

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 amend the Arborwood Village Commercial Planned Development (CPD), a 68.23 ± acre parcel, 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 August 8, 2019; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2018-10018 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on November 6, 2019 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) to revise the Schedule of Uses for the Anchor Parcel and Outparcel #2 to add Vehicle and Equipment Dealers, Group I only (including multi-level parking/display structures); Warehouse, Mini and Public. Amend Schedule of Uses for the Anchor Parcel to add Assisted Living Facility, and increase Hotel/motel rooms from 120 to 300.

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 Plan entitled "ARBORWOOD VILLAGE CPD: MASTER CONCEPT PLAN OPTIONS A, B and C" stamped received May 16, 2019 for Options A and C and January 24, 2019 for Option B, and attached hereto as Exhibit C, 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.

Zoning Resolution Z-15-037A is hereby replaced by this zoning resolution No. Z-19-021.

Approved development parameters:

Commercial Floor Area

250,000 s/f of retail commercial

No individual retail building may exceed 100,000 s/f

42,000 s/f of office

10,000 s/f of essential services

300 hotel rooms

Maximum Number of Dwelling Units

153 multi-family dwelling units

This zoning approval permits any configuration of Assisted Living Facility, Independent Living, and Continuing Care bed/units up to 612 beds/units on Tract #1, provided the density for Tract #1 does not exceed 153 standard dwelling units, and Assisted Living Facility on Anchor Parcel 1-B with a density for Anchor Parcel 1-B does not exceed equivalent to 56 standard dwelling units.

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.
- Multifamily and Assisted Living Facilities uses may not be transferred 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 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 CPD. No full service car washes. Only  
 permitted for a single-bay carwash 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, subject to Condition 8  
 Day Care Center, Child and Adult  
 Drive Through for any permitted use  
 Drugstore, Pharmacy  
 Essential Services  
 Essential Service Facilities, Group I  
 Excavation, Water Retention  
 Fences, Walls  
 Food Store, Group I - not including supermarkets  
 Hobby, Toy and Game Shops  
 Hotel/Motel – maximum 300 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 standalone package  
 store permitted on the entire planned development.  
 Parking Lot, accessory  
 Personal Services, Groups I, II, III and IV. Excluding massage parlors, steam or  
 Turkish baths, dating services, escort services, palm readers,  
 fortunetellers, 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 standalone 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 24 in conjunction with a convenience food &  
 beverage store only.  
 Signs  
 Storage, Indoor Only  
 Temporary Uses  
 Used Merchandise Stores, Groups I and II - no pawn shops  
 Variety Stores  
 Vehicle and Equipment Dealer, Groups I and II. Limited to Outparcel #2  
 Warehouse, Mini and Public. Limited to Outparcel #2

#### Anchor Parcel

Accessory Uses  
 Administrative Offices

Assisted Living Facility - up to a maximum of 224 beds/units, provided density does not exceed 56 standard dwelling units, limited to Anchor Parcel 1-b shown on MCP Option "C"

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 Condition 8

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 blasting. Not to include removal of excavated material from site.

Fences, Walls

Food Store, Groups I and II

Hardware Store

Hobby, Toy and Game Shops

Hotel/Motel - maximum 300 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 standalone package store permitted on the entire planned development.

Paint, Glass and Wallpaper

Parking Lot, accessory

Personal Services, Groups I, II, III and IV. Excluding massage parlors, steam or Turkish baths, dating services, escort services, palm readers, fortunetellers, 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, Group 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 standalone fast food in the anchor parcel.

Restaurant, Groups I, II, III and IV

Retail and Wholesale when clearly incidental and subordinate to a permitted principal use on the same premises.

Self Service Fuel Pumps - limited to eight

Signs

Specialty Retail Shop, Groups I, II, III, and IV

Storage, Indoor Only

Temporary Uses  
Theater, indoor  
Vehicle and Equipment Dealer, Groups I and II  
Warehouse, mini and public

**Tract #1 and Tract #2**

Accessory Uses  
Accessory Commercial Support Uses for Assisted Living  
Administrative Offices  
Assisted Living Facility – Limited to Tract #1  
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.  
Community Garden  
Contractors and Builders, Group I  
Continuing Care Facility – Limited to Tract #1  
Convenience Food and Beverage Shop - limited to one for the entire planned  
development.  
Consumption on Premises - indoor and outdoor, subject to Condition 8  
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 or Gatehouses – in association with multi-family dwelling Units on  
Tract #1 only  
Essential Services  
Essential Service Facilities, Group I  
Excavation, Water Retention - no blasting. Not to include removal of excavated  
material from site.  
Fences, Walls  
Food Store, Group I - not including supermarkets  
Hardware Store – no outdoor display  
Hobby, Toy and Game Shops  
Hotel/Motel – maximum 300 rooms for the entire CPD  
Household and Office Furnishings, Groups I and II  
no outdoor display or sales  
Independent Living Facilities – 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 – Tract #1 only – see conditions

Non-Store Retailers, all groups  
 Parcel and Express Services  
 Parking Lot, accessory  
 Package Store – permitted in a multi-occupancy building. One standalone package store permitted on the entire planned development.  
 Personal Services, Groups I, II, III and IV. Excluding massage parlors, steam or Turkish baths, dating services, escort services, palm readers, fortunetellers, 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 facilities on Tract #1 only)  
 Rental and Leasing Establishments, Groups II and III  
 Repair Shop, Groups I, II and III  
 Residential Accessory Uses, Tract #1 only  
 Restaurant, Fast Food - limited to two standalone 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.  
 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 only.  
 Signs  
 Specially 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 only - 10,000 s/f of outdoor display area only

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:	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%
Maximum Building Height:	
OUTPARCELS	35 feet - 75 feet for hotel/motel use only
ANCHOR PARCEL	45 feet - 75 feet for hotel/motel use only
TRACT 1	45 feet - no hotel.
TRACT 2	35 feet - 75 feet 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%

TRACT 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: 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%

Maximum Building Height: 75 feet

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

#### ANCHOR PARCEL 1-B: ASSISTED LIVING FACILITY

##### Minimum Lot Area and Dimensions

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

##### Minimum Setbacks:

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

Accessory Uses: Per LDC §34-1171

Setbacks from Preserves: 25 feet for all buildings

Minimum Perimeter Setbacks: 25 feet

Maximum Lot Coverage: 40%

Maximum Building Height: 75 feet

Minimum Building Separation: 20 feet minimum.

3. Vehicular/Pedestrian Impacts

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

4. Plan Consistency

Zoning approval 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 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. No Agricultural Uses

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



7. 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). 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, ½ of the buffer trees must be a minimum of canopy-type trees. No more than ½ of the required buffer trees may be native palms.

8. Consumption on Premises

Indoor and Outdoor Consumption on premises is permitted in conjunction 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).

9. 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.

10. Big Box Stores Prohibited

Commercial buildings exceeding 100,000 s/f are prohibited.

11. 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 Administrative Code 13-7 "Tall Structures Permitting procedures." 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 any temporary construction equipment (cranes).

- d. Wireless communication must be reviewed by the Federal Communication Commission to ensure that signals from the facilities do not interfere with navigation aids and radar at the Lee County Port Authority (and airport).

12. Notification of Mosquito District

Lee County Mosquito district must be notified of the location of all tall structures (75 foot and taller) and equipment prior to their erection and/or construction.

13. Open Space

Development order landscape plans must demonstrate that 30% or 24.14 acres of open space is provided for this project with a minimum 10% open space on each lot.

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

14. Indigenous

Development order plans must reflect 11.29 acres of indigenous preservation.

15. 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 four 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.

16. 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 appropriate 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 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.

17. Excavation  
Removal of material excavated from the property is prohibited. This includes material excavated from the proposed lake expansion.
18. Model Units
- a. Model units are limited to a maximum of four each, for Tract 1 and Anchor Parcel.
  - b. Hours of operation for model units and real estate sales in the residential area are limited to Monday through Sunday 8 a.m. to 8 p.m.
  - c. No dry models are permitted.
19. Trip Generation
- a. The development's trip generation will not exceed that calculated under the following development scenario:
    - 120 hotel rooms,
    - 10,000-SF essential services,
    - 42,000-SF medical office, and
    - 250,000-SF commercial retail.
  - b. Permitted restaurant gross floor area includes restaurant outdoor seating areas.
  - c. If the development is developed in phases, each local development order site development plan must contain a tabulation that at minimum itemizes the:
    - i. density of residential uses expressed in number of units for each use proposed by the development order application;
    - ii. intensity of non-residential and non-hotel uses expressed in gross floor area and number of hotel rooms for each use proposed by the development order application;
    - iii. cumulative total density and intensity for each use permitted by previous development order approvals;
    - iv. cumulative total density and intensity for each use permitted by previous building permits; and
    - v. remaining density and intensity for each use available for future development.
20. Development Permits  
County development permits do not establish a right to obtain permits from state or federal agencies. Further, it does not establish liability on the part of 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:

This amendment is not proposing any new deviations. However, four previously approved deviations for this project will remain in effect.

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 to be expanded to a depth of 35 feet, or to the confining layer, whichever comes first.

*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. 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 LDC §10-285(a) Table 1 related to intersection separation requirements for Arterial Roads. 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.
  - b. Signs must be consistent with the "Proposed Project Signage Plan" stamped 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" stamped received by the permit counter on July 26, 2006.
- d. All other signage 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 C: The Master Concept Plan  
Exhibit D: Arborwood Village CPD 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, 158; Objectives 1.3, 2.1, 2.2, 4.1, and 152.1; Lee Plan Map 16 and Table 1(b); Lee Plan Vision Statement Paragraph 10; LDC §34-934.
2. 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; Objective 1.3, Policies 1.3.2, 5.1.2, 6.1.1;
  - b. meets or exceeds the performance standards for the potential uses contemplated by Lee Plan Objectives 1.3, 2.1, 2.2, 5.1 and Policies 1.3.2, 2.1.1, 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 Goals 5, 6; 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, 6.1.6, 6.1.7, 39.1.6, 135.1.9 and 135.9.5;
  - d. will not adversely affect environmentally sensitive areas or natural resources. See Lee Plan Goal 4, Standard 4.1.4, Objectives 77.1, 77.2, and 77.3, and Policy 6.1.6; LDC §§ 34-411(c) and (g); and
  - e. will provide access sufficient to support the approved intensity of development and roadway impacts will be addressed by existing County regulations and the

conditions of approval. See Lee Plan Goal 4; Policies 5.1.3, 6.1.5, 39.1.1; Lee Plan Map 3C. See *also* LDC §§ 34-411(d) and (e).

3. Urban services are available to serve the project. See Objectives 2.1 and 2.2; Policies 2.2.1, 2.2.2.
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, 6.1.4, and 135.1.9.
5. The recommended conditions of approval and County regulations provide sufficient safeguards to protect the public interest. Lee Plan Policies 2.2.2, 5.1.5, 6.1.3, and LDC §§ 10-610(d)(1) and 34-411(c).
6. The recommended conditions reasonably relate to the impacts expected from the proposed development. Lee Plan Policies 5.1.5, 5.2.2, 6.1.3, LDC §§ 34-411(c), (i), (j) and (k) and 34-932.
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.

#### SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

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

Adopted by unanimous consent.

John Manning	Aye
Cecil Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 6<sup>th</sup> day of November 2019.

ATTEST:

LINDA DOGGETT, CLERK

**LEE COUNTY CLERK OF COURTS**

BY: Missy Flint  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: Brian Hamman  
Brian Hamman, Acting Chair/Vice Chair

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

Michael D. Jacob  
Deputy County Attorney  
County Attorney's Office

RECEIVED  
MINUTES OFFICE

2019 NOV 26 AM 9:21



CASE NUMBER: DCI2018-10018

LEGAL DESCRIPTION

LOTS 1 AND 3, OF ARBORWOOD VILLAGE II, A SUBDIVISION,  
LOCATED IN SECTION 23, TOWNSHIP 45, RANGE 25 EAST AS  
RECORDED IN INSTRUMENT 2007000019462 OF THE PUBLIC  
RECORDS OF LEE COUNTY, FLORIDA.

STRAP NUMBERS

23-45-25-08-00000.0030

23-45-25-08-00000.0010

Applicant's Legal Checked  
by Dm 11/14/18



EXHIBIT A

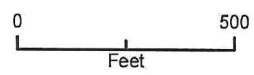




# DCI2018-10018 Zoning

## Legend

-  Subject Parcel
-  City Limits

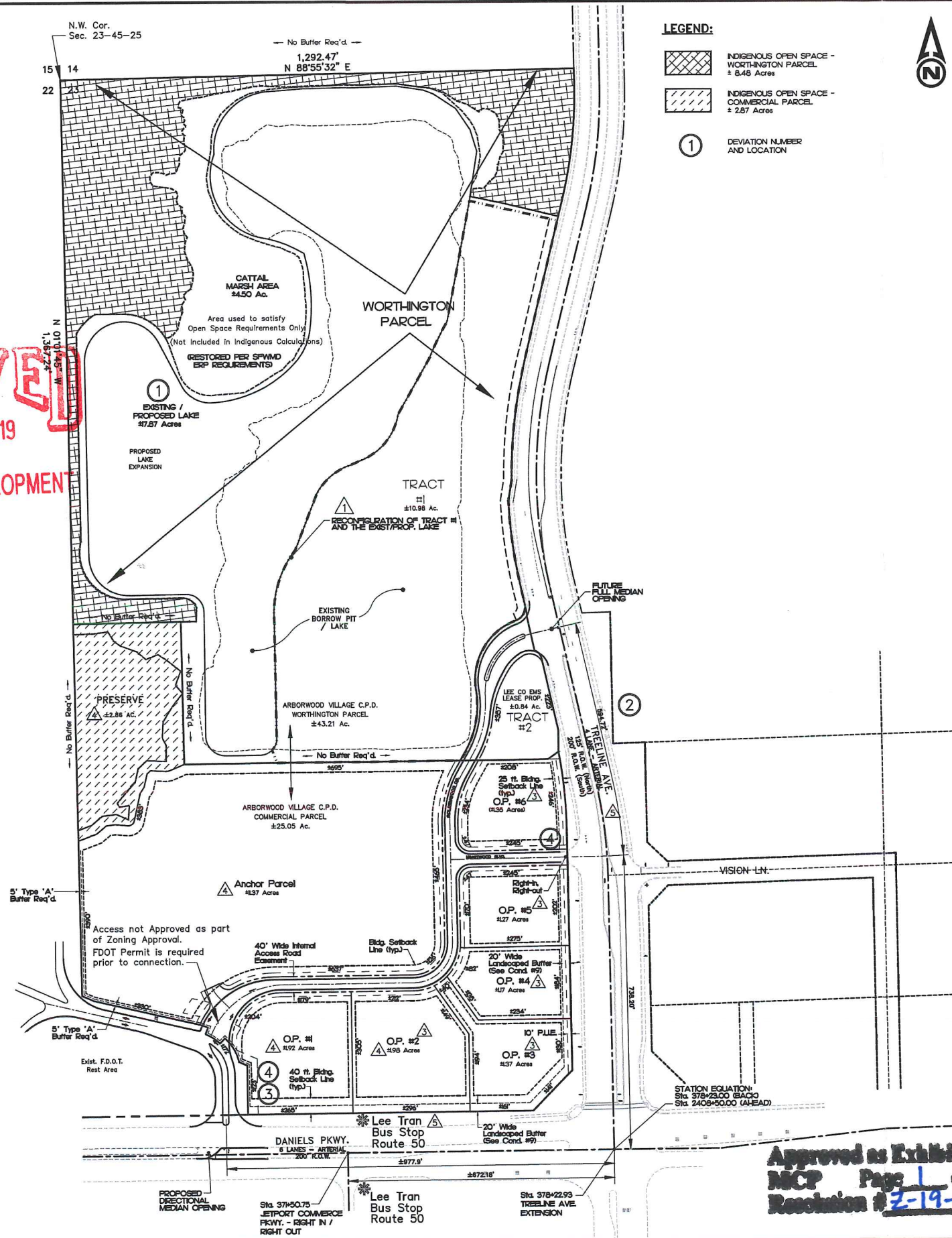




RECEIVED  
MAY 16 2019  
COMMUNITY DEVELOPMENT

DCI 2018-10018

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## PROJECT SUMMARY:

### 1.) CONCEPTUAL LAND USE BREAKDOWN:

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

Total Site - CPD Commercial Parcel ±25.05 Ac.

### 2.) CONCEPTUAL OPEN SPACE:

C.P.D. - WORTHINGTON PARCEL	
On-Site Wetland / Conservation Area	± 8.48 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.

### 3.) INDIGENOUS OPEN SPACE:

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

Total Open Space Req'd.: ± 7.50 Ac.

Open Space Prov'd.: ± 7.53 Ac.

Indigenous / Preserve Area	± 2.86 Ac.
Anchor Parcel (± 23.5%)	± 2.67 Ac.
O.P.'s #1 thru #6 (± 22.0%)	± 2.00 Ac.

△ O.P. #1 (±1.92 Ac. x 0.22)	±0.42 Ac.
△ O.P. #2 (±1.98 Ac. x 0.22)	±0.44 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) ±2.00 Ac.

Total Open Space Prov'd.: ± 7.53 Ac.

### 4.) PUBLIC TRANSIT:

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.: ± 17.40 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.

APPROVED AS EXHIBIT C-1: RES. #Z-15-037  
ORIGINAL RESOLUTION: CASE # DCI2006-00005  
Res. # Z-06-061 (10-16-06)

△ SUBMITTED FOR AMENDMENT	04/02/19
△ SUBMITTED FOR AMENDMENT	01/16/19
△ SUBMITTED FOR AMENDMENT	10/31/18
△ SUBMITTED FOR ADMIN. AMENDMENT	12/17/08
△ Case # ADD2007-00199	12/03/07

**H M**  
HOLE MONTES  
ENGINEERS-PLANNERS-SURVEYORS

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

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"= 200'	HORIZONTAL SCALE: 1"= 200'
REFERENCE NO. 08087-H-3B-H-3C	DRAWING NO. 2008087
PROJECT NO. 2008087	SHEET NO. 1 OF 1

Arborwood Village CPD  
Master Concept Plan Option A  
EXHIBIT H-3.C

### 5.) PROJECT INTENSITY:

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

\*(See Note Below)

### 6.) PUBLIC TRANSIT:

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

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

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

### 7.) PUBLIC TRANSIT:

The site is located on Lee Tran Route #50.

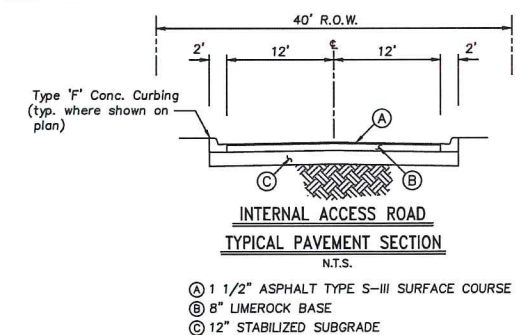
### 8.) PROJECT INTENSITY:

Intensity:	
Anchor Parcel:	130,000 s.f. - Retail, and 300 Bed Hotel
△ Establishes maximums for each land use type. Maximums are not cumulative.	
Out-Parcels #1 - #6:	40,000 s.f. - Commercial 12,000 s.f. - Office
Tract #1:	30,000 s.f. - Office 80,000 s.f. - Retail
Tract #2:	10,000 s.f. - Essential Services (EMS)

PHASING: 1 PHASE - 5 YEARS

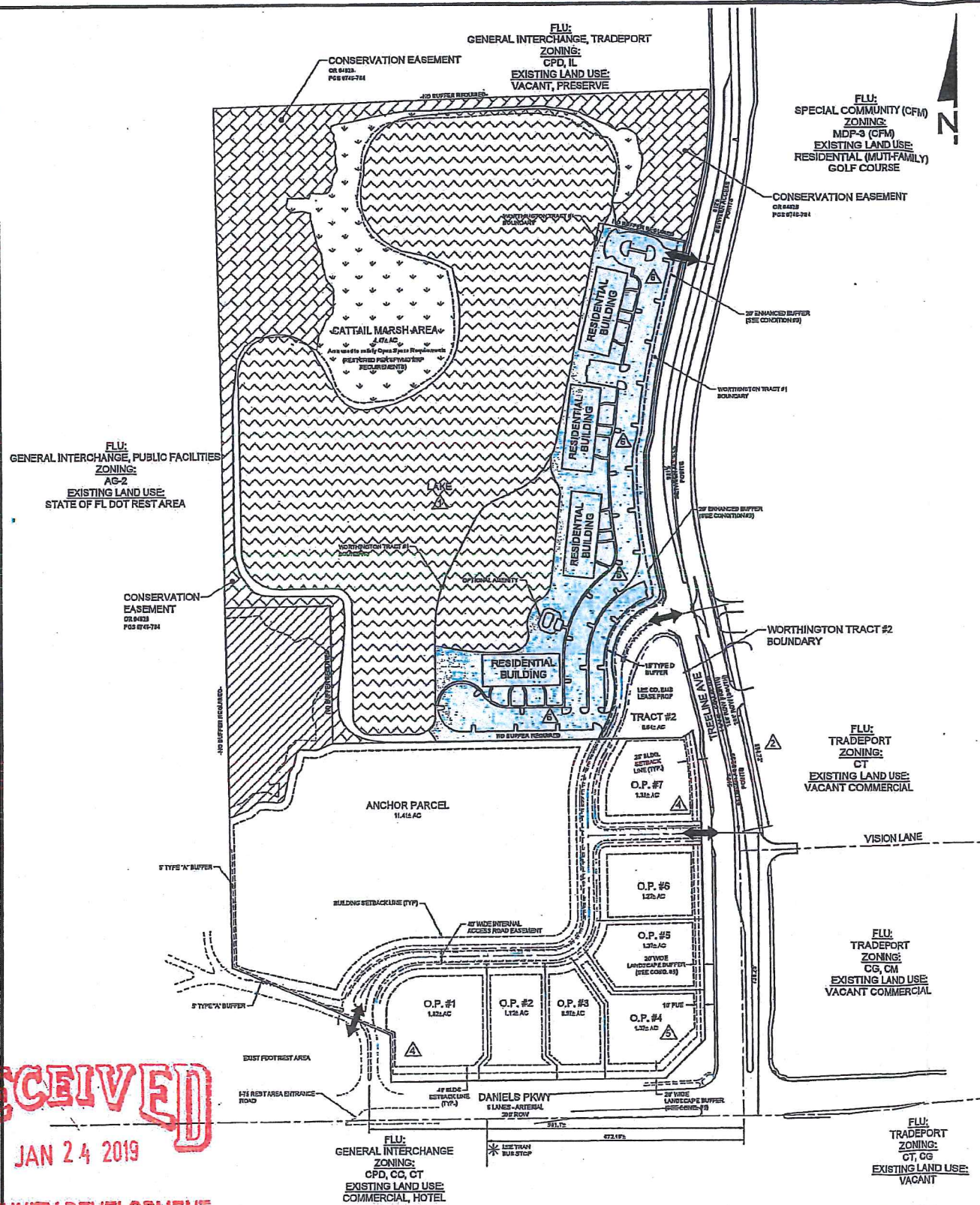
NOTE:  
A property owner within the Arborwood CPD may transfer Retail, Office and Hotel Room uses from one parcel to another provided that all affected property owners are in agreement and they execute and file a written and notarized assignment with the County acknowledging approval and acceptance of 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 as Exhibit C  
MCP Page 1 of 3  
Resolution # Z-19-021





PROJECT SUMMARY:

1) PROJECT SUMMARY:	
CPD COMMERCIAL PARCEL	2.87 AC.
ON-SITE WETLAND/PRESERVE AREA/O.S. GREEN AREA	1.46 AC.
INTERNAL (PRIVATE) R.O.W.	20.72 AC.
DEVELOPMENT PARCELS	
TOTAL SITE - CPD COMMERCIAL PARCEL	25.05 AC.
WORTHINGTON PARCEL	
ON-SITE WETLAND/CONSERVATION AREA	12.95 AC.
LAKE	17.30 AC.
O.S./GREEN AREA (RESTORED CATTAIL MARSH)	0.54 AC.
INTERNAL (PRIVATE) R.O.W.	10.98 AC.
WORTHINGTON TRACT #1 (RESIDENTIAL)	0.84 AC.
WORTHINGTON TRACT #2 (EMS)	
TOTAL SITE - WORTHINGTON PARCEL	43.21 AC.
TOTAL CPD AREA	68.26 AC.

2) OPEN SPACE SUMMARY:

REQUIRED OPEN SPACE	
RESIDENTIAL DEVELOPMENT AREA	10.89 AC. (32% OF DEVELOPMENT AREA)
COMMERCIAL DEVELOPMENT AREA	23.02 AC. (68% OF DEVELOPMENT AREA)
TOTAL CPD (DEVELOPMENT) AREA	34.00 AC.
RESIDENTIAL OPEN SPACE REQUIRED	
COMMERCIAL OPEN SPACE REQUIRED	13.0 AC. (61% x 68.26 ac x 30%)
TOTAL OPEN SPACE REQUIRED	22.8 AC.

PROVIDED OPEN SPACE

CPD COMMERCIAL PARCEL	7.60 AC.
INDIGENOUS/PRESERVE AREA	2.87 AC.
ANCHOR PARCEL (0.235%)	2.71 AC.
O.P. #1 THRU #7 (0.223%)	1.89 AC.
LAKE (22.6 AC. x 25%)	5.69 AC.
ON-SITE WETLAND/CONSERVATION AREA	12.95 AC.
(INCLUDING CATTAIL MARSH)	
WORTHINGTON TRACT #1 (0.10%)	1.10 AC.
WORTHINGTON TRACT #2 (0.10%)	0.84 AC.
TOTAL OPEN SPACE PROVIDED	27.33 AC.

LEGEND	
	DEVIATION LOCATION
	LAKE
	INDIGENOUS OPEN SPACE (WORTHINGTON PARCEL 0.42% AC)
	INDIGENOUS OPEN SPACE (COMMERCIAL PARCEL 2.87% AC)
	WORTHINGTON TRACT #1 BOUNDARY
	INGRESS / EGRESS

PROJECT DENSITY / INTENSITY SUMMARY TABLE	
APPROVED DENSITY / INTENSITY	PROPOSED DENSITY / INTENSITY
ANCHOR PARCEL 130,000 S.F. RETAIL 120 BED HOTEL	ANCHOR PARCEL NO CHANGE
OUT-PARCELS 1-7 40,000 S.F. RETAIL 12,000 S.F. OFFICE	OUT-PARCELS 1-7 NO CHANGE
TRACT 1 30,000 S.F. OFFICE 80,000 S.F. RETAIL	TRACT 1 153 MF/ILF UNITS OR 612 ALF UNITS
TRACT 2 10,000 S.F. ESSENTIAL SERVICES	TRACT 2 NO CHANGE
TOTALS 250,000 S.F. RETAIL 42,000 S.F. OFFICE 120 BED HOTEL 10,000 S.F. ESSENTIAL SERVICES	TOTALS 250,000 S.F. RETAIL 42,000 S.F. OFFICE 120 BED HOTEL 10,000 S.F. ESSENTIAL SERVICES 153 MF/ILF UNITS OR 612 ALF UNITS

**WALDROP ENGINEERING**

23100 DONITA SHAW DRIVE - SUITE 303 DONITA SPRINGS, FL 32115  
P: 386-406-7177 F: 386-406-7889 EMAIL: info@waldropengineering.com

MASTER CONCEPT PLAN OPTION B

**ARBORWOOD VILLAGE CPD**

CLIENT: TREELINE 200, LLC

RECEIVED	COMMUNITY DEVELOPMENT
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JAN 24 2019

COMMUNITY DEVELOPMENT

Approved as Exhibit C  
MCP Page 2 of 3  
Resolution # 2-19-02-1



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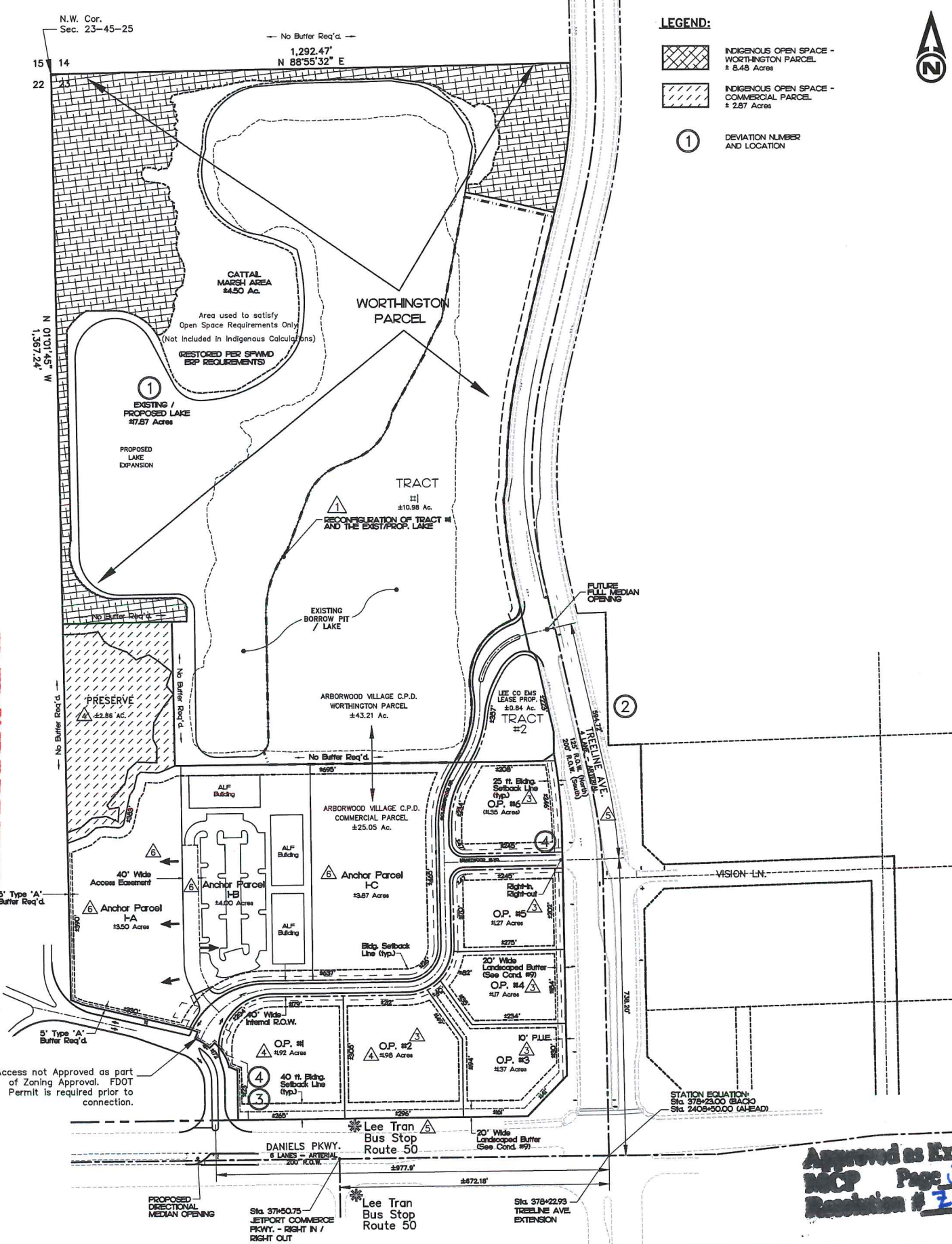


EXHIBIT H-3.C	2018057
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Approved as Exhibit C  
 MCP Page 3 of 3  
 Resolution # 2-19-02

# 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 2006-000005

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

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

### **Financial Management of Lakes**

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

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

### **Lake circulation**

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

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

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

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

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Exhibit D  
Page 2 of 3



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

### **Vegetation Planting**

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

### **Vertical Stratification**

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

#### **Aeration diffusers**

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

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

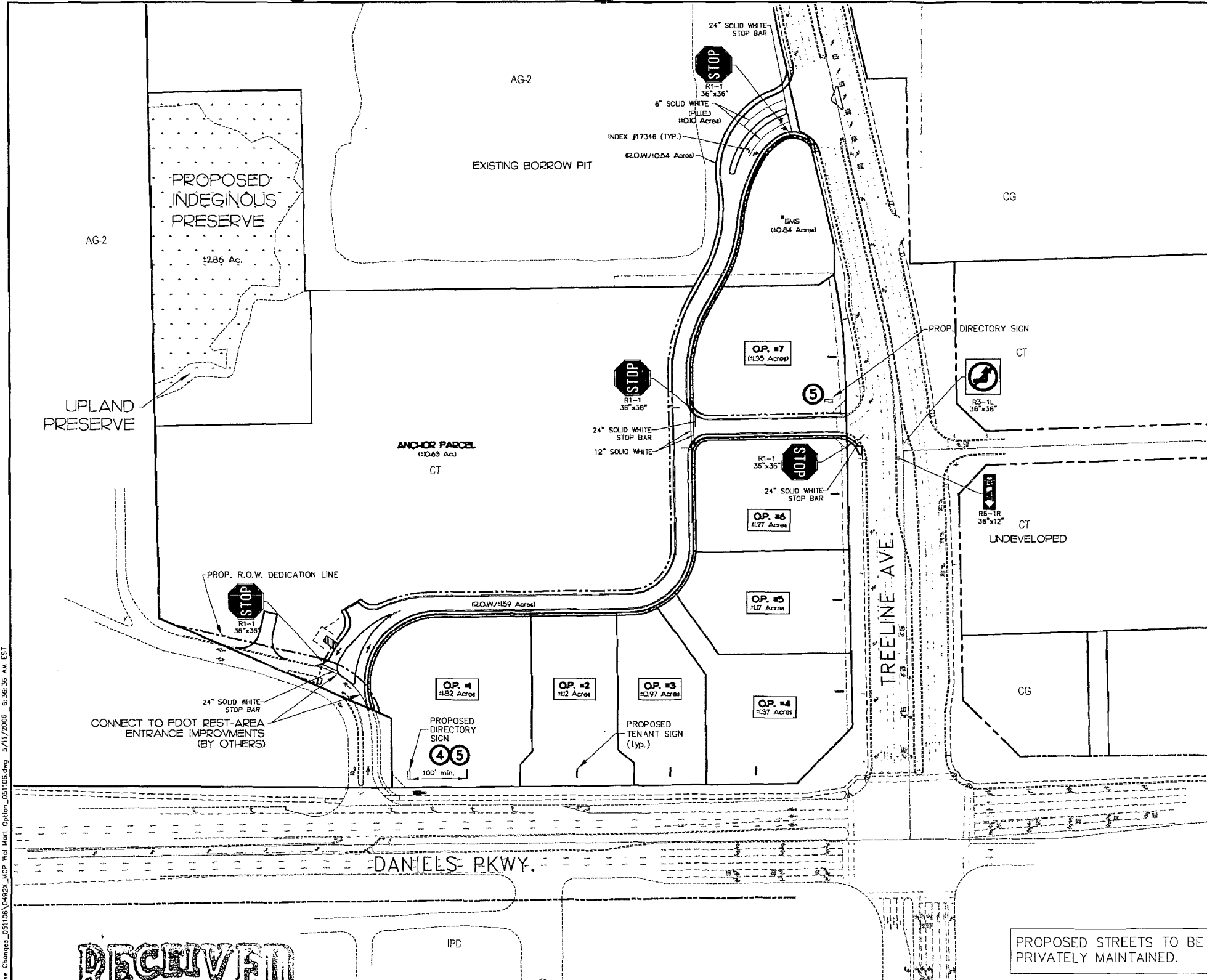
The amount of water pumped through one or more fountains or from irrigation systems can be sufficient to prevent stratification of the water column and may augment aeration diffusers.

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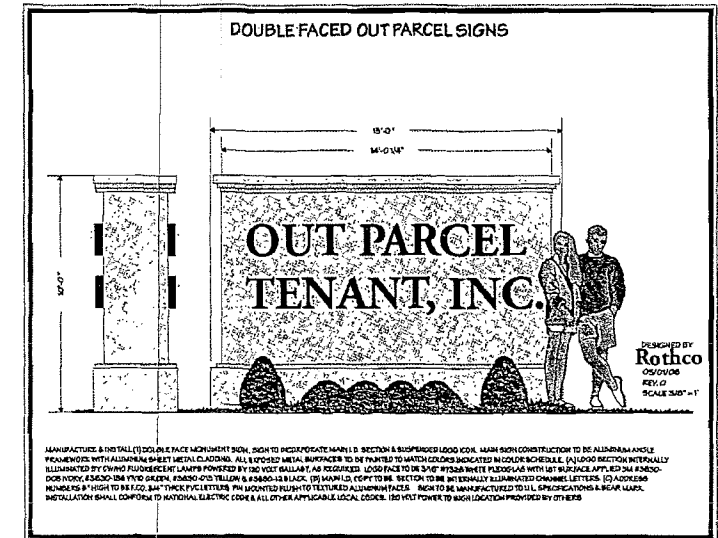
Exhibit D  
Page 3 of 3

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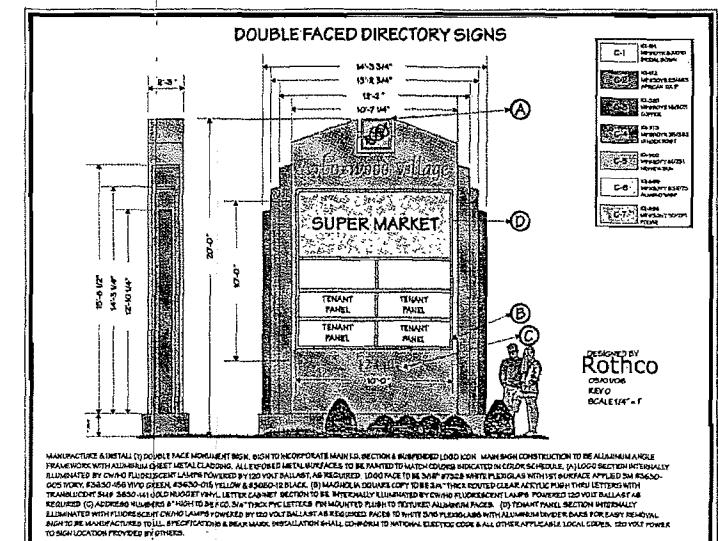
### LEGEND

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



### PROPOSED PROJECT TENANT SIGNS

N.T.S.



### PROPOSED PROJECT DIRECTORY SIGNS

N.T.S.

DCI 2006-00005

### PROPOSED PROJECT SIGNAGE PLAN

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JUL 26 2006

PERMIT COUNTER

ARBORWOOD  
VILLAGE  
CPD

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

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

**H M**  
HOLE MONTES  
ENGINEERS-PLANNERS-SURVEYORS

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

REFERENCE NO.	DRAWING NO.
0492B_PSP	
PROJECT NO.	SHEET NO.
04.92-B	1 of 1