. The terms and conditions of the original zoning resolutions remain in full force and effect.

DULY SIGNED this 21st day of January, A.D., 2009.

BY: _____


Pam Houck, Director
Division of Zoning
Department of Community Development



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
(ARBORWOOD ROSS 12-29-2008)

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 THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 23 FOR A DISTANCE OF 1,293.63 FEET TO THE POINT OF CURVE OF 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 A POINT OF CURVE TO THE LEFT HAVING A RADIUS OF 1,262.50 FEET AND A CENTRAL ANGLE OF 21°59'16"; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 484.50 FEET; THENCE S.02°44'59"W., A DISTANCE OF 51.28 FEET TO THE POINT OF CURVE OF A NON TANGENT CURVE TO THE LEFT, OF WHICH THE RADIUS POINT LIES N.79°14'02"E., A RADIAL DISTANCE OF 1,273.50 FEET; THENCE SOUTHERLY ALONG THE ARC, THROUGH A CENTRAL ANGLE OF 02°09'08", A DISTANCE OF 47.84 FEET; THENCE S.12°55'07"E., A DISTANCE OF 376.81 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 1,137.50 FEET AND A CENTRAL ANGLE OF 11°53'42"; THENCE SOUTHERLY ALONG THE ARC A DISTANCE OF 236.15 FEET TO A POINT ON THE WEST LINE OF PARCEL 103 PER ORDER OF TAKING AS RECORDED IN OFFICIAL RECORDS BOOK 3787 AT PAGE 3854 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA;; THENCE S.01°01'24"E., ALONG THE WEST LINE OF SAID PARCEL 103, A DISTANCE OF 609.18 FEET; THENCE S.44°13'46"W., ALONG THE WEST LINE OF SAID PARCEL 103, A DISTANCE OF 140.97 FEET TO A POINT ON 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 451.85 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 23; THENCE N.01°01'45"W. ALONG SAID WEST LINE OF THE NORTHWEST QUARTER (NW 1/4) SAID SECTION 23 FOR 2237.54 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 68.27 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 S.01°01'45"E.

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: 12/28/08

ADD 2008-00168

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DEC 30 2008

COMMUNITY DEVELOPMENT

10970 S. Cleveland Avenue, Suite #605 • Fort Myers, Florida 33907 • Phone (239) 275-8575 • Fax (239) 275-8457
www.metronfl.com

EXHIBIT A

Applicant's Legal Checked
by [Signature] 12-31-08



SKETCH

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

Curve number 1
Radius= 1137.50'
Delta= 14°31'03"
Arc= 288.22'
Tangent= 144.89'
Chord= 287.45'
Chord Brg.= S.06°13'33"W.

Curve number 2
Radius= 1262.50'
Delta= 21°59'16"
Arc= 484.50'
Tangent= 245.27'
Chord= 481.53'
Chord Brg.= S.02°29'27"W.

Curve number 3
Radius= 1273.50'
Delta= 02°09'08"
Arc= 47.84'
Tangent= 23.92'
Chord= 47.83'
Chord Brg.= S.11°50'33"E.

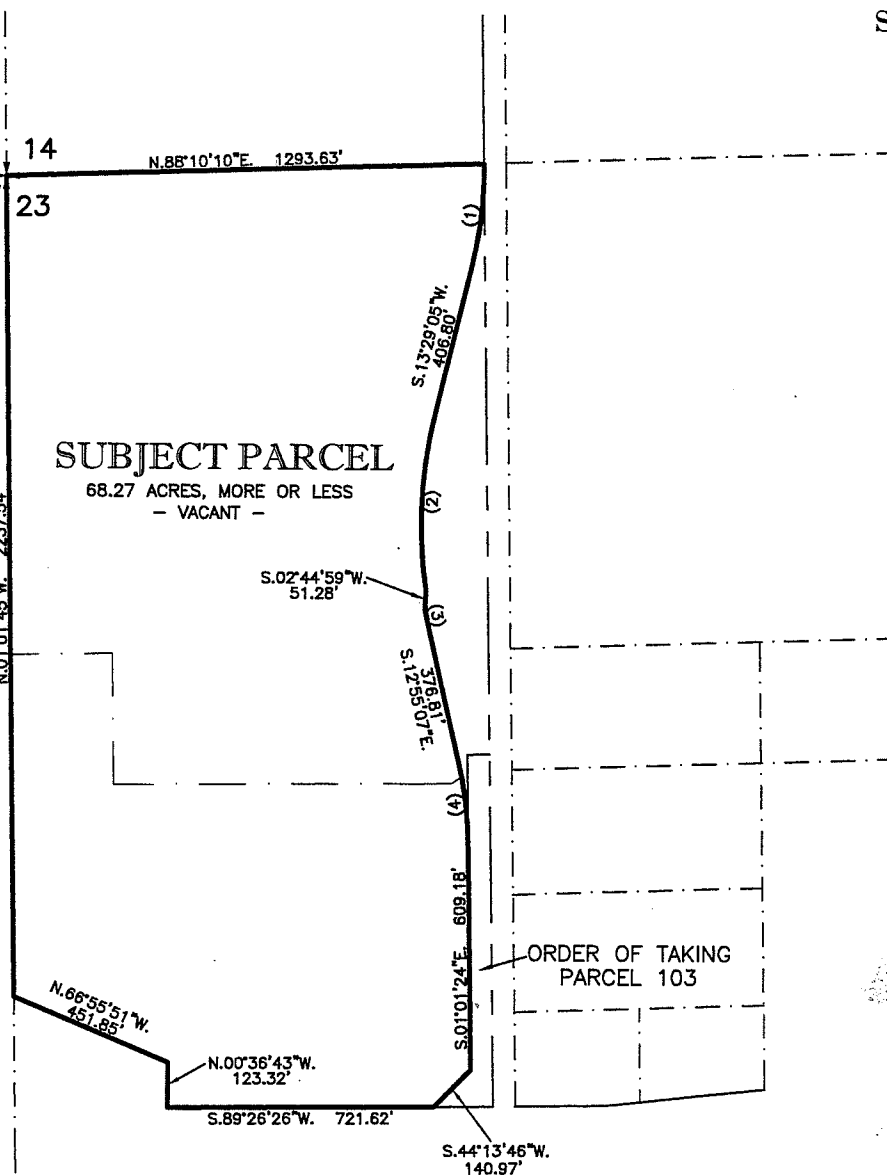
Curve number 4
Radius= 1137.50'
Delta= 11°53'42"
Arc= 236.15'
Tangent= 118.50'
Chord= 235.73'
Chord Brg.= S.06°58'15"E.

LEGEND:
O.R.B. = OFFICIAL RECORD BOOK
(D) = DEED

BEGINNING
NORTHWEST CORNER
SECTION 23

SUBJECT PARCEL

68.27 ACRES, MORE OR LESS
- VACANT -



DANIELS ROAD

Applicant's Legal Checked
by *[Signature]* 12-31-08

NOTES:

BEARINGS BASED ON THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 23,
TOWNSHIP 45, SOUTH, RANGE 25 EAST, AS BEARING N.88°10'10"E.

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

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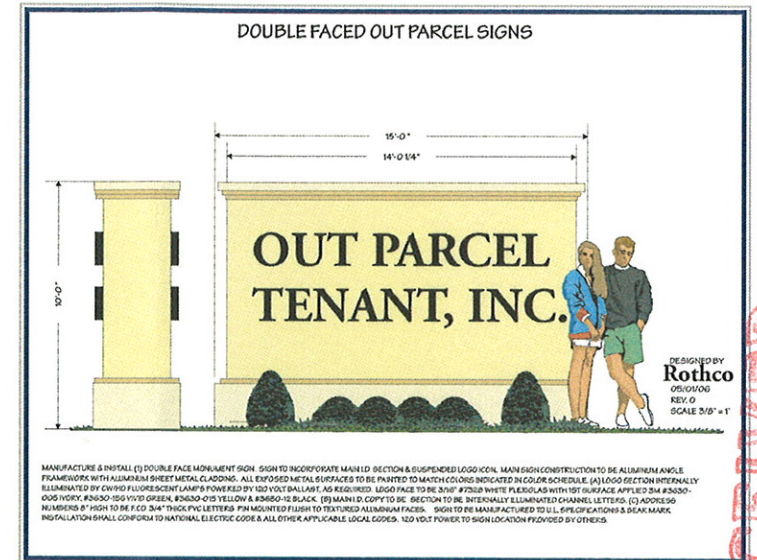
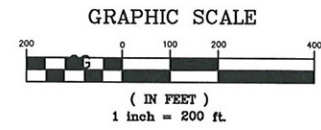
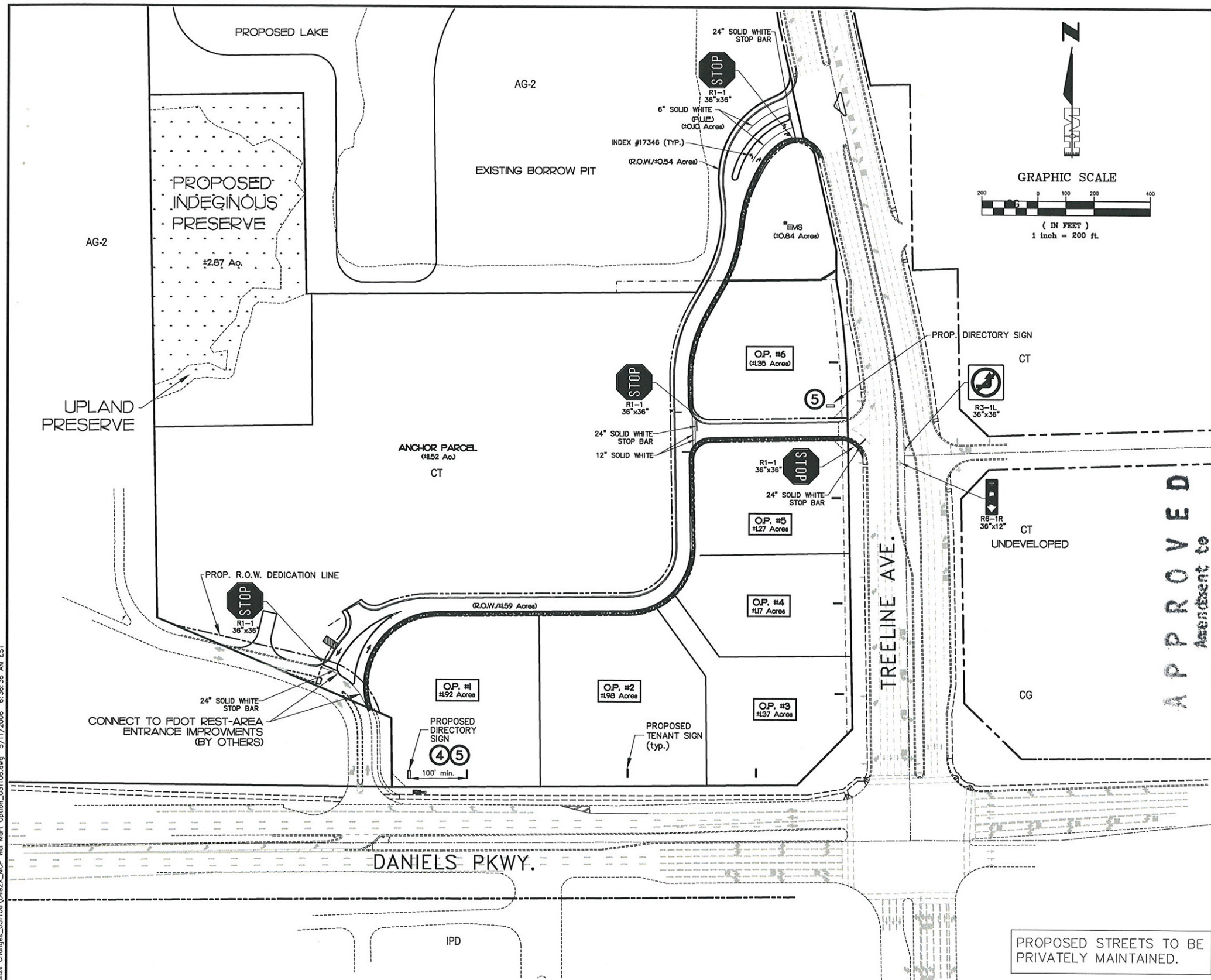
COMMUNITY DEVELOPMENT

*** THIS IS NOT A SURVEY ***
12/29/08
BY: DENIS J. O'CONNELL, JR., PROFESSIONAL SURVEYOR AND MAPPER VS# 5430 DATE SIGNED
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER
ARBORWOOD ROSS 12-29-2008

TITLE: SKETCH OF DESCRIPTION			
		10970 S. CLEVELAND AVENUE, SUITE 605, FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com	
FILE NAME: ARBORWOOD ROSS 12-29-2008.DWG		PROJECT NO.: 3737	SHEET: 1 OF 1
SURVEY DATE: 12-29-2008	DRAWN BY: DJO	SCALE: NOT TO SCALE	CHECKED BY: DJO
LAND SURVEYORS-PLANNERS LB# 7071		FILE NO. (S-T-R) 23-45-25	

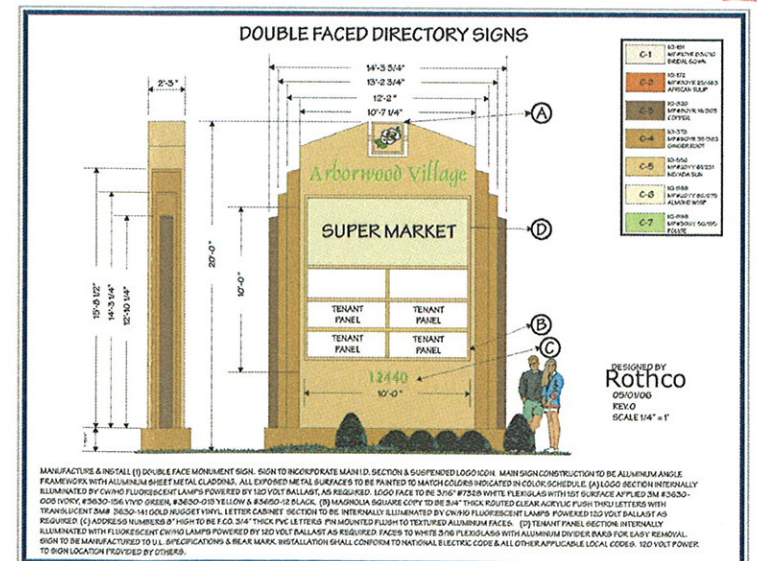
EXHIBIT A

H:\2004\2004092\DWG-B- Zoning\Surficiency Response\Changes_051105\492X_MCP_Wal Mart Option_051106.dwg 5/11/2006 6:36:35 AM EST



PROPOSED PROJECT TENANT SIGNS

N.T.S.



PROPOSED PROJECT DIRECTORY SIGNS

N.T.S.

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: CLK/ERT
DATE: 12/03/08
DRAWN BY: ERT
DATE: 12/04/08
CHECKED BY: CLK
DATE: 12/04/08
VERTICAL SCALE: HORIZONTAL SCALE: 1" = 200'

H.M.
HOLE MONTES
ENGINEERS-PLANNERS-SURVEYORS

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

Project Signage Plan
EXHIBIT H-3.B

REFERENCE NO.
**08087_PSP
H-3B_H-3C**
PROJECT NO.
2008087

DRAWING NO.
SHEET NO.
2 OF 2

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EXHIBIT 6-M

Arborwood Village CPD

COMMERCIAL PARCEL

Schedule of Uses

Out – Parcels 1 through 6



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

COMMUNITY DEVELOPMENT

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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 46 24 in conjunction with a Convenience
Food and 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

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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 46 8.
Signs, in accordance with Ch. 30

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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.

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