

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

WHEREAS, John Gnagey, filed an application on behalf of the property owner, Treeline 200 LC, to amend Zoning Resolution Z-06-061 in reference to Arborwood Village CPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on December 10, 2015. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to her office on or before December 14, 2015; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2015-00018 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on January 20, 2016 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners 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 Amend the Arborwood Village Commercial Planned Development (CPD) (Z-06-061) to allow an alternate plan of development on Tract 1 consisting of up to 153 multi-family dwelling units or the density equivalent of assisted living unit/beds.

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. Development of this project must be consistent with the Master Concept Plans (MCP) entitled Arborwood Village CPD Master Concept Plan Option "A" or "Arborwood Village CPD: Master Concept Plan, Option B" stamped December 14, 2015 and attached hereto as Exhibits C1 and C2, except as modified by the conditions below. Development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes

to the MCP are subsequently pursued, appropriate approvals will be necessary.

The following resolutions are replaced by this zoning approval:

Z-06-061, as amended by
ADD2006-00112,
ADD2007-00199,
ADD2008-00039, and
ADD2008-00168.

The approved parameters of development are as follows:

Commercial Floor Area

250,000 s/f Retail commercial.
Individual retail buildings may not exceed 100,000 s/f
42,000 s/f Office
10,000 s/f Essential Services
120 Hotel rooms

Maximum Number of Dwelling Units

153 multi-family dwelling units

This zoning approval also permits any configuration of Assisted Living, Independent Living, and Continuing Care bed/units up to a total of 612 beds/units, provided the density for Tract #1 does not exceed 153 standard dwelling units. See, LDC §34-1494 and LDC §34-1414(c).

Conversion of Land Uses

Retail, office and hotel room uses may be transferred between parcels consistent with the Land Use Matrix Table *subject to the following conditions*:

- All affected property owners execute a notarized transfer of uses evidencing agreement to the transfer.
- The County approves the transfer of uses/square footage.
- Multi-family and Assisted Living Facilities uses may not be transfers between parcels.

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

2. Uses and Site Development Regulations

a. Schedule of Uses

Outparcels 1 - 7

Accessory Uses

Administrative Offices

Automatic Teller Machine

Auto Parts Store

Automobile Repair and Service, Group I - limited to one for the 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 CPD. 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 CPD

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 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 in the CPD.

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 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 24 with a convenience food & beverage store only.

Signs, in accordance with LDC Chapter 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 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

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 removal of excavated material from site. No blasting.

Fences, Walls

Florist Shop

Food Store, Groups I and II

Hardware Store

Hobby, Toy and Game Shops

Hotel/Motel - maximum 120 rooms for the 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 in the CPD.

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 8
 Signs, in accordance with LDC Chapter 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 s/f of outdoor display area only.

Tracts #1 and #2

Accessory Uses
 Accessory Commercial Support Uses for Assisted Living
 Administrative Offices
 Assisted Living Facility – *Subject to Condition 1*
 Automatic Teller Machine
 Auto Parts Store
 Automobile Repair and Service, Group I - limited to one for the 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 CPD. No full service car washes. Only permitted for a single-bay car wash ancillary to a convenience food & beverage store.
 Community Garden in accordance with LDC 34-1716
 Contractors and Builders, Group I
 Continuing Care Facility – See Condition 1 (limited to Tract #1)
 Convenience Food And Beverage Shop - limited to one for the CPD.
 Consumption on Premises - Indoor and Outdoor - See conditions.
 Day Care Center, Child and Adult
 Drive Through for any permitted use
 Drugstore, Pharmacy
 Dwelling Units – multi-family - 153 units maximum. See, Condition 1 above (limited to Tract #1)
 EMS, Fire or Sheriff's Station
 Entrance Gates/Gatehouses – limited to multi-family dwelling units on Tract #1.
 Essential Services
 Essential Service Facilities, Group I
 Excavation, Water Retention - No removal of excavated material from site and not blasting.

Fences, Walls
 Florist Shop
 Food Store, Group I - Not Including Supermarkets
 Hardware Store – No Outdoor
 Hobby, Toy and Game Shops
 Hotel/Motel - Maximum 120 rooms for the CPD.
 Household and Office Furnishings, Groups I, II - no outdoor display or sales.
 Independent Living Facilities – See Condition 1, limited to Tract #1
 Insurance Companies
 Lawn And Garden Stores – no outdoor sales or display
 Laundry and Dry Cleaners, Group I
 Medical Office
 Model Units – limited to Tract #1, see conditions
 Non-Store Retailers, all Groups
 Parcel and Express Services
 Parking Lot, Accessory
 Package Store – permitted in a multi-occupancy building. One stand alone package store is permitted in the CPD.
 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
 Recreational Facilities, Commercial, Group III
 Recreational Facilities, Personal, Private (in association with multi-family dwelling units, assisted living, or independent living, limited to Tract #1).
 Rental and Leasing Establishments, Groups II, III
 Repair Shop, Groups I, II and III
 Residential Accessory Uses, limited to Tract #1
 Restaurant, Fast Food - Limited to two stand-alone for the CPD. Other fast food establishments may be part of a multi-occupancy building or an accessory use within a convenience food and beverage store.
 Retail and Wholesale - when clearly incidental and subordinate to a permitted principle use on the same premises.
 Self Service Fuel Pumps - limited to 16 in conjunction with a convenience food & beverage store.
 Signs, in accordance with LDC Chapter 30
 Specialty Retail Shops, Groups, I, II, III, and IV
 Storage, Indoor Only
 Temporary Uses
 Theatre, Indoor
 Used Merchandise Stores, Groups I and II - no pawn shops
 Variety Stores
 Vehicle and Equipment Dealer, Group II – limited to 10,000 S/F of outdoor display area.

b. **Site Development Regulations**

Outparcels 1-7; Anchor Parcel; Tracts 1 and 2
Commercial Uses

Minimum Lot Area and Dimensions

Lot Size: 20,000 s/f
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: in accordance with the LDC (20 feet for water bodies, whichever is greater)

Setbacks from Preserves: 25 feet (all buildings)

Minimum Perimeter Setbacks: 25 feet

Maximum Lot Coverage: 40%

Maximum Building Height: Outparcels - 35 feet/2 stories - 75 feet/6 stories for hotel/motel use.

Anchor Parcel - 45 feet/3 stories - 75 feet/6 stories for hotel/motel use.

Tract 1 - 45 feet/3 stories - no hotel permitted.

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

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

Maximum Lot Coverage: 40%

Tracts 1 Residential, Assisted Living or Independent Living

Minimum Lot Area and Dimensions

Lot Size:	90,000 s/f
Lot Width:	90 feet
Lot Depth	100 feet

Minimum Setbacks

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

Accessory Uses: In accordance with the LDC (20 feet for water bodies, whichever is greater.

Setbacks from Preserves: 25 feet (all buildings)

Minimum Perimeter Setbacks 25 feet

Maximum Lot Coverage: 40%

Maximum Building Height: 75 feet

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

Maximum Lot Coverage: 50%

3. Vehicular/Pedestrian Impacts

Zoning approval does not address mitigation of vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

4. Plan Consistency

Zoning approval does not guarantee the approval of a local development order. 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 all other Lee Plan provisions.

5. **Concurrency**

This zoning approval does not guarantee approval of a local development order. Development orders must comply with the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1 (b).

6. **Blasting**

Development blasting is prohibited.

7. **Agricultural Uses**

No agricultural uses exist on site. This zoning approval does not authorize agricultural use of the property except for community gardens.

8. **Enhanced Buffer**

Development order plans must be revised to include a minimum 20 or 25-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). Shrubs must create a continuous visual screen within 1 year after time of planting. The developer must provide a minimum of 10 native trees per 100 linear feet (minimum 10-foot height at planting). At a minimum, ½ of the buffer trees must be canopy-type trees. No more than ½ of the required buffer trees may be native palms.

9. **Consumption on Premises**

Indoor and Outdoor Consumption on Premises is permitted with a Group III Restaurant or Hotel/Motel use, or a Restaurant within an Assisted Living Facility *subject to* the following limitations:

a. **Hours of Operation.**

Outdoor Consumption on Premises: noon to midnight daily.
Indoor Consumption on Premises: 7 a.m. to 2 a.m. daily.

b. **Service of Food and Non-alcoholic Beverages Required.** Sale, service and consumption of alcoholic beverages is permitted only when food and non-alcoholic beverages are sold/available on the same premises.

c. **Administrative Approval.** Outdoor Consumption on Premises may be approved by administrative amendment without public hearing. The applicant must provide details of outdoor seating areas consistent with the LDC (including 500-foot separation from parks and dwelling units under separate ownership).

10. **Dewatering**

Dewatering is not an approved use.

However, dewatering in conjunction with utility installations may be permitted if approved by the South Florida Water Management District and addressed by the local development order.

11. **Big Box Stores Prohibited**

Commercial buildings exceeding 100,000 s/f are prohibited unless approved through the public hearing process.

12. **Wireless Communication Facilities/Height**

- a. Freestanding wireless communication facilities (tower, including stealth type) are prohibited. 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, must be first reviewed by the Federal Aviation Administration and the Lee County Port Authority for confirmation that they will not be an obstruction to air traffic.
- c. Development must comply with LDC §34-1008 "Permit for Tall Structures." Depending on the height and location of the proposed structures, the developer must submit an application to the Federal Aviation Administration (FAA) and the Lee County Port Authority to determine airspace impacts of proposed permanent buildings, wireless communication facilities, and temporary construction equipment (cranes).
- d. Wireless communication facilities must be reviewed by the Federal Communication Commission to ensure signals from the facilities do not interfere with navigation aids and radar at the Lee County Port Authority (and airport).

13. **Accessory Uses**

Accessory uses must be located on the same tract, parcel or outparcel as the principal use. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

14. **Open Space**

Development order landscape plans must demonstrate 30% or 24.14 acres of open space will be provided with a minimum of 10% open space on each lot.

Option B development order plans must reflect open space in compliance with the Project Summary Open Space and Indigenous Summary Tables on MCP Option B.

15. **Indigenous Vegetation**

Development order plans must reflect 11.29 acres of indigenous preservation.

16. **Shorelines**

Development order plans must include sloped or bermed shorelines to direct storm water through pretreatment systems/swales prior to discharge into the lake. The minimum number of native wetland herbaceous plants is one plant per linear foot of shoreline measured at the control elevation water level.

The developer may substitute native wetland trees or shrubs for up to 50% of the required number of herbaceous plants. The developer may substitute 1 tree (minimum 4 foot height; 3 gallon container size at planting) or 1 shrub minimum 24 inch height; 3 gallon container size at planting) for 10 herbaceous plants.

The developer must install plants around the lake perimeter and cluster plants around inlet and outfall areas. Clusters must contain a minimum of 25 plants within a 50 square foot area. The developer must plant at least 4 herbaceous wetland species with a minimum 2 inch liner container size. Trees and shrubs must meet the minimum standards in accordance with LDC §10-420. Trees and littoral zone plantings required by the Deep Lake Management Plan must be strategically clustered along the littoral zone.

17. **Dry Detention**

Development order plans must delineate native herbaceous vegetation with a minimum 1 gallon container size planted on 3 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 native herbaceous vegetation (minimum one-gallon container size planted 3 foot on the center). The general tree requirement may be reduced by one 10 foot tree in accordance with LDC §10-418(4). The number of trees reduced by meeting this requirement must be included on the development order plans.

18. **Excavation**

Removal of material excavated from the property is prohibited. This includes material excavated from the proposed lake expansion.

19. **Model Units** (Tract 1 only)

- a. Maximum number of units: 4
- b. Hours of operation: Monday through Sunday 8 a.m. to 8 p.m.
- c. Dry models: Prohibited.

20. **Development Permits**

County development permits do not establish a right to obtain permits from state or federal agencies. Further, those County permits do not establish liability on the County if the developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions that result in a violation of state or federal law.

SECTION C. DEVIATIONS:

1. Deviation (1), Lake Depth, seeks relief from the LDC §10-329(d)(3)b. requirement to provide "any water retention or detention pond proposed to be greater than 20 feet in depth must be approved as a planned development rezoning deviation or as a condition of a zoning special exception." The deviation would allow excavation of the existing borrow pit and to be expanded to a depth of 35 feet, or to the confining layer.

This deviation was previously approved in Z-06-061 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 excavated material from the site is prohibited. Fill material removed from the excavation must be utilized on site.
 - c. Blasting is prohibited. No blasting will occur incident to the excavation of the borrow pit.
 - d. The developer must submit a Deep Lake Management Plan for review and approval by Environmental Sciences and Natural Resources staff prior to development order approval. The Deep Lake Management Plan must require monitoring for water quality and groundwater levels using a minimum of four wells (one at each corner) and also require the developer to monitor wells at least three years after the County issues a Certificate of Compliance for the lake.
2. Deviation (2), Intersection Separation, seeks relief from the intersection separation requirements for Arterial Roads set forth in LDC §10-285(a) Table 1. The deviation would allow the intersection separation distances reflected on the MCP.

This deviation was previously approved in Z-06-061 and ADD2006-00112.

3. Deviation (3), Signs, seeks relief from the LDC §30-153(2)a.4, requirement to provide identification signs be set back a minimum of 15 feet from street rights of way and 10 feet from property lines. The deviation would allow an identification sign set back of 7.5 feet from the west property line so long as the sign is outside the visibility triangle described in LDC §30-93(a).

This deviation was previously approved in Z-06-061 subject to the following conditions:

- a. Signs must conform to the LDC, including Chapter 30.
- b. Signs must be consistent with the "Proposed Project Signage Plan" stamp received by the permit counter on July 26, 2006. Exhibit E.
- c. Signs must be consistent with the architectural theme of the development.

4. Deviation (4), Signs, seeks relief from the LDC §30-153(3), requirement to provide limiting individual commercial lots to one ground-mounted project identification sign. The deviation would allow two ground mounted project identification signs in addition to the individual ground mounted occupant signs on outparcel #1 and #7.

This deviation was previously approved by Z-06-061 subject to the following conditions:

- a. The minimum separation between the two signs on each out parcel will be 100 feet.
- b. Signs must be consistent with the architectural theme of the development.
- c. Signs must be consistent with the "Proposed Project Signage Plan" stamp received by the permit counter on July 26, 2006.
- d. All other signs must conform to the LDC.

SECTION D. EXHIBITS:

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 C1: The Master Concept Plan Option A
- Exhibit C2: The Master Concept Plan Option B
- Exhibit D: Lake Management Plan
- Exhibit E: Proposed Project Signage Plan

SECTION E. FINDINGS AND CONCLUSIONS:

1. The requested amendment to the Arborwood Village CPD zoning approvals is consistent with the Lee Plan and will comply with applicable County regulations. See, Lee Plan Goals 2, 4, 5, 6; Objectives 1.3, 2.1, 2.2, 2.12, 4.1, 43.2, and 152.1; Policies 1.3.2, 1.7.6, 2.1.1, 2.2.1, 2.12.1, 5.1.1, 5.2.2, 135.1.9 and 158.1.9; Lee Plan Map 16 and Table 1(b); Lee Plan Vision Statement Paragraph 10; LDC §34-934.

As conditioned, the CPD:

- a. is consistent with the densities and uses in the General Interchange Future Land Use category and the Gateway/Airport Planning Community described in Lee Plan Vision Statement Paragraph 10; Policies 1.3.2, 4.1.1, 4.1.2, 5.1.2, 6.1.1, and Table 1(a);
- b. meets or exceeds the performance standards for the potential uses contemplated by Lee Plan Objectives 1.3, 2.1, 2.2, 2.12, 5.1 and Policies 1.3.2, 2.1.1, 2.12.1, 4.1.1, 4.1.2, 5.1.1, 5.1.2, 5.1.3, 5.1.5, 5.1.6, 6.1.1., 6.1.2, 6.1.3, 6.1.6, 6.1.7;
- c. is compatible with existing and planned uses in the surrounding area; See, Lee Plan Goal 5; Objectives 2.1, 2.2 and 47.2; Policies 5.1.2, 5.1.3, 5.1.5, 5.1.7, 5.2.4, 6.1.4, 39.1.6, 135.1.9 and 135.9.5; and

- d. will not adversely affect environmentally sensitive areas or natural resources. See, Lee Plan Goal 11, Standard 11.4., Objectives 77.1, 77.2, and 77.3, and Policies 4.1.1, 6.1.6, 77.3.1; LDC 34-411(c) and (g).
2. The surrounding road network is adequate to support the approved intensity of development and the project's roadway impacts will be addressed by existing County regulations and the conditions of approval. The site is served by transit, specifically Route 50. See, Lee Plan Goal 4 and Goal 11, Standard 11.3; Objective 43.2; Policies 2.12.1, 4.1.2, 5.1.3, 6.1.5, 39.1.1, and 39.1.6; Lee Plan Map 3C. See also, §34-411(d) and (e).
3. Urban services are available to serve the proposed addition of residential uses. These services include public water and sewer, paved streets, public transit, parks and recreational facilities, police, fire, and emergency services, urban surface water management, schools, employment and commercial centers. See, Lee Plan Goal 11; Standards 11.1, 11.2 and 11.3; Objectives 2.1 and 2.2; Policies 2.2.1, 2.2.2., and 5.1.8.
4. The proposed uses are appropriate at the subject location. See, Lee Plan Goals 4, 5, and 6; Policies 1.7.6, 2.1.1, 2.2.2, 2.12.1, 6.1.4, 39.1.6, and 135.1.9.
5. The recommended conditions of approval and County regulations provide sufficient safeguards to protect the public interest in accordance with Lee Plan Policies 2.2.2, 5.1.5, 6.1.3, and LDC §10-610(d)(1)9 (pedestrian linkages to sidewalks and bus stops), and §34-411(c).
6. The recommended conditions are reasonably related to the impacts expected from the proposed development. Lee Plan Policies 5.1.5, 5.2.2, LDC §34-145(d)(4)a.2.(b), §34-411(c), (i), (j) and (k).
7. Consistent with the LDC, the previously approved deviations:
 - a. enhance the achievement of the objectives of the planned development; and
 - b. preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

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

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 20th day of January, 2016.

ATTEST:
LINDA DOGGETT, CLERK

BY: Chris Du
Deputy Clerk



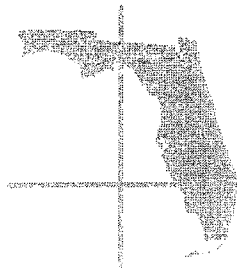
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Franklin B. Mann, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

[Signature]
Michael D. Jacob
Managing Assistant County Attorney
County Attorney's Office

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METRON

SURVEYING & MAPPING, LLC

LAND SURVEYORS • PLANNERS

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

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

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

CONTAINING 68.25 ACRES, MORE OR LESS.

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

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

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

DCI 2006-00005

Signed: _____

Date: 5/4/06

Applicant's Legal Checked
by hgm 5/18/2006

PERMIT COUNTER
MAY 12 2006

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

EXHIBIT A

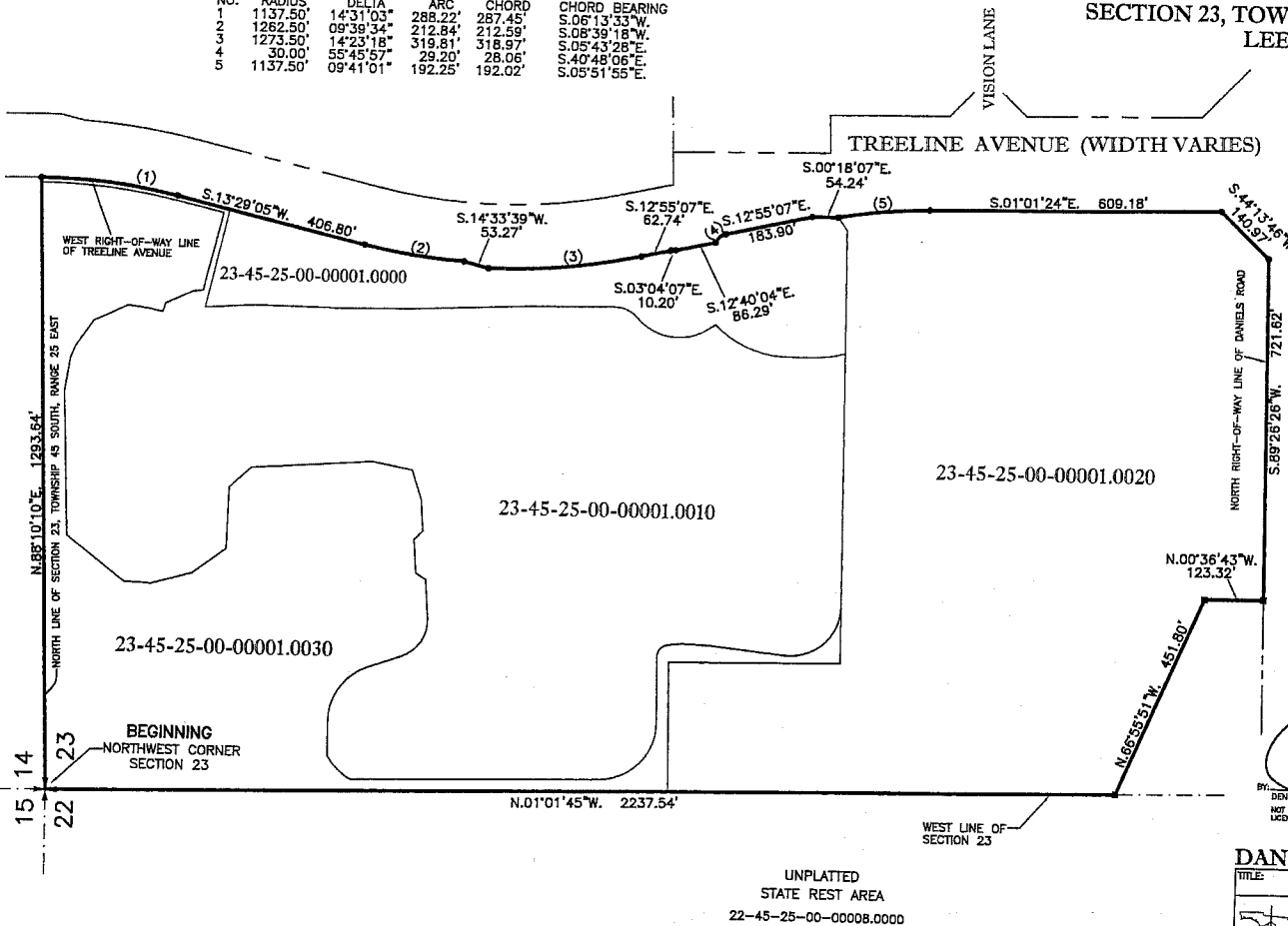


CURVE TABLE

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

SKETCH

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



DOI 2006-00005

Sketch of
Applicant's Legal Checked
by lgm 5/18/2006

*** THIS IS NOT A SURVEY ***

BY: [Signature] 5/14/06
DENIS J. McANELL, JR., PROFESSIONAL SURVEYOR AND MAPPER LSF 5430 DATE SIGNED
NOT VALID WITHOUT THE SIGNATURE AND THE OFFICIAL REGISTERED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER.

DANTREE COMMERCIAL/LAKE SITE
TITLE: SKETCH

METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS-PLANNERS
LBN 7071
10070 S. CLEVELAND AVENUE,
SUITE 605
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-8275
FAX: (239) 275-6487
www.metronllc.com

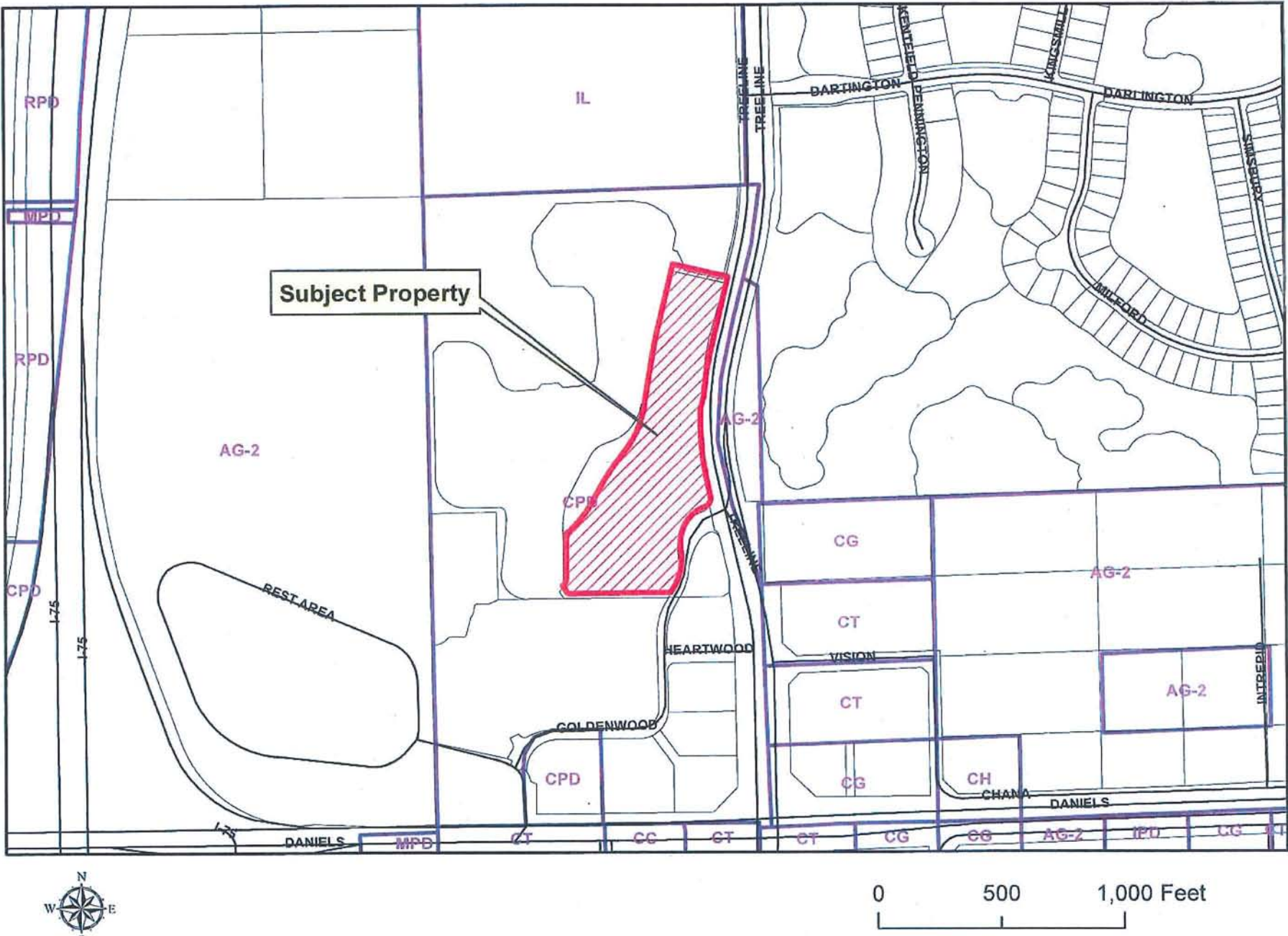
FILE NAME: 6398SK.DWG	PLOT BOOK/PAGE: 9388	SHEET: 1 OF 1
SURVEY DATE: 05-04-2006	DRAWN BY: DJO	CHECKED BY: DJO
SCALE: 1"=100'	FILE NO. (S-C-0)	23-45-25

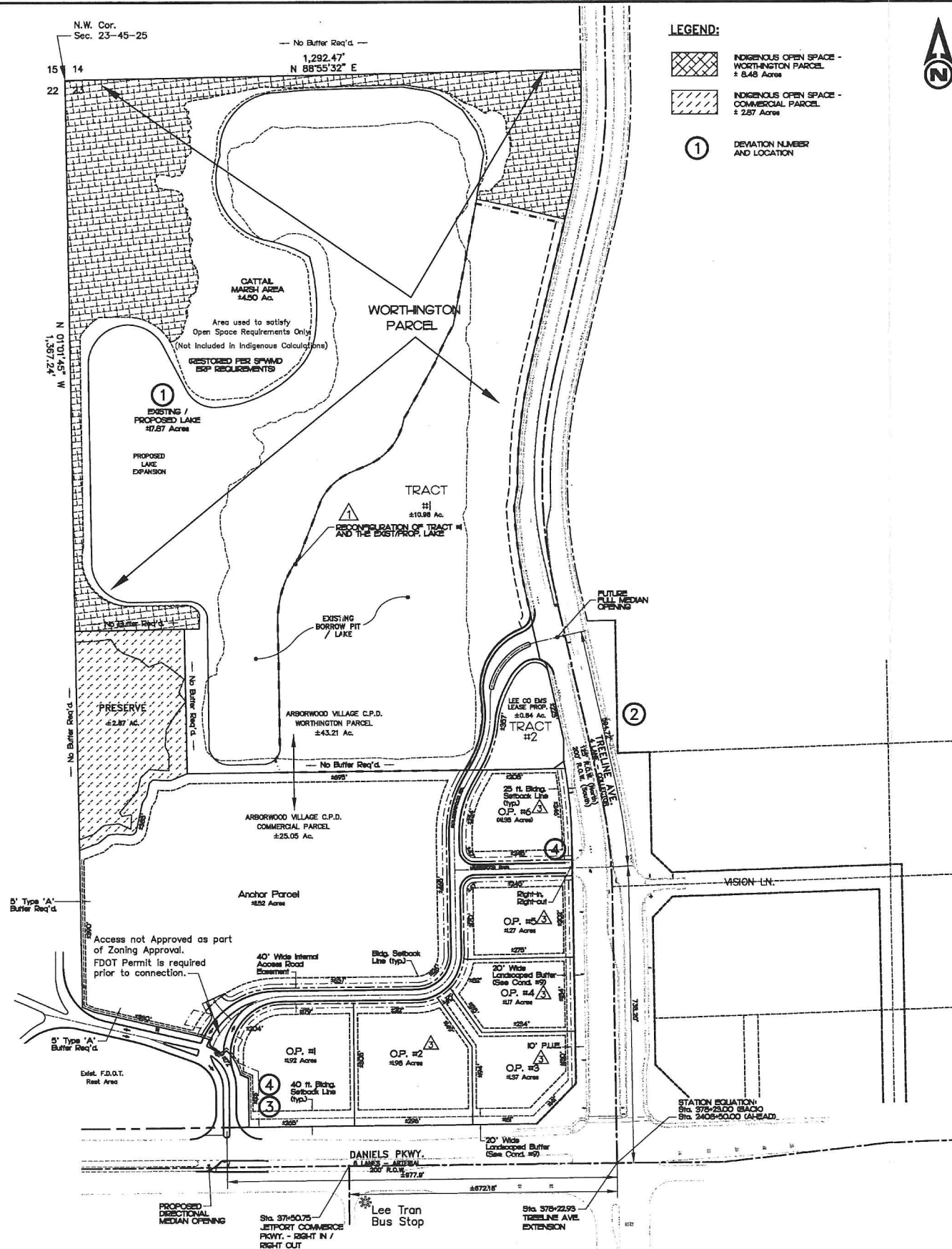
[illegible]

Applicant's Survey Checked
By Jim 5/18/2006

DANTREE COMMERCIAL/LAKE SITE			
TITLE: BOUNDARY SURVEY			
		10070 S. CLEVELAND AVE. SUITE 600 FORT WORTH, TEXAS 76130 PHONE: (817) 273-8275 FAX: (817) 273-8657 www.metron-survey.com	
METRON SURVEYING & MAPPING, LLC LAND SURVEYORS-PLANNERS LBN 1701			
FILE NAME:	FILE LOCATION:	PROJECT NO.:	DATE:
DANTREE.02.DWG	FT 87 PG 71-79	3994	11/05/05
SCALE:	DATE:	REVISIONS:	NO. OF PAGES:
04-13-2006	NO	04-13-2006	1 OF 1

EXHIBIT B





PROJECT SUMMARY:

1.) CONCEPTUAL LAND USE BREAKDOWN:

C.P.D. - COMMERCIAL PARCEL	
On-Site Wetland / Upland Preserve Area / O.S. / Green Space	± 2.87 Ac.
Internal (Private) R.O.W.	± 1.60 Ac.
Development Parcels	±20.58 Ac.
Total Site - CPD Commercial Parcel	±25.05 Ac.

C.P.D. - WORTHINGTON PARCEL	
On-Site Wetland / Conservation Area	± 8.48 Ac.
Exist. Lake / Proposed Lake Expansion	±17.87 Ac.
O.S. / Green Areas	± 4.50 Ac.
Internal (Private) R.O.W.	± 0.54 Ac.
Worthington Tract #1	± 10.98 Ac.
Worthington Tract #2	± 0.84 Ac.
Total Site - CPD - D.E. Parcel	±43.21 Ac.

Total CPD Parcel Area ±68.26 Ac.

2.) CONCEPTUAL OPEN SPACE:

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

Total Open Space Req'd.: ± 7.50 Ac.

Open Space Prov'd.: ± 7.50 Ac.

Indigenous / Preserve Area	± 2.87 Ac.
Anchor Parcel (± 23.5%)	± 2.71 Ac.

O.P.'s #1 thru #6 (± 22.0%) ± 1.99 Ac.

O.P. #1 (±1.92 Ac. x 0.22) ±0.42 Ac.

O.P. #2 (±1.98 Ac. x 0.22) ±0.43 Ac.

O.P. #3 (±1.37 Ac. x 0.22) ±0.30 Ac.

O.P. #4 (±1.17 Ac. x 0.22) ±0.26 Ac.

O.P. #5 (±1.27 Ac. x 0.22) ±0.28 Ac.

O.P. #6 (±1.35 Ac. x 0.22) ±0.30 Ac.

Sub-total (Out-parcels) ±1.99 Ac.

Total Open Space Prov'd.: ± 7.57 Ac.

C.P.D. - WORTHINGTON PARCEL	
±43.2 Ac. x 0.3 =	±12.9 Ac.

Total Open Space Req'd.: ±12.96 Ac.

Open Space Prov'd.: ± 12.96 Ac.

On-Site Wetland / Conservation Area (Includes Cattail Marsh): 12.98 Ac.

Exist. Lake / Proposed Lake Expansion (± 12.96 Ac. x 0.25%) ± 3.24 Ac.

Tract #1 (±10.98 Ac. x 0.10) ±1.10 Ac.

Tract #2 (±0.84 Ac. x 0.10) ±0.08 Ac.

Sub-total (Tracts) ± 1.18 Ac.

Total Open Space Prov'd.: ±17.40 Ac.

3.) INDIGENOUS OPEN SPACE:

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

*(See Note Below)

C.P.D. - WORTHINGTON PARCEL	
Indigenous Open Space Req'd.	±12.96 Ac. x 50%
Indigenous Open Space Prov'd.	± 6.48 Ac.
On-Site Wetland / Conservation Area	± 8.42 Ac.*
Total Open Space Prov'd.	± 8.42 Ac.

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

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

4.) PUBLIC TRANSIT:

The site is located on Lee Tran Route #50.

5.) PROJECT INTENSITY:

Intensity:	
Anchor Parcel:	130,000 s.f. - Retail, and 120 Bed Hotel

Out-Parcels #1 - #6:	40,000 s.f. - Commercial 12,000 s.f. - Office
----------------------	--------------------------------------------------

Tract #1: 30,000 s.f. - Office

Tract #2: 80,000 s.f. - Retail

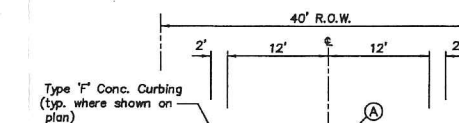
10,000 s.f. - Essential Services (EMS)

PHASING: 1 PHASE - 5 YEARS

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

LAND USE CONVERSION MATRIX

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



APPROVED

Amendment to
Master Concept Plan
Subject to Case #ADD2008-00168
Date 1/21/2009

INTERNAL ACCESS ROAD

TYPICAL PAVEMENT SECTION

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

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ORIGINAL RESOLUTION: CASE # DCI2006-00005
Res. # Z-06-061 (10-16-06)

MASTER CONCEPT PLAN OPTION A
COMMUNITY DEVELOPMENT
ADD Z008-00168

HM HOLE MONTES ENGINEERS-PLANNERS-SURVEYORS 6200 Whiskey Creek Drive Fort Myers, FL 33919 Phone: (239) 985-1200 Florida Certificate of Authorization No.1772 Naples - Fort Myers	DEVELOPER: DP - TA Associates, Ltd. Elias Vassiliades, Exec. Vice Pres. Waterford at Blue Lagoon 703 Waterford Way, Suite 800 Miami, FL 33126 Ph. No.: (305) 261-4330	DESIGNED BY: CLK/ERT DATE: 12/03/08 DRAWN BY: ERT DATE: 12/04/08 CHECKED BY: CLK DATE: 12/04/08 VERTICAL SCALE: 1"= 100' HORIZONTAL SCALE: 1"= 100'
SUBMITTED FOR ADMIN. AMENDMENT Case # ADD2007-00199 Case # ADD2008-00039	DATE 12/17/08 12/03/07 04/04/08	REFERENCE NO. 08087-H-3B_H-3C PROJECT NO. 2008087 DRAWING NO. 1 of 2

Arborwood Village CPD
Master Concept Plan
EXHIBIT H-3.B

ARBORWOOD VILLAGE CPD

General Background

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

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

LAKE MANAGEMENT PLAN

Introduction

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

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

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

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Exhibit D
Page 1 of 3

DOI 2631-00005

EXHIBIT D

Lakes greater than 12 feet deep

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

Financial Management of Lakes

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

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

Lake circulation

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

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

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

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

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Exhibit D
Page 2 of 3

DCI 2006-00005

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

Vegetation Planting

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

Vertical Stratification

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

Aeration diffusers

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

Irrigation and fountain systems

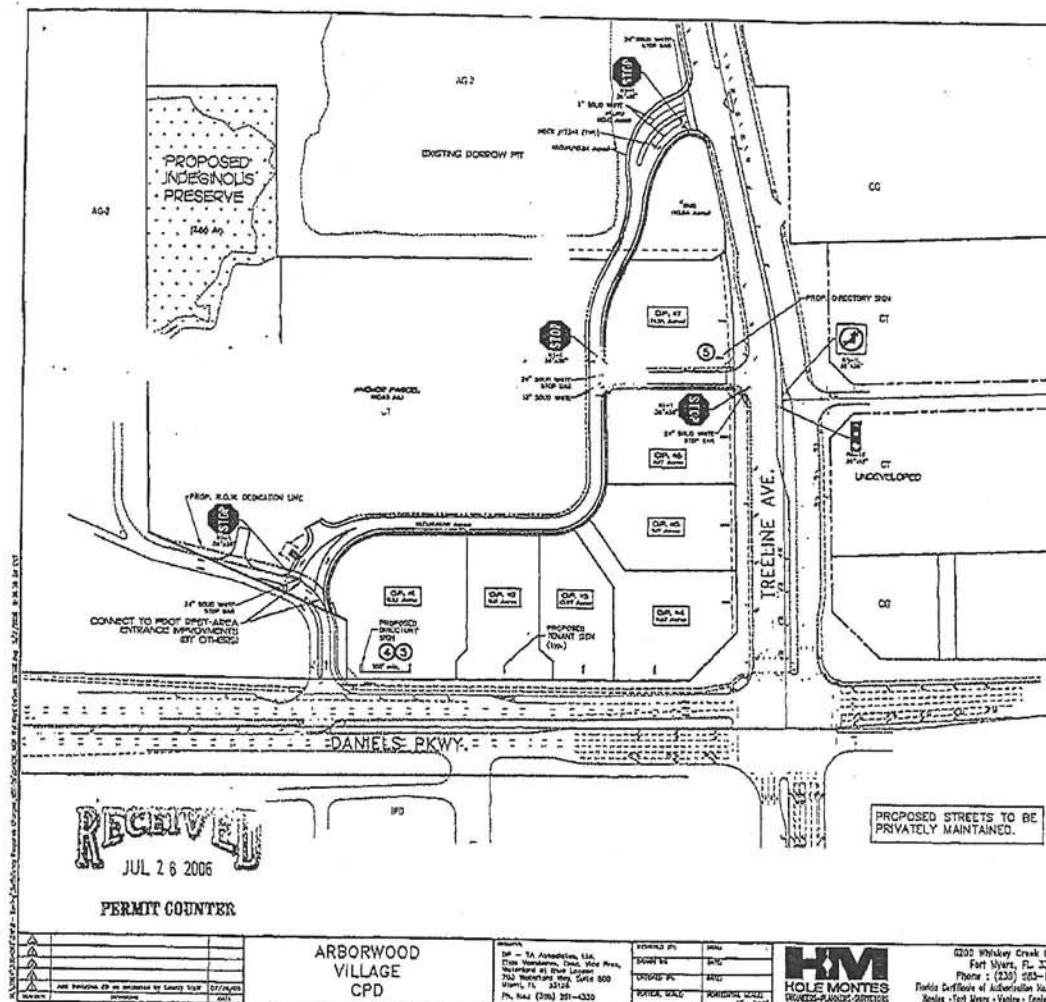
The amount of water pumped through one or more fountains or from irrigation systems can be sufficient to prevent stratification of the water column and may augment aeration diffusers.

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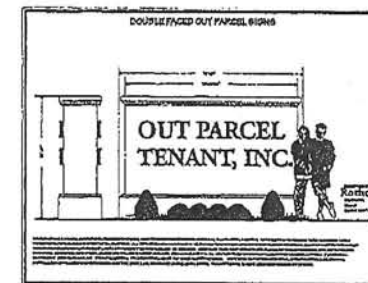
Exhibit D
Page 3 of 3

EXHIBIT E

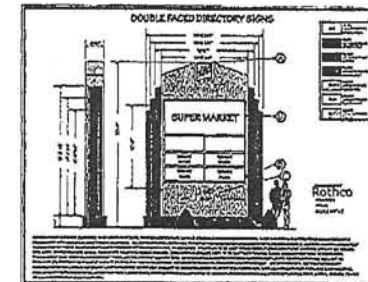


LEGEND

- | | | | |
|-------------------------------------------------------------------------------------|-----------------|-------|---------------------------------|
|  | CONVECTION AREA | _____ | 6 OF ROAD |
|  | BOUNDARY LINE | _____ | PROPOSED LOT LINE |
|  | BACK-OF-YARD | _____ | BACK OF CURB / EDGE OF PAVEMENT |
|  | EASEMENT | _____ | CURTAIN EDGE OF PAVEMENT |



PROPOSED PROJECT TENANT SIGNS



PROPOSED PROJECT DIRECTORY SIGNS

DCI 2006-00005

PROPOSED PROJECT SIGNAGE PLAN

0492B_PSP

3454