



# GIS Tracking Sheet

Case No.: **ADD2008-00039**

Intake Date: 3-20-08

Project Name: Arborwood Village CPD (Worthington Parcel)

STRAP Number(s): 23-45-25-06-00001.0030  
23-45-25-00-00001.0010  
23-45-25-00-00001.0000  
23-45-25-06-00000.0009  
23-45-25-06-000A1.00CE

Planner Name: Tony Palermo

Ext. 38325

FILE ON PLANNER'S DESK

## LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 3/21/08

INTAKE: ADD2008-00039

LEGAL SUFFICIENT

☒ YES

☐ NO

Initials: CSJ

If not, give brief explanation:

Approved legal sketch

## MAP UPDATE following FINAL ACTION

Date:

☐ Hearing Examiner Decision

☐ Board of County Commissioner's Resolution

☐ Administrative Approval

☐ Blue Sheet

Zoning Notes:

MAP UPDATED

5/1/08

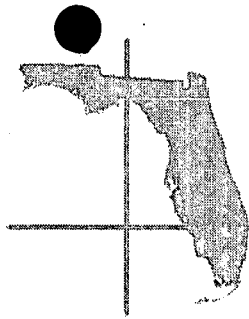
☒ YES

☐ NO

Initials: CSJ

If not, give brief explanation:

ZONE: CPD: 501361



# METRON

SURVEYING & MAPPING, LLC

LAND SURVEYORS • PLANNERS

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

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

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

CONTAINING 68.25 ACRES, MORE OR LESS.

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

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

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

Signed: \_\_\_\_\_

Date: 5/4/08

RECEIVED  
MAR 20 2008

PERMIT COUNTER

ADD 2008-00039

RECEIVED  
MAR 20 2008  
ADD 2008-00039  
PERMIT CENTER



CURVE TABLE

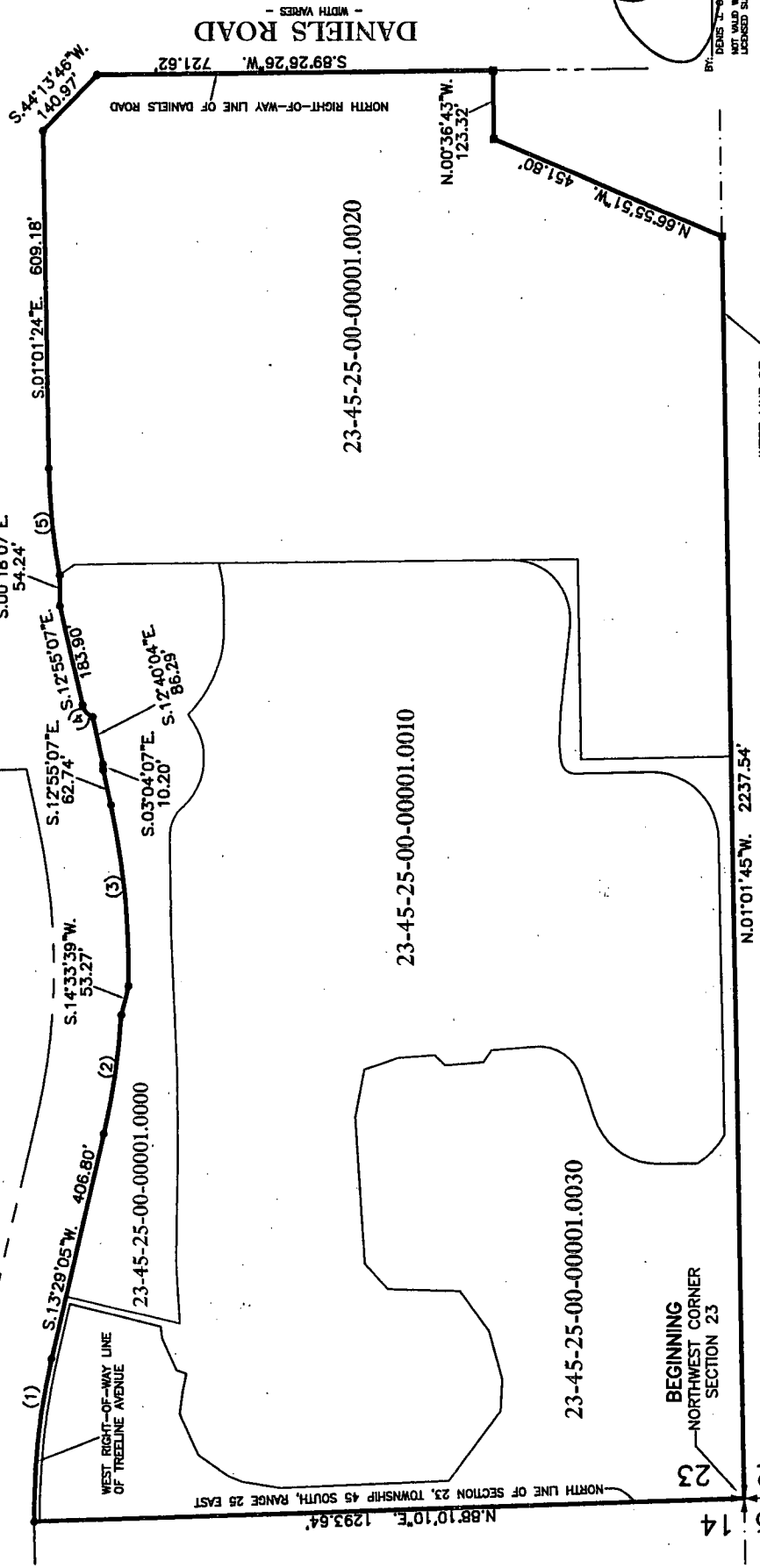
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3	1273.50'	14°23'18"	319.81'	318.97'	S.05°43'28"E.
4	30.00'	55°45'57"	29.20'	28.06'	S.40°48'06"E.
5	1137.50'	09°41'01"	192.25'	192.02'	S.05°51'55"E.

# SKETCH

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

VISION LANE

TREELINE AVENUE (WIDTH VARIES)



Appointer's Legal Checked  
by 69/ 3/21/08

DANIELS ROAD  
- WIDTH VARIES -

\*\*\* THIS IS NOT A SURVEY \*\*\*  
BY DENIS T. HANNON, JR., PROFESSIONAL SURVEYOR AND MAPPER L.S. 5430 - DATE SIGNED 3/5/08  
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGIN/ BASED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

TITLE: DANTREE COMMERCIAL/ LAKE SITE

SKETCH

**METRON**  
SURVEYING & MAPPING, LLC  
LAND SURVEYORS-PLANNERS  
1387 7071  
10970 S. GIBBS AVE. SUITE 400  
FORT MYERS, FLORIDA 33907  
PHONE (239) 275-6675  
FAX (239) 275-6675  
www.metronllc.com

FILE NAME:	9398SK.LWG	FIELD BOOK/NAME:	9398	SHEET:	1 OF 1
SURVEY DATE:	05-04-2008	DRAWN BY:	DJO	CHECKED BY:	FILE NO. 9-1-00
		SCALE:	1" = 100'	DVD NO.:	23-45-25

UNPLATTED  
STATE REST AREA  
22-45-25-00-00008.0000

BEGINNING  
NORTHWEST CORNER  
SECTION 23

ADMINISTRATIVE AMENDMENT (PD) ADD2008-00039

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Worthington Holdings Southwest, LLC., filed an application for administrative approval to a Commercial Planned Development (CPD) on a project known as Arborwood Village CPD (Worthington Parcel) for revisions to the schedule of uses on property located at Arborwood Village, described more particularly as:

LEGAL DESCRIPTION: In Section 23, Township 45 South, Range 25 East, Lee County, Florida:

See Legal Description and Sketch attached hereto as Exhibit "A";

WHEREAS, the property was originally rezoned in case number DCI2006-00005 (#Z-06-061) with subsequent amendment per case number ADD2007-00199; and

WHEREAS, the subject property is located in the General Interchange Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans; and

WHEREAS, Arborwood CPD (#Z-06-061) was approved with a maximum of 302,000 square feet of office and/or retail uses and up to 120 hotel rooms; and

WHEREAS, Arborwood CPD (#Z-06-061) was approved with maximum heights of 3 stories/45 feet and 6 stories/75 feet for hotel uses on the outparcels, anchor parcel and Tract 2; and

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the applicant has provided for traffic analysis showing the proposed changes do not negatively impact traffic on the surrounding road network; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Commercial Planned Development is **APPROVED**.

**Approval is subject to the following conditions:**

1. **The Development must be in compliance with the amended Master Concept Plan, dated MARCH 27, 2008. Master Concept Plan for ADD2008-00039 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
2. **Condition 2 a. and 2 b. of Zoning Resolution #Z-06-061 is revised with the attached "ARBORWOOD VILLAGE CPD: REVISED CONDITIONS".**
3. **Conditions 2 and 3 of ADD2007-00199 remain in full force and effect.**

4. Per Condition 9 of #Z-06-061, the development order plans must be revised to include a minimum 20-foot wide right-of-way buffer along Daniels Parkway and Treeline Avenue, including Tract #1, Tract #2 and the Outparcels.
5. Per Condition 12 of #Z-06-061, no development orders will be issued for a building in excess of 100,000 square feet unless the MCP is amended through the public hearing process. As part of the amendment application, the developer must submit proposed building elevations in support of the proposed amendment in addition to the requirements of LDC Sec. 34-373(a)(6).
6. The terms and conditions of the original zoning resolutions remain in full force and effect.

DULY SIGNED this 4<sup>th</sup> day of April, A.D., 2008.

BY: \_\_\_\_\_

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

EXHIBIT A



DESCRIPTION OF A PARCEL OF LAND LYING IN  
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Surveyor and Mapper in Responsible Charge:  
Denis J. O'Connell, Jr., LS #5430  
Metron Surveying & Mapping, LLC, LB #7071  
10970 S. Cleveland Avenue, Suite 605  
Fort Myers, FL 33907

Signed: \_\_\_\_\_

Date: 5/4/08

**RECEIVED**  
MAR 20 2008

**PERMIT COUNTER**

ADD 2008-00039

**Applicant's Legal Checked**  
by BS 8/21/08

ADD 2008-00039

REGISTERED  
MAR 20 2008

PERMIT NUMBER

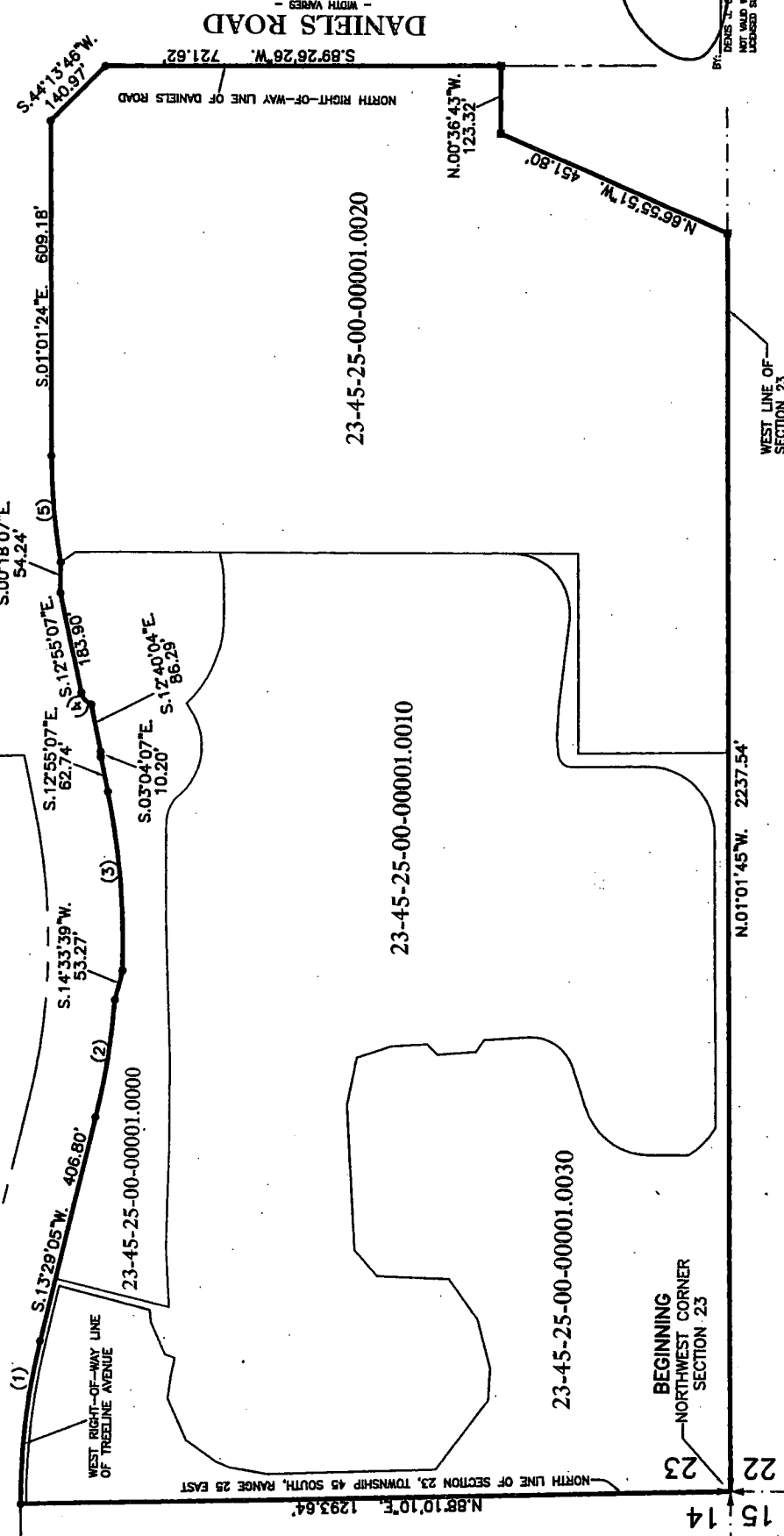


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LEE COUNTY, FLORIDA

VISION LANE  
TREELINE AVENUE (WIDTH VARIES)



Applicant's Legal Checked  
by 6/4 3/21/01

THIS IS NOT A SURVEY

BY: DENIS J. MAGNELL, JR., PROFESSIONAL SURVEYOR AND MAPPER, L.S. 5430, DATE SKETCHED: 5/14/06  
NOT VALID WITHOUT THE SIGNATURE AND THE EXPIRED LICENSE SEAL OF A LICENSED SURVEYOR AND MAPPER.

DANTREE COMMERCIAL/LAKE SITE

SKETCH

METRON  
SURVEYING & MAPPING, LLC  
LAND SURVEYORS-FLORIDA  
LBS# 7071  
10070 S. CLEVELAND AVENUE,  
SUITE 600  
FORT MYERS, FLORIDA 33907  
PHONE: (888) 272-5455  
FAX: (239) 272-9887  
www.metronllc.com

FILE NAME	03BRSK.DWG	FIELD BOOK/NOTE	DATE	1 OF 1
SHEET NO.	03-04-2008	DWG	SCALE	1"=100'
DATE	03-04-2008	DWG	FILE NO.	23-45-25

UNPLATTED  
STATE REST AREA  
22-45-25-00-00008.0000



**ARBORWOOD VILLAGE CPD: REVISED CONDITIONS**

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

a. Schedule of Uses

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

ACCESSORY USES

ADMINISTRATIVE OFFICES

AUTOMATIC TELLER MACHINE

AUTO PARTS STORE

AUTOMOBILE REPAIR AND SERVICE, GROUP I

- LIMITED TO ONE FOR THE ENTIRE CPD

BANKS AND FINANCIAL ESTABLISHMENTS, GROUP I AND II

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

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

CLOTHING STORES

CONTRACTORS AND BUILDERS, GROUP I

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

CONSUMPTION ON PREMISES - INDOOR AND OUTDOOR - SEE CONDITIONS.

DAY CARE CENTER, CHILD AND ADULT

DEPARTMENT STORE

DRIVE THROUGH FOR ANY PERMITTED USE

DRUGSTORE, PHARMACY

EMS, FIRE OR SHERIFF'S STATION

ESSENTIAL SERVICES

ESSENTIAL SERVICE FACILITIES, GROUP I

EXCAVATION, WATER RETENTION - NO BLASTING. NOT TO INCLUDE REMOVAL OF  
EXCAVATED MATERIAL FROM SITE.

FENCES, WALLS

FLORIST SHOP

FOOD STORE, GROUP I - NOT INCLUDING SUPERMARKETS

HARDWARE STORE - NO OUTDOOR STORAGE OR DISPLAY

HOBBY, TOY AND GAME SHOPS

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

HOUSEHOLD AND OFFICE FURNISHINGS, GROUP I AND II

NO OUTDOOR DISPLAY OR SALES

INSURANCE COMPANIES

LAWN AND GARDEN STORES

NO OUTDOOR DISPLAY OR SALES

LAUNDRY AND DRY CLEANERS, GROUP I

MEDICAL OFFICE

NON-STORE RETAILERS, ALL GROUPS

PACKAGE STORE, PERMITTED IN A MULTI-OCCUPANCY BUILDING. ONE STAND  
ALONE PACKAGE STORE PERMITTED ON THE  
ENTIRE PLANNED DEVELOPMENT

PAINT GLASS AND WALLPAPER

NO OUTDOOR DISPLAY OR SALES

PARCEL AND EXPRESS SERVICES

PARKS, GROUP I

PARKING LOT, ACCESSORY

PERSONAL SERVICES, GROUP I, II, III AND IV. EXCLUDING MASSAGE PARLORS,  
STEAM OR TURKISH BATHS, DATING SERVICES,  
ESCORT SERVICES, PALM READERS, FORTUNE  
TELLERS, CARD READERS, TATTOO PARLORS.

PET SERVICES, PET SHOPS - INDOOR ONLY, NO OUTDOOR RUNS

REAL ESTATE SALES OFFICE

RECREATIONAL FACILITIES, COMMERCIAL, GROUP III

RENTAL AND LEASING ESTABLISHMENTS, GROUPS II AND III

REPAIR SHOP, GROUP I, II AND III

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

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

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

RESTAURANT, GROUP I, II AND III

SELF SERVICE FUEL PUMPS - LIMITED TO 16 IN CONJUNCTION WITH A  
CONVENIENCE FOOD & BEVERAGE STORE ONLY.

SIGNS, IN ACCORDANCE WITH CH. 30

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

STORAGE, INDOOR ONLY

TEMPORARY USES

THEATER, INDOOR

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

VARIETY STORES

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

**ARBORWOOD VILLAGE CPD: REVISED CONDITIONS**

**b. Site Development Regulations**

Maximum Building Height:

**TRACT 1**

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





THE WORTHINGTON GROUP®  
INVESTMENT • DEVELOPMENT • CONSTRUCTION

March 19, 2008

Tony Palermo, Senior Planner, AICP  
Lee County Department of Community Development  
1500 Monroe Street  
Fort Myers, Florida 33902

RECEIVED  
MAR 20 2008

PERMIT COUNTER

**Re: Arborwood Village CDP – Application for Administrative Amendment**

Dear Mr. Palermo,

The purpose of this letter is to submit the attached Application for Administrative Amendment for the Arborwood Village CPD, Resolution No. Z-06-061, Case No. DCI2006-00005, as amended by Case No. ADD2007-00199. As previously discussed, the purpose of this application is to allow transfer of appropriate uses and density from within the CDP subject to a Land Use Conversion Matrix. No new uses are requested. Additionally, this application includes the transfer of 80,000 SF of Retail from the Anchor Parcel and Outparcels 1-7 to Tract 1. Please see Part 4 of the Application for additional details. All required documentation in support of this application is enclosed, including the following:

- |   |                       |
|---|-----------------------|
| 1. Application;   | (Original & 2 copies) |
| 2. Administrative Action Supplement H & Written Narrative;  | (3 Copies)            |
| 3. Affidavit A1 (Arborwood CDD);  | (Original & 2 copies) |
| 4. Affidavit A2 (Worthington Holdings SW, LLC);   | (Original & 2 copies) |
| 5. Affidavit A2 (DP-TA Associates, Ltd.);   | (Original & 2 copies) |
| 6. Disclosure of Interest (Worthington Holdings SW, LLC);   | (3 Copies)            |
| 7. Disclosure of Interest (DP-TA Associates, Ltd.);   | (3 Copies)            |
| 8. Property Owners List and Map w/ Strap No. and Mailing<br>Addresses (Exhibit AA-2.C.1 & Exhibit AA-2.C.1);    | (3 Copies)            |
| 9. Legal Description and Sketch of CPD Boundary;  | (3 Copies)            |
| 10. Location Map;   | (3 Copies)            |
| 11. Additional Agents List (Exhibit AA-1.C.2);  | (3 Copies)            |
| 12. Zoning Resolution No. Z-06-061;   | (3 Copies)            |
| 13. Admin. Amendment ADD2007-00199;   | (3 Copies)            |
| 14. Approved Master Concept Plan (ADD2007-00199);   | (3 Copies)            |
| 15. Proposed Master Concept Plan (11" x 17" & 24" x 36");   | (3 Copies, Each)      |
| 16. List of Proposed Uses by Parcel;  | (3 Copies)            |
| 17. Traffic Calculations to support the Land Uses Conversion<br>Matrix, prepared by David Plummer & Associates; | (3 Copies)            |
| 18. Review Fee, \$1,500.00.   |                       |

If you have any questions or require additional information please contact me.

Sincerely,

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

ADD 2008-00039

cc. Russell Schropp



**APPLICATION FOR ADMINISTRATIVE ACTION  
FOR UNINCORPORATED AREAS ONLY**

**APPLICATION FOR ADMINISTRATIVE ACTION  
FOR UNINCORPORATED AREAS ONLY**

**Applicant's Name:** Worthington Holdings Southwest, LLC  
**Project Name:** Arborwood Village CPD (Worthington Parcel)  
**STRAP Number(s):** 23-45-25-00-00001.0030, 23-45-25-00-00001.0010, 23-45-25-00-00001.0000,  
23-45-25-06-00000.009, 23-45-25-06-000A1.00CE

**TYPE OF ADMINISTRATIVE APPLICATION:**

- ☐ Administrative Variance (attach Supplement A)  
☐ Commercial Lot Split (attach Supplement B)  
☐ Consumption On Premises (attach Supplement C)  
☐ Minimum Use Determination (attach Supplement D)  
☐ LCLDC, Zoning District Boundaries, or Ordinance Interpretation (attach Supplement E)  
☐ Relief for Designated Historic Resources (attach Supplement F)  
☐ Relief for Easement Encroachment (attach Supplement G)  
☒ Administrative Amendment to PUD or PD (attach Supplement H)  
☐ Final Plan Approval for PD per Resolution: # \_\_\_\_\_ (attach Supplement H)  
☐ Administrative Deviation from LCLDC Chapter 10, Section 10-104 (attach Supplement I)  
☐ Placement of Model Home/Unit or Model Display Center (attach Supplement J)  
☐ Dock & Shoreline Structures (attach Supplement K)  
☐ Wireless Communication Facility Shared Use Plan Agreement (attach Supplement M)

Is this project located in the Estero Planning Community? ☐ YES ☐ NO

\*If YES, please note that the applicant may be required to conduct one public informational session where the agent will provide a general overview of the project for any interested citizens.

\*\*\*\*\*

**STAFF USE ONLY**

Case Number: ADD 2008-00039 Commission District: 5  
Current Zoning: CPD Fee Amount: 15000  
Land Use Classification: GENERAL INTERCHANGE Intake by: CMM  
Planning Community: SOUTH FT. MYERS

\*\*\*\*\*

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

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**PART 1**  
**APPLICANT\AGENT INFORMATION**

**A. Name of applicant:** Worthington Holdings Southwest, LLC

Address: Street : 9341 Market Place Road

City: Fort Myers State: Florida Zip: 33912

Phone: Area Code: (239) Number: 561-4666 Ext: \_\_\_\_\_

Fax: Area Code: (239) Number: 561-4676

E-mail address: jasher@worthingtoncommunities.com

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

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

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

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

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

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

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

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

**C.1. Company Name:** Worthington Holdings Southwest, LLC

**Contact Person:** John Asher

Address: Street : 9341 Market Place Road

City: Fort Myers State: Florida Zip: 33912

Phone: Area Code: (239) Number: 561-4666 Ext: \_\_\_\_\_

Fax: Area Code: (239) Number: 561-4676

E-mail address: jasher@worthingtoncommunities.com

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

**PART 2  
PROPERTY OWNERSHIP**

Is this request specific to a particular tract of land?   X   NO        YES. If the answer is YES, please complete the following items.

**A. Property Ownership:** Single owner (individual or husband & wife only) [34-201(a)(1)a.1.]

**A.1. Name:**

Mailing Address: Street:

City: State: Zip

Phone: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_ Ext: \_\_\_\_\_

Fax: Area Code: \_\_\_\_\_ Number: \_\_\_\_\_

E-mail: \_\_\_\_\_

**B. Property Ownership:** Multiple owners (Corporation, partnership, trust, association) [34-201(a)(1)].

**B.1.**   X   Disclosure of (Ownership) Interests Form is attached as Exhibit AA-2.B.1. [34-201(b)2]

**C. Multiple parcels**

**C.1.**   X   Property owners list is attached as Exhibit AA-2.C.1. [34-202(a)(5)]

**C.2.**   X   Property owners map is attached as Exhibit AA-2.C.2. [34-202(a)(5)]

**D. Date property was acquired by present owner(s):**   See List  

**PART 3  
PROPERTY INFORMATION**

Is this request specific to a particular tract of land?        NO   X   YES. If the answer is YES, please complete the following items.

**A. STRAP Number(s):** 23-45-25-00-00001.0030, 23-45-25-00-00001.0010,  
23-45-25-00-00001.0000, 23-45-25-06-00000.0090, 23-45-25-06-000A1.00CE

**B. Street Address of Property:**       Treeline Avenue      

**C. Legal Description**

  X   Legal description (on 8 1/2" by 11" paper) is attached as Exhibit AA-3.C.1. [34-202(a)(1)]

  X   Sealed sketch of the legal description is attached as Exhibit AA-3.C.2. [34-202(a)(1)]

  X   Electronic version of the legal description is attached as Exhibit AA-3.C.3. (Sent Via Email)

**D. Boundary Survey**

       A Boundary survey, tied to the state plane coordinate system, is attached as Exhibit AA-3.D.1.  
[34-202(a)(2)]

  N/A   The property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. A copy of the applicable plat book page is attached as Exhibit AA-3.D.2. [34-202(a)(2)]

**E. Planning Community:**   Gateway / Airport



**F. General Location of Property:**

**F.1.** X Area location map is attached as **Exhibit AA-3.F.** [34-202(a)(4)]

**F.2.** Directions to property: I-75 South to Daniels Parkway. East onto Daniels Parkway approx. 0.6 miles to the Intersection of Treeline Avenue and Daniels Parkway. Turn North onto Treeline Avenue approx. 0.3 miles to site on left (west) side of Treeline Avenue.

**G.** **Current Zoning of Property:** CPD

**H.** **Current use(s) of the property are:** Undeveloped except for the Fifth third Bank and Wachovia Bank located on Outparcels 4 and 6 respectively.

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**I. Property Dimensions [34-202(a)(8)]**

1. Width (average if irregular parcel): 2,650 Feet
2. Depth (average if irregular parcel): 1,293 Feet
3. Total area: 68.25 Acres or square feet
4. Frontage on road or street: 1,293 Feet on Treeline Avenue  
2<sup>nd</sup> Frontage on road or street: 722 Feet on Daniels Parkway Street

**PART 4  
ACTION REQUESTED**

**A. TYPE OF REQUEST (please check one)**

- ☐ Administrative Variance (requires supplement A)  
☐ Commercial Lot Split (requires supplement B)  
☐ Consumption On Premises (requires supplement C)  
☐ Minimum Use Determination (requires supplement D)  
☐ LCLDC, Zoning District Boundaries, or Ordinance Interpretation (requires supplement E)  
☐ Relief for Designated Historic Resources (requires supplement F)  
☐ Easement Encroachment (requires supplement G)  
☒ Administrative Amendment to a PUD or Planned Development (requires supplement H)  
☐ Final Plan Approval for a Planned Development (requires supplement H)  
☐ Administrative Deviation from Chapter 10 of the LDC (requires supplement I)  
☐ Placement of Model Home/Unit or Model Display Center (requires supplement J)  
☐ Dock & Shoreline Structure (requires supplement K)  
☐ Wireless Communication Facility Shared Use Plan Agreement (requires supplement M)

- B. NATURE OF REQUEST (please print):** The purpose of this Administrative Amendment application is to request approval to (1) Allow the ability to transfer density/intensity from one parcel to another within the Arborwood Village CPD based on a Land Use Conversion Matrix, (2) Add previously approved uses to the density/intensity "receiving" parcel(s) within the CPD, and (3) allow for a Building Height of 75 feet/6 stories for office uses only on Tract 1. Any transferred uses will be limited to those previously approved for the CPD, i.e. no new uses within the CPD. A Land Use Conversion Matrix, based on Traffic Trip Generation equivalence (meaning that no matter what use is developed the trips should be the same), will be added to the Master Concept Plan. Please see the sample note and matrix below. Additionally, this application authorizes the transfer of 80,000 SF of Retail from the Anchor Parcel and Out Parcels 1 - 7 to Tract 1, and documentation is provided indicating that the effected property owners are in agreement with the proposed amendment. Any subsequent transfer of uses and/or square footage will require a written and notarized assignment from the owner(s) to actually effectuate the transfer.

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

**LAND USE CONVERSION MATRIX**

	Retail (SF)	General Office (SF)	Medical Office (SF)
Retail (1,000 SF)	1,000	1,800	750
Office (1,000 SF)	550	1000	400
Hotel (1 Room)	250	470	200

**PART 5  
SUBMITTAL REQUIREMENTS**

THE NUMBER OF COPIES REQUIRED FOR EACH EXHIBIT IS BASED ON THE ACTION REQUESTED AS INDICATED BELOW. PLEASE NOTE THAT THE THREE (3) SETS OF REQUIRED SUBMITTAL AND SUPPLEMENTAL FORMS MUST BE SUBMITTED IN SETS OF THREE. ADDITIONAL SUBMITTAL ITEMS (listed below) SHOULD BE SUBMITTED AS A GROUP WITH THE APPROPRIATE NUMBER OF COPIES PROVIDED AS NOTED BELOW.

Copies Required*	Exhibit Number	SUBMITTAL ITEMS
3	✓	Completed application for Administrative Action
1	✓	Filing Fee - [34-202(a)(9)]

Copies Required*	SUP Number	SUPPLEMENTAL FORMS (select applicable request/form)
3	SUP A	Administrative Variance request
3	SUP B	Commercial Lot Split request
3	SUP C	Consumption On Premises request
3	SUP D	Minimum Use Determination request
3	SUP E	Ordinance Interpretation request
3	SUP F	Relief for Designated Historic Resources request
3	SUP G	Easement Encroachment request
3	✓ SUP H	Administrative Amendment to a PUD or Planned Development request
3	SUP H	Final Plan Approval for a Planned Development request
3	SUP I	Administrative Deviation from Chapter 10 of the LDC request
3	SUP J	Placement of Model Home/Unit or Model Display Center request
3	SUP K	Dock & Shoreline Structure request
3	SUP M	Wireless Communication Facility Shared Use Plan Agreement

Copies Required*	Exhibit Number	ADDITIONAL SUBMITTAL ITEMS
3	✓ AA-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
3	✓ AA-1.C.2	Additional Agents [34-202(b)(1)c.]
3	✓ AA-2.B.1	Disclosure of Interest Form [34-201(b)(2)a]
3	✓ AA-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
3	✓ AA-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
3	✓ AA-3.A.1	List of STRAP Numbers (if additional sheet is required) [34-202(a)(1)]
3	✓ AA-3.C.1	Legal Description [34-202(a)(1)]
3	✓ AA-3.C.2	Sealed Sketch of the Legal Description [34-202(a)(1)]
1	✓ AA-3.C.2	Electronic version of legal description (if available)
3	✓ AA-3.D.1	Boundary Survey (tied to State Plane Coordinate System) [34-202(a)(2)] {NOTE: This is a required submittal for all Planned Development Applications and for all properties of 10 acres or more [34-373(a)(4)a.]}
3	✓ AA-3.D.2	Copy of Plat Book Page (if applicable) [34-202(a)(1)]
3	✓ AA-3.F	Area Location Map on 8-1/2" x 11" paper pursuant to LCLDC Section 34-202(a)(4).

\* At least one copy must be an original.



ADMINISTRATIVE ACTION REQUEST  
SUPPLEMENT H  
FOR UNINCORPORATED AREAS ONLY

ADMINISTRATIVE AMENDMENT TO A  
PUD OR PLANNED DEVELOPMENT PER LCLDC  
SECTION 34-380(b) or FINAL PLAN APPROVAL FOR  
A PLANNED DEVELOPMENT

Case Number: DCI2006-00005

Project Name: Arborwood Village CPD

Applicant's Name: Worthington Holdings, LLC

STRAP Number(s): 23-45-25-00-00001.0030, 23-45-25-00-00001.0010, 23-45-25-00-00001.0000,  
23-45-25-06-00000.0090, 23-45-25-06-000A1.00CE

Indicate whether REQUEST is for:

- ☒ ADMINISTRATIVE AMENDMENT (please complete PART 1, PART 2., & PART 3.)
- ☐ FINAL PLAN APPROVAL (please complete PART 1, PART 2, & PART 4.)

If the request is for an administrative amendment to a PUD or to a Planned Development or Final Plan Approval please submit the "Application for Administrative Action" form for unincorporated areas and Supplement H including the following:

\*\*\*\*\*

PART 1.  
APPLICATION INFORMATION

- A. **ORIGINAL PROJECT NAME** (if different than Project Name currently used): **N/A**
- B. **ORIGINAL REZONING RESOLUTION NUMBER:** Z-06-061
- C. **SUBSEQUENT ZONING ACTION RESOLUTION/CASE NUMBERS** (if any): Please list all previous zoning and administrative actions (approvals and denials) on this project subsequent to the original rezoning including Resolution Numbers and Case Numbers (provide added sheets, if necessary; label as **Exhibit H-1.C.**).

Case No. ADD2007-00199 (12-03-07)

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- D. **DEVELOPMENT ORDER NUMBERS FOR PROJECT** (if any): Please list all local development orders approved on this project. Please indicate the status of each development order (provide added sheets, if necessary; label as **Exhibit H-1.D.**).

DOS 2005-00262	(Issued)	_____
DOS 2005-00356	(Finaled)	_____
_____		_____
_____		_____

**PART 2.**  
**REQUESTED ACTION**

- A. **WRITTEN NARRATIVE:** Please provide a written narrative statement explaining exactly what is proposed. Label as **Exhibit H-2.A.**
- B. **RELIEF/DEVIATIONS:** Is any relief requested from the provisions of the Lee County Land Development Code?   X   NO.        YES.

If the answer is **YES**, provide a **written narrative statement** explaining the specific relief requested (a schedule of deviations). Include specific references to any section (number{s}) and name{s}) of the Lee County Land Development Code (LCLDC) from which relief is sought including why the requested relief is necessary and how it will affect the project. Explain what conditions currently exist which warrant this request for relief from the regulations (a written justification for each of the requested deviations). Label narrative statement as **Exhibit H-2.B.1.**

Also provide four (6) sets of drawings detailing any proposed deviations or changes to the MASTER CONCEPT PLAN (MCP) in 11" X 17" size (two originals required) and one (1) 24" x 36" size. All deviation requests must be specifically keyed to the location on the MCP. Label deviation drawing(s) as **Exhibit H-2.B.2.**

**PART 3.**  
**ADDITIONAL SUBMITTAL REQUIREMENTS FOR ADMINISTRATIVE AMENDMENT APPLICATIONS**

**Please submit the following for all Administrative Amendment Applications:**

- A. **AREA LOCATION MAP:** An **Area Location Map** (on 8.5" by 11" paper) must be provided. The map must be marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. Label as **Exhibit H-3.A. [34-373(a)(4)b.]**
- B. **APPROVED MASTER CONCEPT PLAN:** Provide one (1) APPROVED MASTER CONCEPT PLAN (MCP) and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED at a size of 24" X 36". Label as **Exhibit H-3.B. [34-373(a)(6)]**
- C. **REDUCED SIZE MASTER CONCEPT PLAN:** Provide one (6) copies of the MASTER CONCEPT PLAN REDUCED to a maximum size of 11" x 17" (two originals required). Label as **Exhibit H-3.C.**
- D. **ZONING RESOLUTIONS/ZONING DOCUMENTS:** Please attach six (6) copies of any zoning resolutions or documents that are still valid. Include the original rezoning resolution, final plan approval letters, Administrative Approval letters, and any other documentation granting relevant approvals. Label as **Exhibit H-3.D.**

**PART 4.**  
**ADDITIONAL SUBMITTAL REQUIREMENTS FOR FINAL PLAN APPROVAL APPLICATIONS**

**Please submit the following for all Final Plan Approval Applications:**

- A. **AREA LOCATION MAP:** An Area Location Map (on 8.5" by 11" paper) must be provided. The map must be marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. Label as **Exhibit H-4.A.** [34-373(a)(4)b.]
- B. **APPROVED MASTER CONCEPT PLAN:** Provide one (1) APPROVED MASTER CONCEPT PLAN (MCP) and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED. Label as **Exhibit H-4.B.** [34-373(a)(6)]
- C. **PROPOSED FINAL PLAN:** Please submit six (6) copies of the proposed Final Plan consistent with the approved Master Concept Plan and the approved Zoning Resolution. This proposed Final Plan must show any DEVIATION(s) keyed on the plan to identify the location of the specific deviation. Label as **Exhibit H-4.C.**
- D. **REDUCED SIZE COPY OF THE PROPOSED FINAL PLAN:** Please submit six (6) copies of the proposed Final Plan REDUCED to a maximum size of 11" x 17" (two originals required). Label as **Exhibit H-4.D.**
- E. **ZONING RESOLUTIONS/ZONING DOCUMENTS:** Please attach six (6) copies of any zoning resolutions or documents that are still valid. Include the original rezoning resolution, final plan approval letters, Administrative Approval letters, and any other documentation granting relevant approvals. Label as **Exhibit H-4.E.**

**PART 5.**  
**SUBMITTAL REQUIREMENTS**

THE NUMBER OF COPIES REQUIRED FOR EACH SUBMITTAL ITEM/EXHIBIT IS INDICATED BELOW. PLEASE NOTE THAT THIS SUPPLEMENT NEEDS TO BE ACCOMPANIED BY THE APPLICATION FOR ADMINISTRATIVE ACTION. COPIES OF BOTH OF THESE APPLICATIONS SHOULD BE SUBMITTED TOGETHER IN SETS OF THREE ALONG WITH ALL OTHER REQUIRED DOCUMENTATION. ADDITIONAL SUBMITTAL ITEMS (listed below) SHOULD BE SUBMITTED AS A GROUP WITH THE APPROPRIATE NUMBER OF COPIES PROVIDED AS NOTED BELOW.

Copies Required*	Exhibit Number	SUBMITTAL ITEMS
		<b>FOR ADMINISTRATIVE AMENDMENT APPLICATIONS and FOR FINAL PLAN APPROVAL APPLICATIONS</b>
3 ✓		Completed Application for Administrative Action Form [34-201(b)]
1 ✓		Filing Fee - [34-202(a)(9)]
3 ✓	SUP H	Administrative Amendment to a PUD or Planned Development request Supplement Form
3 ✓	H-1.C	Subsequent Zoning Action Resolution/Case Numbers (if any and if added sheet is necessary)
3 ✓	H-1.D	Development Order Numbers for the Project (if any and if added sheets are necessary)
3 ✓	H-2.A	Written Narrative explaining what, exactly, is proposed
3 ✓	H-2.B.1	Schedule of Deviations and Justification Statement for each requested deviation (if YES was answered to Item # 2.B.)
1	H-2.B.2	Site plan (24" X 36" size) detailing each requested deviation (if YES was answered to Item # 2.B.)
3	H-2.B.2	Reduced site plans (11" X 17" size) detailing each requested deviation (if YES was answered to Item # 2.B.) - <b>two originals required</b>
		<b>ADDITIONAL SUBMITTAL ITEMS FOR ADMINISTRATIVE AMENDMENT APPLICATIONS</b>
3 ✓	H-3.A	Area Location Map (8 ½' X 11" size)
1 ✓	H-3.B	Approved Master Concept Plan and detailed drawings of any proposed deviations (24" X 36" size)
3 ✓	H-3.C	Master Concept Plan (11" X 17' maximum size) including detailed drawings of any proposed deviations - <b>two originals required</b>
3 ✓	H-3.D	Zoning Resolutions/Zoning Documents
		<b>ADDITIONAL SUBMITTAL REQUIREMENTS FOR FINAL PLAN APPROVAL APPLICATIONS</b>
3	H-4.A	Area Location Map (8 ½' X 11" size)
3	H-4.B	Approved Master Concept Plan and detailed drawings of any proposed deviations (24" X 36" size)
1	H-4.C	Proposed Final Plan including Deviations keyed to the plan (24" X 36" size)
3	H-4.D	Proposed Final Plan (11" X 17" maximum size) - <b>two originals required</b>
3	H-4.E	Zoning Resolutions/Zoning Documents

- At least one copy must be an original

**EXHIBIT H-2.A.**

**WRITTEN NARRATIVE**

The purpose of this Administrative Amendment application is to request approval to (1) Allow the ability to transfer density/intensity from one parcel to another within the Arborwood Village CPD based on a Land Use Conversion Matrix, (2) Add previously approved uses to the density/intensity "receiving" parcel(s) within the CPD, and (3) allow for a Building Height of 75 feet/6 stories for office uses only on Tract 1. Any transferred uses will be limited to those previously approved for the CPD, i.e. no new uses within the CPD. A Land Use Conversion Matrix, based on Traffic Trip Generation equivalence (meaning that no matter what use is developed the trips should be the same), will be added to the Master Concept Plan. Please see the sample note and matrix below. Additionally, this application authorizes the transfer of 80,000 SF of Retail from the Anchor Parcel and Out Parcels 1 - 7 to Tract 1, and documentation is provided indicating that the effected property owners are in agreement with the proposed amendment. Any subsequent transfer of uses and/or square footage will require a written and notarized assignment from the owner(s) to actually effectuate the transfer.

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

**LAND USE CONVERSION MATRIX**

	Retail (SF)	General Office (SF)	Medical Office (SF)
Retail (1,000 SF)	1,000	1,800	750
Office (1,000 SF)	550	1000	400
Hotel (1 Room)	250	470	200

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Explanations - Page 3



PART 1 AFFIDAVIT A1  
EXHIBIT AA-1.B.2)

AFFIDAVIT FOR PUBLIC HEARING  
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

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

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

John P. Asher  
Signature

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

STATE OF FLORIDA

COUNTY OF LEE

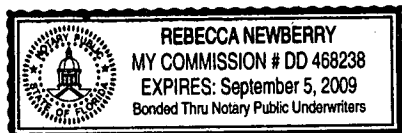
The foregoing instrument was sworn to (or affirmed) and subscribed before me this 4<sup>th</sup> day of FEBRUARY by John P. Asher as Chairman of the Arborwood Community Development District, a local unit of special-purpose government created and existing pursuant to Chapter 190, Florida Statutes (name of person providing oath or affirmation), who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

Rebecca Newberry  
Signature of person taking oath or affirmation

REBECCA NEWBERRY  
Name typed, printed or stamped

Title or rank

Serial number, if any



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

AFFIDAVIT FOR PUBLIC HEARING

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

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

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

Worthington Holdings Southwest, LLC

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

John Asher  
Signature

John P. Asher

(Type or printed name)

Vice President  
(Title of signatory)

STATE OF FLORIDA  
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 4th day of February (date) by John P. Asher, as Vice President of Worthington Holdings Southwest, LLC, who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

Rebecca Newberry  
Signature of person taking oath or affirmation

REBECCA NEWBERRY  
Name typed, printed or stamped



Title or rank

Serial number, if any

\*Notes:

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

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

AFFIDAVIT FOR PUBLIC HEARING

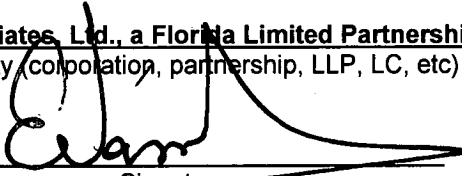
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

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

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

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

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

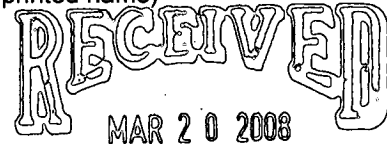
  
Signature

Executive Vice President  
(Title of signatory)

ADD 2008-00039

Elias Vassilaros

(Type or printed name)

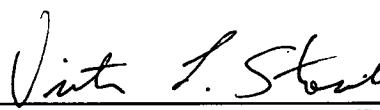


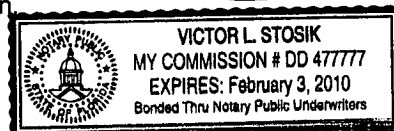
STATE OF FLORIDA

COUNTY OF MIAMI-DADE

PERMIT COUNTER

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 10<sup>th</sup> day of March, 2008 (date) by Elias Vassilaros, as Executive Vice President DP-TA Associates, Ltd., who is personally known to me or who has produced \_\_\_\_\_ (type of identification) as identification.

  
Signature of person taking oath or affirmation



Name typed, printed or stamped

Title or rank

Serial number, if any

\*Notes:

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

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

**23-45-25-00-00001.0000,**

**23-45-25-06-00000.0090,**

STRAP NO. **23-45-25-06-000A1.00CE** CASE NO. \_\_\_\_\_

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

Name and Address	Percentage of Ownership

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

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

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

Name and Address	Percentage of Interest

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

Name and Address	Percentage of Ownership

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

Name and Address	Percentage of Stock

Date of Contract: \_\_\_\_\_

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

Name and Address	

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

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

Signature: \_\_\_\_\_

*John P. Asher*  
(Applicant)

**John P. Asher**

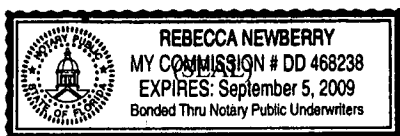
(Printed or typed name of applicant)

**RECEIVED**  
MAR 20 2008

STATE OF FLORIDA  
COUNTY OF LEE

PERMIT COUNTER

The foregoing instrument was acknowledged before me this 4th day of FEB 20 08  
by John P. Asher who is personally known to me or who has produced  
as identification.



*Rebecca Newberry*  
Signature of Notary Public

*REBECCA NEWBERRY*

Printed Name of Notary Public

Page 2 of 2

<u>Ownership of Lex-Worth Korp, Inc.</u>	<u>% Ownership</u>
--	--------------------

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

<u>Ownership of The Worthington Group of Southwest Florida, Inc.</u>	<u>% Ownership</u>
--	--------------------

Jeff Darragh	50%
John Gnagey	50%
	100%

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

STRAP NO. \_\_\_\_\_ CASE NO. \_\_\_\_\_

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

Name and Address	Percentage of Ownership

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

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

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

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

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

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

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

Name and Address	Percentage of Stock

Date of Contract: \_\_\_\_\_

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

Name and Address	

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

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

Signature \_\_\_\_\_

(Applicant) Elias Vassilaros, Executive Vice President of  
Newcaster Devcorp, Inc., a Fla. corporation, General  
Partner to DP-TA Associates, Ltd., a Fla. ltd. partner-  
ship.  
(Printed or typed name of applicant)

STATE OF Florida  
COUNTY OF Monroe

Page 2 of 2

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

Vilma I. Amell  
Notary Public Signature

**Vilma I. Amell**

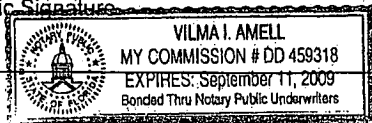
Name typed, printed or stamped

DD459318

Commission number

Pages 11 of 12

Seal



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**EXHIBT AA-2.C.1  
PROPERTY OWNERS LIST**

<u>STRAP NUMBERS</u>	<u>PROPERTY OWNER</u>	<u>OWNER'S ADDRESS</u>	<u>DATE ACQUIRED</u>
23-45-25-00-00001.0030	ARBORWOOD CDD c/o DPFG	1801 LEE RD STE 255 WINTER PARK FL 32789	6-15-2005
23-45-25-00-00001.0010	ARBORWOOD CDD c/o DPFG	1801 LEE RD STE 255 WINTER PARK FL 32789	1-23-2003
23-45-25-00-00001.0000	WORTHINGTON HOLDINGS SW, LLC	9341 MARKET PLACE ROAD FORT MYERS, FL. 33912	6-15-2007
23-45-25-06-00000.0090	WORTHINGTON HOLDINGS SW, LLC	9341 MARKET PLACE ROAD FORT MYERS, FL. 33912	1-23-2003
23-45-25-06-00001.00CE	WORTHINGTON HOLDINGS SW, LLC	9341 MARKET PLACE ROAD FORT MYERS, FL. 33912	1-23-2003
23-45-25-06-00000.0080	DP-TA ASSOCIATES LTD	703 WATERFORD WAY STE 800 MIAMI FL 33126	12-15-2004
23-45-25-06-00000.0070	WACHOVIA BANK	PO BOX 36246 CHARLOTTE NC 28236	2-21-2007
23-45-25-06-00000.0060	DP-TA ASSOCIATES LTD	703 WATERFORD WAY STE 800 MIAMI FL 33126	12-15-2004
23-45-25-06-00000.0050	FIFTH THIRD BANK	MD 10ATA1 CORP FAC 38 FOUNTAIN SQUARE PLAZA CINCINNATI OH 45263	4-03-2007
23-45-25-06-00000.0040	DP-TA ASSOCIATES LTD	703 WATERFORD WAY STE 800 MIAMI FL 33126	12-15-2004
23-45-25-06-00000.0010	DP-TA ASSOCIATES LTD	703 WATERFORD WAY STE 800 MIAMI FL 33126	12-15-2004
23-45-25-06-00000.0030	DP-TA ASSOCIATES LTD	703 WATERFORD WAY STE 800 MIAMI FL 33126	12-15-2004
23-45-25-06-00000.0020	DP-TA ASSOCIATES LTD	703 WATERFORD WAY STE 800 MIAMI FL 33126	12-15-2004
23-45-25-06-0000A.00CE	DP-TA ASSOCIATES LTD	703 WATERFORD WAY STE 800 MIAMI FL 33126	12-15-2004
23-45-25-06-0000B.00CE	DP-TA ASSOCIATES LTD	703 WATERFORD WAY STE 800 MIAMI FL 33126	12-15-2004

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MAR 20 2008

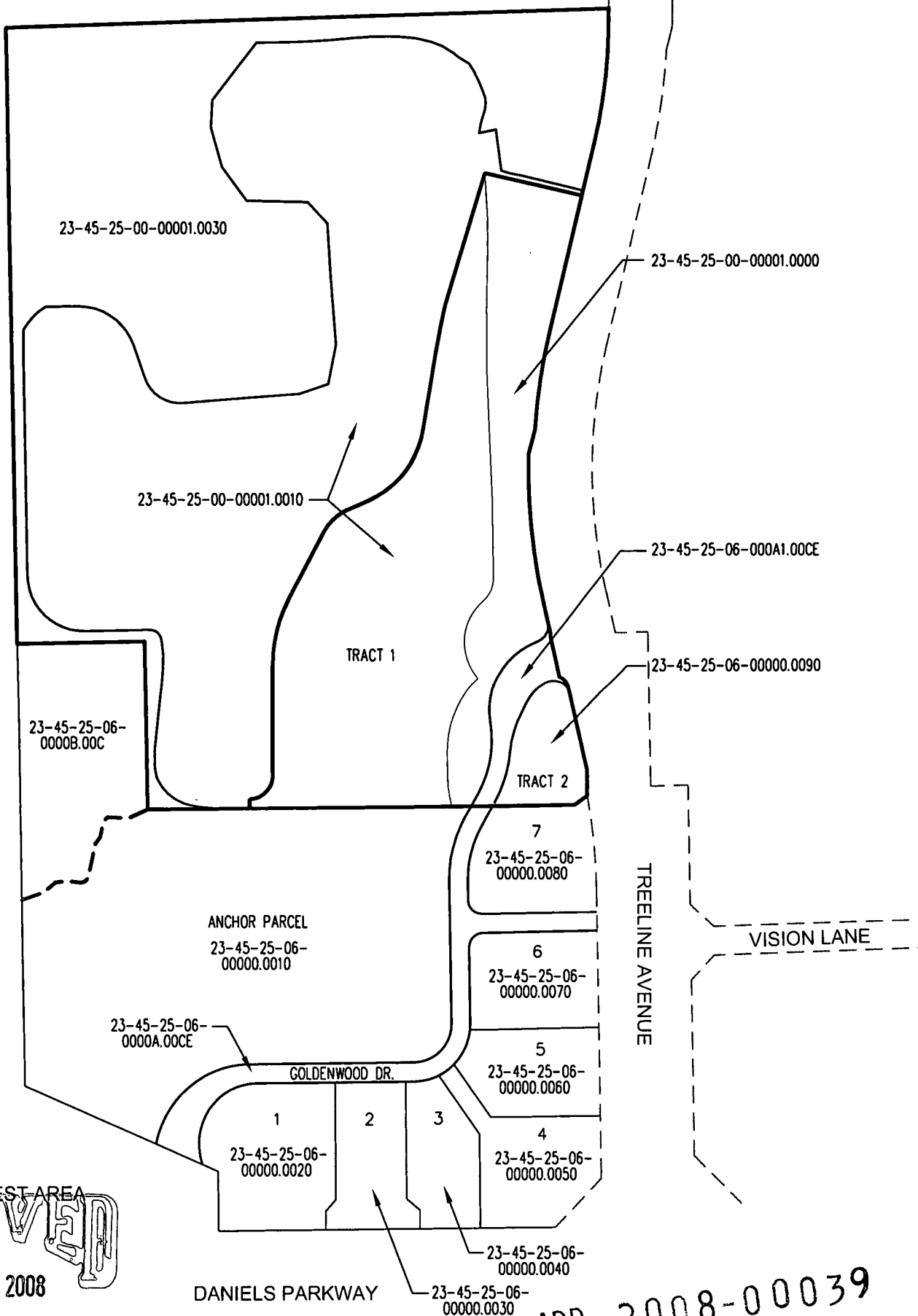
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# EXHIBIT AA-2.C.2 (SEE ATTACHED PROPERTY OWNERS LIST)



SCALE  
1"=300'



FDOT REST AREA

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# **LOCATION MAP**

N.T.S.

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**community engineering services, inc.**  
civil engineering • surveying • project management

EB-0006613 LB0006572  
8991 Daniels Center Drive, Suite 103  
Fort Myers, Florida 33912  
Telephone (239) 936-9777 Fax (239) 936-0084

## **LOCATION MAP**

**ARBORWOOD VILLAGE CPD**

**FORT MYERS, FL**



EXHIBIT AA-1.C.2  
ADDITIONAL AGENTS

**Company Name:** Henderson, Franklin, Starnes & Holt, P.A.

**Contact Person:** Russell Schropp

**Address:** Street : 1715 Monroe Street (33901) P.O. Box 280

City: Fort Myers State: FL Zip: 33902

**Phone:** Area Code: (239) Number: 344-1280 Ext:

**Fax:** Area Code: (239) Number: 344-1200

**E-mail address:** russell.schropp@henlaw.com

**Company Name:** Community Engineering Services, Inc.

**Contact Person:** Jay Hardman or Mark McCleary

**Address:** Street : 8991 Daniels Center Drive, Suite 103

City: Fort Myers State: FL Zip: 33912

**Phone:** Area Code: (239) Number: 936-9777 Ext:

**Fax:** Area Code: (239) Number: 936-0064

**E-mail address:** jhardman@communityengineeringonline.com mmccleary@communityengineeringonline.com

**Company Name:** N/A

**Contact Person:**

**Address:** Street :

City:  State:  Zip:

**Phone:** Area Code:  Number:  Ext:

**Fax:** Area Code:  Number:

**E-mail address:**

RECEIVED  
MAR 20 2008

PERMIT COUNTER

ADD 2008-00039

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

WHEREAS, an application was filed by the property owner, DP-TA Associates, LTD., to rezone a 68.23± acre parcel from Agricultural (AG-2) and Commercial Tourist (CT) to Commercial Planned Development (CPD) in reference to Arborwood Village CPD; and

WHEREAS, a public hearing was advertised and held on July 20, 2006, before the Lee County Zoning Hearing Examiner, Richard A. Gescheidt, who gave full consideration to the evidence in the record for Case #DCI2006-00005; and

WHEREAS, a second public hearing was advertised and held on October 16, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS:

SECTION A. REQUEST

The applicant filed a request to rezone a 68.23± acre parcel from AG-2 and CT to CPD, to allow a maximum 302,000 square feet of commercial office and/or retail and up to 120 hotel rooms. Maximum heights proposed are three stories/45 feet for commercial uses and 12 stories/130 feet for a hotel use. No development blasting is proposed. The applicant indicates that development of this site will include connection to public potable water and public sanitary sewer service. The property is located in the General Interchange Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

All references to uses are as defined or listed in the Lee County Land Development Code (LDC).

1. The development of this project must be consistent with the 1-page Master Concept Plan (MCP) entitled "ARBORWOOD VILLAGE CPD" date stamped "Received Nov 03 2006", attached hereto as Exhibit C, except as modified by the conditions below.

This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation, as part of this

CASE NO: DCI2006-00005



Z-06-061  
Page 1 of 13

PERMIT COUNCIL ADD 2008-000059/6/06

planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

Development approval is limited to the following:

- 250,000 square feet of retail commercial
  - No individual retail building may exceed 100,000 square feet
- 42,000 square feet of office
- 10,000 square feet of essential services
- 120 hotel rooms

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

a. Schedule of Uses

**OUTPARCELS 1 THROUGH 7**

- Accessory Uses
- Administrative Offices
- Automatic Teller Machine
- Auto Parts Store
- Automobile Repair and Service, Group I - Limited to one for the entire CPD
- Banks and Financial Establishments, Groups I and II
- Business Services, Groups I and II - excluding Bail Bonding, Armored Car Services, and Automobile Repossessing Services
- Car Wash, limited to one for the entire Commercial Planned Development. No Full Service Car Washes. Only permitted for a single-bay Car Wash Ancillary to a Convenience Food & Beverage Store.
- Convenience Food and Beverage Shop - Limited to one for the entire Planned Development.
- Consumption on Premises - Indoor and Outdoor - See Conditions.
- Day Care Center, Child and Adult
- Drive Through for any permitted use
- Drugstore, Pharmacy
- Essential Services
- Essential Service Facilities, Group I
- Excavation, Water Retention - No Blasting. Not to include removal of excavated material from site.
- Fences, Walls
- Florist Shop
- Food Store, Group I - Not including Supermarkets
- Hobby, Toy and Game Shops
- Hotel/Motel - Maximum 120 rooms for the entire CPD.
- Household and Office Furnishings, Groups I and II. No Outdoor Display or Sales.
- Insurance Companies

Laundry and Dry Cleaners, Group I  
Medical Office  
Non-store Retailers, All Groups  
Package Store, permitted in a multi-occupancy building. One stand-alone  
Package Store permitted on the entire Planned Development.  
Parcel and Express Services  
Parking Lot, Accessory  
Personal Services, Groups I, II, III and IV. Excluding Massage Parlors, Steam  
or Turkish Baths, Dating Services, Escort Services, Palm Readers,  
Fortune Tellers, Card Readers, Tattoo Parlors.  
Pet Services, Pet Shops - Indoor Only, No Outdoor Runs  
Real Estate Sales Office  
Repair Shop, Groups I, II and III  
Restaurant, Fast Food - Limited to two stand-alone for the entire CPD. Other  
Fast Food Establishments may be part of a multi-occupancy building or  
as an accessory use within a Convenience Food and Beverage Store.  
Restaurant, Groups I, II and III  
Self Service Fuel Pumps - Limited to 16 in conjunction with a Convenience Food  
& Beverage Store only.  
Signs, in accordance with Ch. 30  
Storage, Indoor only  
Temporary Uses  
Used Merchandise Stores, Groups I and II - No Pawn Shops  
Variety Stores

#### **ANCHOR PARCEL**

Accessory Uses  
Administrative Offices  
Automatic Teller Machine  
Auto Parts Store  
Automobile Repair and Service, Group I - Limited to one for the entire CPD  
Banks and Financial Establishments, Groups I and II  
Business Services, Groups I and II - excluding Bail Bonding, Armored Car  
Services, and Automobile Repossessing Services  
Clothing Stores  
Consumption on Premises - Indoor and Outdoor - See Conditions.  
Contractors and Builders, Group I  
Convenience Food and Beverage Shop - Limited to one for the entire Planned  
Development  
Day Care Center, Child and Adult  
Department Store  
Drive Through for any permitted use  
Drugstore, Pharmacy  
Essential Services

Essential Service Facilities, Group I  
Excavation, Water Retention - No Blasting. Not to include removal of excavated material from site.  
Fences, Walls  
Florist Shop  
Food Store, Groups I and II  
Hardware Store  
Hobby, Toy and Game Shops  
Hotel/Motel - Maximum 120 rooms for the entire CPD  
Household and Office Furnishings, Groups I, II and III  
Laundry and Dry Cleaners, Group I  
Lawn and Garden Stores  
Medical Office  
Non-store Retailers, all Groups  
Package Store, permitted in a multi-occupancy building. One stand-alone Package Store permitted on the entire Planned Development.  
Paint, Glass and Wallpaper  
Parcel and Express Service  
Parking Lot, Accessory  
Personal Services, Groups I, II, III and IV. Excluding Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.  
Pet Services, Pet Shops - Indoor Only, No Outdoor Runs  
Real Estate Sales Office  
Rental and Leasing Establishments, Groups II and III  
Repair Shop, Groups I, II and III  
Restaurant, Fast Food - Fast Food Establishments may be part of a multi-occupancy building.  
No Drive-through Fast Food in the anchor parcel. No stand-alone Fast Food in the anchor parcel.  
Restaurant, Groups I, II, III and IV  
Retail and Wholesale when clearly incidental and subordinate to a permitted principle use on the same premises.  
Self Service Fuel Pumps - limited to 16  
Signs, in accordance with Ch. 30  
Specialty Retail Shop, Groups I, II, III, and IV  
Storage, Indoor Only  
Temporary Uses  
Theater, Indoor  
Vehicle and Equipment Dealer, Group II only - 10,000 square feet of Outdoor Display Area only.

#### **TRACT #1**

Accessory Uses  
Administrative Offices



Business Services, Group I - excluding Bail Bonding  
Essential Services  
Essential Service Facilities, Group I  
Excavation, Water Retention - No Blasting. Not to include removal of excavated material from site.  
Fences, Walls  
Parks, Group I  
Parking Lot, Accessory  
Recreation Facilities, Commercial - Group III  
Signs, in accordance with Ch. 30  
Temporary Uses

## **TRACT #2**

Accessory Uses  
Administrative Offices  
Automatic Teller Machine  
Auto Parts Store  
Automobile Repair and Service, Group I - Limited to one for the entire CPD.  
Banks and Financial Establishments, Groups I and II  
Business Services, Groups I and II - excluding Bail Bonding, Armored Car Services, and Automobile Repossessing Services.  
Car Wash, limited to one for the entire Commercial Planned Development. No Full Service Car Washes. Only permitted for a single-bay Car Wash Ancillary to a Convenience Food & Beverage Store.  
Contractors and Builders, Group I  
Convenience Food and Beverage Shop - Limited to one for the entire Planned Development.  
Consumption on Premises - Indoor and Outdoor - See Conditions.  
Day Care Center, Child and Adult  
Drive Through for any permitted use  
Drugstore, Pharmacy  
EMS, Fire or Sheriff's Station  
Essential Services  
Essential Service Facilities, Group I  
Excavation, Water Retention - No Blasting. Not to include removal of excavated material from site.  
Fences, Walls  
Florist Shop  
Food Store, Group I.- not including Supermarkets  
Hobby, Toy and Game Shops  
Hotel/Motel - Maximum 120 rooms for the entire CPD.  
Household and Office Furnishings, Groups I and II. No outdoor display or sales.  
Insurance Companies  
Laundry and Dry Cleaners, Group I  
Medical Office

Non-store Retailers, all Groups  
 Parcel and Express Services  
 Parking Lot, Accessory  
 Personal Services, Groups I, II, III and IV. Excluding Massage Parlors, Steam  
 or Turkish Baths, Dating Services, Escort Services, Palm Readers,  
 Fortune Tellers, Card Readers, Tattoo Parlors.  
 Pet Services, Pet Shops - Indoor Only, No Outdoor Runs  
 Real Estate Sales Office  
 Repair Shop, Groups I, II and III  
 Restaurant, Fast Food - limited to two stand-alone for the entire CPD. Other  
 Fast Food Establishments may be part of a multi-occupancy building or  
 as an Accessory Use within a Convenience Food and Beverage Store.  
 Restaurant, Groups I, II and III  
 Self Service Fuel Pumps - Limited to 16 in conjunction with a Convenience Food  
 & Beverage Store Only.  
 Signs, in accordance with Ch. 30  
 Storage, Indoor Only  
 Temporary Uses  
 Used Merchandise Stores, Groups I and II - No Pawn Shops  
 Variety Stores

b. Site Development Regulations

**OUTPARCELS 1-7; ANCHOR PARCEL; TRACTS 1 AND 2**

Minimum Lot Area and Dimensions

Lot Size:	20,000 square feet
Lot Width:	100 feet
Lot Depth	100 feet

Minimum Setbacks

Street (Daniels Parkway)	40 feet
(Treeline Avenue)	25 feet
Internal Street	20 feet
Side	10 feet
Rear	25 feet
Water Body	25 feet (20 feet for accessory uses)

Accessory Uses:	Per the LDC (20 feet for water bodies, whichever is greater)
-----------------	--

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

Minimum Perimeter Setbacks      25 feet

Maximum Lot Coverage:              40 percent

Maximum Building Height:

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

ANCHOR PARCEL      45 feet/3 stories - 75 feet/6 stories for hotel/motel use only.

TRACT 1              45 feet/3 stories - no hotel.

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

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

Maximum Lot Coverage: 40 percent

3. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).
4. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.
5. Approval of this rezoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
6. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
7. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

8. No agricultural uses are existing on site and none are approved by virtue of this rezoning.

The Master Concept Plan (and Alternative Master Concept Plan) must be adjusted to show no "AG-2" notations.

9. Enhanced Buffer:

The development order plans must be revised to include a minimum 20-foot wide right-of-way buffer along Daniels Parkway and Treeline Avenue. The buffer must include a double staggered hedge of native shrubs (minimum 3 gallon container size, 3 feet height at planting, maintained at a minimum of 4 feet high). All shrubs must create a continuous visual screen within 1 year after time of planting. A minimum of 10 native trees per 100 linear feet (minimum 10-foot height at planting) are required. At a minimum, 1/2 of the buffer trees must be canopy-type trees. No more than 1/2 of the required buffer trees may be native palms.

10. Consumption on Premises:

- a. Consumption on premises (indoor and outdoor) is permitted only in conjunction with a Group III Restaurant or Hotel/Motel use.
- b. The hours of operation for outdoor consumption on premises is limited to between noon and midnight daily. Indoor consumption on premises is limited from 7 a.m. to 2 a.m. daily.
- c. No sale, service or consumption of alcoholic beverages, in conjunction with a Group III Restaurant or hotel/motel, will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.
- d. Outdoor consumption on premises may only be approved by administrative amendment to the Planned Development. No public hearing is required. The applicant must provide adequate detail of the outdoor seating area (including 500-foot separation from parks and dwelling units under separate ownership) consistent with the requirements of the LDC.

11. Dewatering was not a requested use, nor is dewatering permitted as part of this planned development. Provided, however, dewatering in conjunction with utility installations may be permitted if specifically approved by the South Florida Water Management District and included as part of the local development order approval.

12. The alternative MCP is not approved as part of this planned development. No development orders will be issued for a building in excess of 100,000 square feet unless the MCP is amended through the public hearing process. As part of the amendment

application, the developer must submit proposed building elevations in support of the proposed amendment in addition to the requirements of LDC §34-373(a)(6).

13. Wireless Communication Facilities/height:

- a. Freestanding wireless communication facilities (tower, including stealth type) are prohibited. However, other wireless communication facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC §34-1441, *et seq.*
  - b. Due to the proximity to the airport runways, buildings in excess of 45 feet in height, including wireless communication facilities, may only be approved if after review by the Federal Aviation Administration and the Lee County Port Authority, they are found not to be an obstruction to air traffic.
  - c. The proposed development will be subject to the provisions of the Lee County LDC §34-1008 "Permit for Tall Structures." Depending on the height and location of the proposed structures, an application may need to be submitted for review and approval to the Federal Aviation Administration (FAA) and the Lee County Port Authority to determine airspace impacts of proposed permanent buildings, wireless communication facilities, and any temporary construction equipment (cranes) within the site.
  - d. Federal Communication Commission review will be required for any wireless communication facilities to ensure that signals from the wireless communication facilities do not interfere with navigation aids and radar at the Lee County Port Authority (and airport).
14. No single-family or multi-family residential development has been requested or approved as part of this rezoning request. Residential uses are not permitted in the General Interchange Future Land Use category.
15. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.
16. Prior to local development order approval, the landscape plan must demonstrate that 30 percent or 24.14 acres of open space is provided for this project with a minimum 10 percent open space on each lot.
17. Prior to local development order approval, all development plans must delineate 11.29 acres of indigenous preservation.

18. Prior to local development order approval, all development order plans must include shorelines that are sloped or bermed to direct stormwater through pretreatment systems or swales prior to discharge into the lake. The minimum required number of native wetland herbaceous plants is one plant per linear foot of lake shoreline measured at the control elevation water level. Native wetland trees or shrubs may be substituted for up to 50 percent of the total number of herbaceous plants required. One tree (minimum four foot height; three gallon container size at planting) or one shrub (minimum 24-inch height; three gallon container size at planting) may be substituted for ten herbaceous plants. Plants must be installed around the lake perimeter and clustered around inlet and outfall areas. Clusters must contain a minimum of 25 plants within a 50 square foot area. At least four herbaceous wetland species must be planted with a minimum two inch liner container size. Trees and shrubs must meet the minimum standards per LDC §10-420. All trees proposed in the Deep Lake Management Plan must be included along with littoral zone plantings and must be appropriately clumped.
19. Prior to local development order approval, development order plans must delineate appropriate native herbaceous vegetation with a minimum one-gallon container size planted on three-foot centers for the 0.9 acres of dry detention. For each 400 square feet of dry detention area or drainage swale planted with the appropriate native herbaceous vegetation (minimum one-gallon container size planted three-foot on the center) the general tree requirement may be reduced by one 10-foot tree per LDC §10-418(4). The number of trees that are reduced by meeting this requirement must also be included on the development order plans.
20. Removal of material excavated from the subject property is prohibited. This includes material excavated from the proposed lake expansion.

#### SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-329(d)(3)b requirement that water retention or detention ponds proposed to be greater than 20 feet in depth be approved as a planned development rezoning deviation or as a condition of a zoning special exception, to allow additional excavation of the existing borrow pit to be a depth of  $\pm 35$  feet, or to the confining layer. This deviation is APPROVED, SUBJECT TO the following conditions:
  - a. The applicant must comply with the terms and conditions of the Arborwood Village CPD Lake Management Plan attached as Exhibit D.
  - b. Removal of material excavated from the subject site is prohibited. All fill removed from the excavation must be used on site.
  - c. No blasting will occur incident to the excavation of the borrow pit.

- d. Prior to approval of a local development order, a Deep Lake Management Plan must be reviewed and approved by Environmental Sciences and Natural Resources staff. The plan must include monitoring for water quality and groundwater levels using a minimum of four wells (one at each corner) and require developer to monitor wells for at least three years after a County Certificate of Compliance is issued for the lake.
- 2. Deviation (2) seeks relief from the LDC §10-285(a) Table 1 requirement that the centerline intersection separation distance along a roadway classified as an arterial be 660', to allow reduced distances as shown on the Master Concept Plan (+/- 595 on Treeline). This deviation is APPROVED.
- 3. Deviation (3) withdrawn.
- 4. Deviation (4) seeks relief from the LDC §30-153(2)a.4 requirement that identification signs be set back a minimum of 15 feet from any street right of way and ten feet from any property line, to allow an identification sign to be placed 7.5 feet from the western property line so long as they are outside of the visibility triangle per LDC §30-93(a). This deviation is APPROVED, SUBJECT TO the following conditions:
  - a. All signage must otherwise be in compliance with the Lee County LDC.
  - b. All signage must be consistent with the "Proposed Project Signage Plan," date stamped "Received July 26, 2006 Permit Counter," attached as Exhibit E.
  - c. Signs must be consistent with the overall architectural theme of the development.
- 5. Deviation (5) seeks relief from the LDC §30-153(3) requirement that individual office, business or industrial establishments, and multi-occupancy complexes of five or less establishments be allowed one ground-mounted sign, to allow a ground-mounted overall project identification sign and an individual ground-mounted sign on out parcels 1 and 7. This deviation is APPROVED, SUBJECT TO the following conditions:
  - a. The separation between the individual signs on the out parcels will be a minimum of 100 feet.
  - b. Signs must be consistent with the overall architectural theme of the development.
  - c. All signs must be consistent with the "Proposed Project Signage Plan," date stamped "Received July 26, 2006 Permit Counter," attached as Exhibit E.
  - d. All signage must otherwise be in compliance with the Lee County LDC, including, but not limited to, Chapter 30.

#### SECTION D. EXHIBITS AND STRAP NUMBER:

The following exhibits are attached to this resolution and incorporated by reference:

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Arborwood Village CPD Lake Management Plan
- Exhibit E: Proposed Project Signage Plan

The applicant has indicated that the STRAP number for the subject property is: 23-45-25-00-00001.0000, 23-45-25-00-00001.0010, 23-45-25-00-00001.0020, 23-45-25-00-00001.0030.

#### SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
  - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,
  - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
  - c. is compatible with existing or planned uses in the surrounding area; and,
  - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
  - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
  - a. the proposed use or mix of uses is appropriate at the subject location; and
  - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
  - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.



4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

Robert P. Janes	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 16<sup>th</sup> day of October 2006.

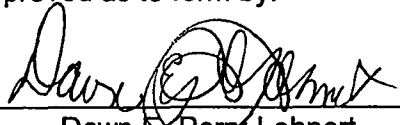
ATTEST:  
CHARLIE GREEN, CLERK

BY:   
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY:   
Tammara Hall  
Chairwoman

Approved as to form by:

  
Dawn E. Perry-Lehnert  
County Attorney's Office



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MINUTES OFFICE

2006 NOV 14 PM 5:24



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

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

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

CONTAINING 68.25 ACRES, MORE OR LESS.

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

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

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

Signed: \_\_\_\_\_

Date: 5/4/06

DCI 2006-00005

Exhibit A  
Page 1 of 2

# SKETCH

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

## CURVE TABLE

NO.	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
1	1137.50'	14°31'03"	288.22'	287.45'	S.06°13'31"W
2	1262.50'	09°39'34"	212.84'	212.59'	S.08°38'18"W
3	1273.50'	14°23'18"	319.81'	318.97'	S.05°43'28"E
4	130.00'	55°45'57"	28.20'	28.06'	S.40°48'08"E
5	1137.50'	09°41'01"	192.25'	192.02'	S.05°51'55"E

DCI 2006-00005

TREELINE AVENUE (WIDTH VARIES)

VISION LANE

DANIELS ROAD

WEST LINE OF SECTION 23

STATE REST AREA

UNPLATED

22-45-25-00-00008.0000

23-45-25-00-00001.0020

23-45-25-00-00001.0010

23-45-25-00-00001.0030

23-45-25-00-00001.0000

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23-45-25-00-00001.0000

DANTREE COMMERCIAL/LAKE SITE

SKETCH

METRON

SURVEYING & MAPPING, LLC

LAND SURVEYORS - FLORIDA

1334 701

10070 S. DANTREE AVENUE

PORT WORTH, FLORIDA 33067

TEL: (305) 451-9000

FAX: (305) 451-9000

WWW.METRONFLA.COM

DATE: 5/4/06

THIS IS NOT A SURVEY

NOT A SURVEY

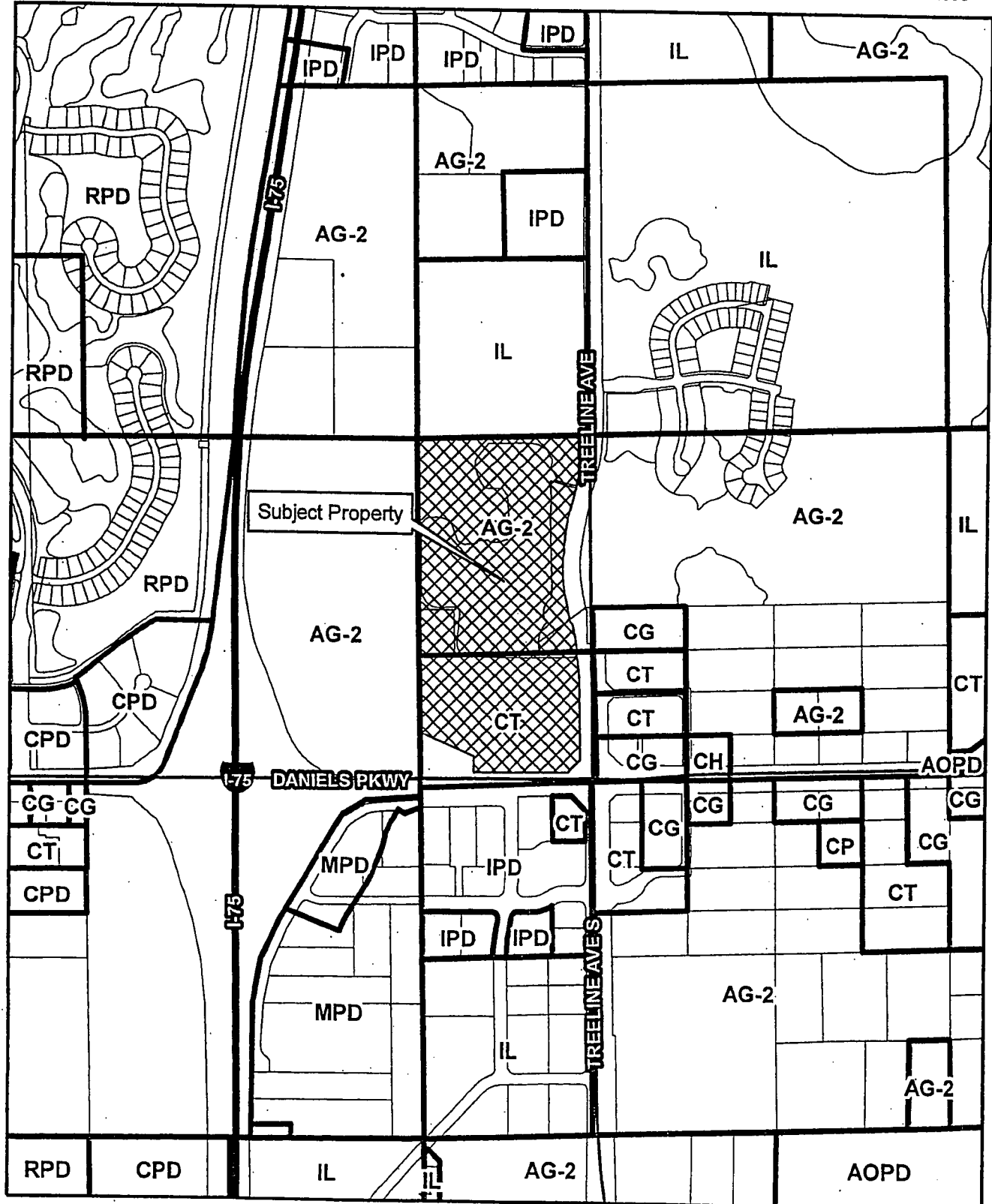
NOT A SURVEY

NOT A SURVEY

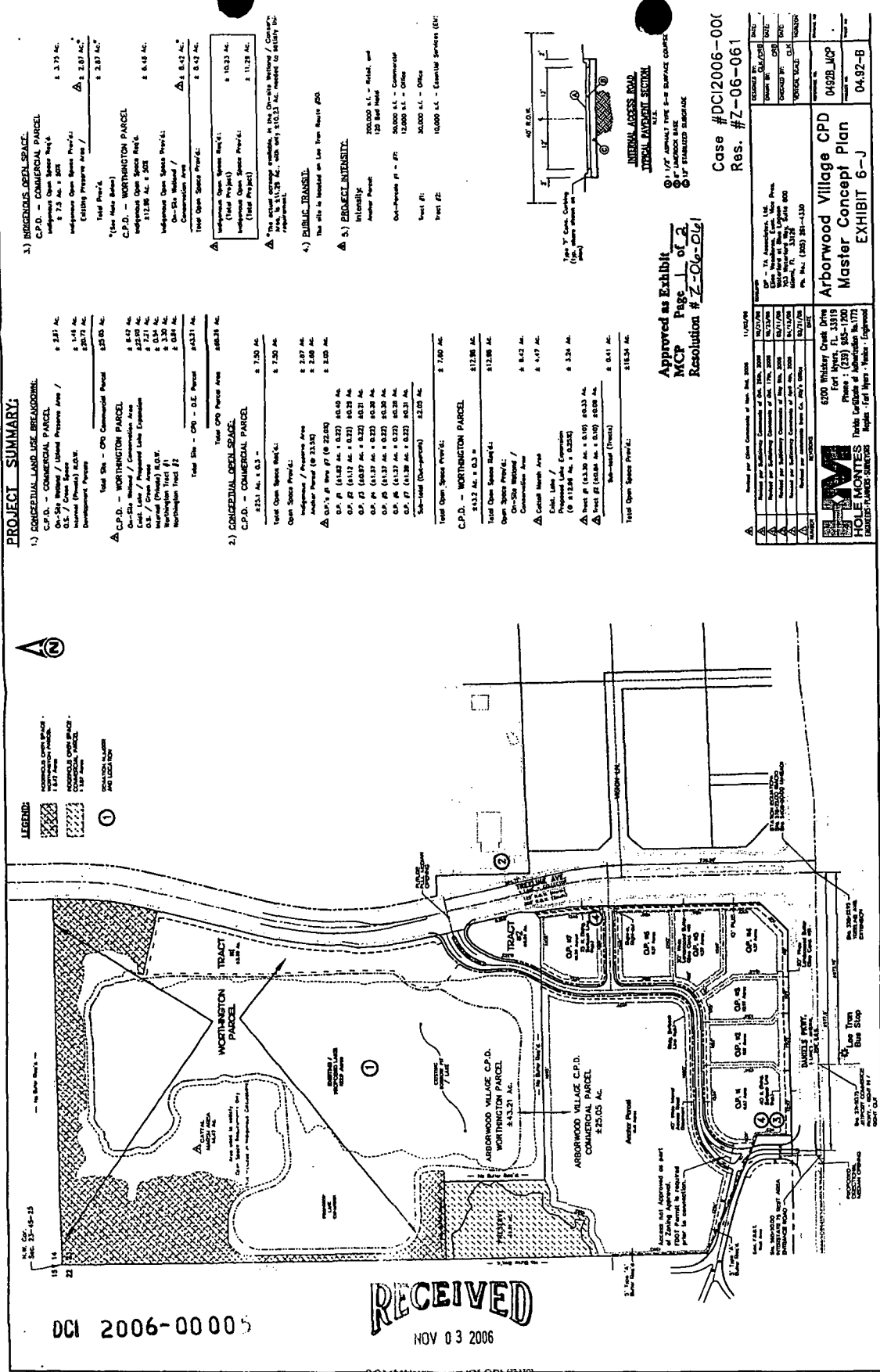
NOT A SURVEY

## Zoning Map

6/14/2006



1,300 650 0 1,300 2,600 Feet



**PROJECT SUMMARY:**

1. CONCEPTUAL LAND USE BREAKDOWN:  
 C.P.D. - COMMERCIAL PARCEL  
 C.P.D. - NORTHINGTON PARCEL  
 C.P.D. - ARBORWOOD VILLAGE C.P.D.  
 C.P.D. - COMMERCIAL PARCEL

**2. CONCEPTUAL OPEN SPACE:**

C.P.D. - COMMERCIAL PARCEL  
 C.P.D. - NORTHINGTON PARCEL  
 C.P.D. - ARBORWOOD VILLAGE C.P.D.  
 C.P.D. - COMMERCIAL PARCEL

**3. PROJECT INTENSITY:**

Intensity  
 Intensity  
 Intensity  
 Intensity

**4. PUBLIC TRANSIT:**

The site is located on Line Ten, Route 620.  
 The site is located on Line Ten, Route 620.  
 The site is located on Line Ten, Route 620.  
 The site is located on Line Ten, Route 620.

**5. PROJECT ACCESS ROAD:**

INTERNAL ACCESS ROAD  
 INTERNAL ACCESS ROAD  
 INTERNAL ACCESS ROAD  
 INTERNAL ACCESS ROAD

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Approved as Exhibit  
 MCP Page 1 of 2  
 Resolution # Z-06-0161

Case #DCI2006-000  
 Res. #Z-06-061

NO.	DESCRIPTION	DATE	BY	FOR
1	PRELIMINARY	11/03/06	DCI	FOR
2	REVISION	11/03/06	DCI	FOR
3	REVISION	11/03/06	DCI	FOR
4	REVISION	11/03/06	DCI	FOR
5	REVISION	11/03/06	DCI	FOR
6	REVISION	11/03/06	DCI	FOR
7	REVISION	11/03/06	DCI	FOR
8	REVISION	11/03/06	DCI	FOR
9	REVISION	11/03/06	DCI	FOR
10	REVISION	11/03/06	DCI	FOR



HOLE MONTES  
 6000 Whiskey Creek Drive  
 Fort Myers, FL 33919  
 Phone: (239) 935-1700  
 Fax: (239) 935-1701  
 Email: info@holemontes.com  
 Website: www.holemontes.com

Arborwood Village CPD  
 Master Concept Plan  
 EXHIBIT 6-J  
 04.92-B



# **ARBORWOOD VILLAGE CPD**

## **General Background**

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

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

## **LAKE MANAGEMENT PLAN**

### **Introduction**

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

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

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

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Exhibit D  
Page 1 of 3

001 2006-00005

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

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

### **Financial Management of Lakes**

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

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

### **Lake circulation**

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

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

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

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

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Exhibit D  
Page 2 of 3

DCI 2006-00005



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

### **Vegetation Planting**

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

### **Vertical Stratification**

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

#### **Aeration diffusers**

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

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

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

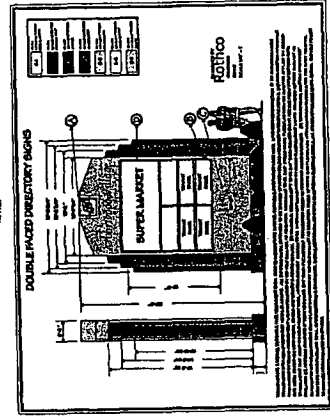
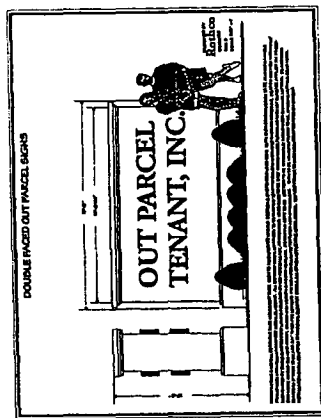
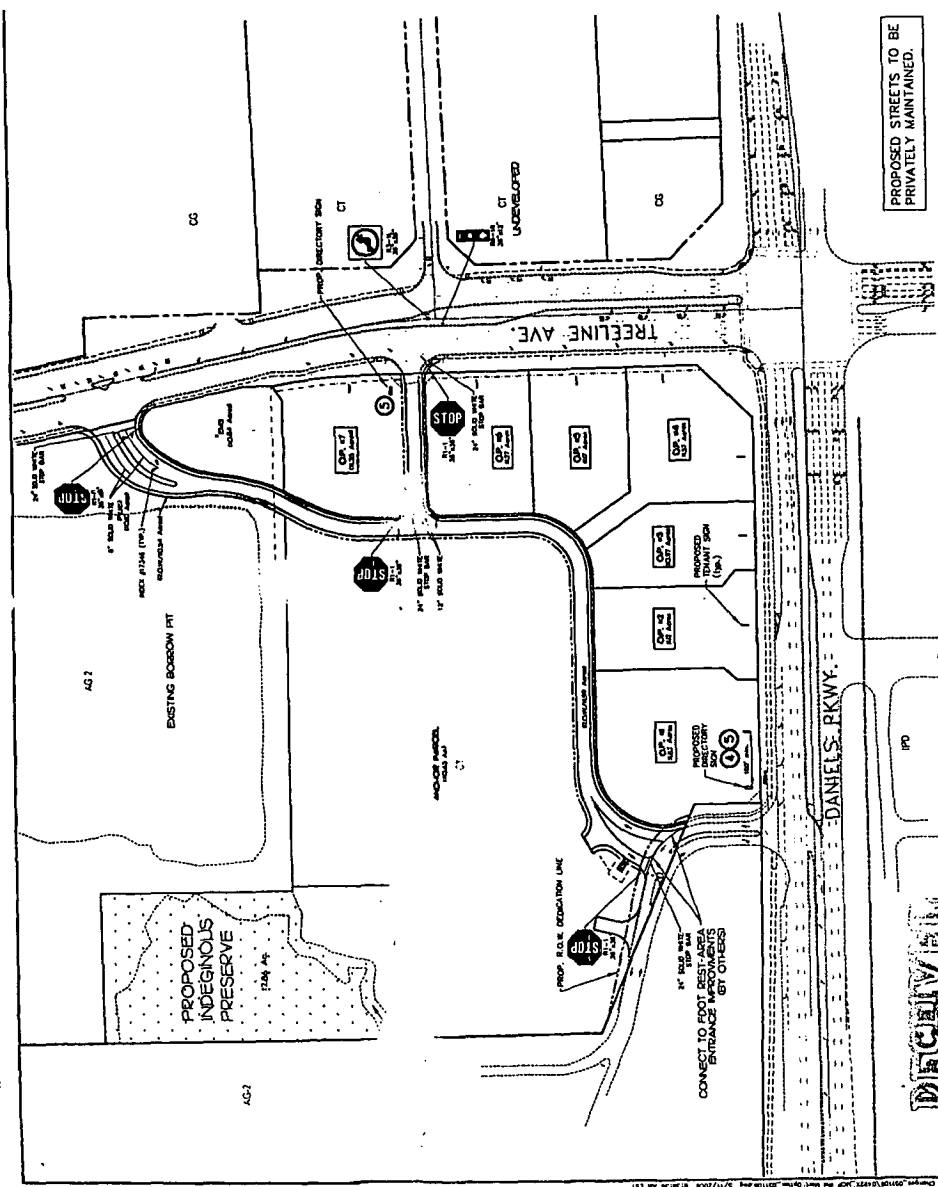
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Exhibit D  
Page 3 of 3

**LEGEND**

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



**PROPOSED PROJECT DIRECTORY SIGNS**

DCI 2006-00005

PROPOSED STREETS TO BE PRIVATELY MAINTAINED.

**RECEIVED**  
JUL 26 2006

PERMIT COUNTER

ARBORWOOD VILLAGE CPD		PROPOSED PROJECT SIGNAGE PLAN		PROJECT NO. 04928_PSP	DATE 04.92-8
6200 Wilshire Blvd. Suite 1000 Los Angeles, CA 90048 Phone: (310) 555-1200 Florida Certificate of Authorization No. 1772 Regular - Fort Myers - Venice - Englewood		<b>H&amp;M</b> HOLE MONTE EXPERT HANDS SERVING		6200 Wilshire Blvd. Suite 1000 Los Angeles, CA 90048 Phone: (310) 555-1200 Florida Certificate of Authorization No. 1772 Regular - Fort Myers - Venice - Englewood	
DESIGNED BY	CHECKED BY	DATE	SCALE	1" = 200'	
PROJECT NO.	CLIENT NO.	PROJECT NAME	PROJECT LOCATION		
PROJECT ADDRESS	PROJECT CITY	PROJECT STATE	PROJECT ZIP		
PROJECT CONTACT	PROJECT PHONE	PROJECT FAX	PROJECT EMAIL		
PROJECT DESCRIPTION					

ADMINISTRATIVE AMENDMENT  
LEE COUNTY, FLORIDA

WHEREAS, Worthington Holdings Southwest, LLC filed an application for administrative approval to a Commercial Planned Development (CPD) on a project known as Arborwood Village CPD (Worthington Parcel) **for reconfiguration of a lake and Tract #1** on property located at Arborwood Village, described more particularly as:

LEGAL DESCRIPTION: In Section 23, Township 45 South, Range 25 East, Lee County, Florida:

*See Legal Description and Sketch attached hereto as Exhibit "A".*

WHEREAS, the property was originally rezoned in case number DCI2006-00005 (Res. Z-06-061); and

WHEREAS, the subject property is located in the General Interchange Future Land Use Category as designated by the Lee Plan ; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans; and

WHEREAS, Arborwood CPD (Z-06-061) was approved with a maximum of 302,000 square feet of office and /or retail uses and up to 120 hotel rooms; and

WHEREAS, this rezoning was approved with a Deviation from LDC Sec. 10-329(d)(3)b. allowing for a 35-foot deep lake with conditions; and

WHEREAS, the applicant is seeking a reconfiguration of the proposed lake from +/- 22.9 acres to +/- 17.87 acres; and

WHEREAS, the applicant is seeking a reconfiguration of Tract #1 from +/- 3.3 acres to +/- 10.98 acres; and

WHEREAS, the proposed changes are consistent with the approved conditions and deviations; and

WHEREAS, there are no proposed changes south of the lake and Tract #1; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, these proposed changes were reviewed by the Environmental Sciences Division and the Department of Natural Resources; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

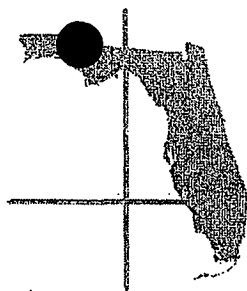
NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to for an amendment to a Commercial Planned Development to reconfigure a lake and Tract #1 is **APPROVED** subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, dated NOV. 07. 2007. Master Concept Plan for ADD2007-00199 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
2. **Prior to local development order approval, the landscape plans must demonstrate that 24.97 acres of open space is provided for the overall project with a minimum ten percent (10%) open space on each tract/parcel.**
3. **Prior to the release of the Treeline Avenue DOS2004-00262 bonding, a minor change must be submitted by the applicant and approved by the Division of Environmental Sciences for the 17.87 acre deep lake management plan as required per Land Development Code Section 10-329.**
4. **The terms and conditions of the original zoning resolutions remain in full force and effect.**

DULY SIGNED this 3rd day of December, A.D., 2007.

BY: 

Pam Houck, Director  
Division of Zoning  
Department of Community Development



# METRON

SURVEYING & MAPPING, LLC

LAND SURVEYORS • PLANNERS

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

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

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

CONTAINING 68.25 ACRES, MORE OR LESS.

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

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

**Certification for Description**

Surveyor and Mapper in Responsible Charge:

Denis J. O'Connell, Jr., LS #5430

Metron Surveying & Mapping, LLC, LB #7071

10970 S. Cleveland Avenue, Suite 605

Fort Myers, FL 33907

Applicant's Legal Checker

by CS

11-14-07

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NOV 13 2007

Signed: 

Date: 5/4/06

**PERMIT COUNTER**

**ADD 2007-00199**

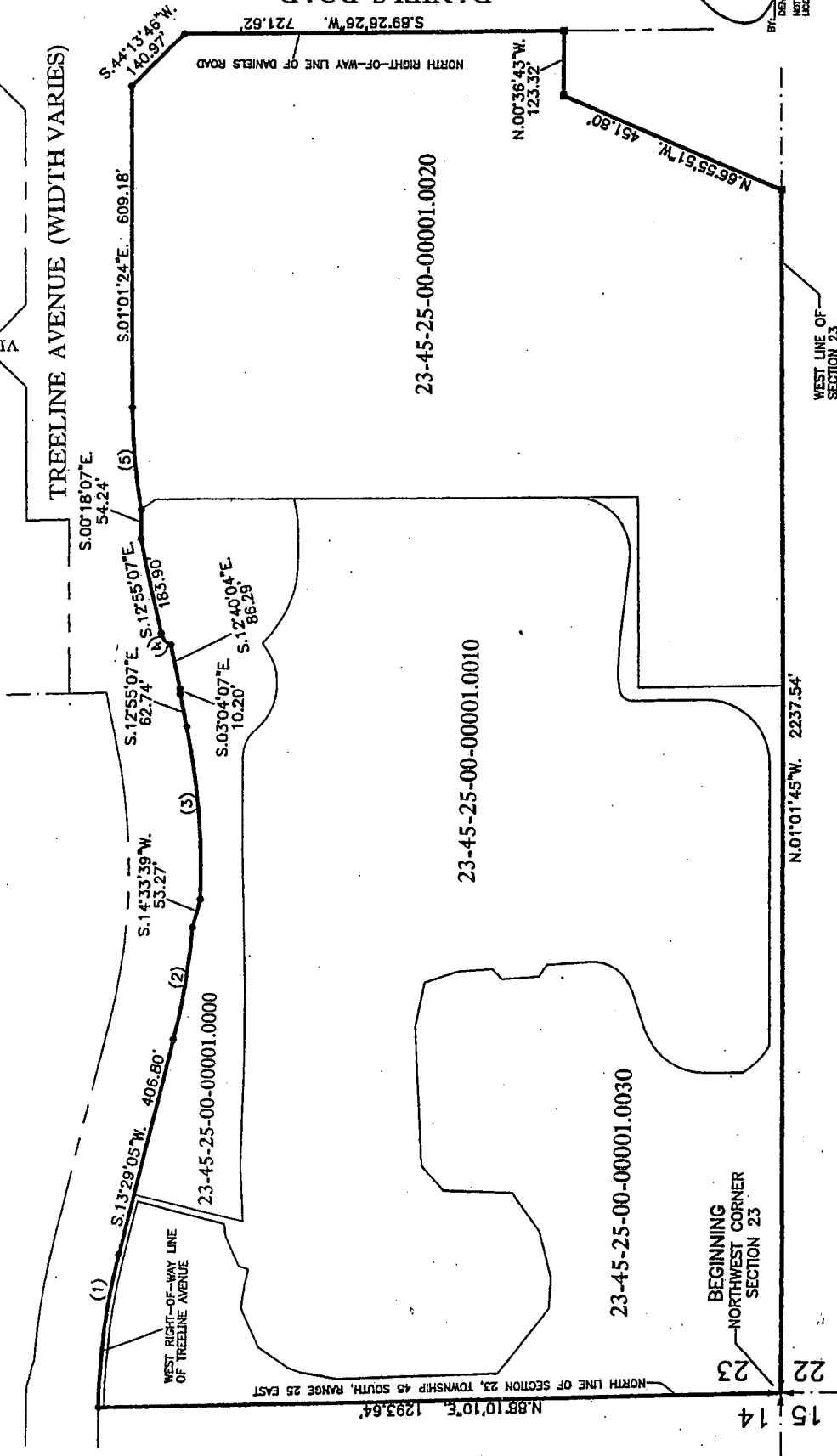


# SKETCH

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

CURVE TABLE

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



Applicant's Legal Checked  
by CST 14 Nov 2007  
NOV 13 2007  
PERMIT NUMBER  
ADD 2007-00199

DANIELS ROAD

THIS IS NOT A SURVEY  
DENTON & ASSOCIATES, L.L.C.  
10070 S. CLEVELAND AVENUE  
SUITE 200  
FORT MYERS, FLORIDA 33907  
PHONE (813) 276-4576  
FAX (813) 276-4607  
www.dentonllc.com

**DANTREE COMMERCIAL/LAKE SITE**

**SKETCH**

**METRON**  
SURVEYING & MAPPING, LLC  
LAND SURVEYORS-PLANNERS  
1287 7071

10070 S. CLEVELAND AVENUE  
SUITE 200  
FORT MYERS, FLORIDA 33907  
PHONE (813) 276-4576  
FAX (813) 276-4607  
www.metronllc.com

FILE NAME: 9308SK.DWG  
PLOT NO.: 9308  
SHEET: 1 OF 1  
DATE: 05-04-2008  
DRAWN BY: DJD  
CHECKED BY: DJD  
SCALE: 1"=100'  
JOB NO.: 23-45-25



**ARBORWOOD VILLAGE CPD**

**PROPOSED REVISIONS - SECTION B. CONDITIONS**

a. Schedule of Uses (No New Uses w/in CPD)

**OUTPARCELS 1 THROUGH 7 – No Changes**

**ANCHOR PARCEL – No Changes**

**TRACT #1**

~~Accessory Uses~~  
~~Administrative Offices~~  
~~Business Services, Group I – excluding Bail Bonding~~  
~~Essential Services~~  
~~Essential Service Facilities, Group I~~  
~~Excavation, Water Retention – No Blasting. Not to include removal of excavated material from site.~~  
~~Fences, Walls~~  
~~Parks, Group I~~  
~~Parking Lot, Accessory~~  
~~Recreation Facilities, Commercial – Group III~~  
~~Signs, in accordance with Ch. 30~~  
~~Temporary Uses~~

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**TRACTS #1 & #2 (10.98 Ac. Commercial Parcel and 0.85 Ac. EMS Parcel)**

Accessory Uses  
Administrative Offices  
Automatic Teller Machine  
Auto Parts Store  
Automobile Repair and Service, Group I - Limited to one for the entire CPD  
Banks and Financial Establishments, Groups I and II  
Business Services, Groups I and II - excluding Bail Bonding, Armored Car Services, and Automobile Repossessing Services  
Car Wash, limited to one for the entire Commercial Planned Development. No Full Service Car Washes. Only permitted for a single-bay Car Wash Ancillary to a Convenience Food & Beverage Store.

Clothing Stores

Contractors and Builders, Group I  
Convenience Food and Beverage Shop - Limited to one for the entire Planned Development.  
Consumption on Premises - Indoor and Outdoor - See Conditions.  
Day Care Center, Child and Adult

Department Store

Drive Through for any permitted use  
Drugstore, Pharmacy  
EMS, Fire or Sheriffs Station

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Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention - No Blasting. Not to include removal of excavated material from site.

Fences, Walls

Florist Shop

Food Store, Group I - not including Supermarkets

Hardware Store

Hobby, Toy and Game Shops

Hotel/Motel- Maximum 120 rooms for the entire CPD.

Household and Office Furnishings, Groups I and II. No outdoor display or sales.

Insurance Companies

Laundry and Dry Cleaners, Group I

Lawn and Garden Stores

Medical Office

Non-store Retailers, all Groups

Package Store, permitted in a multi-occupancy building. One stand-alone Package Store permitted on the entire Planned Development.

Paint, Glass and Wallpaper

Parcel and Express Services

Parking Lot, Accessory

Parks, Group I

Personal Services, Groups I, II, III and IV. Excluding Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.

Pet Services, Pet Shops - Indoor Only, No Outdoor Runs

Real Estate Sales Office

Recreation Facilities, Commercial – Group III

Rental and Leasing Establishments, Groups II and III

Repair Shop, Groups I, II and III

Restaurant, Fast Food - Limited to two stand-alone for the entire CPD. Other Fast Food Establishments may be part of a multi-occupancy building or as an Accessory Use within a Convenience Food and Beverage Store.

Restaurant, Groups I, II, ~~and III~~ and IV

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

Self Service Fuel Pumps - Limited to 16 in conjunction with a Convenience Food & Beverage Store Only.

Signs, in accordance with Ch. 30

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

Storage, Indoor Only

Temporary Uses

Theater, Indoor

Used Merchandise Stores, Groups I and II - No Pawn Shops

Variety Stores

Vehicle and Equipment Dealer, Group II only - 10,000 square feet of Outdoor Display Area only.

b. Site Development Regulations

Maximum Building Height:

| Tract 1      45 feet/3 stories – 75 feet/ 6 stories for hotel/motel and office uses only.

# DAVID PLUMMER & ASSOCIATES

TRANSPORTATION • CIVIL • STRUCTURAL • ENVIRONMENTAL

1531 HENDRY STREET, FORT MYERS, FLORIDA 33901  
239 332-2617 • FAX 239 332-2645 • DPA@DPLUMMER.COM  
#07551

## Arborwood Village CPD

Resolution No. Z-06-061 (DCI2006-00005)

## Land Use Conversions

### Project Location:

Northwest quadrant of the intersection of Daniels Parkway and Treeline Avenue, Lee County, Florida.

### Assumptions:

Actual uses and sizes not known, use ITE Trip Generation, 7<sup>th</sup> Edition, average trip rates.

#### Retail:

Trip Rate: 3.75 / 1000 sq.ft.

Pass-by: 25%

Adjusted: 2.81 / 1000 sq.ft.

#### General Office:

Trip Rate: 1.49 / 1000 sq.ft.

#### Medical Office:

Trip Rate: 3.72 / 1000 sq.ft.

#### Hotel:

Trip Rate: 0.70 / occupied room

### Calculation:

#### Retail to:

General Office =  $2.81/1.49 = 1.886 = 1,800$  sq.ft.

Medical Office =  $2.81/3.72 = .755 = 750$  sq.ft.

#### General Office to:

Retail =  $1.49/2.81 = .530 = 550$  sq.ft.

Medical Office =  $1.49/3.72 = .401 = 400$  sq.ft.

#### Hotel to:

Retail =  $.70/2.81 = .249 = 250$  sq.ft.

General Office =  $.70/1.49 = .470 = 470$  sq.ft.

Medical Office =  $.70/3.72 = .188 = 200$  sq.ft.

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