M E M O R A N D U M
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER

DATE: May 23, 2025

TO: Board of County Commissioners **FROM: Donna Marie Collins**
Lee County Chief Hearing Examiner

RE: ARTHREX AT PLANTATION
Hearing Examiner Recommendation

Chief Hearing Examiner Donna Marie Collins has rendered a Recommendation on the following zoning request:

ARTHREX AT PLANTATION

DCI2024-00034

HEARD: May 22, 2025

The Zoning Section of the Department of Community Development will schedule a final hearing before the Board in the coming weeks.

cc: Michael Jacob, Esq. / County Attorney's Office
Joseph Adams, Esq. / County Attorney's Office
Anthony Rodriguez, AICP / Zoning Section
Chahram Badamtchian / Zoning Section
Warren Baucom / Economic Development
Phil Gillogly / Natural Resources
Tracy Toussaint / Community Development
Applicant(s) & Representative(s)
Other Interested Parties

Summary of Hearing Examiner Recommendation

ARTHREX AT PLANTATION

The request seeks to rezone two parcels comprised of 37.7± acres from Industrial Planned Development (IPD) and Residential Planned Development (RPD) to Mixed-Use Planned Development (MPD) to allow:

> Scenario A: 510,000 square feet industrial uses, 5,000 square feet medical office, and 105,000 square feet of general office, or 80,000 square feet of retail commercial and general office; or
>
> Scenario B: 464 multiple-family residential dwelling units, including 168 Bonus Density Units, and 30,000 square feet of retail commercial/general office uses. [1]

The purpose of the alternative development scenarios is to afford maximum flexibility to respond to future market demand.

The property is in the Intensive Development Future Land Use category, which permits the most intense development possible under the Lee Plan. These areas are suited for intense development patterns.

The site is also located within a Mixed Use Overlay. The Overlay is desirable for mixed-use development due to the proximity of public transit, shopping, and employment centers.

The Hearing Examiner recommends approval with conditions.

Detailed recommendation follows

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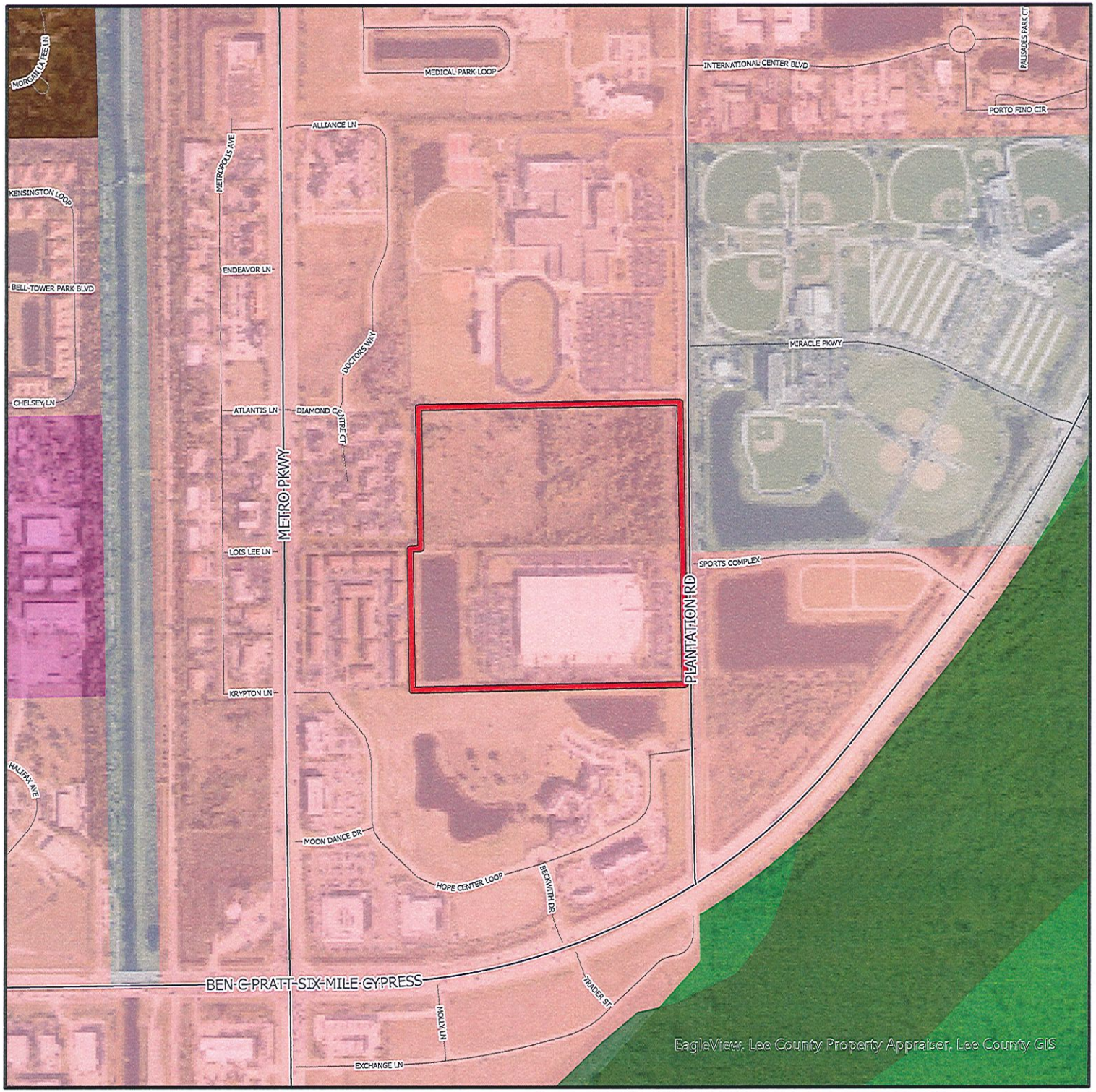
[1] Bonus density means an increase in density above the standard range permitted by the Lee Plan. Density bonus may be achieved through the County's "Bonus Density Housing Program" and Transfer Development Rights (TDR) credits. Applicant intends to use a combination of both. LDC §2-143. Applicant's density request accounts for impacts to wetlands. Applicant will adjust the unit count if the formal jurisdictional wetland determination from the water management district indicates greater impacts than initially assumed.



DCI2024-00034

Future Land Use

- Subject Property
- Intensive Development
- Central Urban
- Industrial
- Public Facilities
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

N
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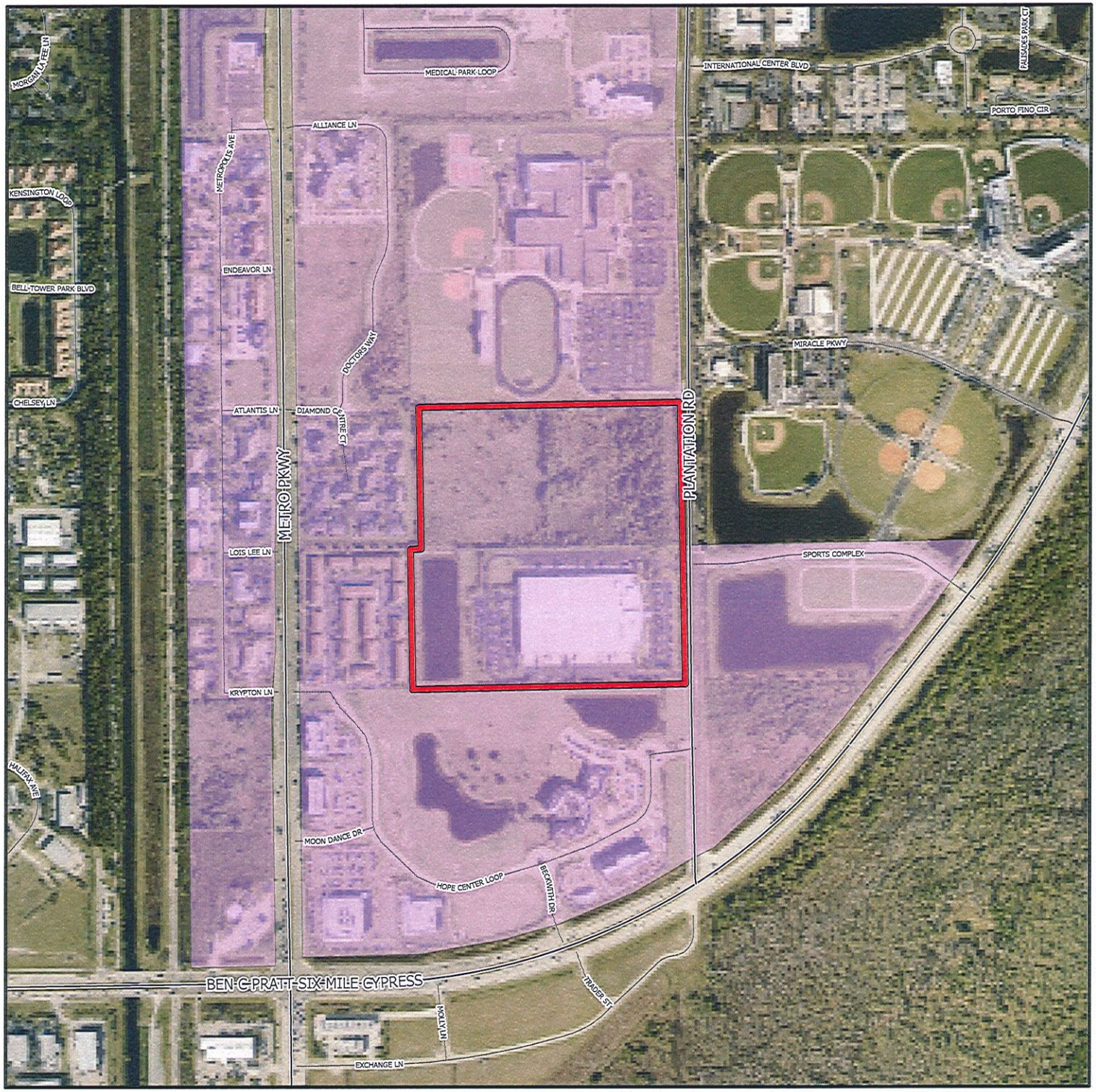
Lee County
Southwest Florida



DCI2024-00034

Mixed Use Overlay

Subject Property

Mixed Use Overlay

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Lee County
Southwest Florida



DCI2024-00034

Aerial

Subject Property

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Lee County
Southwest Florida

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2024-00034

Regarding: **ARTHREX AT PLANTATION**

Location: 14550 Plantation Road
South Fort Myers Planning Community
(District 2)

Hearing Date: May 22, 2025

I. Request

Rezone two parcels comprised of 37.7± acres from Industrial Planned Development (IPD) and Residential Planned Development (RPD) to Mixed-Use Planned Development (MPD) to allow:

Scenario A: 510,000 square feet industrial uses, 5,000 square feet medical office, and 105,000 square feet of general office or 80,000 square feet of retail commercial and general office; or

Scenario B: 464 multiple-family residential dwelling units, including 168 Bonus Density Units, and 30,000 square feet of retail commercial/general office uses.

Maximum building height will be 55 feet.

Staff recommended approval with conditions.

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to conditions.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.[2] In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to rezone property to the Mixed Use Planned Development District.

In preparing a recommendation, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), Land Development Code (LDC), and other regulations to facts presented at hearing. There must be substantial, competent evidence in the record to support the Hearing Examiner's recommendation to the Board.

Discussion supporting the recommendation of approval follows below.

History

The property is located in south Fort Myers on Plantation Road north of Six Mile Cypress Parkway. The Board rezoned the south 19.28 acres of the site to the IPD district in 2004.[3] The approval authorized development of 47,000 square feet office and 235,600 square feet private warehouse. Maximum approved building height was 50 feet above finished floor elevation. Existing site improvements on the south parcel include the Arthrex Logistics Center, a global distribution center.

In 2007, the Board rezoned the north 18.52 acres of the site to the RPD district, authorizing construction of 219 multi-family dwellings. [4] The north parcel is currently vacant and partially covered with vegetation.

Administrative amendments reduced required open space in 2004 and 2012.[5]

The request seeks to expand development parameters to respond to market demands.

Character of Area

The site is in the Intensive Development land use category, surrounded by property with existing development entitlements.[6] Gulf Coast Hospital has been the catalyst

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[2] LDC §34-145(d)(4)a.

[3] Z-03-071 approved February 16, 2004.

[4] Z-06-093 approved March 19, 2007.

[5] ADD 2004-00113 and ADD 2012-00115. The latter approval required Applicant to plant an additional 200 native wetland trees within the stormwater lake.

[6] Lee Plan Map 1-A: Future Land Use Map.

of development in the area, which includes medical and commercial offices, assisted living, multi-family residential, and a public high school.

Across Plantation Road is the Century Link Sports Complex and Gator Recreation MPD. The Gator Recreation MPD authorizes 90,000 square feet of commercial, office, and retail land uses, 70,000 square feet of commercial recreation, 250 hotel rooms, and 210 multi-family units. [7]

Lee Plan

The Lee Plan regulates land development activity in the County.[8] The Plan's Future Land Use Map divides the County into future urban, non-urban, and environmentally sensitive areas. Planned developments must be consistent with the Lee Plan.[9]

The property is in the Intensive Development Future Land Use category, the most intense under the Lee Plan. Intensive Development areas are located along major arterial roads with access to public services. Property classified Intensive Development is suited for intense development.[10]

The site is also within a Mixed Use Overlay.[11] Property in the Mixed Use Overlay is desirable for mixed use due to proximity to transit, residential, shopping, and employment centers. Much of Plantation Road and Metro Parkway Corridors lie within the Mixed Use Overlay.

The property is surrounded by a compact and contiguous development pattern comprised of light industrial, commercial, medical, residential, and public/civic uses.[12] Gulf Coast Hospital lies to the north at the intersection of Metro and Daniels Parkway. Commercial shopping centers are located at the intersections of Six Mile Cypress Parkway, U.S. 41, and Daniels Parkway. The requested development parameters are consistent with land uses in the area.[13]

A shared use path for pedestrians and cyclists runs the length of Plantation Road from Six Mile Cypress to Daniels Parkways, with a single hiatus. The hiatus lies

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[7] Z-23-017 (Gator Recreation MPD approved August 2, 2023). The resolution approving 210 dwelling units includes 111 bonus density units.

[8] LDC §34-491.

[9] Lee Plan Policy 2.1.2; LDC §§34-411(a), 34-491: Rezonings must be consistent with Lee Plan goals, objectives, and policies. Potential conflicts between the Lee Plan and the LDC must be resolved in favor of the Lee Plan.

[10] *See* Lee Plan Table 1(a).

[11] Lee Plan Map 1-C: Mixed Use Overlay established May 16, 2007, by Lee County Ordinance 07-15.

[12] The request constitutes infill development that continues existing development patterns along the Metro Parkway and Plantation Road corridors. Lee Plan Objectives 2.1, 2.2, Policies 2.2.2, 6.1.7, 11.2.6.

[13] Lee Plan Goal 11, Objectives 2.1, 2.2, 11.1,11.2, Policy 1.1.2.

along the frontage of the vacant north parcel of the subject request.[14] Lee Tran provides service along the Plantation Road corridor.[15]

The School Board anticipates the dwelling units proposed under Development Scenario B will generate 64 school aged children.[16] Designing the project to accommodate safe school bus access by children and bicycles is prudent since the project will generate a significant number of students.[17]

Applicant offered a condition to ensure project design accommodates safe school bus access at the time of development order permitting. Lee Plan directives require new residential developments to provide pedestrian and bicycle access for school children.[18] Conditioning project design *at the outset* reduces the likelihood of future design conflicts.[19]

Bonus Density

Standard density permits up to 14 dwelling units in the Intensive Development land use category.[20] Applicant proposes an additional 168 units using bonus density. Bonus density raises the potential unit count to 464 multifamily dwellings.

Density bonus is achievable through Affordable Housing Programs or Transfer of Development Rights.[21] The Affordable Housing Program allows bonus density via site built affordable housing or by contributing to the County's Affordable Housing Trust Fund. Transferable development units may be achieved from sending parcels located in the Greater Pine Island Planning Community, the Southeast Lee County DR/GR, or wetlands.

A transferable development unit is a dwelling unit severed from a sending parcel and transferred to a receiving parcel. Properties located outside the Coastal High Hazard Area are expressly preferred receiving areas for TDU credits. Greater Pine

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[14] Lee Plan Policies 39.6.4, 43.1.1, Lee Plan Map 3-D: Lee County Walkways & Bikeways.

[15] Lee Plan Policy 39.1.3.

[16] Staff Report Attachment H: Correspondence dated Aprill 22, 2025 from Jacqueline Heredia, District Planning Specialist, Lee County School District.

[17] Developing the site to provide safe access to school buses is consistent with the transportation and Community Facilities and Services elements of the Lee Plan. *See* Lee Plan Policies 39.3.2, 67.3.7, 68.3.7.

[18] Lee Plan Policy 67.3.7.

[19] In addition to Lee Plan directives in Policy 67.3.7, internal sidewalks connecting to future school bus stops will achieve Lee Plan directives for bicycle and pedestrian interface with transit. *See* Lee Plan Policies 43.1.1. (*Provide access for bicycle and pedestrian interface with transit by linking bicycle/pedestrian facilities with bus stops.*), 43.1.2.(*maintain efforts to provide construction of bus stop amenities*), 43.3.3. The site is in the heart of an emerging activity center evidenced by its proximity to the airport, university, and transit routes connecting residential, commercial, recreation, and educational facilities

[20] Intensive Development areas may develop up to 14 units per acre by right, with a maximum total density of 22 dwellings per acre. Maximum total density may be further increased to 30 dwellings per acre utilizing Greater Pine Island Transfer of Development Units. Lee Plan Policy 1.1.2.

[21] LDC Chapter 2 Article IV (Bonus Density), Division 2 (Bonus Density Program), and Division 3 (Transferable Development Units). *See* LDC §2-143(a). *See also* Lee County Administrative Code 13-5.

Island Transfer of Development Units provide the greatest bonus density, incentivizing growth on inland sites served by public services and infrastructure.[22]

Requests for bonus density must meet the following criteria:

(1) Additional traffic will not travel through areas with significantly lower densities to reach the nearest collector/arterial road. Record evidence confirms project traffic will directly access Plantation Road.
(2) Existing/committed public facilities are not so overwhelmed that a density increase would be contrary to public interest. Record evidence confirms there are adequate public services and infrastructure to serve the proposed number of units.
(3) Storm shelters or other mitigation are provided if the development is in a Coastal High Hazard Area. The property is not in the Coastal High Hazard Area.
(4) Resulting development will be compatible with existing/planned land uses in the area.[23]

Record evidence demonstrates the proposed MPD, including bonus density, meets stated criteria.[24]

Compatibility

The County evaluates compatibility during the zoning process.[25] Compatibility exists when land uses exist in proximity and no one use unduly negatively impacts another use.[26] Appropriate intensity is determined on a case-by-case basis in accordance with uses permitted by the Lee Plan and the nature of land uses surrounding the project.[27]

The Board has discretion to approve the rezoning with or without bonus density.[28] The Board also has discretion to approve less bonus density and impose reasonable conditions, if requested density is contrary to public health, safety, and welfare.[29]

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[22] Hereinafter, "TDUs." LDC §§ 2-151, 2-152. The County's land development regulations encourage increased densities in intense future land use categories outside coastal high hazard areas with access to services and infrastructure.
[23] *See* discussion on compatibility *infra*.
[24] Lee Plan Policy 11.2.6.
[25] LDC §34-145(d)(4).
[26] Florida Statutes s. 163.3164(9).
[27] LDC §34-413.
[28] LDC §2-147(b)(4).
[29] LDC §2-147(c).

Planned development zoning is a useful tool when integrating new development with surrounding land uses because it offers flexibility in site design to address potential incompatibilities with neighboring development.[30]

The property is ideally located for mixed use development.[31] Services and infrastructure are available to serve the property, including potable water, sewer, transit, medical facilities, libraries, schools, parks, law enforcement, fire, and emergency medical services.[32] The proposed development parameters are consistent with the Lee Plan, which encourages the County to direct high intensity land uses to parcels with access to transit.[33] A mixed use development comprised of industrial, commercial, and residential land uses is compatible with development patterns in the area.[34]

LDC

A planned development zoning district is a way to integrate development with surrounding land uses.[35] Planned developments further Lee Plan goals and provide flexibility in planning and design.[36]

Development must comply with County land development regulations or seek deviations. A "deviation" is a departure from a land development regulation.[37] An Applicant requesting relief from development standards must demonstrate the deviation enhances the planned development and will not cause a detriment to the public.[38]

The LDC requires the Hearing Examiner to approve, approve with modifications, or deny of a requested deviation based upon findings that the deviation (1) enhances the planned development and, (2) preserves/promotes public health, safety, and welfare.[39]

Applicant requests a single deviation from LDC buffer planting requirements within a 100 foot FPL easement. The Code requires five trees per 100 linear feet within a five foot wide area. Applicant seeks to replace required trees with a single hedge in the easement to avoid conflicts with FPL operations.[40]

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[30] LDC §34-612(2).
[31] Lee Plan Goal 11, Objectives 2.1, 2.2, 11.1, 11.2.
[32] Lee Plan Goal 66, Objectives 2.1 and 2.2.
[33] Lee Plan Policies 39.1.3, 39.2.1, 43.1.3. There are two transit stops in proximity to the property.
[34] Lee Plan Goals 5, 6, 11, Objectives 11.1, 11.2, Policies 6.1.7, 11.1.1, 11.1.2, 11.2.1, 11.2.6, 11.2.7, 39.1.3.
[35] LDC §34-612(2).
[36] LDC §§34-411(a), 34-612(2), Lee Plan Policy 2.1.2.
[37] LDC §34-2.
[38] LDC §34-373(a)(9).
[39] *Id.*
[40] The hedge would be planted at 24 inches in height and maintained at 48 inches in height.

Applicant offered testimony and evidence in support of the deviation.[41] Staff recommends approval, subject to submission of a Letter of No Objection from FPL.

The project will be subject to road, park, school, fire, and emergency medical services impact fees.[42]

Transportation

The Master Concept Plan (MCP) depicts two driveways to Plantation Road, a County maintained arterial roadway.[43] Staff and Applicant evaluated traffic impacts based on project buildout in 2028.

The request increases trip generation but does not adversely impact the surrounding road network.[44] The Traffic Impact Statement reveals affected roadways will operate at adopted levels of service.[45] The intersection of Plantation Road and Six Mile Cypress Parkway will operate below adopted levels of service at buildout, but this condition exists with and without the requested increase in development intensity.[46]

Applicant agrees to enter a Signalization Agreement with the County and other developers in the area to contribute a proportionate share of the cost of a signal at the intersection of Plantation Road and Six Mile Cypress Parkway.[47]

The County evaluates necessary site related improvements, including turn lanes, during development order review.[48]

Environmental

Applications to rezone property must not adversely affect environmentally critical areas and natural resources.[49]

There are no indigenous vegetative communities or protected species on the property.[50] Historically, there have been three wetland areas on the site. Applicants applied for a jurisdictional wetland determination from the South Florida Water Management District. If the District concludes State wetlands are present,

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[41] LDC §34-377(a)(4).
[42] LDC §2-261 *et seq.*, 2-301 *et seq.*, 2-341 *et seq.*, 2-381 *et seq.*
[43] Lee County Administrative Code 11-1. The MCP shows two driveways serving the property from Plantation Road. Plantation Road has a posted speed limit of 45 mph.
[44] Staff Report Attachment F: Arthrex at Plantation Transportation-Related Analysis Memorandum from Lili Wu, Senior Planner, dated March 325, 2025.
[45] Staff Report Attachment J: Traffic Impact Statement for Arthrex Logistics Center prepared by TR Transportation Consultants, Inc., revised January 27, 2025.
[46] *Id.*
[47] The County will determine timing of signal installation.
[48] Lee Plan Objective 39.1, Policy 39.1.1.
[49] LDC §34-145(d)(4)a.1.f).
[50] Staff Report Attachment E: Environmental Staff Report.

Applicants may be required to adjust density calculations to reflect appropriate density consistent with Lee Plan directives.[51] Applicant will mitigate wetland impacts offsite.

The LDC requires projects in the Mixed Use Overlay to provide 20% open space.[52] The MCP complies with this requirement.[53]

Applicant requests one deviation from LDC buffer requirements for the planted buffer within the 100 foot FPL easement on the east property line.

Public Infrastructure and Services

The Lee Plan requires evaluation of services and infrastructure during the zoning process.[54] Public services include services, facilities, capital improvements, and infrastructure necessary to support development.[55]

A broad range of services and infrastructure are available to serve the project Including: paved roads, pedestrian/bike paths, public water and sewer, transit, medical facilities, law enforcement, recreation, libraries, libraries, fire, and emergency medical service.[56] Lee Tran Route 80 runs along Plantation, Six Mile Cypress, and Metro Parkways.[57]

Several healthcare-related employment centers are within a short distance. The project will be integrated with surrounding development via automotive, transit, pedestrian, and bicycle connections.[58]

Conditions

The MPD will be subject to several conditions of approval. The conditions reasonably relate to the impacts anticipated from the development.[59] The Hearing Examiner recommends inclusion of a condition required by Florida Statutes pertaining to future permitting.

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[51] Lee Plan Policy 1.5.1 allows maximum density of one unit per 20 acres on wetlands. The remaining acreage may yield densities consistent with the future land use classification of Intensive Development.
[52] LDC §10-415.
[53] LDC §10-425(a).
[54] LDC §34-145(d)(4)a.1.g). *See* Lee Plan Objectives 2.1, 4.1, Policies 2.2.2, 5.1.3.
[55] Lee Plan Glossary definition of "Public Services".
[56] Lee Plan Objectives 2.1, 2.2, Policies 2.2.1, 2.2.2. Fire protection services provided by South Trail Fire & Rescue Services District. Emergency Medical Services provided by Medic Station 80. Law Enforcement will be supplied by Lee County Sheriff. Lee County Utilities has potable water and sanitary sewer infrastructure adjacent to the site. Applicant will complete a gap in the sidewalk on the west side of Plantation Road fronting the north parcel.
[57] Lee Plan Map 3-C: 2045 Financially Feasible Transit Network. *See* Lee Plan Policy 43.1.1.
[58] The site is served by access to an arterial roadway, Lee Tran Route 80, and a shared use path on Plantation Road. Lee Plan Policies 39.2.1, 43.1.3.
[59] LDC §34-83(b)(4)a.3.

Conclusion

The Hearing Examiner concurs with staff's finding the requested MPD meets LDC approval criteria.

IV. Findings and Conclusions

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

A. The proposed MPD complies with the Lee Plan. Lee Plan Goals 2, 4, 5, 6, 11, 53, 56, 59, 77, 125, 158, Objectives 2.1, 2.2, 5.1, 11.1, 11.2, 39.1, 39.2, 77.2, Policies 1.1.2, 2.1.1, 2.1.2, 5.1.1, 5.1.3, 5.1.5, 5.1.6, 6.1.3, 11.1.1, 11.1.2, 11.2.1, 11.2.6, 11.2.7, 39.1.3, 39.2.1, 67.3.1, 67.3.5, 67.3.7, 123.2.4, 125.158.1.2, Maps 1, 3-D, 4-A, and 4-B.

B. *As conditioned herein*, the MPD:

1. Meets the LDC and other county regulations or qualifies for deviations. LDC Chapters 2, 10, and 34;

2. Is compatible with existing and planned uses in the surrounding area. Lee Plan Goals 5, 6, 11, Policies 1.1.2, 2.1.1, 2.1.2, 2.2.1, 6.1.4, 6.1.7, 11.1.1, 11.2.6, 67.3.1, 67.3.5;

3. Provides sufficient access to support the proposed development intensity. Expected impacts on transportation facilities will be addressed by county regulations and conditions of approval. Lee Plan Objectives 11.2, 39.1, Policies 2.2.1, 6.1.1, 6.1.3, 6.1.5, 11.2.1, 39.1.1, 39.2.1; LDC §34-411(d) and (e);

4. Will not adversely affect environmentally critical areas and natural resources. Lee Plan Goals 60, 77, Objectives 60.4, 77.2, 77.3, Policies 5.1.6, 6.1.6, 6.1.7, 61.2.4, 61.3.11, 77.3.1, 77.3.2, 77.3.5, 123.2.4, Standard 4.1.4; and

5. Will be served by public services including paved roads, potable water, sanitary sewer, urban surface water management, transit, police, fire, and emergency services. Lee Plan Goals 2, 4, 6, 11, 53, 56, Objectives 2.1, 6.1, 11.1, Policies 2.2.1, 6.1.4, 11.2, 39.1.3, 43.1.1, 43.1.3, Standards 4.1.1, 4.1.2, and Maps 3-D, 4-A, 4-B; LDC 34-411(d).

C. The proposed mix of uses is appropriate at the proposed location. Lee Plan Goals 2, 4, 5, 6, 11, 158, Objectives 2.1, 11.1, 11.2, Policies 1.1.2, 2.1.1, 2.1.2, 6.1.1, 6.1.2, 6.1.4, 6.1.7, 11.2.1, 11.2.6, 39.1.3, 158.1.2.

D. The recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. Further, recommended conditions reasonably relate to impacts expected from the proposed development. Lee Plan Goal 77, Policies 6.1.3, 67.3.7, 77.3.2, 77.3.5; LDC §§34-377(a)(3), 34-411, 34-932.

E. As conditioned, the deviation:

1. Enhances the planned development, and

2. Preserves and promotes the LDC's intent to protect public health, safety, and welfare.

Date of Recommendation: May 23, 2025.

Donna Marie Collins
Chief Hearing Examiner

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

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

Exhibit A

DESCRIPTION

A PORTION OF SECTION 30, TOWNSHIP 45 SOUTH, RANGE 25 EAST, COLLIER COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE CENTER OF SAID SECTION 30; THENCE S88°54'54"W ALONG THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 30, FOR A DISTANCE OF 50.00 FEET, TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2410, PAGE 874 LEE COUNTY, FLORIDA, AND THE WEST RIGHT-OF-WAY LINE OF PLANTATION ROAD (100 FEET WIDE), AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HERIN DESCRIBED;
THENCE CONTINUE S88°54'54"W ALONG THE SOUTH LINE OF SAID LANDS, AND THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 30, FOR A DISTANCE OF 1273.15 FEET TO THE SOUTHWEST CORNER OF SAID LANDS, AND THE WEST LINE OF DIAMOND PROFESSIONAL CENTER A CONDOMINIUM, ACCORDING TO THE DECLARATION OF CONDOMINIUM AS RECORDED IN OFFICIAL RECORD BOOK 3294 AT PAGE 2623 LEE COUNTY, FLORIDA, TOGETHER WITH AMENDMENTS THERETO, AND THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 30;
THENCE N01°05'41"W ALONG THE EAST LINE OF SAID CONDOMINIUM, AND THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 30, FOR A DISTANCE OF 660.27 FEET TO THE NORTHWEST CORNER OF SAID LANDS;
THENCE N88°55'40"E ALONG THE NORTH LINE OF SAID LANDS, FOR A DISTANCE OF 50.00 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 3122 PAGE 1357 LEE COUNTY, FLORIDA, SAID CORNER LYING 50.00 FEET EAST OF THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 30; THENCE N01°05'41"W ALONG THE WEST LINE OF SAID PARCEL, AND THE EAST LINE OF SAID CONDOMINIUM, LYING 50.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER OF SAID SECTION 30, FOR A DISTANCE OF 660.26 FEET TO THE NORTHWEST CORNER OF SAID PARCEL AND THE SOUTH LINE OF LEE COUNTY SCHOOL DISTRICT;
THENCE N88°56'27"E ALONG THE NORTH LINE OF SAID PARCEL, AND THE SOUTH LINE OF SAID DISTRICT, FOR A DISTANCE OF 1221.17 FEET TO THE INTERSECTION WITH SAID WEST RIGHT-OF-WAY LINE OF PLANTATION ROAD AND THE NORTHEAST CORNER OF SAID PARCEL;
THENCE S01°10'51"E ALONG SAID RIGHT-OF-WAY LINE, AND SAID PARCEL, FOR A DISTANCE OF 659.98 FEET TO A CORNER COMMON TO SAID PARCEL AND SAID LANDS;
THENCE S01°10'51"E ALONG SAID RIGHT-OF-WAY LINE AND SAID LANDS, FOR A DISTANCE OF 659.98 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED.

CONTAINING 37.8 ACRES MORE OR LESS.

REVIEWED
DCI2024-00034
Rick Burris, Principal Planner
Lee County DCD/Planning
11/12/2024

Mark Texter

Digitally signed by Mark Texter
Date: 2024.09.27 10:45:44 -04'00'

NO. _____ DATE _____

THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTIES WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES IS PROHIBITED BY CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE.

MARK TEXTER
LICENSE
No.6392
STATE OF
FLORIDA
PROFESSIONAL SURVEYOR & MAPPER

for:	ARTHREX INC
title:	SKETCH AND DESCRIPTION A PORTION OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 45 S & RANGE 25 E LEE COUNTY, FLORIDA

bk:	pg:	date: 26 SEPT 2024
		scale: 1" = 300'
		cogo #: 21-0051.CRD

design:	XXX
drawn:	DD
checked:	MT
acad #:	13884-SD
view:	LIMITS
project #:	21-0051
sheet #:	1 of 2
file #:	13884

LJA
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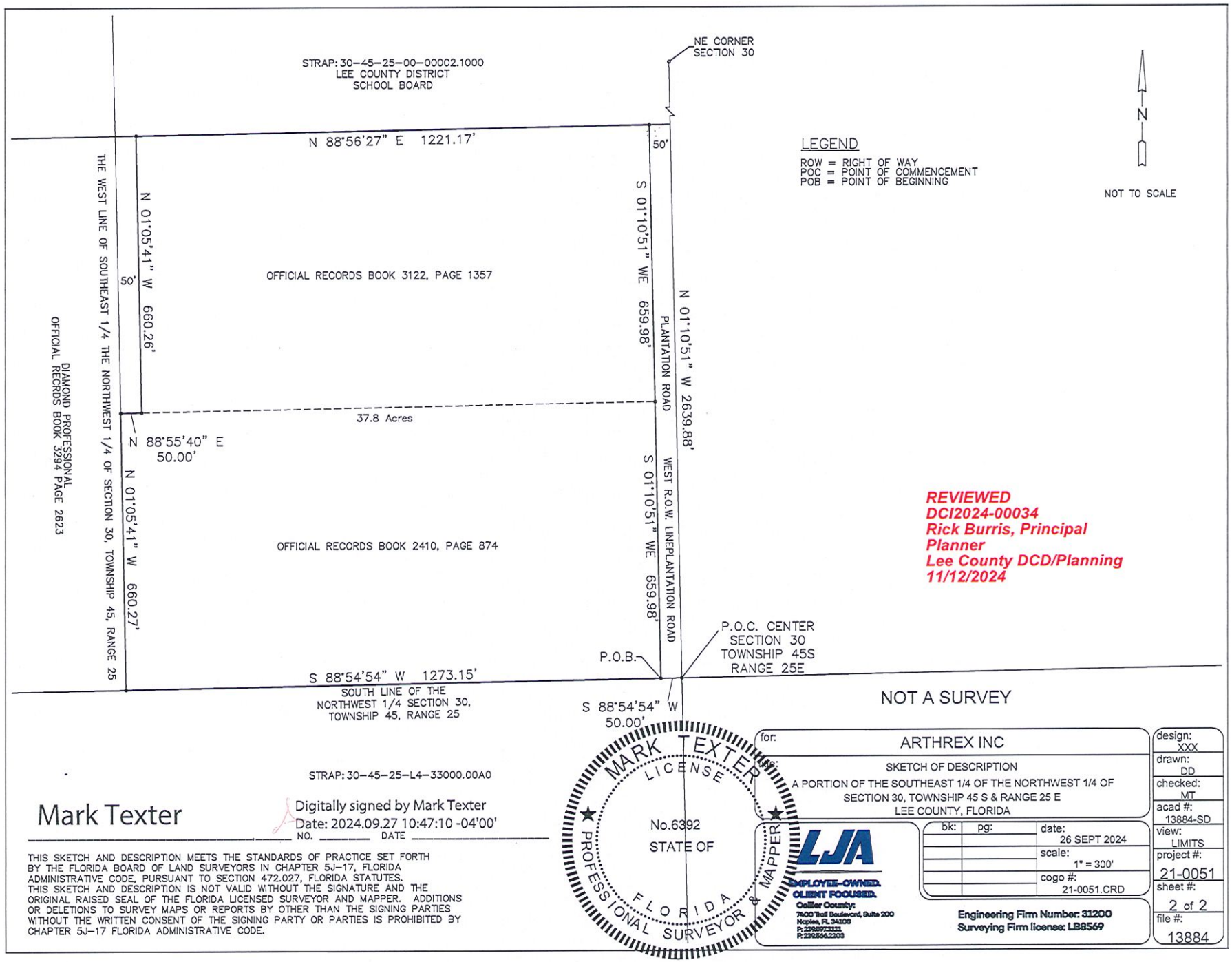
Naples, FL 34108
P: 239.597.3311
F: 239.566.2203

Engineering Firm Number: 31200
Surveying Firm license: LB8569

Exhibit A



REVIEWED
DCI2024-00034
Rick Burris, Principal Planner
Lee County DCD/Planning
11/12/2024

NOT A SURVEY

STRAP: 30-45-25-L4-33000.00A0

Mark Texter

Digitally signed by Mark Texter
Date: 2024.09.27 10:47:10 -04'00'

NO. _____ DATE _____

THIS SKETCH AND DESCRIPTION MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES. THIS SKETCH AND DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTIES WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES IS PROHIBITED BY CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE.

MARK TEXTER LICENSE No.6392 STATE OF FLORIDA PROFESSIONAL SURVEYOR & MAPPER

for: ARTHREX INC

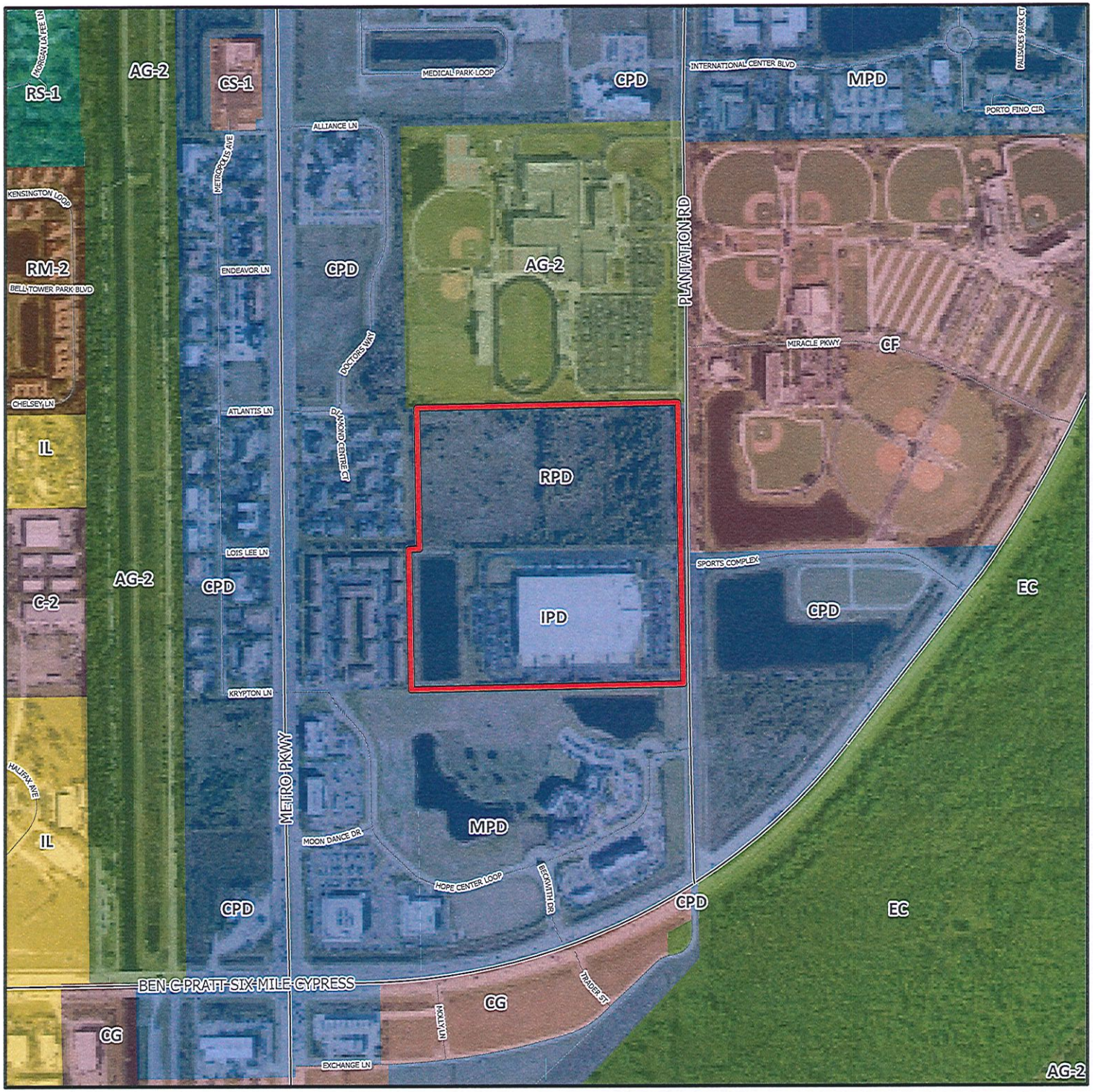
re: SKETCH OF DESCRIPTION
A PORTION OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 45 S & RANGE 25 E
LEE COUNTY, FLORIDA

bk:	pg:	date: 26 SEPT 2024
		scale: 1" = 300'
		cogo #: 21-0051.CRD

LJA
EMPLOYEE-OWNED.
CLIENT FOCUSED.
Collier County:
7400 Trail Boulevard, Suite 200
Naples, FL 34105
P: 239.597.3311
F: 239.566.2203

Engineering Firm Number: 31200
Surveying Firm license: LB8569

design:	XXX
drawn:	DD
checked:	MT
acad #:	13884-SD
view:	LIMITS
project #:	21-0051
sheet #:	2 of 2
file #:	13884



DCI2024-00034

Zoning

Subject Property

N
W E
S

0 500 1,000
Feet

Lee County
Southwest Florida

Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

CONDITIONS

1. Project Approval

Master Concept Plan (MCP). Development must be consistent with the two-page MCP entitled "Arthrex Logistics Center," last revised May 22, 2025, except where modified by conditions in this resolution. (MCP attached as Exhibit B1)

Compliance with Lee Plan and Land Development Code (LDC). Development must comply with the Lee Plan and LDC at time of Development Order permitting, except where deviations have been approved herein. Modifications to approved uses, conditions or the MCP require further development approvals.

Approved Development Parameters: This planned development will allow a maximum 510,000 square feet of industrial uses, 5,000 square feet of medical office, and 105,000 square feet of general office (or 80,000 square feet of retail commercial and general office); or alternatively, 464 multiple-family residential dwelling units, including 168 Bonus Density Units, and 30,000 square feet of retail commercial and general office uses.

2. Permitted Uses and Site Development Regulations

a. Schedule of Permitted Uses

Accessory Uses and Structure
Administrative Offices
Banks and Financial Establishments: Group I and II
Broadcast Studio, Commercial Radio, and Television
Business Services: Group I and II
Cleaning and Maintenance Services
Clothing Stores, General
Clubs: All
Cold Storage, Precooling, Warehouse, and Processing Plant- No Meat, No Fish
Communication Facility, Wireless (with Special Exception approval)
Computer and Data Processing Services
Consumption On Premises (in conjunction with Restaurant Group III)
Convenience Food and Beverage Store, no fuel pumps
Day Care Center, Child, Adult
Drive-Through Facility for Any Permitted Use
Drugstore, Pharmacy

Dwelling Unit: Multiple-Family (Development Scenario B only, limited to 464 units, including Bonus Density)
Emergency Operations Center
EMS, Fire, or Sheriff's Station
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities: Group I
Factory Outlets (Point of Manufacture Only)
Fences, Walls
Food and Beverage, Limited
Food Stores: Group I
Freight and Cargo Handling Establishments
Furniture and Fixtures, Manufacturing
Gasoline Dispensing System, Special
Gift and Souvenir Shop
Hardware Store
Health Care Facilities: All Groups
Hobby, Toy, and Games Shops
Household and Office Furnishings: All Groups
Insurance Companies
Laundry or Dry Cleaning: Group I
Leather and Leather Products, Manufacturing, Group II
Library
Measuring, Analyzing, and Controlling Instruments, Manufacturing
Medical Office
Models: Units
Motion Picture Production Studio
Non-Store Retailers: All Groups
Parcel and Express Services
Paint, Glass, and Wallpaper
Parking Lot and Parking garage, Accessory
Personal Services: Group II
Photo Finishing Laboratories
Place of Worship
Post Office
Printing and Publishing Services
Processing and Warehousing
Real Estate Sales Office
Religious Facilities
Repair Shops: Groups I, II, III
Research and Development Laboratories: Groups II, IV
Residential Accessory Uses
Restaurant: Fast Food
Restaurants: Groups I, II, III
Retail And Wholesale Sales, when incidental and subordinate to permitted use(s) on the same premises

Rubber and Plastics Products, Manufacturing Group II
Schools, Commercial
Signs
Social Services: Groups I, II
Specialty Retail Shops: All Groups
Storage: Indoor & Open
Studios
Temporary Uses
Textile Mill Products, Manufacturing Groups I, II
Theater, Indoor
Used Merchandise Stores: Groups I, II
Variety Store
Warehouse: All
Wholesale establishments: Group III

b. Site Development Regulations

Minimum Lot Area and Dimensions:

Area:	10,000 square feet
Width:	100 feet
Depth:	100 feet

Minimum Setbacks Residential:

Internal Street:	10 feet
Side:	20 or 0 feet
Rear:	10 feet
Building separation:	20
Waterbody Setback:	10 feet from LME

Minimum Setbacks Non-Residential:

Street:	25 feet
Side:	15 feet
Rear:	5 feet
Building Separation	20 feet
Waterbody:	20 feet from LME

Maximum Building Height: 55 feet
Maximum Lot Coverage: 60%
Minimum Open Space: 20%
Minimum Development Perimeter Boundary Setback: 25 feet

3. Transportation

Developer must enter a Signalization Agreement to contribute a proportionate share towards design and installation/construction of traffic signal facilities at the intersection of Six Mile Cypress Pkwy and Plantation Rd as a part of the initial approval for Development. The Proportionate Share Traffic Signal Agreement will be subject to review and approval Lee County Department of Transportation and County Attorney's Office. Once executed, the Agreement must be recorded in the Public Records of Lee County prior to issuance of the first certificate of occupancy for development.

4. Environmental

a. Wetland Impacts. For development that proposes impact to wetlands, construction may not commence until the issuance of required permits. Development activity must remain in compliance with applicable state wetland permits and applicable local development permits. If impacts to wetlands are not permitted by the State, or if issued state wetland permits are inconsistent with the proposed impacts to wetlands depicted within the local development order permit approvals, Developer must amend local development permit approvals to be consistent with issued state wetland permits or applicable Lee Plan and Land Development Code regulations pertaining to development within wetlands.

b. Wetland Mitigation. The development order submittals must include receipt of payment for wetland mitigation, if applicable.

c. West Property Line Buffer. Development order submittals must depict a five-foot-wide buffer along the west property line with a single hedge row of native shrubs specified at 48-inches high and maintained at 64-inches-in-height.

d. Buffer Plantings within FPL Easement. Prior to the issuance of a local development order, the applicant must submit a letter of no objection from Florida Power and Light (FPL) stating that a five-foot-wide buffer with shrubs installed 24 inches high and 36 inches on center to be maintained at 48 in height are allowed within the 100-foot-wide FPL easement along the east property line.

e. Lake. Development order submittals must include the following for the existing 2.37-acre lake:

   i. Three aerators for lake destratification; and
   ii. 1,850 herbaceous littorals in 2-inch liners that include blue flag iris (Iris Hexagona), Southern Swamp Lily (Crinum Americanum),

pickerel weed (Pentaderia cordata), and Spartina (Spartina Bakeri); and

iii. Seventeen (17) deep lake management trees installed at 10-foot-tall, two-inch caliper, and a four-foot canopy spread.

5. Pedestrian and Bicycle Access to School Bus

Development Order plans for multi-family residential dwellings must include safe pedestrian and bicycle access to school bus stops. The site plan must depict locations for school buses to stop, load and unload students. Plans must also include a dedicated area for students to wait for the school bus. These waiting areas must be outside road rights-of-way and coordinated with the Lee County School District.

6. State/Federal Permits

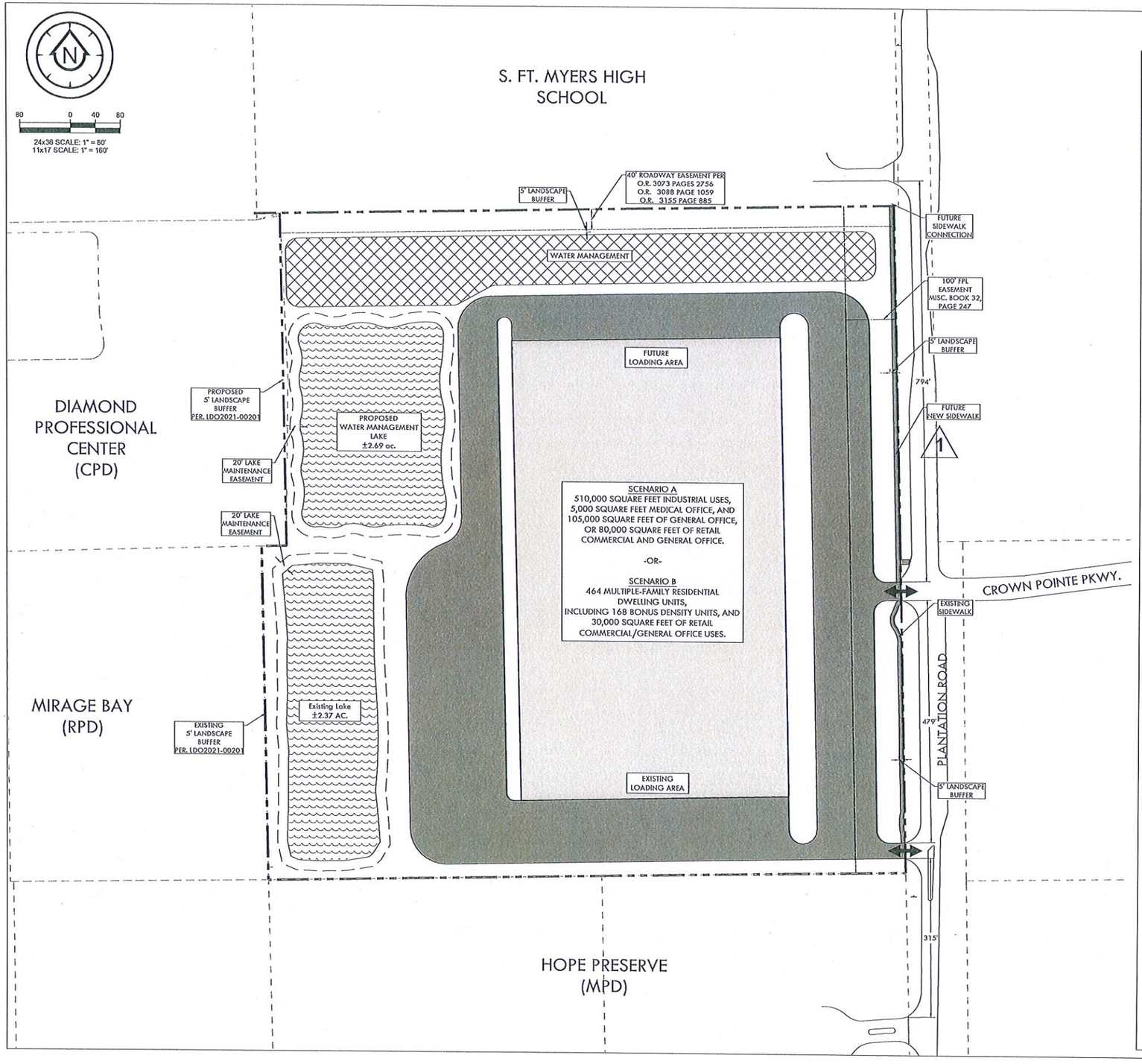
Issuance of a County development permit does not establish rights to permits from state or federal agencies. Further, it does not establish liability on the County if the Developer (a) does not obtain requisite approvals or fulfill obligations imposed by state and federal agencies, or (b) undertakes actions that result in a violation of state or federal law.

Deviation

1. Buffer. A deviation from LDC §10-425(f)(1), which requires a five-foot-wide buffer with five trees per 100 linear feet, to allow a five-foot-wide buffer within the 100-foot FPL easement on the east property line to consist of a single hedge.

   Deviation approved subject to Condition 4.d.

Exhibits to Conditions:
B1 Master Concept Plan entitled "Arthrex Logistics Center" last revised May 22, 2025



Legend

- Lake
- Building
- Paved Circulation
- Stormwater Management Areas
- Vehicular Ingress & Egress (Existing)
- Heritage Tree (Laurel Oak)

Proposed Land Use Table

Parcel Total Acres	± 37.7 ac.
Open Space (20% required)	± 7.54 ac.
Multi-Family Units	Maximum 464.59 dwelling units including 168.64 bonus density units
Commercial	110,000 sf.
Industrial	510,000 sf.

Proposed Zoning:

Mixed Use Planned Development (MPD)

Existing Land Use:

Office:	±46,000 sf.
Warehouse:	±210,000 sf.

Existing Zoning:

RPD & IPD

Existing Future Land Use:

- Intensive
- Mixed Use Overlay

Deviations:

1

LJA
EMPLOYEE-OWNED. CLIENT FOCUSED.
Engineering Firm Number: 32200
Surveying Firm License: LB8569

Collier County:
7600 Trail Boulevard, Suite 200
Naples, FL 34108
P: 2913913111
F: 2913663203

CLIENT NAME: RES MEYERS HOLDINGS, LLC
1370 CREEKSIDE BLVD
NAPLES, FL 34108

PROJECT NAME: ARTHREX LOGISTICS CENTER

DRAWING TITLE: MASTER CONCEPT PLAN

DESIGNED BY: LJA
DRAWN BY: BLB
CHECKED BY: JAC
REVIEWED BY: JAC
DATE: May 2025
DATUM: NAVD = NGVD + 1.17'

NO.	DATE	REVISIONS	BY
1	9/27/24	RESPOND TO COMMENTS 9/20/24	BLB
2	10/01/24	PPL EASEMENT UPDATE	BLB
3	10/18/24	DEVIATIONS	BLB
4	12/4/24	RESPOND TO COMMENTS	BLB
5	03/22/25	REVISED PER MSA	BLB

ACAD FILE NAME:

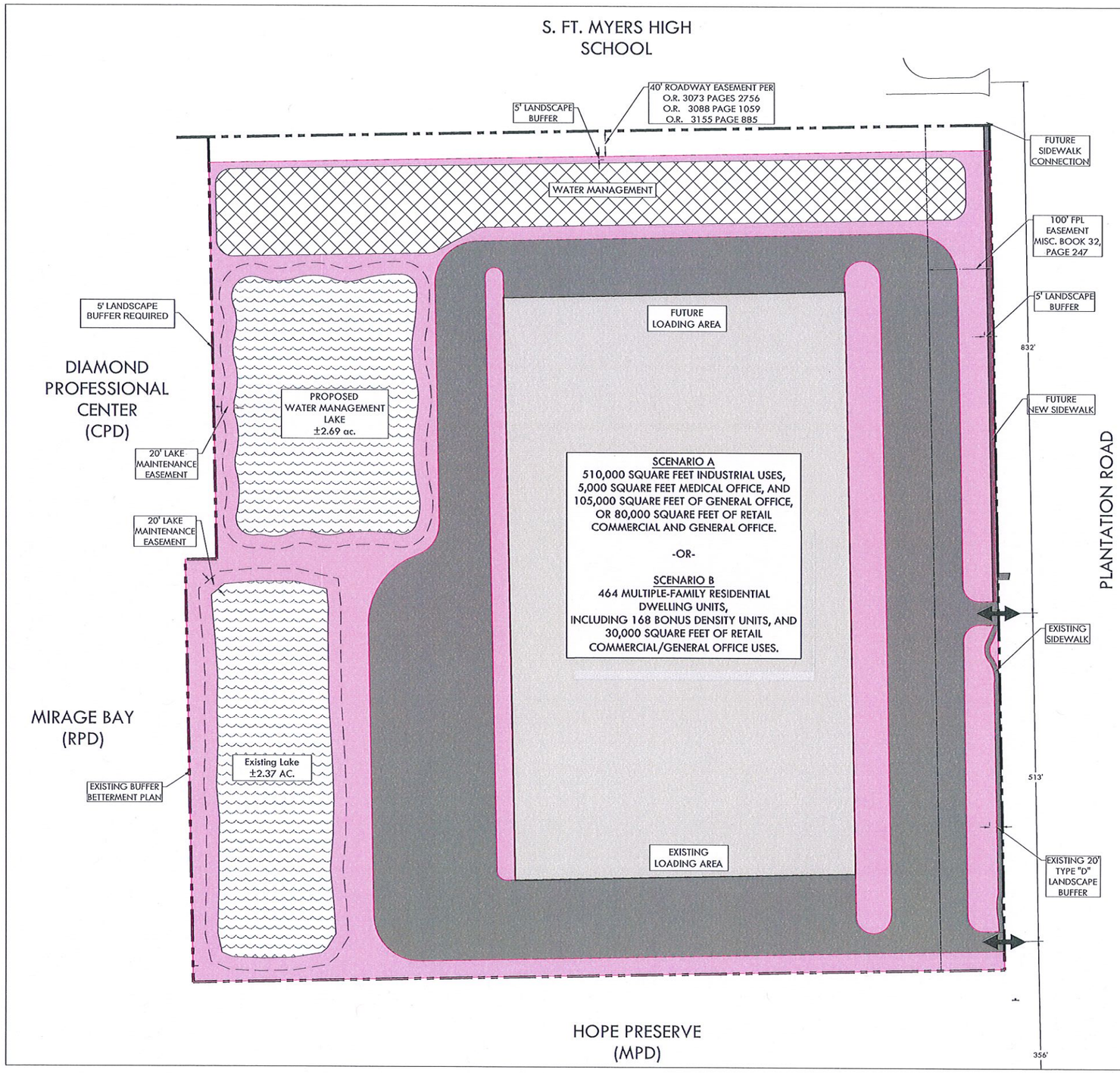
LJA PROJECT #
23-0001

PLOT VIEW \ LAYOUT
CONCEPT 2

SHEET 01
OF 01

ACAD FILE #

EXHIBIT B-1



Legend

- Open Space
- Lake
- Building
- Paved Circulation
- Stormwater Management Areas
- Vehicular Ingress & Egress (Existing)

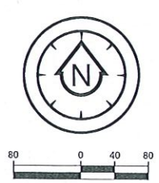
MPD +/- 37.7 acres

Open Space Required: 20% = 7.54 acres

Open Space Provided: ±7.54 acres

Note:
Impervious area includes buildings, drives, parking, and sidewalks.

Note:
25% of the total open space may be allocated from the lake area (7.54 ac. (25%) = 1.88 ac. of open space from the lakes per LDC Section 10-415(d)(2)c.



24x36 SCALE: 1" = 80'
11x17 SCALE: 1" = 160'

LJA
EMPLOYEE-OWNED. CLIENT FOCUSED.
Engineering Firm Number: 31200
Surveying Firm license: LB6569

Collier County:
2400 Trail Boulevard, Suite 200
Naples, FL 34108
P: 2919738111
F: 2919663203

CLIENT NAME: RES MEYERS HOLDINGS, LLC
1370 CREEKSIDE BLVD
NAPLES, FL 34108

PROJECT NAME: ARTHREX LOGISTICS CENTER

DRAWING TITLE: OPEN SPACE

DESIGNED BY: LJA
DRAWN BY: BLB
CHECKED BY: JAC
REVIEWED BY: JAC
DATE: October 2024
DATUM: NAVD = NGVD + 1.17'

NO.	DATE	REVISIONS	BY
1	9/23/24	RESPOND TO COMMENTS 9/20/24	BLB
1	10/01/24	PRL EASEMENT UPDATE	BLB
1	06/20/2025	PER MEX	CO

ACAD FILE NAME:

LJA PROJECT #
23-0001

PLOT VIEW \ LAYOUT
CONCEPT 2

SHEET 01
OF 01

ACAD FILE #

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments:* Prepared by Chahram Badamtchian, Senior Planner, date received May 7, 2025 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]

2. *Affidavit of Publication:* For Zoning Case DCI2024-00034 Arthrex at Plantation (1 page – 8.5"x11")

APPLICANT EXHIBITS

a. *48-Hour Notice:* Email from Margaret Emblidge to Maria Perez and Hearing Examiner, with copies to Richard Akin, Esq., and Chahram Badamtchian, dated Monday, May 19, 2025, at 9:25 AM (4 pages – 8.5"x11")

1. *PowerPoint Presentation:* Prepared for Arthrex at Plantation, DCI2024-00034, Lee County Hearing Examiner Hearing, dated May 22, 2025 (multiple pages – 8.5"x11")[color]

2. *Master Concept Plan:* Prepared for Arthrex at Plantation, DCI2024-00034 (11"x17")

3. *Proposed Condition:* (1 page – 8.5"x11")

4. *Written Submissions:* Email from Margaret Emblidge to Maria Perez, Davi Bumpous, Jim Car, Jeremy Sterk, Jim Banks, P.E., Chahram Badamtchian, and Hearing Examiner, dated Thursday, May 22, 2025, at 4:14 PM (2 pages – 8.5"x11" and 1 page – 11"x24"){post hearing submittal}

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Chahram Badamtchian, Senior Planner

Applicant Representatives:

1. Richard Akin, Esq.
2. Jim Banks, P.E.
3. David Bumpous
4. Jim Carr, P.E.
5. Margaret Emblidge, AICP
6. Jeremy Sterk

Exhibit E

INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.

B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

C. Participants may not submit documents to the Board of County Commissioners unless marked as Exhibits by the Hearing Examiner. Documents must have the Exhibit number assigned at hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.

B. A verbatim transcript may also be available for purchase from the court reporting service.