

**REFUND REQUEST**DATE: 2/11/2008FROM: Mary Gibbs

Mary Gibbs

TO: FISCAL POOL - CASHIERS

TITLE: Director, Dept. of Community DevelopmentCASE#: DCI2007-00054DATE PAID: 9/6/2007

REASON: On 9/6/07 CPH Engineering submitted an application for DP-TA Associates LLC for a
Planned Development Amendment and Wal Mart Stores paid the fee of \$5,000 on case #DCI2007-00054.

On 1/29/08, CPH Engineering authorized agent, withdrew the amendment request. Tony Palermo, Senior
Planner, was assigned to the case. It was found sufficient after several meetings with the applicant. A hearing
date was established, and staff had started work on the case. No draft staff reports, public hearing or
advertisements took place. Mr. Palermo determined a partial refund is appropriate. Pam Houck, Zoning
Director, agreed that a refund of 55% is appropriate.

TOTAL REFUND AMOUNT: \$2,750.00

AMOUNT:

ACCOUNT STRING:

\$2,750.00LC5150015500.341900.9008**SEND REFUND TO:**Wal Mart StoresCO: Rebekah RodriguezCPH Engineers, Inc.2211 Peck Street, Suite 300Fort Myers, FL 33901

cc: Project File
Kara Stewart w/o attachments

Attachments:

FISCAL USE ONLY

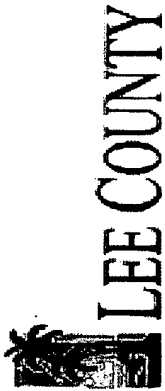
SUPPLIER#: _____

SUBMITTED BY: _____

DATE: _____

PHONE#: _____

PLEASE RETURN CHECK TO FISCAL POOL CASHIERS TO MAIL TO RECIPIENT W/COPY OF FORM.



Fee History

Case #: DCI2007-00054

PERMIT RECEIVED DATE: 9/6/2007

Case #: DCI2007-00054
Property Owner DP-TA ASSOCIATES LTD
Property Address 13600 GOLDENWOOD DR FORT M
Contractor
License Number
Fax Number

Permit Description Amend the Arborwood Commercial Planned Development (CPD), 68.23 +/- acres, for a maximum of 250,000 s/f of commercial retail (including a 170,000 s/f anchor parcel/Walmart Supercenter), with a maximum of 42,000 s/f of office, 120-bed hotel, and 10,000 s/f of essential services. Maximum height requested is 3 stories/45 feet (6 stories/75 for a hotel). No development blasting is requested. The applicant indicates any development will connect to public potable water and public sanitary sewer service.

Description	Revenue Account Number	Fees	Paid	Date Paid	Due
PD Amendments	LC5150015500.341900.9008	5,000.00	5,000.00	9/6/2007	0.00

Total Fees: \$5,000.00

Paid: \$ 5,000.00

TOTAL REMAINING DUE: \$0.00

Documents Required for Pick-up: Tony Palermo

Receipt # 1200700000000018875

RECEIVED
JAN 28 2008
an kw

PERMIT COUNTER

**APPLICATION FOR REQUEST FOR CONTINUANCE,
DEFERRAL, WITHDRAWAL, OR REHEARING
FOR UNINCORPORATED LEE COUNTY**

REQUEST IS FOR: (refer to back of sheet for special notes)

 CONTINUANCE DEFERRAL X WITHDRAWAL
 REHEARING WITHDRAWAL OF ADMINISTRATIVE APPEAL

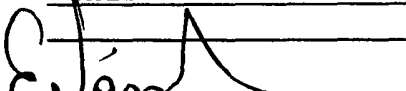
If a DEFERRAL OR CONTINUANCE is requested, please indicate:

Length of time: _____

From: Hearing Examiner BOCC (must be submitted 5 calendar days prior to hearing)

1. Date of Scheduled Hearing: _____
2. Applicant/Project Name: DP-TA Associates, LTD./Arborwood Village CPD
3. Tracking/Hearing/Application Number: DCI2007-00054
4. Date Decision was Rendered (if applicable): _____
5. Type of Application (check appropriate type):
 X Rezoning Special Exception Variance Other
6. Reason for request (If rehearing is requested, see Special Notes on reverse side):

"Big Box" tenant changed their mind about locating on
this site.



Signature of applicant or property owner

1-24-2008

Date

Executive Vice President of Newcaster Devcorp, Inc., a Florida
Name (typed or printed legibly) corporation, general partner of DP-TA Associates, a
Florida limited partnership.
703 Waterford Way, Suite 800, Miami, FL 33126

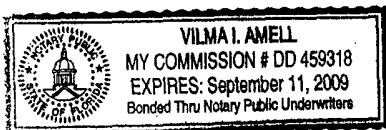
Address

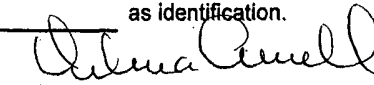
STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 24th day of January
20 08 by Ricardo Vassilares who is personally known to me or who produced

as identification.





Signature of Notary Public
Vilma I. Amell

Printed Name of Notary Public

FEE \$ 0

RECEIPT NUMBER: _____

DATE PAID: _____

INTAKE BY: _____

**APPLICATION FOR PUBLIC HEARING
FOR ZONING ACTION
UNINCORPORATED AREAS ONLY**

Applicant's Name: DP-TA Associates, LTD., a Florida Partnership

DCI 2007-00054

Project Name: Arborwood Village CPD

STRAP Number(s): See attached Exhibit PH-2-C-1 Property Owners Listing and Strap numbers

23-45-25-06-00000.0010

TYPE OF APPLICATION

- ☐ Special Exception (attach Supplement A)
☐ Variance (attach Supplement B)
☐ Conventional Zoning (attach Supplement C)
☒ Planned Development (not PRFPD) (attach Supplement D)
☒ Amendment to built Planned Development (Supplement D may be required)
☐ Private Recreational Facilities Planned Development (attach Supplement D)
☐ Extension of a Master Concept Plan (attach Supplement E)
☐ Reinstatement of a Master Concept Plan (attach Supplement F)
☐ N/A DRI - with rezoning (submit completed DRI Application Form {do not use this form} and Supplement D)
☐ N/A DRI - without rezoning (submit completed DRI Application Form {do not use this form})

Is this project located in the Estero Planning Community, or the Captiva Planning Community, or in the Caloosahatchee Shores Planning Community?

☐ YES* ☒ NO *If YES, please note PARTS 4G, 4.H, and 4.I below for meeting summary document requirements.

STAFF USE ONLY

Case Number: DCI 2007-00054 Commission District: 5
Current Zoning: CPD Fee Amount: \$15,000
Land Use Classification: General Interchange Intake by: NFR
Planning Community: Gateway/Airport

Proctor, Brady

From: Palermo, Anthony D.
Sent: Wednesday, February 06, 2008 2:01 PM
To: Proctor, Brady
Subject: dci2007-00054 arborwood walmart - withdrawn - refund.

The applicant asked for a refund.

A 55% refund is appropriate, based on the work we performed. It was found sufficient, and several meetings took place with the applicant and staff. No staff draft was completed, no ad and no hearings took place.

Tony Palermo, Senior Planner, AICP
Lee County Department of Community Development
P.O. Box 398
Fort Myers, FL 33902
Ph. 239-533-8325
F. 239-485-8300
apalermo@leegov.com

2/7/2008

Proctor, Brady

From: Fenske, Jennifer
Sent: Thursday, February 07, 2008 2:50 PM
To: Proctor, Brady
Subject: RE: DCI2007-00054 ARBORWOOD VILLAGE CPD AMEND

Wal Mart Stores

*Jennifer Fenske
Senior Account Clerk
Lee County Government
CD / PW Internal Services - Fiscal
Jfenske@leegov.com
239-533-8539
239-485-8400 (fax)*

From: Proctor, Brady
Sent: Thursday, February 07, 2008 2:46 PM
To: Fenske, Jennifer; Coleman, Elizabeth
Subject: DCI2007-00054 ARBORWOOD VILLAGE CPD AMEND

Please give me the remitter's name for DCI2007-00054. Receipt #1200700000000018875, \$5,000.00 paid on 9/6/2007. Thanks

**Brady Proctor
DCD/Administration
1500 Monroe Street, Second Floor
Fort Myers, FL 33901
239.533.8904 phone
239.485.8386 fax**



2211 Peck Street, Suite 300
Fort Myers, Florida 33901

Phone: 239.332.5499
Fax: 239.332.2955

www.cphengineers.com

February 4, 2008

Tony Palermo
Senior Planner
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

RECEIVED
FEB 05 2008
Cm 12:28pm
COMMUNITY DEVELOPMENT

Re: Arborwood Village CPD Amendment
DCI 2007-00054

Dear Mr. Palermo:

On behalf of the applicant DP-TA Associates, LTD. and Wal-Mart Stores, Inc., please accept this letter as our request for a refund of application submittal fees. The project was formally withdrawn on January 28, 2008.

I thank you in advance for your assistance with this request.

Sincerely,

Jeffrey M. Satfield, P.E.
Senior Vice President/Branch Manager

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: January 29, 2008

TO: Whom it may concern

FROM: Development Services Division
(Jamie Prancing)

RE: DCI2007-00054 / Arborwood Village CPD Amendment
WITHDRAWAL

A **Courtesy Notice of Receipt of Zoning Application** was mailed to property owners within 500 feet of the subject property for the above referenced case on September 12, 2007. An application for **withdrawal** was submitted for this case on January 28, 2008; therefore, this case has been officially withdrawn. Should the applicant submit another application in the future, another courtesy notice will be mailed to you.

14-45-25-00-00008.0000
FREEMAN JEFFREY B TR
25435 LOBLOLLY BAY RD SW
LABELLE, FL 33935

14-45-25-P1-0060G.0010
CENTEX HOMES
5801 PELICAN BLVD #600
NAPLES, FL 34108

~~15-45-25-00-00008.0000
FREEMAN JEFFREY B TR
25435 LOBLOLLY BAY RD SW
LABELLE, FL 33935~~

22-45-25-15-00001.00CE
D75 LLC
7995B PRESERVE CIR
NAPLES, FL 34119

23-45-25-01-00001.0000
D + K INVESTMENT HOLDINGS LLC
18870 SERENOA CT
ALVA, FL 33920

~~23-45-25-01-00009.0000
FREEMAN JEFFREY B TR
25435 LOBLOLLY BAY RD SW
LABELLE, FL 33935~~

23-45-25-01-00020.0000
TREELINE LLC
875 SE 4TH TERR STE 2
CAPE CORAL, FL 33904

23-45-25-01-00021.0000
ROWSHAN ENTERPRISES INC
12580 ALLENDALE CIR
FORT MYERS, FL 33912

23-45-25-03-00000.013A
BRENNAN CAROLE F TR
144 NEWGRANGE PASS
WELDON SPRING, MO 63304

~~23-45-25-04-00000.002D
PIK N RUN #7
20101 PEACHLAND BLVD STE 301
PORT CHARLOTTE, FL 33954~~

14-45-25-P1-0060C.0060
ARBORWOOD CDD
SEVERN TRENT MANAGEMENT SVCS
210 N UNIVERSITY DR STE 702
CORAL SPRINGS, FL 33071

~~14-45-25-P4-0050A.00CE
CENTEX HOMES
5801 PELICAN BLVD #600
NAPLES, FL 34108~~

22-45-25-00-00008.0000
STATE OF FL DOT
PO BOX 1249
BARTOW, FL 33831

22-45-25-15-00014.0000
CRACKER BARREL OLD COUNTRY
312 HARTMANN DR
LEBANON, TN 37088

23-45-25-01-00008.0000
FREEMAN JEFFREY B TR
~~25435 LOBLOLLY BAY RD SW
LABELLE, FL 33935~~

23-45-25-01-00019.0000
WHEELER CATHLEEN J TR +
10060 SAN PABLO
FORT MYERS, FL 33919

~~23-45-25-01-00020.0010
WHEELER CATHLEEN J TR +
10060 SAN PABLO
FORT MYERS, FL 33919~~

~~23-45-25-01-00032.0000
ROWSHAN ENTERPRISES INC
12580 ALLENDALE CIR
FORT MYERS, FL 33912~~

~~23-45-25-04-00000.002B
PIK N RUN #7 INC
20101 PEACHLAND BLVD STE 301
PORT CHARLOTTE, FL 33954~~

23-45-25-04-00000.012A
PIK N RUN 7 INC
20101 PEACHLAND BLVD
SUITE 301
PORT CHARLOTTE, FL 33954

23-45-25-04-00000.012B
 N D Y INC
 10150 DANIELS PKWY
 FORT MYERS, FL 33913

23-45-25-06-000A1.00CE
 DP-TA ASSOCIATES LTD
 703 WATERFORD WAY STE 800
 MIAMI, FL 33126

23-45-25-P1-0060D.20CE
 ARBORWOOD CDD
~~SEVERN TRENT MANAGEMENT SVCS~~
~~210 N UNIVERSITY DR STE 702~~
 CORAL SPRINGS, FL 33071

William B. Horner
 Lee County Port Authority
 11000 Terminal Access Rd. Ste. 8671
 Ft. Myers, FL 33913-8899

MS. NEALE MONTGOMERY
 PAVESE LAW FIRM
 1833 HENDRY STREET
 FORT MYERS FL 33901

MR. PAUL KATREK
 CPH ENGINEERS, INC
 P.O. BOX 2808
 SANFORD FL 32772

MR. BILL HORNER, PORT AUTHORITY

MR. JEFF SATFIELD
 CPH ENGINEERS, INC
 2211 PECK STREET SUITE 300
 FORT MYERS FL 33901

DP-TA ASSOCIATES LTD
 703 WATERFORD WAY STE 800
 MIAMI FL 33126

MR. TED TREESH
 TR TRANSPLANTATION CONSULTANTS
 13881 PLANTATION RD.
 SUITE 11
 FORT MYERS FL 33912

BEN DICKSON
 DEVELOPMENT SERVICES

MR. TONY PALERMO

DP-TA ASSOCIATES, LTD
 703 WATERFORD WAY SUITE 800
 MIAMI FL 33216



2211 Peck Street, Suite 300
Fort Myers, Florida 33901

Phone: 239.332.5499
Fax: 239.332.2955

www.cphengineers.com

January 23, 2008

Tony Palermo
Senior Planner
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

Re: Arborwood Village CPD Amendment
DCI 2007-00054

Dear Mr. Palermo:

On behalf of the applicant DP-TA Associates, LTD. and Wal-Mart Stores, Inc., please accept this letter as our formal request to withdraw zoning application DCI 2007-00054 for the Arborwood Village CPD Amendment.

I thank you in advance for your assistance with this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffrey M. Satfield', with a long, sweeping horizontal line extending to the right.

Jeffrey M. Satfield, P.E.
Senior Vice President/Branch Manager



LEE COUNTY
SOUTHWEST FLORIDA

RECEIVED
JAN 28 2008

PERMIT COUNTER

**APPLICATION FOR REQUEST FOR CONTINUANCE,
DEFERRAL, WITHDRAWAL, OR REHEARING
FOR UNINCORPORATED LEE COUNTY**

REQUEST IS FOR: (refer to back of sheet for special notes)

☐ CONTINUANCE ☐ DEFERRAL ☒ WITHDRAWAL
☐ REHEARING ☐ WITHDRAWAL OF ADMINISTRATIVE APPEAL

If a DEFERRAL OR CONTINUANCE is requested, please indicate:

Length of time: _____

From: _____ Hearing Examiner _____ BOCC (must be submitted 5 calendar days prior to hearing)

1. Date of Scheduled Hearing: _____
2. Applicant/Project Name: DP-TA Associates, LTD./Arborwood Village CPD
3. Tracking/Hearing/Application Number: DCI2007-00054
4. Date Decision was Rendered (if applicable): _____
5. Type of Application (check appropriate type):
☒ Rezoning ☐ Special Exception ☐ Variance ☐ Other
6. Reason for request (If rehearing is requested, see Special Notes on reverse side):

"Big Box" tenant changed their mind about locating on
this site.

[Signature]
Signature of applicant or property owner

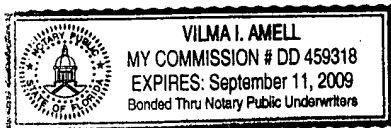
1-24-2008
Date

Executive Vice President of Newcaster Devcorp, Inc., as Florida
Name (typed or printed legibly) corporation, general partner of DP-TA Associates, a
Florida limited partnership.
703 Waterford Way, Suite 800, Miami, FL 33126
Address

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was acknowledged before me this 24th day of January
20 08 by Chris Vassilares who is personally known to me or who produced
as identification.



[Signature]
Signature of Notary Public
Vilma I. Amell

Printed Name of Notary Public

FEE \$ 0

RECEIPT NUMBER: _____

DATE PAID: _____

INTAKE BY: _____

SPECIAL NOTES

1. Requests for DEFERRAL or CONTINUANCE must be in accordance with Section 34-235(1) or 34-235(2) of the Lee County Land Development Code.
2. If request for DEFERRAL or CONTINUANCE is for more than 60 days (or is indefinite), the applicant must apply in writing at least 45 days prior to the preferred hearing date to reactivate the case. All new evidence must be presented at that time.
3. CONTINUANCE: In the case of a request for CONTINUANCE, the applicant or his authorized agent, must submit this application to, and the application must be received by, Lee County Department of Community Development prior to the advertised hearing date (for BOCC hearings, request must be submitted five calendar days prior to the hearing), OR the applicant or his authorized agent must appear before the cognizant hearing board, and orally request the continuance.

The hearing board may deny or grant the request for continuance:

- a. If the request for CONTINUANCE is denied, the hearing will proceed in accordance with the published agenda.
- b. If a request for CONTINUANCE is approved, the hearing board may set a date certain for hearing the application.

Not more than one (1) applicant-initiated CONTINUANCE will be granted on the same application by each hearing board.

4. DEFERRAL: To qualify as a deferral, this application form must be received by Lee County Department of Community Development prior to the time the Department submits notice of the hearing to the newspaper for publication. If application is not received in time, the applicant must request a CONTINUANCE instead.
5. A REHEARING request must be filed within 15 days of the decision.
6. REHEARING: You must attach a statement that explains, with particularity, any new evidence and the points of law or facts which you believe the Board of County Commissioners overlooked or misunderstood. Also include all documentation to support the request for a rehearing in accordance with LCLDC Section 34-84(b). No oral testimony will be allowed when the Board considers whether to grant a rehearing of the case.
7. The APPLICANT must be the property owner OR his duly authorized representative OR, if for a rehearing, the aggrieved party. See LCLDC Section 34-202(b)(1)c.
8. FEES: A fee must be paid by the applicant, or aggrieved party, in accordance with the adopted fee schedule as set forth in the Lee County External Fees and Charges Manual. (Administrative Code 3-10 Appendix C) and as posted in the Lee County Department of Community Development.

**LEE COUNTY
COMMUNITY DEVELOPMENT
1500 MONROE STREET P.O. BOX 398
FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585**

23-45-25-06-00000.0010

23-45-25-06-00000.0020

23-45-25-06-00000.0030

23-45-25-06-00000.0040

23-45-25-06-00000.0050

23-45-25-06-00000.0060

23-45-25-06-00000.0070

23-45-25-06-00000.0080

23-45-25-06-00000.0090

23-45-25-06-0000A.00CE

23-45-25-06-000A1.00CE

23-45-25-06-0000B.00CE

23-45-25-00-00001.0000

23-45-25-00-00001.0010

23-45-25-00-00001.0030

RECEIVED

SEP 06 2007

COMMUNITY DEVELOPMENT

DCI 2007-00054

Princing, Jamie L.

From: Palermo, Anthony D.
Sent: Tuesday, January 15, 2008 11:56 AM
To: Princing, Jamie L.
Subject: FW: Arborwood Village CPD Amendment - DCI 2007-00054 - PDA

For the file please. Thank you.

Tony Palermo, Senior Planner, AICP
Lee County Department of Community Development
P.O. Box 398
Fort Myers, FL 33902
Ph. 239-533-8325
F. 239-485-8300
apalermo@leegov.com

From: Satfield, Jeffrey M. [<mailto:jsatfield@cphengineers.com>]
Sent: Monday, January 14, 2008 2:06 PM
To: Palermo, Anthony D.
Cc: Neale Montgomery; Elias Vassilaros; Matthew Uhle
Subject: Arborwood Village CPD Amendment - DCI 2007-00054 - PDA

Tony,

Per my phone message, please accept this e-mail as notice that we need to modify the current concept plan and elevations to remove the Wal-Mart name. This is due to outstanding contractual issues with the owner developer. However, the owner would like to move forward the proposed amendment; meeting all of the previously agreed upon commitments on the site plan and elevations in the hopes that this or a similar deal is worked out in the near future. Please contact me to discuss in greater detail, but at this time Wal-Mart is no longer a part of this development.

Thanks for your help.

Jeffrey

Jeffrey M. Satfield, P.E., CPESC
Sr. Vice President / Branch Manager
CPH Engineers, Inc
(239) 332-5499



Please consider the environment before printing this e-mail.

GIS Tracking Sheet

Case No.: DC12007-00054

Intake Date: 9/6/07

Project Name: Arborwood Village CPD

STRAP Number(s): See Attached

Planner Name: Jony P. Ext. 38325

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 9-12-2007

INTAKE: DC107054

LEGAL SUFFICIENT

☒ YES

☐ NO

Initials: CJ

If not, give brief explanation:

Boundary Survey Waived.

MAP UPDATE following FINAL ACTION

Date:

☐ Hearing Examiner Decision

☐ Board of County Commissioner's Resolution

☐ Administrative Approval

☐ Blue Sheet

Zoning Notes:

MAP UPDATED

☒ YES

☐ NO

Initials: JOP

If not, give brief explanation:

ZONE: CPD: 501361

SKETCH AND DESCRIPTION

LEGAL DESCRIPTION:

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 A 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.

A B B R E V I A T I O N L E G E N D :

P.R.M. - PERMANENT REFERENCE MONUMENT
P.O.C. - POINT OF COMMENCEMENT
P.C. - POINT OF CURVATURE
P.R.C. - POINT OF REVERSE CURVATURE
P.C.C. - POINT OF COMPOUND CURVATURE
P.T. - POINT OF TANGENCY
P.I. - POINT OF INTERSECTION
P.C.P. - PERMANENT CONTROL POINT
P.O.L. - POINT ON LINE
C.B. - CHORD BEARING
T.B. - TANGENT BEARING

C.M. - CONCRETE MONUMENT
P.B. - PLAT BOOK
Pg. - PAGE
N.R. - NON-RADIAL
RAD. - RADIAL
R. - RADIUS
L. - ARC LENGTH
Δ. - DELTA
R/P. - RADIUS POINT
R/W. - RIGHT-OF-WAY
C. - CENTER LINE

EL. - ELEVATION
A/C. - AIR CONDITIONER
TYP. - TYPICAL
U.E. - UTILITY EASEMENT
D.E. - DRAINAGE EASEMENT
F.F. - FINISHED FLOOR
B.S. - BUILDING SETBACK
C.B.S. - CONCRETE BLOCK STRUCTURE
(P) - PLAT
(M) - MEASURED
(C) - CALCULATED

CONC. - CONCRETE
C.L.F. - CHAIN LINK FENCE
W.F. - WOOD FENCE
C & G. - CURB & GUTTER
CATV - CABLE TELEVISION RISER
TELE. - TELEPHONE RISER
TRANS. - TRANSFORMER PAD
L.P. - LIGHT POLE
P.P. - POWER POLE
N.G. - NATURAL GROUND
SQ. FT. - SQUARE FEET

W.M. - WATER METER
F.H. - FIRE HYDRANT
N & D. - NAIL AND DISC
B.M. - BENCH MARK
P.V.M.T. - PAVEMENT
F.B. - FIELD BOOK
M.H. - MANHOLE
(A) - ACTUAL
NSI - NO SURVEYOR IDENTIFICATION
FND - FOUND
REC - RECOVERED

Survey Notes:

1. "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER".
2. BEARINGS SHOWN HEREON ARE RELATIVE TO ASSUMED DATA AS BEING N 01° 01' 45" W ALONG THE WEST LINE OF SECTION 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST.
3. THE "LEGAL DESCRIPTION" HEREON WAS PROVIDED BY THE CLIENT.
4. THIS SKETCH & DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OR OPINION OF TITLE. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS NOTED.
5. THIS IS NOT A BOUNDARY SURVEY, THIS SKETCH AND DESCRIPTION WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR, NO FIELD SURVEY WAS PERFORMED TO DEFINE OWNERSHIP.

CLIENT: WAL-MART
PROJECT NUMBER: W13460
CADD DWG. FILE: W13460_68ACRE.dwg

Applicant's Legal Checked
by *654* 9-12-2007

NOT VALID WITHOUT SHEET 2
SHEET 1 OF 2

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COMMUNITY DEVELOPMENT
DCI 2007-00054

Surveyor's Certification:

I hereby certify that the attached "Sketch and Description" of the hereon-described property is true and correct to the best of my knowledge, information and belief as prepared under my direction on July 11, 2007. I further certify that this "Sketch and Description" meets the minimum technical standards set forth in Chapter 61g17-6 of the Florida Administrative Code.

For the Firm By:

JUL 11 2007

Paul J. Katrek
Professional Surveyor and Mapper
Florida Registration No. 62333



Engineers
Planners
Landscape Architects
Surveyors
Construction Management

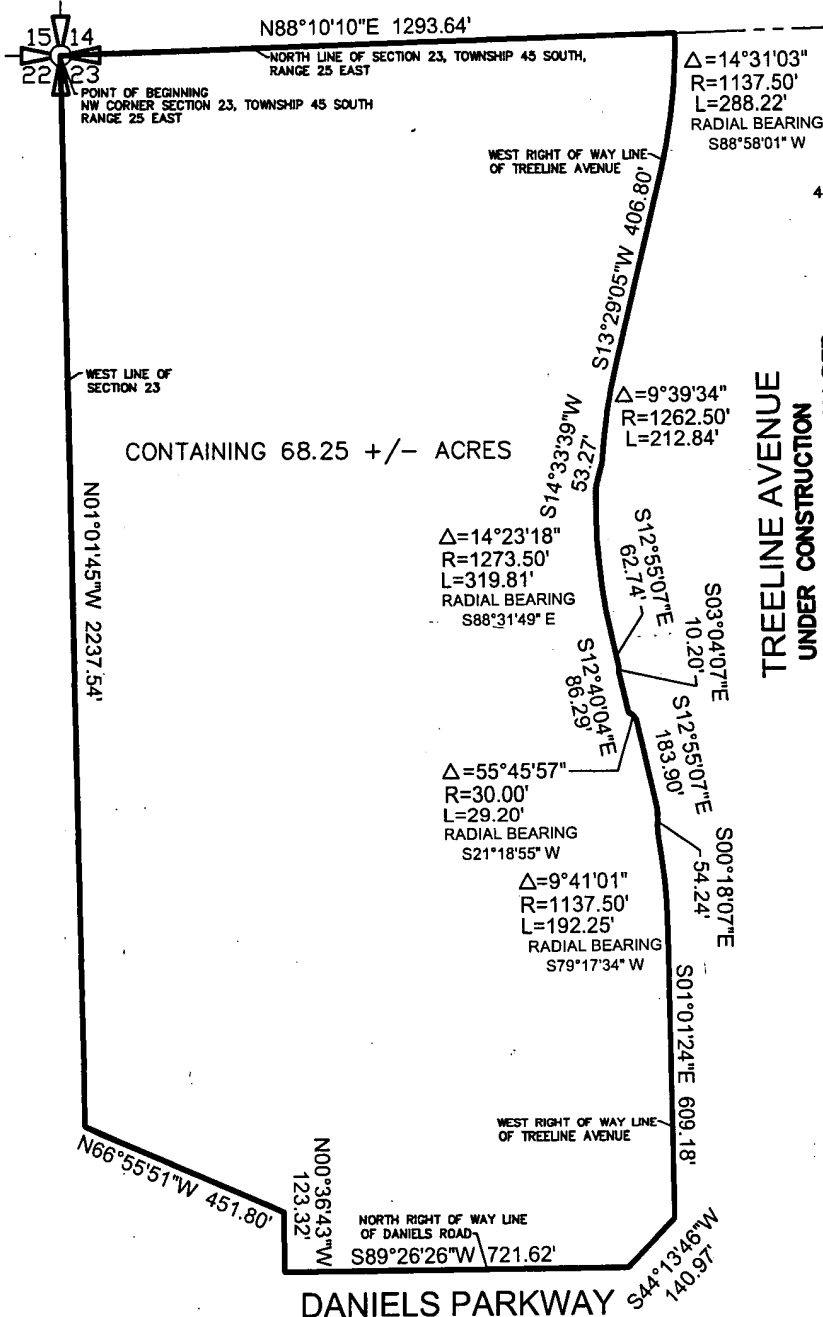
www.cphengineers.com

500 West Fulton Street, Sanford, FL 32771 P.O. Box 2808, Sanford, FL 32772-2808
Phone: 407.322.6841 Fax: 407.330.0639

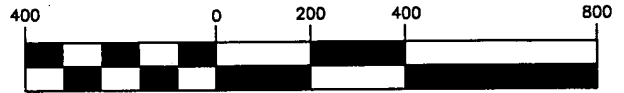
REVISION	BY	DATE
SKETCH OF DESCRIPTION	P.J.K.	7/11/07

Certificate of Authorization No. 7143

SKETCH AND DESCRIPTION



GRAPHIC SCALE



(IN FEET)
1 inch = 400 ft.



TREELINE AVENUE
UNDER CONSTRUCTION

(100' PUBLIC RIGHT-OF-WAY PER
INSTRUMENT #2007-19462)
O.R. BOOK 4788 PAGE 2150

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COMMUNITY DEVELOPMENT

DCI 2007-00054

Applicant's Legal Checked

by BSJ 9/12/2007

CLIENT: WAL-MART
PROJECT NUMBER: W13460
CADD DWG. FILE: W13460_68ACRE.dwg

NOT VALID WITHOUT SHEET 1
SHEET 2 OF 2

DANIELS PARKWAY
(100' PUBLIC RIGHT-OF-WAY PER
INSTRUMENT #2007-19462)



Engineers
Planners
Landscape Architects
Surveyors
Construction Management

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500 West Fulton Street, Sanford, FL 32771 P.O. Box 2808, Sanford, FL 32772-2808
Phone: 407.322.6841 Fax: 407.330.0639

REVISION	BY	DATE
SKETCH OF DESCRIPTION	P.J.K.	7/11/07

Certificate of Authorization No. 7143



LEE COUNTY
SOUTHWEST FLORIDA

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JAN 17 2008

am k u
PERMIT COUNTER

APPLICATION FOR REQUEST FOR CONTINUANCE,
DEFERRAL, WITHDRAWAL, OR REHEARING
FOR UNINCORPORATED LEE COUNTY

REQUEST IS FOR: (refer to back of sheet for special notes)

☐ CONTINUANCE ☒ DEFERRAL ☐ WITHDRAWAL
☐ REHEARING ☐ WITHDRAWAL OF ADMINISTRATIVE APPEAL

If a DEFERRAL OR CONTINUANCE is requested, please indicate:

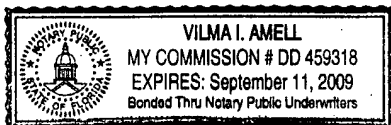
- Length of time: 30 Days - March 20, 2008
From: Hearing Examiner BOCC (must be submitted 5 calendar days prior to hearing)
1. Date of Scheduled Hearing: February 20, 2008
 2. Applicant/Project Name: DP-TA Associates, LTD./Arborwood Village CPD
 3. Tracking/Hearing/Application Number: DCI2007-00054
 4. Date Decision was Rendered (if applicable): _____
 5. Type of Application (check appropriate type):
☒ Rezoning ☐ Special Exception ☐ Variance ☐ Other
 6. Reason for request (If rehearing is requested, see Special Notes on reverse side):
Outstanding contractual issues with developer

Elias
Signature of applicant or property owner January 16, 2008
Date

Elias Vassilaros, Exec. Vice President of Newcaster Devcorp, Inc., a
Name (typed or printed legibly) Florida corporation, partner to DP-TA Associates, LTD
a Florida limited partnership
703 Waterford Way, Suite 800, Miami, FL 33126
Address

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 16th day of January
20 08 by Elias Vassilaros who is personally known to me or who produced
as identification.



Vilma Amell
Signature of Notary Public
Vilma I. Amell

Printed Name of Notary Public

FEE \$ 0 RECEIPT NUMBER: _____
DATE PAID: _____ INTAKE BY: _____

**APPLICATION FOR PUBLIC HEARING
FOR ZONING ACTION
UNINCORPORATED AREAS ONLY**

**Applicant's
Name:**

DP-TA Associates, LTD., a Florida Partnership

DCI 2007-00054

Project Name:

Arborwood Village CPD

**STRAP
Number(s):**

See attached Exhibit PH-2-C-1 Property Owners Listing and Strap numbers

23-45-25-06-00000.0010

TYPE OF APPLICATION

- ☐ Special Exception (attach Supplement A)
☐ Variance (attach Supplement B)
☐ Conventional Zoning (attach Supplement C)
☒ Planned Development (not PRFPD) (attach Supplement D)
☒ Amendment to built Planned Development (Supplement D may be required)
☐ Private Recreational Facilities Planned Development (attach Supplement D)
☐ Extension of a Master Concept Plan (attach Supplement E)
☐ Reinstatement of a Master Concept Plan (attach Supplement F)
☐ **N/A** DRI - with rezoning (submit completed DRI Application Form {do not use this form} and Supplement D)
☐ **N/A** DRI - without rezoning (submit completed DRI Application Form {do not use this form})

Is this project located in the Estero Planning Community, or the Captiva Planning Community, or in the Caloosahatchee Shores Planning Community?

☐ YES* ☒ NO *If YES, please note PARTS 4G, 4.H, and 4.I below for meeting summary document requirements.

STAFF USE ONLY

Case Number:

DCI2007-00054

Commission District:

5

Current Zoning:

CPD

Fee Amount:

\$5,000

Land Use Classification:

General Interchange

Intake by:

NFR

Planning Community:

Gateway/Airport

**LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585PART 1**

**PART 1
APPLICANT\AGENT INFORMATION**

A. Name of applicant: DP-TA Associates, LTD., a Florida Partnership

Address: Street : 703 Waterford Way Suite 800

City: Miami State: Florida Zip: 33216

Phone: Area Code: 305 Number: 261.4330 Ext:

Fax: Area Code: 305 Number: 261.4338

E-mail address: evassilaros@courtellis.com

B. Relationship of Applicant to owner (check one):

X Applicant (including an individual or husband & wife) is the sole owner of the property. [34-201(a)(1)a.1.]

X **Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2.** (See Part 1 Exhibit Form A1 attached hereto for suggested Affidavit Form for an individual.) [34-202(b)(1)c.]

Applicant has been authorized by the owner(s) to represent them for this action.

Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2. (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.) [34-202(b)(1)c.]

Applicant is a contract purchaser/vendee. [34-202(b)(1)d.]

Notarized Affidavit of Authorization form is attached as Exhibit PH-1.B.2. [34-202(b)(1)c.] (Please select the appropriate Affidavit Form from the suggested forms in Part 1 Exhibits attached hereto.)

Application is County initiated. BOCC authorization is attached as Exhibit PH-1.B.3

C. Authorized Agent: Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(b)(1)c.]

C.1. Company Name: CPH Engineers, Inc.

Contact Person: Jeffrey Satfield, P.E.

Address: Street : 2211 Peck Street Suite 300

City: Fort Myers State: Florida Zip: 33901

Phone: Area Code: 239 Number: 332.5499 Ext:

Fax: Area Code: 239 Number: 332.2955

E-mail address: jsatfield@cphengineers.com

C.2. X Additional Agent(s): The names of other agents that the County may contact concerning this application are attached as Exhibit PH-1.C.2. [34-202(b)(1)c.]

**PART 2
PROPERTY OWNERSHIP**

A.	Property Ownership: Single owner (individual or husband & wife only) [34-201(a)(1)a.1.]										
A.1.	Name: 										
	Mailing Address:			Street:							
				City:		State:		Zip:			
	Phone:		Area Code:		Number:		Ext:				
	Fax:		Area Code:		Number:						
	E-mail:										
B.	Property Ownership: Multiple owners (Corporation, partnership, trust, association) [34-201(a)(1)].										
B.1.	<input checked="" type="checkbox"/>	Disclosure of (Ownership) Interests Form is attached as Exhibit PH-2.B.1. [34-201(b)2]									
C.	Multiple parcels										
C.1.	<input checked="" type="checkbox"/>	Property owners list is attached as Exhibit PH-2.C.1. [34-202(a)(5)]									
C.2.	<input checked="" type="checkbox"/>	Property owner's map is attached as Exhibit PH-2.C.2. [34-202(a)(5)]									
D.	Date property was acquired by present owner(s):					12/17/04; 2/27/07; 4/6/07					

**wPART 3
PROPERTY INFORMATION**

A.	STRAP Number(s):	23-45-25-06-00000.0010 thru .0090	23-45-25-00-00001.0000
		23-45-25-06-0000A.00CE 23-45-25-06-000A1.00CE	23-45-25-00-00001.0010
		23-45-25-06-0000B.00CE	23-45-25-00-00001.0030
B.	Street Address of Property: 13600 Goldenwood Drive Fort Myers, Florida 33913		
C.	Legal Description		
	NA	Legal description (on 8 1/2" by 11" paper) is attached as Exhibit PH-3.C.1. [34-202(a)(1)]	
	NA	Sealed sketch of the legal description is attached as Exhibit PH-3.C.2. [34-202(a)(1)]	
D.	Boundary Survey		
	<input checked="" type="checkbox"/>	A Boundary survey, tied to the state plane coordinate system, is attached as Exhibit PH-3.D.1. [34-202(a)(2)]	
	<input checked="" type="checkbox"/>	The property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as Exhibit PH-3.D.2. [34-202(a)(2)]	
E.	Planning Community: Gateway/Airport		

F.	General Location of Property: Daniels Parkway and Treeline Boulevard						
F.1.	X	Area location map (for all applications other than Planned Developments) is attached as Exhibit PH-3.F. [34-202(a)(4)] {NOTE: For Planned Development Applications see Supplement D [34-373(a)(4)b.]}					
F.2.	Directions to property:		From Lee County DCD: US 41 South, left on Daniels Pkwy, east just past the I-75 Overpass, the site is on the Northwest corner of Daniels Pkwy. and Treeline Ave.				
G.	Surrounding property owners:						
G.1.	X	List of surrounding property owners is attached as Exhibit PH-3.G.1. [34-202(a)(6)]					
G.2.	X	Map of surrounding property owners is attached as Exhibit PH-3.G.2. [34-202(a)(7)]					
G.3.	X	2 sets of mailing labels are attached as Exhibit PH-3.G.3. [34-202(a)(6)]					
H.	Current Zoning of Property:		ARBORWOOD VILLAGE CPD				
I.	Current use of property:		Vacant - Worthington Parcel & Infrastructure – Commercial Parcel				
I.1.		Current use(s) of the property are:					
		CPD Commercial Parcel: Infrastructure constructed under DOS2005-00356					
		Lot 7 – Wachovia Bank (DOS2006-00148 Issued) Lot 5 – Fifth Third Bank (DOS2006-00272 pending)					
I.2.	NA	If buildings or structures exist on the property, an affidavit is required stating that buildings & structures will be removed or that the proposed use of buildings, structures and land is or will be in compliance with all requirements of the LCLDC. Attach as Exhibit PH-3.I.2. and entitle "Affidavit Regarding Proposed Use". [34-202(b)(3)]					
I.3.	NA	If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval an Existing Agricultural Use Affidavit is attached as Exhibit PH-3.I.3. and entitled "Agricultural Uses at Time of Zoning Application". [34-202(b)(7)]					
J.	Land Use Classification:						
		Interchange General		68.23	Acres	100	% of total
					Acres		% of total
					Acres		% of total
					Acres		% of total
K.	Flood Hazard (write NA if not applicable) [34-202(a)(8)]						
	NA	The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.					
	X	The minimum elevation required for the first habitable floor is			25.8	NGVD (MSL)	
L.	Deed Restrictions [34-202(b)(2)]						
L.1.	X	There are no deed restrictions or other covenants on this property that affect this request. [34-202(b)(2)]					
L.2.	NA	Deed restrictions\ covenants that may affect this request are attached as Exhibit PH-3.L .2. [34-202(b)(2)]					
L.3.	NA	A narrative explanation as to how the deed restrictions or covenants may affect this request. is attached as Exhibit PH-3.L.3 [34-202(b)(2)]					

M.	Property Dimensions [34-202(a)(8)] COMMERCIAL PARCEL				
	1.	Width (average if irregular parcel):		Feet 917' ± (Platted parcel only)	
	2.	Depth (average if irregular parcel):		Feet 601' ±	
	3.	Total area:	68.23	Acres or square feet	
	4.	Frontage on road or street:	979.59	Feet on	Daniels Pkwy
		2 nd Frontage on road or street:	1680.00	Feet on	Treeline Ave.

**PART 4
ACTION REQUESTED**

A.	Action Requested: [check applicable action(s)]				
		Special Exception for			Attached is Supplement A
		Variance for			Attached is Supplement B
		Conventional Rezoning from:		to	Attached is Supplement C
		Planned Development Rezoning from		to	
			DCI - Major: Attached is Supplement D		
			DCI - Minor: Attached is Supplement D		
			Request is for PRFPD zoning in the Private Recreational Facilities Overlay Area. Attached is Supplement D		
	<input checked="" type="checkbox"/>	Planned Development Amendment. Attached is Supplement D			
B.	Excavations:				
	<input type="checkbox"/>	NA No blasting will be used in the excavation of lakes or other site elements.			
	<input type="checkbox"/>	NA If blasting is proposed, Information Regarding Proposed Blasting (including soil borings, a map indicating the general location of the proposed blasting, and other required information) is attached as Exhibit PH-4.B [34-202(b)(6)]			
C.	Bonus Density: (put NA if not applicable)				
	<input type="checkbox"/>	NA Bonus density will be used. Attached is Exhibit PH-4.C showing calculations. [34-202(b)(5)]			
D.	Hazardous materials: (put NA if not applicable)				
	<input type="checkbox"/>	NA A Hazardous materials emergency plan is attached as Exhibit PH-4.D [34-202(b)(4)]			
E.	Mobile Home Park: (put NA if not applicable)				
	<input type="checkbox"/>	NA Request includes rezoning of a Mobile Home Park. Attached is Exhibit PH-4.E [34-203(d)]			

	F.	Aviation Hazard: (put NA if not applicable)		
X		Property is subject to Airport Hazard District regulations. Attached is Exhibit PH-4.F [34-1001 et seq]		
X		A tall structures permit will be required.		
NA		Property is located within Noise zone:		

G.	Estero Planning Community (put NA if not applicable)			
NA		A summary of public informational session. Attached is Exhibit PH-4.G [34-373(a)(10); Lee Plan Policy 19.5.3]		
H.	Captiva Planning Community (put NA if not applicable)			
NA		A summary of public informational session. Attached is Exhibit PH-4.H [Lee Plan Policy 13.1.7]		
I.	Caloosahatchee Shores Community Plan (put NA if not applicable)			
NA		A summary of public informational session. Attached is Exhibit PH-4.I [Lee Plan Policy 21.6.3]		
J.	Waivers from Application Submission Requirements: The following waivers, approved by the Director of Zoning Services, are attached as Exhibit PH-4.J [Section 34-202(a)]			
	Section Number		Name of item	
	34.202		Waiver to submittal requirements	
K.	Potable Water & Central Sewer. Will the project be connected to potable water and central sewer as part of any development of the property? <u> X </u> YES. <u> </u> NO.			
	If the answer is NO , please explain why the connection to potable water and/or central sewer is not planned. Label explanation as Exhibit PH 4-K .			
	If the answer is YES , please indicate the name of the Utility to which the connection(s) are proposed. <u> Lee County Utilities </u> [BOCC POLICY]			

EXHIBIT PH-2.B.1

Owner Disclosure Form

**EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:**

STRAP NO. _____ **CASE NO.** _____

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock
Newcaster Devcorp, Inc.	
W. Douglas Pitts	50%
Alec P. Courtelis Investment Trust	50%
703 Waterford Way, Suite 800, Miami, FL 33126	

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest
Alec. P. Courtelis Investment Trust	
Louise Courtelis	100%
703 Waterford Way, Suite 800, Miami, FL 33126	

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Ownership
DP-TA Associates, Ltd.	
Newcaster Devcorp, Inc., General Partner	1%
Alec P. Courtelis Investment Trust, limited Partner	23.25%
KiKi Courtelis, limited partner	20.00%
W. Douglas Pitts, limited Partner	33.25%
W. Douglas Pitts, Jr., limited partner	10.00%
Elias Vassilaros, special limited partner	7.5%
Rod Castan, special limited partner	5.00%
703 Waterford Way, Suite 800, Miami, FL 33126	

(Updated 08/2006 - thru Ord. 05-29) P:\WEBPage\...\Public Hearing Submittal Requirements

Pages 10 of 12

DCI 2007-00054

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5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address

Percentage of Stock

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature

(Applicant)

Elias Vassilaros, Executive Vice President of
Newcaster Devcorp, Inc., a Fla. corporation, General
Partner to DP-TA Associates, Ltd., a Fla. ltd. partner-
ship.

(Printed or typed name of applicant)

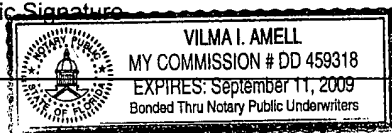
Page 2 of 2

STATE OF Florida
COUNTY OF Manatee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 28th day of May, 2007 by
Elias Vassilaros (name of person providing oath or affirmation), who is personally known to me or
who has produced _____ (type of identification) as identification.

Notary Public Signature

Seal



Vilma I. Amell

Name typed, printed or stamped

DD459318

Commission number

Pages 11 of 12

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**EXHIBIT PH-2.B.1
DISCLOSURE OF INTEREST FORM FOR:**

23-45-25-00-00001.0000;
23-45-25-06-00000.0090;
STRAP NO. 23-45-25-06-0000A.00CE **CASE NO.** _____

1. If the property is owned in fee simple by an **INDIVIDUAL**, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership

2. If the property is owned by a **CORPORATION**, list the officers and stockholders and the percentage of stock owned by each.

Name and Address	Percentage of Stock
Lex-Worth Korp, Inc.	50% (See Attached Breakdown)
The Worthington Group	50% (See Attached Breakdown)

3. If the property is in the name of a **TRUSTEE**, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest

4. If the property is in the name of a **GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP**, list the names of the general and limited partners.

Name and Address	Percentage of Ownership

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COMMUNITY DEVELOPMENT

DCI 2007-00054

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Stock

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: _____

John P. Asher

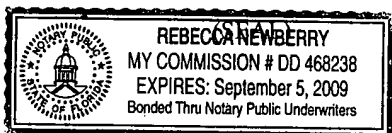
(Applicant)

John P. Asher, Vice President, Worthington Holdings Southwest, LLC

(Printed or typed name of applicant)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 19th day of June 20 07
by JOHN ASHER who is personally known to me or who has produced
_____ as identification.



Rebecca Newberry
Signature of Notary Public

REBECCA NEWBERRY
Printed Name of Notary Public

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Page 2 of 2

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COMMUNITY DEVELOPMENT

EXHIBIT II - E
DISCLOSURE OF OWNERSHIP INTEREST FORM FOR:

STRAP NO. 23-45-25-00-00001.0010 & 23-45-25-00-00001.0030 CASE NO. _____

1. If the property is owned in fee simple by an INDIVIDUAL, tenancy by the entirety, tenancy in common, or joint tenancy, list all parties with an ownership interest as well as the percentage of such interest.

Name and Address	Percentage of Ownership
Arborwood Community Development District , a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes	100%
c/o Development Planning & Financing Group, Inc. (Manager)	
1801 Lee Road, Suite 255	
Winter Park, Florida 32789	

2. If the property is owned by a CORPORATION, list the officers and stockholders and the percentage of stock owned by each.

Name, Address, and Office	Percentage of Stock
_____	_____
_____	_____
_____	_____
_____	_____

3. If the property is in the name of a TRUSTEE, list the beneficiaries of the trust with percentage of interest.

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____

4. If the property is in the name of a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners.

Name and Address	Percentage of Interest
_____	_____
_____	_____
_____	_____
_____	_____

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Page 1 of 2

5. If there is a CONTRACT FOR PURCHASE, whether contingent on this application or not, and whether a Corporation, Trustee, or Partnership, list the names of the contract purchasers below, including the officers, stockholders, beneficiaries, or partners.

Name and Address	Percentage of Interest

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address	

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final certificate of compliance, a supplemental disclosure of interest must be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

Signature: _____
(Applicant)

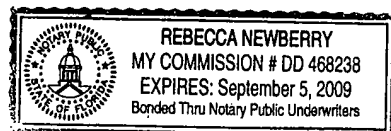
John P. Asher, Chairman
(Printed or typed name of applicant)

STATE OF FLORIDA

COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 19th day of June 2006, by John P. Asher, as Chairman of the Arborwood Community Development District, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

(SEAL)



Rebecca Newberry
Notary Public

REBECCA NEWBERRY
(Name typed, printed or stamped)

Page 2 of 2

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Ownership of Lex-Worth Korp, Inc.**% Ownership**

Deborah Liebert Karl	10%
Stephanie C. Pavone Trust, dated 11/2/98	10%
Deborah Liebert Karl, Trustee of the Jack W. Liebert Family Trust No.1 UAD 6/7/82 FBO Jessica Pavone	10%
Janice M. Wilson	10%
Janice M. Wilson, Trustee of the Jack W. Liebert Family Trust No. 2 UAD 6/7/82 FBO Ryan Wilson	10%
Janice M. Wilson, Trustee of the Jack W. Liebert Family Trust No. 2 UAD 6/7/82 FBO Jacqueline Wilson	10%
GLenn W. Liebert	10%
Glenn W. Liebert, Trustee of the Jack W. Liebert Family Trust No. 3 UAD 6/7/82 FBO Jason Liebert	10%
Glenn W. Liebert, Trustee of the Jack W. Liebert Family Trust No. 3 UAD 6/7/82 FBO Melissa Liebert	10%
Glenn W. Liebert, Trustee of the Jack W. Liebert Family Trust No. 3 UAD 6/7/32 FBO Ashley Liebert	10%
	<hr/> 100% <hr/>

Ownership of The Worthington Group of Southwest Florida, Inc.**% Ownership**

Jeff Darragh	50%
John Gnagey	50%
	<hr/> 100% <hr/>

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EXHIBIT PH-1.C.2

ADDITIONAL AGENTS

**EXHIBIT PH-1.C.2
ADDITIONAL AGENTS**

Company Name:		CPH Engineers, Inc.					
Contact Person:		Paul Katrek, P.S.M.Survey Project Manager					
Address:		Street : P.O. Box 2808					
		City:		State:		Zip:	
		Sanford		Florida		32772-2808	
Phone: Area Code:		407		Number:		322.6841	
				Ext:			
Fax: Area Code:		407		Number:		330.0639	
E-mail address:							

Company Name:		TR Transportation Consultants, Inc.					
Contact Person:		Ted B. Treesh					
Address:		Street : 13881 Plantation Road, Suite 11					
		City:		State:		Zip:	
		Fort Myers		Florida		33912	
Phone: Area Code:		239		Number:		278.3090	
				Ext:			
Fax: Area Code:		239		Number:		278.1906	
E-mail address:		tbt@trtrans.net					

Company Name:		Pavese Law Firm					
Contact Person:		Neale Montgomery, Esq.					
Address:		Street : 1833 Hendry Street					
		City:		State:		Zip:	
		Fort Myers		Florida		33901	
Phone: Area Code:		239		Number:		336.6235	
				Ext:			
Fax: Area Code:		239		Number:		334.3529	
E-mail address:		Email: NealeMontgomery@paveselaw.com					

Company Name:							
Contact Person:							
Address:		Street :					
		City:		State:		Zip:	
Phone: Area Code:				Number:		Ext:	
Fax: Area Code:				Number:			
E-mail address:							

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EXHIBIT PH-1.B.2

Authorization Forms

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PART 1 AFFIDAVIT A2
(EXHIBIT PH-1.B.2)

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY
(L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, * Elias Vassilaros, as Executive V.P. of DP-TA Associates, Ltd., swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code.
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

DP-TA Associates, Ltd., A Florida Limited Partnership

*Name of Entity (corporation, partnership, LLP, LC, etc)

By: **Newcaster Devcorp, Inc.,**
A Florida Corporation

Elias Vassilaros
Signature

Elias Vassilaros

(Type or printed name)

Executive Vice President

(title of signatory)

STATE OF Florida
COUNTY OF Miami-Dade

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 8th day of May, 2007 by Elias Vassilaros (name of person providing oath or affirmation), who is personally known to me or who has produced — (type of identification) as identification.

Vilma I. Amell
Notary Public Signature
VILMA I. AMELL
MY COMMISSION # DD 459318
EXPIRES: September 11, 2009
Bonded Thru Notary Public Underwriters

Seal

Vilma I. Amell

Name typed, printed or stamped

DD 459318

Commission number

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COMMUNITY DEVELOPMENT

DCI 2007-00054

PART 1 AFFIDAVIT A2
(EXHIBIT PH-1.B.2)

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED
COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, * Jon Shaughnessy as Vice President of
Wachovia Bank, N.A., swear or affirm under oath, that I am the owner
or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Wachovia Bank, N.A.
*Name of Entity (corporation, partnership, LLP, LC, etc)

[Signature]
Signature

Jon Shaughnessy
(Type or printed name)

Vice President
(title of signatory)

STATE OF Florida
COUNTY OF Duval

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 06/26/07 (date) by
Jonathan Shaughnessy (name of person providing oath or affirmation), who is personally known
to me or who has produced _____ (type of identification) as identification.

[Signature]
Signature of person taking oath or affirmation

NOTARY PUBLIC
JANE M. KNUDSEN
MY COMMISSION # DD 531523
EXPIRES: April 26, 2010
Bonded Thru Budget Notary Services
Name typed _____ or stamped _____

Notary Public
Title or rank

Serial number, if any _____

*Notes:

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

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(Updated 08/2006 - thru Ord. 09-29) P:\WEBPage\...Public Hearing Submittal Requirements

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AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED
COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

COMMUNITY DEVELOPMENT

**AFFIDAVIT FOR ADMINISTRATIVE ACTION
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT**

I, John P. Asher, as Chairman of the Arborwood Community Development District, a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes, swear or affirm under oath, that it is the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.



Signature

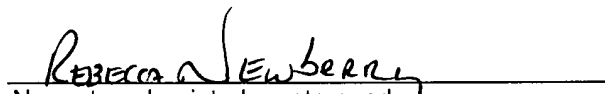
John P. Asher, Chairman
(Type or Printed name)

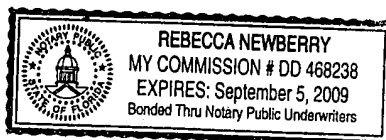
State of Florida
County of Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 19th day of June, 2007, by John P. Asher as Chairman of the Arborwood Community Development District, who is personally known to me or who has produced _____ (type of identification) as identification.

DCI 2007-00054


Signature of person taking oath or affirmation
Notary Public
Title or Rank


Name typed, printed, or stamped



Serial number, if any
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COMMUNITY DEVELOPMENT

PART 1 AFFIDAVIT A2
(EXHIBIT PH-1.B.2)

AFFIDAVIT FOR PUBLIC HEARING
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED
COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, *John P. Asher as Vice President of Worthington Holdings Southwest, LLC, a Florida limited liability company, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I am hereby authorizing the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Worthington Holdings Southwest, LLC

*Name of Entity (corporation, partnership, LLP, LC, etc)

John P. Asher
Signature

John P. Asher

(Type or printed name)

Vice President
(title of signatory)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 19th day of June, 2007 by John P. Asher, who is personally known to me or who has produced _____ (type of identification) as identification.

Rebecca Newberry
Signature of person taking oath or affirmation

REBECCA NEWBERRY
Name typed, printed or stamped

Notary Public
Title or rank



*Notes:

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

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PART 7 - SUBMITTAL REQUIREMENTS

Copies* Required	Exhibits	Item
PUBLIC HEARING APPLICATION FORM		
15 ✓		Public Hearing Application Form (Application for Public Hearing for Zoning Action Form, OR, if a DRI with Rezoning, submit Application for Public Hearing for a DRI Form). [34-373(a)(1)]
1		Application Fee. [34-373(a)(2)]
DESCRIPTION OF EXISTING CONDITIONS		
M/A	D-1-B	Historical or Archaeological sites: The nature and location of any known or recorded historical or archaeological sites as listed on the Florida Master Site File or the Lee County Historical Site Survey, and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. The plan must show the outline of historic buildings and approximate extent of archaeological sites. A description of proposed improvements that may impact archaeological or historical resources must also be provided. [34-373(a)(4)h.]
15 ✓	D-1-C	Public Transit. A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. [34-373(a)(4)g.]
5 ✓	D-7-A	A Boundary Survey , prepared and sealed by a professional surveyor, that meets the minimum technical standards set forth in chapter 61G-17-6, F.A.C. The boundary survey must identify and depict all easements effecting the subject property, whether recorded or unrecorded, and all other physical encumbrances readily identified by a field inspection. [34-373(a)(4)a.]
15 ✓	D-7-B	Area Location Map (on 8.5" x 11" paper). A map marked to show the location of the property to be developed in relation to arterial and collector streets <u>as well as the location of existing easements and rights-of-way on or abutting the property.</u> [34-373(a)(4)b.]
15 ✓	D-7-C	Existing Zoning and Current Land Uses. A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet. [34-373(a)(4)c.]
15 ✓	D-7-D	Aerial Photograph with the site clearly delineated. [34-373(a)(4)d.] Originals only - photocopies are not acceptable.
4 ✓	D-7-E	Soils Map. Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. [34-373(a)(4)e.i.]
4 ✓	D-7-F	FLUCCS Map. A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)e.ii.]
4 ✓	D-7-G	Rare & Unique Upland Habitat Map. Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. [34-373(a)(4)e.iii.]
4 ✓	D-7-H	Topographic Map. A County topographic map (if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)e.iv.]
4 ✓	D-7-I	Existing and Historic Flow-Ways Map. Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. [34-373(a)(4)e.v.]

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COMMUNITY DEVELOPMENT

NARRATIVE COMPLIANCE STATEMENTS		
15 ✓	D-7-J	LEE Plan Compliance. A narrative explanation as to how the proposed development complies with the LEE Plan. [34-373(a)(5)]
3 ✓	D-7-K	Design Standards Compliance. A narrative explanation as to how the proposed development complies with the Design Standards set forth in LCLDC Section 34-411. [34-373(a)(5)]
3 ✓	D-7-L	Decision-Making Compliance. A narrative explanation as to how the proposed development complies with the guidelines for decision-making embodied in LCLDC Sections 34-145(c)(2)a & e. and 34-145(d)(3). [34-373(a)(5)]
MASTER CONCEPT PLAN		
2 & 15 ✓	D-7-M.1 (24X 36) & D-7-M.2 (11 X 17)	Master Concept Plan, Non-PRFPD . A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a - i. Copies of the Master Concept Plan must be provided in two sizes, 24" x 36" (2 copies), and 11" x 17" (15 copies - 2 originals required) in size and must clearly legible and drawn at a scale sufficient to adequately show and identify the required information. {See Instructions, Part 7, below.} [34-373(a)(6)]
15 ✓	D-7-N	Master Concept Plan, PRFPD : A clearly legible drawing, no less than 24" x 36" in size and drawn at a scale sufficient to adequately show and identify the information required by LCLDC Section 34-941(g). {See Instructions, Part 7, below.} [34-941(g)]
5 ✓	D-7-O	Traffic Impact Statement. A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. [34-373(a)(7)] TIS is not required for an existing development. [34-341(b)(2)d.1.]
15 ✓	D-7-P	Schedule of Uses. A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8). [34-373(a)(8)]
15 ✓	D-7-Q	Schedule of Deviations and Written Justification. A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan. The location of each requested deviation must be located/shown on the Master Concept Plan. Deviation documentation and detail drawings including sample detail drawings must be provided illustrating how each deviation will operate to the benefit, or at least not to the detriment, of the public interest. [34-373(a)(9); 34-412(a)]
ADDITIONAL REQUIREMENTS FOR MAJOR PDs		
4 ✓	D-7-R	Surface Water Management Plan A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1)a. - e. [34-373(b)(1)]
15 ✓	D-7-S	Phasing program. If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. [34-373(b)(3)]
ADDITIONAL REQUIREMENTS FOR LARGE PROJECTS		
4 ✓	D-7-T	Protected species survey. A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. [34-373(b)(2)]
ADDITIONAL REQUIREMENTS FOR AMENDMENTS TO BUILT PLANNED DEVELOPMENTS		
4	D-7-U	Proof of Notice to Other Property Owners. The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. [34-373(c)]

ADDITIONAL REQUIREMENTS FOR DRIs		
15	D-7-V	Binding letter of interpretation from DCA or a complete and sufficient ADA (See also Application for Public Hearing for DRI Form) [34-373(d)(2)]
ADDITIONAL EXHIBITS - PRFPDs		
4	D-7-W	Conceptual Surface Water Management Plan. A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. [34-941(d)(3)b.i.1)]
15	D-7-X	Well Drawdown Information. If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. [34-941(d)(3)d.]
15	D-7-Y	Preliminary Indigenous Restoration Plan. A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. [34-941(e)(5)f.iii.]
15	D-7-Z	Environmental Assessment. An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. [34-941(g)(2)]
15+	D-7-AA	Demonstration of Compatibility. Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. [34-941(g)(4)]

* At least one copy must be an original.



LEE COUNTY
SOUTHWEST FLORIDA

PUBLIC HEARING
SUPPLEMENT D

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COMMUNITY DEVELOPMENT

ADDITIONAL REQUIRED INFORMATION FOR
A PLANNED DEVELOPMENT APPLICATION
UNINCORPORATED LEE COUNTY

Case Number:

Project Name: Arborwood Village Minor CPD

Applicant's Name: DP-TA Associates, LTD., a Florida Partnership

STRAP Number(s):	23-45-25-06-00000.0010	23-45-25-06-00000.0030
	23-45-25-06-00000.0020	23-45-25-06-00000.0040
	23-45-25-06-00000.0050	23-45-25-06-00000.0070
	23-45-25-06-00000.0060	23-45-25-06-00000.0080
	23-45-25-06-00000.0090	23-45-25-06-0000A.00CE
		23-45-25-06-000A1.00CE
	23-45-24-06-0000B.00CE	23-45-25-00-00001.0000
	23-45-25-00-00001.0010	23-45-25-00-00001.0030

Select one application type only

- ☐ DRI (rezoning required)
- ☐ DCI-Major
- ☒ DCI-Minor
- ☐ DCI-Minor - Existing Development ⁽¹⁾
- ☐ DCI-Minor - Amendment to approved Master Concept Plan ⁽²⁾
- ☐ Amendment to built Planned Development meeting DCI threshold ⁽³⁾
- ☐ PRFPD in Private Recreational Facilities Overlay Area [(34-341(a)(2))]

Notes:

- (1) Existing development. A development that has already been developed but does not conform to the regulations for a conventional district and is requesting a rezoning to a Planned Development classification. It will be reviewed in the same manner as a minor Planned Development except that a Traffic Impact Statement will not be required. [34-341(b)(2)d.1.]
- (2) Amendments to approved Master Concept Plan. Application to amend an approved major or minor Master Concept Plan or its attendant documentation, or for the extension of a vacated Master Concept Plan originally approved prior to December 2, 1991 will be treated procedurally as minor Planned Developments. These applications will require only as much information, as deemed necessary by the Director, needed to describe the changes requested, to specify the incremental change in impacts expected from the amendment, and to detail the changes in development, environment and background (surrounding land use, traffic volumes, water, wastewater and other service availability, etc.), that have

DC 2007-00054

occurred since the original application. [34-341(b)(2)d.2.]

- (3) Amendments to built Planned Developments (PD). Any part or all of a Planned Development which is built may be the subject of an application for a variance or other approval covered by the provisions of the Lee County Land Development Code (LCLDC) wherein the subject property is the only part of the original Planned Development for which the approval is sought. If the subject property meets the threshold for a Development of County Impact (DCI), it will be reviewed in accordance with the provisions in the LCLDC which apply to Developments of County Impact. If the subject property is not a Development of County Impact, it will be reviewed in accordance with the provisions in the LCLDC which apply to conventional zoning districts. In either case, the applicant will be the owner of the subject property and the consent of the owners of the remainder of the original planned development will be unnecessary. However, these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property.

For purposes of this subsection, the term "built" means that all of the roads, utilities, buffering, open space, surface water management features and structures, common space, common amenities, common landscaping, gatehouses, entrance signs, entrance ways and other similar items identified as part of the final approved Master Concept Plan have been constructed and acknowledged by the County as complete. In the case of Residential Planned Developments or Mixed Developments which include residential structures, the term "built" does not mean that all residential structures must have been constructed on individual platted lots. [34-373(c)]

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585

**PART 1
GENERAL INFORMATION**

A. Comprehensive Plan Amendments (check one):													
<input checked="" type="checkbox"/>	There are NO LEE Plan Amendments pending that could affect the future use of this property.												
<input type="checkbox"/>	The following LEE Plan Amendments ARE pending and could affect the future use of this property. (List uses and brief explanation of their effect on this application):												
<input type="checkbox"/>													
<input type="checkbox"/>													
B. Archaeological/Historical (check one):													
<input checked="" type="checkbox"/>	There are NO known or recorded historical or archaeological sites on the property and no part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. [34-373(a)(4)h.]												
<input type="checkbox"/>	There are known or recorded historical or archaeological sites on the property or part of the property is located within a level 1 or level 2 zone of archaeological sensitivity pursuant to LCLDC Chapter 22 [22-106]. Attached as Exhibit D-1-B is a map indicating the nature and location of known or recorded historical or archaeological or areas of the property located within level 1 or level 2 zones of archaeological sensitivity including the outline of historic buildings and approximate extent of archaeological sites. [34-373(a)(4)h.]												
C. Public Transit (check one):													
<input type="checkbox"/>	Property is NOT within the Lee Tran public transit service area.												
<input checked="" type="checkbox"/>	Property is within the Lee Tran public transit service area. A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops must be provided. Label as Exhibit D-1-C .												
D. Density													
<input checked="" type="checkbox"/>	There are no residential dwelling units proposed for this development.												
<input type="checkbox"/>	The property is located within one or more Future Land Use categories. Density has been calculated in Part 3 of this application and is summarized below:												
<input type="checkbox"/>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;">Intensive Development</td> <td style="width: 50%; padding: 5px;">Proposed dwelling units</td> </tr> <tr> <td style="padding: 5px;">Central Urban</td> <td style="padding: 5px;">Proposed dwelling units</td> </tr> <tr> <td style="padding: 5px;">Urban Community</td> <td style="padding: 5px;">Proposed dwelling units</td> </tr> <tr> <td style="padding: 5px;">Suburban</td> <td style="padding: 5px;">Proposed dwelling units</td> </tr> <tr> <td style="padding: 5px;">Outlying Suburban</td> <td style="padding: 5px;">Proposed dwelling units</td> </tr> <tr> <td style="padding: 5px;">TOTAL</td> <td style="padding: 5px;">Proposed dwelling units</td> </tr> </table>	Intensive Development	Proposed dwelling units	Central Urban	Proposed dwelling units	Urban Community	Proposed dwelling units	Suburban	Proposed dwelling units	Outlying Suburban	Proposed dwelling units	TOTAL	Proposed dwelling units
Intensive Development	Proposed dwelling units												
Central Urban	Proposed dwelling units												
Urban Community	Proposed dwelling units												
Suburban	Proposed dwelling units												
Outlying Suburban	Proposed dwelling units												
TOTAL	Proposed dwelling units												

PART 2
TYPES OF LAND AREA ON PROPERTY

A. Gross Acres (total area within described parcel)				NA	Acres
1.		Submerged land subject to tidal influence:	Acres		
2.		Other non-freshwater Wetlands:	Acres		
3.		R-O-W providing access to non-residential uses:	Acres		
4.		Non-residential use areas ⁽¹⁾	Acres		
B.	Total area not eligible as gross residential acreage. Items A.1. + A.2 + A.3. + A.4.				Acres
C.	Gross residential acres. (A minus B) ⁽²⁾				Acres
D.	Gross residential acres by Land Use Category				
1.	a.	Intensive development - upland	Acres		
	b.	Intensive development - freshwater wetland	Acres		
2.	a.	Central Urban - upland	Acres		
	b.	Central Urban - freshwater wetland	Acres		
3.	a.	Urban Community or Suburban - upland	Acres		
	b.	Urban Community or Suburban freshwater wetland	Acres		
4.	a.	Outlying Suburban - upland	Acres		
	b.	Outlying Suburban - freshwater wetland	Acres		
5.	a.	Rural, Outer Island, Rural Community Preserve - upland	Acres		
	b.	Rural, Outer Island, Rural Community Preserve - freshwater wetland	Acres		
6.	a.	Open Lands - upland	Acres		
	b.	Open Lands - freshwater wetland	Acres		
7.	a.	DR/GR - upland	Acres		
	b.	DR/GR - freshwater wetland	Acres		
8.	a.	Wetlands - freshwater	Acres		
	b.	Wetlands - not freshwater	Acres		
9.	a.	New Community - Upland	Acres		
	b.	New Community - freshwater wetland	Acres		
10.	a.	University Community - upland	Acres		
	b.	University Community - freshwater wetland	Acres		
11.		TOTAL (should equal "C" above)	Acres		

NOTES:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included.
- (2) Lands to be used for residential uses including land within the development proposed to be used for streets and street rights of way, utility rights-of-way, public and private parks, recreation and open space, schools, community centers, and facilities such as police, fire and emergency services, sewage and water, drainage, and existing man-made waterbodies.

**PART 3
RESIDENTIAL DEVELOPMENTS
PRELIMINARY DENSITY CALCULATIONS***

- * Note: i. Complete only if living units are proposed in a Future Land Use Category.
 ii. If more than one classification, calculations for each classification must be submitted.
 iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Intensive Development Category				
1.	Preliminary Standard Units		Maximum standard density	Units
	a.	Total upland Acres (from Part 2, D.1.a.)	times 14 equals	NA
	b.	Total freshwater wetland Acres (from Part 2, D.1.b.)	times 14 equals	
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾		
2.	Maximum Permitted Units		Maximum permitted	Units
	a.	Total upland Acres (from Part 2, D.1.a.)	times 18 equals	
3.	Total allowed standard units (A.1.c. or A.2.a., whichever is less)			
4.	Bonus Units ⁽²⁾			
	a.	Low-moderate housing density:		
	b.	TDR units:		
	c.	Sub-total (A.4.a. plus A.4.b.)		
5.	Total Permitted Units (A.3. plus A.4.c.): ⁽¹⁾			

B. Central Urban Category				
1.	Preliminary Standard Units		Maximum standard density	Units
	a.	Total upland Acres (from Part 2, D.2.a.)	times 10 equals	
	b.	Total freshwater wetland Acres (from Part 2, D.2.b.)	times 10 equals	
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾		
2.	Maximum Permitted Units		Maximum permitted	Units
	a.	Total upland Acres (from Part 2, D.2.a.)	times 12.5 equals	
3.	Total allowed standard units (B.1.c. or B.2.a., whichever is less)			
4.	Bonus Units ⁽²⁾			
	a.	Low-moderate housing density:		
	b.	TDR units:		
	c.	Sub-total (B.4.a. plus B.4.b.)		
5.	Total Permitted Units (B.3. plus B.4.c.): ⁽¹⁾			

Notes:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.
 (2) If low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

C. Urban Community Category					
1.	Preliminary Standard Units		Maximum standard density		Units
	a.	Total upland Acres (from Part 2, D.3.a.)		times 6 equals	
	b.	Total freshwater wetland Acres (from Part 2, D.3.b.)		times 6 equals	
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾			
2.	Maximum Permitted Units		Maximum permitted		Units
	a.	Total upland Acres (from Part 2, D.3.a.)		times 8 equals	
3.	Total allowed standard units (C.1.c. or C.2.a, whichever is less)				
4.	Bonus Units ⁽²⁾				
	a.	Low-moderate housing density:			
	b.	TDR units:			
	c.	Sub-total (D.4.a. plus D.4.b.)			
5.	Total Permitted Units (C.3. plus C.4.c.): ⁽¹⁾				

Notes:

(1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

(2) If Low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

D. Suburban Category				
1.	Preliminary Standard Units		Maximum standard density	Units
	a.	Total upland Acres (from Part 2, D.3.a.)	times 6 equals	
	b.	Total freshwater wetland Acres (from Part 2, D.3.b.)	times 6 equals	
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾		
2.	Maximum Permitted Units		Maximum permitted	Units
	a.	Total upland Acres (from Part 2, D.3.a.)	times 8 equals	
3.	Total allowed standard units (D.1.c. or D.2.a., whichever is less)			

E. Outlying Suburban Category				
1.	Preliminary Standard Units		Maximum standard density	Units
	a.	Total upland Acres (from Part 2, D.4.a.)	times 3 equals	
	b.	Total freshwater wetland Acres (from Part 2, D.4.b.)	times 3 equals	
	c.	Preliminary Total Standard units (a. plus b.) ⁽¹⁾		
2.	Maximum Permitted Units		Maximum permitted	Units
	a.	Total upland Acres (from Part 2, D.4.a.)	times 4 equals ⁽¹⁾	
3.	Total allowed standard units (E.1.c. or E.2.a., whichever is less)			

Notes:

(1) Outlying Suburban land located north of the Caloosahatchee River and east of Interstate-75, north of Pondella Road and south of Pine Island Road (SR 78), and in the Buckingham area (see Goal 19 of the LEE Plan): the maximum upland density is two (2) units per acre plus one (1) for a total of three (3) units per acre.

PART 4
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES,
HOTELS & MOTELS
PRELIMINARY INTENSITY CALCULATIONS

A.	Commercial		Habitable Stories	Height	Total Floor Area	
A.1.		Medical				Sq. Ft.
A.2.		General Office			42,000	Sq. Ft.
A.3.		Retail			250,000	Sq. Ft.
A.4.		Other			10,000	Sq. Ft.
A.5.		TOTAL FLOOR AREA	1	Max 45'	302,000	Sq. Ft.
B.	Industrial		Habitable Stories	Height	Total Floor Area	
B.1.		Under Roof				Sq. Ft.
B.2.		Not under Roof	NA			Sq. Ft.
B.3.		TOTAL FLOOR AREA				Sq. Ft.
C.	Mining			Depth	Total Acres	
C1.		Area to be excavated	NA			Acres
D.	Assisted Living Facilities					
			Habitable Stories	Height	Total Number of Beds/Units	
D.1.		Dependent Living Units				Beds/Units
D.2.		Independent Living Units				Beds/Units
D.3.		TOTAL BEDS/UNITS				Beds/Units
E.	Hotels/Motels					
		Room Size	Habitable Stories	Height	Number of Rental Units	
E.1.		< 425 sq. ft.			120	Units
E.2.		426-725 sq. ft.				Units
E.3.		725 < sq. ft.				Units
E.4.		TOTAL UNITS			120	Units

**PART 5
ENVIRONMENTAL ISSUES**

A. Topography: Describe the range of surface elevations of the property:

Infrastructure Improvements are currently underway (DOS 2005-00356)

B. Sensitive Lands: Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473].

This amendment does not propose or affect any Preserve or Wetland areas. South Florida Water Management District
(SFWMD) and ACOE permits obtained (DOS 2005-00356).

C. Preservation/Conservation of Natural Features: Describe how the lands listed in PART 4.B. above will be protected by the completed project:

Environmentally sensitive areas on the project site will not be affected by the proposed project .

D. Shoreline Stabilization: If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

NA

PART 6
SANITARY SEWER & POTABLE WATER FACILITIES

- A. **Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:

NA

- B. **Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:

1. Method and degree of treatment:

NA

2. Quality of the effluent:

3. Expected life of the facility:

4. Who will operate and maintain the internal collection and treatment facilities:

5. Receiving bodies or other means of effluent disposal:

continued

C. **Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

NA

2. Current water table conditions:

3. Proposed rate of application:

4. Back-up system capacity:

EXHIBIT PH-3.A.1

STRAP NUMBER LISTING

EXHIBIT PH-3-A-1

List of Strap Numbers

23-45-25-06-00000.0010

23-45-25-06-00000.0020

23-45-25-06-00000.0030

23-45-25-06-00000.0040

23-45-25-06-00000.0050

23-45-25-06-00000.0060

23-45-25-06-00000.0070

23-45-25-06-00000.0080

23-45-25-06-00000.0090

23-45-25-06-0000A.00CE

23-45-25-06-000A1.00CE

23-45-25-06-0000B.00CE

23-45-25-00-00001.0000

23-45-25-00-00001.0010

23-45-25-00-00001.0030

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COMMUNITY DEVELOPMENT

DCI 2007-00054

SKETCH AND DESCRIPTION

LEGAL DESCRIPTION:

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 A 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.

A B B R E V I A T I O N L E G E N D :

P.R.M. - PERMANENT REFERENCE MONUMENT
P.O.C. - POINT OF COMMENCEMENT
P.C. - POINT OF CURVATURE
P.R.C. - POINT OF REVERSE CURVATURE
P.C.C. - POINT OF COMPOUND CURVATURE
P.T. - POINT OF TANGENCY
P.I. - POINT OF INTERSECTION
P.C.P. - PERMANENT CONTROL POINT
P.O.L. - POINT ON LINE
C.B. - CHORD BEARING
T.B. - TANGENT BEARING

C.M. - CONCRETE MONUMENT
P.B. - PLAT BOOK
Pg. - PAGE
N.R. - NON-RADIAL
RAD. - RADIAL
R. - RADIUS
L. - ARC LENGTH
Δ - DELTA
R/P. - RADIUS POINT
R/W. - RIGHT-OF-WAY
C. - CENTER LINE

EL. - ELEVATION
A/C - AIR CONDITIONER
TYP. - TYPICAL
U.E. - UTILITY EASEMENT
D.E. - DRAINAGE EASEMENT
F.F. - FINISHED FLOOR
B.S. - BUILDING SETBACK
C.B.S. - CONCRETE BLOCK STRUCTURE
(P) - PLAT
(M) - MEASURED
(C) - CALCULATED

CONC. - CONCRETE
C.L.F. - CHAIN LINK FENCE
W.F. - WOOD FENCE
C & G - CURB & GUTTER
CATV - CABLE TELEVISION RISER
TELE - TELEPHONE RISER
TRANS - TRANSFORMER PAD
L.P. - LIGHT POLE
P.P. - POWER POLE
N.G. - NATURAL GROUND
SQ. FT. - SQUARE FEET

W.M. - WATER METER
F.H. - FIRE HYDRANT
N & D - NAIL AND DISC
B.M. - BENCH MARK
P.V.M. - PAVEMENT
F.B. - FIELD BOOK
M.H. - MANHOLE
(A) - ACTUAL
NSI - NO SURVEYOR
IDENTIFICATION
FND - FOUND
REC - RECOVERED

Survey Notes:

1. "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER".
2. BEARINGS SHOWN HEREON ARE RELATIVE TO ASSUMED DATA AS BEING N 01° 01' 45" W ALONG THE WEST LINE OF SECTION 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST.
3. THE "LEGAL DESCRIPTION" HEREON WAS PROVIDED BY THE CLIENT.
4. THIS SKETCH & DESCRIPTION WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OR OPINION OF TITLE. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS NOTED.
5. THIS IS NOT A BOUNDARY SURVEY, THIS SKETCH AND DESCRIPTION WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR, NO FIELD SURVEY WAS PERFORMED TO DEFINE OWNERSHIP.

CLIENT: WAL-MART
PROJECT NUMBER: W13460
CADD DWG. FILE: W13460_68ACRE.dwg

NOT VALID WITHOUT SHEET 2
SHEET 1 OF 2

For the Firm By: 

Paul J. Kotrek
Professional Surveyor and Mapper
Florida Registration No. 6233

JUL 11 2007



Engineers
Planners
Landscape Architects
Surveyors
Construction Management

www.cphengineers.com

500 West Fulton Street, Sanford, FL 32771 P.O. Box 2808, Sanford, FL 32772-2808
Phone: 407.322.6841 Fax: 407.330.0639

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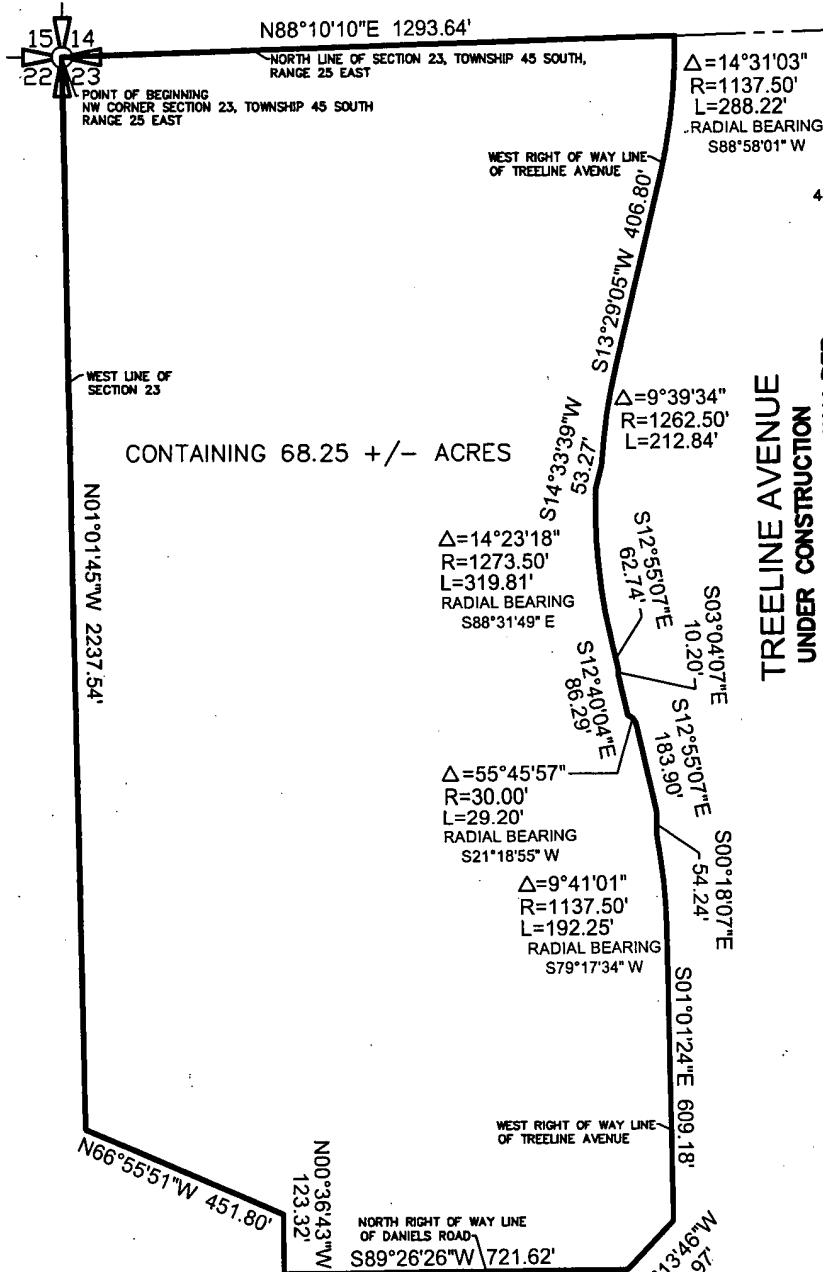
Surveyor's Certification:

I hereby certify that the attached "Sketch and Description" of the hereon-described property is true and correct to the best of my knowledge, information and belief as prepared under my direction on July 11, 2007. I further certify that this "Sketch and Description" meets the minimum technical standards set forth in Chapter 61g17-6 of the Florida Administrative Code.

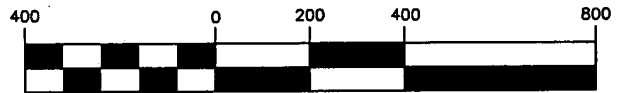
REVISION	BY	DATE
SKETCH OF DESCRIPTION	P.J.K.	7/11/07

Certificate of Authorization No. 7143

SKETCH AND DESCRIPTION



GRAPHIC SCALE



(IN FEET)

1 inch = 400 ft.

TREELINE AVENUE

UNDER CONSTRUCTION

(100' PUBLIC RIGHT-OF-WAY PER

INSTRUMENT #2007-19462)

O.R. BOOK 4788 PAGE 2150



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COMMUNITY DEVELOPMENT

DCI 2007-00054

DANIELS PARKWAY
(100' PUBLIC RIGHT-OF-WAY PER
INSTRUMENT #2007-19462)

NOT VALID WITHOUT SHEET 1
SHEET 2 OF 2

CLIENT: WAL-MART
PROJECT NUMBER: W13460
CADD DWG. FILE: W13460_68ACRE.dwg



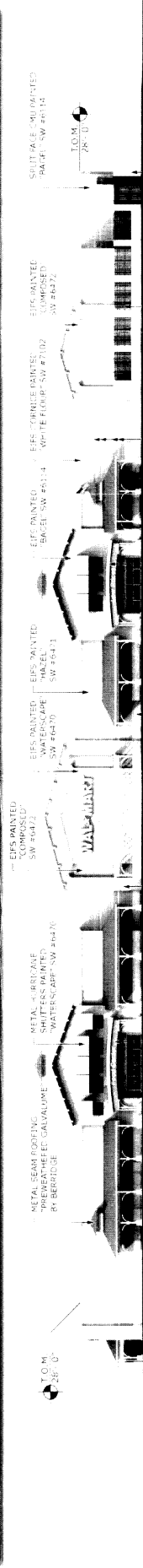
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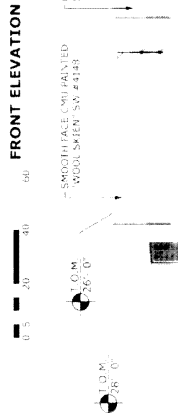
500 West Fulton Street, Sanford, FL 32771 P.O. Box 2808, Sanford, FL 32772-2808
Phone: 407.322.6841 Fax: 407.330.0639

REVISION	BY	DATE
SKETCH OF DESCRIPTION	P.J.K.	7/11/07

Certificate of Authorization No. 7143



FRONT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION



BUILDING SIGNAGE	HEIGHT	AREA
1. WALL MOUNTED	5' 0"	57.90 S.F.
2. SUPERCEILING	2' 0"	79.90 S.F.
3. FLOOR CENTER	2' 0"	20.42 S.F.
4. SIGN CENTER	2' 0"	17.25 S.F.
5. WALL	1' 0"	5.30 S.F.
6. TRAIL	1' 0"	0.84 S.F.
7. MEAT	1' 0"	11.89 S.F.
8. PR. CLOSET	1' 0"	16.56 S.F.
9. 1 HR. SHOT	1' 0"	10.29 S.F.
10. 10' CIPAL	1' 0"	14.56 S.F.
11. PARADISE	1' 0"	56.42 S.F.
12. CASHIER CENTER	1' 0"	

REPRESENTATION ONLY
NOT FOR CONSTRUCTION

BUILDING IMAGES SHOWN ARE A REPRESENTATION OF THE DESIGN INTENT AND MAY NOT REFLECT ANY SUBTLE VARIATIONS IN COLOR MATERIAL OR CONSTRUCTION THAT MAY BE OBSERVED ON FINAL MATERIALS. REFERENCES: AND FINAL DESIGN: C&L INC.

WAL★MART

Ft. Myers (SE), FL

#5746

10/05/07

**DAN-TREE COMMERCIAL CENTER
LEE COUNTY PROTECTED SPECIES SURVEY**

**April 2003
Revised July 2005**

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COMMUNITY DEVELOPMENT

Prepared For:

Hole Montes, Inc.
6202 Presidential Court
Suite F
Fort Myers, Florida 33919
(239) 985-1200

Prepared By:

Passarella and Associates, Inc.
9110 College Pointe Court
Fort Myers, Florida 33919
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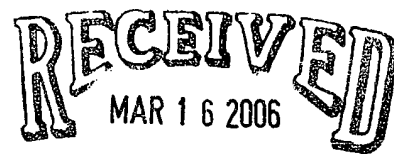
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INTRODUCTION

Passarella and Associates, Inc. conducted a protected species survey for the Dan-Tree Commercial Center property. The purpose of the survey was to review the site for Lee County protected species as outlined in Lee County's Land Development Code (LDC) Chapter 10, Article III, Division 8 (Protection of Habitat).

The Dan-Tree Commercial Center property totals 68.19± acres and is located in Section 23, Township 45 South, Range 25 East, Lee County (Figure 1). The project site is located on the north side of Daniels Parkway and west side of Treeline Boulevard. The property consists primarily of disturbed, forested land with a large borrow area in the central northern portion of the property.

The surrounding land uses consist of roads and forested lands located to the east. Daniels Parkway runs along the southern portion of the property, with a Florida Department of Transportation (FDOT) rest stop located on the west side of the property.

LAND USES AND COVER TYPES

Land uses and cover types for the property were determined using 2002 rectified Lee County aerials (1" = 200') and on-site field surveys conducted on April 4, 2003. During the surveys, lines were drawn on an aerial delineating the different vegetation associations on-site. These delineations were classified based on the nomenclature of the Florida Land Use, Cover and Forms Classification System (FLUCFCS), Levels III and IV (FDOT 1999). The FLUCFCS map is provided as Figure 2. Table 1 outlines the various cover types delineated on-site and their associated acreages, while a brief description of each of the FLUCFCS classifications follows. The FLUCFCS delineations depicted on a 2002 aerial photograph are provided as Appendix A.

Table 1. Vegetation Associations and Land Use Acreages

FLUCFCS Code	Description	Acreage	Percent of Total
4119 E2	Pine Flatwoods, Disturbed (25 - 49% Exotics)	24.38±	35.8
4119 E3	Pine Flatwoods, Disturbed (50 - 75% Exotics)	0.17±	0.2
424	Melaleuca	0.94±	1.4
4241	Melaleuca, Hydric	7.68±	11.3
6219 E2	Cypress, Disturbed (25 - 49% Exotics)	2.49±	3.7
6219 E3	Cypress, Disturbed (50 - 75% Exotics)	1.31±	1.9
6259 E1	Hydric Pine Flatwoods, Disturbed (0 - 24% Exotics)	1.27±	1.9
6259 E2	Hydric Pine Flatwoods, Disturbed (25 - 49% Exotics)	2.59±	3.8

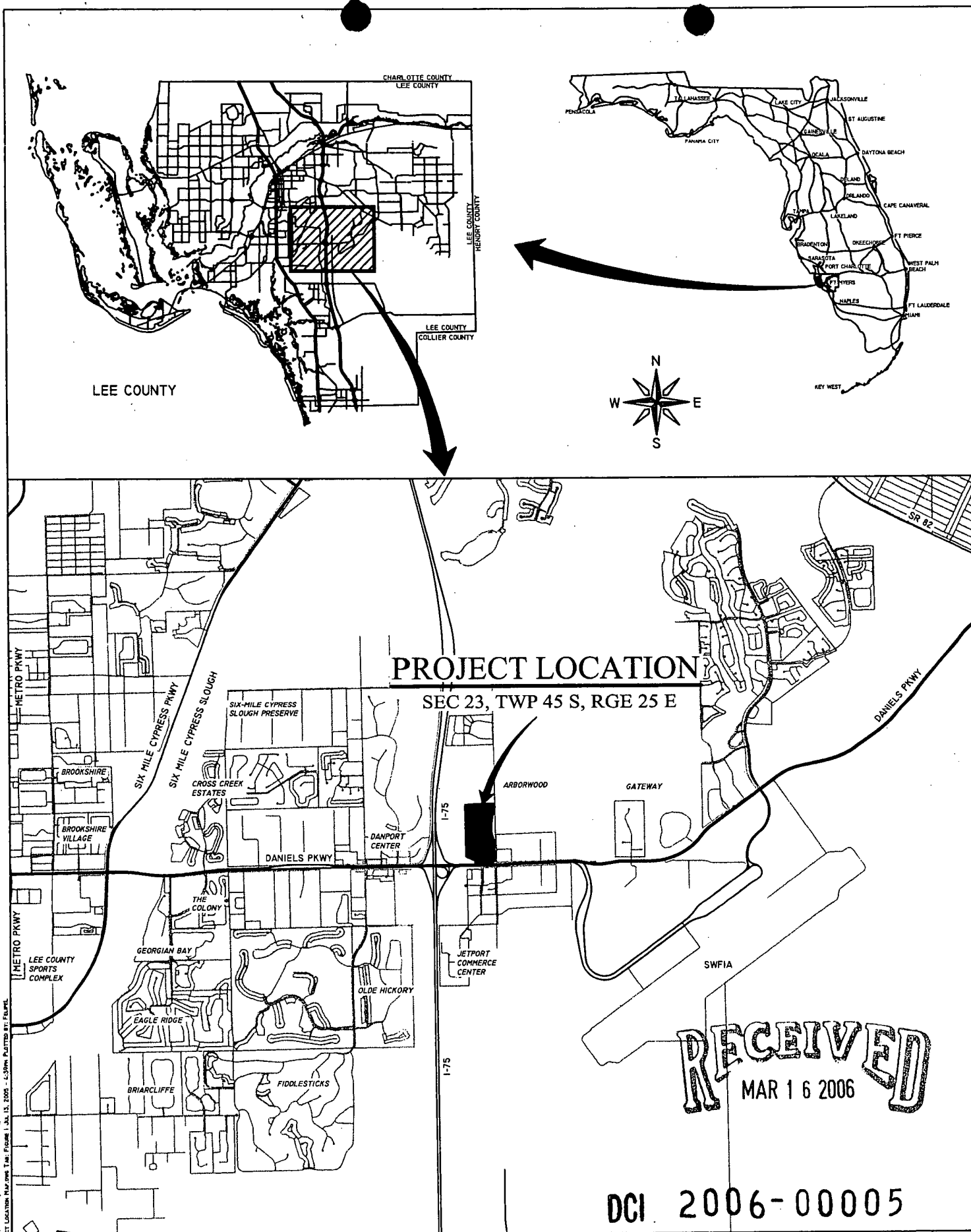


FIGURE 1. PROJECT LOCATION MAP
DAN-TREE COMMERCIAL CENTER

PASSARELLA and ASSOCIATES, INC.

Consulting Ecologists

DRAWN BY: D.B.

DATE: 6/21/05

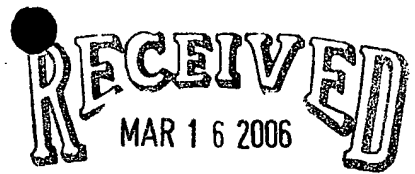


Table 1. (Continued)

FLUCFCS Code	Description	Acreage	Percent of Total
6412	Cattail Marsh	5.62±	8.2
7401	Disturbed Land, Hydric	0.18±	0.3
742	Borrow Area	20.82±	30.5
743	Spoil Area	0.74±	1.1
TOTAL		68.19±	100.0

Pine Flatwoods, Disturbed (25 - 49% Exotics) (FLUCFCS Code 4119 E2)

This upland habitat totals 24.38± acres or 35.8 percent of the property. The canopy contains slash pine (*Pinus elliottii*) and scattered melaleuca (*Melaleuca quinquenervia*). The sub-canopy consists of slash pine, cabbage palm (*Sabal palmetto*), melaleuca, and Brazilian pepper (*Schinus terebinthifolius*). The ground cover includes saw palmetto (*Serenoa repens*), staggerbush (*Lyonia fruticosa*), caesar-weed (*Urena lobata*), and black root (*Pterocaulon virgatum*).

Pine Flatwoods, Disturbed (50 - 75% Exotics) (FLUCFCS Code 4119 E3)

This upland habitat totals 0.17± acre or 0.2 percent of the property. The vegetative composition of this habitat is similar to that of FLUCFCS Code 4119 E2 except that there is a greater density of melaleuca in the canopy and melaleuca and Brazilian pepper in the sub-canopy.

Melaleuca (FLUCFCS Code 424)

This upland habitat totals 0.94± acre or 1.4 percent of the property. The canopy contains greater than 75 percent aerial coverage of melaleuca with scattered slash pine. The sub-canopy includes melaleuca and Brazilian pepper. The ground cover is mostly open with little blue maidencane (*Amphicarpum muhlenbergianum*), rush fuirena (*Fuirena scirpoidea*), and scattered gulfdune paspalum (*Paspalum monostachyum*).

Melaleuca, Hydric (FLUCFCS Code 4241)

This wetland community totals 7.68± acres or 11.3 percent of the property. This vegetative composition of this habitat is similar to that of FLUCFCS Code 424 except that the canopy contains scattered bald cypress (*Taxodium distichum*).

Cypress, Disturbed (25 - 49% Exotics) (FLUCFCS Code 6219 E2)

This wetland community totals 2.49± acres or 3.7 percent of the property. The canopy is dominated by bald cypress with melaleuca. The sub-canopy includes cabbage palm, Brazilian pepper, and bald cypress. The ground cover consists of swamp fern (*Blechnum serrulatum*), little blue maidencane, juniper leaf (*Polypremum procumbens*), and cogon grass (*Imperata cylindrica*).

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Cypress, Disturbed (50 - 75% Exotics) (FLUCFCS Code 6219 E3)

This wetland community totals 1.31± acres or 1.9 percent of the property. The vegetative composition of this habitat is similar to that of FLUCFCS Code 6219 E2 except that there is a greater density of melaleuca in the canopy and melaleuca and Brazilian pepper in the sub-canopy.

Hydric Pine Flatwoods, Disturbed (0 - 24% Exotics) (FLUCFCS Code 6259 E1)

This wetland community occupies 1.27± acres or 1.9 percent of the property. The canopy is dominated by slash pine with scattered melaleuca. The sub-canopy contains scattered Brazilian pepper, wax-myrtle (*Myrica cerifera*), and cabbage palm. Ground cover species include caesar-weed, finger grass (*Eustachys petraea*), and chocolate weed (*Melochia corchorifolia*)

Hydric Pine Flatwoods, Disturbed (25 - 49% Exotics) (FLUCFCS Code 6259 E2)

This wetland community totals 2.59± acres or 3.8 percent of the property. The vegetative composition of this habitat is similar to that of FLUCFCS Code 6259 E1 except that there is a greater density of melaleuca in the canopy and melaleuca and Brazilian pepper in the sub-canopy.

Cattail Marsh (FLUCFCS Code 6412)

This wetland community occupies 5.62± acres or 8.2 percent of the property. The canopy and sub-canopy are open. The ground cover is dominated by cattail (*Typha* spp.) with knotted spikerush (*Eleocharis interstincta*).

Disturbed Land, Hydric (FLUCFCS Code 7401)

This wetland community totals 0.18± acre or 0.3 percent of the property. The canopy is typically open with scattered slash pine. The sub-canopy contains slash pine and Brazilian pepper. The ground cover includes broomsedge (*Andropogon virginicus*), maidencane (*Panicum hemitomon*), chocolate weed, and saw grass (*Cladium jamaicense*).

Borrow Area (FLUCFCS Code 742)

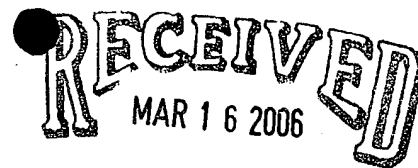
This "Other Surface Water" totals 20.82± acres or 30.5 percent of the property. The canopy and sub-canopy are open. The ground cover is generally open with cattail at the edges.

Spoil Area (FLUCFCS Code 743)

This upland land-use totals 0.74± acre or 1.1 percent of the property. The canopy is mostly open and the sub-canopy dominated by Brazilian pepper. Caesar-weed and Brazilian pepper dominate the ground cover.

METHODOLOGY AND DISCUSSION

Surveys for Lee County protected species are based on the presence of specific vegetation associations and habitat types noted on-site, as outlined in the LDC. The frequency of transects performed in these habitats, unless otherwise discussed, were designed to meet the 80 percent minimum coverage requirement. A cursory review was also conducted in those habitats not technically required to be surveyed per the LDC. Based on experience and past conversations



with Lee County's Environmental Sciences staff, these areas were reviewed for certain protected species as a precautionary measure. Table 2 outlines the protected species that may inhabit or utilize a particular vegetation association, according to the LDC, as well as those habitats reviewed as a precautionary measure.

Table 2. Potential Lee County Protected Species by Habitat Type

FLUCFCS Code And Description	Potential Protected Species
4119 Pine Flatwoods, Disturbed	Eastern Indigo Snake (<i>Drymarchon corais couperi</i>)
	Gopher Tortoise (<i>Gopherus polyphemus</i>)
	Gopher Frog (<i>Rana areolata</i>)
	Southeastern American Kestrel (<i>Falco sparverius paulus</i>)
	Red-Cockaded Woodpecker (<i>Picoides borealis</i>)
	Florida Panther (<i>Felis concolor coryi</i>)
	Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>)
	Florida Black Bear (<i>Ursus americanus floridanus</i>)
	Fakahatchee Burmannia (<i>Burmannia flava</i>)
	Satinleaf (<i>Chrysophyllum divaeforme</i>)
	Beautiful Pawpaw (<i>Deeringothamnus pulchellus</i>)
	Florida Coontie (<i>Zamia floridana</i>)
424 Melaleuca*	Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>)
4241 Melaleuca, Hydric*	
6219 Cypress, Disturbed	American Alligator (<i>Alligator mississippiensis</i>)
	Gopher Frog (<i>Rana areolata</i>)
	Limpkin (<i>Aramus guarauna</i>)
	Little Blue Heron (<i>Egretta caerulea</i>)
	Snowy Egret (<i>Egretta thula</i>)
	Tricolored Heron (<i>Egretta tricolor</i>)
	Arctic Peregrine Falcon (<i>Falco peregrine tundris</i>)
	Woodstork (<i>Mycteria Americana</i>)
	Florida Panther (<i>Felis concolor coryi</i>)
	Everglades Mink (<i>Mustela vison evergladensis</i>)
	Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>)
	Florida Black Bear (<i>Ursus americanus floridanus</i>)
6259 Hydric Pine Flatwoods, Disturbed	Gopher Frog (<i>Rana areolata</i>)
	Little Blue Heron (<i>Egretta caerulea</i>)
	Snowy Egret (<i>Egretta thula</i>)
	Tricolored Heron (<i>Egretta tricolor</i>)
	Arctic Peregrine Falcon (<i>Falco peregrine tundris</i>)
	Woodstork (<i>Mycteria Americana</i>)**
	Everglades Mink (<i>Mustela vison evergladensis</i>)
	Big Cypress Fox Squirrel (<i>Sciurus niger avicennia</i>)

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Table 2. (Continued)

FLUCFCS Code And Description		Potential Protected Species
6412	Cattail Marsh	American Alligator (<i>Alligator mississippiensis</i>)
		Limpkin (<i>Aramus guarauna</i>)
		Little Blue Heron (<i>Egretta caerulea</i>)
		Reddish Egret (<i>Egretta rufescens</i>)
		Snowy Egret (<i>Egretta thula</i>)
		Tricolored Heron (<i>Egretta tricolor</i>)
		Florida Sandhill Crane (<i>Grus Canadensis pratensis</i>)
		Woodstork (<i>Mycteria Americana</i>)
		Snail Kite (<i>Rostrhamus sociabilis</i>)
		Everglades Mink (<i>Mustela vison evergladensis</i>)
7401	Disturbed Land, Hydric*	Gopher Tortoise (<i>Gopherus polyphemus</i>)
742	Borrow Area*	American Alligator (<i>Alligator mississippiensis</i>)
743	Spoil Area*	Gopher Tortoise (<i>Gopherus polyphemus</i>)

*Habitat surveyed for the species noted as a precautionary measure although not required per the LDC.

**Species surveyed for although not required per the LDC.

The protected species survey was conducted by Passarella and Associates, Inc. on April 4, 2003 and June 14, 2005. The type of survey utilized included meandering pedestrian transects, per Southern Biomes EIS methodology previously approved by Lee County. During the 2003 survey, the weather was partly cloudy with temperatures in the upper 70's and slight southwesterly winds. During the 2005 survey, the weather was mostly cloudy with temperatures in the lower 90's with a northeasterly breeze.

Visibility in the surveyed habitats varied due to the density of vegetation. A summary of the limits of visibility, length of transects walked, and percent of coverage by habitat type is provided in Table 3.

Table 3. Summary of Habitat Coverage

FLUCFCS Code and Description		Total Area (Acres)	Transects Total Length (Feet)	Average Visibility (Feet) ¹	Percent Coverage
4119	Pine Flatwoods, Disturbed	24.55	21,388	20	80
424	Melaleuca With Palmetto	0.94	819	20	80
4241	Melaleuca, Hydric	7.68	6,691	20	80
6219	Cypress, Disturbed	3.8	4,414	15	80
6259	Hydric Pine Flatwoods, Disturbed	3.86	4,484	15	80

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Table 3. (Continued)

FLUCFCS Code and Description		Total Area (Acres)	Transects Total Length (Feet)	Average Visibility (Feet) ¹	Percent Coverage
6412	Cattail Marsh	5.62	2,611	37.5	80
7401	Disturbed Land, Hydric	0.18	90	35	80
742	Borrow Area	20.82	2,902	125	80
743	Spoil Area	0.74	430	30	80

N/A = Not Applicable, per the LDC

¹Average visibility to one side of transect

SURVEY RESULTS

No species identified as endangered, threatened, or of special concern by Lee County, Florida Fish and Wildlife Conservation Commission, or the U.S. Fish and Wildlife Service were observed on site. During the June 2005 survey, a stick nest was observed in the Pine Flatwoods, Disturbed (25 - 49% Exotics) (FLUCFCS Code 4119 E2). The location of this nest is shown in Appendix A. While it is possible that this nest was built by a Big Cypress fox squirrel, no squirrels were observed during the survey. However, a grey squirrel was observed on the southern portion of the site during the April 2003 survey.

MANAGEMENT PLAN

No management plan is currently necessary as no listed species were noted on-site.

DCI 2006-00005

REFERENCES

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Florida Department of Transportation. 1999. Florida Land Use, Cover and Forms Classification System. Procedure No. 550-010-001-a. Third Edition.

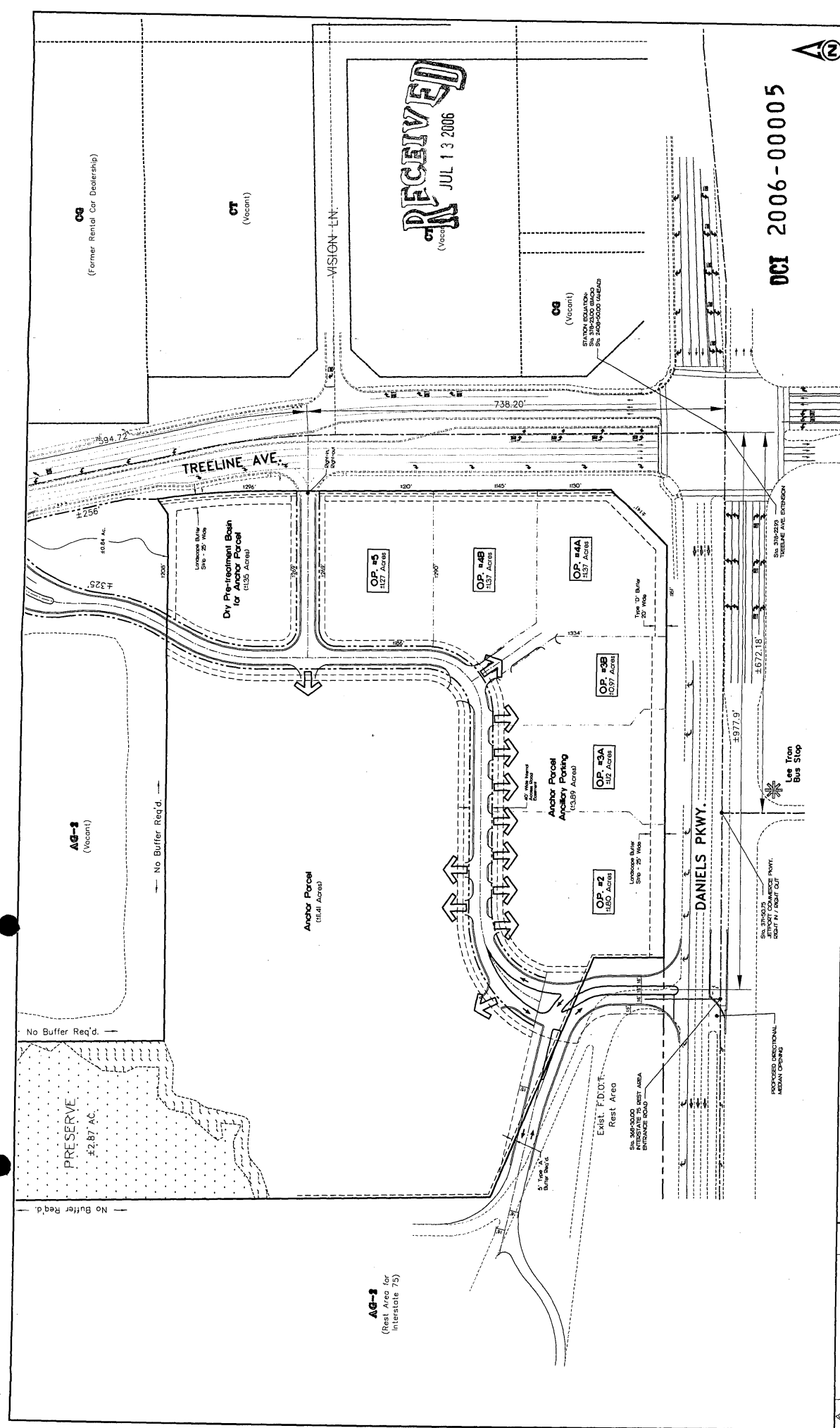
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APPENDIX A

**AERIAL WITH FLUCFCS AND WETLANDS
AND SPECIES LOCATION MAP**

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EXHIBIT D-7-T

PROTECTED SPECIES SURVEY

ECOLOGICAL ASSESSMENT

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SEP 06 2007

COMMUNITY DEVELOPMENT

DCI 2007-00054



February 14, 2007

Ref: W13460

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**Re: Preliminary Ecological Assessment
Wal-Mart Store #97558 Ft. Myers (Daniels) FL (approximately 19.8 acres)
Lee County, Florida**

Dear Mr. Satfield:

Per your request, CPH Engineers, Inc. (CPH), Environmental Services, conducted a preliminary ecological assessment for the above-referenced property. The purpose of the preliminary assessment is to provide: 1) a general estimate of the type and extent of upland habitat types and confirm the extent and configuration of areas expected to fall within the wetland regulatory jurisdiction of the U.S. Army Corps of Engineers (ACOE) and the South Florida Water Management District (SFWMD); 2) a preliminary review for protected wildlife (and plant) species occurrence based on direct observation during the field investigation; 3) quality of the on-site wetland habitats; 4) a preliminary mitigation analysis applicable to this property based on the information available; and 5) special environmental designations on or within close proximity to the subject property.

This letter report is also hereby certified to Wal-Mart Stores East, L.P., and its affiliates, successors, and assigns (hereinafter referred to collectively as "Wal-Mart"). Accordingly, Wal-Mart has a right to rely on this letter report and all of the contents therein as though it were issued to Wal-Mart directly.

The subject project is located in Section 23, Township 45 South, Range 25 East, Lee County, Florida (**Figure 1**). Vegetative associations and landscape descriptions were identified from aerial photography, the Soil Conservation Service (SCS) *Soil Survey of Lee County, Florida*, and groundtruthing. There are five soil classifications and three habitat classifications within the project boundary. The habitats and land uses are generally classified in accordance with The Florida Land Use, Cover and Forms Classification System (FLUCFCS), (FDOT 1999). CPH's on-site field investigation was conducted on February 8, 2007.

SOILS

The *Soil Survey of Lee County, Florida*, identifies five soil type mapped within the subject project boundaries (**Figure 2**). A summary of the characteristics of this soil type as described by the SCS is as follows:

Hallandale fine sand, 0 to 5 percent slopes

This is a nearly level, poorly drained soil found on low, broad flatwoods areas. Slopes are smooth and range from 0 to 2 percent. In most years, under natural conditions, the water table is less than 10 inches below the surface for 1 to 3 months. It recedes below the limestone for about 7 months. The available water capacity is low. Natural fertility is low. Permeability is moderate or moderately rapid.

Boca fine sand

This is a nearly level, poorly drained soil on flatwoods. Slopes are smooth and range from 0 to 2 percent. In most years, under natural conditions, the water table is within 10 inches of the surface for 2 to 4 months. It recedes below the limestone for about 6 months. The available water capacity is low in the surface and subsurface layers and medium in the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and moderate in the subsoil.

Immokalee sand

This is a nearly level, poorly drained soil found in flatwoods areas. Slopes are smooth to convex and range from 0 to 2 percent. In most years, under natural conditions, the water table is within 10 inches of the surface for 1 to 3 months and 10 to 40 inches below the surface for 2 to 6 months. It recedes to a depth of more than 40 inches during extended dry periods. The available water capacity is medium in the subsoil and very low in the surface and subsurface layers. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and moderate or moderately rapid in the subsoil.

Malabar fine sand

This is a nearly level, poorly drained soil on sloughs. Slopes are smooth to concave and range from 0 to 1 percent. In most years, under natural conditions, the water table is at a depth of less than 10 inches for 2 to 4 months. It is at a depth of 10 to 40 inches for more than 6 months, and it recedes to a depth of more than 40 inches during extended dry periods. During periods of high rainfall, the soil is covered by a shallow layer of slowly moving water for periods of about 7 to 30 days or more. The available water capacity is low in the surface and subsurface layers and the upper part of the subsoil and medium in the lower part of the subsoil. Natural fertility is low. Permeability is rapid in the surface and subsurface layers and the upper part of the subsoil and slow or very slow in the lower part of the subsoil.

Floridana sand, depressional

This is a nearly level, very poorly drained soil in depressions. Slopes are concave and less than 1 percent. In most years, under natural conditions, the water table is above the surface for 3 to 6 months. It is 10 to 40 inches below the surface during extended dry periods. The available water capacity is medium in the surface layer and subsoil and low in the subsurface layer. Natural fertility is medium. Permeability is rapid in the surface and subsurface layers and slow or very slow in the subsoil.

HABITAT TYPES

The following descriptive titles and FLUCFCS numbers assess the subject property's habitats and land uses that are presented on the enclosed aerial photography (Figure 3).

Commercial and Services, Under Construction, FLUCFCS No. 149

This land use classification describes the majority of the site – approximately 17.23 acres. At the time of the field investigation, this portion of the site had been cleared. Vegetative debris was in piles and being mulched in place. Recognizable vegetation consisted of pine and melaleuca trees. Low soil berms and silt fence surrounded the majority of this portion of the property. It is assumed the clearing was antecedent to construction.

Cypress, FLUCFCS No. 621

This habitat classification describes approximately 2.03 acres located in the northwest corner of the site and is composed of cypress as the predominant canopy species. The canopy is dominated by bald cypress (*Taxodium distichum*) but also contains slash pine (*pinus elliottii*) and melaleuca (*Melaleuca quinquenervia*). The subcanopy consists of wax myrtle (*Myrica cerifera*), melaleuca, myrsine (*Myrsine*

guianensis) and occasional Brazilian pepper (*Schinus terebinthifolius*). Groundcover observed includes bushy broomsedge (*Andropogon glomeratus*), tickseed (*Coreopsis* spp.) and various rushes (*Rhynchospora* spp.) and sedges (*Cyperus* spp.).

Pine Flatwoods, FLUCFCS No. 411

This habitat classification is common throughout Florida. It is typically dominated by either slash pine, longleaf pine (*Pinus palustris*) or both, and less frequently by pond pine (*P. serotina*). On the subject property, this habitat occurs in a relatively narrow band (0.55 acre) between the cypress swamp described above and the construction site. The canopy contains a mix of slash pine and melaleuca with a dense understory of saw palmetto (*Serenoa repens*).

WETLAND JURISDICTION

During the site investigation, areas which would fall under the wetland regulatory criteria of the U.S. Army Corps of Engineers (ACOE) and the South Florida Water Management District (SFWMD) according to wetland delineation methodologies outlined in the Corps of Engineers Wetland Delineation Manual (1987) and Section 62-340.300, Florida Administrative Code (F.A.C.) were observed. The habitat classified as FLUCFCS No. 621 (Figure 3) will fall under the jurisdiction of the ACOE and the SFWMD. It is not known whether the area classified as FLUCFCS No. 149 contained wetlands prior to ongoing construction activities.

U.S. Army Corps of Engineers

The ACOE regulates wetlands connected to "Waters of the United States" and "Adjacent Waters" pursuant to Section 404 of the Clean Water Act. Activities within "Waters of the United States" and "Adjacent Waters" will require either Section 404 Individual Permit or verification to use permits issued through the General or Nationwide Permit Program. The ACOE guidelines request that all impacts associated with a particular project be submitted for consideration under one permit application. Typical protocol for a project would include an ACOE representative reviewing and approving the delineation of the landward extent of wetlands after the submittal of a permit application. If less than 0.5 acres of impact are proposed, a Nationwide Permit will be required to authorize wetland impacts. However, if more than a 0.5-acre impact is proposed an Individual Permit will be required to authorize wetland impacts. If proposed impacts are minor (less than 0.10 acre), the ACOE can be notified of the proposed construction through a pre-construction notification (PCN) letter.

Based on this preliminary assessment, it appears the on-site cypress wetland is connected via ditches and stormwater management systems to the Six-Mile Cypress Slough, establishing connectivity to "Waters of the United States." Therefore the cypress system is an ACOE jurisdictional wetland. The ACOE will require mitigation to compensate for unavoidable wetland impacts.

South Florida Water Management District

The SFWMD regulates wetlands that are isolated and those considered within or connected to "Waters of the State" pursuant to Chapter 403 of the Florida Statutes, Rules 62-301 and 62-312 of the Florida Administrative Code. Development activities altering wetlands or drainage will require an Environmental Resource Permit (ERP) from the SFWMD. Different ERP permits can be found in Chapters 40E-4.0415, F.A.C., 40E-40.041, F.A.C. and 40E-400.215, F.A.C. in the SFWMD governing regulations. Typical

protocol for a project includes a SFWMD representative reviewing and approving the delineation of the landward extent of wetlands subsequent to the submittal of a permit application for construction.

The cypress wetland noted on the subject property is a SFWMD jurisdictional wetland. It is not known whether the property contained additional wetlands prior to ongoing site alterations. SFWMD will require mitigation for unavoidable wetland impacts.

PROTECTED FAUNA AND FLORA

Prior to initiation of field work, a records review of documented wildlife observations (Wildlife Occurrence Database System) maintained by the Florida Fish and Wildlife Conservation Commission (FFWCC) was conducted. **No documented observations of protected species were recorded on the subject property.**

The *Florida Atlas of Breeding Sites for Herons and their Allies* (FFWCC Technical Report No. 10) indicates that there are no known breeding or nesting sites in the vicinity of the project site. **Evidence of such activity was not observed during the course of the field investigation.** However, the site falls within approximately 3 different Core Foraging Areas (CFA) surrounding wood stork (*Mycteria americana*) colonies (Figure 4). If suitable foraging habitat for wood storks is located on a site, the U.S. Fish and Wildlife Service (USFWS) Standard Local Operating Procedures for Endangered Species (SLOPES) states that compensation for wetland impacts within a CFA should be provided within the same CFA and wetlands must be replaced type-for-type at a 1:1 ratio.

The FFWCC was also consulted with regard to known, documented and active bald eagle nests in the immediate proximity of the project site. **Eagle nests were not documented on or in close proximity to the subject property. During the field investigation, eagle activity and eagle nests were not observed. The closest documented eagle nest (Nest #LE058) is located approximately 0.7 miles southwest of the project site. The presence of this nest should not adversely affect development of the site.**

Regulatory oversight for protected fauna and flora is the responsibility of the U.S. Fish and Wildlife Service (USFWS), Florida Fish and Wildlife Conservation Commission (FFWCC) and the Florida Department of Agriculture and Consumer Services (DACS). The USFWS is the federal agency responsible for protecting the nation's fish and wildlife resources through implementation of the Endangered Species Act of 1973, as amended. ("ESA," 16 U.S.G. 1513-1543). **Federally protected species were not observed on-site or in the vicinity of the subject property during the field investigation.**

The Florida Panther (*Puma concolor coryi*) is listed as endangered by the USFWS. According to the USFWS SLOPES, applicants proposing development within specified geographic boundaries in southwest Florida must complete formal consultation under Section 7 of the ESA to ensure the Florida Panther is not adversely impacted by the development. The geographic area, known as the Panther Consultation Area, is delineated by a map published by the USFWS. In December 2006, the USFWS published a revised version of the Consultation Area map (Exhibit 1). **The subject property is located within the original boundaries of the Panther Consultation Area. However, it is not located within the boundaries of the revised Panther Consultation Area.** In a telephone conversation on February 9, 2007, Mr. Allen Webb, the supervisory Fish and Wildlife Biologist at USFWS, stated that this map is currently undergoing additional revisions. In addition, the consultation area will be renamed to the Focus Area. This Focus Area will have guidelines similar to what is currently in place. The most significant

change is for those areas that are outside the Focus Area. These areas will need no additional coordination UNLESS:

1. there is a known panther telemetry point within, or in close proximity to, the property of concern;
Or
2. there is a documented occurrence (track, scat, etc) within 2 miles.

According to information available from the USFWS, there are six documented occurrences of the Florida panther within 2 miles of the subject property (Figure 4).

The Florida Fish and Wildlife Conservation Commission (FFWCC) regulates the taking of species listed as endangered, threatened or of special concern and their nests through Rules 39-27.003, 39-27.004 and 39.005, Florida Administrative Code. The FFWCC also provides technical assistance to other agencies that have regulatory authority over activities, which may affect fish and wildlife and their habitat. **State-listed species were not observed on-site or in the vicinity of the subject property during the field investigation.**

Section 581.185, Florida Statute, delegates to the Department of Agriculture and Consumer Services (DACS) authority to designate and regulate plants listed as "endangered," "commercially exploited" and "threatened." It is unlawful for an individual to harvest endangered or commercially exploited plants from the private land of another or any public land without first obtaining written permission of the landowner and a permit from DACS. It is unlawful for an individual to harvest a threatened plant from private land or public land without first obtaining written permission of the landowner. **DACS protected species were not observed on the subject property during the on-site field investigation.**

OTHER REGULATORY CONSIDERATIONS

Florida Department of Environmental Protection

The U.S. Environmental Protection Agency (EPA) requires a National Pollutant Discharge Elimination System (NPDES) permit for any project that results in the clearing of one or more acres, pursuant to 40 CFR parts 122 and 124. The EPA has delegated responsibility to the Florida Department of Environmental Protection to administer the NPDES permitting program pursuant to rule 62-621.300 (4), F.A.C. In association with this permit, a Stormwater Pollution Prevention Plan (SWPPP), which will be implemented during construction of the project, is required. The primary function of the NPDES requirements is to protect water quality by ensuring that sediment and erosion are controlled during construction through the use of Best Management Practices.

Lee County Wellfield Protection Ordinance, Ord. No. 95-01, § 1, 1-4-95

This ordinance is intended to protect potable water supply from hazardous or toxic substances and saltwater intrusion. The ordinance prohibits or regulates abandoned wells, certain land uses and activities involving hazardous or toxic substances within certain defined protection zones around public utility potable water supply wellfields in the unincorporated areas of Lee County. **According to the Wellfield Protection Zone Maps published by Lee County, the subject property is not located within a designated Wellfield Protection Zone.**

Lee County Tree Protection Ordinance, Ord. No. 94-14, § 2, 5-18-94

This ordinance is intended to conserve and enhance the County's physical and aesthetic environment and generally protect and enhance the quality of life and general welfare of the county by protecting trees and their numerous beneficial functions. The ordinance protects trees from abuse and or mutilation and

regulates removal and planting of trees. **A vegetation tree removal permit from the Lee County Community Development Department is required prior to land clearing activities.**

PERMIT STATUS

CPH is in receipt of ERP No. 36-04678-P issued by the SFWMD on August 8, 2006. This permit is a modification to the original permit issued for the subject site, and it states that wetland impacts and compensation were previously permitted. According to the permit, a conservation easement has been recorded, and maintenance and monitoring of on-site mitigation is ongoing. **It appears that wetland and protected species requirements for the development of this property have been satisfied for the SFWMD.**

CPH is in receipt of correspondence between the USFWS and the ACOE, and between Passarella and Associates, Inc. and the ACOE regarding the subject property (ACOE application No. SAJ-2003-3959 (IP-TWM)). The correspondence took place between December 31, 2003 and June 25, 2004, although it does not appear to be a complete record of all correspondence. In reference to the proposed Dan-Tree Commercial Center on the subject property, the USFWS requested additional information and analysis of the potential for adverse impacts on the Florida Panther and the red-cockaded woodpecker (*Picoides borealis*-RCW). In response to the request, Passarella & Associates provided additional analyses and concluded that the proposed project would not adversely affect either of those species. We are not aware of any concurrence with these determinations by the USFWS or the ACOE.

During a February 12, 2007 telephone conversation, Mr. Skip Bergmann of the ACOE stated that the application is still pending.

SUMMARY & RECOMMENDATIONS

The Wal-Mart Store No. 97558 site consists of approximately 17.23 acres of commercial and services under construction, 2.03 acres of cypress forest and 0.55 acres of pine flatwoods. The *Soil Survey of Lee County, Florida*, identifies five soil types within the subject project boundaries. Areas classified as wetlands according to the methodologies outlined in the Corps of Engineers Wetland Delineation Manual (1987) and Section 62-340.300, Florida Administrative Code (F.A.C.) were observed. Protected species and/or signs of their presence were not observed during the February 8, 2007 field investigation.

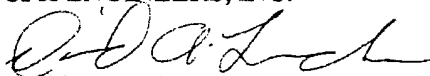
The site contains wetlands under the jurisdiction of the U.S. Army Corps of Engineers and the South Florida Water Management District. Mitigation for unavoidable wetland impacts will be required by both agencies. **It appears that wetland and protected species issues have been satisfied for the SFWMD. We have not found documentation that consultation with the USFWS regarding listed species has been completed, nor have we found that the ACOE has issued a permit authorizing wetland impacts on the subject parcel. It is recommended that additional research and coordination with the property owner and/or regulatory agencies be conducted to ascertain the status of the ACOE permit and USFWS consultation.**

As a preliminary assessment, the findings of this report concerning native vegetation and land use (wetlands) may be subject to change upon more detailed analysis. Additionally, failure to detect a listed species does not necessarily infer species absence as wildlife are mobile, exhibit seasonality of occurrence and generally have low population levels. Further, nothing in this report regarding environmental laws, rules and regulations is intended to be a legal interpretation or opinion, thus readers of this report should contact an attorney concerning any matters of law.

Should you have any questions regarding this preliminary ecological assessment, please feel free to call me at any time.

Sincerely,

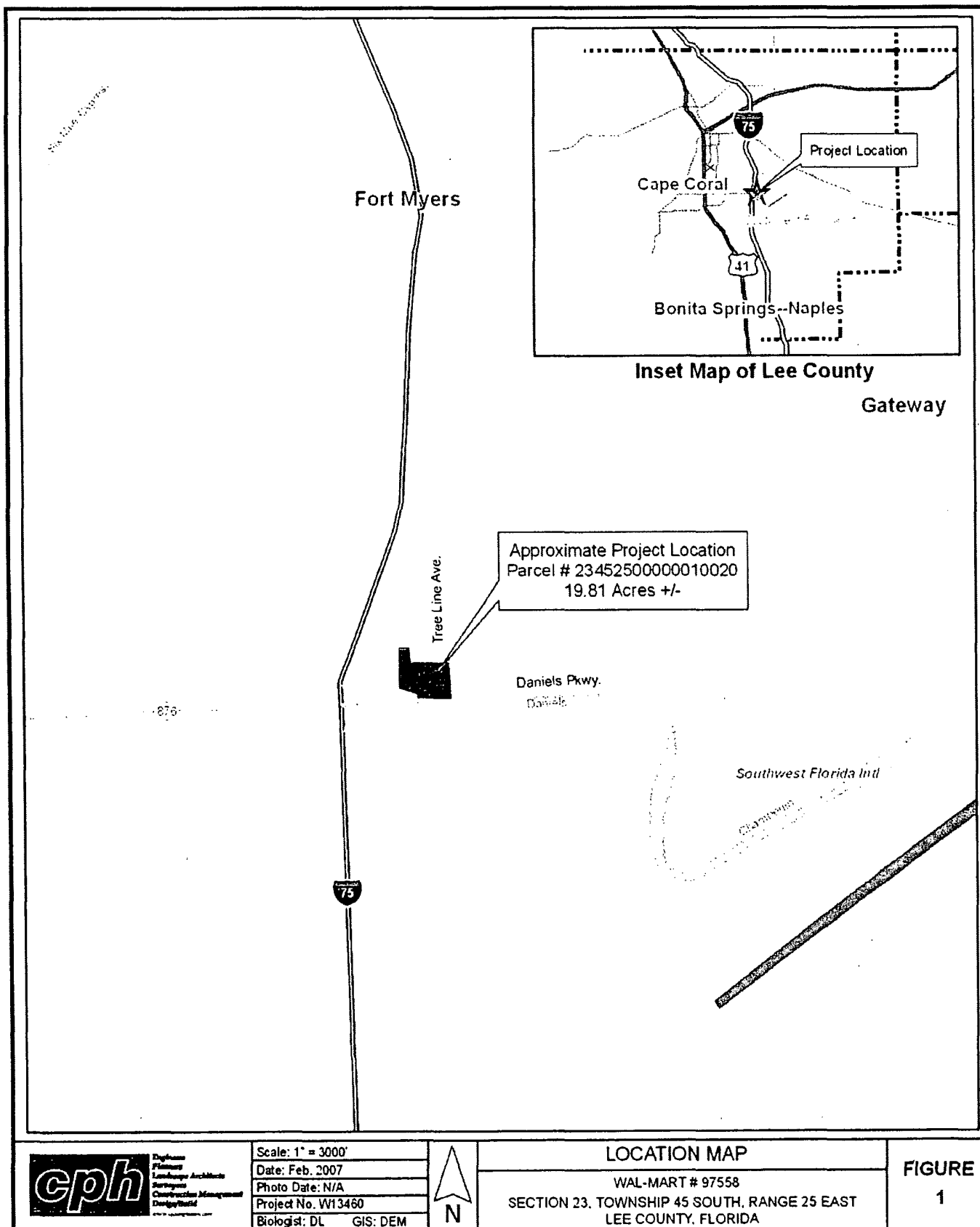
CPH ENGINEERS, INC.

A handwritten signature in black ink, appearing to read "D.A. Landers", written over the printed name.

David A. Landers
Senior Environmental Scientist

Enclosures

Cc: Amy Wright, CPH – Sanford





Scale: 1" = 200'

Date: Feb. 2007

Photo Date: 2004

Project No. W13460

Biologist: DL GIS: DEM



SOILS MAP

WAL-MART # 97558

SECTION 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST

LEE COUNTY, FLORIDA

FIGURE

2



Engineers
Planners
Landscape Architects
Surveyors
Construction Management
Design/Build

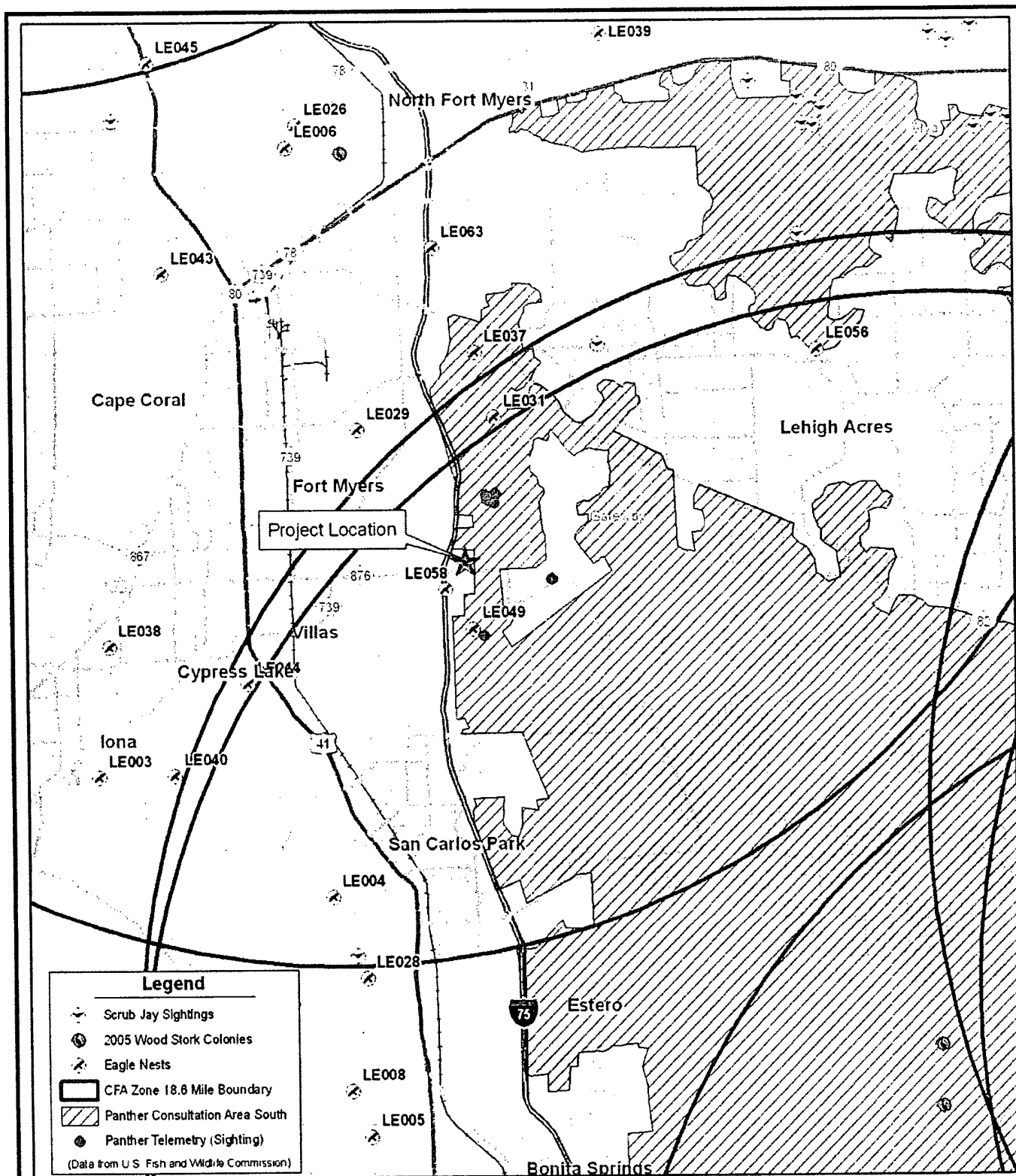
Scale: 1" = 200'
Date: Feb. 2007
Photo Date: 2004
Project No. W13460
Biologist: DL GIS: DEM



PRELIMINARY VEGETATION AND LAND USE MAP

WAL-MART # 97558
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

FIGURE
3

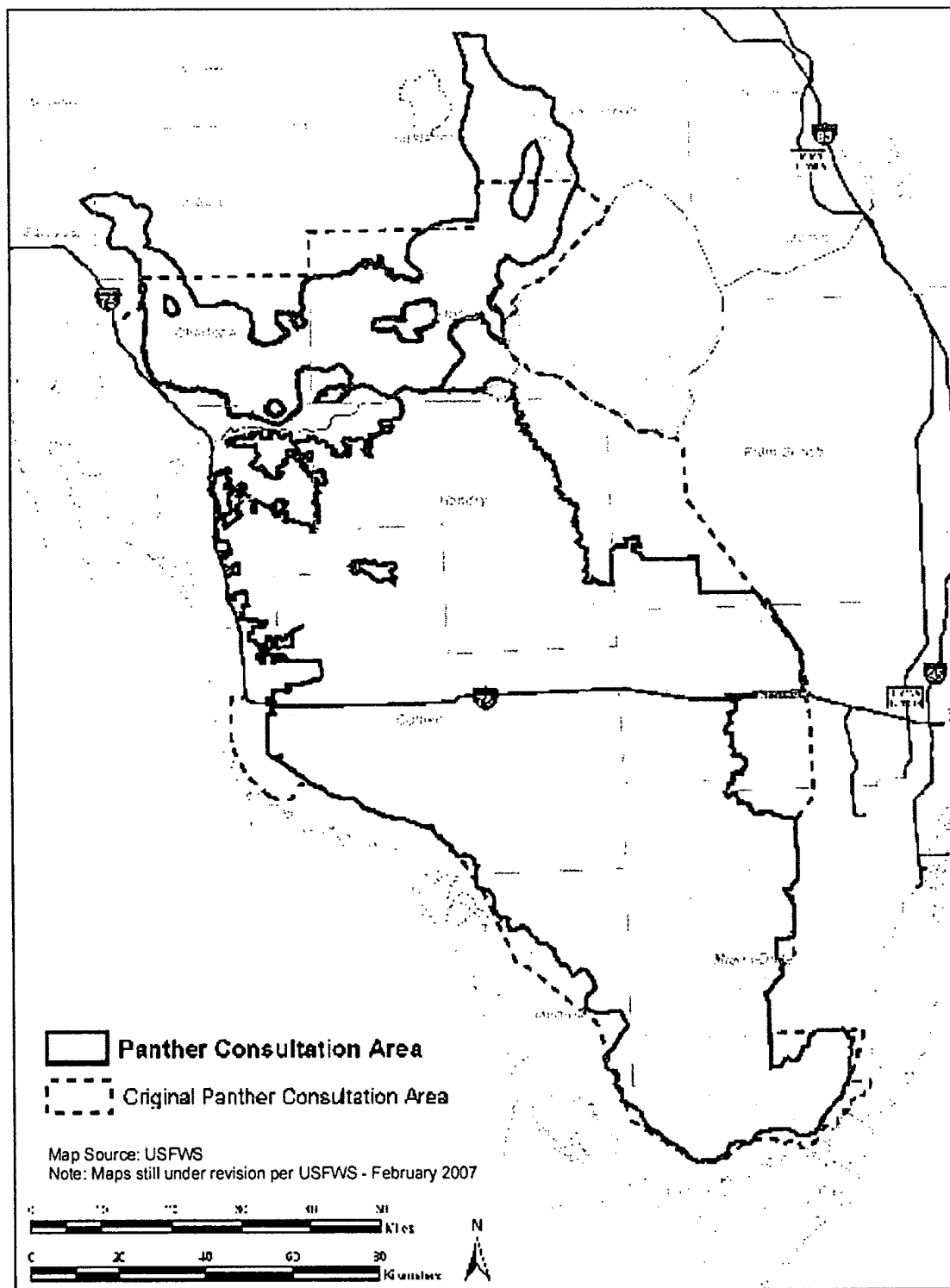


Scale: 1" = 3 Miles
 Date: Feb. 2007
 Photo Date: N/A
 Project No. W13460
 Biologist: DL GIS: DEM



WILDLIFE MAP
 WAL-MART # 97558
 SECTION 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA

FIGURE
 4



Scale: NTS
Date: Feb. 2007
Photo Date: N/A
Project No. W13460
Biologist: DL GIS: DEM



PANTHER CONSULTATION AREA

WAL-MART # 97558

SECTION 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST

LEE COUNTY, FLORIDA

EXHIBIT

1

EXHIBIT D-7-R

SURFACE WATER MANAGEMENT PLAN

RECEIVED
SEP 06 2007

COMMUNITY DEVELOPMENT

DCI 2007-00054

Surface Water Management Plan

The 24.79 acre site is located at the NW corner of the Daniels Parkway and Treeline Avenue intersection, east of I-75, in Fort Myers, Lee County, Florida. A FDOT rest area for I-75 is adjacent to this project west of the site. The proposed project consists of modifying the existing ERP Permit No. 36-04678-P over the site. The previously approved site discharges to the Six Mile Slough via the Treeline Avenue SWM system with additional water quality treatment and attenuation of the 25-year/3-day design storm provided within the Treeline Avenue borrow pit. Existing site drainage appears to flow south to north towards a wetland preserve that will be maintained as part of the development. Control Structure CS-01 located within the Treeline Avenue right-of-way control elevation is set at 21.4' NGVD. The site is not located in a flood zone and is not subject to seasonal inundation. No changes to the adjacent developments and no additional wetland impacts are proposed.

EXHIBIT D-7-P

SCHEDULE OF USES

Resolution Number Z-06-061

RECEIVED
SEP 06 2007

COMMUNITY DEVELOPMENT

DCI 2007-00054

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

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)
-----------------	--------------------------------------------------------------

Setbacks from Preserves:	25 feet for all buildings
--------------------------	---------------------------

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 ± 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 16th day of October 2006.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Charlie Green*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Tammara Hall*
Tammara Hall
Chairwoman

Approved as to form by:

Dawn E. Perry-Lehnert
Dawn E. Perry-Lehnert
County Attorney's Office



RECEIVED
MINUTES OFFICE

2006 NOV 14 PM 5:24

EXHIBIT D-7-0

Traffic Impact Statement

RECEIVED

SEP 06 2007

COMMUNITY DEVELOPMENT

DCI 2007-00054

MEMORANDUM

TO: Mr. Jeffery Satfield
CPH Engineers, Inc.

FROM: Ted B. Treesh
President

DATE: May 31, 2007

RE: Arborwood Village CPD – Zoning Modification
Lee County, Florida

TR Transportation Consultants, Inc. has completed a trip generation and Level of Service analysis for the proposed amendment to the zoning for the Arborwood Village CPD development in Lee County, Florida. This analysis addresses the impact, if any, that the zoning modification for the proposed Arborwood Village CPD development will have on the Level of Service Conditions on the surrounding roadway network. The requested modification is to the condition in the adopted Zoning Resolution (Z-06-061) that indicates that “no individual retail building may exceed 100,000 square feet”.

The subject site (approximately 68 acres) is located at the northwest corner of Daniels Parkway and Treeline Avenue in Lee County, Florida. No changes to the Master Concept Plan (MCP) with respect to access are proposed as part of this amendment. Per the approved MCP, access to the site is provided via a directional left-in/right-in/right-out to Daniels Parkway, a right-in/right-out only access to Treeline Avenue and a full access to Treeline Avenue. **Figure 1** illustrates the location of the subject site.

PROPOSED MODIFICATION

The approved zoning resolution for Arborwood CPD permits the development of up to 250,000 square feet of retail uses, 42,000 square feet of office uses, 10,000 square feet of essential services and up to 120 rooms of hotel use. On Page 2 of the adopted Resolution (Z-06-061, adopted October 16th, 2006), there is a maximum threshold of 100,000 square

feet on a single retail tenant. The requested change for this amendment is to amend the zoning to include the increase of maximum allowable square footage for a single retail user from 100,000 square feet to 180,000 square feet and relocate the internal roadway within the project. The project access locations to both Daniels Parkway and Treeline Avenue will not be modified from the approved MCP. In fact, some of the internal access roads and the access drive connections to Treeline Avenue and Daniels Parkway are currently under construction as part of DOS2005-00356.

In order to complete the analysis, an updated trip generation was prepared and the Level of Service impacts to the surrounding roads was updated to reflect the most recent data available. The previous TIS prepared for this site analyzed the impacts of 250,000 square feet of shopping center uses. It did not break down the floor area into separate uses, such as the maximum permitted 100,000 square foot tenant limitation. To be consistent with the previous study and to determine if a tenant that would occupy a single use that would include up to 180,000 square feet, the trip generation was calculated with the assumptions previously utilized (250,000 square feet of shopping center uses) and with a 180,000 square foot free-standing discount superstore. Since the amount of office uses, essential services uses and hotel uses are not changing, these remained constant in the two scenarios.

Table 1 outlines the estimated weekday AM and PM peak hour trip generation of the project as currently approved with 250,000 square feet of shopping center uses. The Institute of Transportation Engineer's report, titled Trip Generation, 7th Edition, was utilized. Land Use Code 820 (Shopping Center) was utilized for the 250,000 square feet shown in Table 1.

Table 1
Trip Generation
Arborwood Village CPD – As Approved

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Shopping Center (250,000 square feet)	165	105	270	550	595	1,145	12,320
General Office (42,000 square feet)	85	10	95	10	55	65	685
Essential Service ¹ (10,000 square feet)	25	5	30	5	10	15	225
Hotel (120 Rooms)	45	35	80	30	35	65	1,070
Total Trips	320	155	475	595	695	1,290	14,300

¹ The Land Use Code utilized for Essential Services was General Office (LUC 710)

The retail trips shown in Table 1 will not all be new trips to the adjacent roadway system. ITE estimates that a shopping center of comparable size may attract anywhere from 10 to 90 percent of its traffic from vehicles already traveling the adjoining roadway system. This traffic, called "pass-by" traffic, reduces the development's overall impact on the surrounding roadway system but does not decrease the actual driveway volumes.

For this analysis, the "pass-by" traffic was accounted for to determine the number of "new" trips the development will add to the surrounding roadways. **Table 2** summarizes the pass-by percentages for the land uses. **Table 3** summarizes the development traffic and the breakdown between the new trips the development is anticipated to generate and the "pass-by" trips the development is anticipated to attract. It should be noted that the driveway volumes are not reduced as a result of the "pass-by" reduction, only the traffic added to the surrounding streets and intersections.

Table 2
Pass-by Trip Reduction Factors
Arborwood Village CPD

Land Use	Percentage Trip Reduction
Retail	30%

Table 3
Trip Generation – New Trips
Arborwood Village CPD – As Approved

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Trips	320	155	475	595	695	1,290	14,300
Less 30% Pass-by ¹	-50	-30	-80	-165	-180	-345	-3,695
New Trips	270	125	395	430	515	945	10,605

¹ 30% pass-by reduction only applied to Shopping Center trips shown in Table 2

Table 4 outlines the estimated weekday AM and PM peak hour trip generation of the project as proposed with a limitation on a single retail tenant of 180,000 square feet. Land Use Code 813 (Free-Standing Discount Superstore) was utilized for the 180,000 square feet and Land Use Code 820 (Shopping Center) was utilized for the remaining 70,000 square feet. The maximum retail floor area will remain at 250,000 square feet for the entire project.

Table 4
Trip Generation
Arborwood Village CPD – As PROPOSED

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Superstore (180,000 square feet)	170	160	330	345	360	705	9,365
Shopping Center (70,000 square feet)	75	50	125	240	255	495	5,385
Total Retail	245	210	455	585	615	1,200	14,750
General Office (42,000 square feet)	85	10	95	10	55	65	685
Essential Service (10,000 square feet)	25	5	30	5	10	15	225
Hotel (120 Rooms)	45	35	80	30	35	65	1,070
Total Trips	400	260	660	630	715	1,345	16,730

¹ The Land Use Code utilized for Essential Services was General Office (LUC 710)

The retail trips shown in Table 1 will not all be new trips to the adjacent roadway system. ITE estimates that a shopping center of comparable size may attract anywhere from 10 to 90 percent of its traffic from vehicles already traveling the adjoining roadway system. This traffic, called “pass-by” traffic, reduces the development’s overall impact on the surrounding roadway system but does not decrease the actual driveway volumes.

For this analysis, the “pass-by” traffic was accounted for to determine the number of “new” trips the development will add to the surrounding roadways. **Table 5** summarizes the pass-by percentages for the land uses. **Table 6** summarizes the development traffic and the breakdown between the new trips the development is anticipated to generate and the “pass-by” trips the development is anticipated to attract. It should be noted that the driveway volumes are not reduced as a result of the “pass-by” reduction, only the traffic added to the surrounding streets and intersections.

Table 5
Pass-by Trip Reduction Factors
Arborwood Village CPD

Land Use	Percentage Trip Reduction
Retail	30%

Table 6
Trip Generation – New Trips
Arborwood Village CPD – As PROPOSED

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Total Trips	400	260	660	630	715	1,345	16,730
Less 30% Pass-by ¹	-75	-65	-140	-175	-185	-360	-4,425
New Trips	325	195	520	455	530	985	12,305

¹ 30% pass-by reduction only applied to Shopping Center & Superstore trips shown in Table 4

Table 7 compares the trip generation as originally approved with the limitation of a single tenant to 100,000 square feet to the proposed request, which would limit a single retail tenant to 180,000 square feet and the assumption that it would be developed as a Supercenter type use.

Table 7
Trip Generation – New Trips
Arborwood Village CPD
APPROVED vs. PROPOSED

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Approved	270	125	395	430	515	945	10,605
Proposed	325	195	520	455	530	985	12,305
Increase in New Trips	+55	+70	+125	+25	+15	+40	+1,700

LEVEL OF SERVICE ANALYSIS

A Level of Service analysis was conducted on Treeline Avenue and Daniels Parkway for the build-out traffic conditions of the Arborwood Village CPD Zoning modification assuming the site is developed with the maximum land use intensity allowed by the zoning. The attached Tables 1A and 2A indicate the projected traffic volumes and Level of Service conditions on the surrounding roadway network at the build-out of the project.

Based on the Level of Service analysis performed within this report, consistent with the methodologies utilized in the previous TIS prepared for this CPD, both Treeline Avenue and Daniels Parkway are projected to operate at an acceptable Level of Service at build-out of the subject site. **Figure 2** illustrates the 2010 build-out traffic conditions for the proposed development. From Figure 2, all roadway segments analyzed were shown to operate at acceptable Level of Service conditions under the projected 2010 build-out

traffic conditions for the proposed Arborwood Village CPD. Therefore, no roadway improvements will be warranted as a result of the proposed Arborwood Village CPD.

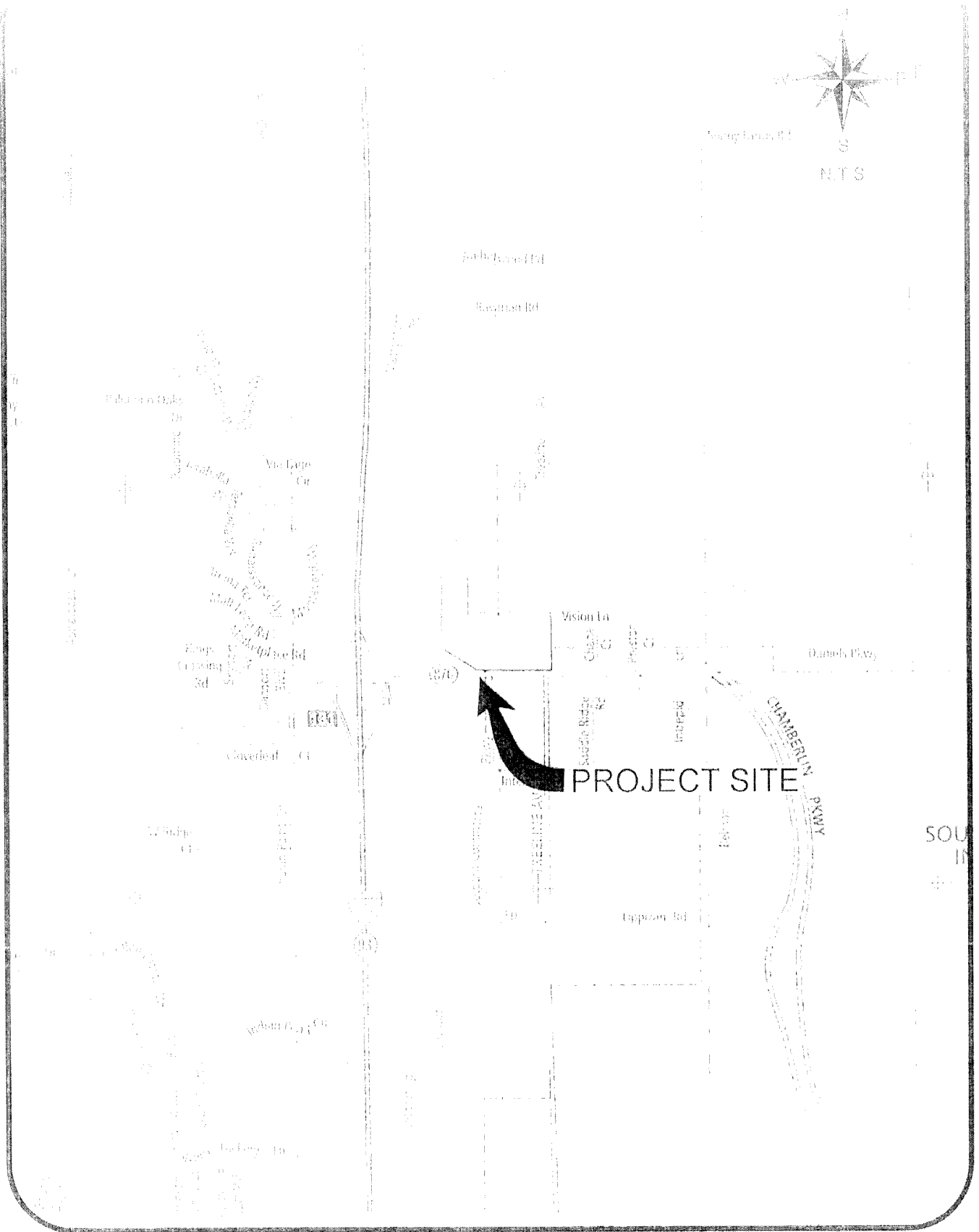
Access to the subject site will remain the same as approved in the previous Master Concept Plan. Turn lanes at these access drive locations are currently being constructed as part of DOS2005-00356. With each Development Order application, the adequacy of these turn lanes will be re-evaluated to determine if they are sufficient to accommodate the projected traffic demand that is subject to that particular Development Order application.

CONCLUSION

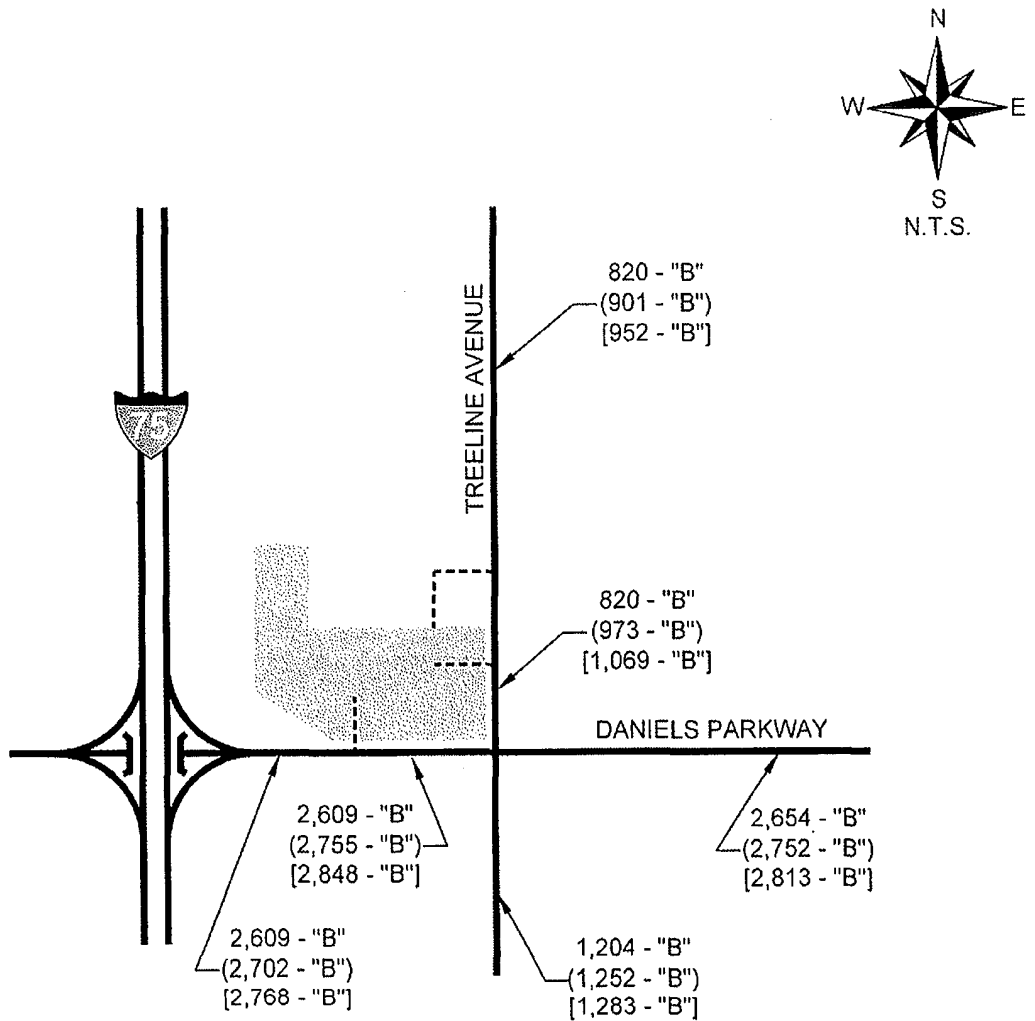
Based on the trip generation and Level of Service analysis contained within this report, all roadway segments analyzed will operate at acceptable Level of Service conditions after the addition of the project traffic. Therefore, no roadway improvements will be warranted as a result of the proposed Arborwood Village CPD Zoning Amendment.

Attachments

F0706 22



F0705.22



LEGEND

XXX - "C" 2010 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

(XXX - "C") 2010 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS AM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

[XXX - "C"] 2010 PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS PM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES

5/31/2007

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 520 VPH

195

OUT=

325

IN=

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 985 VPH

530

OUT=

455

IN=

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A		LOS B		LOS C		LOS D		LOS E		PERCENT		PROJECT TRAFFIC	PROJ/LOS C
			VOLUME		VOLUME		VOLUME		VOLUME		VOLUME		TRAFFIC			
Daniels Pkwy	E. of I-75	6LD	1880		2960		3040		3040		3040		30%		159	5.2%
	E. of Site Access	6LD	1880		2960		3040		3040		3040		45% ¹		239	7.8%
	E. of Treeline Ave	6LD	1880		2960		3040		3040		3040		30%		159	5.2%
Treeline Ave	N. of Site	4LD	450		1630		1900		1950		1950		25%		133	7.0%
	N. of Daniels Pkwy	4LD	450		1630		1900		1950		1950		47% ¹		249	13.1%
	S. of Daniels Pkwy	4LD	450		1630		1900		1950		1950		15%		80	4.2%

¹ The percent project traffic for Daniels Pkwy E. of Site Access and Treeline Ave north of Daniels Pkwy was calculated from the site traffic assignment.

TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS

5/31/2007

TOTAL PROJECT TRAFFIC AM =		520	VPH IN =	325	OUT =	195																								
TOTAL PROJECT TRAFFIC PM =		985	VPH IN =	455	OUT =	530																								
ROADWAY	SEGMENT	PCS	ADT	ADT	GROWTH	RATE	PEAK DIR.	PEAK DIR.	PERCENT	TRAFFIC	TRAFFIC	TRAFFIC	TRAFFIC	TRAFFIC	TRAFFIC	TRAFFIC														
	BASE YR 2006															YRS OF ANNUAL PK SEASON PK SEASON PROJECT AM PROJ PM PROJ + AM PROJ + PM PROJ														
			ADT		GROWTH		RATE		PEAK DIR.		PEAK DIR.		PERCENT		TRAFFIC		TRAFFIC		TRAFFIC		TRAFFIC									
			ADT		GROWTH		RATE		PEAK DIR.		PEAK DIR.		PERCENT		TRAFFIC		TRAFFIC		TRAFFIC		TRAFFIC									
Daniels Pkwy	E. of I-75	52	53500	54200	1	1.31%	2477	2609	30%	98	159	2707	2768																	
	E. of Site Access	52	53500	54200	1	1.31%	2477	2609	45% ¹	146	239	2755	2848																	
	E. of Treeline Ave	32	53500	54200	1	1.31%	2520	2654	30%	98	159	2752	2813																	
Treeline Ave	N. of Site	32				9.00%	690	820	25%	81	133	901	952																	
	N. of Daniels Pkwy	32				9.00%	690	820	47% ¹	153	249	973	1069																	
	S. of Daniels Pkwy	32				9.00%	1013	1204	15%	49	80	1252	1283																	
¹ The percent project traffic for Daniels Pkwy E. of Site Access and Treeline Ave north of Daniels Pkwy was calculated from the site traffic assignment.																														
* The 2006 peak hour peak season peak direction volumes for Treeline Avenue were obtained from the Treeline Avenue Extension Report prepared by David Plummer & Associates and represent 2006 link volumes																														
** The 2006 peak hour peak season peak direction volumes for Daniels Parkway & Treeline Ave. south of Daniels were obtained from the Concurrency Report,																														
100th HIGHEST HOUR LEVEL OF SERVICE																														
										2010		2010		2010		2010														
										PK SEASON		BCKGRND		BCKGRND		BCKGRND														
										BCKGRND + AM PROJ + PM PROJ		TRAFFIC		TRAFFIC		TRAFFIC														
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SEP 03 2007

COMMUNITY DEVELOPMENT

EXHIBIT D-7-H

Topographic Map

DCI 2007-00054

EXHIBIT D-7-F

FLUCCS MAP

CM 2007-00054



FLUCFCS CODE	FLUCFCS CLASSIFICATION	APPROXIMATE ACREAGE
149	Commercial and Services under Construction	17.23
411	Pine Flatwoods	0.55
621	Cypress	2.03

*Florida Land Use, Cover and Forms Classification System (FDOT 1999)

2007-00054



Engineers
Architects
Surveyors
Planners
Landscape Architects
Environmental Scientists
Construction Management
Design/Build

Scale: 1" = 150'
Date: Aug. 2007
Photo Date: 2004
Project No: W13460
Biologist: DL GIS: DEM



PRELIMINARY VEGETATION AND LAND USE MAP

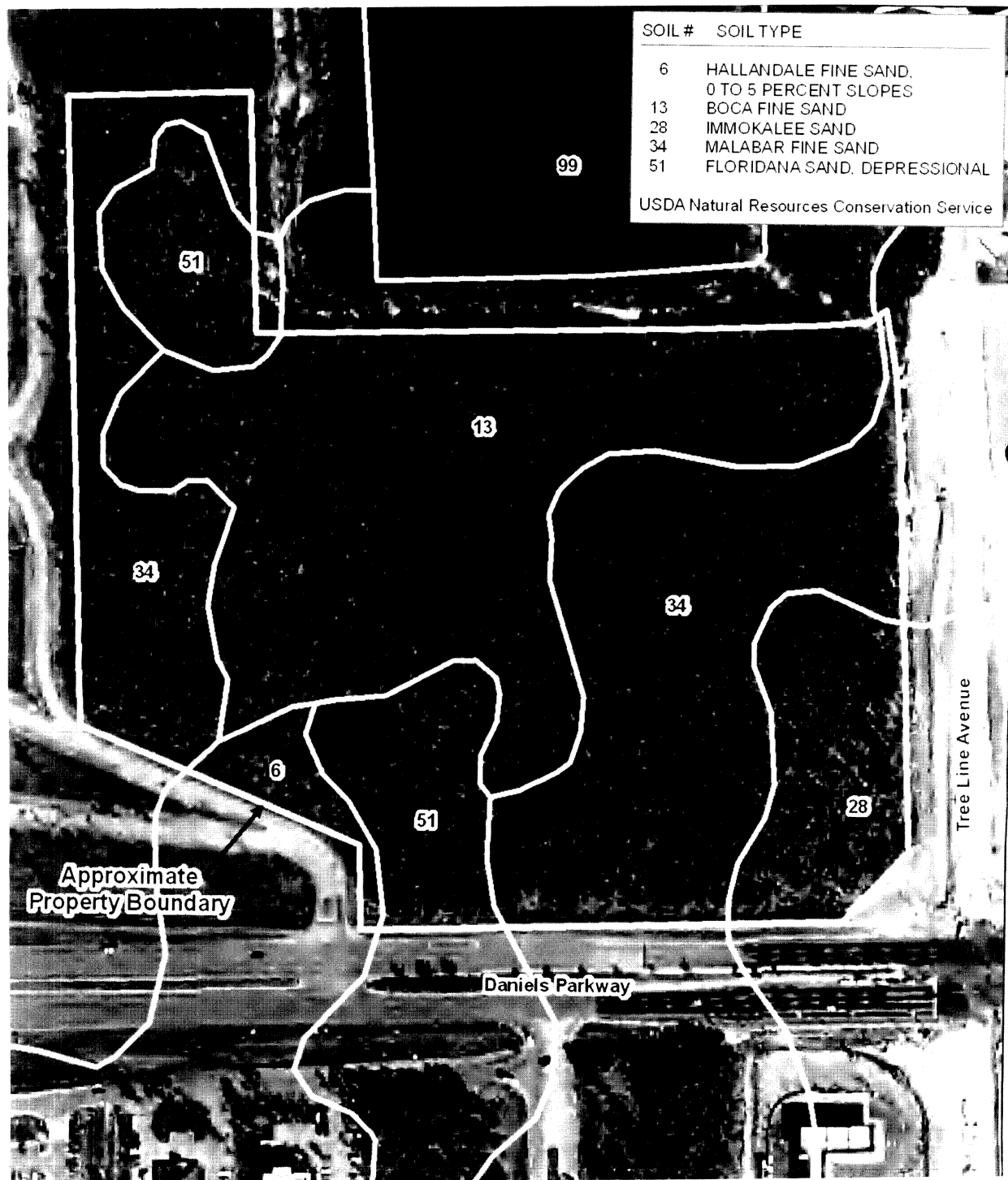
WAL-MART #97558
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

D-7-F

EXHIBIT D-7-E

SOILS MAP

DCI 2007-00054



DCI 2007-00054



Engineers
Architects
Surveyors
Planners
Landscape Architects
Environmental Scientists
Construction Management
Design / Build

Scale: 1" = 150'
Date: Aug. 2007
Photo Date: 2004
Project No. W13460
Biologist: DL GIS: DEM



SOILS MAP

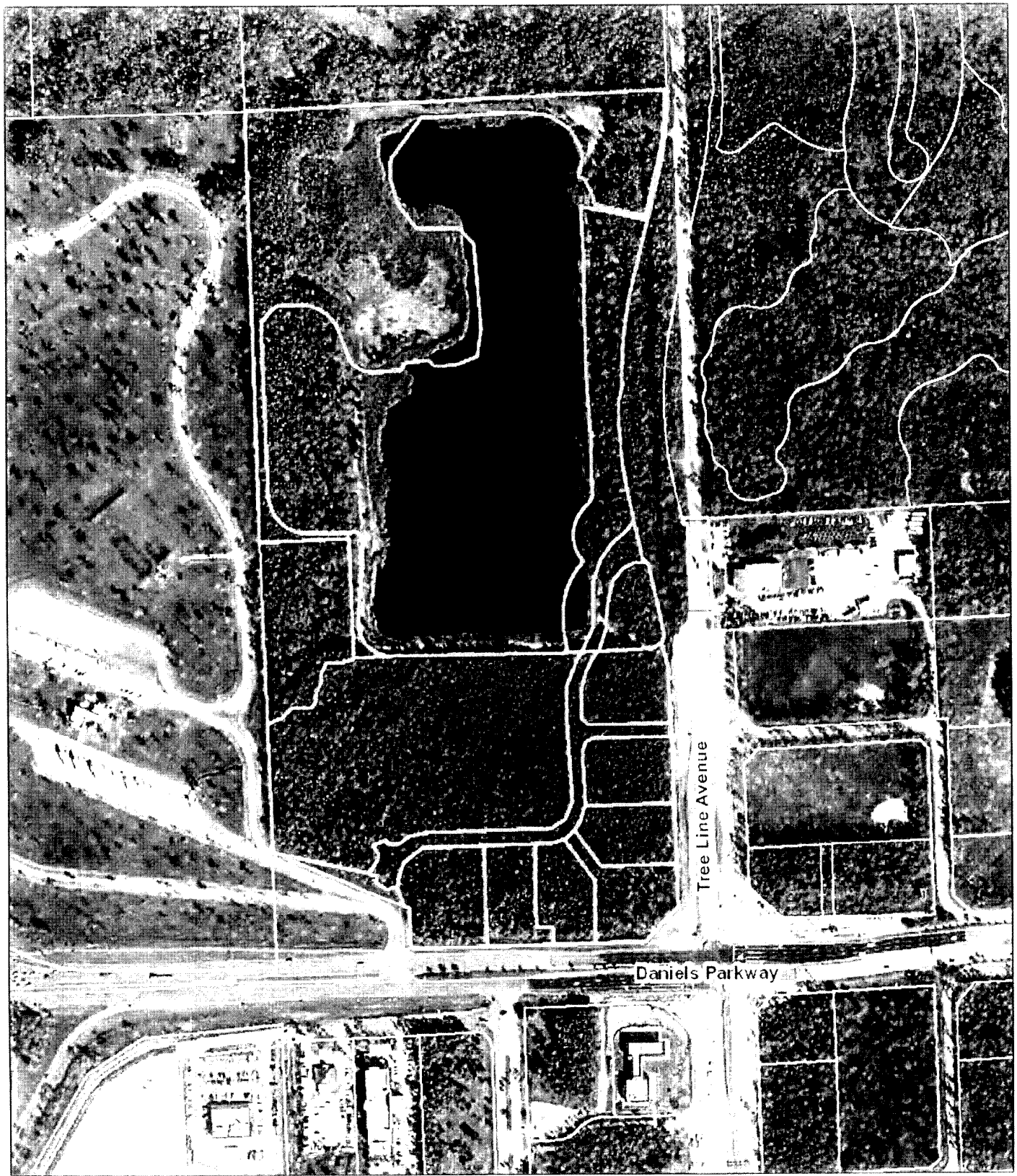
WAL-MART #97558
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

D-7-E

EXHIBIT D-7-D

AERIAL PHOTOGRAPH

 2007-00054



Landscape
 Planning
 Landscape Architects
 Landscape
 Construction Management
 Design/Build

Scale 1" = 400'
 Date: August 2007
 Photo Date: 2004
 Project No. W13460
 Revises: GIS DCM



AERIAL MAP

WAL-MART AT ARBORWOOD VILLAGE
 SECTION 23, TOWNSHIP 45 SOUTH, RANGE 15 EAST
 LEE COUNTY, FLORIDA

FIGURE

2

2007-00054

EXHIBIT D-7-C

Existing Zoning and Current Land Uses

Existing Zoning Aerial Overlay Map



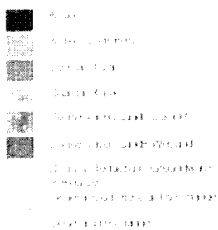
DCI 2007-00054



Tax Map Legend

DCI 2007-00054

Folding and Use

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1. *Staphylococcus aureus*
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DCI 2007-00054

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COMMUNITY DEVELOPMENT

EXHIBIT D-1-C

Lee Tran Public Transit Service Area Map

DCI 2007-00054

Route 50

Bus Pass Outlet Locations

Fort Myers:

LeeTran Office, 6035 Landing View Rd
Rosa Parks Transportation Center, 2250 Peck St.

South Fort Myers:

Edison College, Student Services Building

Cape Coral:

City Hall, 1015 Cultural Parkway

Bonita Springs

Parks and Rec. Center, 26740 Pine Ave.

Saturday Schedule

EASTBOUND

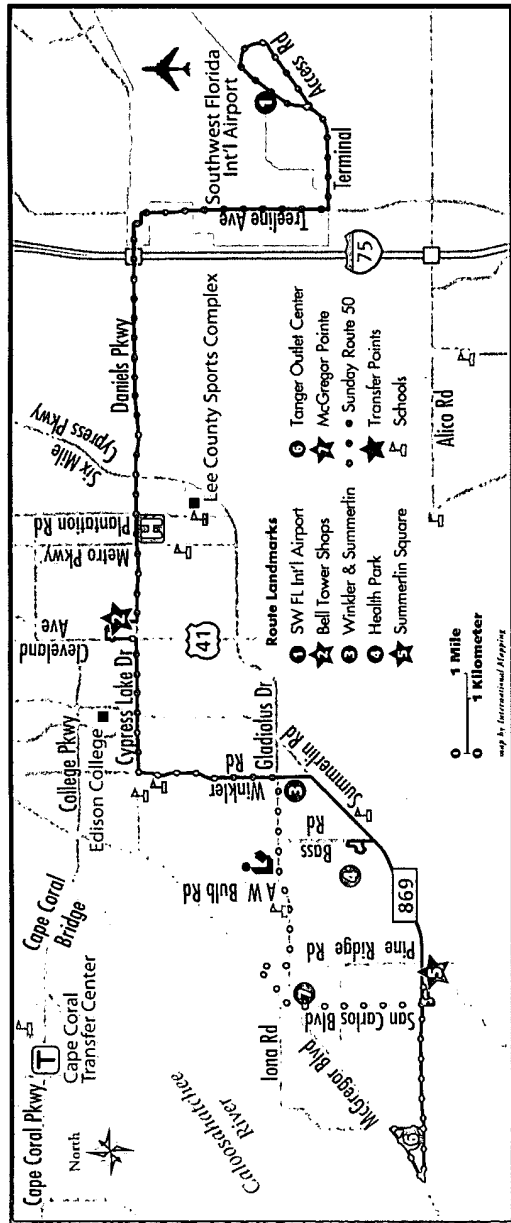
Summerlin Square	Tanger Outlet Mall	Health Park	Winkler & Summerlin	Bell Tower	SW FL Int'l Airport
5	6	4	3	2	1
6:10	6:17	6:30	6:35	6:55	7:15
7:00	7:07	7:20	7:25	7:45	8:10
8:25	8:32	8:45	8:50	9:10	9:35
9:35	9:42	9:55	10:00	10:20	10:45
10:50	10:57	11:10	11:15	11:35	12:00
12:00	12:07	12:20	12:25	12:45	1:10
1:15	1:22	1:35	1:40	2:00	2:25
2:25	2:32	2:45	2:50	3:10	3:35
3:40	3:47	4:00	4:05	4:25	4:50
4:50	4:57	5:10	5:15	5:35	6:00
6:05	6:12	6:25	6:30	6:50	7:10
7:15	7:22	7:35	7:40	7:52	8:15
8:15	8:22	8:35	8:40	8:52	9:15
9:10	9:17	9:30	9:35	9:50	---

WESTBOUND

SW FL Int'l Airport	Bell Tower	Winkler & Summerlin	Health Park	Summerlin Square
1	2	3	4	5
---	6:30	6:45	6:50	7:00
7:20	7:50	8:05	8:10	8:20
8:15	8:45	9:00	9:05	9:15
9:40	10:10	10:25	10:30	10:40
10:50	11:20	11:35	11:40	11:50
12:05	12:35	12:50	12:55	1:05
1:15	1:45	2:00	2:05	2:15
2:30	3:00	3:15	3:20	3:30
3:40	4:10	4:25	4:30	4:40
4:55	5:25	5:40	5:45	5:55
6:05	6:35	6:50	6:55	7:05
7:15	7:40	7:55	8:00	8:10
8:20	8:40	8:55	9:00	9:10
9:15	9:45	9:55	---	---

PM Times are in Bold - All times are approximate

SEP 06 2007



Monday thru Friday

EASTBOUND

Summerlin Square	Tanger Outlet Mall	Health Park	Winkler & Summerlin	Bell Tower	SW FL Int'l Airport
5	6	4	3	2	1
6:10	6:17	6:30	6:35	6:55	7:15
7:00	7:07	7:20	7:25	7:45	8:10
8:35	8:42	8:55	9:00	9:20	9:45
9:35	9:42	9:55	10:00	10:20	10:45
---	---	---	---	10:55	11:20
11:00	11:07	11:20	11:25	11:45	12:10
12:00	12:07	12:20	12:25	12:45	1:10
12:35	12:42	12:55	1:00	1:20	1:45
1:25	1:32	1:45	1:50	2:10	2:35
2:00	2:07	2:20	2:25	2:45	3:10
3:00	3:07	3:20	3:25	3:45	4:10
3:50	3:57	4:10	4:15	4:35	5:00
4:45	4:52	5:05	5:10	5:30	5:55
5:25	5:32	5:45	5:50	6:10	6:35
6:15	6:22	6:35	6:40	7:00	7:25
7:05	7:12	7:25	7:30	7:47	8:10
8:25	8:31	8:40	8:45	9:00	9:20
9:10	9:17	9:27	9:32	9:50	---

WESTBOUND

SW FL Int'l Airport	Bell Tower	Winkler & Summerlin	Health Park	Summerlin Square
1	2	3	4	5
---	6:30	6:45	6:50	7:00
7:20	7:50	8:05	8:10	8:20
8:15	8:45	9:00	9:05	9:15
9:50	10:20	10:35	10:40	10:50
10:50	11:20	11:35	11:40	11:50
11:25	11:55	12:10	12:15	12:25
12:15	12:45	1:00	1:05	1:15
1:15	1:45	2:00	2:05	2:15
1:50	2:20	2:35	2:40	2:50
2:40	3:10	3:25	3:30	3:40
3:35	4:05	4:20	4:25	4:35
4:15	4:45	5:00	5:05	5:15
5:05	5:35	5:50	5:55	6:05
6:00	6:30	6:45	6:50	7:00
7:30	7:50	8:05	8:10	8:20
8:15	8:35	8:50	8:55	9:05
9:20	9:35	---	---	---

Sunday Schedule

EASTBOUND

Summerlin Square	Tanger Outlet Mall	McGregor Pointe	Winkler & Gladiolus	Bell Tower	SW FL Int'l Airport
5	6	7	3	2	1
---	---	---	---	6:45	7:06
8:05	---	8:13	8:20	8:35	8:56
9:55	10:00	10:13	10:20	10:35	10:56
11:55	12:00	12:13	12:20	12:35	12:56
1:55	2:00	2:13	2:20	2:35	2:56
3:55	4:00	4:13	4:20	4:35	4:56
5:55	6:00	6:13	6:20	6:35	6:56
7:55	8:00	8:13	8:20	8:35	---

WESTBOUND

SW FL Int'l Airport	Bell Tower	Winkler & Gladiolus	McGregor Pointe	Summerlin Square
1	2	3	7	5
7:08	7:30	7:45	7:52	8:00
8:58	9:20	9:35	9:42	9:50
10:58	11:20	11:35	11:42	11:50
12:58	1:20	1:35	1:42	1:50
2:58	3:20	3:35	3:42	3:50
4:58	5:20	5:35	5:42	5:50
6:58	7:20	7:35	7:42	7:50

DCI 2007-00054

EXHIBIT PH-4.J

**Request for Public Hearing Submittal
Requirement Waiver**

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REQUEST FOR PUBLIC HEARING SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

Upon written request, the Director may modify the submittal requirements for Public Hearings (and other administrative applications) where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS (indicate the appropriate application type)

- ☒ Public Hearing - General Requirements (34-202)
☐ Public Hearing - Additional Requirements for:
 ☐ Development of Regional Impact (34-203(a))
 ☐ Planned Developments (34-203(b))
 ☐ Master Concept Plan Extension (34-381(c))
 ☐ Master Concept Plan Reinstatement (34-381(d))
 ☐ Rezoning other than Planned Developments (34-203 (c))
 ☐ Mobile Home Park (34-203(d))
 ☐ Special Exception (34-203(e))
 ☐ Variances (34-203(f))
☐ Administrative Action Requirements

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JUN 20 2007

COMMUNITY DEVELOPMENT

PRE2007-00266

PLEASE PRINT OR TYPE:

STRAP Number:		23-45-25-06-00000.0010 through .0080			
Name of Project:		Arborwood Village CPD Amendment			
Name of Agent:		CPH Engineers, Inc.			
Street Address:		2211 Peck Street Suite 300			
City:	Fort Myers	State:	Florida	Zip:	33901
Phone #:	239.332.5499	Fax #:			239.332-2955
E-mail:	dfesta@cphengineers.com				
Name of Applicant*:		DP-TA Associates, LTD., a Florida Limited Partnership			
Street Address:		703 Waterford Way Suite 800			
City:	Miami		Florida	Zip:	33216
Phone #:	305.261.4330	Fax #:	305		261.4338
E-mail:	evassilaros@courtellis.com				
* If applicant is not the owner, a letter of authorization from the owner must be submitted.					

DCI 2007-00054

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SEP 06 2007

COMMUNITY DEVELOPMENT

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

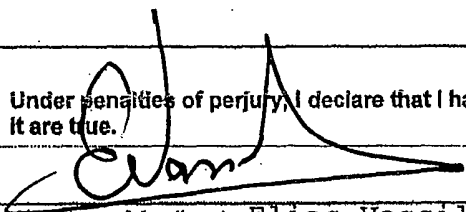
Section Number	Requirement
#1 34-202	(2) <i>Boundary survey or certified sketch of description.</i> A boundary survey of the subject property must be submitted, unless the property consists of one or more undivided lots within a subdivision platted in accordance with Florida Statutes, Chapter 177.

B. SCOPE OF PROJECT AND REASON(S) FOR REQUEST:

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

The scope of the proposed amendment is amend Resolution Z-06-061 in order to request an increase to the maximum amount of retail square footage in an individual retail building from 100,000 square feet to 180,000 square feet on the anchor parcel, in order to allow a big box retailer to develop on the site. In addition, the applicant is requesting to re-align the internal roadway known as Goldenwood Drive and the access to the I-75 rest area. This amendment will also include a request to re-configure the lake area on the parcel to the north of the site. This parcel was part of the original 68± acre development that was approved. At the time the CPD was processed and approved, a survey was reviewed and approved by the county staff. At this time, the applicant is requesting a waiver to the requirement that a boundary survey be submitted showing the entire site. Included in this submittal is a survey of the amendment areas only, and the original survey is attached to this request.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Signature of Applicant  Elias Vassilaros, Executive Vice President of Newcaster Devcorp, Inc., general partner of applicant

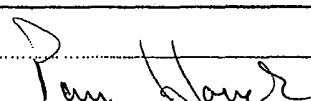
Directors Decision:	<input checked="" type="checkbox"/>	Request Approved	<input type="checkbox"/>	Request Denied
Comments:	Recommend approval, provided applicant provides legal and sketch of legal description.			
Signature:			Date:	6.21.07

EXHIBIT PH-3.F

Area Location Map



Inset Map of Lee County

Approximate Project Location
 Parcel # 23452500000010020
 19.81 Acres +/-

Tran Line Ave.

Daniels Hwy.

DCI 2007-00054



Engineering
 Planning
 Landscape Architecture
 Surveying
 Construction Management
 Design/Build

Scale: 1" = 500'
Date: 1-16-2007
Prepared by: JWS
Project No: W-1000
Sheet No: 1 of 2

N

LOCATION MAP

W-1000 MAP #

SECTION 13, TOWNSHIP 43 SOUTH, RANGE 17 EAST
 LEE COUNTY, FLORIDA

FIGURE

1

EXHIBIT PH-3.D.2

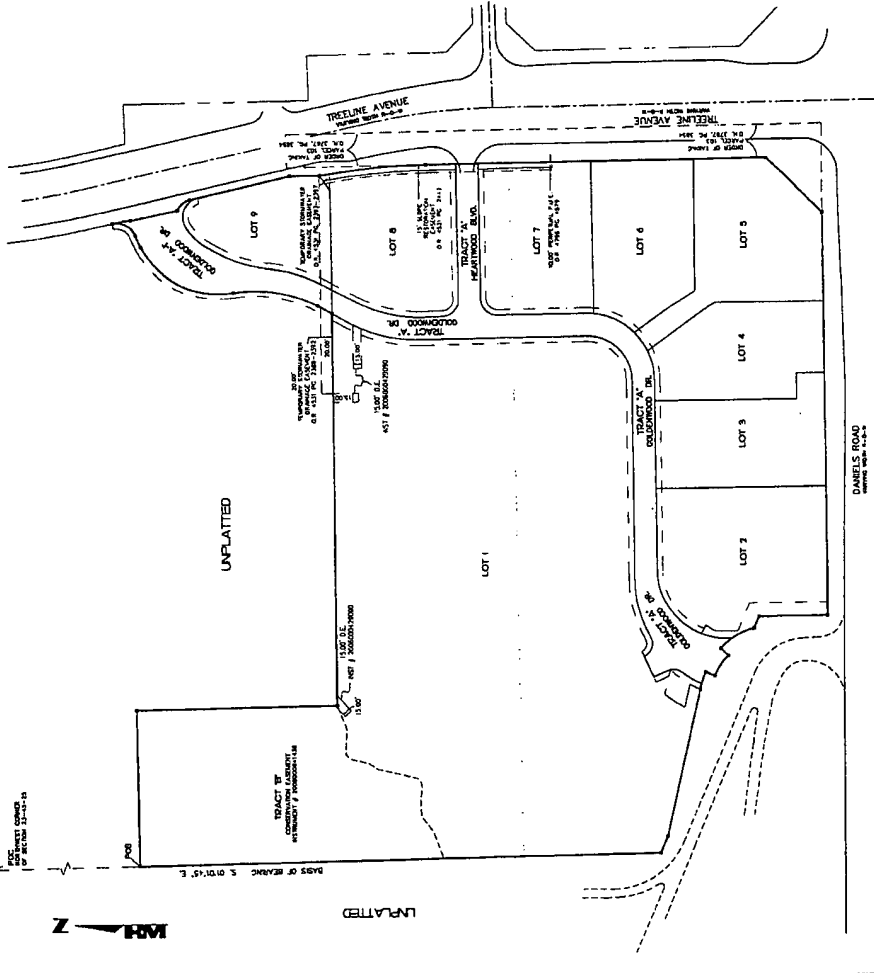
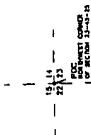
PLAT BOOK PAGE

DOS2005-00356 / PLT2006-00020

ARBORWOOD VILLAGE

A SUBDIVISION LOCATED IN A PORTION OF SECTION 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA

KEYMAP
NOT TO SCALE



AREA TABLE

LOT 1	49,324.08 S.F.
LOT 2	19,346.99 S.F.
LOT 3	48,841.35 S.F.
LOT 4	48,789.83 S.F.
LOT 5	53,335.38 S.F.
LOT 6	54,164.12 S.F.
LOT 7	52,733.33 S.F.
LOT 8	14,731.69 S.F.
LOT 9	14,731.69 S.F.
TOTAL	1,429,814.48 S.F. (474.93) ACRES

NOTES

- ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- INDICATES PERMANENT REFERENCE MONUMENT SET (P.R.M.) LB 1772.
- INDICATES POINTS OF INTERSECTION, POINTS OF CURVATURE, POINTS OF TANGENCY, POINTS OF COMPOUND CURVATURE OR POINTS OF REVERSE CURVATURE.
- INDICATES LINE IN LINE TABLE.
- INDICATES CURVE IN CURVE TABLE.
- INDICATES PUBLIC UTILITY EASEMENT.
- INDICATES LEE COUNTY UTILITY EASEMENT.
- INDICATES PUBLIC UTILITY EASEMENT.
- INDICATES PAZE NUMBERED BOOK.
- R-O-W INDICATES RIGHT-OF-WAY.
- POB INDICATES POINT OF BEGINNING.
- POC INDICATES POINT OF COMMENCEMENT.

THIS INSTRUMENT WAS PREPARED BY
JERRY L. RIFFELMACHER P.S.M. #6130

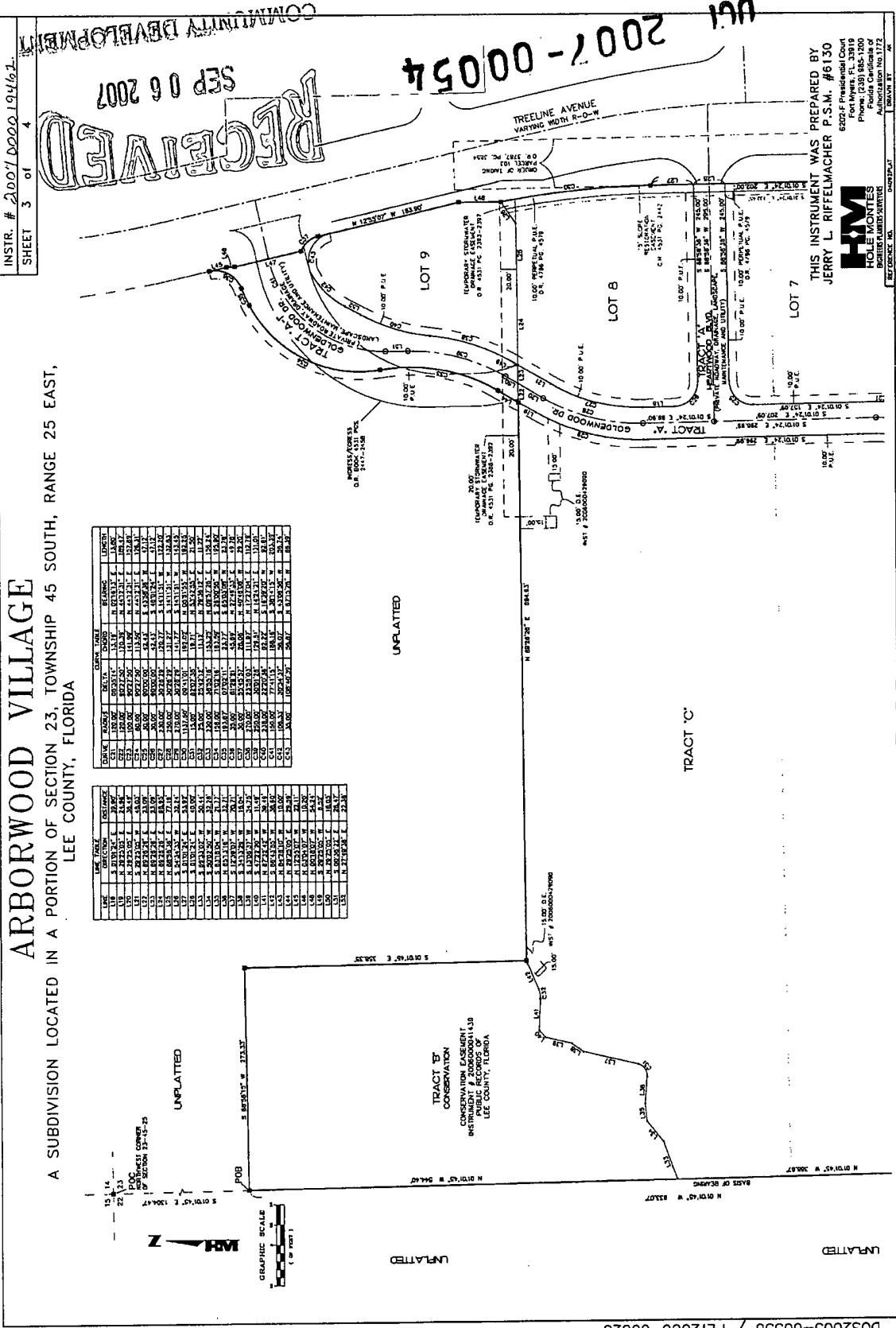
6022-F Presidential Court
Fort Myers, FL 33919
Phone: 941-935-1111
Florida Certificate of
Professional Registration No. 1772

EXHIBIT NUMBERED SURVEY
REFERENCE NO. 1772
DRAWN BY
DATE

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SEP 06 2007
INSTR. # 2007-0004944-4
SHEET 2 of 3

COMMUNITY DEVELOPMENT

001 2007-00054



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6202-F Presidential Court
Fort Myers, FL 33919
Professional Seal
Florida Certificate of
Authorization No. 1172

H.M.
HOLE MONTES

REGISTERED MEASURING SURVEYOR
STATE OF FLORIDA

A SUBDIVISION LOCATED IN A PORTION OF SECTION 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

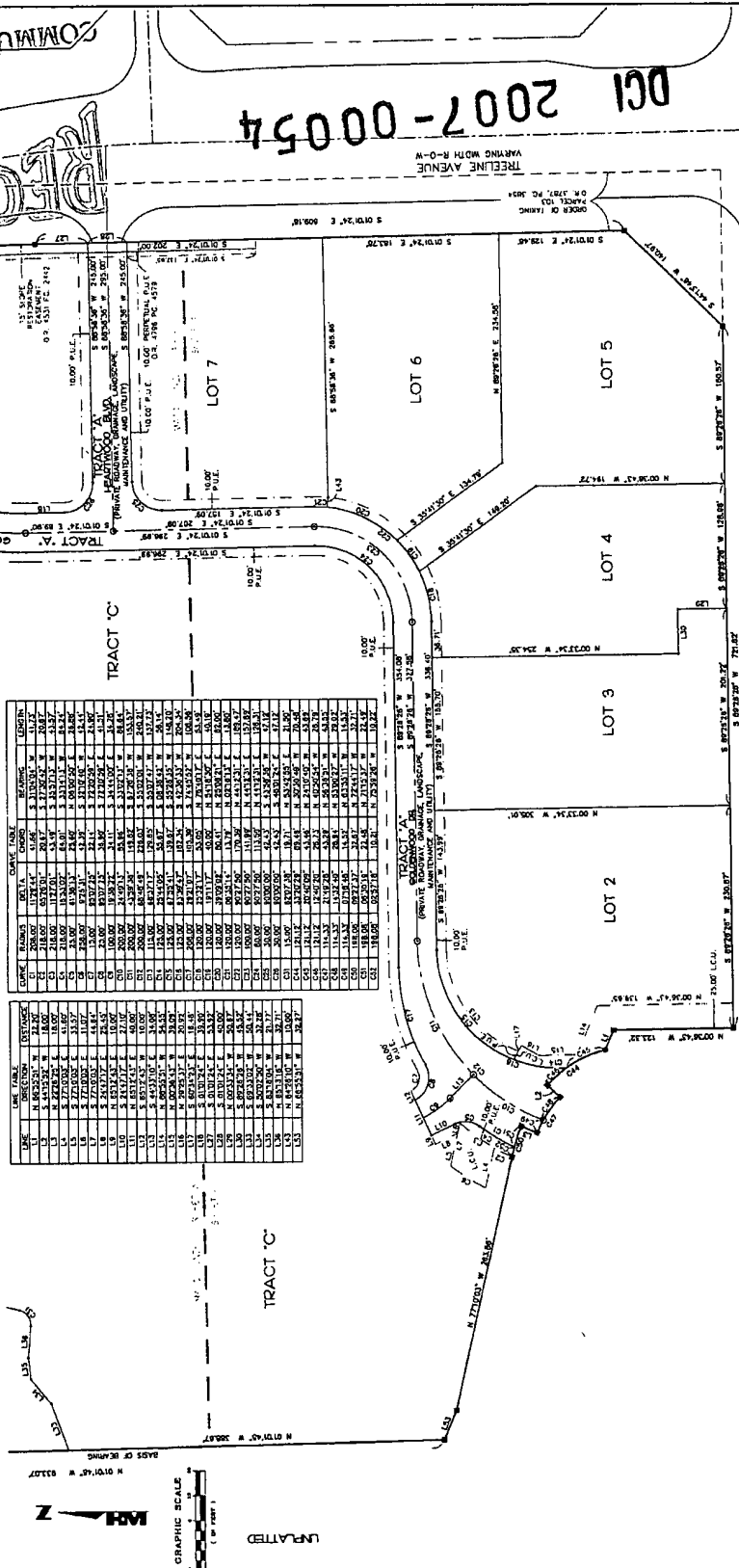
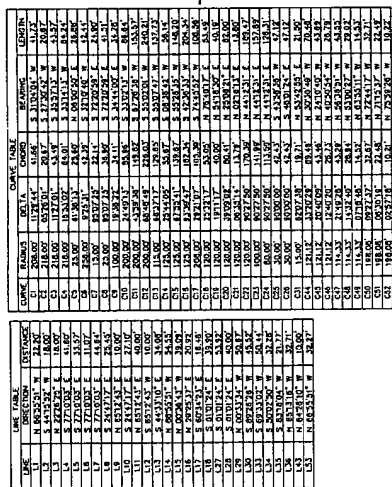
4.00 194/195

THIS INSTRUMENT WAS PREPARED BY
JERRY L. RIFFELMACHER P.S.M. #6130

IN

6202-F Presidential Court
Fort Myers, FL 33919
Phone: (239) 985-1200

ENGINEERING PLANNERS-ANALYSTS		Authorization No. 1772	
REFERENCE NO.	04092PLAT	DRAWN BY	AK



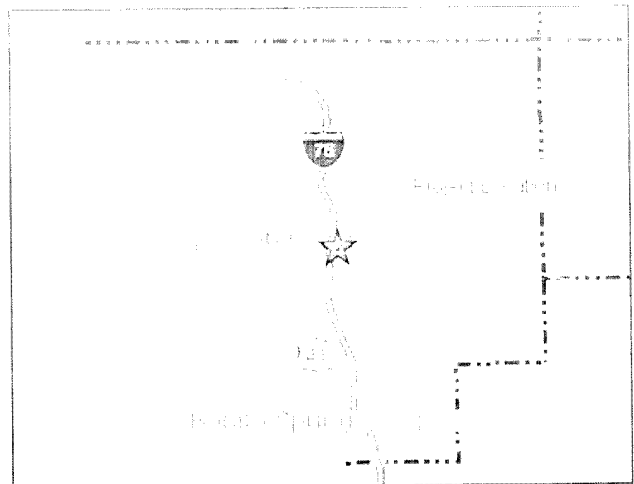
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COMMUNITY DEVELOPMENT

EXHIBIT D-7-B

Area Location Map

DCI 2007-00054



Inset Map of Lee County

Gateway

Approximate Project Location
Parcel # 23452500000010020
19.81 Acres +/-

Tree Line Ave.

Daniels Pkwy.

Highway 70

Highway 1

Highway 2



Architects
Planners
Landscape Architects
Engineers
Construction Management
Design/Build

Scale: 1" = 3000'
Date: Feb. 2017
Photo Date: N/A
Project No.: 2017-0400
Geologist: DL GIS: DCM

N

LOCATION MAP

WAL-MART #
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

FIGURE
1

DCI 2007-00054

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COMMUNITY DEVELOPMENT

EXHIBIT D-7-L

Decision-Making Compliance

DCI 2007-00054

**DECISION MAKING COMPLIANCE
ARBORWOOD VILLAGE CPD**

Compliance with LDC Sections

34-145(d)(3)

9-5-07

(d) *Zoning matters.*

(3) *Findings.* Before preparing his recommendation to the Board of County Commissioners on a rezoning, the hearing examiner must find that:

a. The applicant has proved entitlement to the rezoning or special exception by demonstrating compliance with the Lee Plan, this land development code, and any other applicable code or regulation; and

The applicant has proven entitlement by demonstrating that the application complies with the Lee Plan, the Land Development Code and all other applicable codes and regulations for development.

b. The request will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request; and.

The applicant has proven compliance with performance and locational standards for the potential uses for the development.

c. The request, including the use of TDR or affordable housing bonus density units, is consistent with the densities, intensities and general uses set forth in the Lee Plan; and

The applicant has proven that the intensities and mix of non-residential uses at the subject location is appropriate as set forth in the Lee Plan.

d. The request is compatible with existing or planned uses in the surrounding area; and

The applicant has proven compatibility with the surrounding uses.

e. Approval of the request 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

The applicant has proven based on the traffic analysis that the project will not place an undue burden on the existing roadway network.

Page 2
Decision Making Compliance

f. Where applicable, the request will not adversely affect environmentally critical areas and natural resources.

The applicant has proven that the request will not adversely affect the environment or nature resources.

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COMMUNITY DEVELOPMENT

EXHIBIT D-7-K

Design Standards Compliance

DCI 2007-00054

DESIGN STANDARDS COMPLIANCE ARBORWOOD VILLAGE CPD

**Compliance with LDC Sections
34-373 A and 5
9-5-07**

The proposed development complies with all elements of the design standards set forth in LDC 34-411

- (a) All planned developments shall be consistent with the provisions of the Lee Plan.

As demonstrated in the Lee Plan compliance section, the proposed commercial planned development is consistent with Lee Plan provisions.

- (b) All planned developments, unless otherwise accepted, shall be designed and constructed in accordance with the provisions of all applicable county development regulations in force at that time.

The proposed Conceptual Site Plan is in accordance with the provisions of the LDC. The developer fully intends to meet and exceed all of the architectural requirements for design of the anchor store. All applicable county development regulations will be met that are in force at the time of submittal.

- (c) The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water.

The subject property lends itself well to a location that will have minimal impacts to the surrounding land uses. The subject property is bounded by Daniels Parkway to the south and Treeline Avenue to the east. The site itself is adequately sized to accommodate open space, enhanced buffers, detention, and reservations for environmentally sensitive land and preserve areas.

- (d) The tract or parcel shall have access to existing or proposed roads: (1) In accordance with chapter 10 and as specified in the Lee Plan traffic circulation element or the official trafficways map of the county; (2) That have either sufficient existing capacity or the potential for expanded capacity to accommodate both the traffic generated by the proposed land use and that traffic expected from the background (through traffic plus that generated by surrounding land uses) at a level of service D or better on an annual average basis and level of service E or better during the peak season, except where higher levels of service on specific roads have been established in the Lee Plan; and (3) That provide ingress and egress without requiring site-related industrial traffic to move through predominantly residential areas.

The parcel has access to an existing roadway network. The proposed development is in accordance with Chapter 10 of the Land Development code with regard to traffic. Based on the results of the Traffic Impact Statement included within this submittal, the above service levels can be met. No industrial traffic is proposed to be moved through predominantly residential areas.

(e) If within the Lee Tran public transit service area, the development shall be designed to facilitate the use of the transit system.

The proposed development includes an area for a transit stop on Daniels Parkway for Lee Tran Route #50 and proposes an on-site transit stop if desired by Lee County and Lee Way.

(f) Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.

The proposed development will not create any hazards to any persons or property either on or offsite, nor shall it increase probability of flood, erosion or other nuisances. As pointed out earlier, there is no residential development that will be directly impacted by this development in a negative way.

(g) Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitats significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.

Every effort has been made in the planning and design of this development to protect preserve the natural features of the land, including, but not limited to rare, threatened, or endangered species. A wetland preserve approximately 3.77± acres located in the northwestern portion of the site is being maintained to satisfy this design requirement. This development does not impact historical or archeological features of the property.

(h) A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.

Open space has been provided throughout the site with enhanced buffers along Daniels Parkway and Treeline Ave. This is evidence of compliance with the above

standard. Open space has been integrally designed into the overall Master Concept Plan in an aesthetically pleasing manner.

(i) Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.

The site has been designed in such a way so as to minimize any negative impacts of the surrounding land uses. The surrounding General Interchange Land Uses are compatible with this non-residential use, and residential uses are not within close proximity.

(j) Where a proposed planned development is surrounded by existing development or land use with which it is compatible and of an equivalent intensity of use, the design emphasis shall be on the integration of this development with the existing development, in a manner consistent with current regulation.

The project has integrated non-residential uses that are compatible and are equal to or less intense than the surrounding uses. All uses will be developed according to current regulations.

(k) Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.

As mentioned earlier and in compliance with other standards, the proposed development has been planned to separate and mutually protect the surrounding area and its environs, however the project is bounded by non-residential land uses and the interstate. They are naturally separated from each other.

(l) In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction.

Pedestrian activity is encourage by interconnecting pedestrian paths throughout the planned development, and community interaction is encouraged by the diversity of the tenants of the out-parcels.

(m) In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.

The project does not have any conflicting uses and are separated by a naturally sustained buffering system.

(n) Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.

The project is compatible with planned non-residential uses in the area, and therefore all uses are systematically planned accordingly.

(o) Unless otherwise provided for in this article, minimum parking and loading requirements shall be as set forth in article VII, divisions 25 and 26, of this chapter. Where it can be reasonably anticipated that specified land uses are generators of occasional peak demand for parking space, a portion of the required parking may be pervious or semi-pervious surfaces subject to the condition that it be constructed and maintained so as to prevent erosion of soil. In all cases, however, sufficient parking shall be provided to prevent the spilling over of parking demand onto adjacent properties or rights-of-way at times of peak demand.

The parking standards have been met on the anchor parcel, and the out parcel development will meet all provisions in the code for compliance. Parking will not intrude to adjacent properties.

(p) Joint use of parking by various land uses within the planned development may be permitted by special condition where it can be demonstrated or required that the demand for parking by the various uses will not conflict. Joint parking agreements between uses within and uses without the planned development shall be governed by agreement per general regulation (see section 34-2018), without exception.

If joint parking uses are needed, they shall comply with LDC Section 34-2018. Joint or shared use of parking is not contemplated at this time.

(q) Internal consistency through sign control, architectural controls, uniform planting schedules and other similar controls is encouraged.

Consistency will be provided and notes have been provided on the approved MCP that will ensure compliance with this standard.

(Zoning Ord. 1993, § 804.02(A); Ord. No. 95-12, § 8, 7-12-95)

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COMMUNITY DEVELOPMENT

EXHIBIT D-7-J

LEE Plan Compliance

001 2007-00054

**NARRATIVE ON LEE PLAN COMPLIANCE
ARBORWOOD VILLAGE CPD
9-5-07**

The proposed development of the Arborwood CPD complies with the following Lee Plan policies.

POLICY 1.3.2: The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial and light industrial/commercial. (Amended by Ordinance No. 94-30, 99-18)

The proposed uses contained within approved Zoning Resolution Z-06-061 for the Arborwood Village CPD were identified and adopted as acceptable uses that are consistent with this policy.

POLICY 6.1.3: Commercial developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as commercial planned developments designed to arrange uses in an integrated and cohesive unit in order to:

- provide visual harmony and screening;
- reduce dependence on the automobile;
- promote pedestrian movement within the development;
- utilize joint parking, access and loading facilities;
- avoid negative impacts on surrounding land uses and traffic circulation;
- protect natural resources; and
- provide necessary services and facilities where they are inadequate to serve the proposed use.

(Amended by Ordinance No. 94-30, 00-22)

The proposed master plan has demonstrated compliance with visual harmony and screening by providing a bermed thirty-five (35) foot Type F buffer for the anchor parcel, and additional plantings along Daniels Parkway and Treeline Ave.. The proposed anchor store development will further provide visual harmony by meeting and exceeding the architectural guidelines set forth in the Land Development Code. In addition, the applicant has conducted meetings with Lee County staff to determine the best architectural design for this site. Truck routes, access, and loading and unloading facilities have been carefully planned and considered in order to minimize effects. Due to the location of this site, dependence on the automobile is lessened by capturing the trips generated by the airport and FGCU. And finally, a 2.87± preserve area located on the western property line will have a 25 foot buffer from the proposed structure. In conclusion based on the reasons stated above compliance is established with this policy.

POLICY 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities. (Amended by Ordinance No. 94-30, 00-22)

The proposed project as designed by the applicants Master Concept Plan and Conceptual Site Plan is compatible with all surrounding and adjacent land uses. This has been achieved by careful consideration of the site design as well as incorporating the approved list of uses for the project. There are no residential use(s) in the immediate vicinity and therefore this use is compatible with surrounding uses. This is further substantiated by the projects close proximity to the Interstate, the rest area facilities, and the airport.

POLICY 6.1.6: The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

As stated earlier, the project will provide lush landscaping that exceeds code requirements, provide adequate open space, and adhere to all provisions in the resolution for buffering. Again, the architectural design elements of the store will set high standards for large retailers in the future. Signage will be tastefully done to enhance the development and provide visual identification to the project.

POLICY 6.1.7: Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.

This project is consistent with this policy in that the Lee Plan supports non-residential development at the interchanges of Interstate 75. Residential use(s) at the intersection of Daniels Parkway and Treeline Ave would be considered unreasonable. This is a prime intersection for non-residential development.

POLICY 6.1.9: Prohibit commercial development from locating near existing or planned school areas in such a way as to jeopardize the safety of students. (Amended by Ordinance No. 00-22)

Compliance has been established with this policy. There are no schools existing or planned for this location.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. (Amended by Ordinance No. 94-30, 00-22)

Urban sprawl is contained by the development of this tract of land at this key location. This 68 acre parcel will minimize energy costs, through innovative building and fixture designs, conserve land by maintaining an on-site preserve, conserve water; commercial developments uses less water than residential districts and irrigation will be minimized through a drip irrigation system. This development promotes development of tracts of land within close proximity to goods and services.

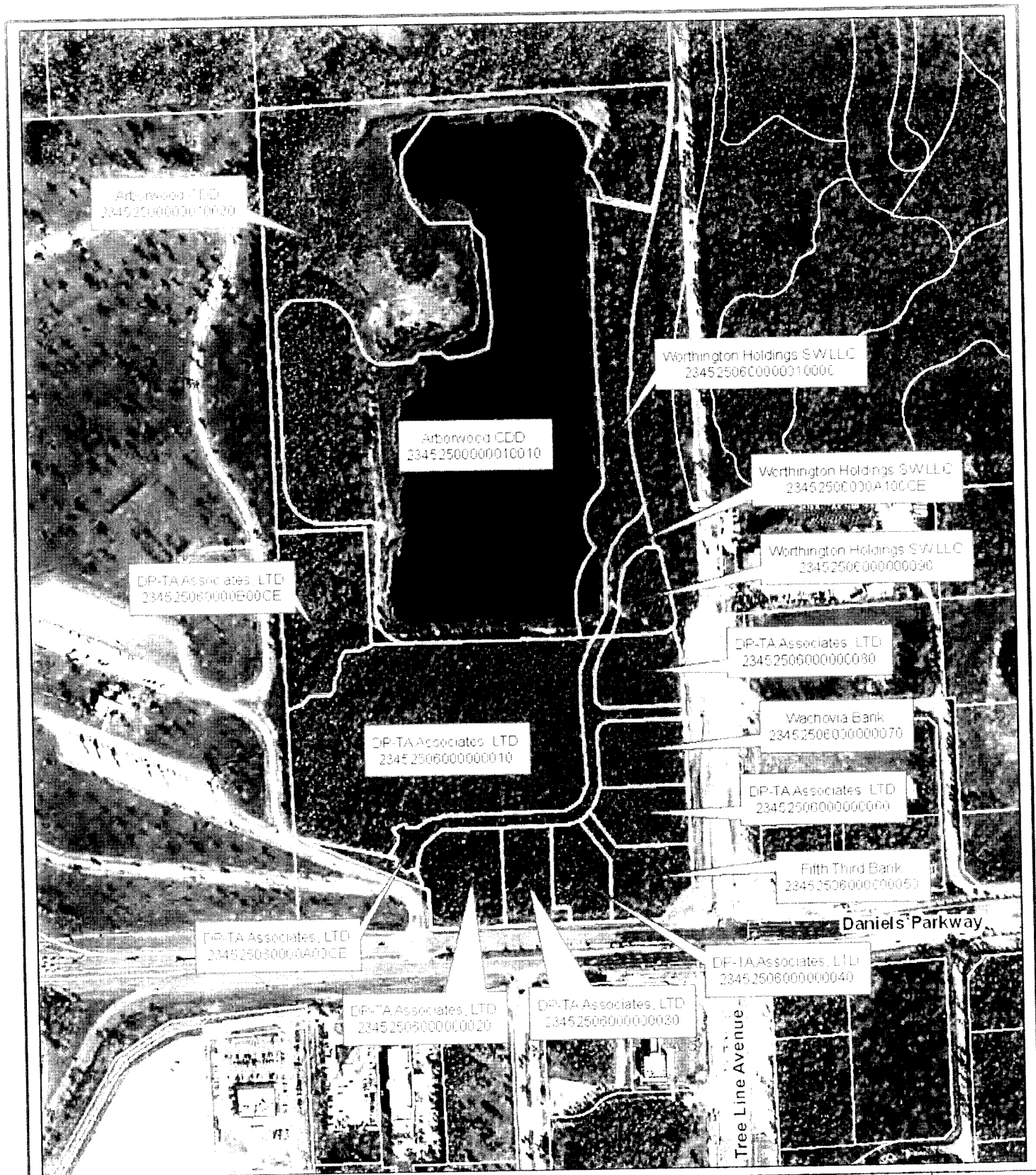
OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections.163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)

The proposed project is located in an area where public facilities exist and where compact development can be created. The project will be consistent with the Florida Statutes and the County's Concurrency Management Ordinance.

In conclusion the project is consistent with all of the policies and objectives stated above. Compliance with the Lee Plan has been identified.

EXHIBIT PH-2.C.2

Subject Property Owners Map



cph
 Engineers
 Planners
 Landscape Architects
 Surveyors
 Construction Management
 Design/Build

Scale: 1" = 400'
 Date: August 2017
 Photo Date: 2004
 Project No.: WJCR60
 Prepared: GIS/DEM



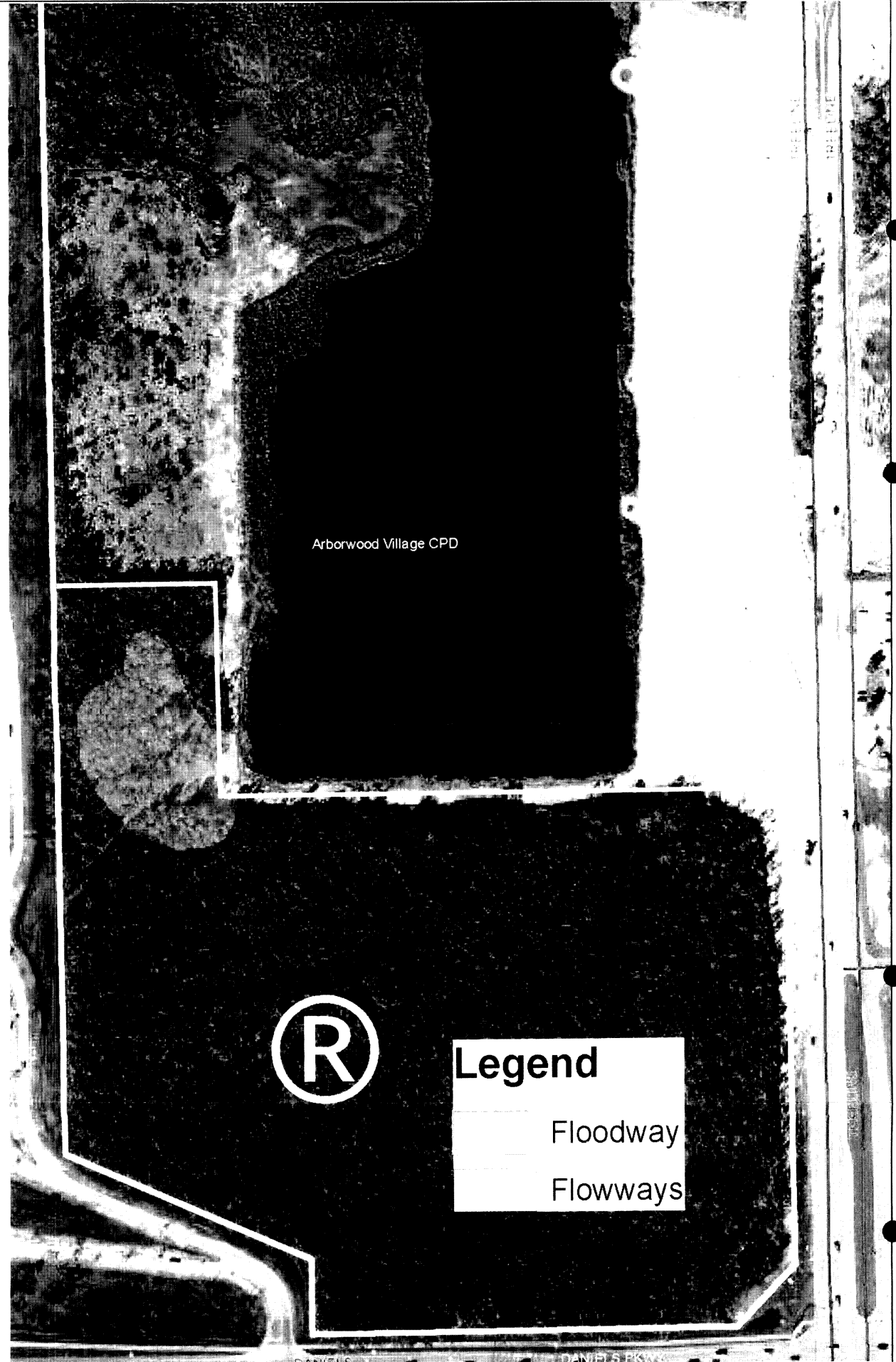
PROPERTY OWNERS MAP
 WAL-MART AT ARBORWOOD VILLAGE
 SECTION 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA

FIGURE
 1

DCI 2007-00054

EXHIBIT D-7-I

Existing and Historic Flow-Ways Map



Arborwood Village CPD

®

Legend

--- Floodway

— Flowways



Engineers
Architects
Surveyors
Planners
Landscape Architects
Environmental Scientists
Construction Management
Design / Build

Scale: 1" = 150'
Date: Aug. 2007
Photo Date: 2004
Project No. W13460

N

FLOW WAY MAP

WAL-MART #97558
SECTION 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

D-7-I

DCI 2007-00054

October 3, 2007

Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901



2211 Peck Street, Suite 300
Fort Myers, Florida 33901
Phone: 239.332.5499
Fax: 239.332.2955

www.cphengineers.com

Subject: **Request for Additional Information (DCI2007-00054)**
Project Name: Arborwood Village CPD Amendment
County: Lee County

Mr. Anthony D. Palermo:

We are in receipt of your letters dated September 26, 2007 and October 19, 2007 and offer the following responses. Please note that our responses are shown in bold italic type face.

LC Development Review PD Application Sufficiency Checklist (Ord 05-29)

1) General Design Standards. The development must have access to existing or proposed roads in accordance with LCLDC Chapter 10 and as specified in THE LEE PLAN traffic circulation element or the Official Trafficways Map. [34-411(d)(1)]

10-291(2) if the Lee County Land Development Code (LCLDC) requires that all development must abut and have access to a public or private street designed, and constructed or improved, to meet the standard in 10-296. As originally designed and approved the two out parcels, O.P. # and O.P. #6, abut and have access to the 40' wide right-of-way internal road constructed under development order DOS2005-00356. As presented on the proposed MCP, the internal roadway does not comply with minimums specified in 10-296 of the LCLDC. In addition, based upon the Conceptual Site Plan, connection separation for access points along the internal roadway do not seem to comply with provisions if 10-285(a) Table 1.

Response: Please refer to revised MCP-2 and CP-1 attached under Exhibit D-7-M.2 showing the proposed forty (40') foot ingress/egress easement allowing access from the surrounding roadways through the development and connecting all parcels.

4) Miscellaneous Items

In addition to the Front elevation, the façades facing both Daniels Parkway and Interstate 75 (Left and Rear Elevations) must incorporate architectural design treatments to assure the building is visually appealing from all directions. Please revise the left and rear elevations to include architectural features similar to those represented in the primary (Front) elevation.

Response: Please refer to the revised building elevations attached under Exhibit D-7-M.2.

LC Public Hearing for Zoning Action Checklist (Ord 05-29)

33) Contact. The Zoning Planner may be contacted regarding any questions on the LC Public Hearing for Zoning Action Checklist.

Zoning Comments.

1. Please check the wording for the request. Amend the Arborwood Commercial Planned Development (CPD), +/- 68.23 acres, for a maximum of 250,000 s/f of commercial retail (including a 170,000 s/f anchor parcel/ Wal-Mart Supercenter), 42,000 s/f of office, 120 bed hotel, and 10,000 s/f of essential services. The applicant indicates any development will connect to public potable water and public sanitary sewer service. No development blasting is requested.

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Response: Please refer to the revised MCP-2 attached under Exhibit D-7-M.2.

2. DOT- sufficient

Response: Acknowledged.

3. Development Services comments included:

From: Lee, Samuel
Sent: Wednesday, September 26, 2007 2:07 PM
To: Palermo, Anthony D.
Cc: Werst, Lee; Copeland, Tildon; Karuna-Muni, Anura J.
Subject: FW: DCI2007-00054 Arborwood Village CPD

Please make sure that there are two reviews from Natural Resources;

Surface Water (by Tildon Copeland): Provide Natural Resources a copy of the modified SFWMD permit that would satisfy conditions in zoning resolution Z-06-061.

Note: Under current Zoning resolution the plan must include monitoring for water quality and ground water levels using a minimum of four wells see Z-06-061. Stormwater pretreatment should be provided before discharge into Lake, show proposed drainage flows.

Groundwater (by Lee Werst): In review of the application DCI2007-00054 Arborwood Village CPD, the project file does not provide us with the following information:

- 1) The depth of the existing lake and will the applicant attempt to match the existing depth when reconstructing the new foot print of the lake.
- 2) The applicant has not supplied soil boring with the new lake foot print to the depth of 5 feet deeper within the proposed section of excavation area.
- 3) Does the applicant propose any dewatering to construct the new foot print?
- 4) Finally, does the applicant have legal access to excavate the lake and discharge to the lake?

Thanks,

Sam

Response: Per our meeting with County Staff 10/10/2007, the lake reconfiguration is only to show the most current information available, as the footprint of the borrow pit/lake has been modified under a separate D.O. Application. No changes to the lake are proposed at this time. This application generally focuses on modifications to the southern commercial portion of the Arborwood Village CPD. The only dewatering that may be necessary to support this section of the development would be minor dewatering associated with the installation of underground utilities and or foundations/footers.

In addition to the above, the following information is provided for further clarification:

- Modifications to the borrow pit and or mining operations are not proposed under this application
- The existing I-75/FDOT borrow pit lake was previously expanded as part of the Treeline Avenue (Daniels Parkway to Pelican Preserve Blvd.) roadway construction project. This project was reviewed and approved by Lee County Development Services pursuant to DOS 2005-00262. The lake expansion also received approvals for SFWMD and ACOE pursuant to SFWMD ERP No. 36-02899-S (App. No. 030625-5) approved April 14, 2004 for Treeline Avenue, and ACOE Permit No. SAJ-2003-6965 (IP-TWM) issued for Treeline Avenue on June 10, 2005. The lake expansion work was recently completed, and the Project Engineer is in the process of submitting for Construction

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Completion certification from Lee County and SFWMD. The current CPD Amendment Application only requests filling in approximately 7.5 acres in the southeast corner of the borrow pit.

- **The existing lake varied in depth from +/- 13' to +/- 18'. As described above, the previously permitted expansion allows the expanded portion of the lake to be 18' deep from control elevation. The control elevation is 21.4' NGVD, with the bottom elevation of 3.4' NGVD.**
- **The co-applicants in this case are Worthington Holdings Southwest, LLC and the Arborwood Community Development District (CDD). The Arborwood CDD owns the existing and expanded lake area, and has authorized all work, access, and drainage.**
- **Stormwater pre-treatment will be provided prior to any discharges to the borrow pit/lake as required by Lee County and the South Florida Water Management District.**
- **The lake currently discharges via the four (4) permitted water control structures and spreader swales to the adjacent uplands and wetlands and eventually flows overland to an I-75 culvert via an existing system of ditches located on the FDOT Rest Area property, but primarily along the Rest Area's northern boundary.**

4. Zoning Legal Description – sufficient.

Response: Acknowledged.

5. Port Authority comments:

From: James R. Halley [jshalley@flylcpa.com]
Sent: Tuesday, September 25, 2007 3:25 PM
To: Palermo, Anthony D.
Subject: Arborwood Village CPD

Tony,

My name is Jim Halley and I'm the new airspace and noise coordinator at the Port Authority. Before he left, Bill Horner gave me the Arborwood Village CPD file to review for any noise and airspace issues. In terms of noise, it looks like it is all commercial, hotels, etc., so there would be no noise issues there – all stated straps are well outside the 55 DNL contours. In terms of airspace, I saw a reference to a 130' height for a hotel. This would require FAA approval under their 100:1 criteria. Buildings from 93' to 121' would require FAA approval depending on where exactly they are located in the stated parcels. Those airspace issues are the only concerns we have for this. Please let me know if you need anything more.

Thanks,

Jim Halley
Project Coordinator, Noise and Airspace
Lee County Port Authority
11000 Terminal Access Road, Suite 8671
Fort Myers, FL 33913-8899
Tel: (239) 590-4624
Fax: (239) 590-4688
jshalley@flylcpa.com

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Response: Acknowledged.

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6. Other comments are pending.

Response: Acknowledged.

7. Master concept plan page #2

- I understand the note on the pending CPD sufficiency, but it is not necessary to put it on the MCP.

Response: Please refer to the revised MCP-2 attached under Exhibit D-7-M.2.

-The intensity summary table is needed on a separate attachment, and will be included in the resolution. Please remove it from the MCP.

Response: The intensity summary table has been removed from the MCP and is included as a separate attachment titled Project Intensity Summary.

-The same goes for the project intensity and the conversion table.

Response: The project intensity and conversion tables have both been removed from the MCP and are included as a separate attachment titled Project Intensity Summary.

8. Master concept page #3

-Substantive comments. It appears sufficient for review. There is still a concern for the big box shape of the building and the large amount of land utilized for parking, especially the former outparcels.

Response: Please refer to the revised documents. The architectural elements proposed on the building have been more clearly shown on the conceptual site plan. In addition, the parking lot has been broken up with linear landscape islands, oversized interior landscape islands, and a non-linear front drive aisle in front of the main building. It utilizes the minimum parking required by Lee County Development Code, with wider external buffers to minimize the impacts of the proposed parking fields.

9. Elevations.

-Substantive comments. Left, rear and right elevations look like a blank wall, similar to most big box retailers.

Response: Please refer to the revised elevations attached under Exhibit D-7-M.2.

10. Substantive comments. Few, if any, of the elements and enhancements we discussed in our meetings are included in the application. We discussed many conditions to soften the effect of a big box retailer, and to make this site "unique" to Lee County, and taking advantage of the location near the airport and FGCU.

Response: Please refer to the revised documents. The proposed conceptual site plan incorporates the following: dedicated parking for pregnant women, dedicated parking for public transportation vehicles (Lee Tran Passport), multiple bike racks, a trellis covered outdoor seating area, a non-linear front drive (traffic calming) with decorative crosswalks, oversized interior landscape islands, additional buffer width for areas where parking is proposed adjacent to public roadways, interconnecting sidewalks, internal parking lot sidewalks, screen walls at the truck well, compactors at rear property line, no proposed parking lot display, and vegetated storm ponds.

In addition to the above, Wal-Mart representatives have met with several area agencies in an attempt to forge local public/private partnerships. These have included: Lee Tran, resulting in the potential for constructing a public bus stop/pull off to allow for safe loading and unloading of passengers without hampering traffic on Daniels Pkwy (additional coordination/approval needs from Lee Tran and Lee County DOT), The South Florida Water Management District, leading to the proposed use of 100% vegetation native to South Florida (with the exception of sodded areas) and the use of a "drip" irrigation system to

minimize water consumption, and Florida Gulf Coast University, to discuss flexible job opportunities for students.

11. Some other ideas came to mind: Parking for pregnant women (as utilized nearby in Gulf Coast Town Center Mall), public gazebos, bike storage, murals on the plain walls, public clocks, etc.

Response: Please refer to the revised conceptual site plan and response listed above.

LC Environmental Sciences PD Application Sufficiency Checklist (Ord 05-29)

12i) Open Space Percentage.

- The percentage of open space must be shown on the Master Concept Plan unless the proposed development consists solely of conventional single-family dwelling units on lots of no less than 6,500 square feet. [34-373(a)(6)h.]

Response: Please refer to the revised MCP-2 attached under Exhibit D-7-M.2.

- Please revise the MCP to depict lake acreage provided using required open space and lake size. Communicated to applicant in 10/10/07 meeting.

Response: Please refer to the revised MCP-2 attached under Exhibit D-7-M.2.

20) Contact. The Environmental Planner may be contacted regarding any questions on the LC Environmental Sciences Planned Development Application Sufficiency Checklist.

Lee County Attorney's Office

1. I really wish DCD would reconsider the waiver of the survey requirement for this case. It has the potential to create a number of problems as this project moves forward. Part of it is already platted, though the boundary of the plat does not match the boundary of the zoning case thus far. Additionally, the issue of easements, recorded and unrecorded, must still be addressed on the MCP, even if there is no survey.

Response: Acknowledged.

2. The lake is to be reconfigured and enlarged, but the application does not appear to address the removal of material from lake in terms of quantity and disposal or removal (within or from the site?).

Response: The lake reconfiguration is not included within this application, but is shown in its currently approved footprint for informational purposes. Please refer to DOS #2005-00262.

3. Are any of the existing property development regulations (setbacks, min. lot size, lot width, lot depth, structure height) proposed to be changed?

Response: No

4. Are any of the uses on the current Schedule of Uses going to be changed?

Response: No.

5. The legal description need to have the "subject to" language removed.

Response: Acknowledged.

6. Have all easements, recorded and unrecorded, been disclosed?

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Response: Yes, to the best of the applicant's knowledge.

Please contact our office if we can be of further assistance in providing additional information.

Sincerely,
CPH ENGINEERS, INC.


Jeffrey M. Satfield, P.E.
Sr. Vice President / Branch Manager

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PROJECT INTENSITY SUMMARY

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PROJECT INTENSITY SUMMARY TABLE

Previously Approved Resolution #Z-06-061	Proposed Intensity
<u>Anchor Parcel</u> 200,000 s.f. Retail 120 Bed Hotel	<u>Anchor Parcel</u> 238,000 s.f. Retail 12,000 s.f. Office 120 Bed Hotel
<u>Out-parcels 1-7</u> 50,000 s.f. Retail 12,000 s.f. Office	<u>Out-parcels 4 & 6</u> 12,000.00 Retail
<u>Tract 1</u> 30,000 s.f. Office	<u>Tract 1</u> 30,000 s.f. Office
<u>Tract 2</u> 10,000 s.f. Essential Services	<u>Tract 2</u> 10,000 s.f. Essential Services
<u>Totals:</u> 250,000 s.f. Retail 120 Bed Hotel 42,000 s.f. Office Essential 10,000 s.f. Services	<u>Totals:</u> 250,000 s.f. Retail 42,000 s.f. Office 120 Bed Hotel Essential 10,000 s.f. Services

Note: The owner of the Anchor Parcel may file an assignment with the County to transfer a maximum of 58,000 SF of Retail, 12,000 SF of Office and 120 Hotel Beds from the Anchor Parcel to Tract 1 as Office and Retail Uses based on the Land Use Conversion Table below.

LAND USE CONVERSION TABLE:

Conversion Table	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

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SCHEDULE OF USES

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OUTPARCELS 1 THROUGH 7

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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, Tatoo 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 Store, Groups I and II – No Pawn Shops
Variety Stores

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ANCHOR PARCEL

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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.

DCI 2007-00054

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, Tatoo 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

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TRACT #2

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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

DCI 2007-00054

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

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September 5, 2007

2211 Peck Street, Suite 300
Fort Myers, Florida 33901
Phone: 239.332.5499
Fax: 239.332.2955

Ms. Pam Houck
Director of Zoning
Lee County Community Development
1500 Monroe Street
Fort Myers, Florida 33901

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www.cphengineers.com

Re: Arborwood Village CPD Amendment

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Dear Ms. Houck,

DCI 2007-00054

On behalf of DP-TA Associates LTD, a Florida partnership, CPH Engineers, Inc. hereby submits this application for your consideration on the above referenced project.

Arborwood Village CPD was approved by Case # DCI2006-00005, Resolution Z-06-061 passed and adopted October 16, 2006. The development approval is limited to the following list of square footage allowances:

- 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

It is the intent of the applicant through this minor PD process to create a second option for the development of the site in which the maximum amount of square footage in an individual retail building is increased to 170,000 square feet. This optional master concept plan includes a realignment of internal roads through the site and elevations applicable to the proposed big box use. The 100,000 square foot limit would remain in effect for the existing MCP. In addition, the applicant is also requesting approval for the revised lake configuration (formally a borrow pit) on the parcel abutting the anchor parcel. DOS2005-00262 is pending CPD sufficiency.

The property is located with ready access to I-75, Daniels Parkway, Treeline Ave, and the future Three Oaks Parkway Extension. The road network provides the ability to readily disburse traffic in this part of the county. The county considered the ability to locate a large retailer on the property when the project was approved in 2006. The staff and the BOCC indicated that if a large retail facility was going to be located on the site, they wanted the ability to evaluate the

elevations as part of the planned development process. The applicant has reviewed several renderings with the staff, and will continue to work with the county staff on the elevations.

Since the site is an ideal location to serve the existing residents of Lee County, the application to provide for an alternate concept plan for a large format retail facility is being pursued. The City of Fort Myers has approved a large number of residences to the north in the Arborwood DRI and the Pelican Preserve DRI. Gateway DRI is located to the east on Daniels Parkway. On the west side of the interstate the City and the County have approved a large number of residential units that are bounded by Daniels, the Six Mile Slough and the Interstate. The residents within this area are compelled to travel on Daniels for all of their shopping needs. Providing for the commercial needs of a large population base in close proximity to that population allows their retail needs to be met without putting long trips on the road network.

The development team has met with Lee County staff on more than one (1) occasion to discuss the building elevation, and how best Wal-Mart can provide the goods and services to this growing area of the County.

We look forward to your review of the project and your input, and please do not hesitate to contact me if you require any additional information.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Debbie Festa". The signature is fluid and cursive, with the first name "Debbie" written in a larger, more prominent script than the last name "Festa".

Debbie Festa, Senior Planner
CPH Engineers, Inc.

EXHIBIT PH-2.C.1

Subject Property Owners List

EXHIBIT PH-2-C-1

Property Owners List

Strap No. 23-45-25-06-00000.0010; 23-45-25-06-00000.0020; 23-45-25-06-00000.0030; 23-45-25-06-00000.0040; 23-45-25-06-00000.0060; 23-45-25-06-00000.0080; 23-45-25-06-0000A.00CE; 23-45-25-06-0000B.00CE;

DP-TA Associates, LTD, a Florida Partnership
Elias Vassilaros
703 Waterford Way, Suite 800
Miami, FL 33216

Strap No. 23-45-25-06-00000.0050

Fifth Third Bank
Corporate Facilities
200 E. Robinson St.
Orlando, FL 32801

Strap No. 23-45-25-06-00000.0070

Wachovia Bank
489 Belfort Rd., Suite 100
Jacksonville, FL 32256

Strap No. 23-45-25-00-00001.0000

23-45-25-06-00000.0090

23-45-25-06-000A1.00CE

Worthington Holdings SW LLC
9240 Marketplace Rd Ste 2
Fort Myers FL 33912

Strap No. 23-45-25-00-00001.0010; Strap No. 23-45-25-00-00001.0030;

Arborwood CDD
c/o Seven Trent Services
210 N. University Drive Suite 702
Coral Springs, Florida 33071

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DCI 2007-00054

EXHIBIT D-7-M.2

(11"x17")

Rev. Proposed Master Concept Plan – MCP-2

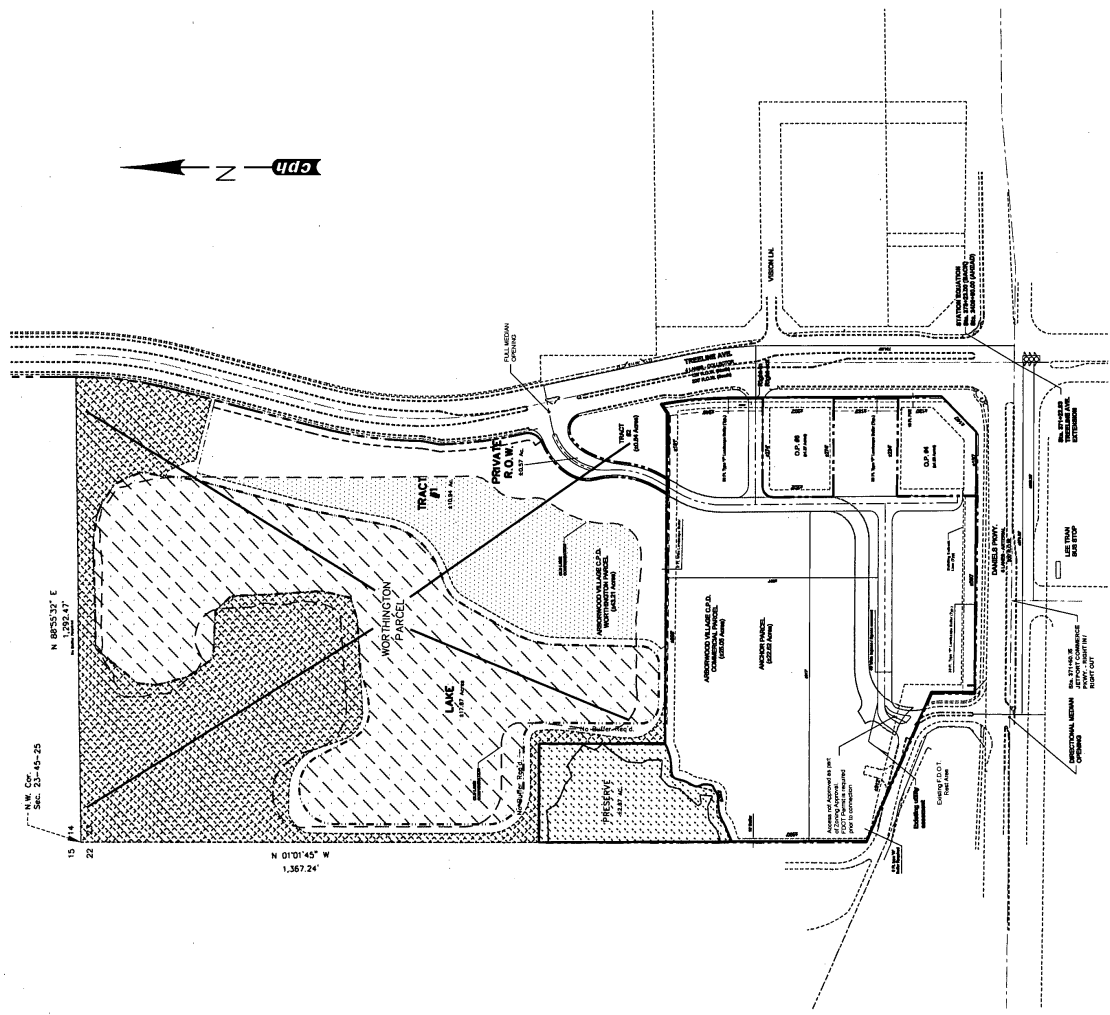
Rev. Conceptual Site Plan CP-1

Rev. Wal-Mart Building Elevation

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PROJECT SUMMARY:

- CONCEPTUAL LAND USE BREAKDOWN:**

C.P.D. - COMMERCIAL PARCEL
On-Site Wetland / Upland Preserve Area / O.S. / Green Space
Internal Cross Access Easement
Development Parcels

Total Site - CPD Commercial Parcel	± 25.06 Ac.
C.P.D. - WORTHINGTON PARCEL	± 12.97 Ac.
On-Site Wetland / Conservation Area	± 17.87 Ac.
Existing Lake / Proposed Lake Expansion	± 40.57 Ac.
Wetland (Private R.O.W.)	± 12.97 Ac.
Wetland (Public R.O.W.)	± 40.85 Ac.
Wetland Track #2	
Total Site - CPD - D.E. Parcel	± 43.21 Ac.
Total CPD Parcel Area	± 68.25 Ac.
- CONCEPTUAL OPEN SPACE:**

C.P.D. - COMMERCIAL PARCEL
± 25.06 Ac. x 0.3 =

Total Commercial Parcel Open Space Required:	± 7.51 Ac.
Open Space Provided:	± 7.51 Ac.
Indigenous / Preserve Area	± 2.87 Ac.
Anchor Parcel (± 23.5%)	± 5.29 Ac.
O.P. #4 & #6 (± 22.0%)	
O.P. #4 (± 1.25 Ac. x 0.22)	± 0.28 Ac.
O.P. #6 (± 1.27 Ac. x 0.22)	± 0.28 Ac.
Sub-total (CPD Commercial Parcel)	± 8.72 Ac.
C.P.D. WORTHINGTON PARCEL	± 12.97 Ac.
± 43.2 Ac. x 0.3 =	
Total Worthington Parcel Open Space Required:	± 12.96 Ac.
Open Space Provided:	± 12.96 Ac.
On-Site Wetland / Conservation Area	± 12.97 Ac.
Proposed Lake (Under Construction)	± 3.24 Ac.
Track #1 (± 10.94 Ac. x 0.10)	± 1.09 Ac.
Track #2 (± 0.85 Ac. x 0.10)	± 0.09 Ac.
Sub-total (CPD Worthington Parcel)	± 17.36 Ac.
Total Open Space Provided:	± 26.11 Ac.
Total Open Space Percentage:	± 38 %

- INDIGENOUS OPEN SPACE:**

C.P.D. - COMMERCIAL PARCEL
Indigenous Open Space Required
± 7.5 Ac. x 50%
Indigenous Open Space Provided:
Existing Preserve Area /

± 2.87 Ac.*
Total Provided:
± 2.87 Ac.*

*(See Note Below)

C.P.D. - WORTHINGTON PARCEL
Indigenous Open Space Required
± 12.96 Ac. x 50%
Indigenous Open Space Provided:
On-Site Wetland / Conservation Area

± 6.48 Ac.
± 6.42 Ac.*
- Total Open Space Provided:**

Indigenous Open Space Required
(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 Ac. Needed to satisfy this requirement.
- PUBLIC TRANSIT:**

The site is located on Lee Tran Route #50

LEGEND

- INDIGENOUS OPEN SPACE - WORTHINGTON PARCEL ± 12.97 ACRES
- INDIGENOUS OPEN SPACE - COMMERCIAL PARCEL ± 2.87 ACRES
- NEW LAKE CONFIGURATION

NOV 20 2007

COMMUNITY DEVELOPMENT

DCI 2007-00054

Designed by: J.M.S. Drawn by: ELP/GJS Checked by: J.A.R. Approved by: J.M.S. Scale: NTS	Date: 10/10/07 Job No. W13460 File: Concept Certificate of Authorization No. 3215 © 2007	gph Engineers Architects Surveyors Planners Landscape Architects Environmental Scientists Construction Management Design / Build	2211 Peck Street Suite 300 Fort Myers, FL 33901 Phone 239 332-5499 Fax 239 332-2955	ENGINEER, P.E. REG.#	ARBORWOOD VILLAGE CPD MASTER CONCEPT PLAN 2 WAL-MART SUPERCENTER #5746-00 FORT MYERS (SE), FL	Sheet No. MCP-2
	ARBORWOOD VILLAGE CPD MASTER CONCEPT PLAN 2 WAL-MART SUPERCENTER #5746-00 FORT MYERS (SE), FL					

SITE DATA

WAL-MART SITE AREA:
 969,691.32 S.F. (22.26± AC.)
 OUTPARCEL 1:
 55,343.98 S.F. (1.27± AC.)
 OUTPARCEL 2:
 54,634.78 S.F. (1.25± AC.)
 TOTAL SITE AREA:
 1,079,669.98 S.F. (24.79± AC.)

BUILDING AREAS:
 WAL-MART BUILDING AREA:
 170,000 S.F.
 TOTAL BUILDING AREA:
 170,000 S.F.

PARKING INFORMATION:
 LEE COUNTY PARKING REQUIRED:
 1 SPACE PER 200 S.F. OF FLOOR AREA
 (WAL-MART ONLY)
 723 SPACES
 1 SPACE PER 600 S.F. OF STORAGE AREA
 40 SPACES
 TOTAL PARKING SPACES REQUIRED:
 763 SPACES
 WAL-MART PARKING PROVIDED:
 INCLUDING 16 CART CORRALS:
 772 SPACES
 788 SPACES
 4.54
 42.30
 2% OF REGULAR PARKING PROVIDED
 3% OF REGULAR PARKING PROVIDED
 (SPACES FOR MEDIAN AGE 40-49 YEARS)
 16 SPACES
 25 SPACES

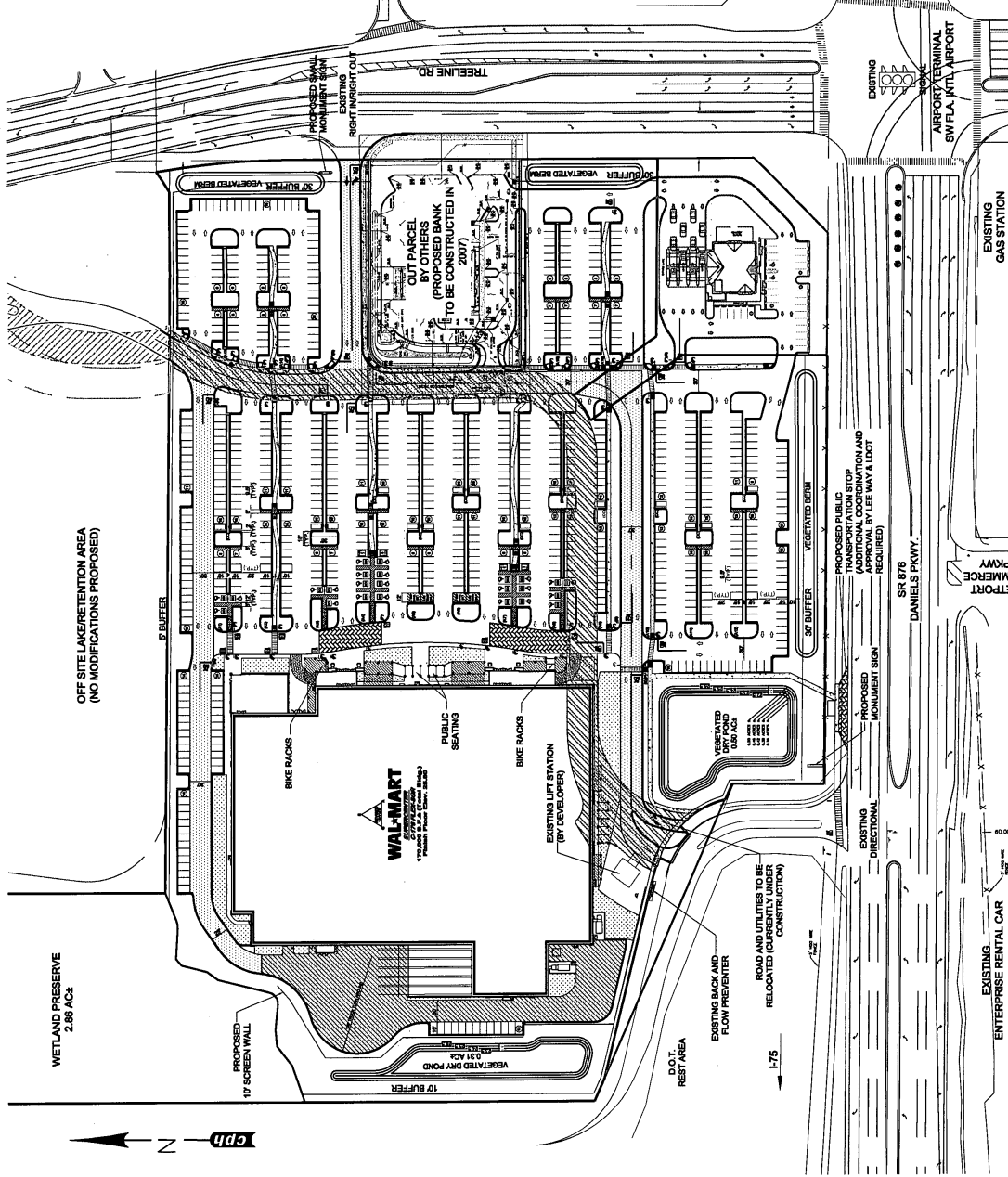
REQUIRED:
 PROVIDED:


PROPOSED LEGEND

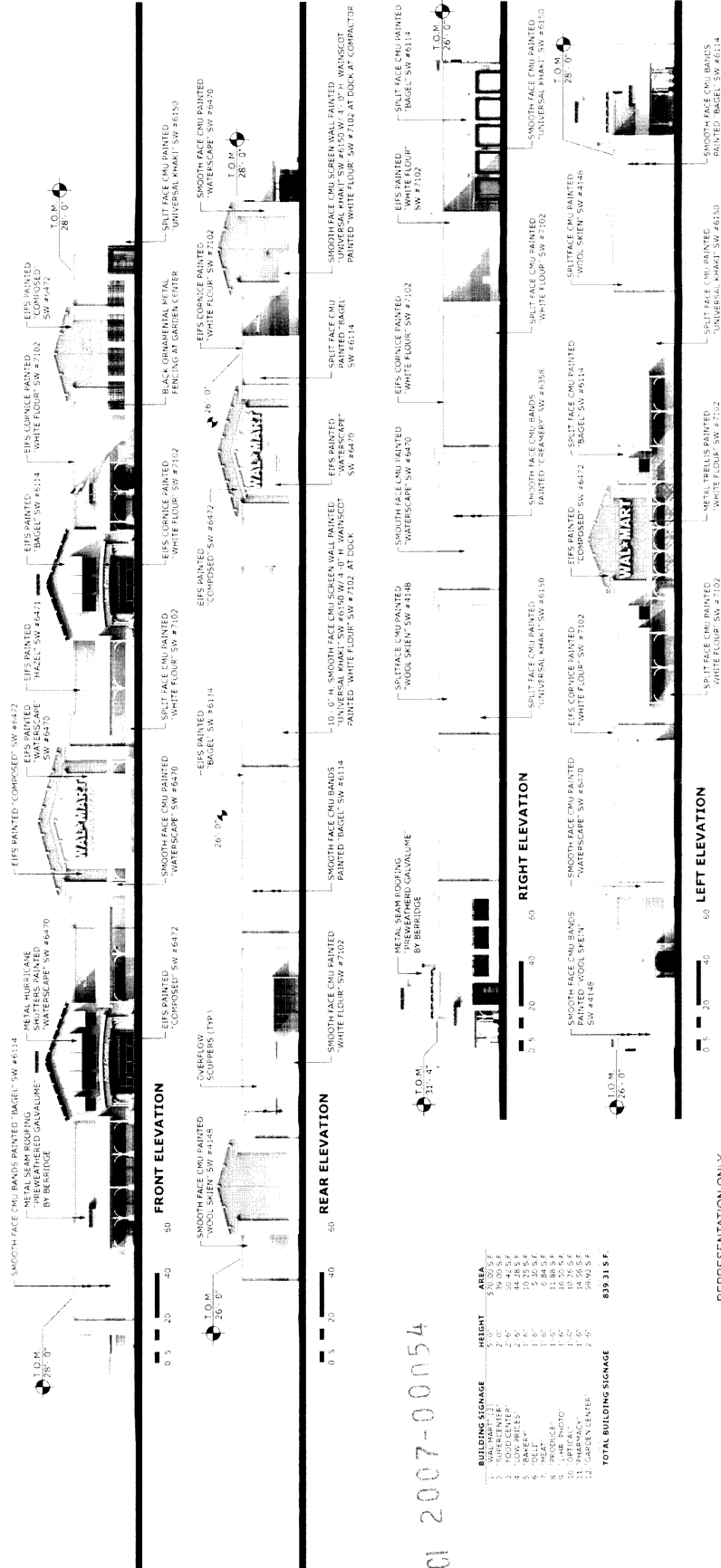
HEAVY DUTY CONCRETE
 HEAVY DUTY ASPHALT
 LIGHT DUTY ASPHALT / CONCRETE
 BUILDING FOUNDATION PLANTERS
 PUBLIC TRANSPORTATION PARKING SPACES
 ROADWAY AND UTILITIES TO BE DEMOLISHED
 (CURRENTLY UNDER CONSTRUCTION)
 TRELLIS

STAMPED ASPHALT
 COVERED CANOPY AREA
 PREGNANT PARKING
 COMMUNITY DEVELOPMENT

NOV 20 2007
 001 2007-00054



Designed by: J.M.S.		Date: 10/10/07		Engineers Architects Surveyors Planners Landscape Architects Environmental Scientists Construction Management Design / Build	2211 Peck Street Suite 300 Fort Myers, Florida 33901 Phone 239 332-5499 Fax 239 332-2955	ENGINEER, P.E. REG.#	CONCEPTUAL SITE PLAN	Sheet No. CP-1
Drawn by: ELP/GJS		Job No. W13460						
Checked by: J.A.R.		File: Concept						
Approved by: J.M.S.		Certificate of Authorization No. 3215						
Scale:	NTS	© 2007						
			WAL-MART SUPERCENTER		#5746-00 FORT MYERS (SE), FL			



DOI 2007-00054

BUILDING SIGNAGE	HEIGHT	AREA
1. MAIN ENTRANCE	2'-0"	50.00 S.F.
2. FOOD CENTER	2'-0"	50.00 S.F.
3. BAKERY	1'-0"	10.25 S.F.
4. MEAT	1'-0"	10.25 S.F.
5. PRODUCE	1'-0"	11.88 S.F.
6. OPTICAL	1'-0"	10.25 S.F.
7. PHARMACY	1'-0"	14.06 S.F.
8. TOTAL BUILDING SIGNAGE		829.21 S.F.

REPRESENTATION ONLY
NOT FOR CONSTRUCTION

THESE ELEVATIONS AND MATERIALS LIST ARE A REPRESENTATION OF THE DESIGN INTENT AND MAY NOT REFLECT ANY SUBTLE VARIATIONS IN COLOR, MATERIAL OR CONSTRUCTION THAT MAY OCCUR DURING THE CONSTRUCTION PROCESS. THE FINAL DESIGN AND LANDSCAPING DEPICTED AT PLANTING HEIGHT.

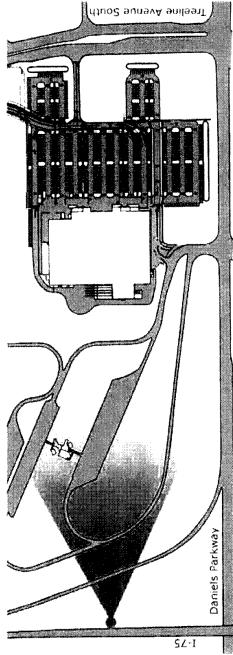
B
A

WAL*MART
SUPPORTING COMMUNITY

Ft. Myers (SE), FL

5746

11/12/07



REPRESENTATION ONLY
NOT FOR CONSTRUCTION
THIS DRAWING IS A REPRESENTATION OF THE DESIGN
INTENT AND MAY NOT REFLECT ANY SUBSTANTIAL VARIATIONS IN COLOR,
MATERIAL OR CONSTRUCTION THAT MAY OCCUR DUE TO LOCAL MATERIAL
DIFFERENCES AND FINAL DESIGN DETAILS

B B B
B B B
B B B

WAL★MART
STORE # 5746

Ft. Myers (SE), FL
11/12/07

DOI 2007-00054

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo, AICP

DATE: 12/11/2007

Dawn Lehnert, Asst County Attorney

DS Reviewer - Benjamin H Dickson

TIS Reviewer - temporarily reviewed by DOT

Paul O'Connor, Planning

Susie Derheimer, Environmental Sciences

Lili Wu, LCDOT

Susan Teston, Lee County School District

Sam Lee, Natural Resources

Chick Jakacki, Zoning

Mike Pavese, Public Works

MR. BILL HORNER, PORT AUTHORITY

BEN DICKSON

PROJECT NAME: ARBORWOOD VILLAGE CPD AMEND

CASE #: DCI2007-00054

INFORMATION SUMMARY:

To update your file

X Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 12/25/2007

Additional Comments:

Sufficiency Letter Distribution.

cc: DCI planner/working file
DCI Zone File

Distributed by: Vicky S Tatlock

Date: 12/11/2007



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Writer's Direct Dial Number: (239) 533-8325

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County Hearing
Examiner

December 11, 2007

JEFF SATFIELD CPH ENGINEERS, INC
2211 PECK STREET SUITE 300
FORT MYERS, FL 33901

Re: ARBORWOOD VILLAGE CPD AMEND
DCI2007-00054 - PDA Application (PD Amendment)

Dear JEFF SATFIELD CPH ENGINEERS, INC :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

Amend the Arborwood Commercial Planned Development (CPD), +/- 68.23 acres, for a maximum of 250,000 s/f of commercial retail (including a 170,000 s/f anchor parcel/Walmart Supercenter), with a maximum of 42,000 s/f of office, 120-bed hotel, and 10,000 s/f of essential services. No development blasting is requested. The applicant indicates any development will connect to public potable water and public sanitary sewer service.

NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

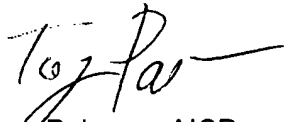
Please review this language carefully, and notify me in writing by December 25, 2007 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on February 20, 2008. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

JEFF SATFIELD CPH ENGINEERS, INC
RE: ARBORWOOD VILLAGE CPD AMEND
DCI2007-00054
December 11, 2007
Page 2

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division



Tony Palermo, AICP
Senior Planner

cc.

MIKE PAVESE, PUBLIC WORKS

JIM HALLEY, PORT AUTHORITY

BILL HORNER, PORT AUTHORITY

BEN DICKSON, DEVELOPMENT SERVICES

NEALE MONTGOMERY
PAVESE LAW FIRM
1833 HENDRY ST.
FORT MYERS, FL 33901

copy w/o attachments

Dawn Lehnert, Assistant County Attorney
DS Reviewer - Benjamin H Dickson
Pamela Houck, Division Director
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Sam Lee, Natural Resources
Lili Wu, LCDOT
Susan Teston, Lee County School District
Jamie Pringing, DCD Administration

MR. BILL HORNER, PORT AUTHORITY
BEN DICKSON
DCI Zoning File
DCI Working File



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Donald D. Stilwell
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

October 19, 2007

JEFF SATFIELD CPH ENGINEERS, INC
2211 PECK STREET SUITE 300
FORT MYERS, FL 33901

Re: ARBORWOOD VILLAGE CPD AMEND
DCI2007-00054 - PDA Application (PD Amendment)

Dear JEFF SATFIELD CPH ENGINEERS, INC :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo
Senior Planner

JEFF SATFIELD CPH ENGINEERS, INC
RE: ARBORWOOD VILLAGE CPD AMEND
DCI2007-00054
October 19, 2007
Page 2

COUNTY ATTORNEY COMMENTS ATTACHED.

cc.

MIKE PAVESE, PUBLIC WORKS

JIM HALLEY, PORT AUTHORITY

BEN DICKSON, DEVELOPMENT SERVICES

NEALE MONTGOMERY
PAVESE LAW FIRM
1833 HENDRY ST.
FORT MYERS, FL 33901

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Sam Lee, Natural Resources
Lili Wu, LCDOT
Jamie Princing, DCD Administration
John Fredyma, Assistant County Attorney
Benjamin H Dickson, Development Review
MR. BILL HORNER, PORT AUTHORITY
BEN DICKSON
DCI Zoning File
DCI Working File

**LC Development Review PD Application Sufficiency Checklist
(Ord 05-29)**

*1) General Design Standards. The development must have access to existing or proposed roads in accordance with LCLDC Chapter 10 and as specified in THE LEE PLAN traffic circulation element or the Official Trafficways Map.
[34-411(d)(1)]*

§10-291(2) of the Lee County Land Development Code (LCLDC) requires that all development must abut and have access to a public or private street designed, and constructed or improved, to meet the standards in §10-296. As originally designed and approved the two out parcels, O.P. #4 and O.P. #6, abut and have access to the 40' wide right-of-way internal road constructed under development order DOS2005-00356. As presented on the proposed MCP, the internal roadway does not comply with minimums specified in §10-296 of the LCLDC. In addition, based upon the Conceptual Site Plan, connection separation for access points along the internal roadway do not seem to comply with provisions of §10-285(a) Table 1.

4) Miscellaneous items.

In addition to the Front elevation, the facades facing both Daniels Parkway and Interstate 75 (Left and Rear Elevations) must incorporate architectural design treatments to assure the building is visually appealing from all directions. Please revise the left and rear elevations to include architectural features similar to those represented in the primary (Front) elevation.

5) Contact. The Staff reviewer may be contacted regarding any questions on the LC Development Review Planned Development Application Sufficiency Checklist.

Ben Dickson at (239) 533-8587 ext. 48807 or BDickson@leegov.com.

LC Public Hearing for Zoning Action Checklist (Ord. 05-29)

33) Contact. The Zoning Planner may be contacted regarding any questions on the LC Public Hearing for Zoning Action Checklist.

Zoning comments.

1. Please check the wording for the request.

Amend the Arborwood Commercial Planned Development (CPD), +/- 68.23 acres, for a maximum of 250,000 s/f of commercial retail (including a 170,000 s/f anchor parcel/Walmart Supercenter), 42,000 s/f of office, 120 bed hotel, and 10,000 s/f of essential services. The applicant indicates any development will connect to public potable water and public sanitary sewer service. No development blasting is requested.

2. DOT - sufficient.

3. Development Services comments included.

4. Zoning Legal Description - sufficient.

5. Port Authority comments included.

6. Other comments are pending.

7. Master concept plan page #2 - I understand the note on the pending CPD sufficiency, but it is not necessary to put it on the MCP.

- The intensity summary table is needed on a separate attachment, and will be included in the resolution. Please remove it from the MCP.

- The same goes for the project intensity. And the conversion table.

8. Master concept plan page #3

- Substantive comments. It appears sufficient for review. There is still a concern for the big box shape of the building and the large amount of land utilized for parking, especially the former outparcels.

9. Elevations.

- Substantive comments. Left rear and right elevations look like a blank wall, similar to most big box retailers.

10. Substantive comments. Few, if any, of the elements and enhancements we discussed in our meetings are included in the application. We discussed many conditions to soften the effect of a big box retailer, and to make this site "unique" to Lee County, and taking advantage of the location near the airport and FGCU.

11. Some other ideas came to mind. Parking spaces for pregnant women (as utilized at s nearby in Gulf Coast Town Center Mall), public gazebos, bike storage, murals on the plain walls, public clocks, etc.

JEFF SATFIELD CPH ENGINEERS, INC
RE: ARBORWOOD VILLAGE CPD AMEND
DCI2007-00054
October 19, 2007
Page 5

**LC Environmental Sciences PD Application Sufficiency Checklist
(Ord 05-29)**

12i) Open Space Percentage. The percentage of open space must be shown on the Master Concept Plan unless the proposed development consists solely of conventional single-family dwelling units on lots of no less than 6,500 square feet. [34-373(a)(6)h.]

Please revise MCP to depict lake acreage provided using required open space and lake size. Communicated to applicant a 10/10/07 meeting.

20) Contact. The Environmental Planner may be contacted regarding any questions on the LC Environmental Sciences Planned Development Application Sufficiency Checklist.

Susie Derheimer, Environmental Planner
239-533-8158
sderheimer@leegov.com

Palermo, Anthony D.

From: Fredyma, John J.
Sent: Friday, October 19, 2007 11:15 AM
To: Palermo, Anthony D.
Cc: Houck, Pamela E.
Subject: Arborwood CPD DCI2007-00054

Tony,

Please consider the following with regard to the amendment to the above-referenced CPD:

1. I really wish DCD would reconsider the waiver of the survey requirement for this case. It has the potential to create a number of problems as this project moves forward. Part of it is already platted, though the boundary of the plat does not match the boundary of the zoning case thus far. Additionally, the issue of easements, recorded and unrecorded, must still be addressed on the MCP, even if there is no survey.
2. The lake is to be reconfigured and enlarged, but the application does not appear to address the removal of material from lake in terms of quantity and disposal or removal (within or from the site?).
3. Are any of the existing property development regulations (setbacks, min. lot size, lot width, lot depth, structure height) proposed to be changed?
4. Are any of the uses on the current Schedule of Uses going to be changed?
5. The legal description need to have the "subject to" language removed.
6. Have all easements, recorded and unrecorded been disclosed?

Please let me know if there are any questions.

Thanks.

John

John J. Fredyma
Assistant County Attorney
Lee County Attorney's Office
P.O. Box 398
Fort Myers, Florida 33902
(2115 Second Street - 33901)
Tel. 239/533-2236
Fax 239/485-2106
E-mail: fredymji@leegov.com [Note: There is no "a" in the e-mail spelling of Fredyma.]

Please note: Florida has a very broad public records law. Most written communications to or from County employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

10/19/2007



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 533-8325

Bob Janes
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County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

September 26, 2007

JEFF SATFIELD CPH ENGINEERS, INC
2211 PECK STREET SUITE 300
FORT MYERS, FL 33901

Re: ARBORWOOD VILLAGE CPD AMEND
DCI2007-00054 - PDA Application (PD Amendment)

Dear JEFF SATFIELD CPH ENGINEERS, INC :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Tony Palermo
Senior Planner

JEFF SATFIELD CPH ENGINEERS, INC
RE: ARBORWOOD VILLAGE CPD AMEND
DCI2007-00054
September 26, 2007
Page 2

cc.

MIKE PAVESE, PUBLIC WORKS

JIM HALLEY, PORT AUTHORITY

BEN DICKSON, DEVELOPMENT SERVICES

NEALE MONTGOMERY
PAVESE LAW FIRM
1833 HENDRY ST.
FORT MYERS, FL 33901

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Sam Lee, Natural Resources
Lili Wu, LCDOT
Jamie Princing, DCD Administration
John Fredyma, Assistant County Attorney
Benjamin H Dickson, Development Review
MR. BILL HORNER, PORT AUTHORITY
BEN DICKSON
DCI Zoning File
DCI Working File

JEFF SATFIELD CPH ENGINEERS, INC
RE: ARBORWOOD VILLAGE CPD AMEND
DCI2007-00054
September 26, 2007
Page 3

**LC Development Review PD Application Sufficiency Checklist
(Ord 05-29)**

*1) General Design Standards. The development must have access to existing or proposed roads in accordance with LCLDC Chapter 10 and as specified in THE LEE PLAN traffic circulation element or the Official Trafficways Map.
[34-411(d)(1)]*

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4) Miscellaneous items.

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5) Contact. The Staff reviewer may be contacted regarding any questions on the LC Development Review Planned Development Application Sufficiency Checklist.

Ben Dickson at (239) 533-8587 ext. 48807 or BDickson@leegov.com.

LC Public Hearing for Zoning Action Checklist (Ord. 05-29)

33) *Contact. The Zoning Planner may be contacted regarding any questions on the LC Public Hearing for Zoning Action Checklist.*

Zoning comments.

1. Please check the wording for the request.

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2. DOT - sufficient.

3. Development Services comments included.

4. Zoning Legal Description - sufficient.

5. Port Authority comments included.

6. Other comments are pending.

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8. Master concept plan page #3

- Substantive comments. It appears sufficient for review. There is still a concern for the big box shape of the building and the large amount of land utilized for parking, especially the former outparcels.

9. Elevations.

- Substantive comments. Left rear and right elevations look like a blank wall, similar to most big box retailers.

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11. Some other ideas came to mind. Parking spaces for pregnant women (as utilized ~~also~~ nearby in Gulf Coast Town Center Mall), public gazebos, bike storage, murals on the plain walls, public clocks, etc.

Palermo, Anthony D.

From: James R. Halley [jshalley@flylcpa.com]
Sent: Tuesday, September 25, 2007 3:25 PM
To: Palermo, Anthony D.
Subject: Arborwood Village CPD

Tony,

My name is Jim Halley and I'm the new airspace and noise coordinator at the Port Authority. Before he left, Bill Horner gave me the Arborwood Village CPD file to review for any noise and airspace issues. In terms of noise, it looks like it is all commercial, hotels, etc., so there would be no noise issues there – all stated straps are well outside the 55 DNL contours. In terms of airspace, I saw a reference to a 130' height for a hotel. This would require FAA approval under their 100:1 criteria. Buildings from 93' to 121' would require FAA approval depending on where exactly they are located in the stated parcels. Those airspace issues are the only concerns we have for this. Please let me know if you need anything more.

Thanks,

Jim Halley

Project Coordinator, Noise and Airspace

Lee County Port Authority

11000 Terminal Access Road, Suite 8671

Fort Myers, FL 33913-8899

Tel: (239) 590-4624

Fax: (239) 590-4688

jshalley@flylcpa.com

9/26/2007

Palermo, Anthony D.

From: Werst, Lee
Sent: Wednesday, September 26, 2007 2:00 PM
To: Lee, Samuel; Copeland, Tildon
Cc: Palermo, Anthony D.
Subject: RE: DCI2007-00054 Arborwood Village CPD

In review of the application DCI2007-00054 Arborwood Village CPD, the project file does not provide us with the following information:

- 1) The depth of the existing lake and will the applicant attempt to match the existing depth when reconstructing the new foot print of the lake.
- 2) The applicant has not supplied soil boring with the new lake foot print to the depth of 5 feet deeper within the proposed section of excavation area.
- 3) Does the applicant propose any dewatering to construct the new foot print?
- 4) Finally, does the applicant have legal access to excavate the lake and discharge to the lake?

Thank you,
Lee

Lee E. Werst Jr.
Hydrogeologist Groundwater Unit Supervisor
Natural Resources Division
239 533-8136

From: Lee, Samuel
Sent: Thursday, September 20, 2007 9:31 AM
To: Werst, Lee
Subject: FW: DCI2006-00005 Arborwood Village CPD

Lee,

This is the case we mentioned during the zoning condition meeting yesterday – a quasi mining / Wal-Mart application. On the site there exists a relatively large lake plus they proposes to either expand the existing lake and/or excavate another lake. I will bring the documents to you - please provide your comments. Then, I will combine yours and Tildon's comments. It's due on 9/25.

Thanks,

Sam

From: Copeland, Tildon
Sent: Tuesday, September 18, 2007 3:29 PM
To: Lee, Samuel
Subject: DCI2006-00005 Arborwood Village CPD

Sam,

Comment: Provide Natural Resources a copy of the modified SFWMD permit that would satisfy conditions in zoning resolution Z-06-061.

Note: Under current Zoning resolution the plan must include monitoring for water quality and ground water levels

9/26/2007

using a minimum of four wells see Z-06-061. Stormwater pretreatment should be provided before discharge into Lake, show proposed drainage flows.

Please forward to Lee Wrest.

Tildon Copeland
Lee County Division of Natural Resources
1500 Monroe Street
Fort Myers, Florida 33901
Phone: 239 533-8139
Fax: 239 485-8408
email: copelat1@leegov.com

9/26/2007

Palermo, Anthony D.

From: Lee, Samuel
Sent: Wednesday, September 26, 2007 2:07 PM
To: Palermo, Anthony D.
Cc: Werst, Lee; Copeland, Tildon; Karuna-Muni, Anura J.
Subject: FW: DCI2007-00054 Arborwood Village CPD

Please make sure that there are two reviews from Natural Resources;

Surface Water (by Tildon Copeland): Provide Natural Resources a copy of the modified SFWMD permit that would satisfy conditions in zoning resolution Z-06-061.

Note: Under current Zoning resolution the plan must include monitoring for water quality and ground water levels using a minimum of four wells see Z-06-061. Stormwater pretreatment should be provided before discharge into Lake, show proposed drainage flows.

Groundwater (by Lee Werst): In review of the application DCI2007-00054 Arborwood Village CPD, the project file does not provide us with the following information:

- 1) The depth of the existing lake and will the applicant attempt to match the existing depth when reconstructing the new foot print of the lake.
- 2) The applicant has not supplied soil boring with the new lake foot print to the depth of 5 feet deeper within the proposed section of excavation area.
- 3) Does the applicant propose any dewatering to construct the new foot print?
- 4) Finally, does the applicant have legal access to excavate the lake and discharge to the lake?

Thanks,

Sam

From: Werst, Lee
Sent: Wednesday, September 26, 2007 2:00 PM
To: Lee, Samuel; Copeland, Tildon
Cc: Palermo, Anthony D.
Subject: RE: DCI2007-00054 Arborwood Village CPD

In review of the application DCI2007-00054 Arborwood Village CPD, the project file does not provide us with the following information:

- 1) The depth of the existing lake and will the applicant attempt to match the existing depth when reconstructing the new foot print of the lake.
- 2) The applicant has not supplied soil boring with the new lake foot print to the depth of 5 feet deeper within the proposed section of excavation area.
- 3) Does the applicant propose any dewatering to construct the new foot print?
- 4) Finally, does the applicant have legal access to excavate the lake and discharge to the lake?

Thank you,
Lee

Lee E. Werst Jr.
Hydrogeologist Groundwater Unit Supervisor
Natural Resources Division
239 533-8136

9/26/2007

From: Lee, Samuel
Sent: Thursday, September 20, 2007 9:31 AM
To: Werst, Lee
Subject: FW: DCI2006-00005 Arborwood Village CPD

Lee,

This is the case we mentioned during the zoning condition meeting yesterday – a quasi mining / Wal-Mart application. On the site there exists a relatively large lake plus they proposes to either expand the existing lake and/or excavate another lake. I will bring the documents to you - please provide your comments. Then, I will combine yours and Tildon's comments. It's due on 9/25.

Thanks,

Sam

From: Copeland, Tildon
Sent: Tuesday, September 18, 2007 3:29 PM
To: Lee, Samuel
Subject: DCI2006-00005 Arborwood Village CPD

Sam,

Comment: Provide Natural Resources a copy of the modified SFWMD permit that would satisfy conditions in zoning resolution Z-06-061.

Note: Under current Zoning resolution the plan must include monitoring for water quality and ground water levels using a minimum of four wells see Z-06-061. Stormwater pretreatment should be provided before discharge into Lake, show proposed drainage flows.

Please forward to Lee Wrest.

Tildon Copeland
Lee County Division of Natural Resources
1500 Monroe Street
Fort Myers, Florida 33901
Phone: 239 533-8139
Fax: 239 485-8408
email: copelat@leegov.com

9/26/2007

Princing, Jamie L.

From: Palermo, Anthony D.
Sent: Wednesday, December 19, 2007 2:29 PM
To: Princing, Jamie L.
Subject: FW: Arborwood Village CPD Amendment - DCI 2007-00054 - PDA
Attachments: #5746-00 Sufficiency Letter.pdf

Can you make sure this email gets put in the file? Dci2007-00054.

Tony Palermo, Senior Planner, AICP
Lee County Department of Community Development
P.O. Box 398
Fort Myers, FL 33902
Ph. 239-533-8325
F. 239-485-8300
apalermo@leegov.com

From: Satfield, Jeffrey M. [mailto:jsatfield@cphengineers.com]
Sent: Wednesday, December 19, 2007 2:03 PM
To: Palermo, Anthony D.
Cc: Peter Klein; Neale Montgomery; marilyn.healy@ruden.com
Subject: Arborwood Village CPD Amendment - DCI 2007-00054 - PDA

Tony,

We are in receipt of your letter dated December 11, 2007 regarding the Arborwood Village CPD Amendment application (DCI 2007-00054). Please accept this e-mail as our confirmation of proposed formal request as drafted within this same letter (attached and initialed for your records). Please let us know if you need anything further.

Thanks for your help and have a great Holiday.

Jeffrey

Jeffrey M. Satfield, P.E., CPESC
Sr. Vice President / Branch Manager
CPH Engineers, Inc
(239) 332-5499



Please consider the environment before printing this e-mail.

12/19/2007



2211 Peck Street, Suite 300
Fort Myers, Florida 33901
Phone: 239.332.5499
Fax: 239.332.2955

www.cphengineers.com

Letter of Transmittal

Date: November 20, 2007

To: Tony Palermo, Lee County Senior Planner
Department of Community Development, Zoning Division
1500 Monroe Street
Fort Myers, FL 33901

RECEIVED
NOV 20 2007

Re: ARBORWOOD VILLAGE CPD AMEND
DCI2007-00054 – PDA Application (PD Amendment)

COMMUNITY DEVELOPMENT

WE ARE SENDING YOU THE ATTACHED ITEM(S):

NO. OF COPIES	DESCRIPTION
15	Response Letters
15	Project Intensity Summary
15	Schedule of Uses
15	PACKAGES CONTAINING THE FOLLOWING:
1	11x17 Revised Proposed Master Concept Plans (MCP-2)
1	11x17 Revised Concept Plans (CP-1)
1	11x17 Revised Building Elevation Renderings
1	11x17 Building Elevation I-75 Perspective Renderings
2	PACKAGES CONTAINING THE FOLLOWING:
1	Full Size (24x36) Revised Proposed Master Concept Plans (MCP-2)
1	Full Size (24x36) Revised Concept Plans (CP-1)
1	Full Size (24x36) Revised Building Elevation Renderings
1	Full Size (24x36) Building Elevation I-75 Perspective Renderings

THESE ITEMS ARE TRANSMITTED AS INDICATED BELOW:

☒ For Your Use ☒ For Review and Comment
☒ As Requested ☐ For Bids Due

DCI 2007-00054

REMARKS:

COPY TO: File

SIGNED: Jason C. Sherman, E.I.

If enclosures are not as noted, kindly notify us at once.

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo, AICP

DATE: 11/20/2007

John Fredyma, Asst County Attorney
DS Reviewer - Benjamin H Dickson
TIS Reviewer - temporarily reviewed by DOT
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences
Lili Wu, LCDOT
Susan Teston, Lee County School District
Sam Lee, Natural Resources
Chick Jakacki, Zoning
Mike Pavese, Public Works
MR. BILL HORNER, PORT AUTHORITY
BEN DICKSON

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: ARBORWOOD VILLAGE CPD AMEND

CASE #: DCI2007-00054

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
☒ Review and forward sufficiency
questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 12/04/2007

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Catherine A Keller

Date: 11/21/2007

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Tony Palermo

DATE: 9/11/2007

John Fredyma, Asst County Attorney
DS Reviewer - Becky Penfield
TIS Reviewer - temporarily reviewed by DOT
Paul O'Connor, Planning
Susie Derheimer, Environmental Sciences/Becky Noble
Lili Wu, LCDOT
Susan Teston, Lee County School District
Sam Lee, Natural Resources
Chick Jakacki, Zoning
Mike Pavese, Public Works
Bill Horner, Port Authority
Ben Dickson, Development Review

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: ARBORWOOD VILLAGE CPD

CASE #: DCI2007-00054

INFORMATION SUMMARY:

NEW SUBMITTAL

To update your file

☒ Review and forward sufficiency

questions or make finding of
sufficiency

RESPONSE REQUIRED BY: 09/25/2007

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).

Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Donna M Hock

Date: 09/11/2007

Spatial District Query Report

RECEIVED
SEP 06 2007

STRAP Number: 23-45-25-06-00000.0010

COMMUNITY DEVELOPMENT

District Name	'District Value		Pct of Parcel in District (if fractional)	Notes
Airport Noise Zone			NOT FOUND	
Airspace Notification	Notification Height Facility	100' - 125' AMSL Southwest Florida International Airport	DCI	2007-00054
Census Tract	Tract ID	401.05	100.01%	
Coastal Building Zone			NOT FOUND	
Coastal High Hazard Area			NOT FOUND	
Fire District	Fire District Taxing Authority	South Trail 085		
Flood Insurance Zone	Flood Zone	B		
FIRM Floodway			NOT FOUND	
Flood Insurance Panel	Community Panel Version Date	125124 0350 B 091984		
DNR Flood Zones			NOT FOUND	
Flood Insurance Coastal Barrier			NOT FOUND	
Lighting District			NOT FOUND	
Planning Community	ID Plan Community	10 Gateway/Airport		
Planning Land Use 2010	Landuse	General Interchange	99.6%	
	Landuse	Public Facilities	0.4%	1
Sanibel/County Agreement			NOT FOUND	
School Board District	District School Board Member	5 Elinor Scricca, Ph.D.		
School Choice Zone	Choice Zones	East Zone		
	Choice Zones	East Zone 2		
Solid Waste District	District Area	Area 3		
Storm Surge	Category	4/5		
Subdivisions			NOT FOUND	
Traffic Analysis Zone				
Archaeological Sensitivity			NOT FOUND	
Sea Turtle Lighting Zone			NOT FOUND	
Watersheds	Shed ID	Six Mile Cypress		
FLUCCS1995	Code	4119	84.3%	
	Landuse	Pine flatwoods - melaleuca infested		
	Code	183	15.7%	
	Landuse	Race tracks		
Vegetation Permit Required			NOT FOUND	
Soil	Map Symbol	13	66.43%	
	Soil Name	BOCA FINE SAND		

Map Symbol	34	29.92%	2
Soil Name	MALABAR FINE SAND		
Map Symbol	51	2.1%	1 2
Soil Name	FLORIDANA SAND, DEPRESSIONAL		
Map Symbol	6	1.55%	1
Soil Name	HALLANDALE FINE SAND		
Panther Habitat		NOT FOUND	
Eagle Nesting Site Buffer		NOT FOUND	
Commissioner District	District	5	
	Commissioner	Frank Mann	
Unincorporated Lee County Zoning	Zoning Designation	CPD	99.42% Zoning Notes
	Zoning Designation	AG-2	0.58% 1
Development Orders	Development Order	DOS2005-00356	
	Status		
	Wet Season Water Table		
	Development Order	DOS2004-00169	45%
	Status		
	Wet Season Water Table		
	Development Order	DOS2005-00262	0.53% 1
	Status		
	Wet Season Water Table		
Road Impact Fee Districts	District	53	
	Tidemark ID	53	
	Name	CENTRAL	
Water Franchise	Franchise Name	Lee County Utilities	
Wastewater Franchise	Franchise Name	Lee County Utilities	
Res. Garbage Collection Day	Hauling Day	Friday	
Res. Recycling Collection Day	Hauling Day	Friday	
Res. Horticulture Collection Day	Hauling Day	Thursday	

[Modify Report Settings]

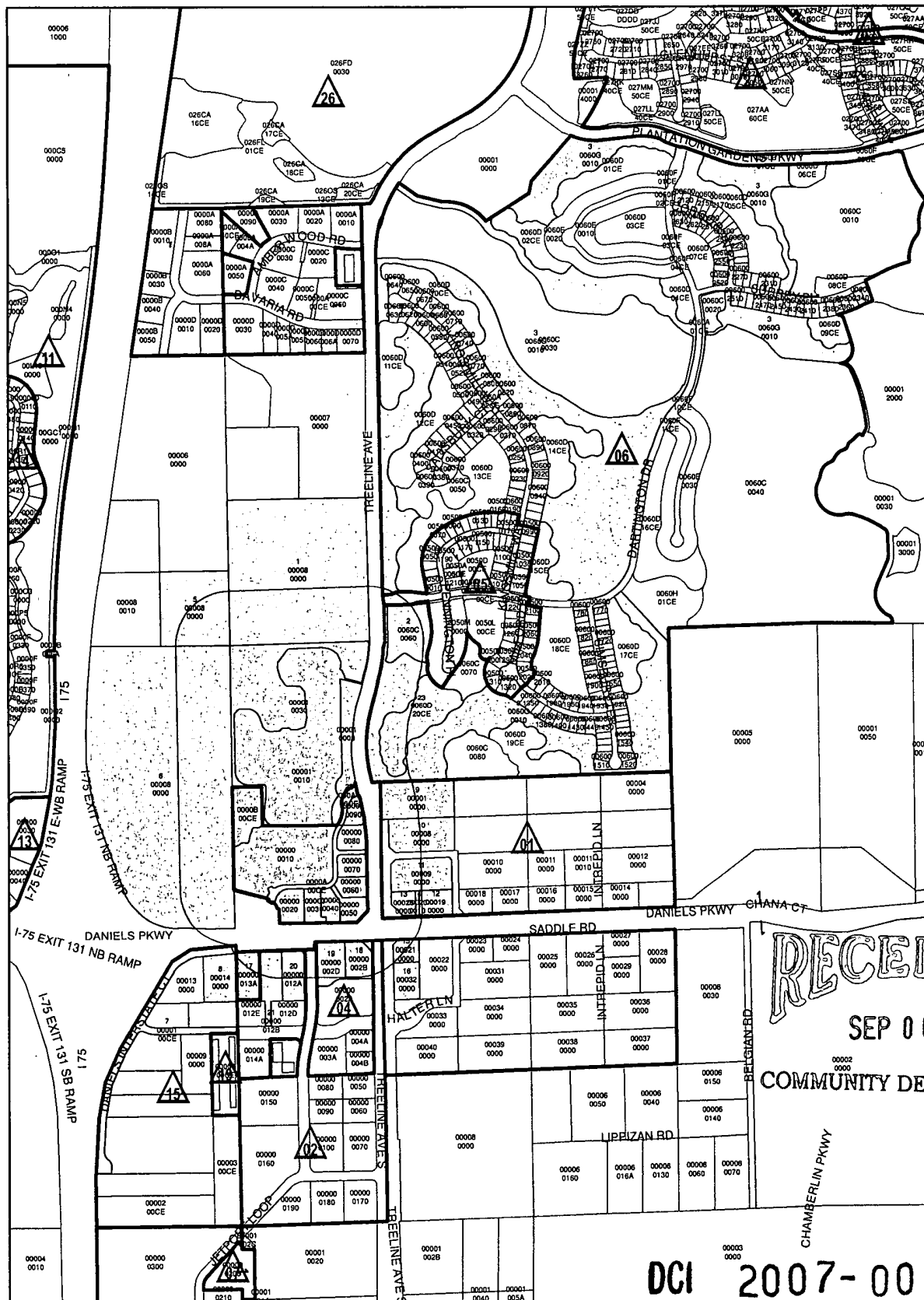
Note	Details
1	Small percentages can result from slight variations in the way lines are drawn or imported into our system. Such values may not accurately reflect an overlap with the subject parcel.
2	Contact DEP (239) 332-6975 for wetland determination

Our goal is to provide the most accurate data available, however no warranties, expressed or implied, are provided with this data, its use, or interpretation.
All information subject to change without notice.

VARIANCE REPORT

6/20/2007

Subject Parcels : 14 Affected Parcels : 23 Buffer Distance : 500 ft



23-45-25-06-00000.0010 et al.

1,200600 0 1,200 Feet



Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 533-6159 • Fax: (239) 533-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

Date of Report: June 20, 2007
Buffer Distance: 500 ft
Parcels Affected: 23
Subject Parcel: 23-45-25-06-00000.0010, 23-45-25-06-00000.0020,
23-45-25-06-00000.0030, 23-45-25-06-00000.0040,
23-45-25-06-00000.0050, 23-45-25-06-00000.0060,
23-45-25-06-00000.0070, 23-45-25-06-00000.0080,
23-45-25-06-00000.0090, 23-45-25-06-0000A.00CE,
23-45-25-06-0000B.00CE, 23-45-25-00-00001.0000,
23-45-25-00-00001.0010, 23-45-25-00-00001.0030

RECEIVED
SEP 06 2007

COMMUNITY DEVELOPMENT

DCI 2007-00054

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
FREEMAN JEFFREY B TR 25435 LOBLOLLY BAY RD SW LABELLE FL 33935	14-45-25-00-00008.0000 12850 TREELINE AVE FORT MYERS FL 33913	SW 1/4 OF SW 1/4 LESS E 60 FT	1
ARBORWOOD CDD SEVERN TRENT MANAGEMENT SVCS 210 N UNIVERSITY DR STE 702 CORAL SPRINGS FL 33071	14-45-25-P1-0060C.0060 SOMERSET @ PLANTATION TRACT C6 FL	SOMERSET AT THE PLANTATION PARCEL TWO DESC IN INST#2006-277981 TRACT C-6	2
CENTEX HOMES 5801 PELICAN BLVD #600 NAPLES FL 34108	14-45-25-P1-0060G.0010 12623 TREELINE AVE FORT MYERS FL 33913	SOMERSET AT THE PLANTATION PARCEL TWO DESC IN INST#2006-277981 TRACTS G-1 THRU G-8	3
CENTEX HOMES 5801 PELICAN BLVD #600 NAPLES FL 34108	14-45-25-P4-0050A.00CE RIGHT OF WAY FORT MYERS FL 33913	SOMERSET AT THE PLANTATION DESC IN INST#2005-169515 TRACTS A + B + C + P	4
FREEMAN JEFFREY B TR 25435 LOBLOLLY BAY RD SW LABELLE FL 33935	15-45-25-00-00008.0000 ACCESS UNDETERMINED FORT MYERS FL 33913	E 1/2 OF S 1/2 OF SE 1/4 OF SE 1/4	5
STATE OF FL DOT PO BOX 1249 BARTOW FL 33831	22-45-25-00-00008.0000 10041 DANIELS PKWY FORT MYERS FL 33913	REMAINDER PARCEL SEC 22 LESS I-75 DESC OR 1056/360 (I-75@ DANIELS REST AREA)	6
D75 LLC 7995B PRESERVE CIR NAPLES FL 34119	22-45-25-15-00001.00CE RIGHT OF WAY FORT MYERS FL 33913	D75 COMMERCE CENTER PB 82 PGS 76-78 TRACT 1	7
CRACKER BARREL OLD COUNTRY 312 HARTMANN DR LEBANON TN 37088	22-45-25-15-00014.0000 10090 DANIELS PKWY FORT MYERS FL 33913	D75 COMMERCE CENTER PB 82 PGS 76-78 TRACT 14	8
D + K INVESTMENT HOLDINGS LLC 18870 SERENOA CT ALVA FL 33920	23-45-25-01-00001.0000 13279/281 TREELINE AVE FORT MYERS FL 33913	SABAL RIDGE UNREC OR 966 PG 452 TRACT 1	9
FREEMAN JEFFREY B TR 25435 LOBLOLLY BAY RD SW LABELLE FL 33935	23-45-25-01-00008.0000 10290 VISION LN FORT MYERS FL 33913	SABAL RIDGE UNREC OR 966 PG 452 TRACT 8 LESS R/W OR 2224/0450 + LESS ROW OR 3787/3854	10
FREEMAN JEFFREY B TR 25435 LOBLOLLY BAY RD SW LABELLE FL 33935	23-45-25-01-00009.0000 13380 CHANA CT FORT MYERS FL 33913	SABAL RIDGE UNREC OR 966 PG 452 TRACT 9 LESS R/W OR 2224/0455 + LESS ROW OR 3787/3854	11
WHEELER CATHLEEN J TR + 10060 SAN PABLO FORT MYERS FL 33919	23-45-25-01-00019.0000 13390 CHANA CT FORT MYERS FL 33913	SABAL RIDGE UNR OR966/452 TRACT 19 LESS R/W OR1377/1256 + OR2269/4136 + LESS TR 20 OR 3316 PG 2084 + LESS ROW OR 3787/3863	12

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
TREELINE LLC 875 SE 4TH TERR STE 2 CAPE CORAL FL 33904	23-45-25-01-00020.0000 ACCESS UNDETERMINED FORT MYERS FL 33913	SABAL RIDGE UNR OR 966/452 PT TRACT 20 AS DESC IN INST#2005-147332	13
WHEELER CATHLEEN J TR + 10060 SAN PABLO FORT MYERS FL 33919	23-45-25-01-00020.0010 NEED ACCESS DETERMINED FORT MYERS FL 33913	SABAL RIDGE UNREC WEST 34.71 FT OF TR 20 OR 966 PGS 452-453 LESS ROW OR 3787/3863	14
ROWSHAN ENTERPRISES INC 12580 ALLENDALE CIR FORT MYERS FL 33912	23-45-25-01-00021.0000 10270 DANIELS PKWY FORT MYERS FL 33913	SABAL RIDGE UNR OR 966 PG 452 TRACT 21 LESS R/W OR 1377 PG 1257 + LESS R/W OR 3835/1455+ OR 3909/4282	15
ROWSHAN ENTERPRISES INC 12580 ALLENDALE CIR FORT MYERS FL 33912	23-45-25-01-00032.0000 TREELINE AVE S FORT MYERS FL 33912	SABAL RIDGE UNR OR 966 PG 452 W1/2 TRACT 32 LESS R/W OR 1377 PG 1257 + LESS R/W OR 3909/4282	16
BRENNAN CAROLE F TR 144 NEWGRANGE PASS WELDON SPRING MO 63304	23-45-25-03-00000.013A 10100 DANIELS PKWY FORT MYERS FL 33913	JETPORT-INTERSTATE COMM PK AMD I PB 59 PG89+90 LOT 13A	17
PIK N RUN #7 INC 20101 PEACHLAND BLVD STE 301 PORT CHARLOTTE FL 33954	23-45-25-04-00000.002B 13550 TREELINE AVE S FORT MYERS FL 33913	JETPORT INTERSTATE COMM PK PB 60 PG 31 PT LOT 2A DESC IN OR 3887/640	18
PIK N RUN #7 20101 PEACHLAND BLVD STE 301 PORT CHARLOTTE FL 33954	23-45-25-04-00000.002D 13591 JETPORT COMMERCE PKWY FORT MYERS FL 33913	JETPORT INTERSTATE COMM PK PB 60 PG 31 PT LOT 2A DESC OR 4257/3504	19
PIK N RUN 7 INC 20101 PEACHLAND BLVD SUITE 301 PORT CHARLOTTE FL 33954	23-45-25-04-00000.012A 13590 JETPORT COMMERCE PKWY FORT MYERS FL 33913	JETPORT INTERSTATE COMM PK AMEND TWO PB 60 PG 31 PT OF 12A DESC OR 3167/4817	20
N D Y INC 10150 DANIELS PKWY FORT MYERS FL 33913	23-45-25-04-00000.012B 10150 DANIELS PKWY FORT MYERS FL 33913	JETPORT INTERSTATE COMM PK AMEND TWO PB 60 PG 31 PT LOT 12A OR3167/4815	21
DP-TA ASSOCIATES LTD 703 WATERFORD WAY STE 800 MIAMI FL 33126	23-45-25-06-000A1.00CE RIGHT OF WAY FL	ARBORWOOD VILLAGE DESC IN INST#2007-19462 TRACT A-1	22
ARBORWOOD CDD SEVERN TRENT MANAGEMENT SVCS 210 N UNIVERSITY DR STE 702 CORAL SPRINGS FL 33071	23-45-25-P1-0060D.20CE SUBMERGED FORT MYERS FL 33913	SOMERSET AT THE PLANTATION PARCEL TWO DESC IN INST#2006-277981 TRACT D-20	23

23 RECORDS PRINTED



LEE COUNTY
SOUTHWEST FLORIDA

**COURTESY NOTICE TO ADJACENT PROPERTY OWNERS
OF RECEIPT OF ZONING APPLICATION**

Date: September 12, 2007

Case Number: DCI2007-00054

Case Name: ARBORWOOD VILLAGE CPD AMEND

Request: Amend the Arborwood Commercial Planned Development (CPD), +/- 68.23 acres, for a maximum of 250,000 s/f of commercial retail (including a 170,000 s/f anchor parcel/Walmart Supercenter), 42,000 s/f of office, 120 bed hotel, and 10,000 s/f of essential services.

Location: The subject property is located at 13600 Goldenwood Drive, in S23-T45S-R25E, Lee County, FL.

PROPERTY OWNER'S REPRESENTATIVE: CPH ENGINEERS, INC
239-332-5499

Lee County Planner: Tony Palermo
(239) 533-8325

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/533-8585 for additional information.

This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.

DMH

14-45-25-00-00008.0000
FREEMAN JEFFREY B TR
25435 LOBLOLLY BAY RD SW
LABELLE, FL 33935

14-45-25-P1-0060G.0010
CENTEX HOMES
5801 PELICAN BLVD #600
NAPLES, FL 34108

15-45-25-00-00008.0000
FREEMAN JEFFREY B TR
25435 LOBLOLLY BAY RD SW
LABELLE, FL 33935

22-45-25-15-00001.00CE
D75 LLC
7995B PRESERVE CIR
NAPLES, FL 34119

23-45-25-01-00001.0000
D + K INVESTMENT HOLDINGS LLC
18870 SERENOA CT
ALVA, FL 33920

23-45-25-01-00009.0000
FREEMAN JEFFREY B TR
25435 LOBLOLLY BAY RD SW
LABELLE, FL 33935

23-45-25-01-00020.0000
TREELINE LLC
875 SE 4TH TERR STE 2
CAPE CORAL, FL 33904

23-45-25-01-00021.0000
ROWSHAN ENTERPRISES INC
12580 ALLENDALE CIR
FORT MYERS, FL 33912

23-45-25-03-00000.013A
BRENNAN CAROLE F TR
144 NEWGRANGE PASS
WELDON SPRING, MO 63304

23-45-25-04-00000.002D
PIK N RUN #7
20101 PEACHLAND BLVD STE 301
PORT CHARLOTTE, FL 33954

14-45-25-P1-0060C.0060
ARBORWOOD CDD
SEVERN TRENT MANAGEMENT SVCS
210 N UNIVERSITY DR STE 702
CORAL SPRINGS, FL 33071

14-45-25-P4-0050A.00CE
CENTEX HOMES
5801 PELICAN BLVD #600
NAPLES, FL 34108

22-45-25-00-00008.0000
STATE OF FL DOT
PO BOX 1249
BARTOW, FL 33831

22-45-25-15-00014.0000
CRACKER BARREL OLD COUNTRY
312 HARTMANN DR
LEBANON, TN 37088

23-45-25-01-00008.0000
FREEMAN JEFFREY B TR
25435 LOBLOLLY BAY RD SW
LABELLE, FL 33935

23-45-25-01-00019.0000
WHEELER CATHLEEN J TR +
10060 SAN PABLO
FORT MYERS, FL 33919

23-45-25-01-00020.0010
WHEELER CATHLEEN J TR +
10060 SAN PABLO
FORT MYERS, FL 33919

23-45-25-01-00032.0000
ROWSHAN ENTERPRISES INC
12580 ALLENDALE CIR
FORT MYERS, FL 33912

23-45-25-04-00000.002B
PIK N RUN #7 INC
20101 PEACHLAND BLVD STE 301
PORT CHARLOTTE, FL 33954

23-45-25-04-00000.012A
PIK N RUN 7 INC
20101 PEACHLAND BLVD
SUITE 301
PORT CHARLOTTE, FL 33954

23-45-25-04-00000.012B
N D Y INC
10150 DANIELS PKWY
FORT MYERS, FL 33913

23-45-25-06-000A1.00CE
DP-TA ASSOCIATES LTD
703 WATERFORD WAY STE 800
MIAMI, FL 33126

23-45-25-P1-0060D.20CE
ARBORWOOD CDD
SEVERN TRENT MANAGEMENT SVCS
210 N UNIVERSITY DR STE 702
CORAL SPRINGS, FL 33071

CPH Engineers, Inc.
2211 Peck Street #300
Fort Myers, FL 33901

William B. Horner
Lee County Port Authority
11000 Terminal Access Rd. Ste. 8671
Ft. Myers, FL 33913-8899