

ADMINISTRATIVE AMENDMENT (PD) ADD2008-00039

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Worthington Holdings Southwest, LLC., filed an application for administrative approval to a Commercial Planned Development (CPD) on a project known as Arborwood Village CPD (Worthington Parcel) for revisions to the schedule of uses 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 DCI2006-00005 (#Z-06-061) with subsequent amendment per case number ADD2007-00199; 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, Arborwood CPD (#Z-06-061) was approved with maximum heights of 3 stories/45 feet and 6 stories/75 feet for hotel uses on the outparcels, anchor parcel and Tract 2; and

WHEREAS, An administrative amendment (ADD2007-00199) to Arborwood CPD reconfigured the lake and made other changes to the master concept plan; and

WHEREAS, this administrative amendment is consistent with both the original plan per Arborwood CPD #Z-06-061 and ADD2007-00199; and

WHEREAS, this administrative amendment proposes an updated schedule of uses; and

WHEREAS, this administrative amendment proposes commercial uses on Tract 1 consistent with those allowed on the outparcels, anchor parcel and Tract 2; and

WHEREAS, no new uses are proposed which are not already permitted per Arborwood CPD #Z-06-061; and

WHEREAS, this administrative amendment proposes building height (for a hotel) consistent with the height allowed on the outparcels, anchor parcel and Tract 2; and

WHEREAS, this administrative amendment proposes a Land Use Conversion Matrix on the master concept plan for greater flexibility in uses throughout the entire project; and

WHEREAS, this administrative amendment proposes an updated project intensity and phasing plan on the master concept plan; and

WHEREAS, these changes would not change the amount of commercial intensity on the subject property; and

WHEREAS, all of the involved property owners have agreed to the new schedule of uses, conversion matrix, and updated project intensity and phasing plan; and

WHEREAS, the proposed changes provide for a better mix of uses for this commercial project; and

WHEREAS, the applicant has provided for traffic analysis showing the proposed changes do not negatively impact traffic on the surrounding road network; 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, dated MARCH 27, 2008. Master Concept Plan for ADD2008-00039 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
- 2. Condition 2 a. and 2 b. of Zoning Resolution #Z-06-061 is revised with the attached "ARBORWOOD VILLAGE CPD: REVISED CONDITIONS".**
- 3. Conditions 2 and 3 of ADD2007-00199 remain in full force and effect.**

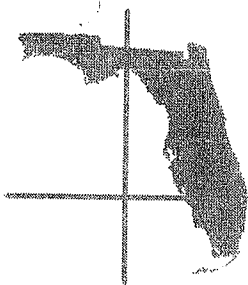
4. Per Condition 9 of #Z-06-061, the development order plans must be revised to include a minimum 20-foot wide right-of-way buffer along Daniels Parkway and Treeline Avenue, including Tract #1, Tract #2 and the Outparcels.
5. Per Condition 12 of #Z-06-061, no development orders will be issued for a building 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 4th day of April, A.D., 2008.

BY: _____

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

EXHIBIT A



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: 5/4/08

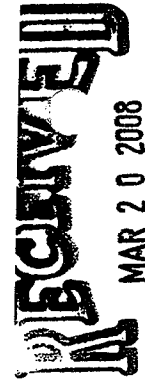
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MAR 20 2008

PERMIT COUNTER

ADD 2008-00039

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

Applicant's Legal Checked
by 69 8/21/08



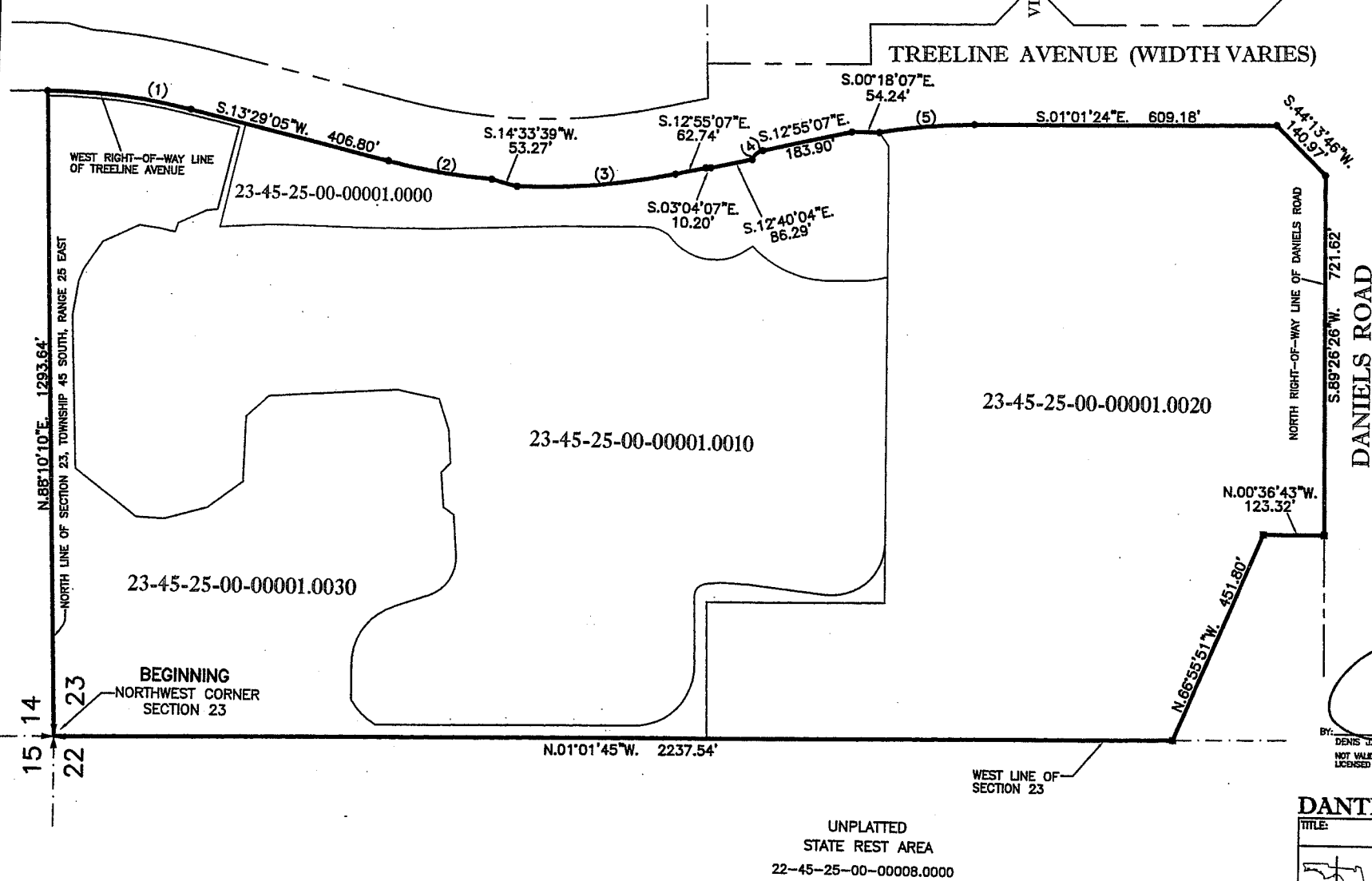
ADD 2008-00039
PERMIT COUNTER



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



Applicant's Legal Checked
by 684 3/24/08

*** THIS IS NOT A SURVEY ***
BY: [Signature] 5/14/06
DENIS J. O'CONNELL, JR., PROFESSIONAL SURVEYOR AND MAPPER, LICENSE NO. 5430, DATE SIGNED
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER.

DANTREE COMMERCIAL/LAKE SITE
TITLE: SKETCH

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS-PLANNERS
LB# 7071

10070 S. CLEVELAND AVENUE,
SUITE 605
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-8576
FAX: (239) 275-8457
www.metronllc.com

FILE NAME: 9308SK.DWG	FIELD BOOK/PAGE: 9308	PAGE NO.: 1 OF 1	SHEET: 1 OF 1
SURVEY DATE: 05-04-2008	DRAWN BY: DJO	CHECKED BY: DJO	FILE NO. (S-T-R): 23-45-25

ARBORWOOD VILLAGE CPD: REVISED CONDITIONS

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

a. Schedule of Uses

TRACT #1 AND TRACT #2. AS REVISED PER THIS AMENDMENT.

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, GROUP 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.

CLOTHING STORES

CONTRACTORS AND BUILDERS, GROUP I

CONVENIENCE FOOD AND BEVERAGE SHOP - LIMITED TO 1 FOR THE ENTIRE
PLANNED DEVELOPMENT.

CONSUMPTION ON PREMISES - INDOOR AND OUTDOOR - SEE CONDITIONS.

DAY CARE CENTER, CHILD AND ADULT

DEPARTMENT STORE

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

HARDWARE STORE - NO OUTDOOR STORAGE OR DISPLAY

HOBBY, TOY AND GAME SHOPS

HOTEL/MOTEL - MAXIMUM 120 ROOMS FOR THE ENTIRE CPD.

HOUSEHOLD AND OFFICE FURNISHINGS, GROUP I AND II

NO OUTDOOR DISPLAY OR SALES

INSURANCE COMPANIES

LAWN AND GARDEN STORES

NO OUTDOOR DISPLAY OR SALES

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

PAINT GLASS AND WALLPAPER

NO OUTDOOR DISPLAY OR SALES

PARCEL AND EXPRESS SERVICES

PARKS, GROUP I

PARKING LOT, ACCESSORY

PERSONAL SERVICES, GROUP 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

RECREATIONAL FACILITIES, COMMERCIAL, GROUP III

RENTAL AND LEASING ESTABLISHMENTS, GROUPS II AND III

REPAIR SHOP, GROUP I, II AND III

RETAIL AND WHOLESALE WHEN CLEARLY INCIDENTAL AND SUBORDINATE TO A
PERMITTED PRINCIPLE USE ON THE SAME
PREMISES.

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, GROUP 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

SPECIALTY RETAIL SHOP, GROUP I, II, III, AND IV.

STORAGE, INDOOR ONLY

TEMPORARY USES

THEATER, INDOOR

USED MERCHANDISE STORES, GROUP I AND II - NO PAWN SHOPS

VARIETY STORES

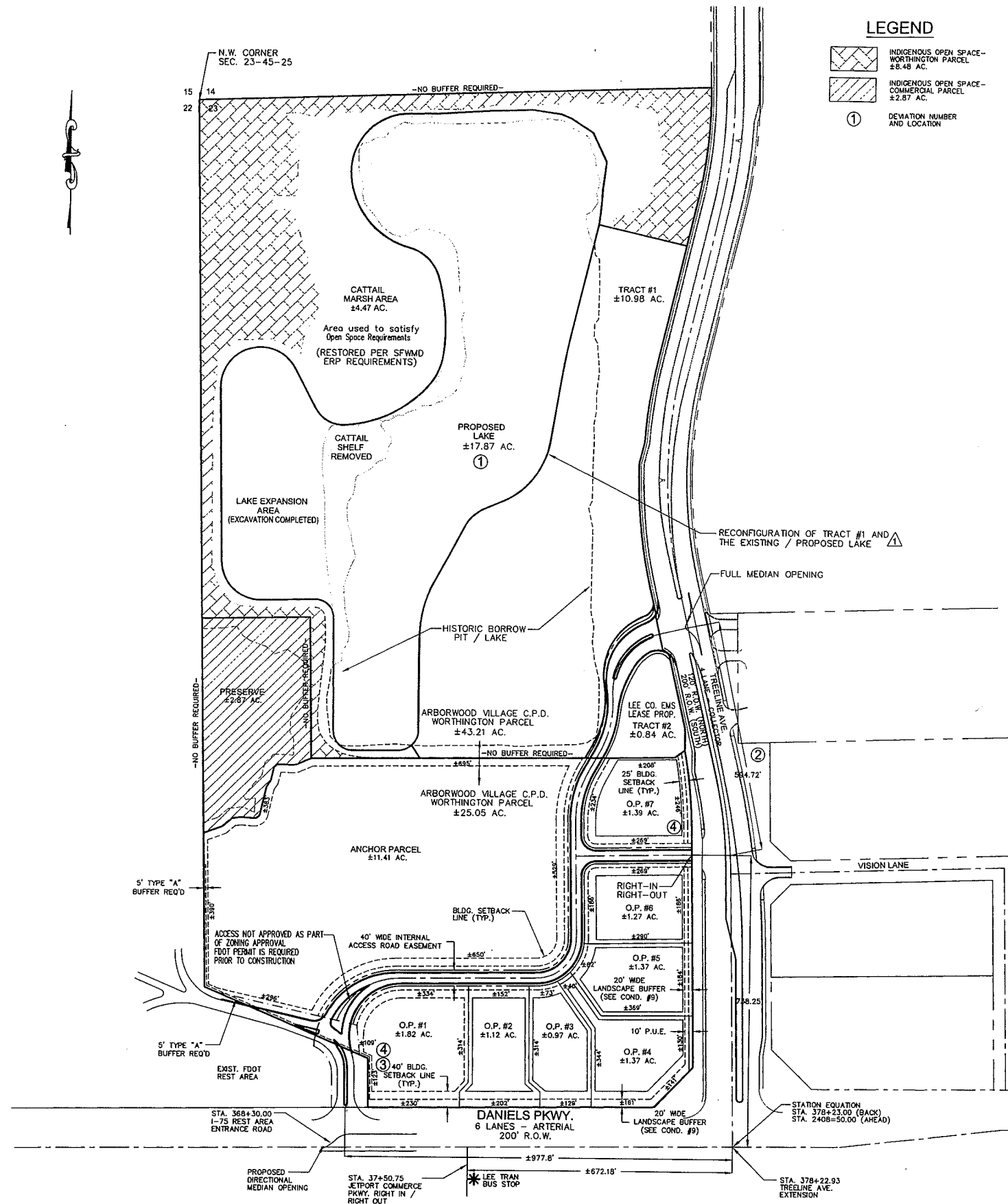
VEHICLE AND EQUIPMENT DEALER, GROUP II ONLY. 10,000 SQUARE FEET OF
OUTDOOR DISPLAY AREA ONLY.

ARBORWOOD VILLAGE CPD: REVISED CONDITIONS

b. Site Development Regulations

Maximum Building Height:

TRACT 1 45 feet/3 stories - 75 feet/6 stories for hotel/motel use only



LEGEND

- INDIGENOUS OPEN SPACE - WORTHINGTON PARCEL ±8.48 AC.
- INDIGENOUS OPEN SPACE - COMMERCIAL PARCEL ±2.87 AC.
- ① DEVIATION NUMBER AND LOCATION

PROJECT SUMMARY:

- CONCEPTUAL LAND USE BREAKDOWN:**

C.P.D. - COMMERCIAL PARCEL	
ON SITE WETLAND / UPLAND PRESERVE AREA / O.S. GREEN AREA	±2.87 AC.
INTERNAL (PRIVATE) R.O.W.	±1.46 AC.
DEVELOPMENT PARCELS	±20.72 AC.
TOTAL SITE - CPD COMMERCIAL PARCEL	±25.05 AC.
- C.P.D. - WORTHINGTON PARCEL**

ON SITE WETLAND / CONSERVATION AREA	±8.48 AC.
EXIST. LAKE + PROPOSED LAKE EXPANSION	±17.87 AC.
O.S. / GREEN AREA (RESTORED CATTAIL MARSH)	±4.47 AC.
INTERNAL (PRIVATE) R.O.W.	±0.54 AC.
WORTHINGTON TRACT #1	±10.98 AC.
WORTHINGTON TRACT #2 (EMS)	±0.84 AC.
TOTAL SITE - CPD - WORTHINGTON PARCEL	±43.21 AC.
TOTAL CPD PARCEL AREA	±68.26 AC.

- CONCEPTUAL 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 PROVIDED:		
INDIGENOUS / PRESERVE AREA		±2.87 AC.
ANCHOR PARCEL (023.5%)		±2.68 AC.
O.P.'S #1 THRU #7 (022.0%)		±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 PROVIDED:		±7.60 AC.

- C.P.D. - WORTHINGTON PARCEL**

±43.2 AC. x 0.3 =	±12.96 AC.
OPEN SPACE PROVIDED:	
ON-SITE WETLAND / CONSERVATION AREA (INCLUDING CATTAIL MARSH)	±12.95 AC.
EXIST. LAKE + PROPOSED LAKE EXP. (25%)	±3.24 AC.
TRACT #1 (±10.98 AC. x 0.10)	±1.10 AC.
TRACT #2 (±0.84 AC. x 0.10)	±0.08 AC.
SUB-TOTAL (TRACTS)	±1.18 AC.
TOTAL OPEN SPACE PROVIDED	±17.37 AC.

- INDIGENOUS OPEN SPACE:**

C.P.D. - COMMERCIAL PARCEL	
INDIGENOUS OPEN SPACE REQ'D ±7.5 AC. x 50%	±3.75 AC.
INDIGENOUS OPEN SPACE PROVIDED EXIST. PRESERVE AREA	±2.87 AC.*
TOTAL OPEN SPACE PROVIDED	±2.87 AC.
*(SEE NOTE BELOW)	
C.P.D. - WORTHINGTON PARCEL	
INDIGENOUS OPEN SPACE REQ'D ±12.96 AC. x 50%	±6.48 AC.
INDIGENOUS OPEN SPACE PROVIDED ON-SITE WETLAND / CONSERVATION AREA	±8.42 AC.*
TOTAL OPEN SPACE PROVIDED	±8.42 AC.
INDIGENOUS OPEN SPACE REQ'D (TOTAL PROJECT)	±10.23 AC.
INDIGENOUS OPEN SPACE PROVIDED (TOTAL PROJECT)	±11.29 AC.

* THE ACTUAL ACREAGE AVAILABLE IN THE ON-SITE WETLAND/CONSERVATION AREA IS ±11.29 AC. WITH ONLY ±10.23 NEEDED TO SATISFY THIS REQUIREMENT

4.) **PUBLIC TRANSIT:**
THIS SITE IS LOCATED ON LEE TRAN ROUTE #50

- PROJECT INTENSITY/PHASING:**

INTENSITY:	
ANCHOR PARCEL	130,000 S.F. - RETAIL △
OUT-PARCELS #1-#7	40,000 S.F. - RETAIL △
TRACT #1	12,000 S.F. - OFFICE △
TRACT #2	30,000 S.F. - OFFICE △
	80,000 S.F. - RETAIL △
	10,000 S.F. ESSENTIAL SERVICE (EMS)
PHASING:	1 PHASE - 5 YEARS

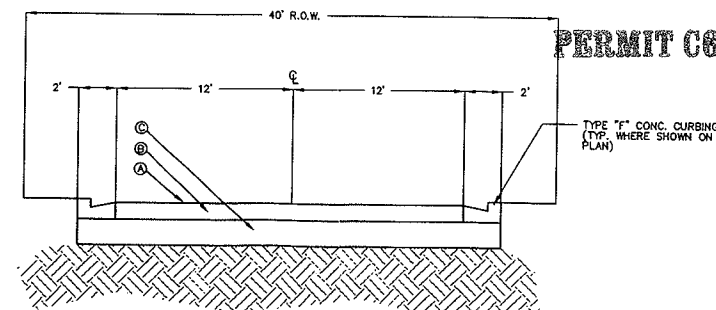
NOTE: A property owner within the Arborwood Village CPD may transfer Retail, Office and Hotel Room uses from one parcel to another provided that all affected property owners are in agreement and they execute and file a written and notarized assignment with the County acknowledging approval and acceptance of the transfer of uses and/or square footage.

LAND USE CONVERSION MATRIX

	RETAIL (SF)	GENERAL OFFICE (SF)	MEDICAL OFFICE (SF)
RETAIL (1,000 SF)	1,000	1,800	750
OFFICE (1,000 SF)	550	1,000	400
HOTEL (1 ROOM)	250	470	200

APPROVED
Amendment to
Master Concept Plan
Subject to Case # ADD2008-00039
Date 4/4/2008

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MAR 27 2008



INTERNAL ACCESS ROAD TYPICAL PAVEMENT SECTION

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

△ CASE NO. ADD2008-00039
△ CASE NO. ADD2007-00199 (12-03-07)
CASE NO. DCI2006-00005
RESOLUTION NO. Z-06-061 (10-16-06)

No.	Date	Revisions
1	10-07	RECONFIGURATION OF TRACT #1 AND EXIST. / PROP. LAKE
2	2-08	AMENDMENT TO ALLOW TRANSFER OF USES & DENSITIES



community engineering services, inc.
civil engineering • surveying • project management
EB-0006613 LB-6572
8991 Daniels Center Drive, Suite 103
Fort Myers, Florida 33912
Telephone (239) 936-9777 Fax (239) 936-0064

MASTER CONCEPT PLAN EXHIBIT 6-J (REVISED)
OF
ARBORWOOD VILLAGE CPD
(WORTHINGTON PARCEL)
FOR
WORTHINGTON HOLDINGS SOUTHWEST, LLC
9341 MARKET PLACE ROAD
FORT MYERS, FL. 33912
(239) 561-4666 fax (239) 561-4676

scale: 1"=150'
SHEET
1 OF 2

date

ADD 2008-00039