

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER DECISION

REZONING: DCI2023-00024

Regarding: ARBORWOOD VILLAGE CPD AMENDMENT

Location: 13600 Goldenwood Drive
Gateway/Airport Planning Community
(District 2)

Hearing Date: February 14, 2024

I. Request

Amend the Arborwood Village CPD to include a deviation from Land Development Code (LDC) 34-2020(b) for Parcel 1-A/1-C to allow for a 50% reduction in required parking for Warehouse, Public, and Mini- uses.

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Decision

Approved

III. Discussion

The Hearing Examiner has final decision-making authority on amendments to planned developments that do not affect project density/intensity.¹ In satisfaction of this duty, the Hearing Examiner accepted testimony and evidence on the application to amend the Arborwood Village CPD.

In reaching a decision, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), the LDC, and other applicable County regulations to the facts presented in a rezoning request.² Specifically, the Hearing Examiner must find the request is compatible with surrounding uses and complies with Lee Plan and LDC requirements relating to transportation facilities, natural resources, and urban services.³ The Hearing Examiner may take judicial notice of previous

¹ LDC §34-145(d)(1)(e)(3).

² LDC §34-145(d)(3).

³ LDC §34-145(d)(4).

Board decisions.⁴ The Hearing Examiner's decision must be based on competent and substantial evidence.⁵

Discussion supporting approval of the proposed CPD amendment follows below.

Request Synopsis

The requested amendment seeks a 50% reduction from LDC mini-warehouse parking space requirements within the 8.75± acre Anchor Parcel.⁶ The CPD offers alternative Master Concept Plans (MCPs), identified as A-C. The request is limited to the Anchor Parcel in MCPs 1-A and 1-C.

Zoning Review Criteria

Before approving a deviation request, the Hearing Examiner must find the request:

- (1) Enhances the objectives of the planned development; and
- (2) Protects public health, safety, and welfare.⁷

Zoning History

Arborwood Village was initially zoned to CPD in 2006 with a subsequent zoning amendment in 2019.⁸ Three administrative amendments followed.⁹

The CPD is partially developed with banks, a car wash, and a RaceTrac Convenience Store with fuel pumps.

Lee Plan Consistency/Compatibility, Character of the Area

Planned developments must be consistent with the Lee Plan.¹⁰

The property is in the General Interchange Future Land Use category. These lands are characterized by intense commercial uses serving the traveling public.¹¹ Given the unique position of General Interchange properties, the category permits a broad range of land uses.¹²

⁴ Lee Co. Admin. Code 2-6, 2.3.D(4)(b).

⁵ Lee Co. Admin. Code 2-6, 3.3.A(2).

⁶ Anchor Parcel 1-A on MCP A, or Anchor Parcel 1-C on MCP C. Applicant originally sought approval for a 55% reduction, but subsequently agreed to a 50% reduction at hearing upon Staff's recommendation. See Chastain testimony. The overall CPD contains 68.25± acres. See Staff Report (Attachment E).

⁷ LDC §34-145(d)(4)(a)(2)c.

⁸ Z-06-061 approved on October 16, 2006 and Z-19-021 approved on November 6, 2019.

⁹ ADD2019-00133, ADD2019-00203, and ADD2023-00091.

¹⁰ LDC §34-411(a).

¹¹ Lee Plan Map 1-A, Policy 1.3.2. The property is within the Gateway/Airport Planning Community.

¹² *Id.*

Arborwood Village is in the northeast quadrant of the Daniels Parkway/I-75 Interchange. Surrounding properties are developed with banks, convenience stores with gas pumps, hotels, retail stores, and restaurants. A portion of the project's west boundary borders an Interstate rest area.

The proposed parking deviation does not impact the Board's prior findings of Lee Plan consistency and compatibility with the surrounding area.¹³

Deviations

"Deviations" are departures from LDC regulations.¹⁴ The request proposes one new deviation and carries forward five approved deviations.

The newly requested deviation relates to parking requirements for a mini-warehouse use.¹⁵

The LDC requires one parking space per 25 mini-warehouse units.¹⁶ Applicant proposes a 715-unit facility, yielding 29 spaces per code. Applicant provided parking studies demonstrating local demand in large facilities supports a reduction by half.¹⁷ The requested deviation proposes 15 spaces.

Staff recommended approval, finding the reduction satisfies LDC deviation review criteria. Approval is narrowly limited and conditioned to: (1) mini-warehouse use; (2) on the Anchor Parcel in MCP 1-A or 1-C; and (3) a minimum 700 unit mini-warehouse facility.

The Hearing Examiner's standard of review requires a finding the deviation:

1. Enhances objectives of the planned development; and
2. Protects public health, safety, and welfare.¹⁸

Applying LDC deviation standards of review to testimony and evidence in the record, the Hearing Examiner concludes the requested deviation meets approval criteria.¹⁹

¹³ Z-19-021, Z-06-061.

¹⁴ LDC §34-2.

¹⁵ LDC §34-2020(c) permits administrative reduction of parking requirements up to 10%.

¹⁶ LDC §34-2020(b).

¹⁷ See Staff Report (Attachment F: Parking Demand Study by TR Transportation Consultants, Inc. dated 12/20/22). Staff testified larger facilities exceeding 700 units require less parking. Badamchian testimony.

¹⁸ LDC §34-145(d)(4).

¹⁹ LDC §34-377(a)(4).

Traffic

Planned developments must have access to roads with sufficient capacity to support proposed intensity.²⁰ Existing regulations or conditions of approval must address expected impacts on transportation facilities.²¹

The requested parking deviation does not alter existing access or generate additional traffic.

Environment

Planned development design should reflect creative use of open space.²² Developers must make an effort to protect and preserve natural site features.²³

The proposed amendment poses no adverse impacts to environmentally critical areas or natural resources.

Urban Services

A host of urban services and infrastructure serve the property including roads, potable water, police, fire, and emergency medical services.²⁴

Conditions

The County must administer the zoning process so that proposed land uses acceptably minimize adverse impacts to adjacent property. Conditions must plausibly relate to the impacts anticipated from proposed development *and* be pertinent to the mitigation of those impacts on public health, safety, and welfare.²⁵

No new conditions are imposed. Existing conditions approved by prior zoning actions are carried forward and codified in Exhibit B.²⁶

Public

No members of the public attended the hearing.

²⁰ LDC §§34-145(d)(4)(a)(1)(d), 34-411(d)(1).

²¹ LDC §§34-145(d)(4)(a)(1)(e), 34-411(d)(2).

²² LDC §34-411(h).

²³ LDC §34-411(g).

²⁴ See Staff Report (pg. 3).

²⁵ LDC 34-932(b).

²⁶ Conditions approved in Z-19-021 and ADD2019-00133 are codified into this approval in Exhibit B. ADD2019-000203, ADD2023-0091 remain in effect.

Conclusion

The Hearing Examiner concurs with staff's analysis and recommendation of approval for a 50% reduction in parking requirements for mini-warehouse units on the Anchor Parcel.

Findings in Support of Approval

The Hearing Examiner makes the following findings and conclusions based on the testimony and evidence in the record:


As conditioned herein, the proposed Arborwood Village CPD amendment:

- A. Complies with the Lee Plan. See Lee Plan Goals 2, 4, 6, 158; Objectives 1.3, 2.1, 2.2, 4.1, and 6.1, Policies 1.3.2, 6.1.1, 6.1.3, 6.1.4, 6.1.5, 6.1.6, 6.1.7; Lee Plan Map 1-A; LDC §34-934.
- B. Meets the LDC and other applicable County regulations or qualifies for deviations. Lee Plan Objectives 1.3, 2.1, 2.2, 6.1 and Policies 1.3.2, 2.1.1, 6.1.1, 6.1.3, 6.1.6, 6.1.7, LDC chapters 2, 10, and 34.
- C. Is compatible with uses in the surrounding area. See Lee Plan Goal 6; Objectives 2.1, 2.2 and 6.1; Policies 6.1.1, 6.1.4, 6.1.6, 6.1.7.
- D. Provides access sufficient to support proposed intensity. See Lee Plan Objective 39.1; Policy 6.1.5; *See also* §34-411(d).
- E. Expected impacts on transportation facilities will be addressed by County regulations or conditions of approval. Lee Plan Policy 38.1.1.
- F. Will not adversely affect environmentally critical/sensitive areas and natural resources. See Lee Plan Goal 4, Standard 4.1.4, Policy 6.1.6; LDC §34-411(g).
- G. Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area. See Lee Plan Objectives 2.1 and 2.2; Policies 2.2.1, 2.2.2.
- H. Proposed uses are appropriate at the proposed location. See Lee Plan Goals 2, 4, and 6; Policies 1.3.2, 2.1.1, 2.2.2, 6.1.4.
- I. Recommended conditions of approval provide sufficient safeguards to protect the public interest and are reasonably related to the project impacts. Lee Plan Policies 2.2.2, 6.1.3, and LDC §34-411(c), (i), (j) and (k), §34-932.

G. The requested deviation:

1. Enhances objectives of the planned development; and
2. Protects public health, safety, and welfare.

Date of decision: February 16, 2024.



Amanda L. Rivera
Deputy Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits

A Legal Description

B Conditions and Deviations

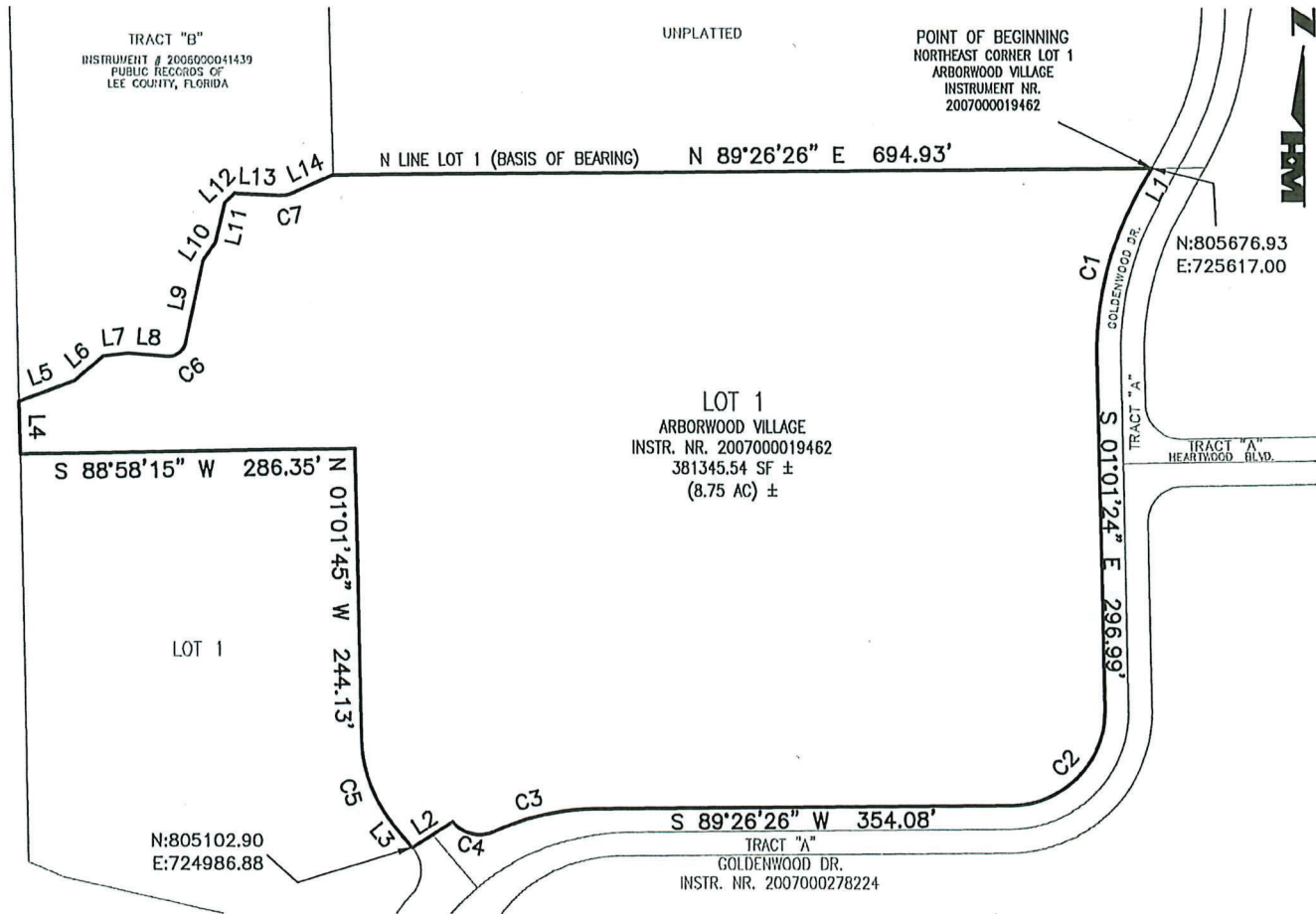
C Exhibits Presented at Hearing

D Participants

Exhibit A
Legal Description

Exhibit A

0 75 150
1" = 150'



COORDINATES SHOWN HEREON REFER TO
FLORIDA STATE PLANE WEST

REVIEWED
DCI/2023-00024
Rick Burris, Principal
Planner
Lee County DCD/Planning
9/19/2023

LINE	BEARING	DISTANCE
L1	S 29°25'05" W	24.96'
L2	S 57°39'05" W	40.38'
L3	N 40°10'10" W	23.16'
L4	N 01°01'45" W	44.44'
L5	N 69°33'02" E	50.44'
L6	N 50°02'50" E	32.28'
L7	N 83°18'04" E	21.77'
L8	S 85°13'16" E	32.71'
L9	N 12°39'07" E	70.71'
L10	N 34°13'29" E	18.04'
L11	N 13°06'37" E	34.75'
L12	N 47°22'20" E	11.49'
L13	S 87°32'42" E	39.49'
L14	N 66°43'55" E	38.60'

CURVE	RADIUS	DELTA ANGLE	CHORD LENGTH	CHORD BEARING	ARC LENGTH
C1	270.00'	30°26'29"	141.77'	S 14°11'51" W	143.45'
C2	80.00'	90°27'50"	113.59'	S 44°12'31" W	126.31'
C3	208.00'	24°19'10"	87.62'	S 77°16'51" W	88.29'
C4	30.00'	74°42'34"	36.40'	N 77°31'27" W	39.12'
C5	120.00'	39°08'25"	80.39'	N 20°35'57" W	81.98'
C6	15.00'	82°07'38"	19.71'	N 53°42'55" E	21.50'
C7	25.00'	25°42'12"	11.12'	N 79°36'12" E	11.22'

* NOT A SURVEY * ATTACHMENT G

DRAWN BY:
K.J

DATE:
03/2022

SHEET #
1

OF SHEET
2

SEC-TWN-RGE:
23-45-25



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

SKETCH AND LEGAL DESCRIPTION
PORTION OF LOT 1 ARBORWOOD VILLAGE

DRAWING NO.
H-1868

PROJECT NO.
04.092

FILE NAME
04.092 lot 1.dwg

REVIEWED
DCI2023-00024
Rick Burris, Principal
Planner
Lee County DCD/Planning
9/19/2023

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN A PORTION OF LOT 1, ARBORWOOD VILLAGE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN INSTRUMENT NUMBER 2007000019462 AND AS MODIFIED BY AFFIDAVIT FILED UNDER INSTRUMENT NUMBER 2007000278224 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, IN SECTION 23, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF ARBORWOOD VILLAGE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN INSTRUMENT # 2007000019462 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING FIVE (5) COURSES ALONG THE BOUNDARY OF SAID LOT 1;

1) THENCE RUN S29°25'05"W FOR A DISTANCE OF 24.96 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE;
2) THENCE RUN ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 270.00 FEET, THROUGH A CENTRAL ANGLE OF 30°26'29" AND BEING SUBTENDED BY A CHORD OF 141.77 FEET AT A BEARING OF S14°11'51"W, FOR AN ARC LENGTH OF 143.45 FEET;
3) THENCE RUN S01°01'24"E FOR A DISTANCE OF 296.99 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE;
4) THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 80.00 FEET, THROUGH A CENTRAL ANGLE OF 90°27'50" AND BEING SUBTENDED BY A CHORD OF 113.59 FEET AT A BEARING OF S44°12'31"W, FOR AN ARC LENGTH OF 126.31 FEET;
5) THENCE RUN S89°26'26"W FOR A DISTANCE OF 354.08 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE;
THENCE ALONG SAID CURVE TO THE LEFT HAVING A RADIUS OF 208.00 FEET, THROUGH A CENTRAL ANGLE OF 24°19'10" AND BEING SUBTENDED BY A CHORD OF 87.62 FEET AT A BEARING OF S77°16'51"W, FOR AN ARC LENGTH OF 88.29 FEET; TO A POINT OF REVERSE CURVATURE, THE SAME BEING A POINT ON THE BOUNDARY OF SAID LOT 1, AS MODIFIED BY AFFIDAVIT FILED AND RECORDED UNDER INSTRUMENT NUMBER 2007000278224 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING TWO (2) COURSES ALONG THE BOUNDARY OF SAID MODIFIED LOT 1:

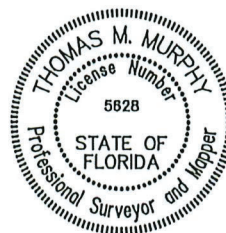
1) THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET, THROUGH A CENTRAL ANGLE OF 74°42'34" AND BEING SUBTENDED BY A CHORD OF 36.40 FEET AT A BEARING OF N77°31'27"W, FOR AN ARC LENGTH OF 39.12 FEET;
2) THENCE RUN S57°39'05"W FOR A DISTANCE OF 40.38 FEET;
THENCE LEAVING THE BOUNDARY OF SAID LOT 1 RUN N40°10'10"W FOR A DISTANCE OF 23.16 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE; THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 120.00 FEET, THROUGH A CENTRAL ANGLE OF 39°08'25" AND BEING SUBTENDED BY A CHORD OF 80.39 FEET AT A BEARING OF N20°35'57"W, FOR AN ARC LENGTH OF 81.98 FEET; THENCE RUN N01°01'45"W FOR A DISTANCE OF 244.13 FEET; THENCE RUN S88°58'15"W FOR A DISTANCE OF 286.35 FEET TO A POINT ON THE BOUNDARY LINE OF SAID LOT 1; THENCE RUN THE REMAINING COURSES ALONG THE BOUNDARY OF SAID LOT 1; THENCE RUN N01°01'45"W FOR A DISTANCE OF 44.44 FEET; THENCE RUN N69°33'02"E FOR A DISTANCE OF 50.44 FEET; THENCE RUN N50°02'50"E FOR A DISTANCE OF 32.28 FEET; THENCE RUN N83°18'04"E FOR A DISTANCE OF 21.77 FEET; THENCE RUN S85°13'16"E FOR A DISTANCE OF 32.71 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE; THENCE ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET, THROUGH A CENTRAL ANGLE OF 82°07'38" AND BEING SUBTENDED BY A CHORD OF 19.71 FEET AT A BEARING OF N53°42'55"E, FOR AN ARC LENGTH OF 21.50 FEET; THENCE RUN N12°39'07"E FOR A DISTANCE OF 70.71 FEET; THENCE RUN N34°13'29"E FOR A DISTANCE OF 18.04 FEET; THENCE RUN N13°06'37"E FOR A DISTANCE OF 34.75 FEET, THENCE RUN N47°22'20"E FOR A DISTANCE OF 11.49 FEET; THENCE RUN S87°32'42"E FOR A DISTANCE OF 39.49 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE; THENCE ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 25°42'12" AND BEING SUBTENDED BY A CHORD OF 11.12 FEET AT A BEARING OF N79°36'12"E, FOR AN ARC LENGTH OF 11.22 FEET; THENCE RUN N66°43'55"E FOR A DISTANCE OF 38.60 FEET; THENCE RUN N89°26'26"E FOR A DISTANCE OF 694.93 FEET TO THE POINT OF BEGINNING. CONTAINING 381345.54 SQUARE FEET OR 8.75 ACRES, MORE OR LESS.

BEARINGS REFER TO THE NORTH LINE OF LOT 1, AS BEING N89°26'26"E.


HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

Digitally signed by Tom Murphy
DN: cn=Tom Murphy, o=Hole Montes
Inc., ou,
email=tommurphy@hmemg.com, c=US
Date: 2022.04.04 12:00:47 -0400
BY Thomas M. Murphy
THOMAS M. MURPHY

LS5628
STATE OF FLORIDA

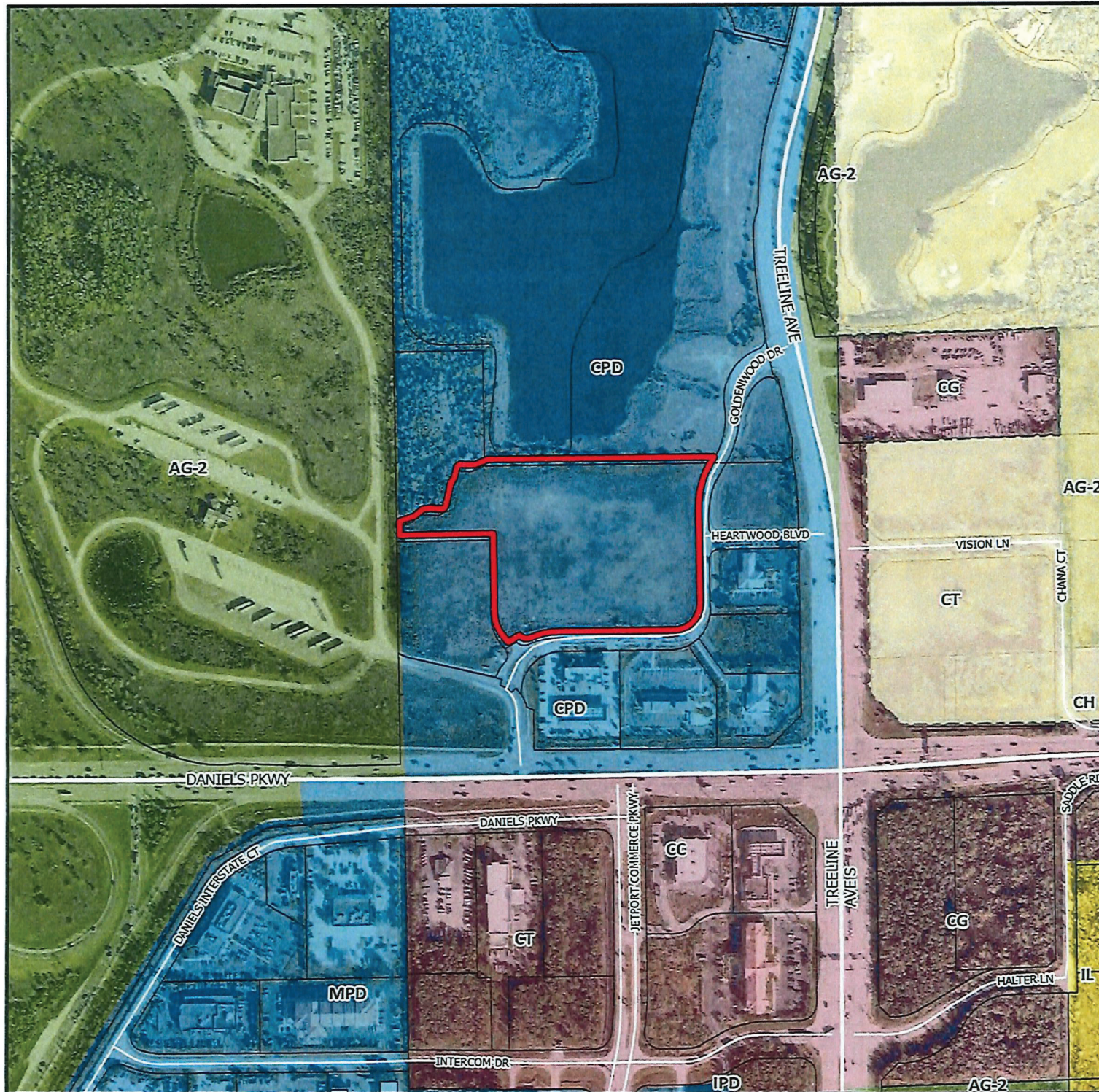


* NOT A SURVEY *

DRAWN BY: K.J.	DATE: 03/2022	 6200 Whiskey Creek Dr. Ft. Myers, FL. 33919 Phone: (239) 985-1200 Florida Certificate of Authorization No.1772	SKETCH AND LEGAL DESCRIPTION PORTION OF LOT 1 ARBORWOOD VILLAGE	DRAWING NO. H-1868
SHEET # 2	OF SHEET 2			PROJECT NO. 04.092
SEC-TWN-RGE: 23-45-25				FILE NAME 04.092 lot 1.dwg

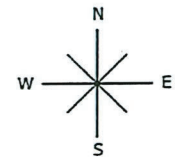
DCI2023-00024

Zoning



 Subject Property

 City Limits



0 300 600 900
Feet



Exhibit B

CONDITIONS AND DEVIATIONS

Conditions remain unchanged from prior zoning approvals. This Zoning Resolution supersedes Z-19-021, ADD2019-00203, and ADD2023-00091. ADD2019-00133 remains in effect.

CONDITIONS

1. MASTER CONCEPT PLAN (MCP)/DEVELOPMENT PARAMETERS

- a. MCP. Development must be substantially consistent with the MCP entitled "Arborwood Village CPD: Master Concept Plan Options A, B and C" last amended on May 09, 2023, for Options A and C and August 01, 2019, for Option B, except where modified by conditions below (Exhibit B1).
- b. LDC and Lee Plan. Development must comply with the LDC and Lee Plan at time of development order approval, except where deviations are granted herein. Subsequent modifications to the MCP or conditions of approval may require further development approvals.
- c. Development Parameters. The CPD is limited to the following:

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 also 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. See LDC Sec. 34-1494 and LDC Sec. 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.
- 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, GROUP I AND II

BUSINESS SERVICES, GROUPS I AND II - EXCLUDING BAIL BONDING,
ARMORED CAR SERVICES, AND AUTOMOBILE
REPOSSESSING SERVICES

CAR WASH, LIMITED TO ONE FOR THE ENTIRE COMMERCIAL
PLANNED DEVELOPMENT. NO FULL SERVICE CAR WASHES.
ONLY PERMITTED FOR A SINGLE-BAY CAR WASH ANCILLARY
TO A CONVENIENCE FOOD & BEVERAGE STORE.

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

CONSUMPTION ON PREMISES - INDOOR AND OUTDOOR - SEE
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 ROOMS FOR THE ENTIRE CPD
HOUSEHOLD AND OFFICE FURNISHINGS, GROUP I AND II
 NO OUTDOOR DISPLAY OR SALES
INSURANCE COMPANIES
LAUNDRY AND DRY CLEANERS, GROUP I
MEDICAL OFFICE
NON-STORE RETAILERS, ALL GROUPS
PACKAGE STORE, PERMITTED IN A MULTI-OCCUPANCY BUILDING.
 ONE STAND-ALONE PACKAGE STORE PERMITTED ON THE
 ENTIRE PLANNED DEVELOPMENT
PARKING LOT, ACCESSORY
PERSONAL SERVICES, GROUP I, II, III AND IV. EXCLUDING
 MESSAGE 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, GROUP I, II AND III
RESTAURANT, FAST FOOD - LIMITED TO TWO STAND-ALONE FOR
 THE ENTIRE CPD.
 OTHER FAST FOOD ESTABLISHMENTS MAY BE PART
 OF A MULTI-OCCUPANCY BUILDING OR AS AN
 ACCESSORY USE WITHIN A CONVENIENCE FOOD AND
 BEVERAGE STORE.
RESTAURANT, GROUP 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, GROUP 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 THE DENSITY DOES NOT EXCEED 56 STANDARD
 DWELLING UNITS-LIMITED TO ANCHOR PARCEL 1-B AS
 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, GROUP 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, GROUP I AND II
 HARDWARE STORE
 HOBBY, TOY AND GAME SHOPS
 HOTEL/MOTEL - MAXIMUM 300 ROOMS FOR THE ENTIRE CPD
 HOUSEHOLD AND OFFICE FURNISHINGS, GROUP I, II AND III
 LAUNDRY AND DRY CLEANERS, GROUP I
 LAWN AND GARDEN STORES
 MEDICAL OFFICE
 NON-STORE RETAILERS, ALL GROUPS
 PACKAGE STORE, PERMITTED IN A MULTI-OCCUPANCY BUILDING.
 ONE STAND-ALONE PACKAGE STORE PERMITTED ON THE
 ENTIRE PLANNED DEVELOPMENT
 PAINT, GLASS AND WALLPAPER
 PARKING LOT, ACCESSORY
 PERSONAL SERVICES, GROUP I, II, III AND IV. EXCLUDING
 MASSAGE PARLORS, STEAM OR TURKISH BATHS, DATING
 SERVICES, ESCORT SERVICES, PALM READERS, FORTUNE
 TELLERS, CARD READERS, TATTOO PARLORS.
 PET SERVICES, PET SHOPS - INDOOR ONLY, NO OUTDOOR RUNS
 REAL ESTATE SALES OFFICE
 RENTAL AND LEASING ESTABLISHMENTS, GROUP 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 STAND-ALONE FAST FOOD IN THE ANCHOR PARCEL
RESTAURANT, GROUP 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 8
SIGNS
SPECIALTY RETAIL SHOP, GROUP I, II, III, AND IV
STORAGE, INDOOR ONLY
TEMPORARY USES
THEATER, INDOOR
VEHICLE AND EQUIPMENT DEALER, GROUPS I AND II
WAREHOUSE, MINI AND PUBLIC, Subject to Deviation 6

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, GROUP I AND II
BUSINESS SERVICES, GROUPS I AND II - EXCLUDING BAIL
BONDING, ARMORED CAR SERVICES, AND AUTOMOBILE
REPOSSESSING SERVICES
CAR WASH, LIMITED TO ONE FOR THE ENTIRE COMMERCIAL
PLANNED DEVELOPMENT. NO FULL SERVICE CAR WASHES.
ONLY PERMITTED FOR A SINGLE-BAY CAR WASH ANCILLARY
TO A CONVENIENCE FOOD & BEVERAGE STORE
COMMUNITY GARDEN PER LDC SEC. 34-1716
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 - SEE
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 (TRACT #1 ONLY)
EMS, FIRE OR SHERIFF'S STATION
ENTRANCE GATES OR GATEHOUSES – IN ACCOCIATION 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, GROUP 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 STAND ALONE PACKAGE STORE
PERMITTED ON THE ENTIRE PLANNED DEVELOPMENT.
PERSONAL SERVICES, GROUP I, II, III AND IV. EXCLUDING
MASSAGE PARLORS, STEAM OR TURKISH BATHS, DATING
SERVICES, ESCORT SERVICES, PALM READERS, FORTUNE
TELLERS, CARD READERS, TATTOO PARLORS.
PET SERVICES, PET SHOPS - INDOOR ONLY, NO OUTDOOR RUNS
REAL ESTATE SALES OFFICE
RECREATIONAL FACILITIES, COMMERCIAL, GROUP III
RECREATIONAL FACILITIES, PERSONAL, PRIVATE (IN ASSOCIATION
WITH MULTI-FAMILY DWELLING UNITS, ASSISTED LIVING, OR
INDEPENDENT LIVING FACILITES ON TRACT #1 ONLY)
RENTAL AND LEASING ESTABLISHMENTS, GROUPS II AND III
REPAIR SHOP, GROUP I, II AND III
RESIDENTIAL ACCESSORY USES, TRACT #1 ONLY

RESTAURANT, FAST FOOD - LIMITED TO TWO STAND-ALONE FOR THE ENTIRE CPD.

OTHER FAST FOOD ESTABLISHMENTS MAY BE PART OF A MULTI-OCCUPANCY BUILDING OR AS AN ACCESSORY USE WITHIN A CONVENIENCE FOOD AND BEVERAGE STORE.

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

SPECIALY RETAIL SHOPS, GROUPS, I, II, III, AND IV STORAGE, INDOOR ONLY

TEMPORARY USES

THEATRE, INDOOR

USED MERCHANDISE STORES, GROUP 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 LDC §34-1171 *et seq* (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 ~~except for community gardens.~~

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 Section 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 Lee County 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.

- 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:
 - i. the density of residential uses expressed in number of units for each use proposed by the development order application;
 - ii. the 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. the cumulative total density and intensity for each use permitted by previous development order approvals;
 - iv. the cumulative total density and intensity for each use permitted by previous building permits; and
 - v. the 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.

DEVIATIONS

Deviations 1-5 are carried forward from prior approvals without alteration.

Deviation (1), Lake Depth, seeks relief from the LDC SEC. 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, 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 Attachment "E".
- b. Removal of excavated material from the site is prohibited. Fill material removed from the excavation must be utilized on site.

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 910-420. 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 Sec.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 4 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."

- 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.

Deviation (2), Intersection Separation, seeks relief from the intersection separation requirements for Arterial Roads set forth in LDC SEC.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.

Deviation (3), Signs, seeks relief from the LDC SEC 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" stamp received by the permit counter on July 26, 2006. Exhibit E.
- c. Signs must be consistent with the architectural theme of the development.

Deviation (4), Signs, seeks relief from the LDC SEC 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 signage must conform to the LDC.

Deviation (5) Street Right-of-Way Buffer Landscaping, seeks relief from the Land Development Code Section 34-1353(e)(1) requirement to provide a minimum 25 foot landscape buffer along rights-of-way external to the development project, to allow the existing 20 foot enhanced landscape buffer required by Condition 7 of Resolution Z-19-021 for Car Wash use on Outparcel 2, Options A and C only, of the approved Master Concept Plan.

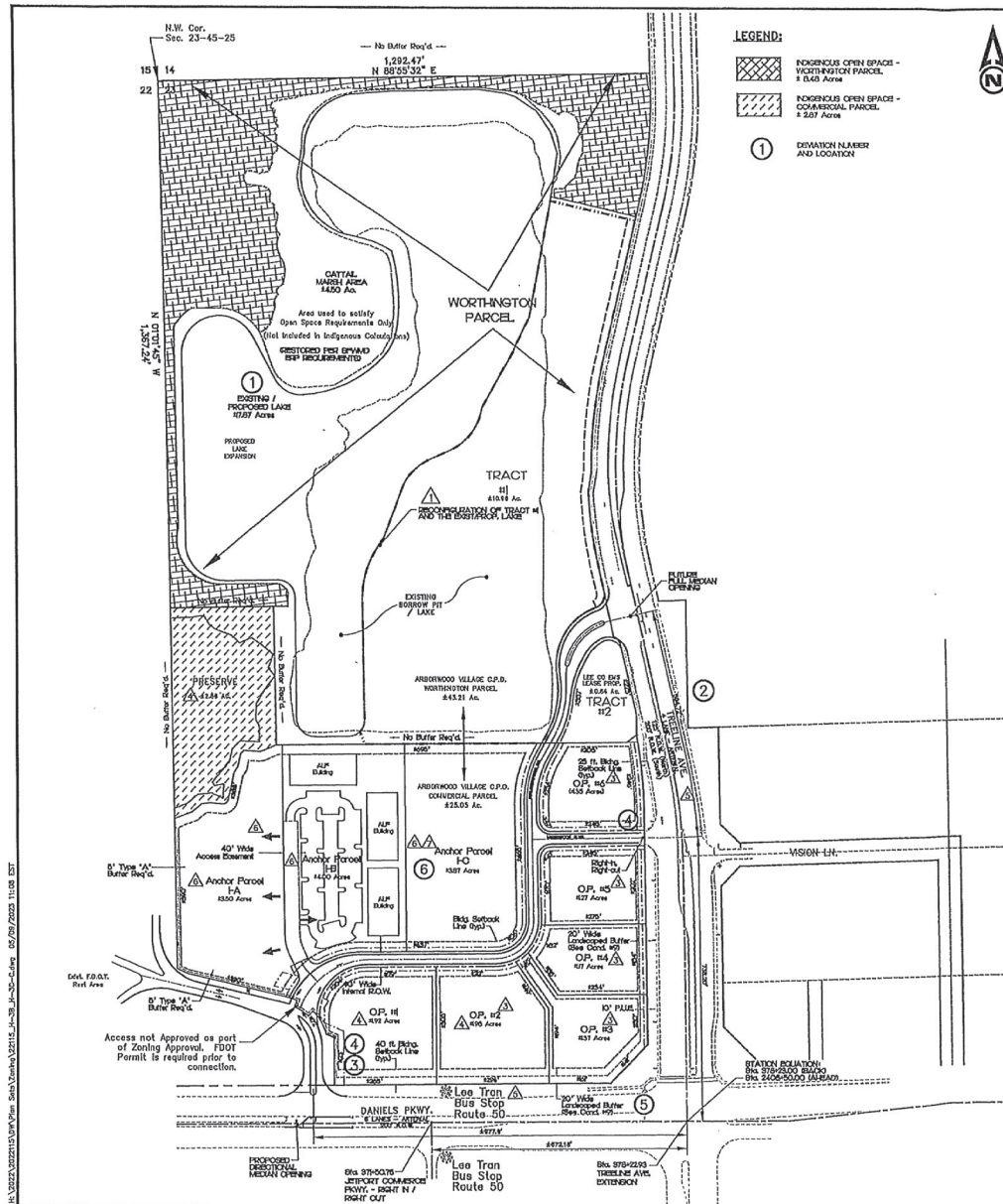
Deviation (6): Required parking spaces, seeks relief from Land Development Code 34-2020(b) which establishes the minimum required number of parking spaces for nonresidential uses, to allow for a fifty percent reduction in required parking for "Warehouse, Public and Mini" uses within Anchor Parcel 1-A as depicted on MCP Option A, or within Anchor Parcel 1-C as depicted on MCP Option C.

This deviation is approved, *subject to* the following condition:

The 50% parking reduction is limited to a Warehouse, Public and Mini-warehouse development with a minimum of 700 mini-storage units on Parcel 1-A, as depicted on MCP Option A, or on Parcel 1-C, as depicted on MCP Option C.

Exhibits to Conditions:

B1 MCP Options A-C (A & C last amended 5/9/23, B dated 8/1/19)



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.
C.P.D. -- WORTHINGTON PARCEL	
On-Site Wetland / Conservation Area	± 6.48 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	
Residential	± 4.0 Ac. x 0.4 = ± 1.60 Ac.
Other	± 21.1 Ac. x 0.3 = ± 6.33 Ac.
Total Open Space Req'd:	± 7.93 Ac.
Open Space Prov'd:	
Indigenous / Preserve Area	± 2.88 Ac.
Anchor Parcel (0 27.0%)	± 3.07 Ac.
Anchor Parcel 1-A (± 3.50 Ac. x 0.27)	± 0.95 Ac.
Anchor Parcel 1-B (± 4.00 Ac. x 0.27)	± 1.08 Ac.
Anchor Parcel 1-C (± 3.57 Ac. x 0.27)	± 1.04 Ac.
Sub-total (Anchor Parcels)	± 3.07 Ac.
O.P.'s #1 thru #6 (0 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:	± 7.93 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:	
On-Site Wetland / Conservation Area (includes Cattle Marsh)	± 12.98 Ac.
Exist. Lake / Proposed Lake Expansion (0 ± 12.98 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.	± 3.75 Ac.
± 7.5 Ac. x 50%	
Indigenous Open Space Prov'd:	
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.	± 6.48 Ac.
± 12.98 Ac. x 50%	
Indigenous Open Space Prov'd:	
On-Site Wetland / Conservation Area	± 6.48 Ac.*
Total Open Space Prov'd:	± 6.48 Ac.

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

*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:

This site is located on Lee Tron Route #50.

5.) PROJECT INTENSITY:

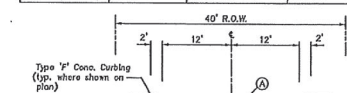
Intensity:	
Anchor Parcel:	130,000 s.f. -- Retail 58 MF Units or 224 ALF Units 300 Bed Hotel
Out-Parcels #1 -- #6:	40,000 s.f. -- Commercial 12,000 s.f. -- Office
Tract #1:	30,000 s.f. -- Office 80,000 s.f. -- Retail
Tract #2:	10,000 s.f. -- Essential Services (ES)

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



INTERNAL ACCESS ROAD

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

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

REVISION	DATE	DESCRIPTION	DESIGNED BY	DATE
1	05/08/23	SUBMITTED FOR AMENDMENT	CLK/ERT	12/03/08
2	04/01/19	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
3	01/16/19	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
4	10/31/18	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
5	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
6	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
7	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
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53	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
54	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
55	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
56	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
57	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
58	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
59	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
60	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
61	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
62	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
63	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
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65	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
66	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
67	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
68	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
69	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
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72	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
73	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
74	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
75	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
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78	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
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97	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
98	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
99	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08
100	12/17/08	SUBMITTED FOR AMENDMENT	CLK/ERT	12/04/08

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

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

DESIGNED BY: CLK/ERT
DATE: 12/03/08
DRAWN BY: CLK/ERT
DATE: 12/04/08
CHECKED BY: CLK/ERT
DATE: 12/04/08
VERTICAL SCALE: 1" = 20'
HORIZONTAL SCALE: 1" = 20'
PROJECT NO.: 2018057
SHEET NO.: 1 of 1

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

- a. *Additional Information Requested by Hearing Examiner:* Memorandum from Chahram Badamtchian to Amanda L. Rivera, Deputy Hearing Examiner, dated February 12, 2024 (multiple pages – 8.5"x11")
- 1. *DCD Staff Report with attachments for DCI:* Prepared by MarySue Groth, Planner, date received January 30, 2024 (multiple pages – 8.5"x11" & 11"x17") [black & white, color]

APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email from Jeremie Chastain to Maria Perez, Chahram Badamtchian, and Eugene Minviella, with copies to Rebecca Sweigert, Tracy Toussaint, Jamie Princing, Elizabeth Workman, Audra Ennis, Nicholas DeFilippo, Ohdet Kleinmann, Abby Henderson, Lee Werst, Warren Baucom, Mikki Rozdolski, Anthony Rodriguez, Dirk Danley, Jr., Phil Gillogly, Marcus Evans, and Jennifer Rodriguez, dated Monday, February 12, 2024 4:27 PM (multiple pages – 8.5"x11")
- b. *Amended 48-Hour Notice:* Email from Jeremie Chastain, to Maria Perez, with copies to Chahram Badamtchian, dated Tuesday, February 13, 2024 3:19 AM (multiple pages – 8.5"x11")
- 1. *Résumé:* Jeremie Chastain, AICP, Lead Planner with Hole Montes & Bowman (1 page – 8.5"x11")
- 2. *PowerPoint Presentation:* Prepared for Arborwood Village CPD, DCI2023-00024, Hearing Examiner, dated February 14, 2024 (multiple pages – 8.5"x11")[color]

Exhibit D

HEARING PARTICIPANTS

County Staff:

Chahram Badamtchian

Applicant Representatives:

Jeremie Chastain

Public Participants:

None