Post-it® eLabel 006 083 648

GIS Tracking Sheet

Case No.: DCI 2003-00058

Intake Date: AUG. 28, 2003

Project Name: WALMART #5347-00 (ESTERO GOLF RESORT MPD)

STRAP Number(s): 21-46-25-00-00001.0010, -00000.0020, .0030

Planner Name: ~~JERRY MURPHY~~ CHIP BLOCK Ext.

LEGAL DESCRIPTION VERIFICATION and **INITIAL GIS MAPPING**

Date: 13 NOV 03 **INTAKE:** DCI 03058 AMM

LEGAL SUFFICIENT ☑ YES LGM ☐ NO Initials:

If not, give brief explanation:

MAP UPDATE following **FINAL ACTION**

Date: 20 APRIL 05

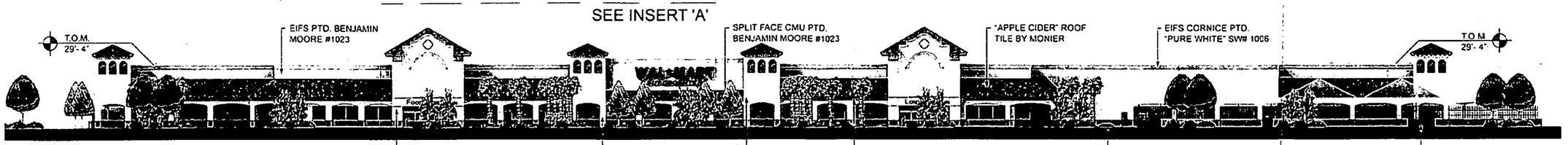
☐ Hearing Examiner Decision ☒ Board of County Commissioner's Resolution

☐ Administrative Approval ☐ Blue Sheet

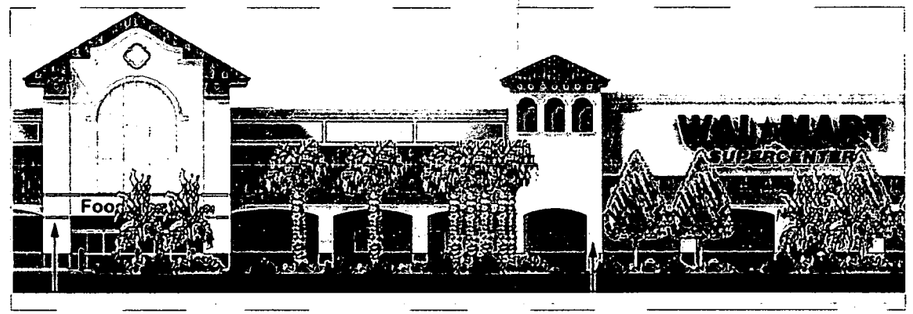
Zoning Notes: Z-04-048, DCI 2003-00058, REVISE MASTER CONCEPT PLAN TO ACCOMODATE DEVELOPMENT OF A WALMART SUPERCENTER, ADJUST THE LOCATION OF THE ACCESS TO US 41, ADD TO LIST OF PERMITTED USES, AND ELIMINATE CERTAIN CONDITIONS OF THE PREVIOUS APPROVAL; CONDS. 18 OCT 04

MAP UPDATED ☑ YES ☐ NO Initials: AMM

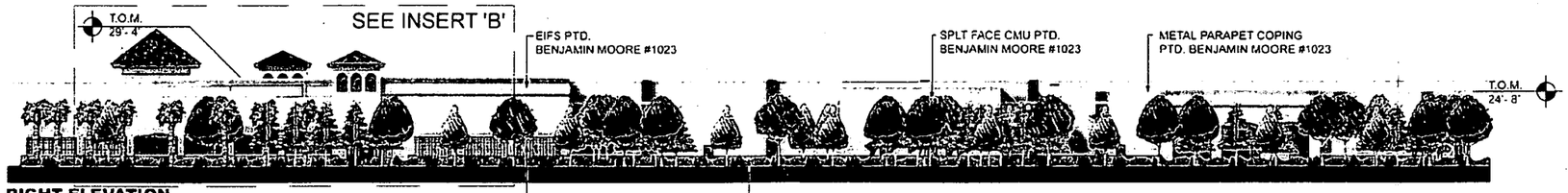
If not, give brief explanation: Note to MPD:000826 & MPD:000245



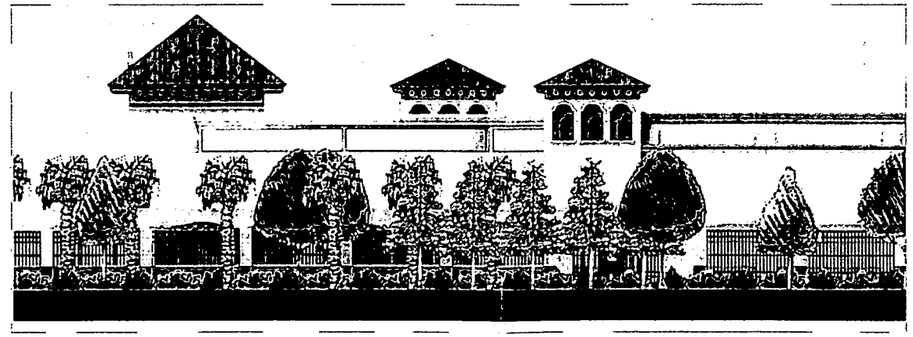
FRONT ELEVATION
PLANT MATERIAL INDICATED IN ELEVATION SHOWN AT 5 TO 10 YEAR GROWTH



INSERT 'A'



RIGHT ELEVATION
PLANT MATERIAL INDICATED IN ELEVATION SHOWN AT 5 TO 10 YEAR GROWTH



INSERT 'B'

cph

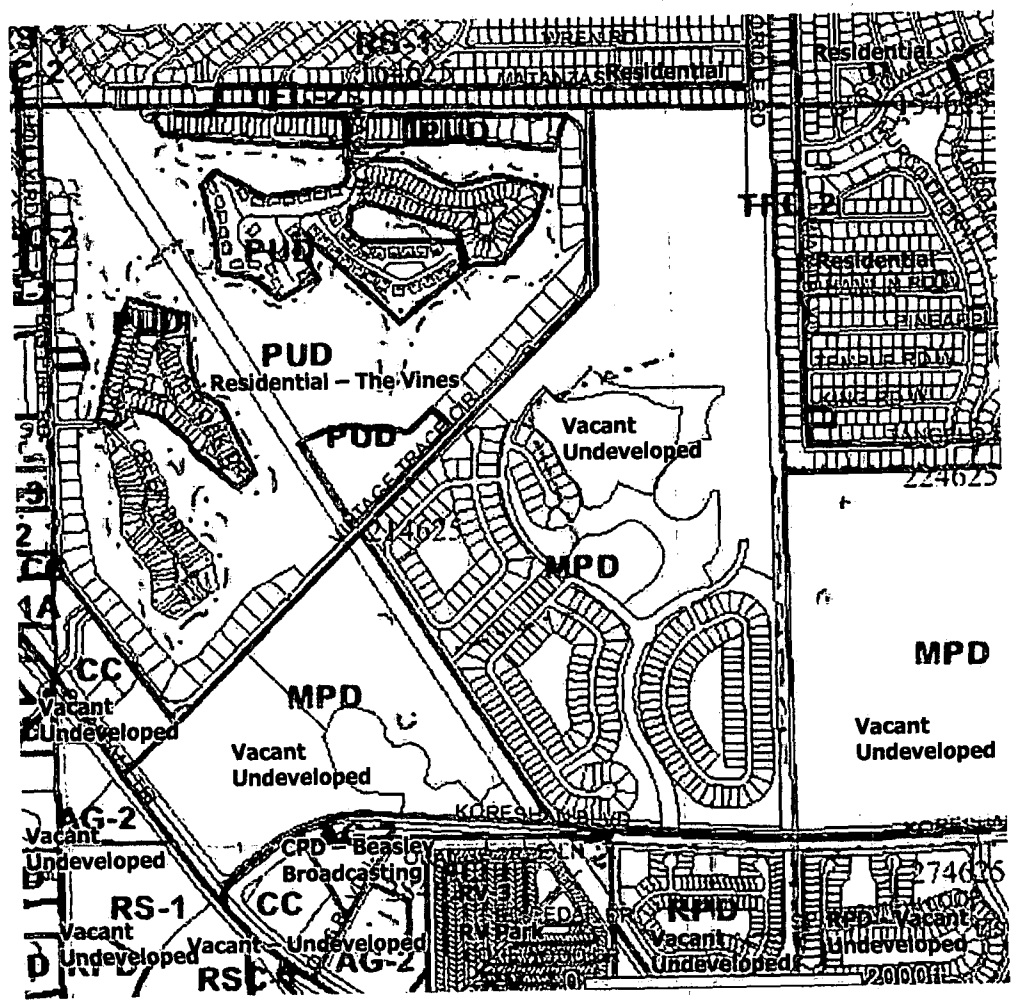
REPRESENTATION ONLY
NOT FOR CONSTRUCTION

Building, landscaping, and site furnishing images shown are a representation of the design intent and may not reflect any subtle variations in color, material or construction that may occur due to local material differences and final design detailing.

WAL★MART
SUPERCENTER

RECEIVED
JUL 30 2004
ZONING

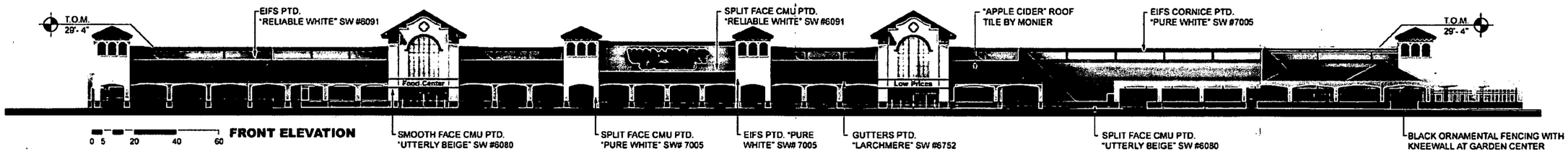
Exhibit III-A-2
Existing Zoning & Current Land Use
for Estero Golf Resort MPD

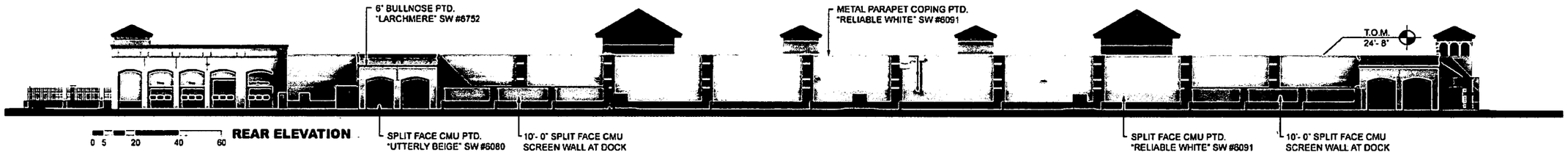


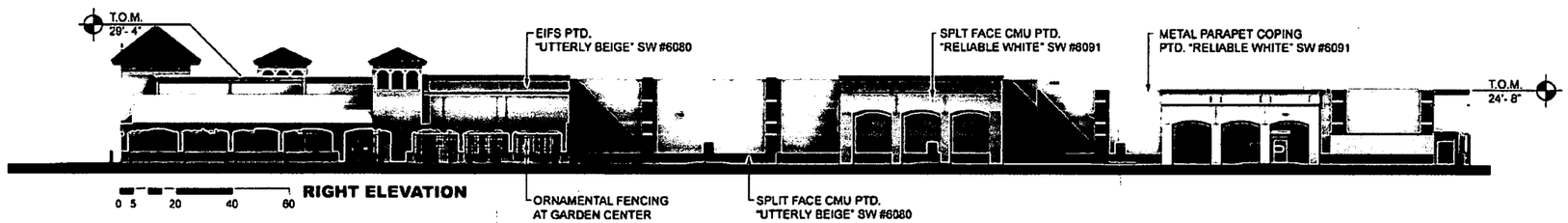
RECEIVED
DEC 17 2003
ZONING COUNTER

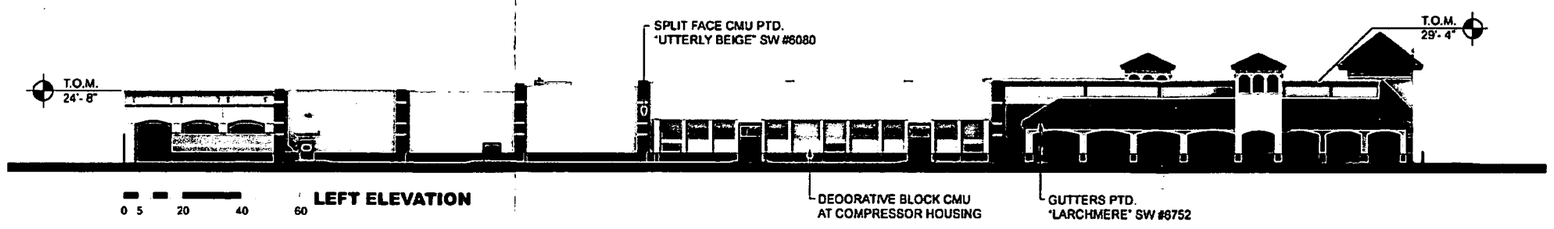
DCI 2003-00058











FRONT SIGNAGE	HEIGHT	AREA
1. "WAL-MART"	5'-0"	190.00 S.F.
2. "SUPERCENTER"	2'-0"	39.00 S.F.
3. "FOOD CENTER"	2'-6"	50.42 S.F.
4. "LOW PRICES"	2'-6"	44.38 S.F.
TOTAL FRONT		323.80 S.F.
AUTO CENTER SIGNAGE	**HEIGHT**	**AREA**
1. "WAL-MART"	1'-3"	11.15 S.F.
2. "TIRE &LUBE"	1'-9"	25.25 S.F.
3. "EXPRESS"	2'-6"	39.71 S.F.
4. "TIRES"	1'-0" (4)	13.04 S.F.
5. "LUBE EXPRESS"	1'-0" (2)	17.92 S.F.
TOTAL AUTO CENTER		108.07 S.F.
TOTAL SIGNAGE		431.87 S.F.

RECEIVED
MAR 19 2004
PERMIT COUNTER

Boice Raidl Rhea architects

DCI2003-00058

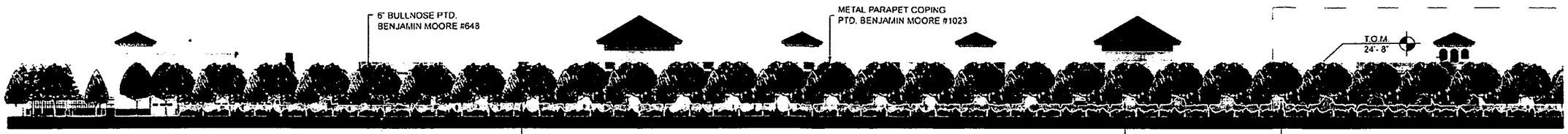
REPRESENTATION ONLY
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WAL★MART SUPERCENTER

Koreshan Boulevard, FL

#99150 EXHIBIT A 11/11/03

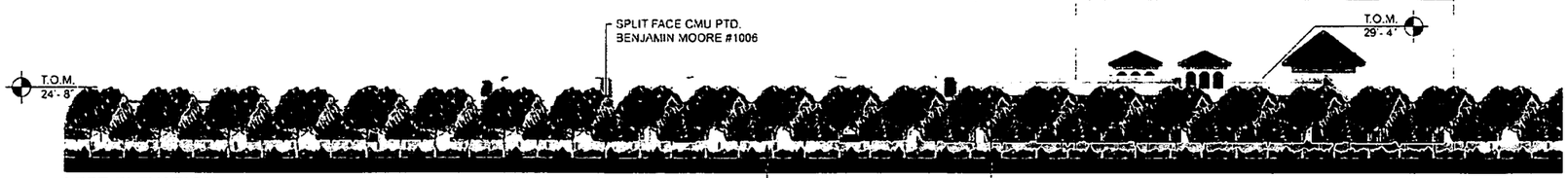


REAR ELEVATION
PLANT MATERIAL INDICATED IN ELEVATION SHOWN AT 5 TO 10 YEAR GROWTH

SEE INSET 'A'



INSET 'A'



LEFT ELEVATION
PLANT MATERIAL INDICATED IN ELEVATION SHOWN AT 5 TO 10 YEAR GROWTH

SEE INSET 'B'



INSET 'B'

cph

REPRESENTATION ONLY
NOT FOR CONSTRUCTION

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WAL★MART
SUPERCENTER

RECEIVED
JUL 30 2004
ZONING

COASTAL ENGINEERING CONSULTANTS INC

A CECI GROUP COMPANY

RECEIVED
MAR 09 2004
ZONING

CECI Group Services
Civil Engineering
Planning Services
Survey & Mapping
Coastal Engineering
Real Estate Appraisal
Website: www.coastalengineering.com

DCI2003-00058

EXHIBIT
LEGAL DESCRIPTION
PARCEL "A"
ESTERO GOLF RESORT MPD

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21, THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45" W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461 - 3462) TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°46'45" W, ALONG SAID EAST LINE OF SECTION 21, A DISTANCE OF 2555.79 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 21; THENCE N 00°53'22" W, A DISTANCE OF 2646.37 FEET TO THE NORTHEAST CORNER OF SAID SECTION 21; THENCE N 89°29'23" W, ALONG THE NORTH LINE OF SECTION 21, A DISTANCE OF 1322.73 FEET TO THE EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 37, PAGE 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S 00°53'13" E, ALONG SAID EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB, A DISTANCE OF 1317.90 FEET; THENCE S 44°54'53" W, A DISTANCE OF 2370.26 FEET; THENCE CONTINUE S 32°34'51" E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD A DISTANCE OF 2513.30 FEET; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD CONTINUE S 86°11'52" E A DISTANCE OF 1148.53 FEET TO A POINT OF CURVATURE, THENCE CONTINUE 552.84 FEET ALONG THE ARC OF SAID CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 11,425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF S 87°35'02" E; TO SAID POINT OF BEGINNING.

PARCEL CONTAINS 240.4± ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

AND THOSE LANDS FURTHER DESCRIBED AS FOLLOWS:

PARCEL "A-1"
ESTERO GOLF RESORT MPD

A TRACT OR PARCEL OF LAND IN SECTION 21 AND 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45"W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461-3462); THENCE CONTINUE ALONG THE NORTHERLY RIGHT-OF-WAY OF KORESHAN BOULEVARD 552.84 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; HAVING A RADIUS OF 11425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF N 87°35'02" W TO A POINT OF TANGENCY; THENCE N 86°11'52" W, FOR A DISTANCE OF 1310.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 86°11'52" W A DISTANCE OF 1166.17 FEET TO A POINT OF CURVATURE; THENCE 540.77 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 1175.00 FEET, A CENTRAL ANGLE OF 26°22'09" A CHORD DISTANCE OF 536.01 FEET, AND A CHORD BEARING OF S 80°36'51" W TO A POINT OF COMPOUND CURVATURE, THENCE CONTINUE 358.46' ALONG THE ARC OF CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 1292.82 FEET, A CENTRAL ANGLE OF 15°53'11", A CHORD DISTANCE OF 357.31 FEET, AND A CHORD BEARING OF S 59°29'40" W, TO A POINT OF TANGENCY; THENCE S 51°33'05" W FOR A DISTANCE OF 261.89 FEET TO A POINT OF CURVATURE: THENCE CONTINUE 79.66 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH; HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 91°17'11", A CHORD DISTANCE OF 71.50 FEET, AND A CHORD BEARING OF N 82°48'27" W, TO A POINT OF TANGENCY; THENCE CONTINUE N 37°10'00" W A DISTANCE OF 955.60 FEET, THENCE CONTINUE N 37°45'31" W A DISTANCE OF 17.52 FEET; THENCE N 44°54'53" E FOR A DISTANCE OF 2235.13 FEET TO THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (AS RECORDED IN DEED BOOK 68, PAGE 78); THENCE CONTINUE ALONG THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD S 32°34'52" E FOR A DISTANCE OF 2388.69 FEET TO POINT OF BEGINNING.

PARCEL CONTAINS 74.2± ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LC-2464

CARA L. WORLEY
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5651
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 89503
DATE SIGNED: 03-06-04

Applicant's Legal Checked by [signature] 3/09/2004.

SKETCH AND DESCRIPTION

LEGAL DESCRIPTION

LEGAL DESCRIPTION (AS FURNISHED)

A PARCEL OF LAND LYING IN SECTIONS 21 AND 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEINGMORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21, THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45" W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461 - 3462) TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°46'45" W, ALONG SAID EAST LINE OF SECTION 21, A DISTANCE OF 2555.79 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 21; THENCE N 00°53'22" W, A DISTANCE OF 2646.37 FEET TO THE NORTHEAST CORNER OF SAID SECTION 21; THENCE N 89°29'23" W, ALONG THE NORTH LINE OF SECTION 21, A DISTANCE OF 1322.73 FEET TO THE EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 37, PAGE 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA: THENCE S 00°53'13" E, ALONG SAID EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB, A DISTANCE OF 1317.73 FEET; THENCE S 44°54'53" W, A DISTANCE OF 4738.55 FEET TO THE EASTERLY RIGHT-OF-WAY LINE (100.00 FEET FROM CENTERLINE) OF U.S. 41 (TAMIAMI TRAIL); THENCE S 37°45'31" E, ALONG SAID EASTERLY RIGHT-OF WAY LINE, A DISTANCE OF 17.52 FEET; THENCE S 37° 10' 00" E, A DISTANCE OF 955.60 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 50.00 FEET, A DELTA ANGLE OF 91°16'55", A CHORD DISTANCE OF 71.50 FEET AND A CHORD BEARING OF S 82°48'27" E; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 79.66 FEET TO A POINT OF TANGENCY, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD; THENCE N 51° 33'05" E, ALONG SAID NORHTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 261.89 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1292.82 FEET, A DELTA ANGLE OF 15°53'11", A CHORD DISTANCE OF 357.31 FEET AND A CHORD BEARING OF N 59°29'40" E; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 358.46 FEET TO A POINT OF COMPOUND CURVATURE: A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 1175.00 FEET, A DELTA ANGLE OF 26°21'52", A CHORD DISTANCE OF 535.91 FEET, AND A CHORD BEARING OF N 80°37'11" E, THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 540.67 FEET TO A POINT OF TANGENCY; THENCE S 86°11'52" E, A DISTANCE OF 2476.17 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 11,425.00 FEET, A DELTA ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET AND A CHORD BEARING OF S 87°35'02" E; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 552.84 FEET TO THE POINT OF BEGINNING:

LESS AND EXCEPT THE SEABOARD COAST LINE RAILROAD RIGHT-OF-WAY.

PARCEL CONTAINS 314.60 ACRES, MORE OR LESS.

Survey Notes:

1. "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER".
2. BEARINGS SHOWN HEREON ARE RELATIVE TO ASSUMED DATA AS BEING N 00°46'45" W ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST.
3. THE "LEGAL DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR PER THE CLIENT'S REQUEST.
4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OR OPINION OF TITLE. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS NOTED.
5. THIS IS NOT A BOUNDARY SURVEY, THIS SKETCH AND DESCRIPTION WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR, NO FIELD SURVEY WAS DONE TO DEFINE OWNERSHIP.

A B B R E V I A T I O N · L E G E N D:

P.R.M. - PERMANENT REFERENCE MONUMENT	C.M. - CONCRETE MONUMENT	EL. - ELEVATION	CONC. - CONCRETE	W.M. - WATER METER
P.O.C. - POINT OF COMMENCEMENT	P.B. - PLAT BOOK	A/C - AIR CONDITIONER	C.L.F. - CHAIN LINK FENCE	F.H. - FIRE HYDRANT
P.C. - POINT OF CURVATURE	Pg. - PAGE	TYP. - TYPICAL	W.F. - WOOD FENCE	N & D - NAIL AND DISC
P.R.C. - POINT OF REVERSE CURVATURE	N.R. - NON-RADIAL	U.E. - UTILITY EASEMENT	C & G - CURB & GUTTER	B.M. - BENCH MARK
P.C.C. - POINT OF COMPOUND CURVATURE	RAD. - RADIAL	D.E. - DRAINAGE EASEMENT	CATV - CABLE TELEVISION RISER	PVMT. - PAVEMENT
P.T. - POINT OF TANGENCY	R. - RADIUS	F.F. - FINISHED FLOOR	TELE - TELEPHONE RISER	F.B. - FIELD BOOK
P.I. - POINT OF INTERSECTION	L. - ARC LENGTH	B.S. - BUILDING SETBACK	TRANS - TRANSFORMER PAD	M.H. - MANHOLE
P.C.P. - PERMANENT CONTROL POINT	Δ - DELTA	C.B.S. - CONCRETE BLOCK STRUCTURE	L.P. - LIGHT POLE	(A) - ACTUAL
P.O.L. - POINT ON LINE	R.P. - RADIUS POINT	(P) - PLAT	P.P. - POWER POLE	NSI - NO SURVEYOR IDENTIFICATION
C.B. - CHORD BEARING	R/W - RIGHT-OF-WAY	(M) - MEASURED	N.G. - NATURAL GROUND	
T.B. - TANGENT BEARING	℄ - CENTER LINE	(C) - CALCULATED	SQ. FT. - SQUARE FEET	FND - FOUND
				REC - RECOVERED

Surveyor's Certification:

I hereby certify that the attached "Sketch and Description" of the hereon-described property is true and correct to the best of my knowledge, information and belief as surveyed under my direction on December 16, 2003. I further certify that this "Sketch and Description" meets the minimum technical standards set forth in rule 61g17-6 of the Florida Administrative Code.

W. C. Elliott, P.S.M.
Professional Surveyor and Mapper
Florida Registration No. 5599

CLIENT: WAL-MART
PROJECT NUMBER: W13303
CADD DWG. FILE: SKETCH AND DESCRIPTION.DWG

NOT VALID WITHOUT SHEET 2
SHEET 1 OF 2

cph Engineers Planners Landscape Architects Surveyors Construction Management
www.cphengineers.com
500 West Fulton Street, Sanford, FL 32771 P.O. Box 2028, Sanford, FL 32772-2028
Phone: 407.322.4341 Fax: 407.330.0439

Activity	Name	Date
Date of Field Survey:	N\A	N\A
Drawn by:	T.E.D.	12/03
Checked by:	T.J.G.	12/03
Approved by:	W.C.E.	12/03

Certificate of Authorization No. 7143

SKETCH AND DESCRIPTION

ESTERO GOLF RESORT MPD

FORT MYERS, LEE COUNTY, FLORIDA

Scale:	N\A
Date:	DEC 2003
Job No.	W13303
File:	SOD.DWG
Sheet 1 of 2	

Applicant's Legal Checked
by 12/19/03

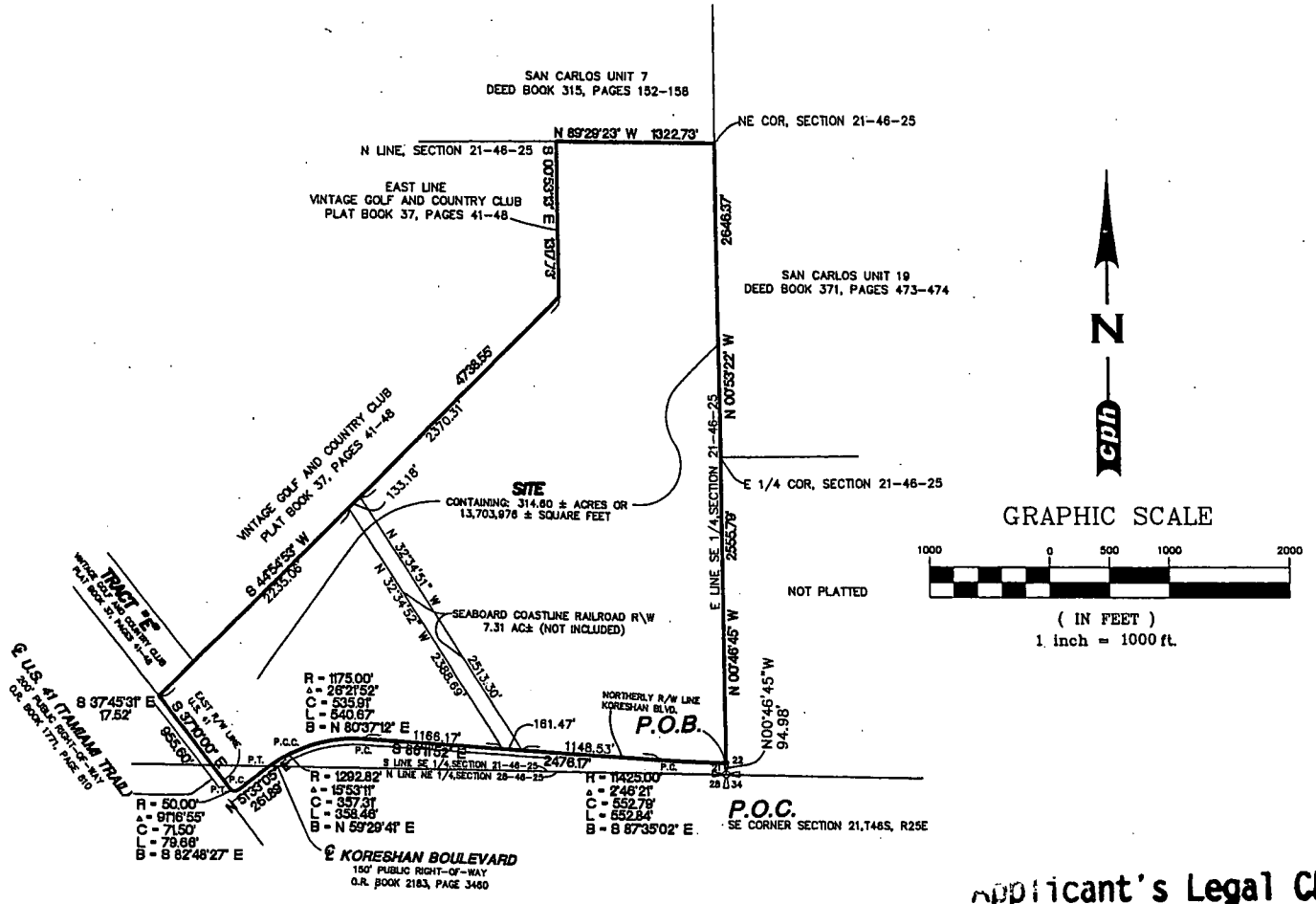
DCI 2003-00058

RECEIVED
DEC 16 2003

RECEIVED
DEC 17 2003
ZONING COUNTER

SKETCH AND DESCRIPTION

LEGAL DESCRIPTION



Applicant's Legal Checked
by _____ 12/19/03

CLIENT: WAL-MART
PROJECT NUMBER: W13303
CADD DWG. FILE: SKETCH AND DESCRIPTION.DWG

NOT VALID WITHOUT SHEET 1
SHEET 2 OF 2

cph Engineers Planners Landscape Architects Surveyors Construction Management
www.cphengineers.com
590 West Fulton Street, Sanford, FL 32771 P.O. Box 2858, Sanford, FL 32772-2858
Phone: 407.322.6841 Fax: 407.330.0639

Activity	Name	Date
Date of Field Survey:	N/A	N/A
Drawn by:	T.E.D.	12/03
Checked by:	T.J.G.	12/03
Approved by:	W.C.E.	12/03

Certificate of Authorization No. 7143

SKETCH AND DESCRIPTION

ESTERO GOLF RESORT MPD

FORT MYERS, LEE COUNTY, FLORIDA

Scale:	1" = 1000'
Date:	DEC 2003
Job No.	W13303
File:	SOD.DWG
Sheet 2 of 2	

RECEIVED
DEC 17 2003
ZONING COUNTER

DCI 2003-00058

2003-00058

LEE COUNTY
SOUTHWEST FLORIDA

Writer's Direct Dial # (239) 533-8371

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

A. Brian Bigelow
District Two

Ray Judah
District Three

Tammy Hall
District Four

Frank Mann
District Five

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Diana M. Parker
County Hearing
Examiner

September 10, 2009

Ms. Neale Montgomery
Pavese Law Firm
1833 Hendry Street
P. O. Drawer 1507
Fort Myers, Florida 33902-1507

RE: Estero Golf Resort
Case No. DCI2009-00026

Dear Ms. Montgomery:

In response to your letter dated July 27, 2009, please be advised that the above-referenced property is zoned Mixed Use Planned Development (MPD) and is located in the Urban Community, Suburban and Wetlands future land use categories according to the Future Land Use Map of Lee County.

Your letter seeks confirmation concerning the status of the Master Concept Plan (MCP), and if the MCP is still effective, or has/will the MCP vacated. You also ask if it is expected to vacate to be approved for an extension as provided for by Senate Bill (SB) 360.

Based on the following history, staff finds that the Master Concept Plan for Estero Golf Resort has not vacated and still is in effect, as provided for in the current Land Development Code provisions noted above. The MPD zoning remains effective since there is a substantial portion of the development complete and the MPD will not vacate under the current LDC regulations.

The history of this planned development is that it was originally approved on July 30, 2001, by adoption of amended Zoning Resolution Z-01-012a. Since then the overall planned development has been amended administratively and by Zoning Resolution Z-04-048, adopted on October 18, 2004 (see attached).

LDC Section 34-381(a)2. provides:

> (2) Master concept plans approved after December 2, 1991, are subject to the following:
>
> a. An Option 1 master concept plan approved after December 2, 1991 is vacated unless the property owner either obtains a development order for a substantial portion of the project or Final Plan Approval of a master concept plan, within five years of the date of the approval of the planned development. Master concept plans that obtained final plan approval within the required time must also obtain a development order for a substantial portion of the project within one year of the adoption of this amendment (June 24, 2003) or the master concept plan is vacated.
>
> Additional development order approvals necessary to complete the project must be obtained from the department within two years of the date of the first development order approval or the remainder of the master concept plan is vacated.

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 335-2111
Internet address http://www.lee-county.com
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b. An Option 2 master concept plan approved after December 2, 1991, is vacated unless the property owner obtains a development order for a substantial portion of the project within five years of the date of the approval of the planned development.

c. A master concept plan approved other than as an Option 1 or Option 2 type master concept plan after March 8, 2001, is vacated if development order for a substantial portion of the project are not approved within five years of the date of the approval of the planned development.

d. Master concept plans for planned developments that do not require development orders are not subject to the timeframes for vacation in this section.

Substantial portion: A substantial portion of the project consists of no less than 20 percent of the lots, dwelling units, square feet or other measurements of intensity, as applicable unless a lesser percentage is approved by the Board of County Commissioners.

Development Orders for a substantial portion of the planned development were issued in 2002, 2003, and 2004 for the existing residential developments of Belle Lago and Osprey Cove. These developments represent more than 20 percent of the development intensity of the approved planned development.

Please be advised that the information provided herein is based on current regulations and may be subject to change as ordinances are enacted or amended.

Should you have further questions, please do not hesitate to contact our office.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Alvin Block, AICP
Principal Planner

cc: DCI2000-00032
DCI2003-00058

RESOLUTION NUMBER Z-04-048

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

WHEREAS, Robert M. Bedard filed an application on behalf of the property owners, Estero Land Holdings, LLC, c/o Paula J. Davis, Manager; Stephan M. Davis, Managing Member of General Partner of Osprey Cove of Lee Co. Ltd.; and Koreshan Conservation Area, Inc., to amend the Planned Development for Estero Golf Resort to revise the Master Concept Plan to accommodate a new development scheme for the commercial portion of the MPD, adjust the location of the access to U.S. 41, add to the list of permitted uses, and eliminate certain conditions of the previous approval.

WHEREAS, a public hearing was advertised and held on August 27, 2004, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #2003-00058; and

WHEREAS, a second public hearing was advertised and held on October 18, 2004, 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 amend the Planned Development for Estero Golf Resort to revise the Master Concept Plan to accommodate development of a Wal-Mart SuperCenter, adjust the location of the access to U.S. 41, add to the list of permitted uses, and eliminate certain conditions of the previous approval. The property is located in the Urban 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.

NOTE: THE CONDITIONS AND DEVIATIONS RELATING TO THE **COMMERCIAL PORTION** OF THIS PROJECT ARE AT PAGES 12 THROUGH 20 HEREIN.

SECTION B. 1. CONDITIONS RELATING TO THE RESIDENTIAL PORTION:

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

1. **Residential Development** must be consistent with the one-page Master Concept Plan (MCP) entitled "Estero Golf Resort," last revised 5/8/01, stamped "Received May 9 2001" (attached as Exhibit F), and the conditions set forth herein. [The MCP has been revised to reflect the Board's action on May 7, 2001, as further amended by actions taken in ADD2003-00014 (Exhibit G), ADD2003-00014A (Exhibit H), and ADD2004-00127 (Exhibit

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I).] This Resolution supercedes Z-01-012; Z-01-012a; ADD2003-00014; ADD2003-00014A; and ADD2004-00014A. If changes to the approved planned development are subsequently pursued, appropriate approvals will be necessary in accordance with the Land Development Code.

2. The following limits apply to the **residential** portion of the project and uses:

a. **SCHEDULE OF USES**

(1) **RESIDENTIAL PORTION - TRACTS 5-12**

Accessory Uses
Administrative Offices
Agricultural Uses, as limited by other conditions
Assisted Living Facility, limited to Tracts MPD-5 only-maximum 100 units
Club, Country including the following ancillary uses:
Consumption on Premises, limited to one for the clubhouse and one for the golf course only, includes outdoor seating
Food and Beverage Service
Golf Course Maintenance Facility, limited to MPD-7 only
Health Club and Spa
Restaurant, includes outdoor seating
Speciality Retail
Dwelling Units - single-, two-, and multi-family units, zero lot line units, and townhouses - limited to a maximum of 820 for the entire project; and a maximum of 340 units for MPD-5 and as further limited in **Condition 24**.
Entrance Gates and Gatehouses
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - Not to include the removal of excavated material from the site
Fences and Walls
Golf Course, including Practice Greens and Driving Range - SUBJECT TO further review during the development order process to determine appropriate locations and possible additional buffering or screening required for the practice greens and driving range
Golf and Tennis Pro Shops (limited to ancillary use in clubhouse tract)
Home Occupation, as limited by the LDC
Model Homes, Model Units and Model Display Center
Real Estate Sales and Rental Office - limited to sales of lots, homes or units within the development, except as may be permitted in §34-1951 *et seq.* The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years from the date the Certificate of Occupancy for the sales office is issued. The director may grant one 2-year extension at the same location.
Recreational Facilities, Personal and Private On-site, as defined and regulated by the LDC

Signs, in compliance with the LDC

Storage, Open, recreational vehicles, boats and similar items for residents only, will only be permitted if administrative approval is sought showing the exact location of the use. Such uses, at a minimum, must be shielded behind a continuous visual screen at least eight feet in height when visible from any residential use, and six feet in height when visible from any street right-of-way or street easement.

Temporary uses - limited to a sales center and a construction office, in compliance with the LDC for temporary uses

b. **SITE DEVELOPMENT REGULATIONS**

Property Development Regulations, as revised on March 30, 2001:

(See chart attached on pages 15 and 16. The chart applies to both the **residential** and **commercial** portions of this planned development.)

3. Environmental Conditions: Prior to local development order approval, the developer must:

a. Provide open space consistent with the Open Space and Indigenous Vegetation Table attached as **Exhibit B**. Each tract must provide a minimum of 10 percent open space.

b. Submit development order plans that show a connection between the conservation area in the southeast corner of the MPD Tract-5 and the upland conservation area on the eastern side of the restored wetland. The wildlife connection must run under the road and include a set of two tunnels constructed of 36-inch-wide by 24-inch-high, elliptical concrete pipe. The plans will show the two elliptical wildlife connections placed under the road in a side by side position unless directed otherwise by Division of Planning/Environmental Sciences Staff. At a minimum, the bottom of the pipes will be placed no lower than the existing upland preserve grade to help prevent inundation within the pipes during the wet season.

c. Submit a detailed wetland restoration plan to the Division of Planning/Environmental Sciences Staff for review and approval. Both the wetland restoration plan and littoral zones required by the LDC must be designed to provide foraging area for wood storks.

d. Re-survey the potential Big Cypress fox squirrel nests on-site specifically for fox squirrel presence. The protected species survey must be prepared in accordance with LDC § 10-473 and submitted to the Division of Planning/Environmental Sciences for review and approval. If fox squirrel use of the site is verified, the developer must submit final management details in accordance with LDC § 10-474 including a phased exotic removal plan.

e. Submit a detailed gopher tortoise management plan for review and approval by the Division of Planning/Environmental Sciences staff.

f. Obtain a Vegetation Removal Permit to install barricades to protect preserves and conduct excavation of tortoise burrows to move the gopher tortoises within the development tracts.

4. The Golf Driving Range is limited to operating during daylight hours.

5. Development order submittals must include a running inventory showing the overall number of units and commercial (retail and office) square footage that have been built, approved to be built, or are in the development approval process.

6. Sandy Lane Extension

a. As part of the first development order submittal, the developer must revise the MCP to reflect the planned extension of Sandy Lane along the eastern boundary of the site, consistent with the sketch set forth in the Lee County DOT Exhibit entitled, "Sketch and Description of Sandy Lane Extension," (Exhibit D of the Staff Report) unless mutual agreement regarding a different alignment is reached between Lee County and the property owner(s). Lee County will compensate the property owner for the reservation of the property in accordance with the regulations set forth in Chapter 2 of the LDC; and

b. The minimum setback for a water retention lake from the road right-of-way must be no less than 25 feet from the western Sandy Lane right of way, consistent with LDC § 10-329(f)(1)a.2 and the sketch noted above, unless mutual agreement regarding a different alignment is reached between Lee County and the property owner(s). The developer must provide satisfactory elements for the protection of wayward vehicles. These elements may consist of fencing, berms, buffering or a combination of all three, however, the exact elements are SUBJECT TO review and approval by Lee County; and

c. This project will be permitted one access point within the southern half of this project's frontage along the proposed Sandy Lane extension. This access point must align with the access point that is approved for the parcel on the tract on the east side of the Sandy Lane extension. (The access point onto Sandy Lane is not a required access point, except that at least one emergency access must be provided to a road other than Koreshan Boulevard as noted in Condition 11.)

7. Bona fide agricultural uses in existence at the time this resolution is finalized may continue until approval of the first local development order. However, no development activity of any kind may occur on the property, including clearing of vegetation or cutting of trees, unless that activity is reviewed and approved in accordance with the Lee County LDC regulations as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.

8. No excess excavated material may be removed from the site unless the developer can demonstrate to the Director of the Department of Community Development that the material to be removed: 1) is unsuitable material that cannot be used on-site; and 2) the material must be excavated to meet the minimum requirements necessary to accommodate a water management system on the site. The purpose of this condition is to prohibit the voluntary creation of excess fill material for use off-site.

9. Model units and homes are permitted in compliance with the following conditions:

   a. Administrative approval must be obtained. Administrative Approval is SUBJECT TO review and approval based upon potential negative impacts to nearby uses regarding, but not limited to, glare, noise, dust

   b. Each model must be a unique example. Multiple examples of the same unit are not permitted; and

   c. All model sites must be designated on the development order plans; and

   d. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat. The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for the project; and

   e. Dry models are prohibited.

10. Golf Course Conditions:

   a. The golf course developer must use fertilizers with a low leaching potential (slow release). Fertilizers must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels; and

   b. To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan that includes an integrated pest management (IPM) program and a nutrient management program such that nutrients and pesticides are used only when absolutely necessary. The program must address prevention, diagnosis, and limited treatment with pesticides when necessary rather than blanket treatment with broad spectrum pesticides as insurance against all pest species. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must minimize the use of pesticides and must include the use of the U.S. Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may

be used. Turf managed areas (including fairways, tees, and greens) are prohibited within 35 feet of wetlands or preserve areas. The chemical management plan must be reviewed and approved by Lee County Natural Resources Division prior to development order approval.

c. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.

d. The Developer must utilize a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.

e. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.

f. 1) Prior to the issuance of local development order approval, the developer must demonstrate compliance with "Best Management Practices for Golf Course Maintenance Departments," prepared by the Florida Department of Environmental Protection, May 1995, as amended.

2) The development order must demonstrate separate mixing and loading facilities for pesticides, and provide a separate pesticide storage area, in compliance with materials specified in the above referenced document. The development order must demonstrate separate mixing and loading facilities for fertilizer, and provide a separate fertilizer storage area, in compliance with materials specified in the above referenced document.

3) The development order plans must specify the construction material for all buildings in compliance with "Best Management Practices for Golf Course Maintenance Departments."

4) Equipment to apply pesticides and fertilizers must be stored in an area protected from rainfall.

g. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use;

h. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.

i. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from underdrains must not discharge directly into a surface water management lake.

j. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.

k. The operator of the golf course must submit an annual monitoring report of ground water and surface water quality. The monitoring program must include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water within the area of the golf course; identifying the locations for the ground water monitoring and testing on a map(s); setting forth the testing and recording requirements. The Developer must submit the test results with the monitoring report to the Lee County Natural Resources Division. The monitoring program will be established and operated at the expense of the Developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 62-302, F.A.C., water quality standards.

l. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and if the pollution is caused by the application of fertilizers, herbicides or pesticides to the golf course, the application must cease until there is a revised management plan. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County must be implemented by the Developer.

m. Prior to development order approval for the golf course, the developer must conduct a pre-development groundwater and surface water analysis and submit the analysis to Lee County Division of Natural Resources. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals that are anticipated to be associated with the project. Prior to commencing this baseline study, the developer must submit the methodology for review, comment and approval by Lee County.

11. Prior to development order approval for any portion of the property, the developer must show an emergency access connecting to the existing Oriole Road to the north. Prior to the opening of the Sandy Lane extension that will connect to the existing Oriole Road, the developer must revise the emergency access so that it will be accessible from the future Sandy Lane extension.

12. Buildings exceeding 35 feet in height must maintain additional building separation or additional building setbacks consistent with LDC § 34-2174(a) and LDC § 34-935(e)4.

13. Lighting to serve uses within 200 feet of perimeter property allowing residential uses must be hooded, shuttered, or shielded and may not exceed 18 feet in height. Mercury vapor lamps/lights are prohibited, the lighting in this 200-foot area must be scaled so that no more than the minimum required number of light fixtures are erected. Individual building lighting must be of the lowest intensity to meet safety standards. The scale of the fixtures and the type of hooding, shuttering and shielding is SUBJECT TO further review prior to the approval of a development order. The individual building fixtures must be either directly

fixed to the building or placed on a post lamp standard not to exceed 10 feet in height. Incandescent lamps are encouraged. The use of mercury vapor lamps/lights is prohibited.

14. Approval of this zoning request does not address access onto U.S. 41, since Lee County has no jurisdiction over that roadway. The developer must pursue U.S. 41 access issues with the Florida Department of Transportation (FDOT). 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. Approval of this rezoning does not give the developer an undeniable right to receive local development order approval. Future development order approvals must satisfy concurrency requirements as required by Lee Plan Objective 2.2.

15. Approval of this rezoning does not guarantee local development order approval or vest present or future development rights for Lee Plan consistency. Development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b). In addition, development order applications must also 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.

16. This development must comply with all the requirements of the LDC, specifically including the requirements of LDC § 10-600 *et seq.*, at the time of local development order approval, except as may be granted by deviation as part of this planned development approval or subsequent amendments thereto.

17. Structures within Tract 5 are limited to 2-story height for a distance of 200 feet back from the perimeter property line that is shared with The Vines.

18. Development of this project must not exceed any DRI thresholds, as the impacts of same were not reviewed as part of the rezoning. The developer must provide a project-wide cumulative DRI threshold analysis with each local development order submittal.

20. Tract MPD-7 is approved in the internal location shown in the revised MCP dated March 30, 2001. The uses permitted in MPD-7 are Residential, Golf Course, and Maintenance. Direct access to Koreshan Boulevard from this tract is prohibited.

21. The temporary sales center must be in compliance with the Land Development Code (LDC) for temporary uses. (ADD2003-00014)

22. The temporary sales center must be removed within 60 days after the permanent model/sales center receives a certificate of occupancy. (ADD2003-00014).

23. The proposed amendment to the Master Concept Plan and attendant Land Use Summary, Master Concept Plan Notes, Parking, and South and West Perimeter Buffers elevations as shown, on the Master Concept Plan, stamped received by Community Development on May 30, 2003, entitled "ESTERO GOLF RESORT Amended Master Concept Plan, MPD TRACTS 6-12", Sheet 1 of 1, dated 02-03-03, apply only to the residential portion of the

Estero Golf Resort MPD east of the Seaboard Coastline Railway R.O.W. (ADD2003-00014A)

24. A maximum of 450 residential dwelling units will be permitted on Tracts MPD-6 through MPD-12, as shown on the revised Master Concept Plan attached hereto. (ADD2003-00014A)

25. A minimum 20-foot-wide Type B buffer, with a 2-foot-high berm and landscape plantings must be installed adjacent to the Vines property to provide a visual screen between the Vines and Belle Lago. The proposed buffer must be in substantial compliance with the proposed buffer planting plan as shown on the attached sketch entitled, "BELLE LAGO AMENDMENT - PARCEL F" (Exhibit J), Cross-Section for Parcel F Buffer Adjacent to the Vines, stamped received by the zoning counter on May 16, 2003, attached hereto for reference purposes. (ADD2003-00014A)

26. The lot configuration for the lots adjacent to the Vines will be in substantial compliance with the attached sketch entitled "BELLE LAGO AMENDMENT - PARCEL F" (Exhibit J), Typical Lots in Parcel F and Buffer Adjacent to the Vines, stamped received by the zoning counter on May 16, 2003, attached hereto for reference purposes. (ADD2003-00014A)

27. Lots adjacent to the Vines must be conventional single-family homes on lots having a minimum lot width of 75 feet and a minimum lot depth of 140 feet, as shown on the attached sketch entitled, "BELLE LAGO AMENDMENT - PARCEL F" (Exhibit J), Typical Lots in Parcel F and Buffer Adjacent to the Vines, stamped received by the zoning counter on May 16, 2003, attached hereto for reference purposes. (ADD2003-00014A)

28. Prior to local development order approval, the development order plans must include (ADD2003-00014A):

    a. enhancement planting detail as setforth in the document prepared by Pasarella and Associates entitled, "Belle Lago Wetland Mitigation/Monitoring/Maintenance Plan SFWMD application No. 001026-3 Revised January 31, 2003" (Exhibit K). Uplands plantings must be mulched with pine straw and temporary irrigation system established;

    b. the exotic removal plan must include the Category 1 exotic pest plants; and

    c. where lakes abut the preserve, lake slopes must be 8:1 to provide an enlarged littoral zone. Littoral planting must be calculated as two littoral plants per linear foot. The majority of the littoral plants must be installed in the enlarged littoral zone to provide wading bird habitat.

29. Section B, Condition 11, Resolution Z-01-12a, is hereby amended by adding in underline format the following language:

    Prior to <u>the first residential</u> Development Order approval for any portion of the property, the developer must show an emergency access connecting to the existing Oriole Road to the north. Prior to the opening of Sandy Lane extension that will

connect to the existing Oriole Road, the developer must revise the emergency access so that it will be accessible from the future sandy Lane extension. (ADD2003-00014A)

30. As to Section B, Condition 21, permitted residential, golf course, and maintenance on Tract MPD-7, as originally configured in Resolution Z-01-12a. Any relocation of the internal location of the maintenance facility as originally approved will require, at a minimum, an administrative amendment to the Estero Golf Resort MPD. (ADD2003-00014A)

31. Lake 1 and 2 may utilize 140 linear feet of stacked rock bulkheads for a total of 280 linear feet as depicted on the Master Concept Plan. A compensatory littoral zone must be provided in lakes 8 and 9 for a total of 280 linear feet with an 8:1 slope as depicted in the "Compensatory Littoral zone" cross-section on the Master Concept Plan. A minimum of 560 herbaceous littoral plants must be install within the compensatory littoral zone areas in addition to the required littoral plants for the lakes. A revision must be made to Development Order DOS2004-00132 to delineate the compensatory littoral zone and provide details of the littoral plantings within Lake 8 and 9, and a revision must be made to DOS2002-00253 to delineate the bulkheads in Lake 1 and 2. These development order revisions must be submitted for review and approval within 90-days of the approved of ADD2004-00127. (ADD2004-00127)

32. This Administrative Amendment only addresses the addition of Deviation 14 as it may affect Tracts 6-12 of the development approved in Resolution Z-01-012a and amended by Administrative Amendment ADD2003-00014A. (ADD2004-00127).

33. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

SECTION C. DEVIATIONS- RESIDENTIAL PORTION:

1. Deviation 1 - WITHDRAWN BY APPLICANT.

2. Deviation (2) seeks relief from the LDC §10-329(e)(1)(a)(3) requirement to provide a 50-foot minimum setback for water retention lakes, to allow a 25-foot setback for water retention lakes. This deviation is APPROVED SUBJECT TO the condition that:

   Prior to development order approval, the Developer must provide satisfactory elements to discourage access from the adjacent properties. These elements may consist of fencing, berms, buffering or a combination of all three. This deviation is not approved along the eastern or northern boundary in the area identified in the memo from LCDOT if Condition 6 requires the Applicant to revise its MCP to reflect the planned extension of Sandy Lane. This deviation is approved without this condition if the Applicant is not required to revise its MCP to reflect the reservation of the northerly extension of Sandy Lane.

3. Deviation (3) seeks relief from the LDC § 10-296(d), Table 4(7)(c) requirement to provide wearing surfaces of local and access streets for category A development be constructed

of 1.5-inch asphaltic concrete, to allow for cement concrete or decorative pavers. This deviation is APPROVED SUBJECT TO the condition that:

Prior to development order approval, the Developer must demonstrate that the pavers are structural equivalent to the asphaltic pavement standard of the LDC and equivalent to 2500 psi concrete.

4. Deviation (4) seeks relief from the LDC § 10-256(d)(3) requirement to provide wearing surfaces of sidewalks to be constructed of 1.5-inch asphaltic concrete, to allow for cement concrete decorative pavers. This deviation is APPROVED SUBJECT TO the condition that:

   Prior to development order approval, the Developer must demonstrate that the pavers are structural equivalent to the asphaltic pavement standard of the LDC and equivalent to 2500 psi concrete.

5. Deviation 5.a - WITHDRAWN BY APPLICANT.

   Deviation 5.b - WITHDRAWN BY APPLICANT.

6. Deviation 6 - WITHDRAWN BY APPLICANT.

7. Deviation 7 - WITHDRAWN BY APPLICANT.

8. Deviation (8) seeks relief from the LDC § 10-292(c) requirement to provide residential developments of more than five acres or any commercial development of more than 10 acres provide two or more means of ingress or egress for the development, to allow the residential portion of the project that is separated by the railway right-of-way to have one means of ingress and egress. This deviation is APPROVED SUBJECT TO Condition 11 below.

9. Deviation 9 - WITHDRAWN BY APPLICANT.

10. Deviation 10 - WITHDRAWN BY APPLICANT.

11. Deviation (11) seeks relief from the LDC §§ 34-2015(2)c and 34-2020(1)c requirements to prohibit the stacking of vehicles in multi-family development, to allow stacking of the vehicles when all of the following requirements are met:

    1. The number of units in each multi-family building will be limited to eight units or less; and
    2. The first parking space is in an individual garage with an individual driveway; and
    3. Each individual driveway has a minimum 1-foot physical separation from any other driveway; and
    4. It can be demonstrated at the time of development order application that safe sight distance triangles are met.

    This deviation is APPROVED and conditioned in the original rezoning to compliance with the above stated requirements.

12. Deviation (12) seeks relief from the LDC § 10-415(b)(1) requirement to establish open space requirements, to allow the adoption of an Open Space Table. This deviation is APPROVED and conditioned in the original rezoning to compliance with Condition 3 below.

13. Deviation (13) seeks relief from the LDC § 34-1264(b)(1)a requirement to require a 500-foot separation distance between an establishment for the sale or service of alcoholic beverages from consumption on the premises, to allow a separation distance of 300 feet. This deviation is APPROVED and conditioned in the original rezoning to be SUBJECT TO the Permitted Use Notes set forth in Conditions 2.a.(3)(B)3. and 2.a.(3)(C), above.

14. Deviation (14) is APPROVED as addressed in Condition 33 and as depicted on the Master Concept Plan that was approved in ADD2004-00127.

SECTION B. 2. CONDITIONS OF THE COMMERCIAL PORTION:

The following Conditions, to be known as the **Commercial Portion** are added to the MPD approval. These Conditions and Deviations will not replace the above actions (Conditions 1 through 33 and Deviations 1 through 14) relating to the **Residential Portion** but are to regulate the **commercial** development of this site.

1. The development of the **commercial portion** of this project must be consistent with the two-page Master Concept Plan entitled "Estero Golf Resort Master Concept Plan" dated July 2003, and stamped "RECEIVED JUL 30 2004 ZONING", (Sheet No. C-2 and C-4, attached as **Exhibit C**) and the five-page Landscape Plan (Sheet No. L-1, L-1B, L-1C, L-2, and L-3), stamped "RECEIVED JUL 30 2004 ZONING", and attached as **Exhibit D**, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order approval, except as may be granted by deviations as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

2. The following limits apply to the **commercial** portion of the project and uses:

a. **Schedule of Uses**

(1) COMMERCIAL PORTION--"Anchor Parcel" - limited to a maximum of 228,000 square feet of floor area (including the lawn and garden center)

Department Store, Large Retail, including the following subordinate uses. These subordinate uses must be contained within the proposed large retail building:

Administrative Offices
Auto Parts Store, see Condition 6
Automobile Repair & Service, Group I only, limited to:
Cellular phone installation
Drive-in oil change
Tire repair shops, no vulcanizing
Wheel alignment
Banks and Financial Establishments, Group I only
Business Services, Groups I, limited to:
Film processing or developing
Cultural Facilities, limited to Art Galleries and Museums
Drug Store
Food Stores, Groups I and II
Hardware Store
Lawn and Garden Supply Store
Personal Services, Group I only
Restaurants, Fast Food, must be located entirely within the building with no direct exterior access, unless required for public safety.
Storage, Indoor only and only as an ancillary use
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention--Not to include the removal of excavated material from the site
Fences and Walls
Parks, Group I, limited to Neighborhood parks
Signs, in compliance with the LDC, and Conditions 6 and 16, below
Temporary uses-limited to construction offices, in compliance with LDC regulations regarding temporary uses

(2) COMMERCIAL PORTION--"Outparcel" - limited to a maximum of 20,000 square feet of floor area.

Administrative Offices
Banks and Financial Establishments, Group I, with a drive-through facility
Consumption on Premises, limited to a maximum of one (1) for a standard *Group III restaurant*
Cultural Facilities, limited to Art Galleries and Museums
Essential Services
Excavation, Water Retention--not to include the removal of excavated material from the site

Fences and Walls
Offices, Medical
Real Estate Sales and Rental Office
Restaurants, Standard--Group III, must be located a minimum of 200 feet from any off-site property zoned or used for residential purposes
Signs, in compliance with the LDC and Conditions 6 and 16 below
Storage, Indoor only and only as an ancillary use
Studios
Temporary uses-limited to construction offices, in compliance with LDC regulations regarding temporary uses

b. SITE DEVELOPMENT REGULATIONS

Property Development Regulations / **Commercial Portion:**

(1) Retail Commercial square footage within the Suburban land use category must not exceed 100,000 square feet. The development must provide cumulative totals for each development order application showing compliance with this condition.

(2) Outdoor Seating for COP uses:

(i) Outdoor seating must not be located within 300 feet of any property zoned or used for residential purposes; and
(ii) Outdoor seating must be located on the side of the principal structure opposite to any property zoned or used for residential purposes; and
(iii) The outdoor seating must cease at 10:00 p.m., Sunday through Thursday, and 11:00 p.m., Friday and Saturday;

(3) 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.

PROPERTY DEVELOPMENT REGULATIONS TABLE /ENTIRE MPD

LAND USES	MIN. LOT AREA (SF)	MIN. LOT WIDTH (FT)	MIN. LOT DEPTH (FT.)	SIDE1 INCL. COR-NER LOTS (FT)	MIN. REAR LOT SET-BACK (FT)	MIN. REAR WET-LAND SET-BACK (FT)	MIN. REAR GOLF SET-BACK (FT)	MIN. REAR ACC. SET-BACK (FT)	MIN. FRONT ENTRY/ GAR. SET-BACK (FT)	MIN. FRONT BLDG. OR SIDE ENTRY SET-BACK (FT)	MIN. WATER BODY SET-BACK (FT)	MAX. BLDG. HT. (FT)2	MIN. BLDG. SEPAR-ATION (FT) 2	MAX. LOT (%) COVER EAST OF RAIL-ROAD **W/** GOLF OPTION	MAX LOT (%) COVER EAST OF RAIL-ROAD **W/O** GOLF OPTION
SINGLE FAMILY . DETACHED	5,000	50	100	5	20	20	0	5	20	12	25	35 or Two stories	10	65	40
ZERO LOT LINE	5,000	50	100	0 or 7.5	20	20	0	5	20	12	25	35 or Two stories	10	65	40
TWO-FAMILY ATTACHED	3,750	37.5	100	0 or 10	20	20	0	5	20	12	25	35 or Two stories	10	65	40
TOWN-HOUSE	2,000	22	80	0 or 10	20	20	0	5	20	15	25	35 or Two stories	½ Bldg. Ht. but not less than 20	N/A	N/A
MULTI-FAMILY	10,000	100	100	10	20	20	0	5	20	20	25	55 or Four stories	½ Bldg. Ht. but not less than 20	70	40
CLUB HOUSE	20,000	80	100	10	20	20	0	5	N/A	20	25	55 or Four stories	½ Bldg. Ht. but not less than 20	55	N/A

COMMERCIAL (MPD 1&3)	20,000	80	100	0 or 15	25	20	N/A	5	per LDC	per LDC	25	55 or Four stories	½ Bldg. Ht. but not less than 20	55	55

1 Applies to lots of all widths and to corner lots.
2 Building height is limited to 35 feet or 2-stories within 200 feet of The Vines and San Carlos Park. Building exceeding 35 ft. in height must maintain additional building separation or additional building setbacks consistent with LDC § 34-2174(a) and LDC § 34-935(e)4.
3 Should the subject property be subdivided, a zero-foot setback to any internal lot lines will be required.
4 Structures in MPD Tract 1 must maintain a 100-foot setback from the Tract 5 property line.

3. Additional Environmental Conditions applicable to the Commercial Portion. Note all elements of Condition 3 of Resolution Z-01-012A (and this resolution) to the entire MPD remain in effect and are supplemented with conditions g., h. and i. below: Prior to local development order approval, the developer must:

   g. Submit development order plans that delineate a minimum of 13.98 acres of indigenous preservation and restoration in substantial compliance with the MCP.

   h. Submit landscape plans for the commercial portion of the MPD that clearly indicate include a minimum of 10 acres of open space within the commercial portion of the MPD; and are consistent with the five-page landscape plan stamped received July 30, 2004 prepared by CPH Engineers (Exhibit D).

   i. The above conditions may already be addressed in the Development Order submittal currently under review by Lee County (DOS2003-00222).

4. Prior to issuance of a Certificate of Compliance for the commercial portion of the planned development, the indigenous restoration and invasive exotic removal must be completed within the preserves west of the railroad tracts.

5. Prior to approval of any development order for this project, the developer must submit a lighting plan in accordance with the provisions of the LDC, as amended, indicating compliance with the LDC and Condition 13 of the overall conditions of the MPD, whichever is more restrictive.

6. Installation of any auto parts, either by employees or the general public, in conjunction with the Auto Parts Store subordinate use to the Department Store use is prohibited outside the Tire Lube Express areas. Signs must be posted at all exits and at the auto parts/auto service counter advising that "self installation" is strictly prohibited on the premises.

7. This development must comply with all the requirements of the LDC, as amended, at the time of local development order approval, except as may be granted by deviation as part of this planned development approval or subsequent amendments thereto.

8. Construction and site excavation within this portion of the planned development is prohibited between the hours of 6:00 p.m and 8:00 a.m.

9. If the lake shown in the Anchor Parcel is relocated further away from the boundary shared with MPD Tract 5, structures within the Anchor Parcel must maintain a 100-foot setback from the shared property line between the two tracts.

10. The architectural design must be consistent with the elevation drawings, attached hereto as **Exhibit E.** The architectural design for the Outparcel must be consistent with the architecture of the these elevation drawings.

11. Outdoor display and sales is prohibited.

12. Outdoor storage including the use of trailers, cargo containers and the like is prohibited.

13. Overnight Recreational Vehicle parking is prohibited.

14. Blasting is prohibited unless approved in subsequent public hearing.

15. Prior to the issuance of any Certificate of Compliance for commercial development, all landscaping for the Anchor Parcel and the Outparcel must be installed in accordance with the Commercial Portion landscape plans, attached hereto as **Exhibit D**.

16. Prior to the issuance of any Certificate of Compliance for commercial development, 5-foot wide sidewalks must be constructed on the interior side of the buffer proposed along the US 41 and Estero Parkway (fka Koreshan Boulevard) rights-of-way. Interconnections to abutting parcels and to interior pedestrian circulation must also be provided. Interconnections that cross vehicular traffic aisles must be clearly visually and texturally differentiated from the paving treatment and must be identified by signs, consistent with the Manual on Uniform Traffic Control Devices, advising customers that this is a pedestrian crossing.

17. Walls. Prior to issuance of a Certificate of Compliance for the anchor parcel, the developer must construct or install:

    a. a 10-foot-high masonry or pre-cast wall surrounding every trash compactor, and an 18-foot-high masonry or pre-cast concrete housing, designed to reduce the sound generated by the equipment by no less than 20 dB as measured at the outside of the housing, around each compressor and chiller. Variable speed motors must be used in all compressors.

    b. a 16-foot-high masonry or precast concrete screening wall to shield the delivery truck well and docks from adjacent developments.

    c. a 10-foot-high wall located adjacent to the rear service drive, and wrapping around the northerly side of the building up to the at-grade delivery doors.

    d. a 4-foot-high berm, with a 6-foot-high masonry or precast concrete screening wall along the northwesterly property line. Construction of said berm and wall must begin immediately upon beginning project construction.

18. Deliveries. Delivery hours must be limited to the following daily deliveries:

    a. 4 a.m to 6 a.m.: Two local vendor deliveries (i.e. bread, milk, etc.) NO semi-truck deliveries.

    b. 7a.m. to 9 p.m.: Semi-truck and local vendor deliveries.

    c. All deliveries are prohibited from 9 p.m to 4 a.m.

19. Sidewalk sales, tent sales, parking lot sales, auto shows, and other similar special events are prohibited outside the large retail building.

20. The main building in the Anchor parcel may be open 24 hours a day. Access to the building between the hours of 11 p.m. and 6 a.m. is restricted solely to the southerly public access to the building. All other public access doors to the building must be closed for use except in the case of an emergency. The subordinate Tire and Lube use is prohibited to operate between the hours of 8 p.m. to 7 a.m.

21. Approval of this zoning request does not address approving access onto U.S. 41, since Lee County has no jurisdiction to approve access to that roadway. The Developer must receive approval for the access to U.S. 41 from the Florida Department of Transportation (FDOT).

22. a. 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. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval.

b. The Developer may obtain the necessary development orders when the project meets Lee County concurrency requirements (all conditions required by the Lee Plan and the Land Development Code). However, the Developer may not obtain a building permit until notification of the commencement of the U.S. 41 six lane improvements.

23. The project will not be permitted any temporary signage.

24. In the outparcel, identified as Commercial Tract MPD-3, a sign can be sought that identifies Florida Gulf Coast University. This can be pursued through the Administrative Amendment process, which may include the necessary deviation(s) from the Land Development Code to achieve it.

SECTION E. DEVIATIONS FOR THE COMMERCIAL PORTION:

1. Deviation (1) seeks relief from the LDC §10-416(c)(1) requirement that the front of a vehicle may overhang any landscaped area a maximum of two feet, provided the landscaped area is protected by motor vehicle wheel stops or curbing, to allow linear concrete islands in lieu of wheel stops or curbing. This deviation is APPROVED SUBJECT TO the condition that:

   The deviation is allowed only where linear concrete bound landscape islands are provided, AND SUBJECT TO development order review in accordance with the requirements of LDC §34-1042 and subsequent development review and application approval by the Development Services Division.

2. Deviation (2) seeks relief from the LDC §10-329(d)(1)a.2. requirement that no excavation be allowed within 50 feet of any existing or proposed right-of-way line or easement line for a collector or arterial street, to allow a minimum setback of 28.50 feet. This deviation is APPROVED SUBJECT TO the condition that:

   That adequate protection for wayward vehicles be provided, SUBJECT TO development order review in accordance with the requirements of LDC §34-1042 and

subsequent development review and application approval by the Development Services Division.

3. Deviation (3) seeks relief from the LDC §10-329(d)(1)a.3. requirement that no excavation be allowed within 50 feet of any private property line under separate ownership, to allow a minimum setback of 46.25 feet along the eastern property line for lakes. This deviation is APPROVED SUBJECT TO the condition that:

   Fencing or other acceptable barrier may be required, SUBJECT TO development order review in accordance with the requirements of LDC §34-1042 and subsequent development review and application approval by the Development Services Division.

SECTION F. 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:	Open Space and Indigenous Vegetation Table
Exhibit C:	Estero Golf Resort Master Concept Plan
Exhibit D:	Landscape Plan
Exhibit E:	Architectural design/elevation drawings
Exhibit F:	Z-01-012a and Estero Golf Resort Master Concept Plan stamped "RECEIVED MAY 9 2001"
Exhibit G:	ADD2003-00014
Exhibit H:	ADD2003-00014A
Exhibit I:	ADD2004-00127
Exhibit J:	Belle Lago Amendment - Parcel F
Exhibit K:	Belle Lago Wetland Mitigation/Monitoring/Maintenance Plan

The applicant has indicated that the STRAP number for the subject property is: 26-46-25-00-00001.0000, 26-46-25-00-00001.0020, & 26-46-25-00-00001.0030

SECTION G. 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.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Judah, seconded by Commissioner St. Cerny and, upon being put to a vote, the result was as follows:

Robert P. Janes	Absent
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Nay
John E. Albion	Aye

DULY PASSED AND ADOPTED this 18th day of October, 2004.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

Approved as to form by:

_____
County Attorney's Office

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A CECI GROUP COMPANY

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Real Estate Appraisal
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DCI2003-00058

EXHIBIT
LEGAL DESCRIPTION
PARCEL "A"
ESTERO GOLF RESORT MPD

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21, THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45" W, A DISTANCE OF 84.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3481 - 3482) TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°46'45" W, ALONG SAID EAST LINE OF SECTION 21, A DISTANCE OF 2655.79 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 21; THENCE N 00°53'22" W, A DISTANCE OF 2648.37 FEET TO THE NORTHEAST CORNER OF SAID SECTION 21; THENCE N 88°29'23" W, ALONG THE NORTH LINE OF SECTION 21, A DISTANCE OF 1322.73 FEET TO THE EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 37, PAGE 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S 00°53'18" E, ALONG SAID EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB, A DISTANCE OF 1317.96 FEET; THENCE S 44°54'53" W, A DISTANCE OF 2370.26 FEET; THENCE CONTINUE S 32°34'51" E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD A DISTANCE OF 2318.90 FEET; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD CONTINUE S 86°11'53" E A DISTANCE OF 1148.53 FEET TO A POINT OF CURVATURE; THENCE CONTINUE 532.84 FEET ALONG THE ARC OF SAID CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 11,425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 532.79 FEET, AND A CHORD BEARING OF S 87°35'02" E; TO SAID POINT OF BEGINNING.

PARCEL CONTAINS 240.4± ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

AND THOSE LANDS FURTHER DESCRIBED AS FOLLOWS:

PARCEL "A-1"
ESTERO GOLF RESORT MPD

A TRACT OR PARCEL OF LAND IN SECTION 21 AND 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45"W, A DISTANCE OF 84.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3481-3482); THENCE CONTINUE ALONG THE NORTHERLY RIGHT-OF-WAY OF KORESHAN BOULEVARD 532.84 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; HAVING A RADIUS OF 11425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 532.79 FEET, AND A CHORD BEARING OF N 87°35'02" W TO A POINT OF TANGENCY; THENCE N 86°11'53" W, FOR A DISTANCE OF 1310.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 86°11'53" W A DISTANCE OF 1166.17 FEET TO A POINT OF CURVATURE; THENCE 540.77 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 1175.00 FEET, A CENTRAL ANGLE OF 26°22'09" A CHORD DISTANCE OF 536.01 FEET, AND A CHORD BEARING OF S 80°36'01" W TO A POINT OF COMPOUND CURVATURE, THENCE CONTINUE 358.48' ALONG THE ARC OF CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 1282.82 FEET, A CENTRAL ANGLE OF 15°53'11", A CHORD DISTANCE OF 357.31 FEET, AND A CHORD BEARING OF S 59°29'40" W, TO A POINT OF TANGENCY; THENCE S 51°33'05" W FOR A DISTANCE OF 261.89 FEET TO A POINT OF CURVATURE; THENCE CONTINUE 79.68 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH; HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 91°17'11", A CHORD DISTANCE OF 71.50 FEET, AND A CHORD BEARING OF N 82°48'27" W, TO A POINT OF TANGENCY; THENCE CONTINUE N 37°10'00" W A DISTANCE OF 855.60 FEET, THENCE CONTINUE N 37°45'31" W A DISTANCE OF 17.82 FEET; THENCE N 44°54'53" E FOR A DISTANCE OF 2238.15 FEET TO THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (AS RECORDED IN DEED BOOK 68, PAGE 78); THENCE CONTINUE ALONG THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD S 32°34'52" E FOR A DISTANCE OF 2368.69 FEET TO, POINT OF BEGINNING.

PARCEL CONTAINS 74.2± ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2443
DAVID L. STORLEY
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5451
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
CEO FILE NO. 99-03-1101
DATE SIGNED 3-4-04

Applicant's Legal Checked
by [signature] 3/09/2004.

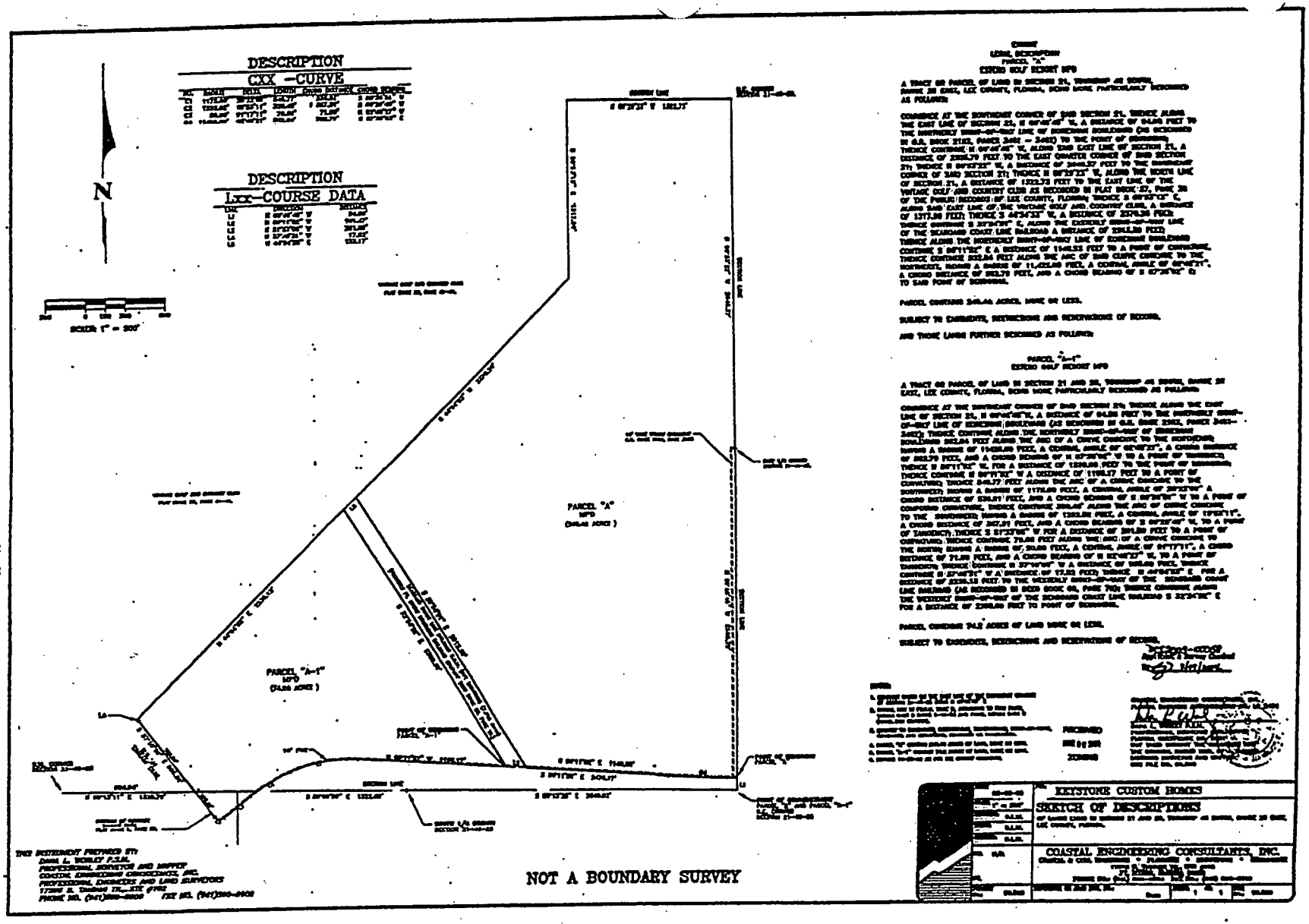


EXHIBIT "A"
Page 2 of 2

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COMMUNITY DEVELOPMENT

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2003-00058
APPLICANT: WAL-MART STORES EAST, LP, in reference to WAL-MART #5347-00 (ESTERO GOLF RESORT MPD)
HEARING DATE: AUGUST 4, 2004 [no hearing]
CONTINUED HRG. DATES: AUGUST 18, 2004 [no hearing]
AUGUST 27, 2004

I. APPLICATION:

This matter came before the Lee County Hearing Examiner as an Application for an Amendment to a Mixed Use Planned Development (MPD) pursuant to the Lee County Land Development Code (LDC).

Filed by ROBERT M. BEDARD, % WAL-MART STORES EAST, LP, 2001 S.E. 10th Street, Bentonville, Arkansas 72716-0550 (Applicant); ESTERO LAND HOLDINGS, LLC, % PAULA J. DAVIS, MANAGER, 5405 Taylor Road, Suite 4, Naples, Florida 34109-1895; and STEFAN M. DAVIS, MANAGING MEMBER OF GENERAL PARTNER OF OSPREY COVE OF LEE CO. LTD., 20725 SW 46th Avenue, Newberry, Florida 32669; and KORESHAN CONSERVATION AREA, INC., 5405 Taylor Rd Suite 4, Naples, Florida 34109-1895 (Owners); JUDSON C. PANKEY, P.E., % CPH ENGINEERS, INC., 2211 Peck Street, #300, Fort Myers, Florida 33901; and NEALE MONTGOMERY, % PAVESE LAW FIRM, 1833 Hendry Street, P. O. Box 1507, Fort Myers, Florida 33902-1507 (Agents).

Request is to amend the Planned Development for Estero Golf Resort to revise the Master Concept Plan to accommodate development of a Wal-Mart SuperCenter, adjust the location of the access to U.S. 41, add to the list of permitted uses, and eliminate certain conditions of the previous approval.

The subject property is located at the northeast corner of U.S. 41 and Estero Parkway (formerly Koreshan Boulevard), in Section 21, Township 46 South, Range 25 East, Lee County, Florida (District #5).

II. STAFF REPORT AND RECOMMENDATION: DENIAL

The Department of Community Development Staff Report was prepared by Chip Block. The Staff Report is incorporated herein by this reference.

III. RECOMMENDATION OF HEARING EXAMINER:

The undersigned Lee County Hearing Examiner recommends that the Lee County Board of County Commissioners **APPROVE** the Applicant's request to amend the Planned Development for Estero Golf Resort to add the Wal-Mart SuperCenter Optional plan of development for the real estate described in Section IX. Legal Description WITH THE FOLLOWING CONDITIONS AND DEVIATIONS:

NOTE: THE CONDITIONS AND DEVIATIONS RELATING TO THE WAL-MART SUPERCENTER USE ARE FOUND AT PAGES 16 THROUGH 23 HEREINBELOW.

A. CONDITIONS RELATING TO THE ORIGINAL MASTER CONCEPT PLAN:

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Estero Golf Resort," last revised 5/8/01, stamped "Received May 9 2001," and the conditions set forth herein. (The MCP has been revised to reflect the Board's action on May 7, 2001, as further amended by actions taken in ADD2003-00014, ADD2003-00014A, and ADD2004-00127.) If changes to the approved planned development are subsequently pursued, appropriate approvals will be necessary in accordance with the Land Development Code.

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

a. **SCHEDULE OF USES**

(1) **RESIDENTIAL PORTION - TRACTS 5-12**

Accessory Uses
Administrative Offices
Agricultural Uses, as limited by other conditions
Assisted Living Facility, limited to Tracts MPD-5 only-maximum 100 units
Club, Country including the following ancillary uses:
Consumption on Premises, limited to one for the clubhouse and one for the golf course only, includes outdoor seating
Food and Beverage Service
Golf Course Maintenance Facility, limited to MPD-7 only
Health Club and Spa
Restaurant, includes outdoor seating
Speciality Retail
Dwelling Units - single-, two-, and multi-family units, zero lot line units, and townhouses - limited to a maximum of 820 for the entire project; and a maximum of 340 units for MPD-5 and as further limited in Condition 25.
Entrance Gates and Gatehouses
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - Not to include the removal of excavated material from the site
Fences and Walls
Golf Course, including Practice Greens and Driving Range - subject to further review during the development order process to determine appropriate locations and possible additional buffering or screening required for the practice greens and driving range
Golf and Tennis Pro Shops (limited to ancillary use in clubhouse tract)
Home Occupation, as limited by the LDC
Model Homes, Model Units and Model Display Center

Real Estate Sales and Rental Office - limited to sales of lots, homes or units within the development, except as may be permitted in §34-1951 et seq. The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years from the date the Certificate of Occupancy for the sales office is issued. The director may grant one 2-year extension at the same location.

Recreational Facilities, Personal and Private On-site, as defined and regulated by the LDC § 34

Signs, in compliance with the LDC

Storage, Open, recreational vehicles, boats and similar items for residents only, will only be permitted if administrative approval is sought showing the exact location of the use. Such uses, at a minimum, must be shielded behind a continuous visual screen at least eight feet in height when visible from any residential use, and six feet in height when visible from any street right-of-way or street easement.

Temporary uses - limited to a sales center and a construction office, in compliance with the LDC for temporary uses

(2) **COMMERCIAL PORTION - TRACTS 1-4**

Accessory Uses

Administrative Offices

Agricultural Uses, as further limited by other conditions

Animal Clinic - outside kennels are prohibited

Auto Parts Store, subject to permitted Use Note B - limited also by Condition 16

Automobile Repair & Service, Group I only - subject to Permitted use Note B

Banks and Financial Establishments, all Groups

Broadcast Studio, Commercial Radio and Television - an on-site tower is prohibited

Business Services, Groups I & II, Group II - outdoor storage prohibited

Cleaning and Maintenance Services, no outdoor storage of vehicles

Clothing Stores

Computer and Data Processing

Consumption on Premises, subject to Permitted Use Note set forth in 2.a.(3)(B)C

Contractors and Builders, Group I only

Cultural Facilities, limited to Art Galleries and Museums

Daycare Center, Child and Adult

Department Store

Drive-through facility, must be located a minimum of 500 feet from any residential lot in The Vines

Drug Store, limited to Permitted Use Note B

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention - Not to include the removal of excavated material from the site

Fences and Walls

Food Stores, Groups I and II
Gift and Souvenir Shop
Hardware Store, limited to Permitted Use Note B
Health Care Facility, Groups I, II and III
Hobby, Toy and Game Shop
Hospice
Model Units and Model Display Centers - subject to conditions below
Non-store Retailers, all Groups, outdoor storage is prohibited
Offices, Medical
Package Store, limited to:
    Wine Shops, and
    Package Stores in conjunction with a Drug Store use only
Paint, Glass and Wallpaper Store
Personal Services, Group I, II - limited to Beauty Spas, Health Clubs or Spas, Reducing or Slenderizing Salons, Group III, and Group IV - limited to babysitting bureaus, debt counseling services, portrait copying, shopping services, and tax return preparation services
Pet Services
Pet Shop
Place of Worship
Real Estate Sales and Rental Office
Recreational Facilities, Personal and Private On-site only and only in conjunction with and on the same tract as any ancillary multi-family or townhouse uses
Rental and Leasing Establishments, Group II - outside storage is prohibited
Restaurants, Standard - Groups I, II, III & IV - subject to Permitted Use Note A
Schools, Commercial
Shopping Center
Signs, in compliance with the LDC
Social Services, Group I only
Specialty Retail Shops, Groups I-IV
Storage, Indoor only and only as an ancillary use
Studios
Temporary uses - limited to sales center and construction offices, in compliance with LDC regulations regarding temporary uses
Variety Store
Wholesale Establishments, Group III only

(3) **ADDITIONAL USE CONDITIONS**

(A) The following uses may be allowed in Wetland areas subject to review and approval by Environmental Sciences staff as part of development order review:

Interpretative centers, rain shelters gazebos
Nature and foot paths including pedestrian boardwalks
Wildlife management areas
Mitigation activities

Signs, limited to educational signs only

(B) The following Permitted Use Notes, apply to the uses referenced above (referenced in the Schedule of Uses as A, B & C):

1. Must be located a minimum of 200 feet from any off-site property zoned for residential purposes
2. Limited to Tracts MPD-3 and MPD-4
3. Consumption on Premises (COP)

(a) COPs are limited to a maximum of three for standard restaurants, one for the clubhouse and one for the golf course.

(b) COPs in Tract MPD-1 must first receive Special Exception or an Administrative Approval, whichever is deemed appropriate by the DCD Director. Since the proposed plan of development is only conceptual, this additional condition is necessary to ensure the placement of the COP use will be compatible with the surrounding land uses.

(C) Uses in MPD Tract 1 are limited as follows:

Hours of operation for businesses open to the public are 7:00 a.m. until 10:00 p.m. Restaurants may be open until 11:00 p.m., Monday through Thursday and 12:00 midnight, Friday and Saturday

Deliveries are prohibited between the hours of 8:00 p.m. and 6:00 a.m.

Outside entertainment, speaker systems, loud speakers or public address systems are prohibited in MPD Tract 1.

b. **SITE DEVELOPMENT REGULATIONS**

Property Development Regulations, as revised on March 30, 2001:

(1) General Project Square Footage Limitations:

(a) Maximum overall commercial development is limited to 320,000 square feet of retail commercial uses, and 20,000 square feet of office uses, except as limited below; and

(b) This project can be comprised of medical, general office, retail, or service uses (in compliance with the schedule above), or any combination of those uses, up to the maximum square footage, provided all limiting conditions, parking, open space, buffering, and water management requirements are met.

(c) All special setback or development regulations contained in the LDC (as it may be amended) for any specific use must be met; and

(d) The option to convert retail and office uses is approved with the limitation that no more than 21.94 acres of commercial acreage may be converted to office use; and

(e) Retail Commercial square footage within the Suburban land use category may not exceed 100,000 square feet. The development must provide cumulative totals for each development order submittal showing compliance with this condition.

(2) Outdoor Seating for COP uses:

(a) Outdoor seating may not be located within 300 feet of a residential lot in The Vines; and

(b) Outdoor seating must be located on the side of the principal structure that is opposite residentially zoned or used lot in The Vines; and

(c) The outdoor seating must cease at 10:00 p.m., Monday through Thursday, and 11:00 p.m., Friday and Saturday;

PROPERTY DEVELOPMENT REGULATIONS TABLE

LAND USES	MIN. LOT AREA (SF)	MIN. LOT WIDTH (FT)	MIN. LOT DEPTH (FT.)	SIDE[1] INCL. CORNER LOTS (FT)	MIN. REAR LOT SETBACK (FT)	MIN. REAR WETLAND SETBACK (FT)	MIN. REAR GOLF SETBACK (FT)	MIN. REAR ACC. SETBACK (FT)	MIN. FRONT ENTRY / GAR. SETBACK (FT)	MIN. FRONT BLDG. OR SIDE ENTRY SETBACK (FT)	MIN. WATER BODY SETBACK (FT)	MAX. BLDG. HT. (FT)[2]	MIN. BLDG. SEPARATION (FT) [2]	MAX. LOT (%) COVER EAST OF RAILROAD **W/** GOLF OPTION	MAX LOT (%) COVER EAST OF RAILROAD **W/O** GOLF OPTION
SINGLE FAMILY DETACHED	5,000	50	100	5	20	20	0	5	20	12	25	35 or Two stories	10	65	40
ZERO LOT LINE	5,000	50	100	0 or 7.5	20	20	0	5	20	12	25	35 or Two stories	10	65	40
TWO-FAMILY ATTACHED	3,750	37.5	100	0 or 10	20	20	0	5	20	12	25	35 or Two stories	10	65	40
TOWN-HOUSE	2,000	22	80	0 or 10	20	20	0	5	20	15	25	35 or Two stories	½ Bldg. Ht. but not less than 20	N/A	N/A
MULTI-FAMILY	10,000	100	100	10	20	20	0	5	20	20	25	55 or Four stories	½ Bldg. Ht. but not less than 20	70	40
CLUB HOUSE	20,000	80	100	10	20	20	0	5	N/A	20	25	55 or Four stories	½ Bldg. Ht. but not less than 20	55	N/A
COMMERCIAL	20,000	80	100	0 or 15	25	20	N/A	5	per LDC	per LDC	25	55 or Four stories	½ Bldg. Ht. but not less than 20	55	55

1 Applies to lots of all widths and to corner lots.
2 Building height is limited to 35 feet or 2-stories within 200 feet of the The Vines and San Carlos Park. Building exceeding 35 ft. in height must maintain additional building separation or additional building setbacks consistent with LDC Section 34-2174(a) and LDC Section 935(e)4.
3 Should the subject property be subdivided, a zero-foot setback to any internal lot lines will be required.
4 Structures in MPD Tract 1 must maintain a 100-foot setback from the Tract 5 property line.

3. Environmental Conditions: Prior to local development order approval, the developer must:

a. Provide open space consistent with the Open Space and Indigenous Vegetation Table attached as **Exhibit B**. Each tract must provide a minimum of 10 percent open space.

b. Submit development order plans that show a connection between the conservation area in the southeast corner of the MPD Tract-5 and the upland conservation area on the eastern side of the restored wetland. The wildlife connection must run under the road and include a set of two tunnels constructed of 36-inch-wide by 24-inch-high, elliptical concrete pipe. The plans will show the two elliptical wildlife connections placed under the road in a side by side position unless directed otherwise by Division of Planning/Environmental Sciences Staff. At a minimum, the bottom of the pipes will be placed no lower than the existing upland preserve grade to help prevent inundation within the pipes during the wet season.

c. Submit a detailed wetland restoration plan to the Division of Planning/Environmental Sciences Staff for review and approval. Both the wetland restoration plan and littoral zones required by the LDC must be designed to provide foraging area for wood storks.

d. Re-survey the potential Big Cypress fox squirrel nests on-site specifically for fox squirrel presence. The protected species survey must be prepared in accordance with LDC § 10-473 and submitted to the Division of Planning/Environmental Sciences for review and approval. If fox squirrel use of the site is verified, the developer must submit final management details in accordance with LDC § 10-474 including a phased exotic removal plan.

e. Submit a detailed gopher tortoise management plan for review and approval by the Division of Planning/Environmental Sciences staff.

f. Obtain a Vegetation Removal Permit to install barricades to protect preserves and conduct excavation of tortoise burrows to move the gopher tortoises within the development tracts.

4. The Golf Driving Range is limited to operating during daylight hours.

5. Development order submittals must include a running inventory showing the overall number of units and commercial (retail and office) square footage that have been built, approved to be built, or are in the development approval process.

6. Sandy Lane Extension

a. As part of the first development order submittal, the developer must revise the MCP to reflect the planned extension of Sandy Lane along the eastern boundary of the site, consistent with the sketch set forth in the Lee County DOT Exhibit entitled, "Sketch and Description of Sandy Lane Extension," (Exhibit D of the Staff Report) unless mutual agreement regarding a different alignment is reached between Lee County and the property owner(s). Lee County will compensate the property owner for the reservation of the property in accordance with the regulations set forth in Chapter 2 of the LDC; and

b. The minimum setback for a water retention lake from the road right-of-way must be no less than 25 feet from the western Sandy Lane right of way, consistent with LDC § 10-329(f)(1)a.2 and the sketch noted above, unless mutual agreement regarding a different alignment is reached between Lee County and the property owner(s). The developer must provide satisfactory elements for the protection of wayward vehicles. These elements may consist of fencing, berms, buffering or a combination of all three, however, the exact elements are subject to review and approval by Lee County; and

c. This project will be permitted one access point within the southern half of this project's frontage along the proposed Sandy Lane extension. This access point must align with the access point that is approved for the parcel on the tract on the east side of the Sandy Lane extension. (The access point onto Sandy Lane is not a required access point, except that at least one emergency access must be provided to a road other than Koreshan Boulevard as noted in Condition 11.)

7. Bona fide agricultural uses in existence at the time this resolution is finalized may continue until approval of the first local development order. However, no development activity of any kind may occur on the property, including clearing of vegetation or cutting of trees, unless that activity is reviewed and approved in accordance with the Lee County LDC regulations as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.

8. No excess excavated material may be removed from the site unless the developer can demonstrate to the Director of the Department of Community Development that the material to be removed: 1) is unsuitable material that cannot be used on-site; and 2) the material must be excavated to meet the minimum requirements necessary to accommodate a water management system on the site. The purpose of this condition is to prohibit the voluntary creation of excess fill material for use off-site.

9. Model units and homes are permitted in compliance with the following conditions:

a. Administrative approval must be obtained. Administrative Approval is subject to review and approval based upon potential negative impacts to nearby uses regarding, but not limited to, glare, noise, dust

b. Each model must be a unique example. Multiple examples of the same unit are not permitted; and

c. All model sites must be designated on the development order plans; and

d. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat. The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for the project; and

e. Dry models are prohibited.

10. Golf Course Conditions:

a. The golf course developer must use fertilizers with a low leaching potential (slow release). Fertilizers must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels; and

b. To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan that includes an integrated pest management (IPM) program and a nutrient management program such that nutrients and pesticides are used only when absolutely necessary. The program must address prevention, diagnosis, and limited treatment with pesticides when necessary rather than blanket treatment with broad spectrum pesticides as insurance against all pest species. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must minimize the use of pesticides and must include the use of the U.S. Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. Turf managed areas (including fairways, tees, and greens) are prohibited within 35 feet of wetlands or preserve areas. The chemical management plan must be reviewed and approved by Lee County Natural Resources Division prior to development order approval.

c. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.

d. The Developer must utilize a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.

e. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.

f. 1) Prior to the issuance of local development order approval, the developer must demonstrate compliance with "Best Management Practices for Golf Course Maintenance Departments," prepared by the Florida Department of Environmental Protection, May 1995, as amended.

2) The development order must demonstrate separate mixing and loading facilities for pesticides, and provide a separate pesticide storage area, in compliance with materials specified in the above referenced document. The development order must demonstrate separate mixing and loading facilities for fertilizer, and provide a separate fertilizer storage area, in compliance with materials specified in the above referenced document.

3) The development order plans must specify the construction material for all buildings in compliance with "Best Management Practices for Golf Course Maintenance Departments."

4) Equipment to apply pesticides and fertilizers must be stored in an area protected from rainfall.

g. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use;

h. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.

i. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from underdrains must not discharge directly into a surface water management lake.

j. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.

k. The operator of the golf course must submit an annual monitoring report of ground water and surface water quality. The monitoring program must include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water within the area of the golf course; identifying the locations for the ground water monitoring and testing on a map(s); setting forth the testing and recording requirements. The Developer must submit the test results with the monitoring report to the Lee County Natural Resources Division. The monitoring program will be established and operated at the expense of the Developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 62-302, F.A.C., water quality standards.

l. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and if the pollution is caused by the application of fertilizers, herbicides or pesticides to the golf course, the application must cease until there is a revised management plan. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County must be implemented by the Developer.

m. Prior to development order approval for the golf course, the developer must conduct a pre-development groundwater and surface water analysis and submit the analysis to Lee County Division of Natural Resources. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals that are anticipated to be associated with the project. Prior to commencing this baseline study, the developer must submit the methodology for review, comment and approval by Lee County.

11. Prior to development order approval for any portion of the property, the developer must show an emergency access connecting to the existing Oriole Road to the north. Prior to the opening of the Sandy Lane extension that will connect to the existing Oriole Road, the developer must revise the emergency access so that it will be accessible from the future Sandy Lane extension.

12. Buildings exceeding 35 feet in height must maintain additional building separation or additional building setbacks consistent with LDC § 34-2174(a) and LDC § 935(e)4.

13. Lighting to serve uses within 200 feet of perimeter property allowing residential uses must be hooded, shuttered, or shielded and may not exceed 18 feet in height. Mercury vapor lamps/lights are prohibited, the lighting in this 200-foot area must be scaled so that no more than the minimum required number of light fixtures are erected. Individual building lighting must be of the lowest intensity to meet safety standards. The scale of the fixtures and the type of hooding, shuttering and shielding is subject to further review prior to the approval of a development order. The individual building fixtures must be either directly fixed to the building or placed on a post lamp standard not to exceed 10 feet in height. Incandescent lamps are encouraged. The use of mercury vapor lamps/lights is prohibited.

14. Approval of this zoning request does not address access onto U.S. 41, since Lee County has no jurisdiction over that roadway. The developer must pursue U.S. 41 access issues with the Florida Department of Transportation (FDOT). 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. Approval of this rezoning does not give the developer an undeniable right to receive local development order approval. Future development order approvals must satisfy concurrency requirements as required by Lee Plan Objective 2.2.

15. Approval of this rezoning does not guarantee local development order approval or vest present or future development rights for Lee Plan consistency. Development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b). In addition, development order applications must also 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.

16. Installation of any auto parts, either by employees or the general public, in conjunction with the Auto Parts Store is prohibited. Signs must be posted and maintained in the parking lot for this use advising customers that "self installation" is strictly prohibited on the premises.

17. This development must comply with all the requirements of the LDC, specifically including the requirements of LDC § 10-600 et seq., at the time of local development order approval, except as may be granted by deviation as part of this planned development approval or subsequent amendments thereto.

18. Structures within Tract 5 are limited to 2-story height for a distance of 200 feet back from the perimeter property line that is shared with The Vines.

19. Development of this project must not exceed any DRI thresholds, as the impacts of same were not reviewed as part of the rezoning. The developer must provide a project-wide cumulative DRI threshold analysis with each local development order submittal.

20. If the lake shown in Tract 1 is relocated further away from the boundary shared with Tract 5, structures within Tract 1 must maintain a 100-foot setback from the shared property line between the two tracts.

21. Tract MPD-7 is approved in the internal location shown in the revised MCP dated March 30, 2001. The uses permitted in MPD-7 are Residential, Golf Course, and Maintenance. Direct access to Koreshan Boulevard from this tract is prohibited.

22. The temporary sales center must be in compliance with the Land Development Code (LDC) for temporary uses. (ADD2003-00014)

23. The temporary sales center must be removed within 60 days after the permanent model/sales center receives a certificate of occupancy. (ADD2003-00014).

24. The proposed amendment to the Master Concept Plan and attendant Land Use Summary, Master Concept Plan Notes, Parking, and South and West Perimeter Buffers elevations as shown, on the Master Concept Plan, stamped received by Community Development on May 30, 2003, entitled "ESTERO GOLF RESORT Amended Master Concept Plan, MPD TRACTS 6-12", Sheet 1 of 1, dated 02-03-03, apply only to the residential portion of the Estero Golf Resort MPD east of the Seaboard Coastline Railway R.O.W. (ADD2003-00014A)

25. A maximum of 450 residential dwelling units will be permitted on Tracts MPD-6 through MPD-12, as shown on the revised Master Concept Plan attached hereto. (ADD2003-00014A)

26. A minimum 20-foot-wide Type B buffer, with a 2-foot-high berm and landscape plantings must be installed adjacent to the Vines property to provide a visual screen between the Vines and Belle Lago. The proposed buffer must be in substantial compliance with the proposed buffer planting plan as shown on the attached sketch entitled, "BELLE LAGO AMENDMENT - PARCEL F", Cross-Section for Parcel F Buffer Adjacent to the Vines, stamped received by the zoning counter on May 16, 2003, attached hereto for reference purposes. (ADD2003-00014A)

27. The lot configuration for the lots adjacent to the Vines will be in substantial compliance with the attached sketch entitled "BELLE LAGO AMENDMENT - PARCEL F", Typical Lots in Parcel F and Buffer Adjacent to the Vines, stamped received by the zoning counter on May 16, 2003, attached hereto for reference purposes. (ADD2003-00014A)

28. Lots adjacent to the Vines must be conventional single-family homes on lots having a minimum lot width of 75 feet and a minimum lot depth of 140 feet, as shown on the attached sketch entitled, "BELLE LAGO AMENDMENT - PARCEL F", Typical Lots in Parcel F and Buffer Adjacent to the Vines, stamped received by the zoning counter on May 16, 2003, attached hereto for reference purposes. (ADD2003-00014A)

29. Prior to local development order approval, the development order plans must include (ADD2003-00014A):

a. enhancement planting detail as setforth in the document prepared by Pasarella and Associates entitled, "Belle Lago Wetland Mitigation/Monitoring/Maintenance Plan SFWMD application No. 001026-3 Revised January 31, 2003" (attached hereto). Uplands plantings must be mulched with pine straw and temporary irrigation system established;

b. the exotic removal plan must include the Category 1 exotic pest plants; and

c. where lakes abut the preserve, lake slopes must be 8:1 to provide an enlarged littoral zone. Littoral planting must be calculated as two littoral plants per linear foot. The majority of the littoral plants must be installed in the enlarged littoral zone to provide wading bird habitat.

30. Section B, Condition 11, Resolution Z-01-12a, is hereby amended by adding in underline format the following language:

> Prior to <u>the first residential</u> Development Order approval for any portion of the property, the developer must show an emergency access connecting to the existing Oriole Road to the north. Prior to the opening of Sandy Lane extension that will connect to the existing Oriole Road, the developer must revise the emergency access so that it will be accessible from the future sandy Lane extension. (ADD2003-00014A)

31. Section B, Condition 21, permitted residential, golf course, and maintenance on Tract MPD-7, as originally configured in Resolution Z-01-12a. Any relocation of the internal location of the maintenance facility as originally approved will require, at a minimum, an administrative amendment to the Estero Golf Resort MPD. (ADD2003-00014A)

32. Lake 1 and 2 may utilize 140 linear feet of stacked rock bulkheads for a total of 280 linear feet as depicted on the Master Concept Plan. A compensatory littoral zone must be provided in lakes 8 and 9 for a total of 280 linear feet with an 8:1 slope as depicted in the "Compensatory Littoral zone" cross-section on the Master Concept Plan. A minimum of 560 herbaceous littoral plants must be install within the compensatory littoral zone areas in addition to the required littoral plants for the lakes. A revision must be made to Development Order DOS2004-00132 to delineate the compensatory littoral zone and provide details of the littoral plantings within Lake 8 and 9, and a revision must be made to DOS2002-00253 to delineate the bulkheads in Lake 1 and 2. These development order revisions must be submitted for review and approval within 90-days of the approved of ADD2004-00127. (ADD2004-00127)

33. This Administrative Amendment only addresses the addition of Deviation 14 as it may affect Tracts 6-12 of the development approved in Resolution Z-01-012a and amended by Administrative Amendment ADD2003-00014A. (ADD2004-00127).

34. **DEVIATIONS - ORIGINAL APPROVAL**:

Deviation 1 - WITHDRAWN BY APPLICANT.

Deviation 2 seeks relief from the LDC §10-329(e)(1)(a)(3) requirement to provide a 50-foot minimum setback for water retention lakes, to allow a 25-foot setback for water retention lakes. The Hearing Examiner recommends APPROVAL of this previously approved Deviation as conditioned in the original rezoning:

> Prior to development order approval, the Developer must provide satisfactory elements to discourage access from the adjacent properties. These elements may consist of fencing, berms, buffering or a combination of all three. This deviation is not approved along the eastern or northern boundary in the area identified in the memo from LCDOT if Condition 6 requires the Applicant to revise its MCP to reflect the planned extension of Sandy Lane. This deviation is approved without this condition if the Applicant is not required to revise its MCP to reflect the reservation of the northerly extension of Sandy Lane.

Deviation 3 seeks relief from the LDC § 10-296(d), Table 4(7)(c) requirement to provide wearing surfaces of local and access streets for category A development be constructed of 1.5-inch asphaltic concrete, to allow for cement concrete or decorative pavers. The Hearing Examiner recommends APPROVAL of this previously approved Deviation as conditioned in the original rezoning:

> Prior to development order approval, the Developer must demonstrate that the pavers are structural equivalent to the asphaltic pavement standard of the LDC and equivalent to 2500 psi concrete.

Deviation 4 seeks relief from the LDC § 10-256(d)(3) requirement to provide wearing surfaces of sidewalks to be constructed of 1.5-inch asphaltic concrete, to allow for cement concrete decorative pavers. The Hearing Examiner recommends APPROVAL of this previously approved Deviation as conditioned in the original rezoning:

> Prior to development order approval, the Developer must demonstrate that the pavers are structural equivalent to the asphaltic pavement standard of the LDC and equivalent to 2500 psi concrete.

Deviation 5.a - WITHDRAWN BY APPLICANT.

Deviation 5.b - WITHDRAWN BY APPLICANT.

Deviation 6 - WITHDRAWN BY APPLICANT.

Deviation 7 - WITHDRAWN BY APPLICANT.

Deviation 8 seeks relief from the LDC § 10-292(c) requirement to provide residential developments of more than five acres or any commercial development of more than 10 acres provide two or more means of ingress or egress for the development, to allow the residential portion of the project that is separated by the railway right-of-way to have one means of

ingress and egress. The Hearing Examiner recommends APPROVAL of this previously approved Deviation as conditioned in Condition 11 below.

Deviation 9 - WITHDRAWN BY APPLICANT.

Deviation 10 - WITHDRAWN BY APPLICANT.

Deviation 11 seeks relief from the LDC §§ 34-2015(2)c and 34-2020(1)c requirements to prohibit the stacking of vehicles in multi-family development, to allow stacking of the vehicles when all of the following requirements are met:

1. The number of units in each multi-family building will be limited to eight units or less; and
2. The first parking space is in an individual garage with an individual driveway; and
3. Each individual driveway has a minimum 1-foot physical separation from any other driveway; and
4. It can be demonstrated at the time of development order application that safe sight distance triangles are met.

The Hearing Examiner recommends APPROVAL of this previously approved Deviation, as conditioned in the original rezoning to compliance with the above stated requirements.

Deviation 12 seeks relief from the LDC § 10-415(b)(1) requirement to establish open space requirements, to allow the adoption of an Open Space Table. The Hearing Examiner recommends APPROVAL of this previously approved Deviation, as conditioned in the original rezoning to compliance with Condition 3 below.

Deviation 13 seeks relief from the LDC § 34-1264(b)(1)a requirement to require a 500-foot separation distance between an establishment for the sale or service of alcoholic beverages from consumption on the premises, to allow a separation distance of 300 feet. The Hearing Examiner recommends APPROVAL of this previously approved Deviation, as conditioned in the original rezoning to be subject to the Permitted Use Notes set forth in Conditions 2.a.(3)(B)3. and 2.a.(3)(C), above.

Deviation 14 was approved as addressed in Condition 33 and as depicted on the Master Concept Plan that was approved in ADD2004-00127.

B. CONDITIONS OF THE WAL-MART OPTION:

The Hearing Examiner recommends that the following Conditions, to be known as the Wal-Mart SuperCenter development option, be added to the MPD approval. These Conditions and Deviations will not replace the above actions (Condition 1 through 34) but are to regulate Wal-Mart's development of this site. The following Conditions and Deviations have no force or effect on the future development of this property if Wal-Mart does not pursue its proposed development.

1. The development of the commercial portion of this project as a Wal-Mart store with one outparcel must be consistent with the two-page Master Concept Plan entitled "Estero Golf Resort Master Concept Plan" (Sheet No. C-2 and C-4, attached as **Exhibit C**)

and the five-page Landscape Plan (Sheet No. L-1, L-1B, L-1C, L-2, and L-3), stamped received July 30, 2004 and attached as **Exhibit D**, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at the time of local development order approval, except as may be granted by deviations as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

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

a. **Schedule of Uses**

(1) COMMERCIAL PORTION--"Anchor Parcel" - limited to a maximum of 228,000 square feet of floor area (including the lawn and garden center)

Department Store, Large Retail, including the following subordinate uses. These subordinate uses must be contained within the proposed large retail building.
- Administrative Offices
- Auto Parts Store, see Condition 9
- Automobile Repair & Service, Group I only, limited to
- Cellular phone installation
- Drive-in oil change
- Tire repair shops, no vulcanizing
- Wheel alignment
- Banks and Financial Establishments, Group I only
- Business Services, Groups I, limited to: Film processing or developing
- Cultural Facilities, limited to Art Galleries and Museums
- Drug Store
- Food Stores, Groups I and II
- Hardware Store
- Lawn and Garden Supply Store
- Personal Services, Group I only
- Restaurants, Fast Food, must be located entirely within the building with no direct exterior access, unless required for public safety.
- Storage, Indoor only and only as an ancillary use

Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention--Not to include the removal of excavated material from the site
Fences and Walls
Parks, Group I, limited to Neighborhood parks
Signs, in compliance with the LDC, and Conditions 6 and 16, below
Temporary uses-limited to construction offices, in compliance with LDC regulations regarding temporary uses

(2) COMMERCIAL PORTION--"Outparcel" - limited to a maximum of 20,000 square feet of floor area.

Administrative Offices
Banks and Financial Establishments, Group I, with a drive-through facility
Consumption on Premises, limited to a maximum of one (1) for a standard Group III restaurant
Cultural Facilities, limited to Art Galleries and Museums
Essential Services
Excavation, Water Retention--not to include the removal of excavated material from the site
Fences and Walls
Offices, Medical
Real Estate Sales and Rental Office
Restaurants, Standard--Group III, must be located a minimum of 200 feet from any off-site property zoned or used for residential purposes
Signs, in compliance with the LDC and Conditions 6 and 16 below
Storage, Indoor only and only as an ancillary use
Studios
Temporary uses-limited to construction offices, in compliance with LDC regulations regarding temporary uses

b. SITE DEVELOPMENT REGULATIONS

Property Development Regulations / Wal-Mart Option:

(1) Retail Commercial square footage within the Suburban land use category must not exceed 100,000 square feet. The development must provide cumulative totals for each development order application showing compliance with this condition.

(2) Outdoor Seating for COP uses:

(i) Outdoor seating must not be located within 300 feet of any property zoned or used for residential purposes; and
(ii) Outdoor seating must be located on the side of the principal structure opposite to any property zoned or used for residential purposes; and
(iii) The outdoor seating must cease at 10:00 p.m., Sunday through Thursday, and 11:00 p.m., Friday and Saturday;

(3) 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

PROPERTY DEVELOPMENT REGULATIONS TABLE / WAL-MART OPTION

LAND USES	MIN. LOT AREA (SF)	MIN. LOT WIDTH (FT)	MIN. LOT DEPTH (FT.)	SIDE[1] INCL. CORNER LOTS (FT)	MIN. REAR LOT SETBACK (FT)	MIN. REAR WETLAND SETBACK (FT)	MIN. REAR GOLF SETBACK (FT)	MIN. REAR ACC. SETBACK (FT)	MIN. FRONT ENTRY / GAR. SETBACK (FT)	MIN. FRONT BLDG. OR SIDE ENTRY SETBACK (FT)	MIN. WATER BODY SETBACK (FT)	MAX. BLDG. HT. (FT)[2]	MIN. BLDG. SEPARATION (FT) [2]	MAX. LOT (%) COVER EAST OF RAILROAD **W/** GOLF OPTION	MAX LOT (%) COVER EAST OF RAILROAD **W/O** GOLF OPTION
SINGLE FAMILY DETACHED	5,000	50	100	5	20	20	0	5	20	12	25	35 or Two stories	10	65	40
ZERO LOT LINE	5,000	50	100	0 or 7.5	20	20	0	5	20	12	25	35 or Two stories	10	65	40
TWO-FAMILY ATTACHED	3,750	37.5	100	0 or 10	20	20	0	5	20	12	25	35 or Two stories	10	65	40
TOWN-HOUSE	2,000	22	80	0 or 10	20	20	0	5	20	15	25	35 or Two stories	½ Bldg. Ht. but not less than 20	N/A	N/A
MULTI-FAMILY	10,000	100	100	10	20	20	0	5	20	20	25	55 or Four stories	½ Bldg. Ht. but not less than 20	70	40
CLUB HOUSE	20,000	80	100	10	20	20	0	5	N/A	20	25	55 or Four stories	½ Bldg. Ht. but not less than 20	55	N/A
COMMERCIAL **(MPD 1&3)**	20,000	80	100	0 or 15	25	20	N/A	5	per LDC	per LDC	25	55 or Four stories	½ Bldg. Ht. but not less than 20	55	55

1 Applies to lots of all widths and to corner lots.
2 Building height is limited to 35 feet or 2-stories within 200 feet of The Vines and San Carlos Park. Building exceeding 35 ft. in height must maintain additional building separation or additional building setbacks consistent with LDC Section 34-2174(a) and LDC Section 935(e)4.
3 Should the subject property be subdivided, a zero-foot setback to any internal lot lines will be required.
4 Structures in MPD Tract 1 must maintain a 100-foot setback from the Tract 5 property line.

3. Additional Environmental Conditions applicable in the event that the Walmart Option is developed. Note all elements of Condition 3 of Resolution Z-01-012A to the entire MPD remain in effect and are supplemented with conditions g., h. and i. below: Prior to local development order approval, the developer must:

g. Submit development order plans that delineate a minimum of 13.98 acres of indigenous preservation and restoration in substantial compliance with the MCP.

h. Submit landscape plans for the commercial portion of the MPD that clearly indicate include a minimum of 10 acres of open space within the commercial portion of the MPD; and are consistent with the five-page landscape plan stamped received July 30, 2004 prepared by CPH Engineers.

i. The above conditions may already be addressed in the Development Order submittal currently under review by Lee County (DOS2003-00222).

4. Prior to issuance of a Certificate of Compliance for the commercial portion of the planned development, the indigenous restoration and invasive exotic removal must be completed within the preserves west of the railroad tracts.

5. Prior to approval of any development order for this project, the developer must submit a lighting plan in accordance with the provisions of the LDC, as amended, indicating compliance with the LDC and Condition 13 of the overall conditions of the MPD, whichever is more restrictive.

6. Installation of any auto parts, either by employees or the general public, in conjunction with the Auto Parts Store subordinate use to the Department Store use is prohibited outside the Tire Lube Express areas. Signs must be posted at all exits and at the auto parts/auto service counter advising that "self installation" is strictly prohibited on the premises.

7. This development must comply with all the requirements of the LDC, as amended, at the time of local development order approval, except as may be granted by deviation as part of this planned development approval or subsequent amendments thereto.

8. Construction and site excavation within this portion of the planned development is prohibited between the hours of 6:00 p.m and 8:00 a.m.

9. If the lake shown in the Anchor Parcel is relocated further away from the boundary shared with MPD Tract 5, structures within the Anchor Parcel must maintain a 100-foot setback from the shared property line between the two tracts.

10. The architectural design must be consistent with the elevation drawings, attached hereto as **Exhibit E.** The architectural design for the Outparcel must be consistent with the architecture of the these elevation drawings.

11. Outdoor display and sales is prohibited.

12. Outdoor storage including the use of trailers, cargo containers and the like is prohibited.

13. Overnight Recreational Vehicle parking is prohibited.

14. Blasting is prohibited unless approved in subsequent public hearing.

15. Prior to the issuance of any Certificate of Compliance for commercial development, all landscaping for the Anchor Parcel and the Outparcel must be installed in accordance with the Wal-Mart landscape plans, attached hereto as **Exhibit D**.

16. Prior to the issuance of any Certificate of Compliance for commercial development, 5-foot wide sidewalks must be constructed on the interior side of the buffer proposed along the US 41 and Estero Parkway (fka Koreshan Boulevard) rights-of-way. Interconnections to abutting parcels and to interior pedestrian circulation must also be provided. Interconnections that cross vehicular traffic aisles must be clearly visually and texturally differentiated from the paving treatment and must be identified by signs, consistent with the Manual on Uniform Traffic Control Devices, advising customers that this is a pedestrian crossing.

17. Walls. Prior to issuance of a Certificate of Compliance for the anchor parcel, the developer must construct or install:

a. a 10-foot-high masonry or pre-cast wall surrounding every trash compactor, and an 18-foot-high masonry or pre-cast concrete housing, designed to reduce the sound generated by the equipment by no less than 20 dB as measured at the outside of the housing, around each compressor and chiller. Variable speed motors must be used in all compressors.

b. a 16-foot-high masonry or precast concrete screening wall to shield the delivery truck well and docks from adjacent developments.

c. a 10-foot-high wall located adjacent to the rear service drive, and wrapping around the northerly side of the building up to the at-grade delivery doors.

d. a 4-foot-high berm, with a 6-foot-high masonry or precast concrete screening wall along the northwesterly property line. Construction of said berm and wall must begin immediately upon beginning project construction.

18. Deliveries. Delivery hours must be limited to the following daily deliveries:

a. 4 a.m to 6 a.m.: Two local vendor deliveries (i.e. bread, milk, etc.) NO semi-truck deliveries.

b. 7a.m. to 9 p.m.: Semi-truck and local vendor deliveries.

c. All deliveries are prohibited from 9 p.m to 4 a.m.

19. Sidewalk sales, tent sales, parking lot sales, auto shows, and other similar special events are prohibited outside the large retail building.

20. The main building in the Anchor parcel may be open 24 hours a day. Access to the building between the hours of 11 p.m. and 6 a.m. is restricted solely to the southerly

public access to the building. All other public access doors to the building must be closed for use except in the case of an emergency. The subordinate Tire and Lube use is prohibited to operate between the hours of 8 p.m. to 7 a.m.

21. Approval of this zoning request does not address approving access onto U.S. 41, since Lee County has no jurisdiction to approve access to that roadway. The Developer must receive approval for the access to U.S. 41 from the Florida Department of Transportation (FDOT).

22. a. 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. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval.

ALTERNATIVE "SUPER-CONCURRENCY" CONDITION(S):

b. Future development order approvals must satisfy concurrency requirements as required by Lee Plan Objective 2.2. Issuance of a local development order for the large retail commercial building is prohibited until construction of the U.S. 41 six (6) lane improvements north and south of Estero Parkway (fka Koreshan Boulevard) has commenced. (Staff Condition)

OR

b. Developer may obtain the necessary development orders and complete the construction of the Wal-Mart SuperCenter store and obtain a Certificate of Occupancy on the store, provided the improvements to U.S. 41 are commenced within three (3) years of the issuance date of the Certificate of Occupancy. (Hearing Examiner Alternative)

OR

b. Developer may obtain the necessary development orders and complete the construction of the Wal-Mart SuperCenter store, but the County will withhold the Certificate of Occupancy until the improvements to U.S. 41 are commenced. (Hearing Examiner Alternative)

23. The project will not be permitted any temporary signage.

24. In the outparcel, identified as Commercial Tract MPD-3, a sign can be sought that identifies Florida Gulf Coast University. This can be pursued through the Administrative Amendment process, which may include the necessary deviation(s) from the Land Development Code to achieve it.

25. **Deviations for the Wal-Mart option:**

Deviation 1 seeks relief from the LDC §10-416(c)(1) requirement that the front of a vehicle may overhang any landscaped area a maximum of two feet, provided the landscaped area is protected by motor vehicle wheel stops or curbing, to allow linear concrete islands in lieu of wheel stops or curbing. The Hearing Examiner recommends **APPROVAL** of this deviation, with the following condition:

The deviation is allowed only where linear concrete bound landscape islands are provided, AND SUBJECT TO development order review in accordance with the requirements of LDC §34-1042 and subsequent development review and application approval by the Development Services Division.

Deviation 2 seeks relief from the LDC §10-329(d)(1)a.2. requirement that no excavation be allowed within 50 feet of any existing or proposed right-of-way line or easement line for a collector or arterial street, to allow a minimum setback of 28.50 feet. The Hearing Examiner recommends **APPROVAL** of this deviation, with the following condition:

That adequate protection for wayward vehicles be provided, subject to development order review in accordance with the requirements of LDC §34-1042 and subsequent development review and application approval by the Development Services Division.

Deviation 3 seeks relief from the LDC §10-329(d)(1)a.3. requirement that no excavation be allowed within 50 feet of any private property line under separate ownership, to allow a minimum setback of 46.25 feet along the eastern property line for lakes. The Hearing Examiner recommends **APPROVAL** of this deviation, with the following condition:

Fencing or other acceptable barrier may be required, subject to development order review in accordance with the requirements of LDC §34-1042 and subsequent development review and application approval by the Development Services Division.

IV. HEARING EXAMINER DISCUSSION:

This is a request to amend the approved Estero Golf Resort Mixed Use Planned Development (MPD) to allow development of a 228,000-square-foot Wal-Mart SuperCenter and 20,000 square feet of retail uses in the commercial component of the 2001 Master Concept Plan. The subject property is located on the northeast corner of Estero Parkway (fka Koreshan Boulevard) and U.S. 41, north of Broadway Street in Estero. It is surrounded on the north by residential development, on the east by the residential component of the MPD and other residential development, on the south (across Estero Parkway) by a mixture of commercial and residential uses and zoning districts, and on the west (across U.S. 41) by developed residential and vacant commercial properties. The 314.6-acre MPD is designated Urban Community, Suburban and Wetlands in the Lee Plan.

Outstanding Issue

The only unresolved issue in this rezoning request is found in Staff's recommendation of denial. Staff based their recommendation on the project's inability, "at this time," to maintain the minimum level of service standard (LOS "E") for U.S. 41. They cited numerous Lee Plan provisions relating to development timing and concurrency management in their Staff Report, arguing that those provisions

. . . require that the infrastructure to support a proposed development and maintain the legally established minimum level of service ("LOS") be in place (or contemporaneously programmed for construction) before the County approves the permits necessary to develop the project. Wal-Mart's Traffic

Impact Statement . . . clearly indicates that the level of service on the link of U.S. 41 directly associated with the project will fall to LOS "F" once the Wal-Mart SuperCenter is built on the subject property. . . . (Page 15 of the July 7, 2004 Staff Report)

The Wal-Mart Option

The subject property was rezoned to MPD in 2001, and approved for development of a large commercial component and a mixture of multi- and single-family dwelling units with a golf course and other typical residential amenities. The original approval has been administratively amended several times since 2001, mostly dealing with the residential tracts.

The 2001 Master Concept Plan (MCP) depicted 12 development tracts - the eight on the eastern portion of the site were for residential uses, and the four closest to U.S. 41 were for commercial uses. A north/south railroad track transects the residential tracts, leaving seven on the east and one tract on the west side. That MCP also indicated access points to U.S. 41 and Estero Parkway for the commercial tracts, but accesses only to Estero Parkway for the residential tracts. The commercial component of the MPD was approved for 320,000 square feet of commercial retail uses and 20,000 square feet of office uses on the large interior tract and three outparcels.

Applicant's requested amendment, if approved, would provide them with an alternative development plan for that commercial component. To construct the Wal-Mart SuperCenter, Applicant would recombine the interior tract and three outparcels, and then re-divide that combined tract into one large (32+-acre) "anchor" tract and one outparcel, and reconfigure the internal circulatory system. Besides changing the plan of development, the requested amendment would allow a 24-hour retail operation and would reduce the overall commercial square footage from 340,000 to 248,000 square feet - a loss of about 92,000 square feet.

The proposed site design locates the store on the eastern one-third of the commercial tract, orienting the store's front toward U.S. 41. The garden center and tire/lube shop would be located on the Estero Parkway side of the building, away from the residential uses on the northern property line. At-grade loading bays for local delivery vans are located on the north side of the building and the recessed loading docks are to be located on the east side (rear) of the building.

A triangularly shaped dry retention area, with enhanced berm/wall and buffer, will be located along the northern boundary, and a large wet detention pond, with an enhanced berm/wall and buffer, is depicted on the east side (rear) of the building. Those retention areas separate and buffer the existing and proposed residential developments on the north and east from the proposed retail use. Other irregularly shaped wet and dry retention areas, with enhanced buffers and berms or walls, lie along the south boundary of the commercial tract, separating the store and parking lot from the Estero Parkway right-of-way. The single outparcel is located in the southwest corner of the commercial tract, and will be accessed from the Wal-Mart's perimeter parking lot aisles.

The SuperCenter store will have access from both U.S. 41 (if approved by Florida Department of Transportation) and Estero Parkway. The internal circulatory layout is very similar to that of the Wal-Mart store on the corner of U.S. 41 and Ben Pratt/Six Mile Cypress Parkway. The U.S. 41 access point is depicted in the northwestern corner of the site, and

must still be approved by FDOT. Two access points are shown onto Estero Parkway; one approximately 262 feet east of the U.S. 41/Estero Parkway intersection, and the second one being located between the first one and the railroad tracks. The second (easternmost) access point will provide access to the retail parcels, the Tract 5 residential parcel and to the "south gate" of The Vines community. The easternmost residential tracts will have a separate access to Estero Parkway, on the east side of the railroad tracks.

Going beyond the required one neighborhood public meeting, Applicant met numerous times with nearby residents and the citizen committees of Estero regarding the site's design, buffering, lighting, noise abatement and access points. Many concessions were made by Applicant to upgrade and improve the store's architectural design, the maintenance and cleanliness of the parking lot and adjacent areas, and the planned delivery hours. Those concessions are expressed in the conditions recommended herein.

The main concern of the residents of The Vines golf course community on Wal-Mart's northeast boundary was the traffic impacts on their entrance road. They cited their current inability to turn left (southbound) out of their entrance, and the safety risks involved in turning right (northbound) onto U.S. 41. They "knew" that the traffic associated with the Wal-Mart store would make access into and out of their entrance roadway virtually impossible. After much discussion and negotiation, Applicant agreed to provide those residents with direct access to Estero Parkway through a gated "back entrance" and a driveway/easement along the east (back) side of the commercial tract. Applicant has agreed, through a separate private agreement, to design and construct the gated entrance and easement/driveway, as well as the buffering around it. While the gated entrance would serve only The Vines residents and guests, the easement would also provide an access point into the Estero Golf Resort's Tract 5 residential pod, which lies along the east side of the easement.

Noise from the delivery trucks, air conditioners and chillers was another of the residents' concerns, as were the store's delivery hours. Wall/vegetated berm combinations will reduce the visibility of the store and parking lots from the adjacent properties, as well as reducing any sounds and odors associated with the operation of the retail store.

To ensure that minimal noise emanates from the site, Applicant has agreed to enclose the semi-truck docking bays with16-foot-high pre-cast masonry walls, the compressors and chillers with 18-foot-high pre-cast masonry walls, and the trash compactors with 10-foot-high pre-cast masonry walls. These higher than normal walls will greatly reduce the amount of motor and operational noises being emitted in those areas.

In addition, a 10-foot-high wall/vegetated berm combination will be installed along the north and east boundaries of the commercial site to shield the adjacent residential developments from the store and delivery activities. The eastern wall/berm will be located on the east side of the retention pond, and will also function as a vehicular barrier along the easement for that retention pond. The northern wall/berm will be located on the north side of the dry retention area, and will shield the delivery doors used for the local vendor deliveries, i.e., milk, bread, etc. A vegetated berm and chain link fencing are planned for the south side of the commercial component - along Estero Parkway, which will screen the retail use from the properties to the south of Estero Parkway.

Applicant and the residents also worked on the store's delivery hours, and reached an agreement that would allow only two local vendor deliveries (bread, milk, etc.) between 4

a.m. and 7 a.m., daily, and other local and semi-truck deliveries only between the hours of 7 a.m. and 9 p.m., daily. Applicant has also designed the site so that the delivery trucks will do minimal backing up, which will eliminate, or greatly reduce, the piercing back-up alarm found on most heavy trucks and equipment.

Applicant also agreed not to have outside storage or sales in the parking lot or elsewhere on this site, and agreed to police the parking lot and other areas for trash and debris at regular intervals daily. The purpose behind those concessions was to safeguard and protect the "up-scale" image of the use and the site, thereby enhancing the "drive-by" experience for the residents of the area.

Applicant's experts testified in the public hearing that these upgrades in buffering, site design, and architectural design, as well as the provision of the back entrance for The Vines community, will add about $2 million to the cost of this project. However, they believed the additional costs would be well spent since it will ensure neighborhood compatibility and harmony.

Applicant conceded that the traffic associated with their retail use will have an adverse impact on the 4-laned link of U.S. 41 between Corkscrew Road and San Carlos Boulevard in San Carlos Park. They pointed out that U.S. 41 north of San Carlos Boulevard and south of Corkscrew Road has been or is being 6-laned, and will have sufficient capacity to accommodate their traffic. However, this 4-laned link already operates at a LOS "C" and is expected to be operating at LOS "F" by 2006 when they anticipate their store coming on-line.

Applicant's traffic engineer explained that the only difference between road capacity for LOS "C" and LOS "F" is 50 vehicles in the peak season peak hour. They stressed that, even if Wal-Mart was not built on this site, any other commercial development would create traffic problems on this link of U.S. 41 until the link was widened to six lanes. The widening of this link is not anticipated to begin until sometime after July 1, 2008 (the State's FY 2008-09 budget), at the earliest, and is expected to take several years. While the development of another commercial project could be phased to take advantage of the existing capacity, the Wal-Mart development is merely one large building with associated parking and accessory uses, which clearly cannot be phased.

They asserted that the reduction in the commercial square footage on this site would result in a corresponding reduction in the traffic generated by/attracted to this site. They advised that their proposed retail use at 248,000 square feet would have less peak hour, but more daily, traffic than would the previously approved 340,000 commercial retail and office square footage. Their TIS indicated that the Wal-Mart store would attract about 490 (net) morning peak hour trips, 955 (net) afternoon/evening peak hour trips, and about 12,000 (net) daily trips. These "net" trips were calculated by deducting the pass-by capture trips from the total number of trips estimated using the ITE trip generation rates. They stated that the reduction in peak hour traffic would "compensate" for the increased daily trips.

In addition, they pointed out that the impending 4-laning of Three Oaks Parkway and the extension of Estero Parkway across Interstate 75 to Ben Hill Griffin Parkway would provide alternative routes for their customers. Therefore, the improvement of those roadways would allow their north and south customers to access the site without having to go out onto U.S. 41. They conceded, however, that those improvements were not existing and might not be completed by the envisioned 2006 Wal-Mart opening date.

Applicant also requested three Deviations applicable only to the Wal-Mart Master Concept Plan. Those Deviations involved: 1) using 4-foot-wide linear concrete islands, in lieu of wheel stops or curbing, in the parking lot; 2) allowing a 28.5-foot, in lieu of a 50-foot, setback for the retention pond located between the rear of the store and the easement/driveway providing access to The Vines residential community; and 3) allowing a 46.25-foot, in lieu of a 50-foot, setback for the retention pond from the Estero Parkway right-of-way.

Staff's Analysis

Staff reviewed the requested amendment and found that the proposed plan would adequately address the compatibility and neighborhood concerns expressed at the numerous public meetings during the years 2003 and 2004, except for the increased traffic. They determined that the increased traffic and reduced LOS on U.S. 41 would ". . . place a substantial burden on the neighborhood residents and the public traveling by vehicle on the link of U.S. 41 north and south of Estero Parkway (fka Koreshan Boulevard)." (Page 15 of Staff Report) For that reason, they found that the project was not compatible "at this time" with the surrounding neighborhood.

Staff argued that they could not recommend approval of the request , even with conditions, because of the project's adverse transportation impacts on the"near failing" 4-laned link of U.S. 41 abutting the property. They determined that approval of this request would be inconsistent with the concurrency management and development timing provisions of the Lee Plan. They cited numerous provisions of the Lee Plan in the Staff Report, which they interpreted to ". . . require that the infrastructure to support a proposed development and maintain the legally established minimum level of service ("LOS") be in place (or be contemporaneously programmed for construction) before the County approves the permits necessary to develop the project."

They acknowledged that the improvements to U.S. 41 were already in the design stage, and knew that the construction costs were contained in the State's FY2008-09 construction program. Nevertheless, they believed that the roadway improvements would not be completed until 2011, at the earliest, stressing that there was no guarantee on that date. It was not unknown for the construction phase of a roadway to be moved farther into the future if another roadway was deemed to be in greater and more immediate need of improvement.

They noted that Wal-Mart's original anticipated opening date was 2005, which has now been pushed back to 2006. Given the factors discussed in the paragraph above, they feared the approval and construction of the Wal-Mart option could result in at least five years of increased traffic on that roadway. In such an instance, U.S. 41 abutting the subject property would clearly be operating at an unacceptable level of service. Even though Staff recognized that the traffic impacts would not occur until "Wal-Mart opens its doors in this location. . . , " they still felt their only recourse was to "recommend DENIAL" of the rezoning amendment. (Page 15 of the Staff Report)

Recognizing that the Hearing Examiner and Board of County Commissioners could approve this rezoning request, Staff proposed that a condition (Condition 24.b in the August 24, 2004 Memorandum) regarding the concurrency matter be imposed on the development of this

site.[1] That condition prohibited the issuance of a local development order for the Wal-Mart store until the U.S. 41 widening had commenced. Staff testified that they had grave concerns that U.S. 41 would fail if the Wal-Mart store was allowed to develop and open before the roadway was widened to six lanes. In their opinion, the only way to prevent that failure was to prohibit the development of the subject property through denial of the rezoning request.

In response to questions by the Hearing Examiner, Staff testified that approval of the rezoning amendment did not mandate the approval and issuance of Applicant's development order, if the project could not meet the concurrency parameters and standards established in LDC Chapter 2 and Lee Plan Goal 22 and Objective 22.3. (Mike Carroll, Pages 239 thru 248 of the transcript). Nevertheless, Staff expressed concerns that those established time lines and parameters might not be strict enough to protect the public in this case, and sought to increase the protection by imposing a more stringent concurrency requirement on this project. They cited to the Coconut Pointe DRI approval as precedent for the imposition of this more stringent condition.

Staff also explained that they had recommended denial of all three Deviations requested by Applicant, simply because they were recommending denial of the requested amendment. Otherwise, these were typical Deviations requested and approved in planned developments.

Arguments

After reviewing Staff's proposed Condition24.b, Applicant and the attorney representing The Vines Homeowners' Association described this requirement as "super-concurrency" because it exceeds the timing and parameters established for the application of concurrency review to development projects.

Applicant cited portions of Lee Plan Goal 22, Objective 22.3 and LDC Chapter 2, in which the County had adopted a specific time frame and concurrency review process, arguing that the proposed "super-concurrency" condition was inconsistent with those regulations. They explained that the genesis for the County's adopted provisions was Section 163.3180, Florida Statutes, which mandates that local governments adopt concurrency management provisions for sanitary sewer, solid waste, drainage, potable water, parks and recreation, and transportation facilities. (Section 163.3180(1)(a), Fla. Stat.)

They pointed out that Objective 22.3 and LDC Chapter 2 tied the concurrency management process to the request for development orders and permits. Zonings, special exceptions, variances, and other zoning-type actions were specifically excluded from the concurrency review process, clearly, they believed, because the Board of County Commissioners and Staff realized that off-site impacts did not occur until the project was developed. Thus, they

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[1] Condition 24.b proposed by Staff (formerly 27.b in July 7, 2004 Staff Report) reads:

> Future development order approvals must satisfy concurrency requirements as required by Lee Plan Objective 2.2. Issuance of a local development order for the large retail commercial building is prohibited until construction of the U.S. 41 six (6) lane improvements north and south of Estero Parkway (fka Koreshan Boulevard) has commenced.

stressed, Staff's attempt to impose the concurrency review at this rezoning stage was clearly inconsistent and contrary to the adopted provisions of the Lee Plan and the Land Development Code.

Following through on the permitting argument, Applicant also explained that, under the Florida Statutes, they were entitled to receive approval of local government development orders if the deficient roadway was within 3 years of its improvement construction date. (Section 163.3180(2)(c), Fla. Stat.) [2] They asserted the 3-year interpretation has been consistently applied in concurrency matters in Lee County since the adoption of the concurrency management provisions. They stressed that Applicant was more than willing to abide by that interpretation in the development of this project, which they felt was reasonable and equitable.

Applicant understood that the 3-year interpretation would change their envisioned 2005 opening date, but did not believe that the improvements would be pushed back as far as Staff's assumption of 2011. Their transportation expert testified, and LCDOT Staff confirmed, that the funding for the actual construction of the U.S. 41 improvement was slated by the State for its FY2008-09 construction program. This meant that the funds for the improvement would be available on or around July 1, 2008. If so, under the State's 3-year provision, Applicant's development order application could be approved for concurrency purposes on or around July 1, 2005, and the development order and subsequent permits could then be issued.

They felt that they were being treated differently than other projects in Lee County, because the Board of County Commissioners has never imposed this super-concurrency provision on any other project within its jurisdiction. They conceded that it had been considered for the Coconut Pointe DRI at Coconut Road and U.S. 41, but was not imposed because DRI developments are governed by different impact mitigation regulations. They also noted that a similar condition had been imposed on the Home Depot store by the Bonita Springs City Council, a distinct governmental entity from the Board of County Commissioners. They added that the condition had not been enforced in that case. Thus, they believed that their project was being unfairly and inequitably treated by Staff.

Lastly, Applicant asserted that, if Staff's "new" concurrency condition is accepted by the Hearing Examiner and the Board of County Commissioners, Applicant will have to go back through the entire rezoning and public meeting process next year. This would add another one and a half to two years, and additional costs, in the process before it, again, reaches the Hearing Examiner and the Board of County Commissioners, and another year or two before Applicant could obtain their development order approvals and commence construction. Such a situation could have serious financial consequences for Applicant, and could result in it not developing this site.

On the other hand, if the Master Concept Plan (rezoning) amendment was approved, neither the County nor the public would be harmed because Applicant still could not obtain a

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[2] Section163.3180(2)(c) reads, in pertinent part:
. . . . Other transportation facilities needed to serve new development shall be in place or under actual construction no more than three (3) years after issuance by the local government of a certificate of occupancy or its functional equivalent.

development order until the concurrency matter was resolved. However, the rezoning approval would give Applicant a 5-year window in which to resolve the concurrency matter, obtain their development order approvals and commence construction before their zoning approval terminated and they had to go back through the rezoning process. They noted that the project's development would be controlled by the concessions and conditions imposed in this rezoning. They believed that approval of the rezoning now was the most preferable for everyone involved, as it gave everyone certainty in the development of the site, and still protected the public against development until the concurrency matter could be resolved.

Staff disagreed with the Applicant's arguments and assertions. They conceded that the County's concurrency management provisions did include the 3-year interpretation, but asserted that there was no guarantee that the actual funding or improvement would be available on July 1, 2008, even if it was carried on the FY2008-09 program. They reiterated that the State could put off that construction to a later date, regardless of the "programmed" date. If that were to happen and Lee County had issued a letter finding concurrency based on the July 1, 2008 date, this project could be completed and operational before the improvement was ever made. [3] In that event, Wal-Mart's traffic would be using the roadway, thereby degrading the level of service to an unacceptable level and worsening the situation for the entire area and all the traveling public.

Staff agreed that improvements were being made to Three Oaks Parkway and Estero Parkway, which could alleviate some of the trips on U.S. 41. However, none of the parties had put forth the dates of those improvements. Thus, Staff could not be certain that those roadways would be available or would reduce the number of trips on U.S. 41 enough to prevent that roadway from going to a LOS "F" before it was widened.

With regard to Applicant's statements about unfair and inequitable treatment, Staff alleged that this link of U.S. 41 was in very serious condition, and they felt the existing condition justified the imposition of more stringent conditions and interpretations. They interpreted the intent of the Lee Plan to be that no development would be permitted if it would degrade a level of service below that deemed acceptable in the Lee Plan. They believed that subjecting this project to the standard concurrency provisions would allow that degradation to happen, which was clearly inconsistent with the Lee Plan. For that reason and to protect the public health, safety and welfare, they did not want any of the Wal-Mart traffic on U.S. 41 until the 6-laning had been commenced.

In Staff's minds, the project had to be stopped at the rezoning stage, even though they understood Lee Plan and Land Development Code concurrency management provisions were customarily tied to development permitting, not the zoning stage. Nevertheless, in this case, they were concerned that approval of the rezoning amendment would somehow "entitle" Applicant to a finding of concurrency without further regard to the actual traffic situation with U.S. 41. If a finding of concurrency was made by Lee County Staff, Applicant's development order and subsequent permits would be issued and the project would be allowed to proceed to completion. They stressed that, when Staff issues the letter finding concurrency on a project, that finding cannot be "taken back," regardless of subsequent

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[3] Staff cited to an instance on Alico Road in which the concurrency letter and development order was issued, but the roadway improvement had been held up in environmental permitting and was not completed for about six (6) years after the development order was issued. That instance created several problems for the County, as well as the business owner.

adverse situations regarding the concurrency matter. They alleged that, once Wal-Mart's doors were opened, its associated traffic would clog both north- and southbound U.S. 41, and would cause the roadway to completely fail.

It was suggested by members of the public that the super-concurrency condition be modified to allow Applicant to obtain its development order and complete the construction, but to withhold the Certificate of Occupancy until the improvements were completed to U.S. 41. They were residents of the area and were already experiencing the traffic problems associated with this 4-laned section of U.S. 41, and really did not want to see it get any worse. At the same time, however, they were afraid that denial of the Applicant's development order and permits would result in the loss of the Wal-Mart store and their hard won concessions for the development of this site.

Neither Staff nor Applicant were enamored with the public's suggestion. Staff feared that withholding the Certificate of Occupancy would result in legal entanglements. Applicant did not want that as it would have an empty store with associated costs and expenditures, but with no income.

Public Input

Approximately 40 members of the public attended the public hearing. Of those people speaking at the hearing, approximately two-thirds spoke in favor of the Wal-Mart amendment, providing petitions with numerous signatures of Estero residents also in favor of the amendment. They testified to the numerous meetings held by Wal-Mart representatives, and were very pleased with the cooperative attitude of those representatives. They believed that their community needed the Wal-Mart store, as it would keep them from having to travel into Fort Myers to shop at the store there. They understood the traffic and other issues generally associated with this type of store, but believed that their community would be protected by the many concessions made by Wal-Mart in the site design and operations. They believed that the store, as designed, would be a "credit" to their community, and that the site design and conditions would establish the foundation for future "big box" uses in their community.

Many of those in favor were residents of The Vines, the closest residential community, abutting the northeast side of the Wal-Mart tract. They were very happy with the "back entrance" into their community being provided by Wal-Mart, so that they did not have to try to cross U.S. 41. There were several Vines residents, however, who opposed the Wal-Mart option, citing concerns about traffic, and security and safety fears for their families.

Approximately one-third of the public speaking at the public hearing were against the Wal-Mart amendment, with the primary issue being traffic and its impacts on their lives. Many of the objectors were property owners in The Cascades residential development, which is located approximately three-quarters of a mile east of and separated from the Wal-Mart site by two other residential developments. They stressed that U.S. 41 was already a heavily traveled, very dangerous roadway, and putting a Wal-Mart store at this location would greatly exacerbate the problems. Many did not want the 24-hour operation, citing noise, lights, and safety of nearby residents from burglaries and vandalism. They also presented petitions containing numerous signatures of Estero residents who were opposed to the rezoning amendment.

Hearing Examiner Discussion

In looking at this case, the Hearing Examiner finds that Applicant has gone well beyond the adopted regulations and requirements to ensure the project's compatibility with the mixture of commercial and residential uses in the vicinity of the subject property. Staff agreed that the project was an excellent example of what can happen when the public and developers work together to achieve a project that furthers both interests. Staff could find no fault with the many concessions and agreements between the developer and the public, and included them as conditions to be imposed in the event the Board of County Commissioners approves the request. The Hearing Examiner also finds that Staff's proposed conditions, with some reservations, will ensure an upscale project, visually and operationally, that will not adversely impact the uses in the neighborhood.

However, having said all that, the Hearing Examiner recognizes that site design and neighborhood compatibility is not the issue that lead to Staff's recommendation of denial. She understands Staff's concerns that the traffic associated with the proposed use will overwhelm the current transportation capacity on U.S. 41, thereby causing that roadway to "fail" under the levels of service adopted in the Lee Plan. She finds that Staff's concern is a valid one, especially given the current traffic conditions being experienced on that 4-laned link of U.S. 41.

The question facing her, however, is whether Staff can recommend denial of a rezoning action for concurrency concerns under Lee County's adopted land development regulations. It must be noted, at this time, that the Hearing Examiner was in error when she found that the Lee Plan and Land Development Code provisions restricted the concurrency review and determination to only the development order review stages. While her initial finding was based on the testimony and legal argument put forth in the public hearing, a more thorough review of the state statutes, Lee Plan and Land Development Code have caused the Hearing Examiner to change that opinion, and to find that Staff was not in error when they recommended denial of the project for concurrency concerns.

During the public hearing it was brought out that Lee County's concurrency management processes were mandated by Section 163.3180, Florida Statutes. The goal of concurrency management is to prevent possibly "troublesome" projects from receiving development orders, building permits, and other approvals allowing the construction of the proposed project until its off-site impacts could be accommodated. Both the Legislature and Board of County Commissioners, however, recognized that strict implementation of that goal would result in a development moratorium when, for example, abutting roadways do not have the available capacity. In order to balance and protect the public and the private property interests, the originating statute allowed construction of the project(s), provided the necessary transportation facilities were on-line or would be under construction within 3 years of the date of the Certificate of Occupancy for the project(s). (Emphasis added by Hearing Examiner - see footnote 2 on page 29 for statutory language.)

Based on that statutory mandate, Lee County adopted several concurrency related goals, objectives and policies. Among those were Lee Plan Policies 22.3.3 and 23.2.2, which tied the concurrency review and compliance to "local development order requests," "development orders," "development permits," and/or "building permits" as those items were defined in Section 163.3164, Fla. Stat. Lee County then adopted LDC Section 2-41, et seq., to implement the Lee Plan provisions.

In determining whether Staff has the right to review and deny a rezoning request for concurrency reasons, it was necessary for the Hearing Examiner to review the definitions on which all the concurrency provisions are based. "Development order" is defined in the state statute as "any order granting, denying, or granting with conditions, an application for a development permit." "Development permit" is defined as "including any building permit, **zoning permit**, subdivision approval, **rezoning**, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land." (Emphasis added by Hearing Examiner)

It is important to note that the Lee Plan Glossary, Section XII, defines development order and development permit almost identically to the statutory definitions. However, when the concurrency management provisions were adopted in the Land Development Code , the definition of "development permit" was not consistent with either the statutory or the Lee Plan definitions. (See Section 2-45) That definition expressly excluded "zoning permits, zoning variances, rezoning, special exceptions . . .," stating that such approvals did not "permit the [actual] development of land."

Thus, Staff's actions in reviewing the project's concurrency status and recommending denial of the rezoning request complied with the requirements of Section 163.3180, Fla. Stat., and the provisions of the Lee Plan. Under the current interpretation of the LDC Section 2-41, et seq., provisions, Staff should not have conducted the concurrency review until the actual development order review stage, after the requested rezoning was approved.

Even though the LDC concurrency management provisions are different from those contained in the Lee Plan and the Florida Statutes, those provisions are subservient to the Lee Plan provisions. By its own provisions, the Lee Plan controls when/if the Land Development Code does not conform to the Lee Plan provisions. This means that the concurrency review processes set out in LDC Section 2-41, et seq., must be interpreted to allow concurrency review during rezonings and other zoning type actions. Hence, the Hearing Examiner's finding that Staff's actions and recommendation of denial, with regard to the concurrency review issue, were legal and correct.

The Hearing Examiner also finds that Staff's recommendation of denial is clearly supported by the following Lee Plan provisions, utilizing the statutory and Lee Plan definitions:

> Objective 2.2 - ". . . . Development Orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Section 163.3203(2)(g) and 163.3180, Florida Statutes and the County's Concurrency Management Ordinance."
>
> Objective 23.2 - "When possible, plan the construction of roadway facilities and new developments so that established service levels are maintained through time despite the additional traffic load."
>
> Policy 23.2.2 - "No development order or development permit, as defined in Section163.3164, F.S., will be granted if the approval will result in a needed facility not being available concurrent with the impacts of the development. "

Objective 70.2 - "Maintain a 'Concurrency Management System' (CMS) within the development regulations in accordance with F.S. 163.3202. The CMS will ensure that no development permits will be issued unless the established regulatory level-of-service requirements are met or will be met as needed to serve the development."

Policy 70.2.1.a. - "The purpose of the CMS will be to ensure that no development permit is issued unless the facilities necessary to serve the development are in place and have adequate capacity as defined by the adopted level-of-service standard. . . ."

Clearly, denial of the requested rezoning would be consistent with these provisions and with the intent and goals of concurrency management.

However, the undersigned Hearing Examiner has concerns whether the denial of this request, is in the best interests of this growing community - ignoring the traffic issue for the moment. As was pointed out by numerous speakers at the public hearing, and as can be verified by close scrutiny of the proposed Master Concept Plan, this proposed plan exceeds the County's compatibility requirements. Applicant, adjacent property owners, and members of the Estero community worked long and hard to obtain this exceptional development plan. In exchange for their hard work, the adjacent property owners and members of the Estero community received a reduced amount of retail square footage, larger vegetative buffers, higher than normal berms and walls, additional noise buffering walls inside the site, restricted uses and hours of deliveries, no outdoor storage or sales in the parking lots or driveway aisles, and an architecturally pleasing design for the building.

It is more than likely that denial of the rezoning request will result in the project not being built on the subject property. Since the site has already been approved for 320,000 square feet of retail uses, it will ultimately be developed with retail uses, but the community will have lost its opportunity - without another rezoning request - to participate in the designing of that 320,000 square feet. The Hearing Examiner understands that the public opposing this project call this argument the "fear factor," but points out that, whether they like it or not, the preceding sentence is a factual statement of the situation that will occur if this request is denied.

It is the opinion of the Hearing Examiner that this rezoning request can be approved, with conditions that will achieve the intent and goals of the concurrency management provisions. She points out that Staff has already recognized the possibility of this request being approved, and has already recommended numerous conditions that needed to be imposed if that were to occur.

The last matter to be resolved in this case revolves around Applicant's objection to Staff's proposed "super-concurrency" condition which prohibits Applicant from receiving a local development order until the improvements to U.S. 41 have commenced. Staff feared that the construction would not commence, as programmed, in FY2008-09, and that U.S. 41 will be inundated with Wal-Mart's traffic if this project is approved and development orders issued.

Applicant argues that Staff is disregarding Applicant's "right" to have the 3-year pre-improvement period and the anticipated additional capacity included in Staff's determination of "available capacity" for concurrency purposes. They stressed that this 3-year lead time is granted for all proposed developments by both the statutes and the Lee Plan, and that Staff is treating this project differently than any other project in Lee County.

The Hearing Examiner finds that Applicant was correct in their argument that this condition is much stricter than contemplated by the Florida statute or the Lee Plan provisions. She concurs that the condition essentially denies the use of the statutory 3-year construction time frame in determining concurrency compliance and allowing the development to proceed. Such a denial would be inconsistent with the following statutory and Lee Plan provisions:

> Section 163.3180, Fla. Stat., specifically allows a project to be constructed and to receive a Certificate of Occupancy, PROVIDED the roadway improvements are in place or under construction WITHIN 3 years after the issuance date of the Certificate of Occupancy. (Note: this establishes the Certificate of Occupancy stage as the timing threshold; not the development order stage as has been historically applied by Lee County)
>
> Objective 22.3 requires Lee County to use a transportation concurrency management system that is consistent with the requirements of Section 163.3180, Fla. Stat.
>
> Policy 22.3.2 requires Lee County to annually monitor and report existing roadway conditions and establish the "available capacity" on those roadways. It specifically sets out that ". . . available capacity for existing conditions will include the added capacity of roadway improvements programmed in the first three years of an adopted County Capital Improvement Program or State Five-Year Work Program." (Emphasis by Hearing Examiner)
>
> Policy 22.3.3 requires the review of local development order requests against the "available capacity" identified in the annual concurrency report. If the capacity is available, the County "may" then issue a concurrency certificate.

Therefore, the Hearing Examiner finds that nothing in these provisions requires the roadway to be under construction before a development order can be issued. In fact, the state statute allows the development to be permitted and to proceed through the Certificate of Occupancy before the concurrency requirement is enforced. Based on these provisions and findings, the Hearing Examiner concurs that Applicant is being treated differently than other developers on this issue.

That, then, leads to the question of whether the facts and circumstances of this case merit the different treatment. While the proposed project is clearly compatible with the neighborhood uses, the Hearing Examiner cannot dismiss or disregard the fact that allowing the Wal-Mart store to come on-line without adequate roadway improvements may have a serious detrimental effect on the residents of the surrounding community, as well as the traveling public. She understands that Staff's concurrency condition is intended to prevent what they believe will be the "hazardous consequences" of allowing Wal-Mart to develop and open its doors on this overburdened roadway.

Having recognized that the arguments of both sides have merit and that there is some inconsistency between the Lee Plan and Land Development Code concurrency management provisions , it is the opinion of the undersigned Hearing Examiner that any decision made on this matter will effect the "future" of the concurrency management system in Lee County . For that reason, she believes that this is a "policy matter" that can only be decided by the Board of County Commissioners. She asks that the Board provide Staff and the Hearing Examiners some guidance on resolving the inconsistency between the interpretation and application of the concurrency management provisions in the Lee Plan and the Land Development Code.

With regard to the "super-concurrency" condition, the Hearing Examiner finds that the imposition of stricter concurrency management requirements on this project by the Board of County Commissioners would be justified and well within its statutorily delegated authority. Under Florida case law, one of the foremost decision making responsibilities of the Board of County Commissioners is the protection of the public from projects having unique and potentially hazards impacts on the public health, safety and welfare. The Hearing Examiner believes that, given the already congested state of U.S. 41, this project could be deemed to generate unique and potentially hazardous traffic impacts on the residents of this area, as well as the traveling public.

As this will be the Board's first impression of the "super-concurrency" condition, it is important to recognize that this, in all likelihood, will not be the only situation in which such a condition may be appropriate or necessary. Given the amount of development occurring county-wide and, given the County's inability to provide roads to meet the galloping pace of development, the "super-concurrency" condition may become a standard traffic impact mitigation condition on future large scale projects.

As was noted above, Staff's proposed concurrency management condition will prevent any development until the roadway is under construction, in essence, imposing a "temporary moratorium" on the property. That condition goes well beyond the statutory provisions that allow the site to be developed so long as the roadway improvements are made within a specific time frame. While this condition would prevent Wal-Mart's traffic impacts on U.S. 41 until the road is under construction, it could result in lengthy and expensive legal action.

The Hearing Examiner is proposing two alternative concurrency conditions, in addition to the condition recommended by Staff, for the Board's consideration:

1) The first alternative would allow the Wal-Mart to complete its development and receive its Certificate of Occupancy provided the roadway improvements have been commenced within 3 years of the issuance of the Certificate of Occupancy.

2) The second alternative would allow the development to be completed, but would allow the County to withhold the Certificate of Occupancy until the roadway improvements are under construction.

Both conditions have pros and cons associated with them. For example, while the first alternative would be consistent with the statutory provisions, it would be the hardest, legally and publicly, to enforce, as it could require the County to shut Wal-Mart down if the roadway improvements do not meet the 3-year time line given. In addition, at best or at the worst, it

would allow the Wal-Mart store to generate traffic impacts on U.S. 41 for 3 years before the roadway is improved. Enforcement of this condition could be lengthy and expensive.

The second alternative would be consistent with the Lee Plan provisions cited on page 35 hereinabove, but could be argued to be somewhat "inconsistent" with the statutory requirement. Denial of the Certificate of Occupancy will not allow Applicant to open the store after having been allowed to develop it, and civil legal actions could ensue from such a denial.

Despite the potential pitfalls in the concurrency condition(s), the undersigned Hearing Examiner believes that the Board's obligation to protect the public health, safety and welfare provides a justifiable and legally supportable basis for the imposition of such a condition in this case.

V. FINDINGS AND CONCLUSIONS:

Based upon the Staff Report, the testimony and exhibits presented in connection with this matter, the undersigned Hearing Examiner makes the following findings and conclusions:

A. That the Applicant has proved entitlement to this request, as conditioned, by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes or regulations.

B. That the request, as conditioned, will meet or exceed all performance and locational standards set forth for the potential uses allowed by the request.

C. That the request, as conditioned, is consistent with the densities, intensities and general uses set forth in the Lee Plan.

D. That the request, as conditioned, is compatible with existing or planned uses in the surrounding area.

E. That approval of the request, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities, and the development, as conditioned, will be served by streets with the capacity to carry traffic it generates.

F. That the request, as conditioned, will not adversely affect environmentally critical areas and natural resources.

G. That the proposed mix of uses, as conditioned, are appropriate at the subject location.

H. That the recommended conditions to the Master Concept Plan are reasonably related to the impacts anticipated from the proposed development, and, with other regulations, will provide sufficient safeguard to the public interest.

I. That the approved Deviations, as conditioned, will enhance the objective of the proposed development, and will promote the protection of the public health, safety and welfare. (LDC Section 34-377)

J. That urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

K. That concurrency review is not restricted to only development order or construction permit applications, but, by Florida Statute and Lee Plan provisions, can be a component of the review of zoning-type applications.

L. That "super-concurrency" conditions may be necessary when a project is unique and will have potentially hazardous off-site impacts.

VI. LIST OF EXHIBITS:

Seven page Master Concept Plan, page 1 dated January 2004, page 2 dated July, 2003, pages 3 to 7 dated August, 2003, not revised, prepared by CPD Enegineers, date stamped "RECEIVED JUN 24 2004 ZONING COUNTER"

STAFF'S EXHIBITS

Résumés of Lee County Staff are on file with the Hearing Examiner's Office and are incorporated herein.

APPLICANT'S EXHIBITS

1 Aerial photograph with overlay
2 Master Concept Plan (Sheet C-2)
3 Landscape Plan
4 Wal-Mart Elevation
5 Proposed Entry Landscape Plan
6 Alternative Drive Perspective
7 Perry email to Lisa Williams and Chip Block
8 Judson Pankey, P.E. Résumé
9 Bernard Kinney Résumé
10 Noise Study / Sound Control Plan, dated February 23, 2004
11 Karl G. Lotspeich Résumé
12 Trip Generation Comparison
13 Aerial photograph of roadway network (black & white)

Résumés of Applicant's consultants are on file with the Hearing Examiner's Office and are incorporated herein.

OTHER EXHIBITS

Geoffroy

1 Petition from "The Cascades"
2 Petition from "Breckenridge"
3 Two letters

Eslick

1 Composite Exhibit

Beron

1 Composite Exhibit

Uhle

1 Agreement between The Vines and WM
2 Second Agreement between The Vines and WM

Perry

1 Document entitled Vines Residents Meeting / March 2nd and 3rd, 2004 / Subject: Wal-Mart Rezoning Application

Rosenthal

1 Composite Exhibit

VII. PRESENTATION SUMMARY:

See Official Court Reporter Transcript

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Bernard Kinney, Jr., c/o BKA, Inc., 9767 Ericact, Boca Raton, Florida 33496

2. Peter Klein, c/o MeLand Company, 805 Sweeterier Drive, Alpharetta, Georgia 30004

3. Karl G. Lotspeich, c/o Lotspeich & Associates, Inc., 2711 W. Fairbanks Avenue, Winter Park, Florida 32789

4. Jason Toole, c/o CPH Engineers, 2211 Peck Street, Fort Myers, Florida 33901

5. Ted Treesh, c/o Metro Transportation Group, 12651 McGregor Boulevard, Fort Myers, Florida 33912

6. Lisa Williams, c/o CPH Engineers, 2211 Peck Street, Fort Myers, Florida 33901

ADDITIONAL COUNTY STAFF:

1. Mike Carroll, Department of Community Development, P. O. Box 398, Ft. Myers, Florida 33902-0398

2. Andy Getch, Lee County Department of Transportation, P. O. Box 398, Ft. Myers, Florida 33902-0398

3. Joan Henry, Assistant County Attorney, P. O. Box 398, Ft. Myers, Florida 33902-0398

PUBLIC PARTICIPATION:

A. THE FOLLOWING PERSONS TESTIFIED OR SUBMITTED EVIDENCE FOR THE RECORD AT THE HEARING (SEE SECTION VII.):

For:

1. George R. Bradley, 19203 Vintage Trace Circle, Fort Myers, Florida 33912
2. Bonnie J. Brandt, 3420 Coralberry Lane, Estero, Florida 33928
3. Nancy B. Cohen, 4730 Via Napoli, Bonita Springs, Florida 34134
4. Donald F. Eslick, 23650 Via Veneto, #604, Bonita Springs, Florida 34134
5. Ronald D. Greenlee, 19482 Lost Creek Drive, Fort Myers, Florida 33912
6. Bryan Hallam, 20048 Serene Meadow Lane, Estero, Florida 33928
7. Tony Jirsa, 8421 Southbridge Drive #1, Fort Myers, Florida 33912
8. Sam Levy, 23051 Whispering Ridge Drive, Bonita Springs, Florida 34135
9. Neal Noethlich, 20225 Wildcat Run Drive, Estero, Florida 33928
10. Frank Pecka, 10748 Yellow Rail Circle, Estero, Florida 33928
11. Bob Perry, 19049 Vintage Trace Circle, Fort Myers, Florida 33912
12. Bill Prysi, 2149 McGregor Boulevard, Suite 2, Fort Myers, Florida 33901
13. Wayne Robinson, 27617 Suffridge Drive, Bonita Springs, Florida 34135
14. Arnold Rosenthal, 20981 Anderson Place, Estero, Florida 33928
15. Chris Smith, 19649 Vintage Trace Circle, Fort Myers, Florida 33912
16. Gregory F. Toth, 12651 McGregor Boulevard, #4-403, Fort Myers, Florida 33919
17. Robert Trewhella, 19705 Vintage Trace Circle, Fort Myers, Florida 33912
18. Matthew D. Uhle, Esquire, 1625 Hendry Street, Fort Myers, Florida 33901
19. Frances R. Wagner, 10712 Red Cardinal Circle, Estero, Florida 33928

20. Tom Williams, 19354 Silver Oak Drive, Fort Myers, Florida 33912

Against:

1. Natalie Andreucci, 19163 Vintage Trace Circle, Fort Myers, Florida 33912

2. Mary Beal, 19859 Vintage Trace Circle, Fort Myers, Florida 33912

3. Gladys Beron, 8598 Fairway Bend Drive, Fort Myers, Florida 33912

4. Joseph Beausoleil, 9007 Springview Loop, Estero, Florida 33928

5. Sandra Geoffroy, 20191 Castlemaine Avenue, Estero, Florida 33928

6. Larry Hickman, 19591 Vintage Trail, #C-1, Fort Myers, Florida 33912

7. Meg Judge, c/o Estero Chamber of Commerce, P. O. Box 588, Estero, Florida 33928

8. Marilyn Setum, 9001 Springview Loop, Estero, Florida 33928

9. Joan Stanford, 8836 Cascades Isles, Estero, Florida 33928

B. THE FOLLOWING PERSONS SUBMITTED A LETTER/COMMENT CARD, OR OTHERWISE REQUESTED A COPY OF THE HEARING EXAMINER RECOMMENDATION:

For:

1. Joanne and Dennis Anderson, 20641 Country Creek Drive, Unit 1113, Estero, Florida 33928

2. Joel Shapino, 20110 Seagrove Street, #2303, Estero, Florida 33928

Against:

1. James Andreucci, 19163 Vintage Trace Circle, Fort Myers, Florida 33912

2. Larry & Carole Augustyn, 8211 Grand Palm Drive, Unit 4, Fort Myers, Florida 33912

3. Jack & Colleen Brever, 8241-3 Grand Palm Drive, Fort Myers, Florida 33912

4. Joan & Robert Fascetti, 19313 Silver Oak Drive, Fort Myers, Florida 33912

5. Adrienna Miller, 19348 Silver Lake Drive, Fort Myers, Florida 33912

6. Patricia Parker, 19325 Silver Oak Drive, Fort Myers, Florida 33912

7. Edmund Perri, 4120 Lorene Drive, Unit 305, Estero, Florida 33928-4104

8. Anne & Jack Smith, 19155 Vintage Trace, Fort Myers, Florida 33912

IX. LEGAL DESCRIPTION:

See **Exhibit A** (scanned legal description).

X. UNAUTHORIZED COMMUNICATIONS:

Unauthorized communications shall include any direct or indirect communication in any form, whether written, verbal or graphic, with the Hearing Examiner, or the Hearing Examiner's staff, any individual County Commissioner or their executive assistant, by any person outside of a public hearing and not on the record concerning substantive issues in any proposed or pending matter relating to appeals, variances, rezonings, special exceptions, or any other matter assigned by statute, ordinance or administrative code to the Hearing Examiner for decision or recommendation. . . . [Administrative Code AC-2-5]

No person shall knowingly have or attempt to initiate an unauthorized communication with the Hearing Examiner or any county commissioner [or their staff]. . . . [LDC Section 34-52(a)(1), emphasis added]

Any person who knowingly makes or attempts to initiate an unauthorized communication . . . [may] be subject to civil or criminal penalties which may include: [Section 34-52(b)(1), emphasis added]

Revocation, suspension or amendment of any permit variance, special exception or rezoning granted as a result of the Hearing Examiner action which is the subject of the unauthorized communication. [LDC Section 34-52(b)(1)b.2.]; OR

A fine not exceeding $500.00 per offense, by imprisonment in the county jail for a term not exceeding 60 days, or by both such fine and imprisonment. [LDC Section 1-5(c)]

XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. This recommendation is made this 23rd day of September, 2004. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.

B. The original file and documents used at the hearing will remain in the care and custody of the Department of Community Development. The documents are available for examination and copying by all interested parties during normal business hours.

C. The Board of County Commissioners will hold a hearing at which they will consider the record made before the Hearing Examiner. The Department of Community Development will send written notice to all hearing participants of the date of this hearing before the Board of County Commissioners. Only participants, or their representatives, will be allowed to address the Board. The content of all statements by persons addressing the Board shall be strictly limited to the correctness of Findings of Fact or Conclusions of Law contained in the recommendation, or to allege the discovery of relevant new evidence which was not known by the speaker at the time of the earlier hearing before the Hearing Examiner and not otherwise disclosed in the record.

D. The original file containing the original documents used in the hearing before the Hearing Examiner will be brought by the Staff to the hearing before the Board of County Commissioners. Any or all of the documents in the file are available on request at any time to any County Commissioner.

XII. COPIES OF TESTIMONY AND TRANSCRIPTS:

A verbatim transcript of the testimony presented at the hearing can be purchased from the court reporting service under contract to the Hearing Examiner's Office. The original documents and file in connection with this matter are located at the Lee County Department of Community Development, 1500 Monroe Street, Fort Myers, Florida.

DIANA M. PARKER
LEE COUNTY HEARING EXAMINER
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, Florida 33902-0398
Telephone: 239/479-8100

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EXHIBIT
LEGAL DESCRIPTION
PARCEL "A"
ESTERO GOLF RESORT MPD

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21, THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45" W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461 - 3462) TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°46'45" W, ALONG SAID EAST LINE OF SECTION 21, A DISTANCE OF 2555.79 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 21; THENCE N 00°53'22" W, A DISTANCE OF 2646.37 FEET TO THE NORTHEAST CORNER OF SAID SECTION 21; THENCE N 89°29'23" W, ALONG THE NORTH LINE OF SECTION 21, A DISTANCE OF 1322.73 FEET TO THE EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 37, PAGE 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S 00°53'13" E, ALONG SAID EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB, A DISTANCE OF 1317.90 FEET; THENCE S 44°54'53" W, A DISTANCE OF 2370.26 FEET; THENCE CONTINUE S 32°34'51" E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD A DISTANCE OF 2513.30 FEET; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD CONTINUE S 88°11'52" E A DISTANCE OF 1148.53 FEET TO A POINT OF CURVATURE, THENCE CONTINUE 552.84 FEET ALONG THE ARC OF SAID CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 11,425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF S 87°35'02" E; TO SAID POINT OF BEGINNING.

PARCEL CONTAINS 240.4± ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

AND THOSE LANDS FURTHER DESCRIBED AS FOLLOWS:

PARCEL "A-1"
ESTERO GOLF RESORT MPD

A TRACT OR PARCEL OF LAND IN SECTION 21 AND 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45"W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE-OF-KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461-3462); THENCE CONTINUE ALONG THE NORTHERLY RIGHT-OF-WAY OF KORESHAN BOULEVARD 552.84 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; HAVING A RADIUS OF 11425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF N 87°35'02" W TO A POINT OF TANGENCY; THENCE N 88°11'52" W, FOR A DISTANCE OF 1310.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 88°11'52" W A DISTANCE OF 1166.17 FEET TO A POINT OF CURVATURE; THENCE 540.77 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 1175.00 FEET, A CENTRAL ANGLE OF 26°22'09" A CHORD DISTANCE OF 536.01 FEET, AND A CHORD BEARING OF S 80°36'51" W TO A POINT OF COMPOUND CURVATURE, THENCE CONTINUE 358.46' ALONG THE ARC OF CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 1292.82 FEET, A CENTRAL ANGLE OF 15°53'11", A CHORD DISTANCE OF 357.31 FEET, AND A CHORD BEARING OF S 59°29'40" W, TO A POINT OF TANGENCY; THENCE S 51°33'05" W FOR A DISTANCE OF 261.89 FEET TO A POINT OF CURVATURE; THENCE CONTINUE 79.68 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH; HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 91°17'11", A CHORD DISTANCE OF 71.50 FEET, AND A CHORD BEARING OF N 82°48'27" W, TO A POINT OF TANGENCY; THENCE CONTINUE N 37°10'00" W A DISTANCE OF 955.60 FEET, THENCE CONTINUE N 37°45'31" W A DISTANCE OF 17.52 FEET; THENCE N 44°54'53" E FOR A DISTANCE OF 2235.13 FEET TO THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (AS RECORDED IN DEED BOOK 68, PAGE 78); THENCE CONTINUE ALONG THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD S 32°34'52" E FOR A DISTANCE OF 2388.69 FEET TO POINT OF BEGINNING.

PARCEL CONTAINS 74.2± ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2483
BY: _____
CARL L. WORLEY
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5651
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 03503
DATE SIGNED: 03-06-04

Applicant's Legal Checked by _____ 3/09/2004.

EXHIBIT A

3106 S. Horseshoe [illegible]

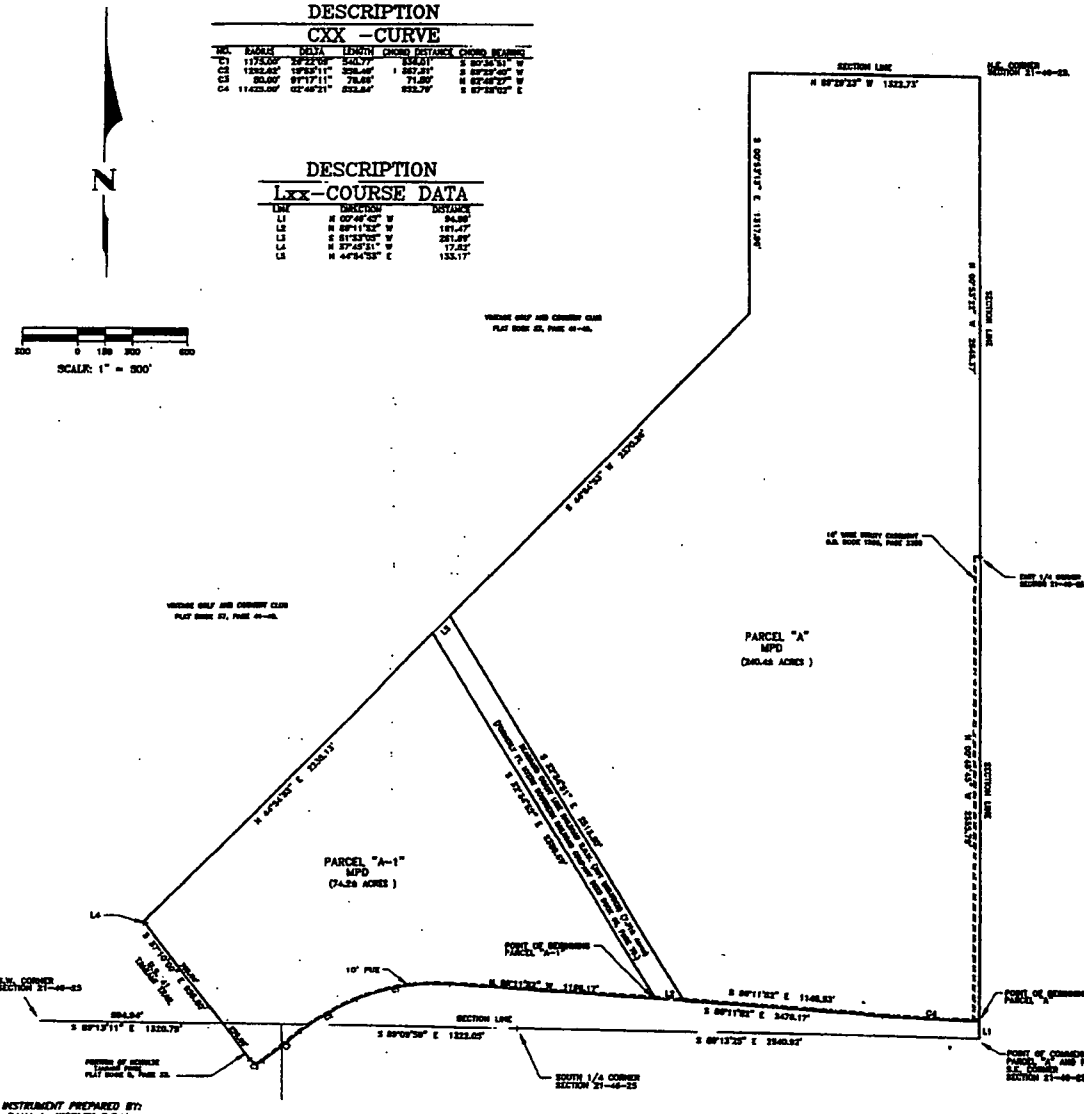
43 • E-Mail: engcollier@ceclfl.com

DESCRIPTION
CXX –CURVE

NO.	RADIUS	DELTA	LENGTH	CHORD DISTANCE	CHORD BEARING
C1	1175.00'	39°22'09"	540.17'	535.31'	S 80°38'51" W
C2	1292.62'	19°53'11"	359.46'	357.91'	S 69°29'45" W
C3	50.00'	91°17'11"	79.65'	71.50'	N 62°46'27" W
C4	11425.00'	02°46'21"	552.84'	552.79'	S 67°39'52" E

DESCRIPTION
Lxx–COURSE DATA

LINE	DIRECTION	DISTANCE
L1	N 00°46'46" W	94.86'
L2	N 89°11'32" W	181.47'
L3	S 51°33'05" W	281.89'
L4	N 37°45'31" W	17.53'
L5	N 44°54'53" E	133.17'



NOT A BOUNDARY SURVEY

EXHIBIT
LEGAL DESCRIPTION
PARCEL "A"
ESTERO GOLF RESORT MPD

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21, THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'46" W, A DISTANCE OF 94.86 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2163, PAGES 3461 – 3462) TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°46'45" W, ALONG SAID EAST LINE OF SECTION 21, A DISTANCE OF 2353.79 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 21; THENCE N 89°53'32" W, A DISTANCE OF 2648.87 FEET TO THE NORTHEAST CORNER OF SAID SECTION 21; THENCE N 89°29'23" W, ALONG THE NORTH LINE OF SECTION 21, A DISTANCE OF 1322.73 FEET TO THE EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 57, PAGE 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S 00°53'13" E, ALONG SAID EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB, A DISTANCE OF 1317.90 FEET; THENCE S 44°54'53" W, A DISTANCE OF 2370.28 FEET; THENCE CONTINUE S 32°34'51" E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD A DISTANCE OF 2513.80 FEET; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF KOREHSAN BOULEVARD CONTINUE S 89°11'32" E A DISTANCE OF 1148.53 FEET TO A POINT OF CURVATURE, THENCE CONTINUE 552.84 FEET ALONG THE ARC OF SAID CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 11,425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF S 87°33'02" E; TO SAID POINT OF BEGINNING.

PARCEL CONTAINS 240.44 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

AND THOSE LANDS FURTHER DESCRIBED AS FOLLOWS:

PARCEL "A-1"
ESTERO GOLF RESORT MPD

A TRACT OR PARCEL OF LAND IN SECTION 21 AND 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'46"W, A DISTANCE OF 94.86 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2163, PAGES 3461-3462); THENCE CONTINUE ALONG THE NORTHERLY RIGHT-OF-WAY OF KORESHAN BOULEVARD 552.84 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST); HAVING A RADIUS OF 11425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF N 87°39'52" W TO A POINT OF TANGENCY; THENCE N 89°11'32" W, FOR A DISTANCE OF 1810.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 89°11'32" W A DISTANCE OF 1168.17 FEET TO A POINT OF CURVATURE; THENCE 540.77 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 1175.00 FEET, A CENTRAL ANGLE OF 39°22'09" A CHORD DISTANCE OF 536.01 FEET, AND A CHORD BEARING OF S 80°38'51" W TO A POINT OF COMPOUND CURVATURE, THENCE CONTINUE 338.46' ALONG THE ARC OF CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 1292.62 FEET, A CENTRAL ANGLE OF 19°53'11", A CHORD DISTANCE OF 357.81 FEET, AND A CHORD BEARING OF S 69°29'45" W, TO A POINT OF TANGENCY; THENCE S 51°33'05" W FOR A DISTANCE OF 281.89 FEET TO A POINT OF CURVATURE; THENCE CONTINUE 79.86 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH; HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 91°17'11", A CHORD DISTANCE OF 71.80 FEET, AND A CHORD BEARING OF N 62°46'27" W, TO A POINT OF TANGENCY; THENCE CONTINUE N 37°10'00" W A DISTANCE OF 923.80 FEET, THENCE CONTINUE N 37°45'31" W A DISTANCE OF 17.53 FEET; THENCE N 44°54'53" E FOR A DISTANCE OF 2235.15 FEET TO THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (AS RECORDED IN DEED BOOK 68, PAGE 78); THENCE CONTINUE ALONG THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD S 32°34'52" E FOR A DISTANCE OF 2388.69 FEET TO POINT OF BEGINNING.

PARCEL CONTAINS 74.2 ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

Dana L. Worley
Professional Surveyor and Mapper
Date: 8/21/2006

NOTES:
1. BEARINGS BASED ON THE EAST LINE OF SECTION 21 AS BEING S 00°46'46" E.
2. PARCEL LIES IN FLOOD ZONE X, AREAS OF 500-YEAR FLOOD, ZONE AE WITH BASE FLOOD ELEVATIONS OF 9 AND 10 FEET, AND ZONE AEFW AS PER FIRM PANEL 12071C 0469 G DATED 9-28-05 AND PANEL 12071C 0470 G DATED SEPTEMBER 28, 2005.
3. BASIS OF BEARINGS: BEARINGS ARE BASED ON THE EAST LINE OF SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING S 00°46'46" E.
4. PARCEL "A" CONTAINS 240.44 ACRES OF LAND, MORE OR LESS.
5. PARCEL "A-1" CONTAINS 74.28 ACRES OF LAND, MORE OR LESS.
6. BEARINGS ARE BASED ON THE EAST LINE OF SECTION 21-46-25 AS BEING S 00°46'46" E.

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COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 3464
DANA L. WORLEY P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS 5164
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 05.099

THIS INSTRUMENT PREPARED BY:
DANA L. WORLEY P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
COASTAL ENGINEERING CONSULTANTS, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
17391 S. TAMIAMI TR., STE #103
PHONE NO. (941)590-6900 FAX NO. (941)590-6909

DATE	08-10-06
SCALE	1" = 200'
DRAWN	D.L.W.
CHECKED	D.L.W.
APPROVED	D.L.W.
JOB NO.	N/A
SHEET NO.	1 OF 1
PROJECT NO.	05.099

JOB: KEYSTONE CUSTOM HOMES
SKETCH OF DESCRIPTIONS
OF LANDS LYING IN SECTION 21 AND 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

COASTAL ENGINEERING CONSULTANTS, INC.
CIVIL ENGINEERS • PLANNERS • SURVEYORS • DEVELOPERS
17391 S. TAMIAMI TR., STE #103
FT. MYERS, FLORIDA 33908
PHONE NO.: (941) 590-6900 FAX NO.: (941) 590-6909

OPEN SPACE AND INDIGENOUS VEGETATION
ESTERO GOLF RESORT
March 21, 2001

		OPEN SPACE		INDIGENOUS	
Tracts		Required	Provided	Required	Provided
MPD 1-4	34.06± acres	10.22± acres	5.00± acres	5.11± acres	0 acres
MPD 5	40.14± acres	16.06± acres	16.06± acres	8.03± acres	13.14± acres**
			5.22± acres*		
Total	74.20± acres	26.28± acres	26.28± acres	13.14± acres	13.14± acres
MPD 6-12	242.20± acres	96.16± acres	96.16± acres	n/a	n/a

* Balance from Tracts MPD 1-4
** Including restored wetland
*** This figure would be reduced if any qualifying lots (LDC 10-415) were developed.

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MAR 2 1 2001
PERMIT COUNTER

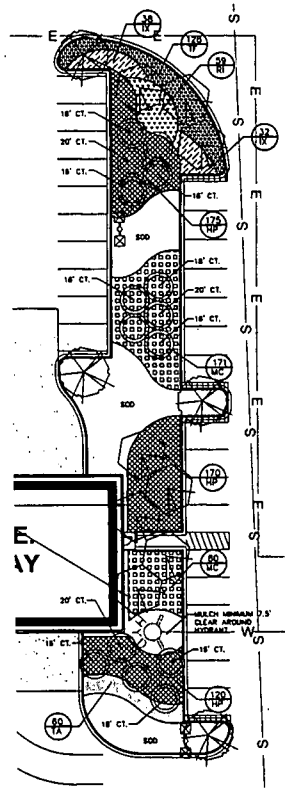
EXHIBIT B

Invasive exotics.
The following highly invasive exotic plants must be removed from the development area. The development area will be maintained free from invasive exotic plants in perpetuity. For purposes of this subsection, invasive exotic plants include:

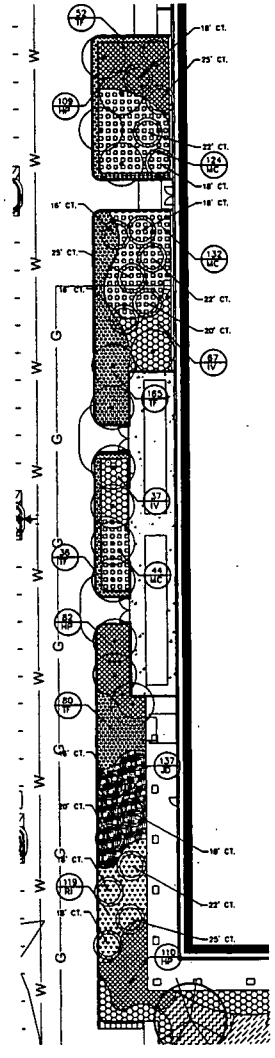
Melaleuca, paper tree-- Melaleuca quinquenervia
Brazilian pepper, Florida holly-- Schinus terebinthifolius
Australian pines-- All Casuarina species
earleaf acacia-- Acacia auriculiformis
downy rosemyrtle-- Rhodomyrtus tomentosus
tropical soda apple-- Solanum viarum

SEE EXOTIC REMOVAL PLAN FOR TREATMENT AREAS

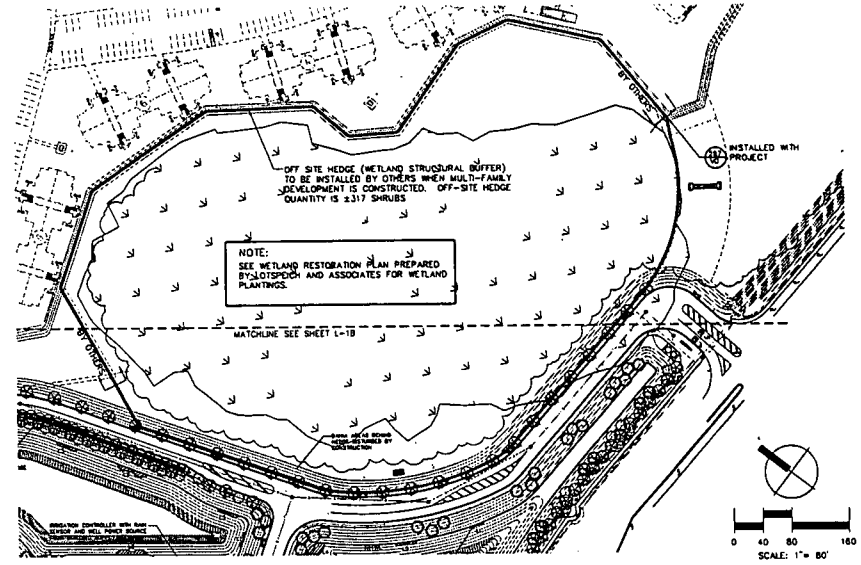
Control of invasive exotics to be achieved through initial hand, mechanical and chemical methods. A series of post emergent herbicide applications made by a certified landscape and or pest control applicator are to be made until 100% control is achieved. Upon review a pre-emergent herbicide is to be applied on a regular basis as well as periodic hand removal of invasive exotic species.

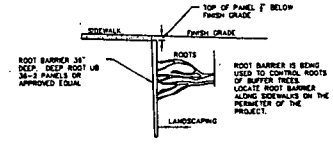


1 L1.1B ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'

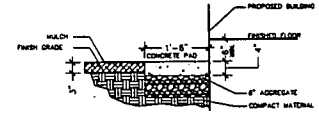


2 L1.1B ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'

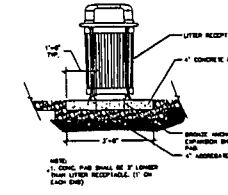




ROOT BARRIER DETAIL
N.T.S.



RODENT BARRIER
SCALE: 1/16" =1'-0"



LITTER RECEPTACLE

FURNITURE LEGEND

QTY.	SYM.	ITEM
4	◻	LITTER RECEPTACLE- MODEL MC 402-DT WITH BLACK FINISH AS MANUFACTURED BY BIRP ENTERPRISES 1.888.438.5311. SURFACE MOUNT WITH ANCHORS PER MANUFACTURER'S DIRECTIONS.

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PLANT LEGEND

SYM	COMMON NAME
TREES	
OV2	LIVE OAK (LG)
OV3	LIVE OAK (S)
LI	QUEEN CRAPE MYRTLE
SP	SABAL PALM
SR	MAHOGANY
TD	BALD CYPRESS
CO	SATINLEAF
IC	DAHOON HOLLY
PR	SENEGAL PALM

SYM	COMMON NAME
SHRUBS AND GROUNDCOVER	
MF	SIMPSON'S STOPPER
VO	WALTER'S VIBURNUM
IX	IXORA
CI	RED TIP COCOPLUM
IX	IXORA
RI	INDIAN HAWTHORN
HP	DWARF FIREBUSH
TF	FLORIDA GAMMA GRASS
IV	DWARF YAUPON HOLLY
TA	ASIATIC JASMINE
DV	AFRICAN IRIS
JD	'PARSONII' JUNIPER
SB	CORDGRASS.
MC	MUHLY GRASS
BAHIA	ARGENTIN BAHIA SOD
SOD/SS	ST. AUGUSTINE GRASS

MICHAEL J. ORCHESKI, FLA. 0000678

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Fort Myles, Florida 33901
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Scale: AS NOTED
Date: AUG.2003
Job No. W13303
File: LSP
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No.	Date	Revision
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2	8/03	
3	8/03	
4	8/03	

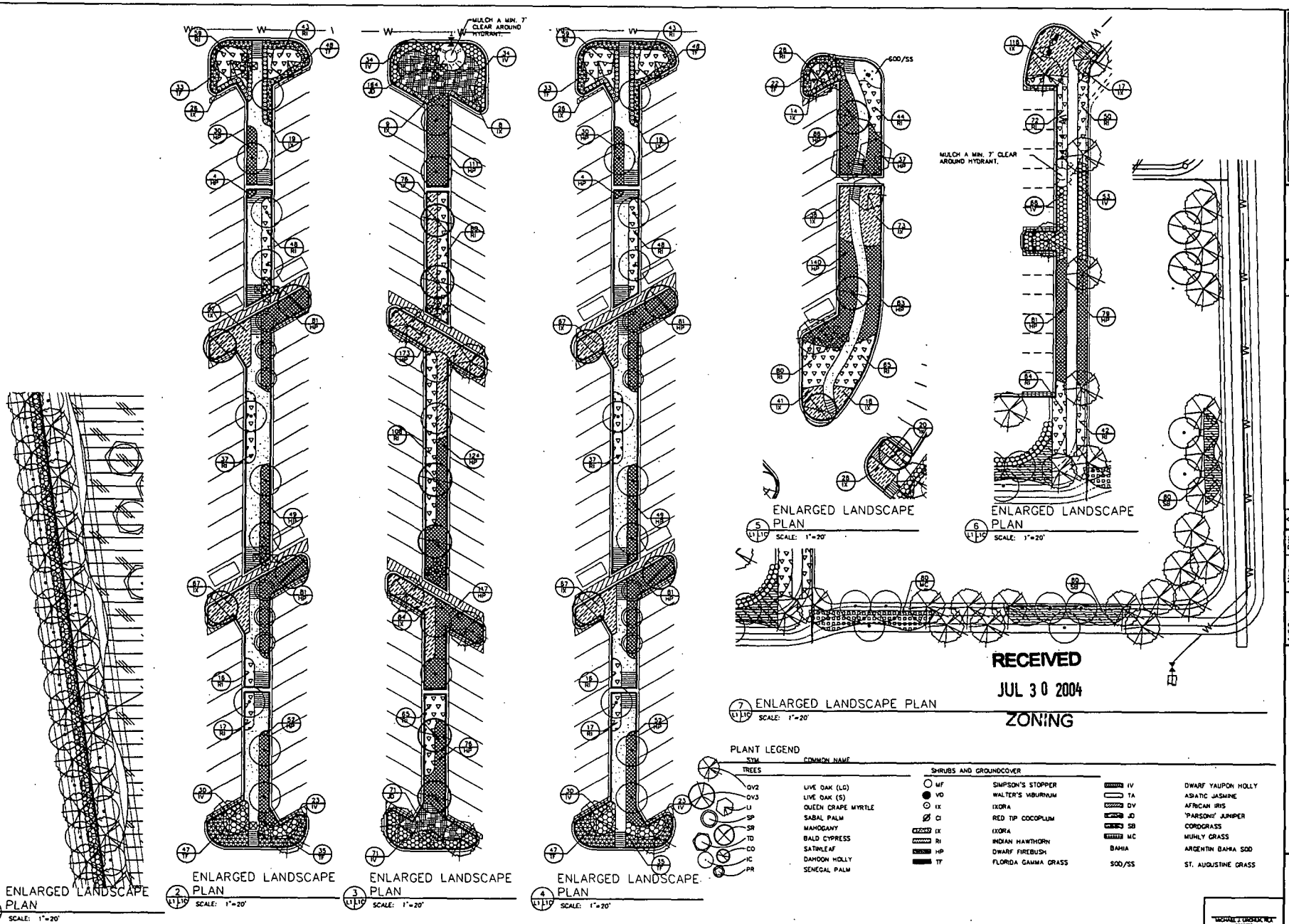
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Designed by:	MJU	8/03
Drawn by:	KOL	8/03
Checked by:	MJU	8/03
Approved by:	MJU	8/03

Certificate of Authorization No. 2233

EXHIBIT B - LANDSCAPE PLAN

WAL*MART
SUPERCENTER
STORE #5347-00, ESTERO, FLORIDA

Sheet No.
L-1B



RECEIVED
JUL 30 2004
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PLANT LEGEND

SYM	COMMON NAME
TREES	
QV2	LIVE OAK (LG)
QV3	LIVE OAK (S)
LI	QUEEN CRAPE MYRTLE
SP	SABAL PALM
SR	MAHOGANY
TD	BALD CYPRESS
CO	SATINLEAF
IC	DAHOON HOLLY
PR	SENEGAL PALM
SHRUBS AND GROUNDCOVER	
MF	SIMPSON'S STOPPER
VD	WALTER'S VIBURNUM
IX	IXORA
CI	RED TIP COCOPLUM
IX	IXORA
RI	INDIAN HAWTHORN
HP	DWARF FIREBUSH
TF	FLORIDA GAMMA GRASS
IV	DWARF YAUPON HOLLY
TA	ASIATIC JASMINE
DV	AFRICAN IRIS
JD	'PARSONS' JUNIPER
SB	CORDGRASS
MC	MUHLY GRASS
BAHIA	ARGENTIN BAHIA SOD
SOD/SS	ST. AUGUSTINE GRASS

EXHIBIT B - LANDSCAPE PLAN

WAL★MART
SUPERCENTER
STORE #3441.00, ESTERO, FLORIDA

Sheet No. L-1C

Scale: 1" = 20'
Date: AUG.2003
Job No. W1.1303
File: LSP
Approved
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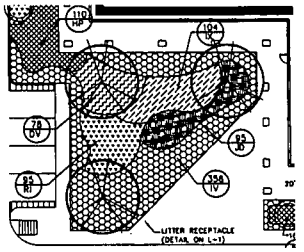
Revision

No.	Date
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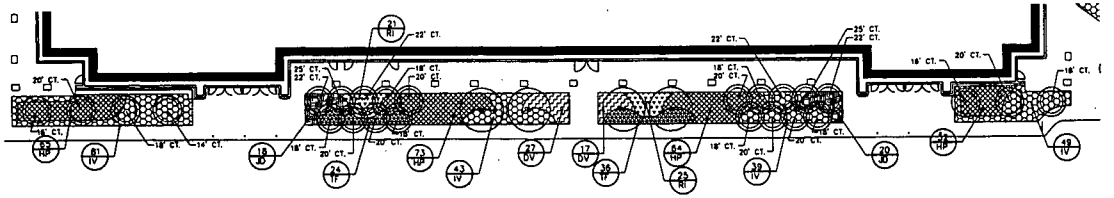
Activity	Name	Date
Designed by:	MJU	6/03
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Approved by:	MJU	6/03

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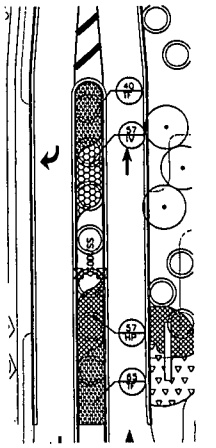
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Landscape Architecture
Community Planning
Environmental Management
2501 First Street, Suite 200, Fort Myers, FL 33901
Phone: (239) 939-1020 Fax: (239) 939-1035
www.cphgroup.com



1 ENLARGED LANDSCAPE PLAN
L1.1-2 SCALE: 1"=20'



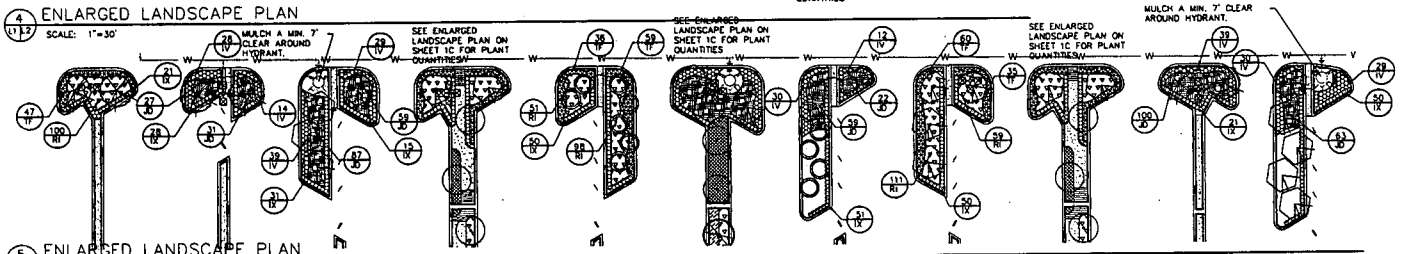
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L1.1-2 SCALE: 1"=20'



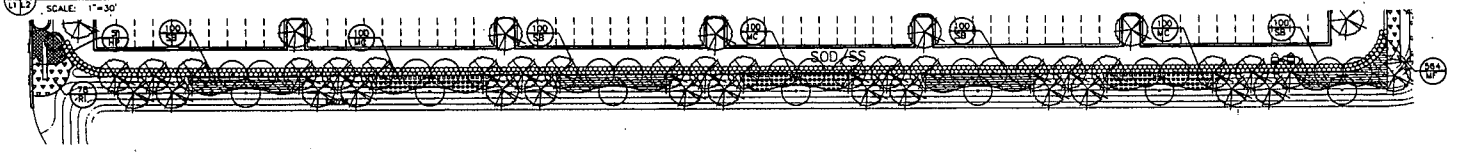
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L1.1-2 SCALE: 1"=20'



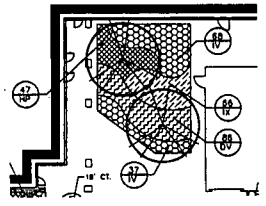
4 ENLARGED LANDSCAPE PLAN
L1.1-2 SCALE: 1"=30'



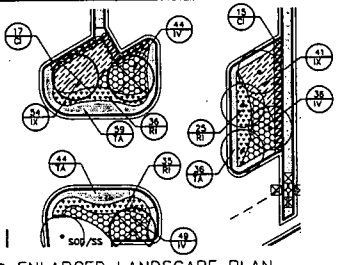
5 ENLARGED LANDSCAPE PLAN
L1.1-2 SCALE: 1"=30'



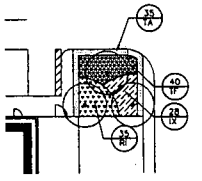
6 ENLARGED LANDSCAPE PLAN
L1.1-2 SCALE: 1"=30'



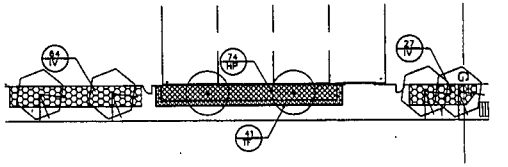
7 ENLARGED LANDSCAPE PLAN
L1.1-2 SCALE: 1"=20'



8 ENLARGED LANDSCAPE PLAN
L1.1-2 SCALE: 1"=20'



9 ENLARGED LANDSCAPE PLAN
L1.1-2 SCALE: 1"=20'



10 ENLARGED LANDSCAPE PLAN
L1.1-2 SCALE: 1"=20'

PLANT LEGEND

SYM	COMMON NAME
TREES	
QV2	LIVE OAK (LG)
QV3	LIVE OAK (S)
LI	QUEEN CRAPE MYRTLE
SP	SABAL PALM
SR	MAHOGANY
TD	BALD CYPRESS
CO	SATINLEAF
IC	DAHOON HOLLY
PR	SENEGAL PALM
SHRUBS AND GROUNDCOVER	
MF	SIMPSON'S STOPPER
VO	WALTER'S VIBURNUM
IX	IXORA
CI	RED TIP COCOPLUM
IX	IXORA
RI	INDIAN HAWTHORN
HP	DWARF FIREBUSH
TF	FLORIDA GAMMA GRASS
IV	DWARF YAUPON HOLLY
TA	ASIATIC JASMINE
DV	AFRICAN IRIS
JO	'PARSONII' JUNIPER
SB	CORDGRASS
MC	MUHLY GRASS
BAHIA	ARGENTIN BAHIA SOD
SOD/SS	ST. AUGUSTINE GRASS

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JUL 30 2004
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Engineers
Planners
Landscape Architects
Surveyors
Construction Management
cph
2271 McGregor Boulevard Fort Myers, FL 33901
Phone 239.332.2096 Fax 239.332.2645

Scale: 1" = 20'
Date: AUG.2003
Job No. W13303
File: LSP
© 2003
Approved

No.	Date	Revision
1	9/03	
2	9/03	
3	9/03	
4	9/03	

Activity	Name	Date
Designed by:	M.U.	9/03
Drawn by:	K.D.	9/03
Checked by:	M.U.	9/03
Approved by:	M.U.	9/03

Certificate of Authorization No. 2231

EXHIBIT B - LANDSCAPE PLAN

WAL★MART
SUPERCENTER
STORE #5347-00, ESTERO, FLORIDA

Sheet No.
L-2

LANDSCAPE NOTES:

1. The Landscape Contractor shall be responsible for all materials and all work as called for on the Landscape Plans and in the Landscape Specifications. In the event of variation between quantities shown on plant list and the plans, the plans shall control. The Landscape Contractor shall verify all quantities and report any discrepancies at the time of bidding.
2. The Landscape Contractor shall review architectural/engineering plans and become thoroughly familiar with surface and subsurface utilities.
3. Every possible safeguard shall be taken to protect building surfaces, equipment and furnishings. The Landscape Contractor shall be responsible for any damage or injury to person or property which may occur as a result of negligence in the execution of the work.
4. The work shall be coordinated with other trades to prevent conflicts. Coordinate the planting with the irrigation work to assure availability and proper location of irrigation items and plants.
5. All planting shall be performed by personnel familiar with planting procedure and under the supervision of a qualified planting foreman.
6. All plant material shall be graded Florida No. 1 or better as outlined under Grades and Standards for Nursery Plants, Part I and II, published by the Florida Department of Agriculture and Consumer Services.
7. The Landscape Architect or Owner shall have the right, at any stage of the operations, to reject any and all work and materials which, in his opinion, do not meet with the requirements of these specifications.
8. Except as otherwise specified, the Landscape Contractor's work shall conform to accepted horticultural practices as used in the trade.
9. The minimum acceptable size of all plants, measured after pruning, with branches in normal positions, shall conform to the measurements specified on the plant list or as indicated on the landscape drawing. Height and spread dimensions refer to main body of the plant and not extreme branch tip to tip. The caliper of tree trunks is to be taken one foot above the ground level.
10. Plants shall be protected upon arrival at the site, by being thoroughly watered and properly maintained until planted.
11. All tree pits shall be excavated to size and depth in accordance with the USDA Standard for Nursery Stock, ZSG.1, unless shown otherwise on the drawings, and backfilled with the specified planting soil. The Landscape Contractor shall test fill all tree pits with water before planting to assure proper drainage percolation is available.
12. The Landscape Contractor shall be responsible for proper watering of all plants. All plants shall be thoroughly watered at time of planting and kept adequately watered until time of acceptance. It shall be the Landscape Contractor's responsibility to assure that plants are not over watered.
13. It shall be the Landscape Contractor's responsibility to prevent plants from falling or being blown over, to restraighten and replant all plants which lean or fall and to replace all plants which are damaged due to lack of proper guying or staking. The Landscape Contractor shall be legally liable for any damage caused by instability of any plant material.
14. All trees and all palms shall be guyed or staked or braced. The Landscape Contractor shall determine which small or multi-trunk trees need to be guyed and staked to maintain plumb. Staking of trees and shrubs, if required, shall be done as per staking and guying detail prepared by the Landscape Architect. It shall be the responsibility of the Landscape Contractor to remove guys and stakes from the trees and job site after a period of 90 days.
15. Plants blown over by high winds, within the guaranteed period, shall not be cause for additional expense to the Owner, but shall be the responsibility of the Landscape Contractor. Damaged plants shall be replaced by the Landscape Contractor at no additional cost to the Owner.
16. Sod shall be certified to be free of the imported fire ant. Sod shall have a dense growth of adaptable grass, reasonably free of weeds with not less than 1 1/2" of soil firmly adhering to roots. It shall be the responsibility of the Landscape Contractor to measure and determine the exact amount required. This amount shall be verified with the Owner or Landscape Architect before installation.
17. The Landscape Contractor shall insure adequate surface drainage in all plant beds, planters, and sod areas. Vertical drilling through any compacted fill to native soil shall be recommended to insure drainage. If soil drained fill is necessary to assure positive drainage, the issue shall be brought up by the Landscape Contractor at time of bidding.
18. The Landscape Contractor shall insure that his work does not interrupt established or projected drainage patterns.
19. The Landscape Contractor shall prune, shape and remove dead foliage/limbs from existing plant material to remain. Confirm with the Landscape Architect or Owner the extent of work required at time of bidding.
20. Mulch - All plant beds shall be top dressed with 3" shredded hardwood mulch (or approved equal).
21. Transplanted Material - The Landscape Contractor shall be responsible for determining and evaluating which plant materials are suitable for transplanting and shall verify this with the Landscape Architect or Owner. The Landscape Contractor shall take all reasonable, horticulturally acceptable measures to assure the successful transplanting of determined plant materials. The Landscape Contractor shall be responsible for replacing any relocated plant materials which die if such measures are not taken, as determined by the Landscape Architect or Owner. Replacement plants shall be of identical species and size if required.
22. MAINTENANCE PRIOR TO FINAL INSPECTION AND ACCEPTANCE:

    Maintenance shall commence after each plant is planted and the maintenance period shall continue until the job or specific phase of the job is accepted by the Landscape Architect or Owner. Extreme care shall be taken to instruct the Owner or his representatives in general maintenance procedures.

    Plant maintenance shall include watering, pruning, weeding, cultivating, mulching, tightening, and repairing of guys, replacement of sick or dead plants, resetting plants to proper grades or upright positions and restoration of the planting saucer and all other care needed for proper growth of the plants.

    During the maintenance period and up to the date of final acceptance, the Landscape Contractor shall do all seasonal spraying and/or dusting of trees and shrubs. Upon completion of all planting, an inspection for completeness of work will be held. The Landscape Contractor shall notify the Landscape Architect or Owner for scheduling of the inspection 10 days prior to the anticipated date.

    At the time of the inspection, if all of the materials are acceptable, a written notice will be given by the Landscape Architect or Owner to the Landscape Contractor stating the date when the Maintenance Period ends.

    GUARANTEE AND REPLACEMENT:

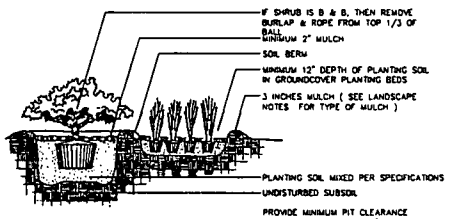
    All plant materials shall be guaranteed for one (1) year from the time of final inspection and interim acceptance shall be alive and in satisfactory growth for each specific kind of plant at the end of the guaranteed period.

    At the end of the guarantee period, any plant required under this contract that is dead or not in satisfactory growth, as determined by the Owner or the Landscape Architect, shall be removed and replaced. Replacement plants shall have an extended guarantee, as noted above, from time of replacement.

    All replacements shall be planted of the same kind and size as specified on the plant list. They shall be the responsibility of the Landscape Contractor.

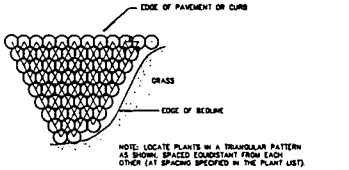
IRRIGATION NOTES:

1. SITE SHALL BE 100% IRRIGATED.
2. SYSTEM SHALL BE CONTROLLED AND MONITORED WITH RAINBIRD ESP SITE CONTROLLER.
3. IRRIGATION SYSTEM WILL BE INSTALLED WITH A RAIN SENSOR.
4. FLORIDA IRRIGATION INDUSTRY STANDARDS WILL BE USED FOR DESIGN, PIPING, HEADS, NOZZLES, AND CONSTRUCTION.



SHRUB AND GROUNDCOVER PLANTING DETAIL

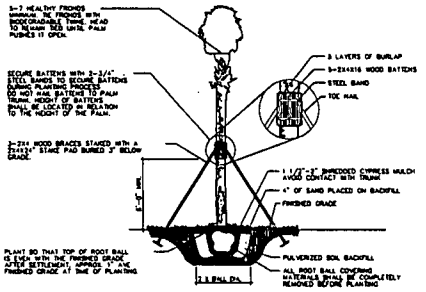
NTS



NOTE: LOCATE PLANTS IN A TRIANGULAR PATTERN AS SHOWN, SPACED EQUIDISTANT FROM EACH OTHER (AT SPACING SPECIFIED IN THE PLANT LIST).

SHRUB/GROUNDCOVER SPACING PLAN

N.T.S.

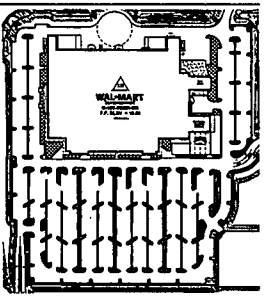


PALM STAKING DETAIL

N.T.S.

LANDSCAPE DATA

VEHICULAR USE AREA:	863,307 SF	
REQUIRED LANDSCAPE AREA:	86,331 SF (10%)	
PROPOSED LANDSCAPE:	90,863 SF (10.5%)	
ADDITIONAL BUILDING LANDSCAPING:		
REQUIRED LANDSCAPE AREA: (5% of VUA)	23,180 SF (5%)	
PROPOSED LANDSCAPE:	26,038 SF (5.2%)	
REQUIRED BUILDING LANDSCAPE: (bldg 207,739 GSF)	20,774 SF (10%)	
PROPOSED LANDSCAPE:	21,708 SF (10.4%)	
SITE AREA: (includes outparcel & access road)	1,380,852 SF	
REQUIRED SITE TREES: (1/3,500 SF of development)	386	
PROPOSED TREES:	1038	
REQUIRED OPEN SPACE: (30.0%)	417,256 SF	
PROPOSED OPEN SPACE: (Includes a portion of wet pond surface areas per code)	682,740 SF (49.1%)	



LITTORAL ZONE PLANT LIST

WET POND 1

TYPE	ZONES SHOWN	DESCRIPTION	TOTAL PLANT QTY
L1	3	50 PLANTS 18" O.C. - COW LILY	100
L2	4	200 PLANTS 18" O.C. - PICKEREL WEED & CANNA (MIXED)	800
L3	6	100 PLANTS 18" O.C. - WHITE WATER LILY	600
L4	2	400 PLANTS 18" O.C. - PICKEREL WEED & CANNA (MIXED)	800

REQUIRED LITTORAL PLANTS: 2,316 PLANTS (1 / 1 LF OF SHORELINE)

PROPOSED LITTORAL PLANTS: 2,350 PLANTS

WET POND 2

TYPE	ZONES SHOWN	DESCRIPTION	TOTAL PLANT QTY
L1	2	50 PLANTS 18" O.C. - COW LILY	100
L2	2	200 PLANTS 18" O.C. - PICKEREL WEED & CANNA (MIXED)	400
L3	2	100 PLANTS 18" O.C. - WHITE WATER LILY	200
L4	3	400 PLANTS 18" O.C. - PICKEREL WEED & CANNA (MIXED)	1200

REQUIRED LITTORAL PLANTS: 1,900 PLANTS (1 / 1 LF OF SHORELINE)

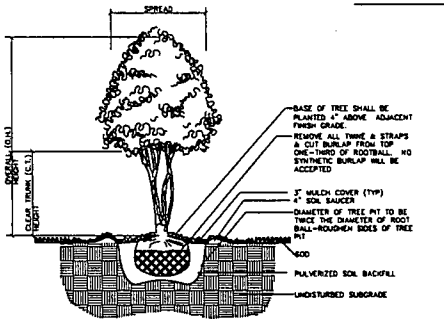
PROPOSED LITTORAL PLANTS: 1,900 PLANTS

TOTAL REQUIRED PLANTS: 4,250 PLANTS

TOTAL PROPOSED LITTORAL PLANTS: 4,250 PLANTS

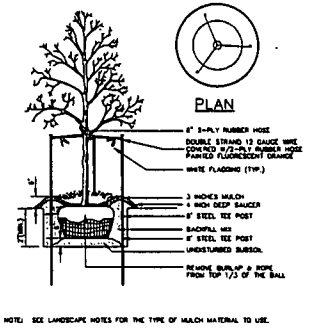
BUFFER SCHEDULE

PROPERTY BOUNDARY	# OF LINEAR FEET	BUFFER WIDTH REQ.	BUFFER WIDTH PROV.	LANDSCAPING REQ. BY CODE	LANDSCAPING PROVIDED
NORTH: R.O.W. TYPE A WALL-FAMILY	1857	20 FT.	10 FT.	-	-
CANOPY TREE				10 x 100 LF = 181	145 LARGE TREES
UNDERSTORY TREE				-	144 UNDERSTORY
SHRUBS / HEDGE				30 x 100 LF = 550	516 CONT. HEDGE
BERM / WALL				WALL	WALL
EAST: CONSERVATION	700	FT.	FT.	NONE	-
CANOPY TREE				-	9 SHADE
UNDERSTORY TREE				-	24 UNDERSTORY
SHRUBS / HEDGE				-	-
BERM / WALL				-	-
SOUTH/EAST: THREE MILE	1143	25 FT.	15 FT.	-	-
CANOPY TREE				5 x 100 LF = 57	70 SHADE
UNDERSTORY TREE				-	18 UNDERSTORY
SHRUBS / HEDGE				DBL. CONT. HEDGE	DBL. CONT. HEDGE
BERM / WALL				-	-
SOUTH/WEST: US 41	758	30 FT.	30 FT.	-	-
CANOPY TREE				5 x 100 LF = 38	37 SHADE
UNDERSTORY TREE				-	72 UNDERSTORY
SHRUBS / HEDGE				DBL. CONT. HEDGE	DBL. CONT. HEDGE
BERM / WALL				-	-



MULTI TRUNK TREE PLANTING DETAIL

NTS



NOTE: SEE LANDSCAPE NOTES FOR THE TYPE OF MULCH MATERIAL TO USE.

TREE PLANTING

N.T.S.

NATIVE TREE PERCENTAGE

NATIVE	871	
TOTAL	84.8%	
NON-NATIVE	156	
TOTAL	15.2%	

NATIVE SHRUB PERCENTAGE

NATIVE	20770	
TOTAL	77.3%	
NON-NATIVE	6108	
TOTAL	22.7%	

PLANT LIST

SYM.	QTY.	BOTANICAL NAME		COMMON NAME	DESCRIPTION
TREES					
QV2	385	QUERCUS VIRGINIANA	N	LIVE OAK (LG)	65 GAL., 3" MIN. CAL., 14'-16' HT.
QV3	5	QUERCUS VIRGINIANA	N	LIVE OAK (S)	7" CAL., MIN. 20' HT., MIN. 15' SPREAD
LS	35	LAGERSTROEMIA SPECIOSA	N	QUEEN CRAPE MYRTLE	25 GAL., 10' HT., MIN. 4' SPREAD
SP	128	SABAL PALMETTO	N	SABAL PALM	14' CT. MIN. UNLESS OTHERWISE NOTED
SR	43	SWIETENIA MAHAGONI	N	MAHOGANY	65 GAL., 3" MIN. CAL., 14'-16' HT., 6' SPREAD
TD	144	TAXODIUM DISTICHUM		BALD CYPRESS	2" CAL., 10' MIN. HT., 4' SPREAD
CO	30	CHRYSOPHYLLUM OLIVIFORME	N	SATINLEAF	2" CAL., 10' MIN. HT., 4' SPREAD
PR	1	PHOENIX RECLINATA		SENEGAL PALM	9 STEM MIN., 18' OA.
QL	9	QUERCUS LAURIFOLIA	N	LAUREL OAK	200 GAL, 20' HT., 12'-14' SPR.**
SS	6	SENNA SURRATTENSIS		GLAUCOUS CASSIA	30 GAL, 12' HT.
IC	241	ILEX CASSINE	N	DAHOON HOLLY	45 GAL, 3" CAL., 12'-14' HT., HOLLIES IN FRONT OF COMPRESSORS SHALL BE FULL TO THE GROUND.
SHRUBS AND GROUNDCOVER					
MF	2808	MYRCIANTHES FRAGRANS	N	SIMPSON'S STOPPER	3 GAL., 30" MIN. HT., 30" O.C.
VO	287	VIBURNUM OBOVATUM	N	WALTER'S VIBURNUM	7 GAL, 48" HT. MIN., 48" O.C.
IX	440	IXORA		IXORA	3 GAL, 24" HT. MIN., 24" O.C.
CI	32	CHRYSOBALANUS ICACO 'RED TIP'	N	RED TIP COCOPLUM	3 GAL, 24" HT. MIN., 30" O.C.
VS	52	VIBURNUM SUSPENSUM	N	SANDANKWA VIBURNUM	15 GAL, 48" HT., 48" O.C.
CC	88	CAPPARIS CYNOPHALLOPHORA		JAMAICAN CAPER	3 GAL, 18" HT., 36" O.C.
IX	1578	IXORA 'NORA GRANT'		NORA GRANT IXORA	3 GAL, 24" HT. MIN., 24" O.C.
RI	2297	RHAPHIOLEPIS INDICA		INDIAN HAWTHORN	3 GAL, 12"-15" HT MIN., 24" O.C.
HP	3131	HAMELIA PATENS 'COMPACTA'	N	DWARF FIREBUSH	3 GAL, 18" HT., 24" O.C.
TF	1447	TRIPSACUM FLORIDANA	N	FLORIDA GAMMA GRASS	1 GAL, FULL, 12" HT., 24" O.C.
IV	1839	ILEX VOMITORIA 'NANA'	N	DWARF YAUPON HOLLY	3 GAL, FULL, 12" HT., 30" O.C.
TA	301	TRACHELOSPERMUM ASIATICUM 'MIN.'		MINIMA ASIATIC JASMINE	1 GAL, FULL, 24" O.C.
DV	208	DIETES VEGETA		AFRICAN IRIS	1 GAL, FULL, 24" O.C.
JD	1213	JUNIPERUS DAVURICA		'PARSONII' JUNIPER	3 GAL, FULL, 24" O.C.
SB	10125	SPARTINA BAKERI	N	CORDGRASS	1 GAL, 18" HT., FULL, 36" O.C.
MC	1251	MUHLENBERGIA CAPILLARIS	N	MUHLY GRASS	1 GAL, 18" HT., FULL, 30" O.C.
BAHIA	BY CONTR.	PASPALUM NOTATUM 'ARGENTINE'		ARGENTIN BAHIA SOD	SOLID SOD, CONTRACTOR TO VERIFY QTY.
SOD/SS	BY CONTR.	STENOTAPHRUM SECUNDATUM		ST. AUGUSTINE GRASS	SOLID SOD, CONTRACTOR TO VERIFY QTY.

NOTE: IF SPECIFIED PLANTS ARE UNAVAILABLE AT TIME OF CONSTRUCTION, CONTRACTOR MAY REPLACE SPECIFIED PLANTS WITH PLANTS APPROVED BY LANDSCAPE ARCHITECT AND COUNTY STAFF.

** LAUREL OAKS MAY BE TRANSPLANTED FROM VINES MAIN ENTRY. CONTRACTOR TO COORDINATE THE PURCHASE OR TRANSPLANT OF THESE TREES AT TIME OF CONSTRUCTION.

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MICHAEL J. LINCHUCK, FLA. #0000670

No.	Date	Revisions
1	8/03	Per Comments
2	8/03	Per Comments
3	8/03	Per Comments
4	8/03	Per Comments

Activity: Designed by: MJU; Drawn by: KDL; Checked by: MJU; Approved by: MJU; Date: 8/03

Compliance of Authorization No. 2221

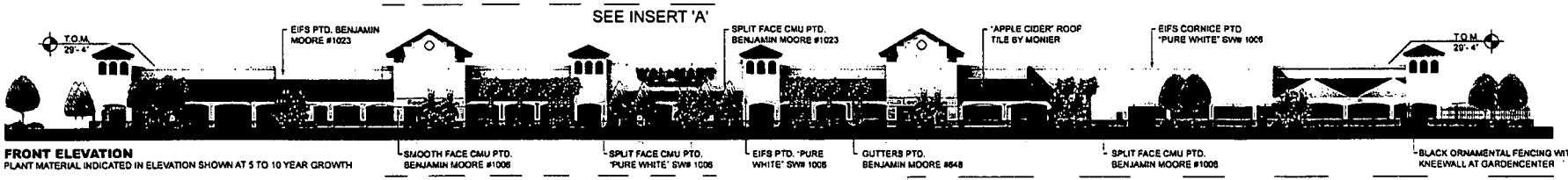
Engineers / Planners / Landscape Architects / Surveyors / Environmental Management
cph
2271 First Street, Suite 300, Fort Myers, FL 33901
239.332.2718 FAX 239.332.2746
e-mail: cphfm@cphengineers.com

Scale: N/A
Date: AUG.2003
Job No. W13303
File: LSP
Approved
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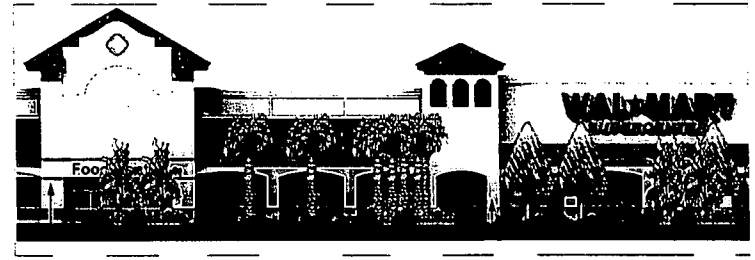
LANDSCAPE DETAILS AND NOTES

WAL*MART
SUPERCENTER
STORE #3341-00, ESTERO, FLORIDA

Sheet No. L-3



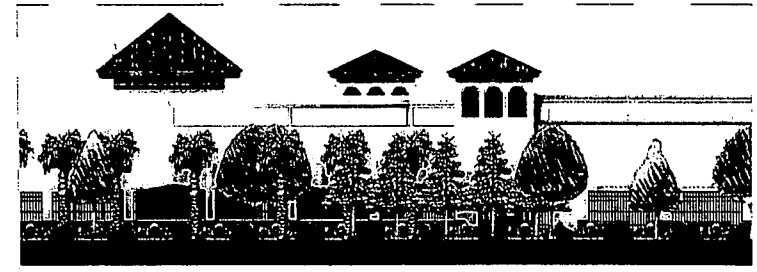
FRONT ELEVATION
PLANT MATERIAL INDICATED IN ELEVATION SHOWN AT 5 TO 10 YEAR GROWTH



INSERT 'A'



RIGHT ELEVATION
PLANT MATERIAL INDICATED IN ELEVATION SHOWN AT 5 TO 10 YEAR GROWTH



INSERT 'B'

REPRESENTATION ONLY
NOT FOR CONSTRUCTION

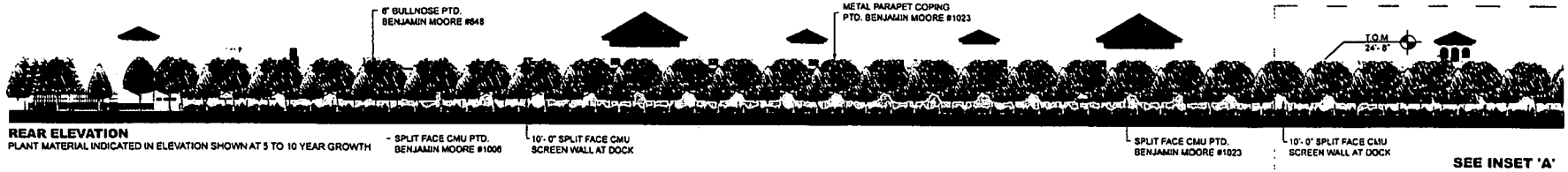
Building, landscaping, and site furnishing images shown are a representation of the design intent and may not reflect any subtle variations in color, material or construction that may occur due to local material differences and final design detailing.

cph

WAL★MART SUPERCENTER

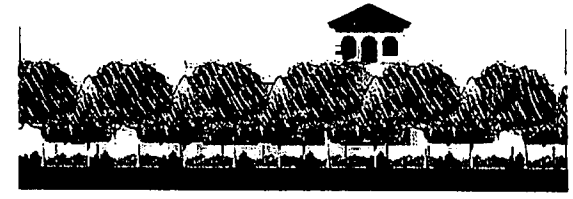
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EXHIBIT E

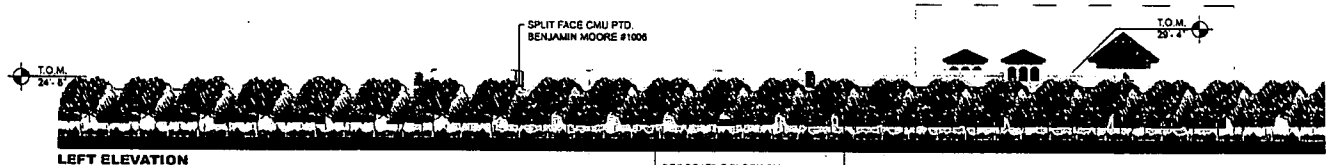


REAR ELEVATION
PLANT MATERIAL INDICATED IN ELEVATION SHOWN AT 5 TO 10 YEAR GROWTH

SEE INSET 'A'



INSET 'A'

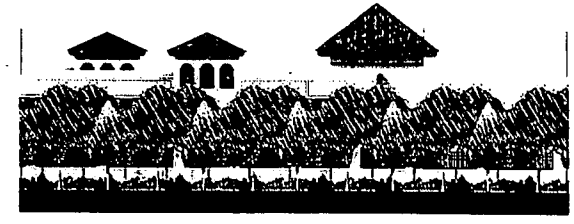


LEFT ELEVATION
PLANT MATERIAL INDICATED IN ELEVATION SHOWN AT 5 TO 10 YEAR GROWTH

DECORATIVE BLOCK CMU
AT COMPRESSOR HOUSING

GUTTERS PTD.
BENJAMIN MOORE #648

SEE INSET 'B'



INSET 'B'

cph

REPRESENTATION ONLY
NOT FOR CONSTRUCTION

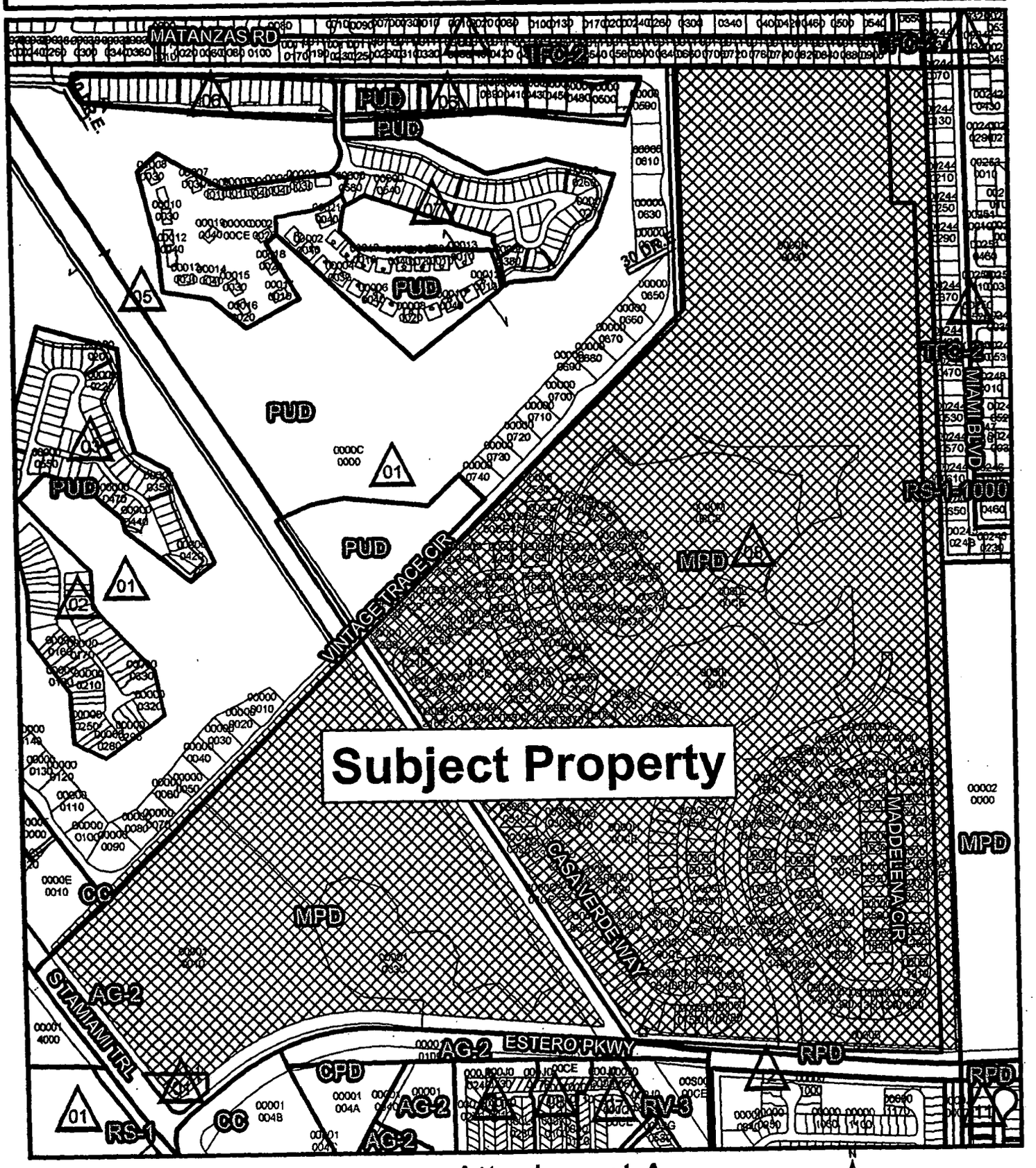
Building, landscaping, and site furnishing images shown are a representation of the design intent and may not reflect any subtle variations in color, material or construction that may occur due to local material differences and final design detailing.

WAL★MART
SUPERCENTER

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ZONING MAP
(DCI2003-00058)

7/08/2004



Attachment A

N

0 250 500 1,000 Feet

File

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

ORDER FOR CONTINUANCE

CASE NUMBER:	**DCI2003-00058**
APPLICANT:	**WAL-MART STORES EAST, LP in reference to WAL-MART #5347-00 (ESTERO GOLF RESORT MPD)**
NEW HEARING DATE:	**AUGUST 27, 2004, AUGUST 31, 2004 and SEPTEMBER 3, 2004**

This matter was scheduled to be heard on August 18, 2004 at 9:00 a.m. and at, or prior to, that time, it was agreed that continuing the hearing on this matter was in the best interests of all concerned.

Accordingly, this matter is continued to **FRIDAY, AUGUST 27, 2004, at 9:00 A.M., with TUESDAY, AUGUST 31, 2004 and FRIDAY SEPTEMBER 3, 2004, set aside as additional hearing dates, if needed,** at the Hearing Examiner's Hearing Room, 1500 Monroe Street, Second Floor, Fort Myers, Florida. Copies of this order will be mailed to the Staff, the Applicant, the Court Reporter, and all hearing participants.

DONE AND ORDERED this 17th day of August, 2004.

DIANA M. PARKER
LEE COUNTY HEARING EXAMINER
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, Florida 33902-0398
Telephone: 239/479-8100
Facsimile: 239/479-8106

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the aforesaid Order was sent to all hearing participants, officially established as of the above Order date, either by U.S. Mail, Inter-County Mail, or Facsimile Transfer on the 17th day of August, 2004.

Margaret Russell
Administrative Assistant

August 17, 2004

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

ORDER FOR CONTINUANCE

CASE NUMBER: DCI2003-00058
APPLICANT: WAL-MART STORES EAST, LP in reference to WAL-MART #5347-00 (ESTERO GOLF RESORT MPD)
NEW HEARING DATE: AUGUST 18, 2004

This matter was scheduled to be heard on August 4, 2004 at 9:00 a.m. and at, or prior to, that time, it was agreed that continuing the hearing on this matter was in the best interests of all concerned.

Accordingly, this matter is continued to **WEDNESDAY, AUGUST 18, 2004, at 9:00 A.M.**, at the Hearing Examiner's Hearing Room, 1500 Monroe Street, Second Floor, Fort Myers, Florida. Copies of this order will be mailed to the Staff, the Applicant, the Court Reporter, and all hearing participants.

DONE AND ORDERED this 3rd day of August, 2004

DIANA M. PARKER
LEE COUNTY HEARING EXAMINER
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, Florida 33902-0398
Telephone: 239/479-8100
Facsimile: 239/479-8106

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the aforesaid Order was sent to all hearing participants, officially established as of the above Order date, either by U.S. Mail, Inter-County Mail, or Facsimile Transfer on the 3rd day of August, 2004.

Margaret Russell
Administrative Assistant

August 3, 2004

LEE COUNTY
SOUTHWEST FLORIDA

RECEIVED
AUG 03 2004
PERMIT COUNTER

APPLICATION FOR REQUEST FOR CONTINUANCE, DEFERRAL, WITHDRAWAL, OR REHEARING

LEE COUNTY HEARING EXAMINER
04 AUG -3 AM 11:09

REQUEST FOR: (refer to back of sheet for special notes)

XX CONTINUANCE ___ DEFERRAL ___ WITHDRAWAL
___ REHEARING ___ WITHDRAWAL OF ADMINISTRATIVE APPEAL

If a DEFERRAL OR CONTINUANCE is requested, please indicate:

Length of time 2 days, August 18 and August 19, 2004
From: XX Hearing Examiner ___ BOCC

1. Date of Scheduled Hearing: August 4, 2004
2. Applicant/Project Name: Estero Golf Resort MPD
3. Tracking/Hearing/Application Number: DCI2003-00058
4. Date Decision was Rendered: ___
5. Type of Application-Check
   ✓ Rezoning ___ Special Exception ___ Variance ___ Other
6. Reason for request (If rehearing is requested, see Special Notes on Back):
   Applicant has outstanding issues that Applicant needs to resolve with staff and community.

Lisa M. Williams 8-3-04
Signature of applicant or authorized agent Date

LISA M. WILLIAMS
Name (typed or printed legibly)

2211 PECK ST., SUITE 300, FORT MYERS, FL 33901
Address

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 3rd day of August 2004 by Lisa M. Williams who is personally known to me or who produced FL Dr. License as identification.

Cynthia A. Luna
Signature of Notary Public

Cynthia A. Luna
My Commission DD235468
Expires July 29, 2007

Cynthia A. Luna
Printed Name of Notary Public

FEE $ ___ RECEIPT NUMBER: ___
DATE PAID: ___ INTAKE BY: ___

LEE COUNTY, FLORIDA

ZONING DIVISION

STAFF REPORT

TYPE OF CASE: PLANNED DEVELOPMENT/DCI

CASE NUMBER: DCI2003-00058

HEARING EXAMINER DATES: August 4th & 5th, 2004

I. APPLICATION SUMMARY:

A. Applicant: Wal-Mart Stores East, LP

B. Request: Amend the Planned Development for Estero Golf Resort to revise the Master Concept Plan to accommodate development of a Wal-Mart Super Center, adjust the location of the access to U.S. 41, add to the list of permitted uses, and eliminate certain conditions of the previous approval.

C. Location: The subject property is located at the northeast corner of US 41 and Estero Parkway (formerly Koreshan Boulevard), in S21-T46S-R25E, Lee County, FL. (District #5)

D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property: Urban Community, Suburban and Wetlands, Mixed-Use Planned Development ("MPD"), vacant and single family residential.

E. Surrounding Land Use:

	Existing Zoning & Land Use	Future Land Use Map
North:	a strip of developed multi- and single family lots zoned Two Family Conservation ("TFC-2"), Matanzas Road; then single family lots zoned Residential ("RS-1"), all within the San Carlos Park Subdivision	Urban Community Suburban
East:	At the North: a strip of developed multi- and single family lots zoned TFC-2, Miami Blvd; then single family lots zoned RS-1 in San Carlos Park Subdivision. At the South: a Mixed-Use Planned Development ("MPD") Villages of Bernwood	Urban Community Suburban Urban Community

South:	Estero Parkway (fka Koreshan Boulevard), then from West to East: undeveloped property zoned Community Commercial ("CC"), broadcast studio and antenna-supporting structure zoned Commercial Planned Development ("CPD"), recreational vehicle park zoned Recreational Vehicle ("RV-3") known as Cypress Bend RV Park, Seminole Gulf railroad right-of-way, then an MPD zoned property currently being developed as Cascades of Estero.	Suburban
West and Northwest:	From North to South: Village Trace Circle, then a Planned Unit Development:("PUD") developed as The Country Club of Estero at The Vines; then undeveloped property zoned CC.	Suburban Urban Community
Southwest:	U.S. Highway 41, then undeveloped property zoned RS-1	Urban Community

F. Size of Property: 314.6± acres

II **RECOMMENDATION--As to Applicant's proposed amendment:**

Staff recommends **DENIAL** of the Applicant's requested Large Retail (or "Wal-Mart") Option amendment to the existing Estero Golf Resort MPD based on the analyses provided below. If, however, the Hearing Examiner recommends the BOCC **APPROVE** the requested amendment, staff recommends the following conditions and deviations for the requested development option be added to the development options for the Estero Golf Resort MPD previously approved in Resolution **Z-01-012A**, with the modifications recommended in Section V of this Report, to supersede all previous approval and comprise the entirety of Conditions and Deviations applicable to the entire approved MPD zoning district.

A. Conditions

1. The development of this project must be consistent with the two-page Master Concept Plan entitled "Estero Golf Resort Master Concept Plan" stamped received June 24, 2004, and the five-page Landscape Plan entitled "Wal-Mart Supercenter" stamped received May 11, 2004, together attached as **Exhibit "B"** of this Report, except as modified by the conditions below. **[see Condition 22, below, for modification clarifying MCP drawings]**. This development must comply with all requirements of the Lee County LDC at the time of local development order approval, except as may be granted by deviations as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

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

Offices, Medical
Real Estate Sales and Rental Office
Restaurants, Standard--Group III, must be located a minimum of 200 feet from any off-site property zoned or used for residential purposes
Signs, in compliance with the LDC and Conditions 8 and 14 below
Storage, Indoor only and only as an ancillary use
Studios
Temporary uses-limited to construction offices, in compliance with LDC regulations regarding temporary uses

b. SITE DEVELOPMENT REGULATIONS

Site Development Regulations are limited to the "Property Development Regulations," set forth in Exhibit "B" to Resolution Z-01-012A, attached as **Exhibit "C"** of this Report, as modified below:

(1) The bottom cell of the first column of Exhibit "B", "Commercial (MPD 1-4) is modified to read: "Commercial (Anchor Parcel and Outparcel)

(2) The bottom cells of the second column of Exhibit "B", "Minimum Lot", are modified as follows:

(a) Area (sq ft): 43,500
(b) Min Width (ft): 160
(c) Min Depth (ft): 175

(3) The bottom cells of the third column of Exhibit "B", "Minimum Setback (ft)", are modified as follows:

(a)	Side, etc. (ft)	15
(b)	Rear Lots (ft)	25
(c)	Rear Wetlands (ft)	25
(d)	Rear Golf	n/a
(e)	Rear Acc (ft)	5
(f)	Front Entry Garage	n/a
(g)	Front Bldg	per LDC
(h)	Waterbody (ft)	25

(4) The bottom cell of the fourth column of Exhibit "B", "Max Height $(ft)^2$" is modified to read: "35 or 3 stories"

(5) The bottom cell of the fifth column of Exhibit "B", "Min Bldg Separation $(ft)^2$" is modified to read: "½ bldg. height but not less than 20"

(6) The bottom cell of the sixth column of Exhibit "B", "Max Lot Coverage (%)" is modified to read: "55"

(7) General Project Square Footage Limitations:

a. **Schedule of Uses**

(1) COMMERCIAL PORTION--"Anchor Parcel"
NOTE: Commercial Uses including all accessory equipment and storage may not exceed a maximum total of 225,000 square feet in this parcel

Department Store, Large Retail, including the following subordinate uses. These subordinate uses must be contained within the proposed large retail building.
- Administrative Offices
- Auto Parts Store, see Condition 9
- Automobile Repair & Service, Group I only, limited to
  - Cellular phone installation
  - Drive-in oil change
  - Tire repair shops, no vulcanizing
  - Wheel alignment
- Banks and Financial Establishments, Group I only
- Business Services, Groups I, limited to: Film processing or developing
- Cultural Facilities, limited to Art Galleries and Museums
- Drug Store
- Food Stores, Groups I and II
- Hardware Store
- Lawn and Garden Supply Store
- Personal Services, Group I only
- Restaurants, Fast Food, must be located a minimum of 200 feet from any off-site property zoned or used for residential purposes
- Storage, Indoor only and only as an ancillary use

Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention--Not to include the removal of excavated material from the site
Fences and Walls
Parks, Group I, limited to Neighborhood parks
Signs, in compliance with the LDC, and Conditions 8 and 14, below
Temporary uses-limited to construction offices, in compliance with LDC regulations regarding temporary uses

(2) COMMERCIAL PORTION--"Outparcel"
NOTE: Commercial Uses including all accessory equipment and storage may not exceed a maximum total of 20,000 square feet in this parcel

Administrative Offices
Banks and Financial Establishments, Group I, with a drive-through facility
Consumption on Premises, limited to a maximum of one (1) for a standard Group III restaurant
Cultural Facilities, limited to Art Galleries and Museums
Essential Services
Excavation, Water Retention--not to include the removal of excavated material from the site
Fences and Walls

(a) Maximum overall commercial development is limited to 228,000 square feet of retail commercial uses, 20,000 square feet of which may be used as office uses, in the Outparcel; and

(b) All special setback or development regulations contained in the LDC (as it may be amended) for any specific use must be met; and

(c) Retail Commercial square footage within the Suburban land use category must not exceed 100,000 square feet. The development must provide cumulative totals for each development order application showing compliance with this condition.

(8) Outdoor Seating for COP uses:

(1) Outdoor seating must not be located within 300 feet of any property zoned or used for residential purposes; and
(2) Outdoor seating must be located on the side of the principal structure opposite to any property zoned or used for residential purposes; and
(3) The outdoor seating must cease at 10:00 p.m., Sunday through Thursday, and 11:00 p.m., Friday and Saturday;

(9) 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.

3. Environmental Conditions: Prior to local development order approval, the developer must:

a. Provide open space consistent with the Open Space and Indigenous Vegetation Table attached as Exhibit C to Resolution Z-01-012A, attached as **Exhibit "C"** of this Report. Each tract must provide a minimum of 10 percent open space; and

b. Submit development order plans that show a connection between the conservation area in the southeast corner of the MPD Tract-5 and the upland conservation area on the eastern side of the restored wetland. The wildlife connection must run under the road and include a set of two tunnels constructed of 36-inch-wide by 24-inch-high, elliptical concrete pipe. The plans must show the two elliptical wildlife connections placed under the road in a side by side position unless directed otherwise by Division of Environmental Sciences. At a minimum, the bottom of the pipes must be placed no lower than the existing upland preserve grade to help prevent inundation, within the pipes, during the wet season.

c. Submit a detailed wetland restoration plan to the Division of Environmental Sciences for review and approval. Both the wetland restoration plan and littoral zones required by the LDC must be designed to provide foraging area for wood storks.

d. Re-survey the potential Big Cypress fox squirrel nests on-site specifically for fox squirrel presence. The protected species survey must be prepared in accordance with LDC §10-473 and submitted to the Division of Environmental Sciences for review and approval. If fox squirrel use of the site is verified, the developer must submit final management details in accordance with LDC §10-474 including a phased exotic removal plan.

e. Submit a detailed gopher tortoise management plan for review and approval by the Division of Environmental Sciences staff.

f. Obtain a Vegetation Removal Permit to install barricades to protect preserves and conduct excavation of tortoise burrows to move the gopher tortoises within the development tracts.

g. Submit development order plans that delineate a minimum of 13.98 acres of indigenous preservation and restoration in substantial compliance with the MCP.

h. Submit landscape plans for the commercial portion of the MPD that clearly indicate include a minimum of 10 acres of open space within the commercial portion of the MPD; and are consistent with the five-page landscape plan stamped received May 11, 2004 prepared by CPH Engineers. See **Exhibit "B"**

4. Prior to issuance of a Certificate of Compliance for the commercial portion of the planned development, the indigenous restoration and invasive exotic removal must be completed within the preserves west of the railroad tracts.

5. All applications for Division of Development Review approvals must include a running inventory showing the number of units and commercial (retail and office) square footage, broken down as follows: built, approved to be built, and in the development approval process.

6. AGRICULTURAL USES: Existing bona fide agricultural uses on this site are allowed only in strict compliance with the following:

a. Bona fide agricultural uses as shown on attached **Exhibit**-- may continue until approval of a local development order for the area of the project containing those uses.

b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.

c. The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The agricultural use must cease by December 31st of the calendar year in which

the local development order is issued. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.

7. No excess excavated material may be removed from the site unless the developer can demonstrate to the Director of the Department of Community Development that the material to be removed: 1) is unsuitable material that cannot be made usable on-site; and 2) the material must be excavated to meet the minimum requirements necessary to accommodate a water management system on the site. The purpose of this condition is to prohibit the voluntary creation of excess fill material for use off-site.

8. Prior to approval of any development order for this project, the developer must submit a lighting plan in accordance with the provisions of the LDC, as amended, indicating compliance with the LDC and the following standards, whichever is more restrictive controlling:

   Lighting to serve uses within 200 feet of perimeter property zoned or used for residential purposes must be hooded, shuttered, or shielded and may not exceed 18 feet in height and the poles must not exceed 25 feet anywhere else on the site. The lighting in this 200-foot area must be scaled so that no more than the minimum required number of light fixtures are erected. Individual building lighting must be of the lowest intensity to meet safety standards. The scale of the fixtures and the type of hooding, shuttering and shielding is subject to further review prior to the approval of a development order. The individual building fixtures must be either directly fixed to the building or placed on a post lamp standard not to exceed 10 feet in height. Incandescent lamps are encouraged. The use of mercury vapor lamps/lights is prohibited. There must be no spillage of light off-site.

9. Installation of any auto parts, either by employees or the general public, in conjunction with the Auto Parts Store subordinate use to the Department Store use is prohibited. Signs consistent with the architectural details and public furnishings of the project must be erected and maintained in the parking lot advising customers that "self installation" is strictly prohibited on the premises.

10. This development must comply with all the requirements of the LDC, as amended, at the time of local development order approval, except as may be granted by deviation as part of this planned development approval or subsequent amendments thereto.

11. Construction and site excavation are prohibited between the hours of 6:00 p.m and 8:00 a.m.

12. Development of this project must not exceed any DRI thresholds, as the impacts of same were not reviewed as part of the rezoning. The developer must provide a project-wide cumulative DRI threshold analysis with each local development order application.

13. If the lake shown in the Anchor Parcel is relocated further away from the boundary shared with MPD Tract 5, structures within the Anchor Parcel must maintain a 100-foot setback from the shared property line between the two tracts.

14. The architectural design must be consistent with the elevation drawings, attached as **Exhibit "D"**. The architectural design for the Outparcel must be consistent with the architecture of the these elevation drawings.

15. Outdoor display and sales is prohibited.

16. Outdoor storage including the use of trailers, cargo containers and the like is prohibit.

17. Overnight Recreational Vehicle parking is prohibited.

18. Blasting is prohibited unless approved in subsequent public hearing.

19. Prior to the issuance of any Certificate of Compliance for commercial development, all landscaping for the Anchor Parcel and the Outparcel must be installed in accordance with the landscape plans, attached as **Exhibit "B"** of this Report.

20. Prior to the issuance of any Certificate of Compliance for commercial development, 5-foot wide sidewalks must be constructed on the interior side of the buffer proposed along the US 41 and Estero Parkway (fka Koreshan Boulevard) rights-of-way. Interconnections to abutting parcels and to interior pedestrian circulation must also be provided. Interconnections that cross vehicular traffic aisles must be clearly visually and texturally differentiated from the paving treatment and identified by signs consistent with the architectural details and public furnishings of the project advising customers that this is a pedestrian crossing.

21. Walls. Prior to issuance of a Certificate of Compliance for the anchor parcel, the developer must construct or install:

    a. surrounding every trash compactor and compressor, an 18-foot high masonry or pre-cast concrete housing designed to reduce the sound generated by the equipment by no less than 20 dB as measured at the outside of the housing. Variable speed motors must be used in all compressors.

    b. a 16-foot high masonry or precast concrete screening wall to shield the delivery truck well and docks from adjacent developments.

    c. a 10-foot high wall located adjacent to the rear service drive, and wrapping around the northerly side of the building up to the at-grade delivery doors.

    d. a four-foot high berm, with a six-foot high masonry or precast concrete screening wall along the northwesterly property line.

22. Deliveries. Delivery hours must be limited to the following daily deliveries:

a.	4 a.m to 8 a.m.:	One (1) bread delivery and one (1) milk delivery;
b.	6 am. to 11 a.m.:	One (1) snack delivery; and Two (2) soft drink/beverage deliveries One (1) beer/wine delivery; and One (1) canned grocery delivery; and One (1) frozen food delivery; and One (1) produce delivery
c.	7 a.m to 11 a.m.:	One (1) meat and produce delivery
d.	7 a.m. to 4 p.m.:	Three (3) corporate general merchandise delivery

Total maximum deliveries must not exceed 10 deliveries on any day. Deliveries that require the use of back-up alarms while on the premises are prohibited. All Deliveries are prohibited from 8 p.m to 4 a.m.

23. Sidewalk sales, tent sales, parking lot sales, auto shows, and other similar special events are prohibited outside the large retail building.

24. The main building in the Anchor parcel may be open 24 hours a day. Access to the building must be restricted to the grocery (southerly) side of the building between 11:00 p.m. and 6:00 a.m. and the doors entering and exiting the general merchandise area of the building must be closed to use. The subordinate Tire and Lube use is prohibited from 8 p.m. to 7 a.m.

25. No less than 10 working days prior to the close of the Hearing Examiner public hearing for this case, Applicant will submit to staff a revised MCP drawing package clearly indicating the currently approved MCP for the Estero Golf Resort MPD, as administratively or otherwise amended, as one option together with the proposed Large Retail (or "Wal-Mart) option as another development option.

26. Approval of this zoning request does not address approving access onto U.S. 41, since Lee County has no jurisdiction to approve access to that roadway. The Developer must receive approval for the access to U.S. 41 from the Florida Department of Transportation (FDOT).

27. a. 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. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval.

    b. Future development order approvals must satisfy concurrency requirements as required by Lee Plan Objective 2.2. Issuance of a local development order for the large retail commercial building is prohibited until construction of the US. 41 six (6) lane improvements north and south of Estero Parkway (fka Koreshan Boulevard) has commenced.

28. Approval of this rezoning does not guarantee local development order approval or vest present or future development rights for Lee Plan consistency. Development order approvals must satisfy all requirements of the Lee Plan, including the Planning

Communities Map and Acreage Allocation Table, Map 16 and Table 1(b). In addition, development order applications must also 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.

B. DEVIATIONS:

Deviation 1 seeks relief from the LDC §10-416(c)(1) requirement that the front of a vehicle may overhang any landscaped area a maximum of two feet, provided the landscaped area is protected by motor vehicle wheel stops or curbing, to allow linear concrete islands in lieu of wheel stops or curbing. Staff recommends **DENIAL** of this deviation. If, however, the Hearing Examiner recommends **APPROVAL** of this deviation, staff recommends that it be WITH THE CONDITION that such deviation be allowed only where linear concrete bound landscape islands are provided, AND SUBJECT TO development order review in accordance with the requirements of LDC §34-1042 and subsequent development review and application approval by the Development Services Division.

Deviation 2 seeks relief from the LDC §10-329(d)(1)a.2. requirement that no excavation be allowed within 50 feet of any existing or proposed right-of-way line or easement line for a collector or arterial street, to allow a minimum setback of 28.50 feet. Staff recommends **DENIAL** of this deviation. If, however, the Hearing Examiner recommends **APPROVAL** of this deviation, staff recommends that it be WITH THE CONDITION that adequate protection for wayward vehicles be provided AND SUBJECT TO development order review in accordance with the requirements of LDC §34-1042 and subsequent development review and application approval by the Development Services Division.

Deviation 3 seeks relief from the LDC §10-329(d)(1)a.3. requirement that no excavation be allowed within 50 feet of any private property line under separate ownership, to allow a minimum setback of 46.25 feet along the eastern property line for lakes. Staff recommend **DENIAL** of this deviation. If, however, the Hearing Examiner recommends **APPROVAL** of this deviation, staff recommends that it be WITH THE CONDITION that fencing or other acceptable barrier may be required SUBJECT TO development order review in accordance with the requirements of LDC §34-1042 and subsequent development review and application approval by the Development Services Division.

III. Findings and Conclusions:

Based upon an analysis of the application and the standards for approval of planned development rezonings, staff recommends the required findings and conclusions **be made in the negative** with regard to the requested amendment. If, however, the Hearing Examiner recommends the BOCC **APPROVE** the requested amendment, staff recommends the following findings and conclusions:

1. The applicant has proven entitlement to the zoning change, AS CONDITIONED, by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.

2. The requested zoning, AS CONDITIONED:

   a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c) is compatible with existing or planned uses in the surrounding area; and

   d) will not adversely affect environmentally critical areas or natural resources.

3. Approval of the request, AS CONDITIONED, will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use, AS CONDITIONED.

5. The proposed use or mix of uses, AS CONDITIONED, is appropriate at the subject location.

6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.

7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.

8. The deviations granted, AS CONDITIONED:

   a) enhance the objectives of the planned development; and

   b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

IV. BACKGROUND INFORMATION AND ANALYSIS:

INTRODUCTION/SYNOPSIS

Approved Master Concept Plan, Schedule of Uses, Conditions, and Deviations

The Estero Golf Resort Mixed Use Planned Development ("EGRMPD") district encompasses 314.6-acres located at 19975 South Tamiami Trail ("US 41"). The approving BOCC Resolution, Z-01-012A, permitted development of a variety of dwelling units up to a maximum total of 820 (including up to 100 units within an Assisted Living Facility). Also permitted were a golf course, up to 320,000 square feet of commercial retail uses, and 20,000 square feet of office uses. Buildings were limited to four stories or 55 feet in height (with some height limitations below this amount for the first 200 feet adjacent to residential areas). The MPD was approved with a comprehensive set of conditions and deviations designed to make the project compatible with

the surrounding uses, and consistent with the Lee Plan and the Land Development Code. The approving resolution has subsequently been administratively amended to revise the residential areas, specify the locations of certain uses, modify various conditions and deviations, and modify the MCP to eliminate the golf course.

The approved MCP for the project, as amended, delineates 12 development tracts--of which eight (8) are residential and four (4) commercial--as well as several lakes and preserved and restored wetland or conservation areas. The commercial portion of the project consists of MPD Tracts 1-4 (located near the intersection of U.S. 41 and Estero Parkway (fka Koreshan Boulevard)). The majority of the residential portion of the project is located to the northeast and across the Seminole Gulf Railroad right-of-way, which bisects the property. The exception is MPD Tract 5, which is located between the western side of the railroad right-of-way and east of the commercial area.

The approved MCP indicates accesses to the project from U.S. 41 (subject to approval by the Florida Department of Transportation [FDOT]), and from Estero Parkway (fka Koreshan Boulevard). The MCP indicates two accesses to MPD Tracts 1-4 (commercial) and 5 (residential) Estero Parkway, and only one access from Estero Parkway for MPD Tracts 6-12.

The approved Schedule of Uses for the EGRMPD is separated into Residential and Commercial, with additional uses related to the Wetlands portion of the site. The development opportunity for the usual golf recreational uses typically found in a golf course community approved by resolution Z-01-12A have been eliminated by subsequent administrative amendments to the MCP. This includes the previously approved limitation on the number of consumption on premises licenses the Applicant could have in the residential portion of the site. Staff believes that the public hearing nature of the requested MPD zoning district amendment, if approved, offers the opportunity to compile the existing approvals into one comprehensive and cohesive zoning resolution and avoid the confusion and difficulty posed by regulating the project with numerous disparate documents.

Requested Amendment

The Applicant, Wal-Mart Stores East, LP ("Wal-Mart"), requested a public hearing for a planned development to amend the approved EGRMPD, described above, to add an alternative development option in the Commercial area (MPD Tracts 1 through 4) approved by Resolution Z-01-012A. The amendment, if approved, would allow Wal-Mart to combine and modify the approved commercial MPD Tracts and develop a large retail Department Store ("Wal-Mart Super Center") combined with additional subordinate uses found in a typical Wal-Mart Super Center. It would also allow this large retail Department Store to be open 24 hours.

The approved MCP for the commercial area would also remain an option in the event that Wal-Mart--for whatever reason--decides not to go forward with its development plans at this location. The residential MPD Tracts approved by Resolution Z-01-012A, would remain unmodified, except as the MCP has been amended by Administrative Approvals. While staff is recommending **DENIAL** of the proposed amendment due to Lee Plan and LDC concurrency issues triggered by the additional vehicular traffic with which the development would further burden US Highway 41 ("US 41"), if the Hearing Examiner recommends **APPROVAL** of the proposed amendment, staff recommends conditions and deviations to make the request more

consistent with the regulatory provisions of the Lee Plan and LDC and compatible with the neighborhood.

In the event that the Hearing Examiner recommends **APPROVAL** of the proposed amendment, staff also recommends revisions to the MPD zoning district to comport the new zoning resolution to the substantial revisions approved through the administrative amendment process subsequent to BOCC approval of Z-01-012A. Staff recommends these revisions to compile and clarify the revised uses, requirements, conditions, and deviations within the portions of the approved MPD Wal-Mart is not asking to modify. Since, however, these areas have been modified significantly--e.g., elimination of the Golf Course component and the substantial conditions placed on that use--these revisions will combine the residential development parameters and commercial options in one official zoning resolution compiling all public hearing and administrative zoning approvals for the EGRMPD in one official document. Staff believes this compilation will alleviate the potential for confusion caused by requiring a given developer, the public, and staff to refer to multiple documents to determine the development parameters approved for a single zoning district. Staff believes the public hearing process required for the requested amendment is the appropriate opportunity to make this revision.

Master Concept Plan. The Large Retail option requested by this amendment would reconfigure the internal arrangement of the commercial area of the approved MCP to combine MPD Tracts 1 through 4 into two development areas referred to in this Report as the "Anchor Parcel" and the "Outparcel". The proposed Anchor Parcel is approximately 32 acres and the Outparcel is slightly over one (1) acre. Wal-Mart has provided detailed site plans to staff and the Estero Community in the course of working with them to craft conditions to address compatibility with surrounding uses and the Community vision, but this detail is not reflected in the proposed alternative MCP development option entitled: "Estero Golf Resort Master Concept Plan 'Wal-Mart Option'". See **Exhibit "B"**, page 2. The landscape plans begin to show this detail and are therefore included in the MCP package attached to this Report as **Exhibit "B"**. If approved, staff recommends conditions referencing these more detailed plans to fully implement the project as presented to the Community over the course of pre-hearing review and negotiations.

In addition to the combination/reconfiguration described above, Wal-Mart proposes four (4) additional substantial changes to the approved MCP. The requested amendment locates the interior access road within the commercial area closer to US 41 and Estero Parkway. The more detailed plans previously mentioned indicate that under the proposed amendment, the interior access road would actually function as a slightly wider parking aisle within and along the perimeter of the proposed Wal-Mart parking lot. The interior access road connection to MPD Tract 5 would be modified to skirt the northeasterly edge of the commercial area and extended to the northwesterly property line to provide an alternative ingress-egress access for the Estero County Club at the Vines. Lastly, the location of dry detention and lake areas would be modified.

The location of the access to US 41 would be relocated to the northwest corner of the property, closer to the main entrance to Estero Country Club at the Vines. Given the near failing nature of US 41, this additional access to US 41 initially troubled the residents of this neighborhood and the agreement by Wal-Mart to provide the alternative access to the development described above helped to alleviate some of this concern. Other than the lack of specificity on the MCP for the proposed large retail alternative development option for the commercial area, staff's

concerns with the request are related more to the uses, conditions, deviations, Lee Plan and neighborhood compatibility issues discussed below than with the proposed MCP changes.

Schedule of Uses, Conditions, and Deviations. Wal-Mart requests to add a number of uses to the approved Schedule of Uses for MPD Tract 1, specifically "Drug Sales (Pharmacy)", Hardware Store, Auto Parts Store, and Automobile Repair and Service. See **Exhibit "B"**, page 2, "Master Concept Plan Changes" note 4. The approved Schedule of Uses includes Drug Store (which includes Pharmacy), LDC §34-2, Hardware Store, Auto Parts Store, and Automobile Repair and Service, Group I only. Each of these uses is limited by Permitted Use Note B of the approving Resolution Z-01-012A. The Auto Parts Store Use is additionally limited by Condition 16.

Permitted Use Note B limits these approved uses to Tracts MPD-3 and MPD-4, which on the approved MCP are furthest away from the Vines residents, closest to the intersection of Estero Parkway with US 41, and entirely within the Urban Community land use category. Staff's characterization of what Wal-Mart is requesting is to approve a large retail Wal-Mart Super Center, a unique use that the current LDC use definitions don't specifically describe. Staff recommends characterizing this request in LDC terms as a Department Store, Large Retail, with additional uses subordinate to that use and internal to the building. Staff has included the uses or use groups requested by Wal-Mart in the Schedule of Uses proposed by this Report for the Anchor Parcel. In an abundance of caution, staff recommends adding some additional uses and use groups associated with a typical large retail commercial facility such as a Wal-Mart Super Center that might not necessarily be associated with a Department Store to clearly indicate the multiple commercial use aspects of the proposed development. Staff additionally recommends limiting the wide variety of uses permitted by Automotive Repair and Service, Group I to eliminate more potentially intensive uses not normally associated with the tire and lube operations of a large retailer.

Staff notes for the Hearing Examiner that we have been working with representatives of the Estero Community to develop large retail use parameters and design guidelines, but these are not sufficiently refined for adoption at the time of this Report. However, Wal-Mart and staff have worked with the Estero Community to address the issues surrounding large retail buildings, referred to as "Big Boxes", and the neighbor's and community's concerns. The results of these discussions are synthesized in the above Conditions staff is recommending in addition to those being carried forward from the previous approved zoning resolution.

With regard to the Outparcel, staff recommends carrying forward a number of the commercial uses previously approved, while eliminating those less justifiable based on the proposed MCP reconfiguration for the large retail option. In discussions with Wal-Mart and the Estero Community, it was generally agreed that this area would likely be developed with a restaurant or a bank. Staff recommends some additional uses to allow for greater development flexibility while keeping foremost the concerns of the Community for the appearance and development of the "western entryway to Florida Gulf Coast University".

Wal-Mart requests three deviations from the requirements of the LDC to develop the proposed large retail option. These deviations are described above in Section III. B. of this Report. In general, staff believes that all of these deviations operate not to improve the project or to the advantage of the public, but to allow Wal-Mart to compress its parking and retain the Outparcel. Staff believes that the use of the entire commercial area (MPD Tracts 1-4) for

development of the Wal-Mart and its associated parking, open space, and stormwater management would result in an improved design, e.g, wider parking aisles with two-way circulation, the greater flexibility of 90 degree parking, wider parking separation areas with additional landscaping, and greater stormwater design flexibility. It would also allow FDOT and LDOT the greater flexibility in right-of-way design and acquisition envisioned by the 50-foot setback requirement of LDC §10-329(d)(1)a.2. Because staff is recommending DENIAL of the request based on Lee Plan and LDC concurrency policies and regulations, staff recommends DENIAL of the deviations to allow additional commercial area to be developed within an area needed to develop the proposed Wal-Mart without deviations.

Lee Plan Considerations, Transportation Issues, Site Development Concerns. The crux of staff's recommendation of **DENIAL** of the requested amendment centers around the Lee Plan, particularly **Goal 1, Goal 2, Policy 2.1.2, Objective 2.2, Policies 2.2.1, 2.2.2, and 2.2.3, Objective 2.3, Policy 2.3.2, Goal 6, Policies 6.1.3, 6.1.4, 6.1.5, Goal 22, Objective 22.1, Policies 22.1.1, 22.1.2, 22.1.4, Goal 70, Policy 70.1.3, Policy 70.1.5, Objective 70.2, Policy 70.2.1, Objective 70.3, and Policy 70.3.1.** Stated briefly, these Lee Plan provisions combine to require that the infrastructure to support a proposed development and maintain the legally established minimum level of service ("LOS") be in place (or contemporaneously programed for construction) before the County approves the permits necessary to develop the project. Wal-Mart's Traffic Impact Statement ("TIS"), **Exhibit "D"** clearly indicates that the level of service on the link of US 41 directly associated with the project will fall to LOS "F" once the Wal-Mart Super Center is built on the subject property. Wal-Mart's build-out and opening for the Super Center are scheduled for 2005. The earliest the FDOT currently plans to begin the construction phase of the US 41 capacity enhancement (six-laning) is 2009. **Exhibit "E", Exhibit "F".** This commencement date is not only five years away, but neither is it guaranteed as the actual start date. However, assuming a start date most beneficial to Wal-Mart, optimistic estimates suggest the lanes may be open in 2011. Thus, approval of the request would result in no less than six years of increased traffic on US 41 operating below the minimum regulatory LOS once Wal-Mart opens its doors at this location. Staff, therefore, must recommend **DENIAL.**

With no contemporaneous governmental provision of the required infrastructure currently programmed, the above referenced provisions of the Lee Plan clearly prohibit such development approval, absent private provision of the shortfall in service. **Policy 2.3.2** provides an opportunity for Wal-Mart to fund the capital construction of the capital improvements necessary to support the additional burden the development would place on the County's existing transportation infrastructure. Discussions of various funding options have occured; however, no agreements have been reached at this time.

Neighborhood Compatibility. From a conceptual development standpoint, Wal-Mart has worked closely with the Estero Community and the neighborhood to craft a development plan, schedule of uses, and conditions on the plan and uses that have gone a long way toward improving the project's neighborhood compatibility. From a practical standpoint, however, the increased impacts on vehicular traffic and the reduced LOS on US 41--absent contemporaneous capital improvements--will place a substantial burden on the neighborhood residents and the public traveling by vehicle on the link of US 41 north and south of Estero Parkway (fka Koreshan Boulevard). For this reason, staff recommend the Hearing Examiner find that this project is **NOT COMPATIBLE** with the surrounding neighborhood at this time.

Environmental Issues. See attached Memorandum from the Environmental Sciences Division, **Exhibit "G"**.

Estero Community Concerns. Wal-Mart and staff have worked closely with the Estero Community Planning Panel (ECPP) and Estero Development Review Committee (EDRC) as well as subcommittees appointed by these lay boards to address community concerns regarding the proposed development to craft conditions in a comprehensive attempt to address community compatibility concerns. These conditions are included in this Report to the extent that they can be addressed through zoning and development review regulations. Staff understands that other concerns have been addressed through private agreements with Wal-Mart, and that these agreements will be entered in to the record of the Hearing Examiner public hearing by the parties to attest to the mutual resolution of these concerns.

Conclusion

Due to the failure to meet the minimum LOS for US 41 caused by approval of this project at this time, staff recommends **DENIAL** unless some type of arrangement can be reached to advance the planned improvements to US 41 to the date Wal-Mart would otherwise plan to open its doors at this location. However, if the Hearing Examiner chooses to recommend **APPROVAL**, staff recommends the list of conditions in this Report be included and the requested deviations to compress the project to allow for the development of the Outparcel–in addition to the Anchor Parcel--be **DENIED**. If, however, the Hearing Examiner recommends **APPROVAL** of the requested deviations, staff have recommended conditions to make these deviations more acceptable.

V. ATTACHMENTS:

A. Map of surrounding zoning

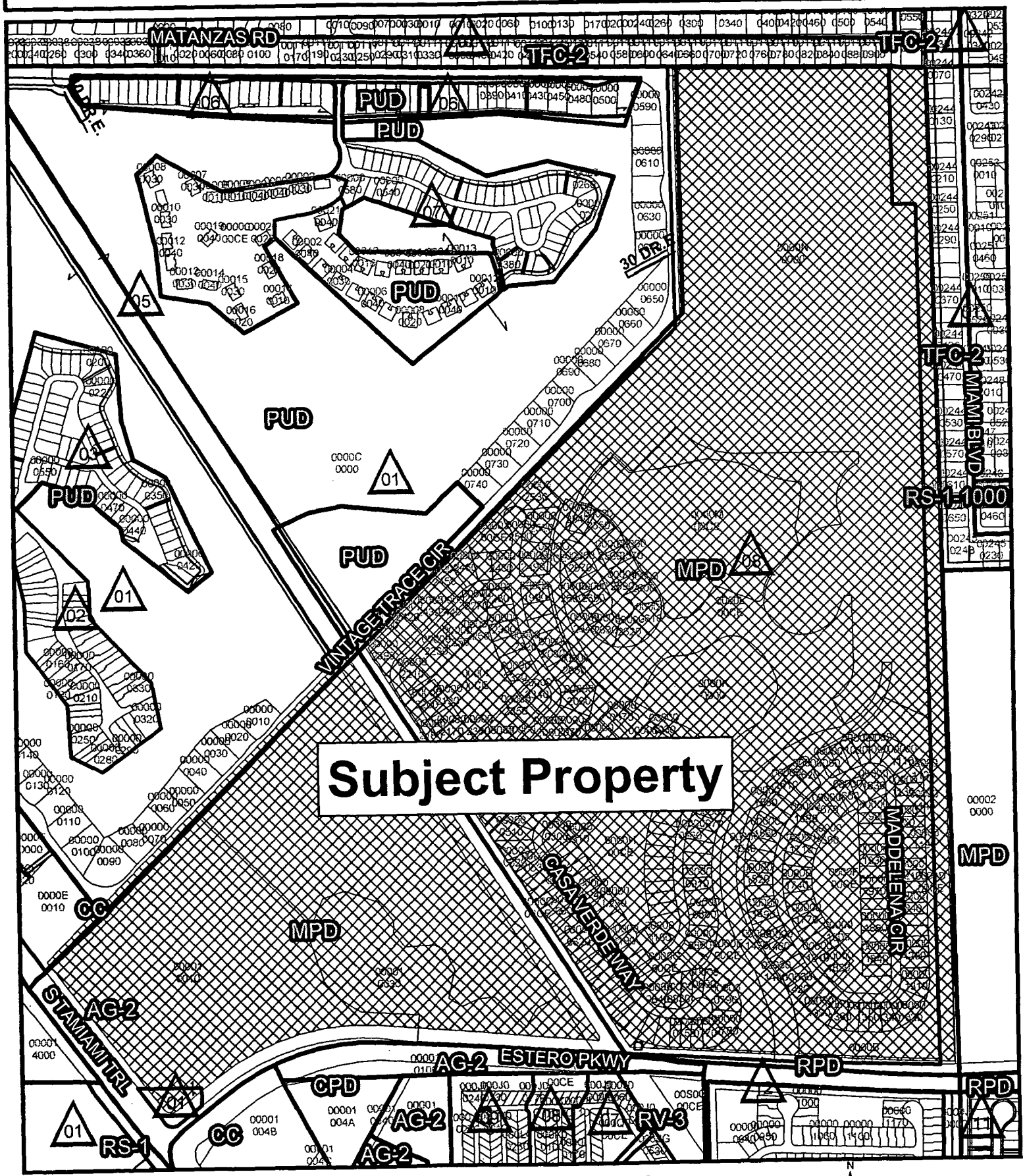
VI. EXHIBITS:

A. Property descriptions and sketch of descriptions
B. Proposed Master Concept Plan and Landscape Plan
C. Resolution Z-01-012A
D. "Traffic Impact Statement for Wal-Mart - Koreshan Zoning Amendment", dated December 17, 2003, prepared by Metro Transportation Group
E. Division of Development Services Memorandum dated January 7, 2004, from Mike Carroll, P.E., to Jerry Murphy
F. Department of Transportation Memo dated June 30, 2004, from Andy Getch, P.E. to Gerald Murphy
G. Staff Report From Division of Environmental Sciences dated June 22, 2004
H. ADD2003-00014
I. ADD2003-00014A
J. ADD2004-00127

cc: Applicant
County Attorney
Estero Community Planning Panel % Don Eslick
Zoning/DCI File

ZONING MAP
(DCI2003-00058)

7/08/2004



Attachment A

N

0 250 500 1,000 Feet

COASTAL ENGINEERING CONSULTANTS INC

A CECI GROUP COMPANY

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ZONING

CECI Group Services
Civil Engineering
Planning Services
Survey & Mapping
Coastal Engineering
Real Estate Appraisal
Website: www.coastalengineering.com

DCI2003-00058

EXHIBIT
LEGAL DESCRIPTION
PARCEL "A"
ESTERO GOLF RESORT MPD

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21, THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45" W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461 - 3462) TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°46'45" W, ALONG SAID EAST LINE OF SECTION 21, A DISTANCE OF 2555.79 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 21; THENCE N 00°53'22" W, A DISTANCE OF 2646.37 FEET TO THE NORTHEAST CORNER OF SAID SECTION 21; THENCE N 89°29'23" W, ALONG THE NORTH LINE OF SECTION 21, A DISTANCE OF 1322.73 FEET TO THE EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 37, PAGE 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S 00°53'13" E, ALONG SAID EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB, A DISTANCE OF 1317.90 FEET; THENCE S 44°54'53" W, A DISTANCE OF 2370.26 FEET; THENCE CONTINUE S 32°34'51" E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD A DISTANCE OF 2513.30 FEET; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD CONTINUE S 86°11'52" E A DISTANCE OF 1148.53 FEET TO A POINT OF CURVATURE, THENCE CONTINUE 552.84 FEET ALONG THE ARC OF SAID CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 11,425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF S 87°35'02" E; TO SAID POINT OF BEGINNING.

PARCEL CONTAINS 240.4± ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

AND THOSE LANDS FURTHER DESCRIBED AS FOLLOWS:

PARCEL "A-1"
ESTERO GOLF RESORT MPD

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PARCEL CONTAINS 74.2± ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2484

DANA L. WORLEY
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5651
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 89503
DATE SIGNED: 03-06-04

Applicant's Legal Checked
by _____ 3/09/2004.

3106 S. Horseshoe Drive, Naples, Florida 34104 • Phone (239) 643-2324 Fax (239) 643-1143 • E-Mail: engcollier@cecifl.com

SERVING FLORIDA SINCE 1977

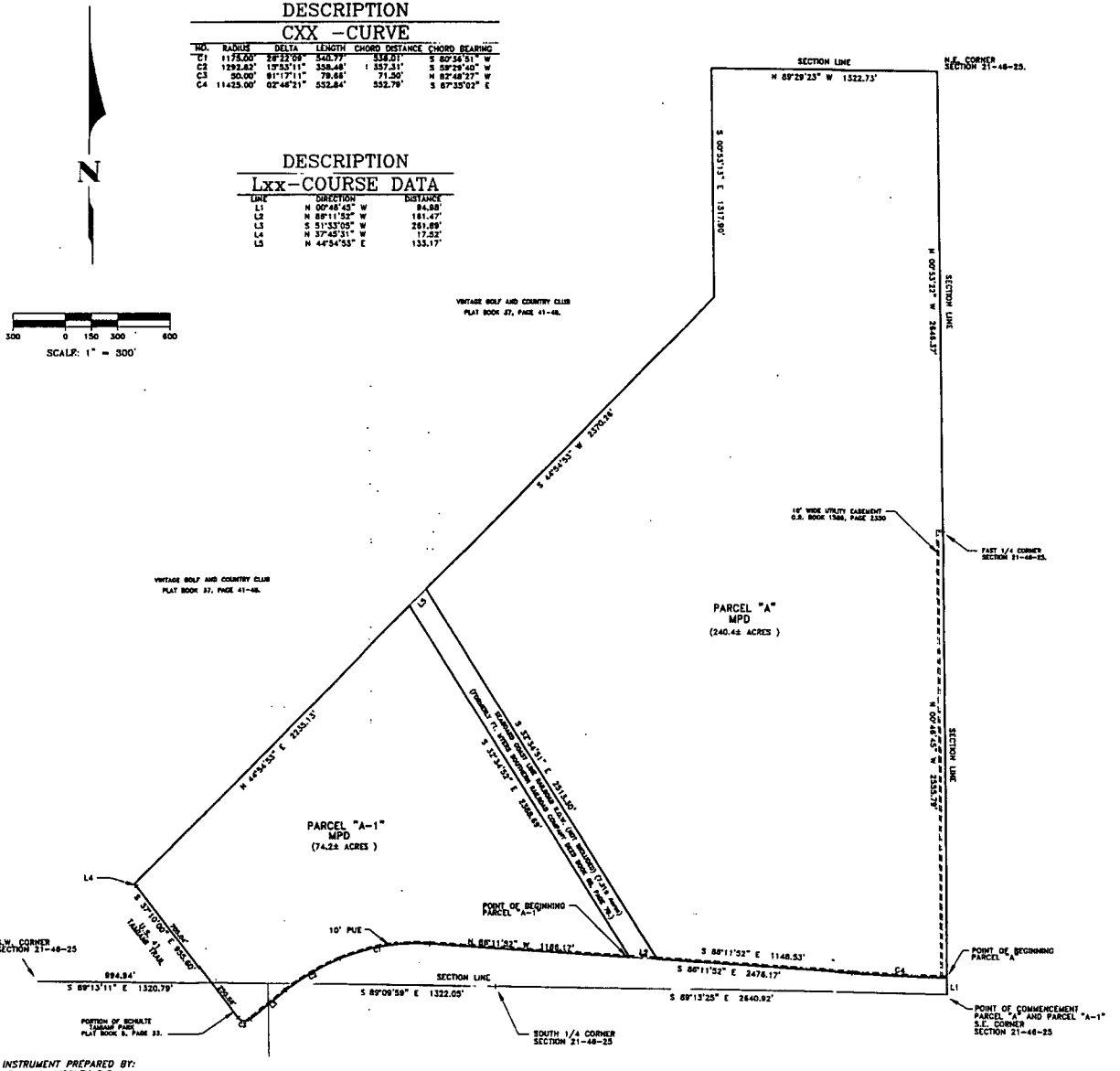
EXHIBIT "A"

DESCRIPTION
CXX – CURVE

NO.	RADIUS	DELTA	LENGTH	CHORD DISTANCE	CHORD BEARING
C1	1175.00'	26°22'09"	540.77'	536.01'	S 80°36'51" W
C2	1292.82'	15°53'11"	358.46'	357.31'	S 59°29'40" W
C3	50.00'	91°17'11"	79.66'	71.50'	N 82°48'27" W
C4	11425.00'	02°46'21"	552.84'	552.79'	S 87°35'02" E

DESCRIPTION
Lxx–COURSE DATA

LINE	DIRECTION	DISTANCE
L1	N 00°48'45" W	94.98'
L2	N 86°11'52" W	181.47'
L3	S 51°33'05" W	261.89'
L4	N 37°45'31" W	17.52'
L5	N 44°54'53" E	133.17'



NOT A BOUNDARY SURVEY

EXHIBIT
LEGAL DESCRIPTION
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ESTERO GOLF RESORT MPD

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PARCEL CONTAINS 240.4± ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

AND THOSE LANDS FURTHER DESCRIBED AS FOLLOWS:

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PARCEL CONTAINS 74.2 ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

DCI2003-00058
Applicant's Survey Checked
By [signature] 2/09/2004

NOTES:
1. BEARINGS BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 21-46-25 BEING N 00°48'45" E
2. PARCEL LIES IN F.I.R.M. ZONE B, ACCORDING TO FIRM PANEL 125124 0452 B DATED 8-19-86 AND PANEL 125124 0472 B (PANEL NOT PRINTED).
3. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHT-OF-WAYS, COVENANTS AND SERVITUDES, RECORDED OR UNRECORDED.
4. PARCEL "A" CONTAIN 240.40 ACRES OF LAND, MORE OR LESS.
5. PARCEL "A-1" CONTAIN 74.2 ACRES OF LAND, MORE OR LESS.
6. REVISED 10-23-00 AS PER LEE COUNTY COMMENTS.

RECEIVED
MAR 0 9 2004
ZONING

COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2484
DANA L. WORLEY P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5951
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 99.509

DATE:	08-18-00
SCALE:	1" = 300'
DESIGNED:	D.L.W.
DRAWN:	D.L.W.
CHECKED:	D.L.W.
F.B.	N/A
PG.	
PROJECT NO.:	99.509

FOR: KEYSTONE CUSTOM HOMES

SKETCH OF DESCRIPTIONS

OF LANDS LYING IN SECTION 21 AND 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

COASTAL ENGINEERING CONSULTANTS, INC.
COASTAL & CIVIL ENGINEERS • PLANNERS • SURVEYORS • GEOLOGISTS
17595 S. TAMIAMI TR., STE #102
FT. MYERS, FLORIDA 33908
PHONE NO.: (941) 590-9900 FAX NO.: (941) 590-9909

REFERENCE OR ACAD DWG. NO.: Dese | SHEET 1 OF 1 | FILE NO.: 99.509

THIS INSTRUMENT PREPARED BY:
DANA L. WORLEY P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
COASTAL ENGINEERING CONSULTANTS, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
17595 S. TAMIAMI TR., STE #102
PHONE NO. (941)590-9900 FAX NO. (941)590-9909

DCI 2000-00032

LAND USE SUMMARY

Land Uses	Acres	Units/Sq.Ft.
Commercial Tracts	32.00ac*	320,000 sq ft**
Office Tract	1.06ac*	20,000 sq ft
Residential & Club/Rec Tracts	280.54ac*	820 units ***
TOTAL	314.60ac	

* Acreage includes water management, roadways and open space for the use.

** The developer retains the option of converting retail acreage to office at a ratio of 4 acres of commercial use : 3 acres of office use.

MASTER CONCEPT PLAN NOTES

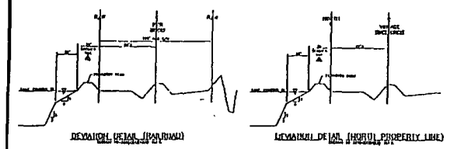
1 WITHDRAWN
2 The residential unit mix is preliminary and subject to change due to marketing and permitting considerations. Single and multi-family units may be converted on a 1:1 ratio.
3 Multi-family units may be converted to a maximum of 100 Assisted Living Facility (ALF) units in accordance LDC Section 34-1494.
4 Access to public transit will be provided in accordance with LDC Section 10-42.
5 Private covenants have not been developed for the project.
6 Temporary administration offices and sales offices may utilize septic tanks and/or holding tanks. Permanent septic tanks may be used for golf course rest facilities.
7 There are no structures on site.
8 This property will be developed in one phase.
9 The configuration of the "Conservation" areas and "Restored Wetlands" are approximate and subject to modification by the review agencies.

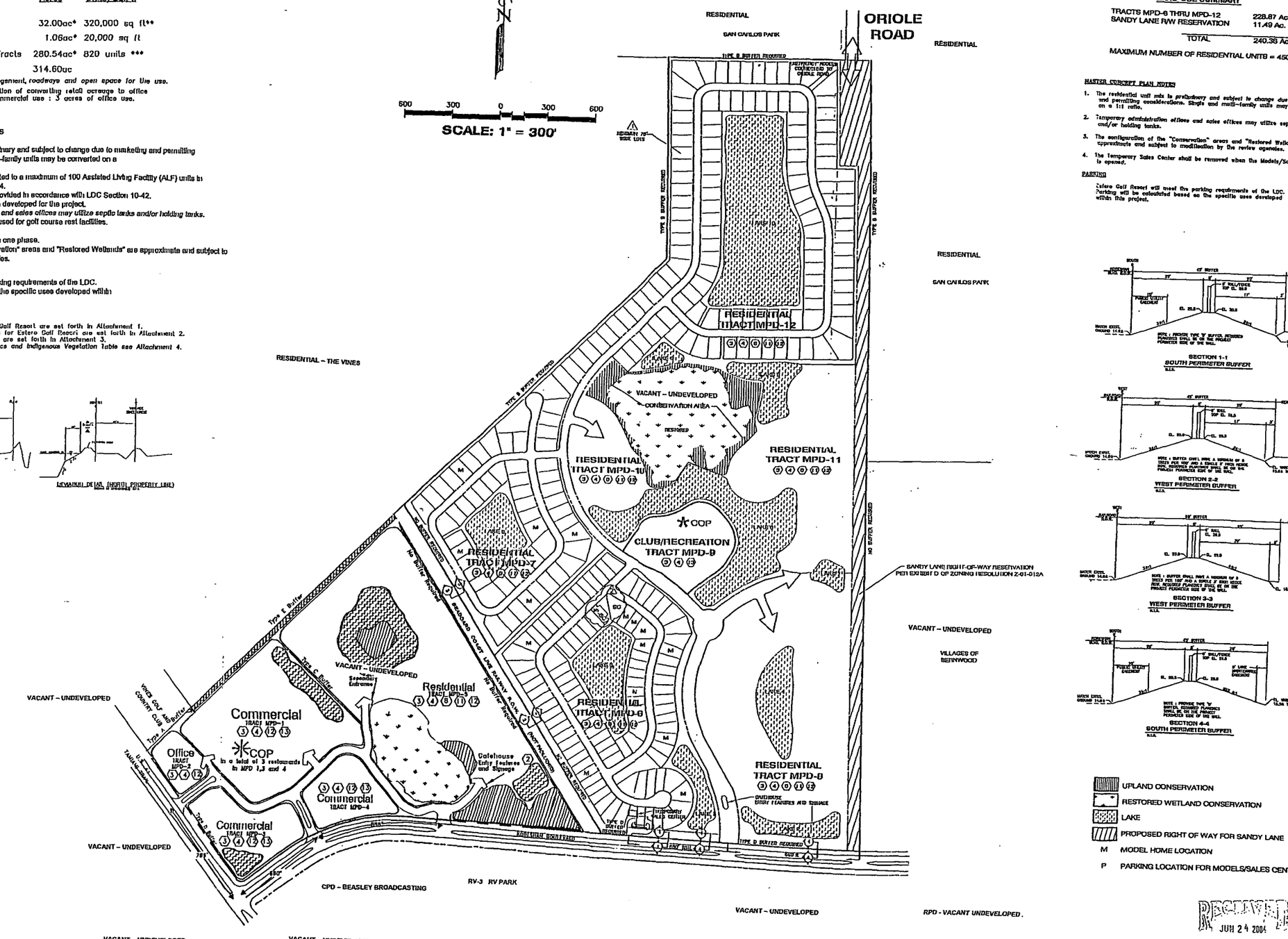
PARKING

Estero Golf Resort will meet the parking requirements of the LDC. Parking will be calculated based on the specific uses developed within this project.

NOTES

1. Permitted Land Uses for Estero Golf Resort are set forth in Attachment 1.
2. Property Development Regulations for Estero Golf Resort are set forth in Attachment 2.
3. Deviations for Estero Golf Resort are set forth in Attachment 3.
4. For Estero Golf Resort Open Space and Indigenous Vegetation Table see Attachment 4.





ADD 2003-00014

LAND USE SUMMARY

TRACTS MPD-6 THRU MPD-12	228.87 Ac.
SANDY LANE R/W RESERVATION	11.49 Ac.
TOTAL	240.36 Ac.

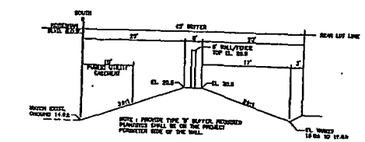
MAXIMUM NUMBER OF RESIDENTIAL UNITS = 450

MASTER CONCEPT PLAN NOTES

1. The residential unit mix is preliminary and subject to change due to marketing and permitting considerations. Single and multi-family units may be converted on a 1:1 ratio.
2. Temporary administration offices and sales offices may utilize septic tanks and/or holding tanks.
3. The configuration of the "Conservation" areas and "Restored Wetlands" are approximate and subject to modification by the review agencies.
4. The Temporary Sales Center shall be removed when the Models/Sales Center is opened.

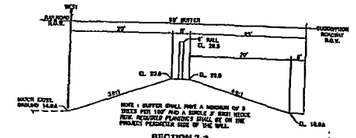
PARKING

Estero Golf Resort will meet the parking requirements of the LDC. Parking will be calculated based on the specific uses developed within this project.

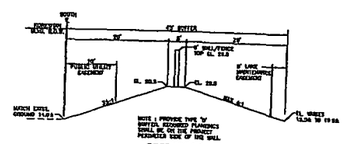


SECTION 1-1
SOUTH PERIMETER BUFFER
N.T.S.

SECTION 2-2
WEST PERIMETER BUFFER
N.T.S.



SECTION 3-3
WEST PERIMETER BUFFER
N.T.S.



SECTION 4-4
SOUTH PERIMETER BUFFER
N.T.S.

UPLAND CONSERVATION
RESTORED WETLAND CONSERVATION
LAKE
PROPOSED RIGHT OF WAY FOR SANDY LANE
M MODEL HOME LOCATION
P PARKING LOCATION FOR MODELS/SALES CENTER

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DCI 2003-00058

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g p h, c.p.a., inc.
2330 First Street, Suite 201, Fort Myers, FL 33901
Phone: 239.337.3993 Fax: 239.337.3994

Scale: 1" = 300'
Date: JAN., 2004
Job No. W13303
File: MASTERPLAN
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Revision

No.	Date	Name

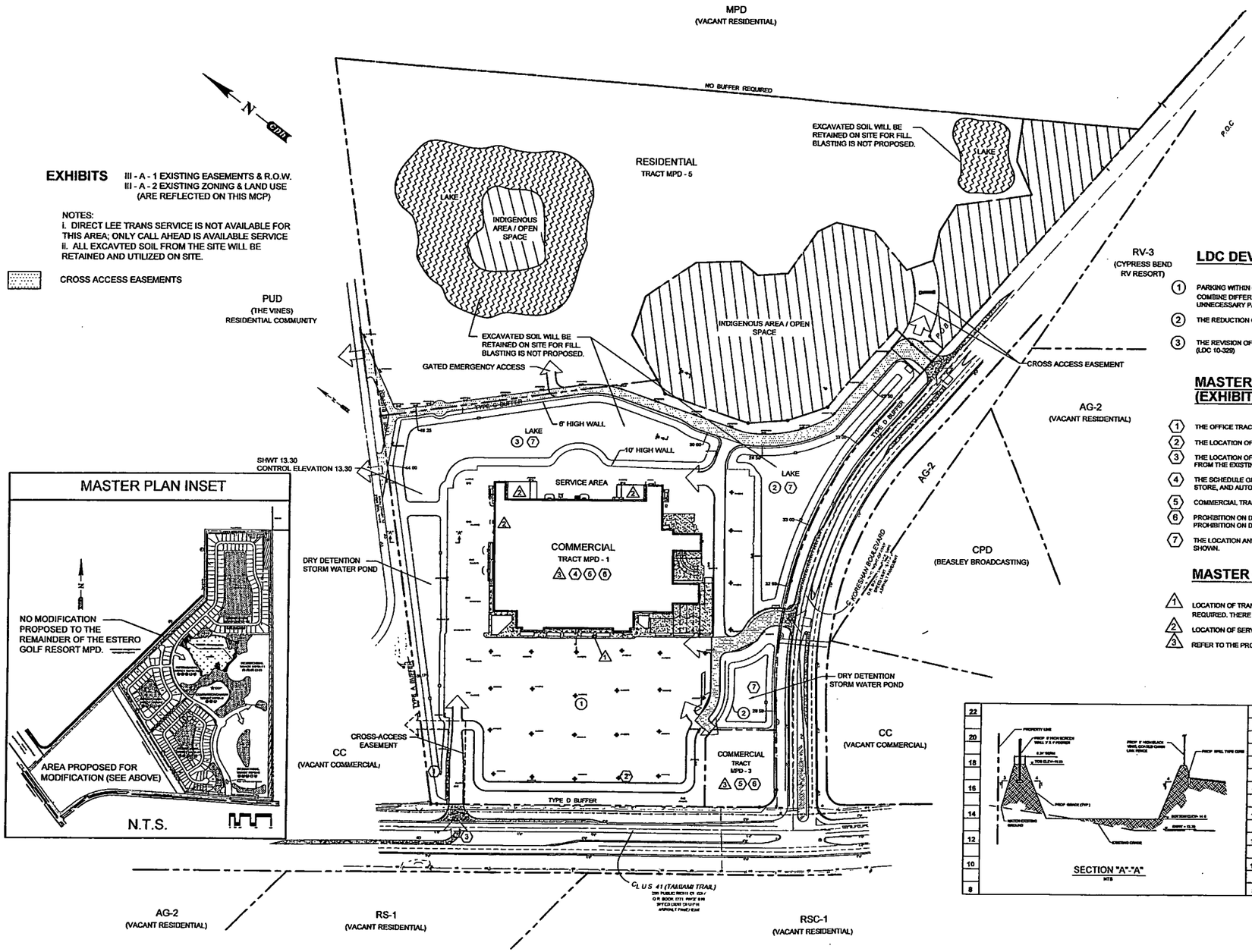
Activity
Designed by:
Drawn by:
Checked by:
Approved by:
Certificate of Authorization No. 2225

EXHIBIT IV-A-1

ESTERO GOLF RESORT
MASTER CONCEPT PLAN
"EXISTING OPTION"

Sheet No. C-1

EXHIBIT "B"



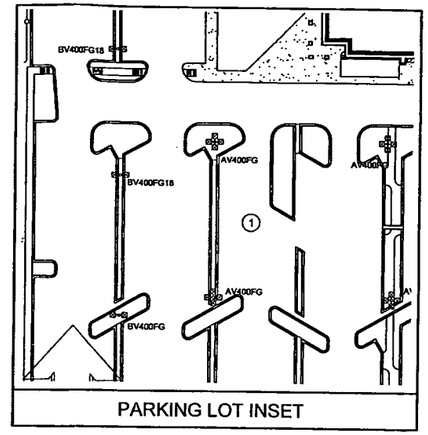
EXHIBITS

III - A - 1 EXISTING EASEMENTS & R.O.W.
III - A - 2 EXISTING ZONING & LAND USE
(ARE REFLECTED ON THIS MCP)

NOTES:
i. DIRECT LEE TRANS SERVICE IS NOT AVAILABLE FOR THIS AREA; ONLY CALL AHEAD IS AVAILABLE SERVICE
ii. ALL EXCAVTED SOIL FROM THE SITE WILL BE RETAINED AND UTILIZED ON SITE.

CROSS ACCESS EASEMENTS

MASTER PLAN INSET



LDC DEVIATIONS

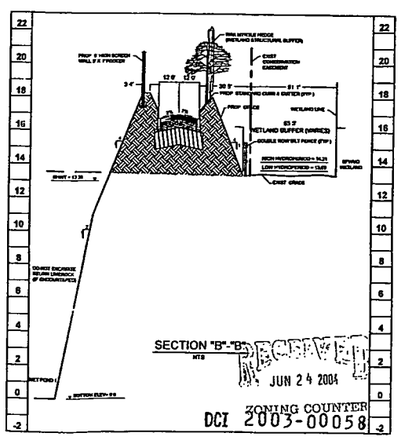
1. PARKING WITHIN COMMERCIAL TRACT MPD-1 WILL UTILIZE LINEAR CONCRETE ISLANDS IN LIEU OF WHEEL STOPS, AND COMBINE DIFFERENT ANGLES OF PARKING SPACES WITHIN ONE AND TWO WAY DRIVE AISLES TO MINIMIZE UNNECESSARY PAVEMENT (SEE INSET).
2. THE REDUCTION OF THE REQUIRED SETBACK TO 28 50 FT FOR EXCAVATIONS FROM ROAD RIGHT OF WAY TO LAKES (LDC 10-329)
3. THE REVISION OF THE REQUIRED SETBACK TO 46.25 FT FOR EXCAVATIONS FROM THE EASTERN PROPERTY LINE TO LAKES (LDC 10-329)

MASTER CONCEPT PLAN CHANGES (EXHIBIT IV - J - 1, VI - J - 3)

1. THE OFFICE TRACT MPD-2 AND COMMERCIAL TRACT MPD-4 SHOWN ON THE EXISTING APPROVED MASTER PLAN IS DELETED.
2. THE LOCATION OF THE INTERIOR ACCESS ROAD IS MODIFIED AS SHOWN FROM THE EXISTING APPROVED MASTER PLAN.
3. THE LOCATION OF THE DRIVEWAY CONNECTION TO U.S. 41 IS MODIFIED AS SHOWN, PER FDOT RECOMMENDATIONS, FROM THE EXISTING APPROVED MASTER PLAN.
4. THE SCHEDULE OF USES FOR TRACT MPD-1 IS MODIFIED TO INCLUDE DRUG SALES (PHARMACY), HARDWARE STORE, AUTO PARTS STORE, AND AUTOMOBILE REPAIR AND SERVICE.
5. COMMERCIAL TRACTS MPD-1 AND MPD-3 HAVE NO RESTRICTIONS ON HOURS OF OPERATIONS.
6. PROHIBITION ON DELIVERIES BETWEEN 8 PM AND 6 AM ON COMMERCIAL TRACTS MPD-1 AND MPD-3 ARE MODIFIED TO PROHIBITION ON DELIVERIES BETWEEN 8 PM AND 4 AM.
7. THE LOCATION AND NUMBER OF DRY DETENTION PONDS AND LAKES (WET DETENTION PONDS) ARE MODIFIED AS SHOWN.

MASTER CONCEPT PLAN AMENDMENT NOTES

1. LOCATION OF TRANSIT BUS BENCHES. RELOCATION OF THE BUS BENCH(ES) ALONG THE FRONT OF THE STORE MAY BE REQUIRED. THERE ARE NO DESIGNATED *LEETRAN* ROUTE STOPS CURRENTLY AVAILABLE WITHIN THE PROJECT AREA.
2. LOCATION OF SERVICE LOADING AND UNLOADING.
3. REFER TO THE PROPERTY DEVELOPMENT REGULATIONS TABLE FOR THE MAXIMUM BUILDING HEIGHT.



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2271 McGregor Blvd. Suite 100 Fort Myers, FL 33901
Phone: 239.332.2459 Fax: 239.332.2503
gph-cpteng@worldnet.att.net

Scale:	1" = 150'
Date:	JULY 2003
Job No.	W13303
File:	MASTER-PLAN
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No.	Date	Revision	Approved

Activity	Name	Date
Designed by:	J.C.P.	07/03
Drawn by:	T.W.E.	07/03
Checked by:	J.C.P.	07/03
Approved by:	J.C.P.	07/03

Certificate of Authorization No. 2219

EXHIBIT IV-A-1

ESTERO GOLF RESORT
MASTER CONCEPT PLAN
"WAL-MART OPTION"

Sheet No. C-2

MATCHLINE SEE SHEET L-1B

NOTE:
SEE WETLAND RESTORATION PLAN PREPARED BY LOTSPEICH AND ASSOCIATES FOR WETLAND PLANTINGS.

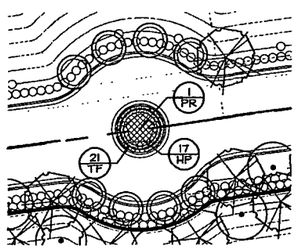
WAL★MART
SUPERCENTER
C-192-SEGR-OR
F.F. ELEV. = 19.00
257,739 S.F.±

WET POND 1
WET POND 2
DRY POND
FULL WALL LENGTH
BAHIA INSIDE FENCE AND SIDE SLOPES OF POND
BAHIA AREAS BEHIND HEDGE DISTURBED BY CONSTRUCTION
PROPOSED MASONRY WALL WITH DOUBLE HEDGE RUN
LITTORAL ZONE PLANT LIST ON SHEET L-9
IRRIGATION CONTROLLER WITH RAIN SENSOR AND WELL POWER SOURCE FROM BUILDING SUPPLY
BOLLARDS IN FRONT OF FENCE TYP.
RODENT BARRIER REQ'D (SEE DETAIL ON SHEET L-1D)
ROOT BARRIER REQUIRED FOR SPECIMEN OAKS (SEE DETAIL ON SHEET L-1D)
SEASONAL GARDEN CENTER
GARDEN CENTER
DOUBLE HEDGE
ENSURE BUFFER TREES ARE PLANTED A MIN. OF 15' FROM OVERHEAD UTILITIES
FOR PLANTINGS
LITTER RECEPTACLE
SOD/SS BEGINS TYP.
SOD/BA ENDS TYP.
PAVED EMER. USE
OFF-SITE
TYP. 8 BAY

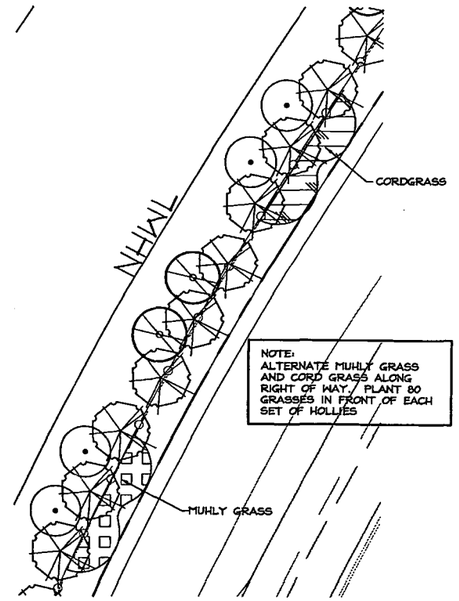
SOD NOTES:

1. ENTIRE SITE SHALL BE ST. AUGUSTINE SOD EXCEPT THE FOLLOWING AREAS:
   A. BAHIA SOD SHALL BE USED INSIDE THE FENCE OF ALL THE PONDS (WET, DRY AND OFFSITE).
   B. EAST OF THE WETLAND HEDGE SHALL BE BAHIA.

1A L1|L1 ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'



1B L1|L1 ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'



0 40 80 160
SCALE: 1"= 80'

IRRIGATION NOTES:

1. SITE SHALL BE 100% IRRIGATED.
2. SYSTEM SHALL BE CONTROLLED AND MONITORED WITH RAINBIRD ESP SITE CONTROLLER.
3. IRRIGATION SYSTEM WILL BE INSTALLED WITH A RAIN SENSOR.
4. FLORIDA IRRIGATION INDUSTRY STANDARDS WILL BE USED FOR DESIGN, PIPING, HEADS, NOZZLES, AND CONSTRUCTION.

PLANT LEGEND

SYM	COMMON NAME
TREES	
QV2	LIVE OAK (LG)
QV3	LIVE OAK (S)
LI	QUEEN CRAPE MYRTLE
SP	SABAL PALM
SR	MAHOGANY
TD	BALD CYPRESS
CO	SATINLEAF
IC	DAHOON HOLLY
PR	SENEGAL PALM

SYM	COMMON NAME
SHRUBS AND GROUNDCOVER	
MF	SIMPSON'S STOPPER
VO	WALTER'S VIBURNUM
IX	IXORA
CI	RED TIP COCOPLUM
IX	IXORA
RI	INDIAN HAWTHORN
HP	DWARF FIREBUSH
TF	FLORIDA GAMMA GRASS
IV	DWARF YAUPON HOLLY
TA	ASIATIC JASMINE
DV	AFRICAN IRIS
JD	'PARSONII' JUNIPER
SB	CORDGRASS
MC	MUHLY GRASS
BAHIA	ARGENTIN BAHIA SOD
SOD/SS	ST. AUGUSTINE GRASS

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MICHAEL J. URCHUK, FLA 0035075

No.	Date	Revision
1	8/03	
2	8/03	
3	8/03	
4	9/03	

Activity	Name	Date
Designed by:	M.J.U	8/03
Drawn by:	K.D.L	8/03
Checked by:	M.J.U	8/03
Approved by:	M.J.U	9/03

Certificate of Authorization No. 0253

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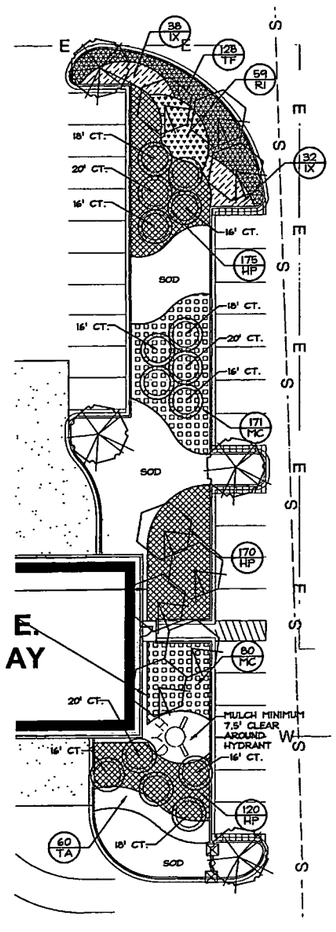
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Job No. W13303
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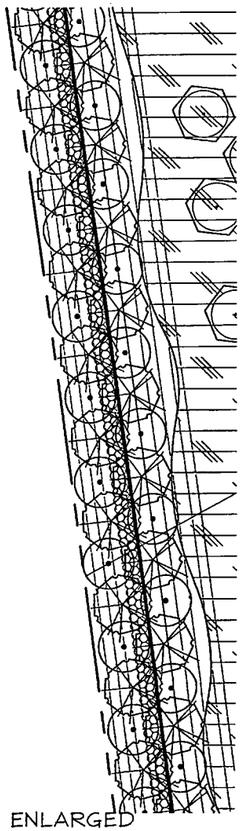
LANDSCAPE PLAN

WAL★MART
SUPERCENTER
STORE #5347-00, ESTERO, FLORIDA

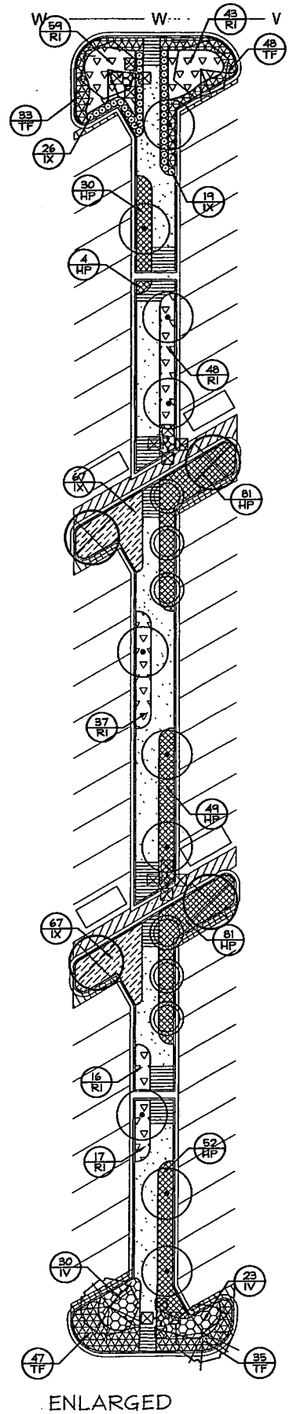
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DCI2003-00058

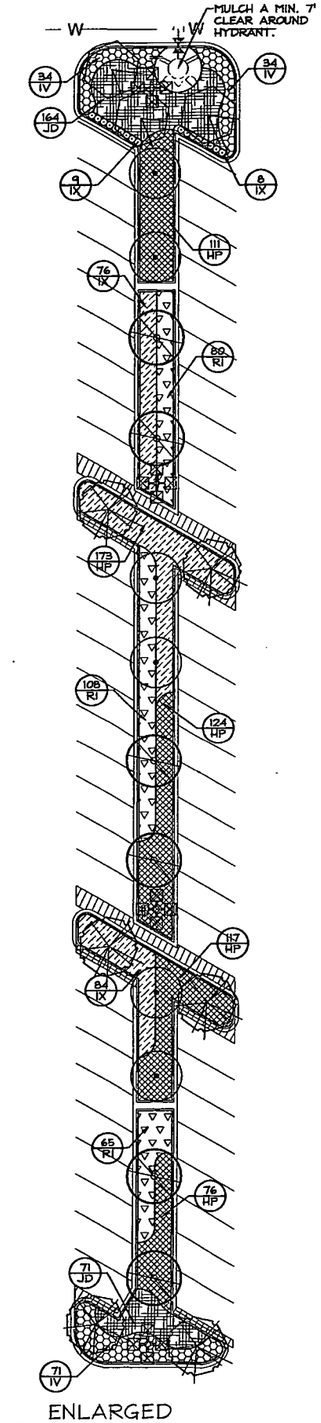

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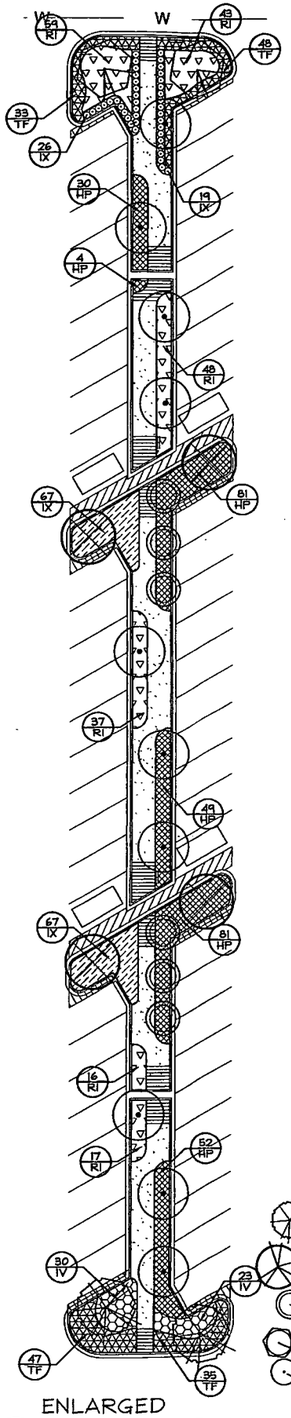
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SCALE: 1"=20'



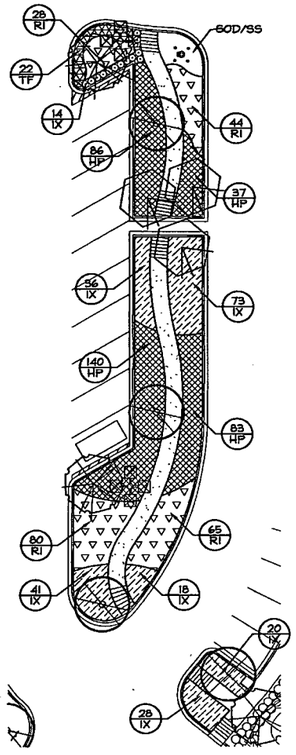
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SCALE: 1"=20'



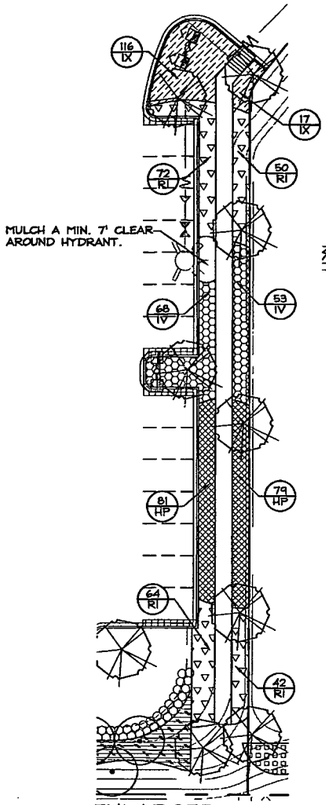
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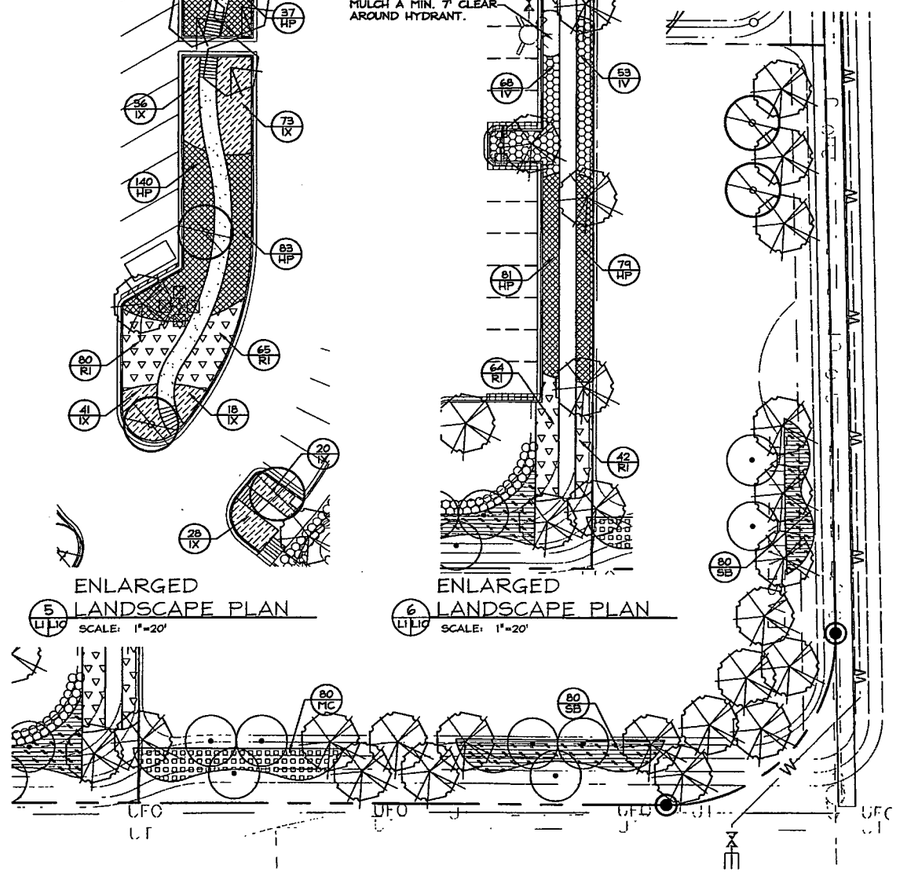
4 L1.1C ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'



5 L1.1C ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'



6 L1.1C ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'



7 L1.1C ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'

PLANT LEGEND

SYM	COMMON NAME	SYM	COMMON NAME	SYM	COMMON NAME
TREES		SHRUBS AND GROUNDCOVER			
GV2	LIVE OAK (LG)	MF	SIMPSON'S STOPPER	IV	DWARF YAUPON HOLLY
GV3	LIVE OAK (S)	VO	WALTER'S VIBURNUM	TA	ASIATIC JASMINE
LI	QUEEN CRAPE MYRTLE	IX	IXORA	DV	AFRICAN IRIS
SP	SABAL PALM	CI	RED TIP COCOPLUM	JD	'PARSONII' JUNIPER
SR	MAHOGANY	IX	IXORA	SB	CORDGRASS
TD	BALD CYPRESS	RI	INDIAN HAWTHORN	MC	MUHLY GRASS
CO	SATINLEAF	HP	DWARF FIREBUSH	BAHIA	ARGENTIN BAHIA SOD
IC	DAHOON HOLLY	TF	FLORIDA GAMMA GRASS	SOD/SS	ST. AUGUSTINE GRASS
PR	SENEGAL PALM				

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6666875

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Scale:	1" = 20'
Date:	AUG.2003
Job No.	W13303
File:	LSP
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No.	Date	Revision
1	8/03	
2	8/03	
3	8/03	
4	8/03	

Activity	Name	Date
Designed by:	MJU	8/03
Drawn by:	KDL	8/03
Checked by:	MJU	8/03
Approved by:	MJU	8/03

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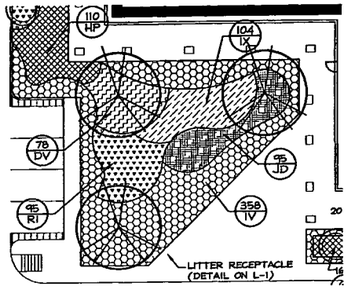
LANDSCAPE PLAN

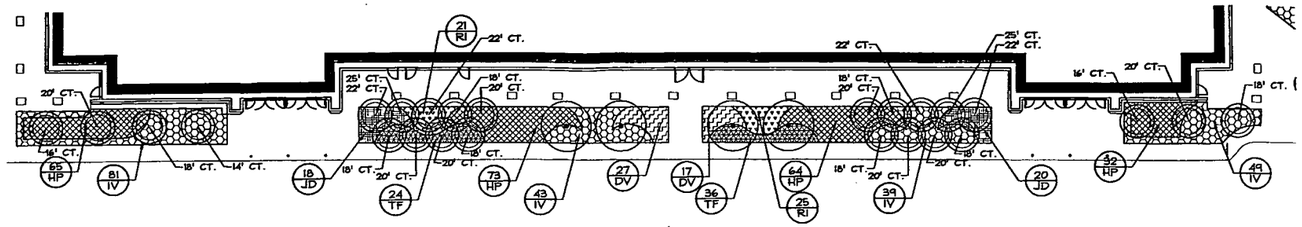
WAL★MART
SUPERCENTER
STORE #5347-00, ESTERO, FLORIDA

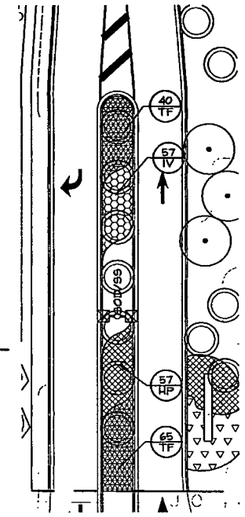
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DCI2003-00058

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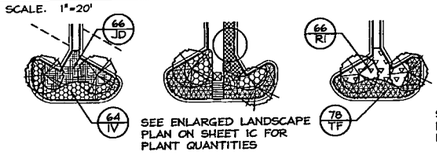






1 L1 L2 ENLARGED LANDSCAPE PLAN

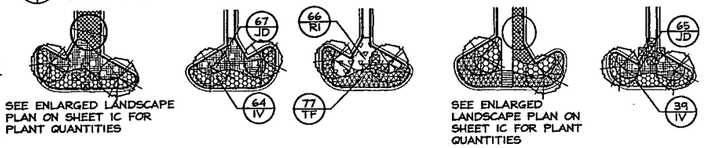
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SEE ENLARGED LANDSCAPE PLAN ON SHEET IC FOR PLANT QUANTITIES

2 L1 L2 ENLARGED LANDSCAPE PLAN

SCALE: 1"=20'



SEE ENLARGED LANDSCAPE PLAN ON SHEET IC FOR PLANT QUANTITIES

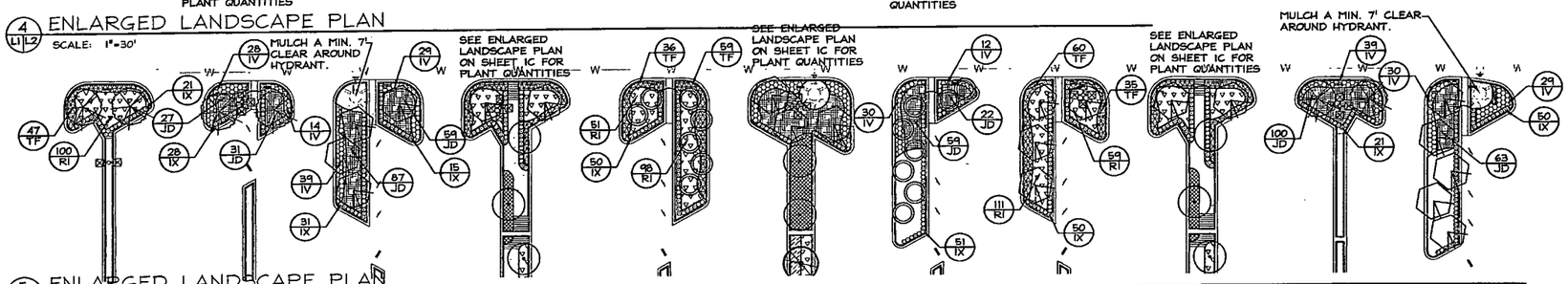
SEE ENLARGED LANDSCAPE PLAN ON SHEET IC FOR PLANT QUANTITIES

3 L1 L2 ENLARGED LANDSCAPE PLAN

SCALE: 1"=20'

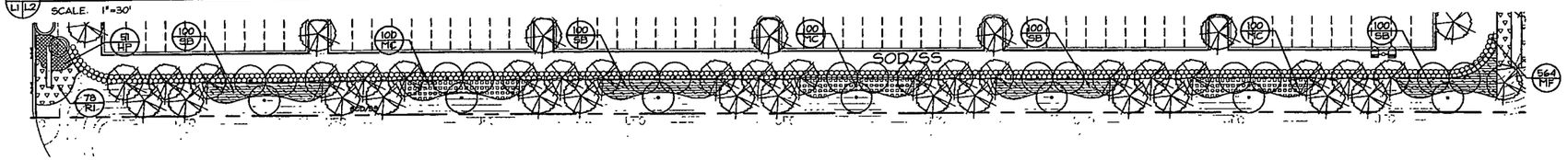
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SCALE: 1"=30'



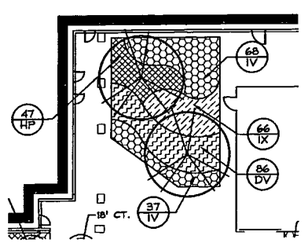
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SCALE: 1"=30'



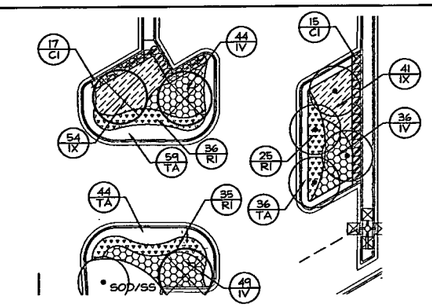
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SCALE: 1"=30'



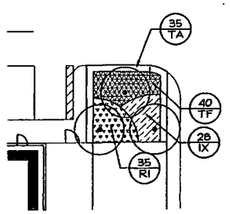
7 L1 L2 ENLARGED LANDSCAPE PLAN

SCALE: 1"=20'



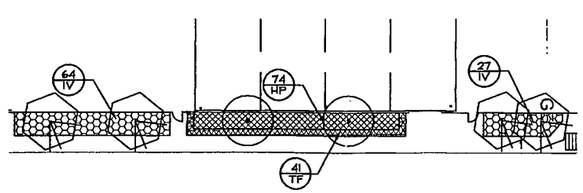
8 L1 L2 ENLARGED LANDSCAPE PLAN

SCALE: 1"=20'



9 L1 L2 ENLARGED LANDSCAPE PLAN

SCALE: 1"=20'



10 L1 L2 ENLARGED LANDSCAPE PLAN

SCALE: 1"=20'

PLANT LEGEND



SYM.	COMMON NAME
TREES	
QV2	LIVE OAK (LG)
QV3	LIVE OAK (S)
LI	QUEEN CRAPE MYRTLE
SP	SABAL PALM
SR	MAHOGANY
TD	BALD CYPRESS
CO	SATINLEAF
IC	DAHOON HOLLY
PR	SENEGAL PALM

SHRUBS AND GROUNDCOVER			
MF	SIMPSON'S STOPPER	IV	DWARF YAUPON HOLLY
VO	WALTER'S VIBURNUM	TA	ASIATIC JASMINE
IX	IXORA	DV	AFRICAN IRIS
CI	RED TIP COCOPLUM	JD	'PARSONII' JUNIPER
IX	IXORA	SB	CORDGRASS
RI	INDIAN HAWTHORN	MC	MUHLY GRASS
HP	DWARF FIREBUSH	BAHIA	ARGENTIN BAHIA SOD
TF	FLORIDA GAMMA GRASS	SOD/SS	ST. AUGUSTINE GRASS

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Engineers
Planners
Landscape Architects
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www.cphengineers.com
2211 Park Street, Suite 106, Fort Myers, FL 33901
Phone 239.332.2587 Fax 239.332.2645

Scale: 1" = 20'
Date: AUG.2003
Job No. W13303
File: LSP
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No.	Date	Revision	Approved
1	8/03		
2	8/03		
3	8/03		
4	8/03		
5	8/03		

Activity	Name	Date
Designed by:	MJU	8/03
Drawn by:	KDL	8/03
Checked by:	MJU	8/03
Approved by:	MJU	8/03

Certificate of Authorization No. 2219

LANDSCAPE PLAN

WAL★MART
SUPERCENTER
STORE #5347-00, ESTERO, FLORIDA

Sheet No. L-2

MICHAEL J. URCHUK, RLA
0066875

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DCI2003-00058

LANDSCAPE NOTES:

1. The landscape Contractor shall be responsible for all materials and all work as called for on the Landscape Plans and in the Landscape Specifications. In the event of variation between quantities shown on plant list and the plans, the plans shall control. The Landscape Contractor shall verify all quantities and report any discrepancies at the time of bidding.
2. The Landscape Contractor shall review architectural/engineering plans and become thoroughly familiar with surface and subsurface utilities.
3. Every possible safeguard shall be taken to protect building surfaces, equipment and furnishings. The Landscape Contractor shall be responsible for any damage or injury to person or property which may occur as a result of negligence in the execution of the work.
4. The work shall be coordinated with other trades to prevent conflicts. Coordinate the planting with the irrigation work to assure availability and proper location of irrigation items and plants.
5. All planting shall be performed by personnel familiar with planting procedure and under the supervision of a qualified planting foreman.
6. All plant material shall be graded Florida No. 1 or better as outlined under Grades and Standards for Nursery Plants, Part I and II, published by the Florida Department of Agriculture and Consumer Services.
7. The Landscape Architect or Owner shall have the right, at any stage of the operations, to reject any and all work and materials which, in his opinion, do not meet with the requirements of these specifications.
8. Except as otherwise specified, the Landscape Contractor's work shall conform to accepted horticultural practices as used in the trade.
9. The minimum acceptable size of all plants, measured after pruning, with branches in normal positions, shall conform to the measurements specified on the plant list or as indicated on the landscape drawing. Height and spread dimensions refer to main body of the plant and not extreme branch tip to tip. The caliper of tree trunks is to be taken one foot above the ground level.
10. Plants shall be protected upon arrival at the site, by being thoroughly watered and properly maintained until planted.
11. All tree pits shall be excavated to size and depth in accordance with the USDA Standard for Nursery Stock 260.1, unless shown otherwise on the drawings, and backfilled with the specified planting soil. The Landscape Contractor shall test fill all tree pits with water before planting to assure proper drainage percolation is available.
12. The Landscape Contractor shall be responsible for proper watering of all plants. All plants shall be thoroughly watered at time of planting and kept adequately watered until time of acceptance. It shall be the Landscape Contractor's responsibility to assure that plants are not ever watered.
13. It shall be the Landscape Contractor's responsibility to prevent plants from falling or being blown over, to restraighten and replant all plants which lean or fall and to replace all plants which are damaged due to lack of proper guying or staking. The Landscape Contractor shall be legally liable for any damage caused by instability of any plant material.
14. All trees and all palms shall be guyed or staked or braced. The Landscape Contractor shall determine which small or multi-trunk trees need to be guyed and staked to maintain plumb. Staking of trees and shrubs, if required, shall be done as per staking and guying detail prepared by the Landscape Architect. It shall be the responsibility of the Landscape Contractor to remove guys and stakes from the trees and job site after a period of 90 days.
15. Plants blown over by high winds, within the guaranteed period, shall not be cause for additional expense to the Owner, but shall be the responsibility of the Landscape Contractor. Damaged plants shall be replaced by the Landscape Contractor at no additional cost to the Owner.
16. Sod shall be certified to be free of the imported fire ant. Sod shall have a clean growth of acceptable grass, reasonably free of weeds with not less than 1 1/2" of soil firmly adhering to roots. It shall be the responsibility of the Landscape Contractor to measure and determine the exact amount required. This amount shall be verified with the Owner or Landscape Architect before installation.
17. The Landscape Contractor shall insure adequate vertical drainage in all plant beds, planters, and sod areas. Vertical drilling through any compacted fill to native soil shall be accomplished to insure drainage. If well drained fill is necessary to assure positive drainage, this issue shall be brought up by the Landscape Contractor at time of bidding.
18. The Landscape Contractor shall insure that his work does not interrupt established or projected drainage patterns.
19. The Landscape Contractor shall prune, shape and remove dead foliage/limbs from existing plant material to remain. Confirm with the Landscape Architect or Owner the extent of work required at time of bidding.
20. Mulch - All plant beds shall be top dressed with 3" shredded hardwood mulch (or approved equal).
21. Transplanted Material - The Landscape Contractor shall be responsible for determining and evaluating which plant materials are suitable for transplanting and shall verify this with the Landscape Architect or Owner. The Landscape Contractor shall take all reasonable, horticulturally acceptable measures to assure the successful transplanting of determined plant materials. The Landscape Contractor shall be responsible for replacing any relocated plant materials which die if such measures are not taken, as determined by the Landscape Architect or Owner. Replacement plants shall be of identical species and size if required.
22. MAINTENANCE PRIOR TO FINAL INSPECTION AND ACCEPTANCE:

    Maintenance shall commence after each plant is planted and the maintenance period shall continue until the job or specific phase of the job is accepted by the Landscape Architect or Owner. Extreme care shall be taken to instruct the Owner or his representatives in general maintenance procedures.

    Plant maintenance shall include watering, pruning, weeding, cultivating, mulching, tightening, and repairing of guys, replacement of sick or dead plants, resetting plants to proper grades or upright positions and restoration of the planting saucer and all other care needed for proper growth of the plants.

    During the maintenance period and up to the date of final acceptance, the Landscape Contractor shall do all seasonal spraying and/or dusting of trees and shrubs. Upon completion of all planting, an inspection for acceptance of work will be held. The Landscape Contractor shall notify the Landscape Architect or Owner for scheduling of the inspection 10 days prior to the anticipated date.

    At the time of the inspection, if all of the materials are acceptable, a written notice will be given by the Landscape Architect or Owner to the Landscape Contractor stating the date when the Maintenance Period ends.

    GUARANTEE AND REPLACEMENT:

    All plant materials shall be guaranteed for one (1) year from the time of final inspection and interim acceptance shall be alive and in satisfactory growth for each specific kind of plant at the end of the guaranteed period.

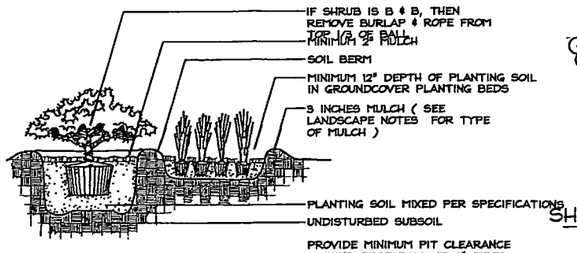
    At the end of the guarantee period, any plant required under this contract that is dead or not in satisfactory growth, as determined by the Owner or the Landscape Architect, shall be removed and replaced. Replacement plants shall have an extended guarantee, as noted above, from time of replacement.

    All replacements shall be planted of the same kind and size as specified on the plant list. They shall be the responsibility of the Landscape Contractor.

IRRIGATION NOTES:

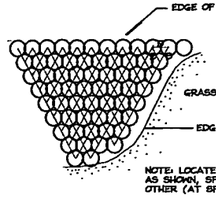
1. SITE SHALL BE 100% IRRIGATED.
2. SYSTEM SHALL BE CONTROLLED AND MONITORED WITH RAINBIRD ESP SITE CONTROLLER.
3. IRRIGATION SYSTEM WILL BE INSTALLED WITH A RAIN SENSOR.
4. FLORIDA IRRIGATION INDUSTRY STANDARDS WILL BE USED FOR DESIGN, PIPING, HEADS, NOZZLES, AND CONSTRUCTION.

NOTE:
ALL INVASIVE SPECIES EXISTING ON THE SITE WILL BE REMOVED. THIS INCLUDES MELALEUCA, BRAZILLIAN PEPPER, AUSTRALIAN PINES, EARLEAF ACACIA, DOWNY ROSEMYRTLE, AND TROPICAL SODA APPLE. SEE EXOTIC REMOVAL PLAN FOR LOCATION AND QUANTITY.



SHRUB AND GROUNDCOVER PLANTING DETAIL

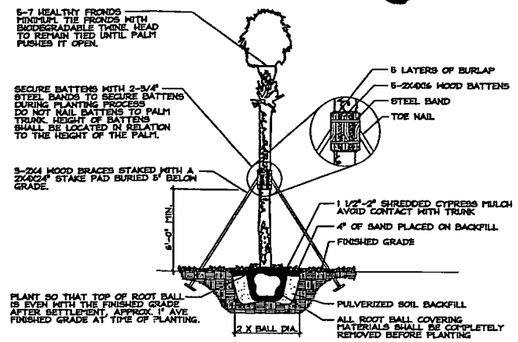
NTS



NOTE: LOCATE PLANTS IN A TRIANGULAR PATTERN AS SHOWN, SPACED EQUIDISTANT FROM EACH OTHER (AT SPACING SPECIFIED IN THE PLANT LIST).

SHRUB/GROUNDCOVER SPACING PLAN

N.T.S.

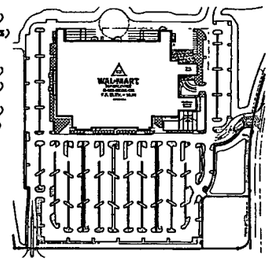


PALM STAKING DETAIL

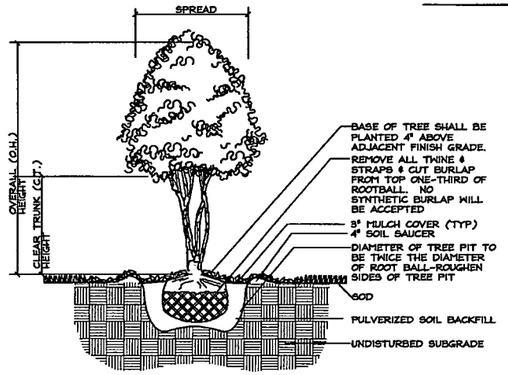
N.T.S.

LANDSCAPE DATA

VEHICULAR USE AREA:	507,424 SF
REQUIRED LANDSCAPE AREA:	50,742 SF (10%)
PROPOSED LANDSCAPE:	60,477 SF (11.9%)
VEHICULAR USE AREA IN FRONT OF STORE:	312,990 SF
REQUIRED LANDSCAPE AREA:	46,949 SF (15%)
PROPOSED LANDSCAPE:	53,295 SF (17%)
REQUIRED BUILDING LANDSCAPE:	20,307 SF (10%)
PROPOSED LANDSCAPE:	20,312 SF (10%)
SITE AREA: (excludes outparcel & access road)	1,393,769 SF
REQUIRED SITE TREES: (1/3,500 SF of development)	398
PROPOSED TREES:	1039
REQUIRED OPEN SPACE: (30.0%)	418,131 SF
PROPOSED OPEN SPACE: (includes a portion of wet pond surface areas per code)	546,440 SF (39.2%)

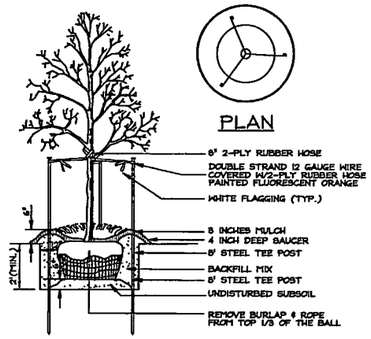


VEHICULAR USE AREA DIAGRAM



MULTI TRUNK TREE PLANTING DETAIL

NTS



NOTE: SEE LANDSCAPE NOTES FOR THE TYPE OF MULCH MATERIAL TO USE.

TREE PLANTING

N.T.S.

LITTORAL ZONE PLANT LIST

WET POND 1

TYPE	ZONES SHOWN	DESCRIPTION	TOTAL PLANT QTY
L1	3	50 PLANTS 18" O.C. - COW LILY	150
L2	4	200 PLANTS 18" O.C. - PICKEREL WEED & CANNA (MIXED)	800
L3	6	100 PLANTS 18" O.C. - WHITE WATER LILY	600
L4	2	400 PLANTS 18" O.C. - PICKEREL WEED & CANNA (MIXED)	800

REQUIRED LITTORAL PLANTS: 2,216 PLANTS (1 / 1 LF OF SHORELINE)
PROPOSED LITTORAL PLANTS: 2,350 PLANTS

WET POND 2

TYPE	ZONES SHOWN	DESCRIPTION	TOTAL PLANT QTY
L1	2	50 PLANTS 18" O.C. - COW LILY	100
L2	2	200 PLANTS 18" O.C. - PICKEREL WEED & CANNA (MIXED)	400
L3	2	100 PLANTS 18" O.C. - WHITE WATER LILY	200
L4	3	400 PLANTS 18" O.C. - PICKEREL WEED & CANNA (MIXED)	1200

REQUIRED LITTORAL PLANTS: 1,900 PLANTS (1 / 1 LF OF SHORELINE)
PROPOSED LITTORAL PLANTS: 1,900 PLANTS

TOTAL REQUIRED PLANTS: 4,250 PLANTS
TOTAL PROPOSED LITTORAL PLANTS: 4,250 PLANTS

BUFFER SCHEDULE

PROPERTY BOUNDARY	# OF LINEAR FEET	BUFFER WIDTH REQ.	BUFFER WIDTH PROV.	LANDSCAPING REQ. BY CODE	LANDSCAPING PROVIDED
NORTH-THE VINES & MULTI-FAMILY	1832	20 FT.	10 FT.	C	
SHADE TREE				10 x 100 LF = 183	145 LARGE TREES
UNDERSTORY TREE				-	144 UNDERSTORY
SHRUBS/ HEDGE				30 x 100 LF = 550	DBL. CONT. HEDGE
BERM/ WALL				WALL	WALL
EAST- CONSERVATION	700	FT.	FT.	NONE	
SHADE TREE				-	8 SHADE
UNDERSTORY TREE				-	24 UNDERSTORY
SHRUBS/ HEDGE				-	-
BERM/ WALL				-	-
SOUTHEAST- KORESHAN BLVD	1143	20 FT.	15 FT.	D	
SHADE TREE				5 x 100 LF = 57	70 SHADE
UNDERSTORY TREE				-	16 UNDERSTORY
SHRUBS/ HEDGE				DBL. CONT. HEDGE	DBL. CONT. HEDGE
BERM/ WALL				-	-
SOUTHWEST- US 41	768	20 FT.	25 FT.	D	
SHADE TREE				5 x 100 LF = 38	87 SHADE
UNDERSTORY TREE				-	22 UNDERSTORY
SHRUBS/ HEDGE				DBL. CONT. HEDGE	DBL. CONT. HEDGE
BERM/ WALL				-	-

PLANT LIST

SYM.	QTY.	BOTANICAL NAME		COMMON NAME	DESCRIPTION
TREES					
			NATIVE		
QV2	399	QUERCUS VIRGINIANA	N	LIVE OAK (LG)	65 GAL., 3" MIN. CAL., 14'-16' HT.
QV3	5	QUERCUS VIRGINIANA	N	LIVE OAK (S)	7" CAL., MIN. 20' HT., MIN. 15' SPREAD
LS	35	LAGERSTROEMIA SPECIOSA	N	QUEEN CRAPE MYRTLE	25 GAL., 10' HT., MIN. 4' SPREAD
SP	141	SABAL PALMETTO	N	SABAL PALM	14' CT. MIN. UNLESS OTHERWISE NOTED
SR	43	SWIETENIA MAHAGONI	N	MAHOGANY	65 GAL., 3" MIN. CAL., 14'-16' HT., 6' SPREAD
TD	144	TAXODIUM DISTICHUM		BALD CYPRESS	2" CAL., 10' MIN. HT., 4' SPREAD
CO	30	CHRYSOPHYLLUM OLIVIFORME	N	SATINLEAF	2" CAL., 10' MIN. HT., 4' SPREAD
PR	1	PHOENIX RECLINATA		SENEGAL PALM	5 STEM MIN., 18' OA.
IC	241	ILEX CASSINE		DAHOON HOLLY	45 GAL., 3" CAL., 12'-14' HT., HOLLIES IN FRONT OF COMPRESSORS SHALL BE FULL TO THE GROUND.
SHRUBS AND GROUNDCOVER					
			NATIVE		
MF	2606	MYRCIANTHES FRAGRANS	N	SIMPSON'S STOPPER	3 GAL., 30" MIN. HT., 30" O.C.
VO	287	VIBURNIM OBOVATUM	N	WALTER'S VIBURNUM	7 GAL., 48" HT. MIN., 48" O.C.
IX	440	IXORA		IXORA	3 GAL., 24" HT. MIN., 24" O.C.
CI	32	CHRYSOBALANUS ICACO 'RED TIP'	N	RED TIP COCOPLUM	3 GAL., 24" HT. MIN., 30" O.C.
IX	1138	IXORA		IXORA	3 GAL., 24" HT. MIN., 24" O.C.
RI	2276	RHAPHIOLEPIS INDICA		INDIAN HAWTHORN	3 GAL., 12"-15" HT MIN., 24" O.C.
HP	3351	HAMELIA PATENS 'COMPACTA'	N	DWARF FIREBUSH	3 GAL., 18" HT., 24" O.C.
TF	1655	TRIPSACUM FLORIDANA	N	FLORIDA GAMMA GRASS	1 GAL., FULL, 12" HT., 24" O.C.
IV	2124	ILEX VOMITORIA 'NANA'	N	DWARF YAUPON HOLLY	3 GAL., FULL, 12" HT., 30" O.C.
TA	234	TRACHELOSPERMUM ASIATICUM		ASIATIC JASMINE	1 GAL., FULL, 24" O.C.
DV	208	DIETES VEGETA		AFRICAN IRIS	1 GAL., FULL, 24" O.C.
JD	1151	JUNIPERUS DAVURICA		'PARSONII' JUNIPER	3 GAL., FULL, 24" O.C.
SB	10125	SPARTINA BAKERI	N	CORDGRASS	1 GAL., 18" HT., FULL, 36" O.C.
MC	1251	MUHLENBERGIA CAPILLARIS	N	MUHLY GRASS	1 GAL., 18" HT., FULL, 30" O.C.
BAHIA	BY CONTR.	PASPALUM NOTATUM 'ARGENTINE'		ARGENTIN BAHIA SOD	SOLID SOD, CONTRACTOR TO VERIFY QTY.
SOD/SS	BY CONTR.	STENOTAPHRUM SECUNDATUM		ST. AUGUSTINE GRASS	SOLID SOD, CONTRACTOR TO VERIFY QTY.

NOTE:
IF SPECIFIED PLANTS ARE UNAVAILABLE AT TIME OF CONSTRUCTION, CONTRACTOR MAY REPLACE SPECIFIED PLANTS WITH PLANTS APPROVED BY LANDSCAPE ARCHITECT AND COUNTY STAFF.

NATIVE TREE PERCENTAGE

NATIVE	649	
TOTAL	62.4%	
NON-NATIVE	391	
TOTAL	37.6%	

NATIVE SHRUB PERCENTAGE

NATIVE	2481	
TOTAL	79.7%	
NON-NATIVE	647	
TOTAL	20.3%	

RECEIVED
MAY 11 2004
PLANNING

MICHAEL J. URCHUK, R.L.A. 6666675

No.	Date	Revision
1	8/03	Approved
2	8/03	
3	8/03	
4	8/03	

Activity	Name	Date
Designed by:	MJU	8/03
Drawn by:	KDL	8/03
Checked by:	MJU	8/03
Approved by:	MJU	8/03

Certificate of Authorization No. 2215

Scale: N/A
Date: AUG.2003
Job No. W13303
File: LSP
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Engineers Planners Landscape Architects Surveyors Construction Management
9530 Marketplace Road, Suite 206 Fort Myers, FL 33907
2231 Park Avenue, Suite 206 Fort Myers, FL 33901
Phone 239.433.2459 Fax 239.433.2593

LANDSCAPE DETAILS AND NOTES

WAL*MART SUPERCENTER
STORE #5347-00, ESTERO, FLORIDA

Sheet No. L-3

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DCI2003-00058

ACCO

RESOLUTION NUMBER Z-01-012a

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

WHEREAS, Paula Davis, President of Keystone Customer Homes, Inc., filed an application on behalf of the property owner, Hermes Investment Company, Inc., to rezone a 314.6±-acre parcel from Agricultural (AG-2) to Mixed Use Planned Development (MPD), in reference to Estero Golf Resort MPD; and

WHEREAS, a public hearing was advertised and held before the Lee County Hearing Examiner on March 14, 2001. The Hearing Examiner left the record open for written submissions until March 30, 2001. The Lee County Zoning Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2000-00032; and

WHEREAS, a second public hearing was advertised and held on May 7, 2001, 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 interested persons.

WHEREAS, on July 30, 2001, the Board amended the original resolution to clarify an ambiguity regarding the number of consumption on premises permitted within the project.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 314.6±-acre parcel from AG-2 to MPD to allow: 1) a maximum of 820 dwelling units consisting of a mix of unit types and including up to 100 units within an assisted living facility; 2) a golf course; 3) up to 320,000 square feet of retail uses; and 4) 20,000 square feet of office use. The application also included a request for consumption on premises and buildings not to exceed 55 feet and four stories.

The property is located in the Urban Community, Suburban and Wetlands Land Use Categories and is legally described in attached Exhibit A.

The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Estero Golf Resort," last revised 5/8/01, stamped "Received May 9 2001," and the

EXHIBIT "C"

conditions set forth herein. (The MCP has been revised to reflect the Board's action on May 7, 2001.) If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

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

a. SCHEDULE OF USES

(1) RESIDENTIAL PORTION - TRACTS 5-12

Accessory Uses
Administrative Offices
Agricultural Uses, as limited by other conditions
Assisted Living Facility, limited to Tracts MPD-5 only-maximum 100 units
Club, Country including the following ancillary uses:
Consumption on Premises, limited to one for the clubhouse and one for the golf course only, includes outdoor seating
Food and Beverage Service
Golf Course Maintenance Facility, limited to MPD-7 only
Health Club and Spa
Restaurant, includes outdoor seating
Speciality Retail
Dwelling Units - single-, two-, and multi-family units, zero lot line units, and townhouses - limited to a maximum of 820 for the entire project; and a maximum of 340 units for MPD-5
Entrance Gates and Gatehouses
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - Not to include the removal of excavated material from the site
Fences and Walls
Golf Course, including Practice Greens and Driving Range - subject to further review during the development order process to determine appropriate locations and possible additional buffering or screening required for the practice greens and driving range
Golf and Tennis Pro Shops (limited to ancillary use in clubhouse tract)
Home Occupation, as limited by the LDC
Model Homes, Model Units and Model Display Center
Real Estate Sales and Rental Office - limited to sales of lots, homes or units within the development, except as may be permitted in §34-1951 *et seq.* The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years from the date the Certificate of Occupancy for the sales office is issued. The director may grant one 2-year extension at the same location.
Recreational Facilities, Personal and Private On-site, as defined and regulated by the LDC § 34
Signs, in compliance with the LDC
Storage, Open, recreational vehicles, boats and similar items for residents

only, will only be permitted if administrative approval is sought showing the exact location of the use. Such uses, at a minimum, must be shielded behind a continuous visual screen at least eight feet in height when visible from any residential use, and six feet in height when visible from any street right-of-way or street easement.

Temporary uses - limited to a sales center and a construction office, in compliance with the LDC for temporary uses

(2) COMMERCIAL PORTION - TRACTS 1-4

Accessory Uses
Administrative Offices
Agricultural Uses, as further limited by other conditions
Animal Clinic - outside kennels are prohibited
Auto Parts Store, subject to permitted Use Note B - limited also by Condition 16
Automobile Repair & Service, Group I only - subject to Permitted use Note B
Banks and Financial Establishments, all Groups
Broadcast Studio, Commercial Radio and Television - an on-site tower is prohibited
Business Services, Groups I & II, Group II - outdoor storage prohibited
Cleaning and Maintenance Services, no outdoor storage of vehicles
Clothing Stores
Computer and Data Processing
Consumption on Premises, subject to Permitted Use Note set forth in 2.a.(3)(B)C
Contractors and Builders, Group I only
Cultural Facilities, limited to Art Galleries and Museums
Daycare Center, Child and Adult
Department Store
Drive-through facility, must be located a minimum of 500 feet from any residential lot in The Vines
Drug Store, limited to Permitted Use Note B
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - Not to include the removal of excavated material from the site
Fences and Walls
Food Stores, Groups I and II
Gift and Souvenir Shop
Hardware Store, limited to Permitted Use Note B
Health Care Facility, Groups I, II and III
Hobby, Toy and Game Shop
Hospice
Model Units and Model Display Centers - subject to conditions below
Non-store Retailers, all Groups, outdoor storage is prohibited
Offices, Medical

Package Store, limited to:
Wine Shops, and
Package Stores in conjunction with a Drug Store use only
Paint, Glass and Wallpaper Store
Personal Services, Group I, II - limited to Beauty Spas, Health Clubs or Spas, Reducing or Slenderizing Salons, Group III, and Group IV - limited to babysitting bureaus, debt counseling services, portrait copying, shopping services, and tax return preparation services
Pet Services
Pet Shop
Place of Worship
Real Estate Sales and Rental Office
Recreational Facilities, Personal and Private On-site only and only in conjunction with and on the same tract as any ancillary multi-family or townhouse uses
Rental and Leasing Establishments, Group II - outside storage is prohibited
Restaurants, Standard - Groups I, II, III & IV - subject to Permitted Use Note A
Schools, Commercial
Shopping Center
Signs, in compliance with the LDC
Social Services, Group I only
Specialty Retail Shops, Groups I-IV
Storage, Indoor only and only as an ancillary use
Studios
Temporary uses - limited to sales center and construction offices, in compliance with LDC regulations regarding temporary uses
Variety Store
Wholesale Establishments, Group III only

(3) ADDITIONAL USE CONDITIONS

(A) The following uses may be allowed in Wetland areas subject to review and approval by Environmental Sciences staff as part of development order review:

Interpretative centers, rain shelters gazebos
Nature and foot paths including pedestrian boardwalks
Wildlife management areas
Mitigation activities
Signs, limited to educational signs only

(B) The following Permitted Use Notes, apply to the uses referenced above (referenced in the Schedule of Uses as A, B & C):

A. Must be located a minimum of 200 feet from any off-site property zoned for residential purposes
B. Limited to Tracts MPD-3 and MPD-4

C. Consumption on Premises (COP)

(1) COPs are limited to a maximum of three for standard restaurants, one for the clubhouse and one for the golf course.

(2) COPs in Tract MPD-1 must first receive Special Exception or an Administrative Approval, whichever is deemed appropriate by the DCD Director. Since the proposed plan of development is only conceptual, this additional condition is necessary to ensure the placement of the COP use will be compatible with the surrounding land uses.

(C) Uses in MPD Tract 1 are limited as follows:

Hours of operation for businesses open to the public are 7:00 a.m. until 10:00 p.m. Restaurants may be open until 11:00 p.m., Monday through Thursday and 12:00 midnight, Friday and Saturday

Deliveries are prohibited between the hours of 8:00 p.m. and 6:00 a.m.

Outside entertainment, speaker systems, loud speakers or public address systems are prohibited in MPD Tract 1.

b. SITE DEVELOPMENT REGULATIONS

Site Development Regulations are limited to the "Property Development Regulations," set forth in Exhibit B as revised on March 30, 2001:

(A) General Project Square Footage Limitations:

(1) Maximum overall commercial development is limited to 320,000 square feet of retail commercial uses, and 20,000 square feet of office uses, except as limited below; and

(2) This project can be comprised of medical, general office, retail, or service uses (in compliance with the schedule above), or any combination of those uses, up to the maximum square footage, provided all limiting conditions, parking, open space, buffering, and water management requirements are met.

(3) All special setback or development regulations contained in the LDC (as it may be amended) for any specific use must be met; and

(4) The option to convert retail and office uses is approved with

the limitation that no more than 21.94 acres of commercial acreage may be converted to office use; and

(5) Retail Commercial square footage within the Suburban land use category may not exceed 100,000 square feet. The development must provide cumulative totals for each development order submittal showing compliance with this condition.

(B) Outdoor Seating for COP uses:

(1) Outdoor seating may not be located within 300 feet of a residential lot in The Vines; and
(2) Outdoor seating must be located on the side of the principal structure that is opposite residentially zoned or used lot in The Vines; and
(3) The outdoor seating must cease at 10:00 p.m., Monday through Thursday, and 11:00 p.m., Friday and Saturday;

3. Environmental Conditions: Prior to local development order approval, the developer must:

a. Provide open space consistent with the Open Space and Indigenous Vegetation Table attached as Exhibit C. Each tract must provide a minimum of 10 percent open space.

b. Submit development order plans that show a connection between the conservation area in the southeast corner of the MPD Tract-5 and the upland conservation area on the eastern side of the restored wetland. The wildlife connection will run under the road and include a set of two tunnels constructed of 36-inch-wide by 24-inch-high, elliptical concrete pipe. The plans will show the two elliptical wildlife connections placed under the road in a side by side position unless directed otherwise by Division of Planning/Environmental Sciences Staff. At a minimum, the bottom of the pipes will be placed no lower than the existing upland preserve grade to help prevent inundation within the pipes during the wet season.

c. Submit a detailed wetland restoration plan to the Division of Planning/Environmental Sciences Staff for review and approval. Both the wetland restoration plan and littoral zones required by the LDC must be designed to provide foraging area for wood storks.

d. Re-survey the potential Big Cypress fox squirrel nests on-site specifically for fox squirrel presence. The protected species survey must be prepared in accordance with LDC § 10-473 and submitted to the Division of Planning/Environmental Sciences for review and approval. If fox squirrel use of the site is verified, the developer must submit final management details in accordance with LDC § 10-474 including a phased exotic removal plan.

e. Submit a detailed gopher tortoise management plan for review and approval by the

Division of Planning/Environmental Sciences staff.

f. Obtain a Vegetation Removal Permit to install barricades to protect preserves and conduct excavation of tortoise burrows to move the gopher tortoises within the development tracts.

4. The Golf Driving Range is limited to operating during daylight hours.

5. Development order submittals must include a running inventory showing the overall number of units and commercial (retail and office) square footage that have been built, approved to be built, or are in the development approval process.

6. Sandy Lane Extension

a. As part of the first development order submittal, the developer must revise the MCP to reflect the planned extension of Sandy Lane along the eastern boundary of the site, consistent with the sketch set forth in the Lee County DOT Exhibit entitled, "Sketch and Description of Sandy Lane Extension," (Exhibit D) unless mutual agreement regarding a different alignment is reached between Lee County and the property owner(s). Lee County will compensate the property owner for the reservation of the property in accordance with the regulations set forth in Chapter 2 of the LDC; and

b. The minimum setback for a water retention lake from the road right-of-way must be no less than 25 feet from the western Sandy Lane right of way, consistent with LDC § 10-329(f)(1)a.2 and the sketch noted above, unless mutual agreement regarding a different alignment is reached between Lee County and the property owner(s). The developer must provide satisfactory elements for the protection of wayward vehicles. These elements may consist of fencing, berms, buffering or a combination of all three, however, the exact elements are subject to review and approval by Lee County; and

c. This project will be permitted one access point within the southern half of this project's frontage along the proposed Sandy Lane extension. This access point must align with the access point that is approved for the parcel on the tract on the east side of the Sandy Lane extension. (The access point onto Sandy Lane is not a required access point, except that at least one emergency access must be provided to a road other than Koreshan Boulevard as noted in Condition 11.)

7. Bona fide agricultural uses in existence at the time this resolution is finalized may continue until approval of the first local development order. However, no development activity of any kind may occur on the property, including clearing of vegetation or cutting of trees, unless that activity is reviewed and approved in accordance with the Lee County LDC regulations as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.

8. No excess excavated material may be removed from the site unless the developer can demonstrate to the Director of the Department of Community Development that the material to be removed: 1) is unsuitable material that cannot be used on-site; and 2) the material must be excavated to meet the minimum requirements necessary to accommodate a water management system on the site. The purpose of this condition is to prohibit the voluntary creation of excess fill material for use off-site.

9. Model units and homes are permitted in compliance with the following conditions:

   a. Administrative approval must be obtained. Administrative Approval is subject to review and approval based upon potential negative impacts to nearby uses regarding, but not limited to, glare, noise, dust

   b. Each model must be a unique example. Multiple examples of the same unit are not permitted; and

   c. All model sites must be designated on the development order plans; and

   d. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat. The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for the project; and

   e. Dry models are prohibited.

10. Golf Course Conditions:

   a. The golf course developer must use fertilizers with a low leaching potential (slow release). Fertilizers must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels; and

   b. To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan that includes an integrated pest management (IPM) program and a nutrient management program such that nutrients and pesticides are used only when absolutely necessary. The program must address prevention, diagnosis, and limited treatment with pesticides when necessary rather than blanket treatment with broad spectrum pesticides as insurance against all pest species. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must minimize the use of pesticides and must include the use of the U.S. Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may

be used. Turf managed areas (including fairways, tees, and greens) are prohibited within 35 feet of wetlands or preserve areas. The chemical management plan must be reviewed and approved by Lee County Natural Resources Division prior to development order approval.

c. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.

d. The Developer must utilize a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.

e. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.

f. 1) Prior to the issuance of local development order approval, the developer must demonstrate compliance with "Best Management Practices for Golf Course Maintenance Departments," prepared by the Florida Department of Environmental Protection, May 1995, as amended.

2) The development order must demonstrate separate mixing and loading facilities for pesticides, and provide a separate pesticide storage area, in compliance with materials specified in the above referenced document. The development order must demonstrate separate mixing and loading facilities for fertilizer, and provide a separate fertilizer storage area, in compliance with materials specified in the above referenced document.

3) The development order plans must specify the construction material for all buildings in compliance with "Best Management Practices for Golf Course Maintenance Departments."

4) Equipment to apply pesticides and fertilizers must be stored in an area protected from rainfall.

g. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use;

h. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.

i. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from underdrains must not discharge directly into a surface water management lake.

j. Stormwater run-off must be pre-treated through an acceptable recreated natural

system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.

k. The operator of the golf course must submit an annual monitoring report of ground water and surface water quality. The monitoring program must include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water within the area of the golf course; identifying the locations for the ground water monitoring and testing on a map(s); setting forth the testing and recording requirements. The Developer must submit the test results with the monitoring report to the Lee County Natural Resources Division. The monitoring program will be established and operated at the expense of the Developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 62-302, F.A.C., water quality standards.

l. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and if the pollution is caused by the application of fertilizers, herbicides or pesticides to the golf course, the application must cease until there is a revised management plan. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County must be implemented by the Developer.

m. Prior to development order approval for the golf course, the developer must conduct a pre-development groundwater and surface water analysis and submit the analysis to Lee County Division of Natural Resources. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals that are anticipated to be associated with the project. Prior to commencing this baseline study, the developer must submit the methodology for review, comment and approval by Lee County.

11. Prior to development order approval for any portion of the property, the developer must show an emergency access connecting to the existing Oriole Road to the north. Prior to the opening of the Sandy Lane extension that will connect to the existing Oriole Road, the developer must revise the emergency access so that it will be accessible from the future Sandy Lane extension.

12. Buildings exceeding 35 feet in height must maintain additional building separation or additional building setbacks consistent with LDC § 34-2174(a) and LDC § 935(e)4.

13. Lighting to serve uses within 200 feet of perimeter property allowing residential uses must be hooded, shuttered, or shielded and may not exceed 18 feet in height. Mercury vapor lamps/lights are prohibited, the lighting in this 200-foot area must be scaled so that no more than the minimum required number of light fixtures are erected. Individual building lighting must be of the lowest intensity to meet safety standards. The scale of the fixtures and the type of hooding, shuttering and shielding is subject to further review prior to the approval of a development order. The individual building fixtures must be either directly fixed to the building or placed on a post lamp standard not to exceed 10 feet in height. Incandescent

lamps are encouraged. The use of mercury vapor lamps/lights is prohibited.

14. Approval of this zoning request does not address access onto U.S. 41, since Lee County has no jurisdiction over that roadway. The developer must pursue U.S. 41 access issues with the Florida Department of Transportation (FDOT). 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. Approval of this rezoning does not give the developer an undeniable right to receive local development order approval. Future development order approvals must satisfy concurrency requirements as required by Lee Plan Objective 2.2.

15. Approval of this rezoning does not guarantee local development order approval or vest present or future development rights for Lee Plan consistency. Development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b). In addition, development order applications must also 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.

16. Installation of any auto parts, either by employees or the general public, in conjunction with the Auto Parts Store is prohibited. Signs must be posted and maintained in the parking lot for this use advising customers that "self installation" is strictly prohibited on the premises.

17. This development must comply with all the requirements of the LDC, specifically including the requirements of LDC § 10-600 *et seq.*, at the time of local development order approval, except as may be granted by deviation as part of this planned development approval or subsequent amendments thereto.

18. Structures within Tract 5 are limited to 2-story height for a distance of 200 feet back from the perimeter property line that is shared with The Vines.

19. Development of this project must not exceed any DRI thresholds, as the impacts of same were not reviewed as part of the rezoning. The developer must provide a project-wide cumulative DRI threshold analysis with each local development order submittal.

20. If the lake shown in Tract 1 is relocated further away from the boundary shared with Tract 5, structures within Tract 1 must maintain a 100-foot setback from the shared property line between the two tracts.

21. Tract MPD-7 is approved in the internal location shown in the revised MCP dated March 30, 2001. The uses permitted in MPD-7 are Residential, Golf Course, and Maintenance. Direct access to Koreshan Boulevard from this tract is prohibited.

SECTION C. DEVIATIONS:

Deviation 1 - WITHDRAWN BY APPLICANT.

Deviation 2 seeks relief from the LDC §10-329(e)(1)(a)(3) requirement to provide a 50-foot

minimum setback for water retention lakes, to allow a 25-foot setback for water retention lakes. This deviation is APPROVED SUBJECT TO the condition that, prior to development order approval, the developer must provide satisfactory elements to discourage access from the adjacent properties. These elements may consist of fencing, berms, buffering or a combination of all three. **This deviation is not approved along the eastern or northern boundary In the area identified in the memo from LCDOT if Condition 6 requires the applicant to revise its MCP to reflect the planned extension of Sandy Lane. This deviation is approved without this condition if the applicant is not required to revise its MCP to reflect the reservation of the northerly extension of Sandy Lane.**

Deviation 3 seeks relief from the LDC § 10-296(d), Table 4(7)(c) requirement to provide wearing surfaces of local and access streets for category A development be constructed of 1½-inch asphaltic concrete, to allow for cement concrete or decorative pavers. This deviation is APPROVED SUBJECT TO the condition that, prior to development order approval, the developer must demonstrate that the pavers are structural equivalent to the asphaltic pavement standard of the LDC and equivalent to 2500 psi concrete.

Deviation 4 seeks relief from the LDC § 10-256(d)(3) requirement to provide wearing surfaces of sidewalks to be constructed of 1½-inch asphaltic concrete, to allow for cement concrete decorative pavers. This deviations is APPROVED SUBJECT TO the condition that, prior to development order approval, the developer must demonstrate that the pavers are structural equivalent to the asphaltic pavement standard of the LDC and equivalent to 2500 psi concrete.

Deviation 5.a - WITHDRAWN BY APPLICANT.

Deviation 5.b - WITHDRAWN BY APPLICANT.

Deviation 6 - WITHDRAWN BY APPLICANT.

Deviation 7 - WITHDRAWN BY APPLICANT.

Deviation 8 seeks relief from the LDC § 10-292(c) requirement to provide residential developments of more than five acres or any commercial development of more than ten acres provide two or more means of ingress or egress for the development, to allow the residential portion of the project that is separated by the railway right-of-way to have one means of ingress and egress. This deviation is APPROVED SUBJECT TO COMPLIANCE WITH CONDITION 11.

Deviation 9 - WITHDRAWN BY APPLICANT.

Deviation 10 - WITHDRAWN BY APPLICANT.

Deviation 11 seeks relief from the LDC §§ 34-2015(2)c and 34-2020(1)c requirements to prohibit the stacking of vehicles in multi-family development, to allow stacking of the vehicles when all of the following requirements are met:

1. The number of units in each multi-family building will be limited to eight units or less; and
2. The first parking space is in an individual garage with an individual driveway; and
3. Each individual driveway has a minimum 1-foot physical separation from any other

driveway; and

4. It can be demonstrated at the time of development order application that safe sight distance triangles are met.

This deviation is APPROVED SUBJECT TO the above stated requirements.

Deviation 12 seeks relief from the LDC § 10-415(b)(1) requirement to establish open space requirements, to allow the adoption of an Open Space Table. This deviation is APPROVED SUBJECT TO Condition 3.

Deviation 13 seeks relief from the LDC § 34-1264(b)(1)a requirement to require a 500-foot separation distance between an establishment for the sale or service of alcoholic beverages from consumption on the premises, to allow a separation distance of 300 feet. This deviation is APPROVED SUBJECT TO the Permitted Use Notes set forth in Conditions 2.a.3(B)C and 2.a.3(C), above.

SECTION D. EXHIBITS:

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

Exhibit A: The legal description and STRAP number of the property.
Exhibit B: Project Development Regulations
Exhibit C: Open Space and Indigenous Vegetation Table
Exhibit D. Sketch and Description of Sandy Lane Extension
Exhibit E: Zoning Map (subject parcel identified with shading)
Exhibit F: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable code and regulations.

2. The MPD rezoning, as conditioned:

   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 the site 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 approval of this rezoning request 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 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.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Coy, seconded by Commissioner Albion, and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Absent
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 30th day of July 2001.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____
County Attorney's Office

RECEIVED
AUG 3 2001
MINUTES OFFICE

COASTAL ENGINEERING CONSULTANTS INC

A CECI GROUP COMPANY

CECI Group Services
Civil Engineering
Survey & Mapping
Coastal Engineering
Real Estate Appraisal
Environmental Assessment
Website www.coastalengineering.com

EXHIBIT
LEGAL DESCRIPTION
PARCEL "A"
ESTERO GOLF RESORT MPD

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21, THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45" W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULLVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461 - 3462) TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°46'45" W, ALONG SAID EAST LINE OF SECTION 21, A DISTANCE OF 2555.79 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 21; THENCE N 00°53'22" W, A DISTANCE OF 2646.37 FEET TO THE NORTHEAST CORNER OF SAID SECTION 21; THENCE N 89°29'23" W, ALONG THE NORTH LINE OF SECTION 21, A DISTANCE OF 1322.73 FEET TO THE EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 37, PAGE 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S 00°53'13" E, ALONG SAID EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB, A DISTANCE OF 1317.90 FEET; THENCE S 44°54'53" W, A DISTANCE OF 2370.26 FEET; THENCE CONTINUE S 32°34'51" E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD A DISTANCE OF 2513.30 FEET; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD CONTINUE S 86°11'52" E A DISTANCE OF 1148.53 FEET TO A POINT OF CURVATURE, THENCE CONTINUE 552.84 FEET ALONG THE ARC OF SAID CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 11,425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF S 87°35'02" E; TO SAID POINT OF BEGINNING.

PARCEL CONTAINS 240.41 ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

AND THOSE LANDS FURTHER DESCRIBED AS FOLLOWS:

PARCEL "A-1"
ESTERO GOLF RESORT MPD

A TRACT OR PARCEL OF LAND IN SECTION 21 AND 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45"W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461-3462); THENCE CONTINUE ALONG THE NORTHERLY RIGHT-OF-WAY OF KORESHAN BOULEVARD 552.84 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; HAVING A RADIUS OF 11425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF N 87°35'02" W TO A POINT OF TANGENCY; THENCE N 86°11'52" W, FOR A DISTANCE OF 1310.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 86°11'52" W A DISTANCE OF 1166.17 FEET TO A POINT OF CURVATURE; THENCE 340.77 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 1175.00 FEET, A CENTRAL ANGLE OF 26°22'09" A CHORD DISTANCE OF 338.01 FEET, AND A CHORD BEARING OF S 80°36'51" W TO A POINT OF COMPOUND CURVATURE, THENCE CONTINUE 338.46' ALONG THE ARC OF CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 1292.82 FEET, A CENTRAL ANGLE OF 15°53'11", A CHORD DISTANCE OF 337.31 FEET, AND A CHORD BEARING OF S 59°29'40" W, TO A POINT OF TANGENCY; THENCE S 51°33'05" W FOR A DISTANCE OF 261.89 FEET TO A POINT OF CURVATURE; THENCE CONTINUE 79.66 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH; HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 91°17'11", A CHORD DISTANCE OF 71.50 FEET, AND A CHORD BEARING OF N 82°48'27" W, TO A POINT OF TANGENCY; THENCE CONTINUE N 37°10'00" W A DISTANCE OF 955.60 FEET, THENCE CONTINUE N 37°45'31" W A DISTANCE OF 17.52 FEET; THENCE N 44°54'53" E FOR A DISTANCE OF 2235.13 FEET TO THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (AS RECORDED IN DEED BOOK 68, PAGE 78); THENCE CONTINUE ALONG THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD S 32°34'52" E FOR A DISTANCE OF 2388.69 FEET TO POINT OF BEGINNING.

PARCEL CONTAINS 74.28 ACRES OF LAND MORE OR LESS.

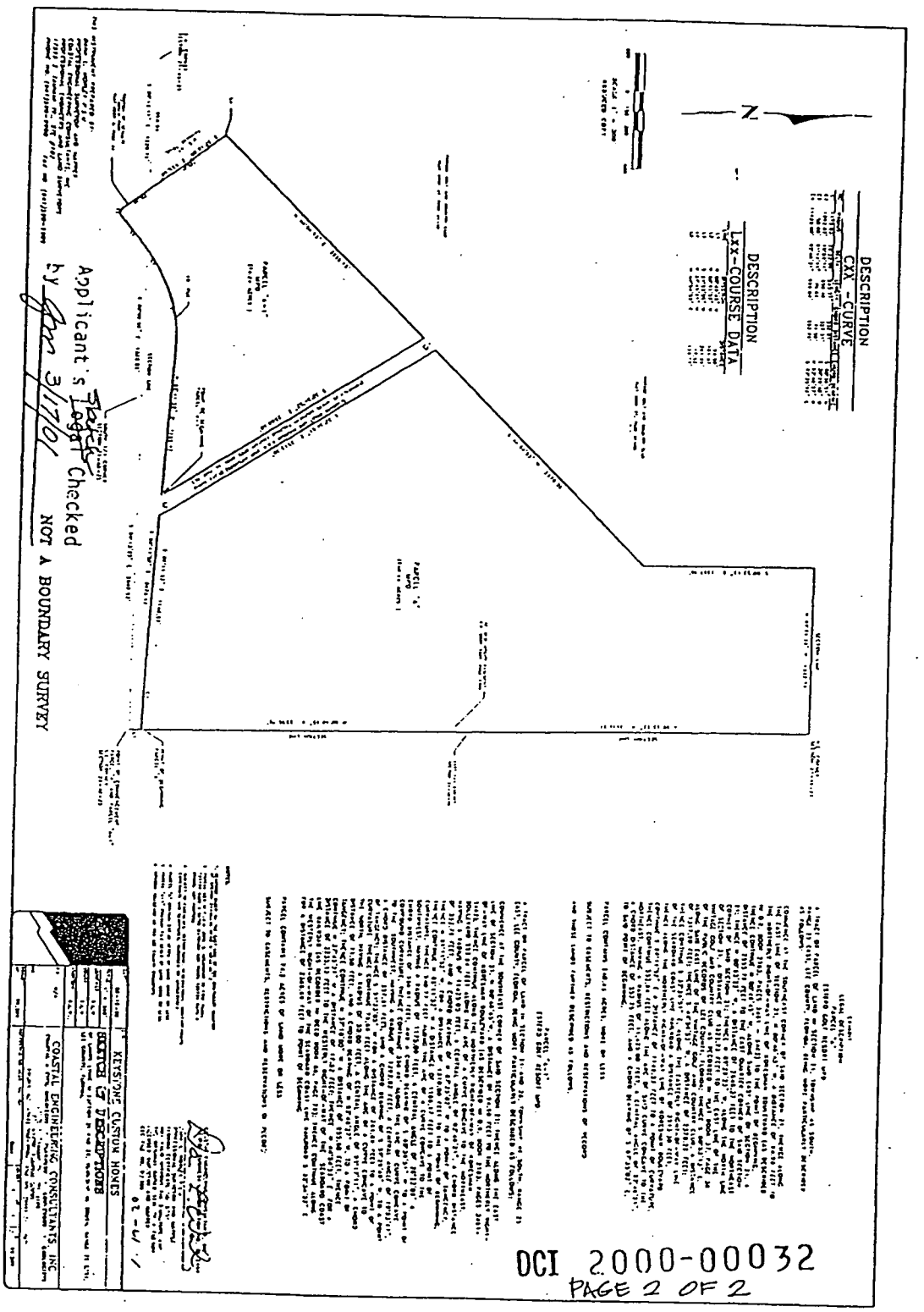
SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2464
BY: _____
DANA L WORLEY
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5651
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 99509
DATE SIGNED: 03-31-01

Applicant's Legal Checked
by _____ 3/17/01

DCI 2000-00032
PAGE 1 OF 2

Exhibit "A"



The applicant has indicated that the STRAP numbers for the subject property are: 21-46-25-00-00001.0000; 21-46-25-00-00001.3000

PROPERTY DEVELOPMENT REGULATIONS
March 29, 2001

LAND USES	Minimum Lot			Minimum Setback (ft)									Max Lot Coverage (%)	
					Rear (ft)				Front (ft)					
	Area (sq ft)	Min Width (ft)	Min Depth (ft)	Side[1] Incl. Corner Lots (ft)	Lots	Wetland	Golf	Acc.	Front Entry Garage	Bldg or Side Entry Garage	Water Body (ft)	Max Height (ft)[2]	Min Bldg Separation (ft)[2]	East of railroad with Golf Option	East of Railroad without Golf Option
Single Family Detached	5,000	50	100	5	20	20	0	5	20	12	25	35 or 2 stories	10	65	40
Zero Lot Line	5,000	50	100	0 or 7½	20	20	0	5	20	12	25	35 or 2 stories	10	65	40
Two Family Attached	3750	37½	100	0 or 10	20	20	0	5	20	12	25	35 or 2 stories	10	65	40
Townhouse	2,000	22	80	0 or 10	20	20	0	5	20	15	25	35 or 2 stories	½ bldg height but not less than 20	n/a	n/a
Multi-Family	10,000	100	100	10	20	20	0	5	20	20	25	55 or 4 stories	½ bldg height but not less than 20	70	40
Clubhouse	20,000	80	100	10	20	20	0	5	n/a	20	25	55 or 4 stories	½ bldg height but not less than 20	55	n/a
Commercial (MPD 1-4)	20,000	80	100	0 or 15[3]	25[4]	20	n/a	5	per LDC	per LDC	25	55 or 4 stories	½ bldg height but not less than 20	55	

[1] Applies to lots of all widths and to corner lots.

[2] Building height is limited to 35 feet or 2 stories within 200 feet of The Vines and San Carlos Park. Buildings exceeding 35 ft in height must maintain additional building separation or additional building setbacks consistent with LDC Section 34-2174(a) and LDC Section 935(e)4.

[3] Should the subject property be subdivided, a 0' setback to any internal lot lines will be required.

[4] Structures in MPD Tract 1 must maintain a 100 ft setback from the Tract 5 property line.

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OCT 16 2001
PERMIT COUNTER

EXHIBIT B

DCI 2000-00032

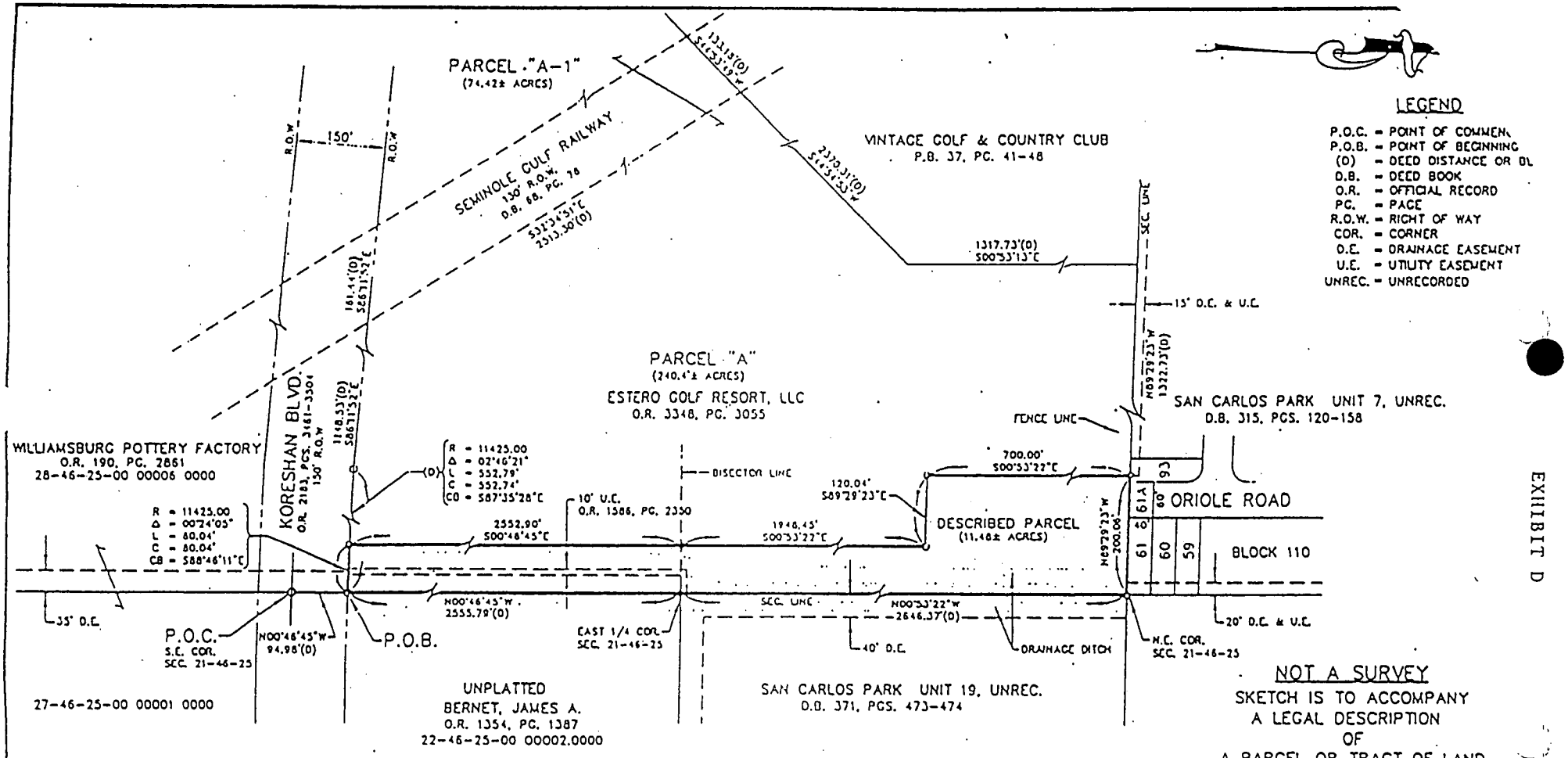
EXHIBIT C

OPEN SPACE AND INDIGENOUS VEGETATION
ESTERO GOLF RESORT
March 21, 2001

Tracts		OPEN SPACE		INDIGENOUS	
		Required	Provided	Required	Provided
MPD 1-4	34.06± acres	10.22± acres	5.00± acres	5.11± acres	0 acres
MPD 5	40.14± acres	16.06± acres	16.06± acres	8.03± acres	13.14± acres**
			5.22± acres*		
Total	74.20± acres	26.28± acres	26.28± acres	13.14± acres	13.14± acres
MPD 6-12	242.20± acres	96.16± acres	96.16± acres	n/a	n/a

* Balance from Tracts MPD 1-4
** Including restored wetland
*** This figure would be reduced if any qualifying lots (LDC 10-415) were developed.

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PERMIT COUNTER



LEGEND

P.O.C. = POINT OF COMMEN.
P.O.B. = POINT OF BEGINNING
(D) = DEED DISTANCE OR BL
D.B. = DEED BOOK
O.R. = OFFICIAL RECORD
PG. = PAGE
R.O.W. = RIGHT OF WAY
COR. = CORNER
D.E. = DRAINAGE EASEMENT
U.E. = UTILITY EASEMENT
UNREC. = UNRECORDED

EXHIBIT D

SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION WAS MADE UNDER MY DIRECTION AND CONTROL AND TO THE BEST OF MY KNOWLEDGE AND BELIEF MEETS THE MINIMUM TECHNICAL STANDARDS IN ACCORDANCE WITH CHAPTER 61G17-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES.

DATE: 02/01

Arthur W. Parsons, County Surveyor
Professional Surveyor & Mapper
Florida Certificate No. LS-2987

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER

SURVEYOR'S NOTES

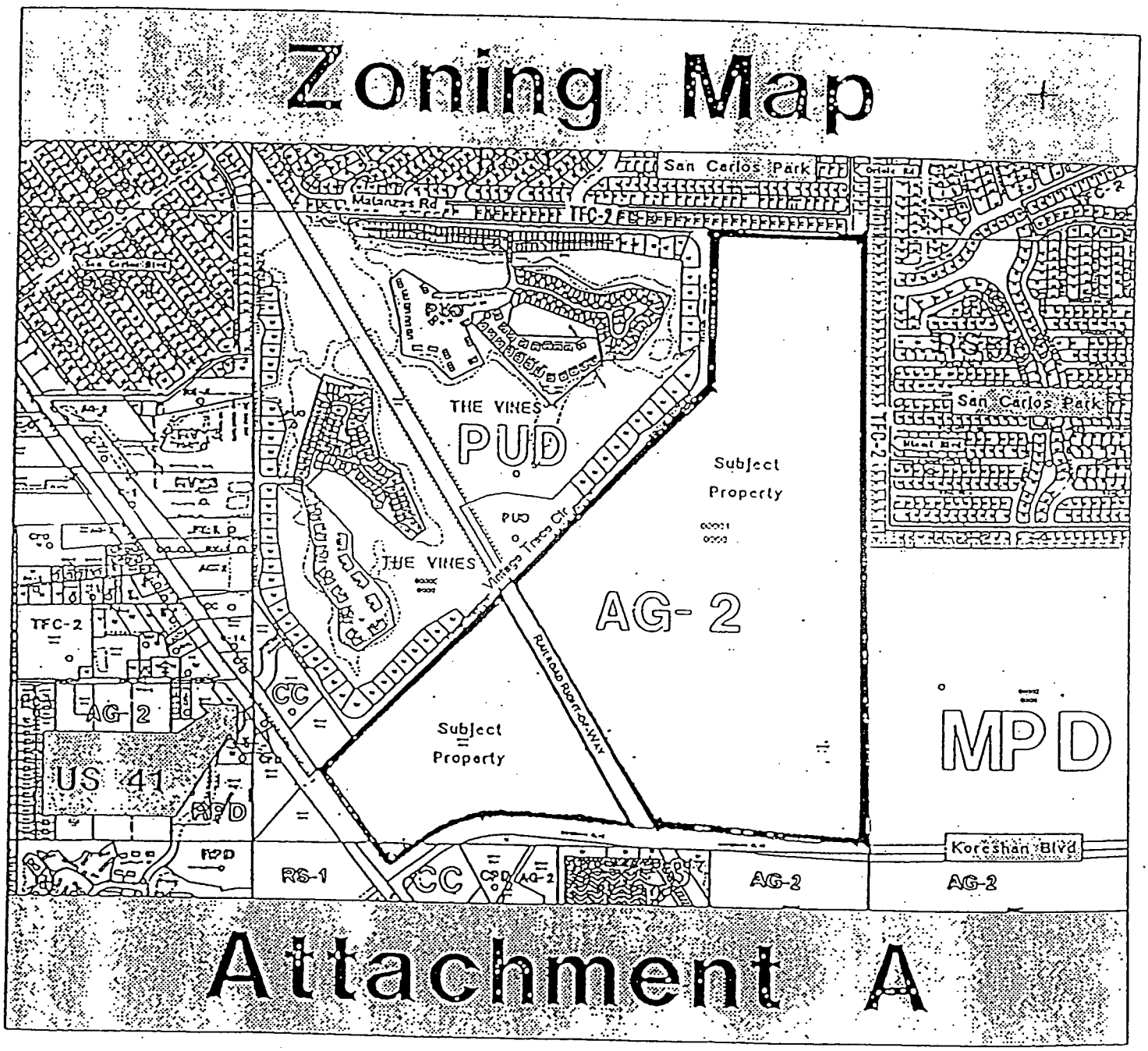
1.) DESCRIPTION FOR DESCRIBED PARCEL IS BASED ON DEED.
2.) TOPOGRAPHICAL FEATURES OR IMPROVEMETS LYING WITHIN DESCRIBED PARCEL WERE NOT SURVEYED OR LOCATED.
3.) NO RECORD OF OWNERSHIP HAS BEEN DETERMINED FOR PARCEL SHOWN AS LOT 61A, BLOCK 110, SAN CARLOS PARK UNIT 7.
4.) UNLESS OTHERWISE NOTED, DIMENSIONS ARE CALCULATED.

NOT A SURVEY

SKETCH IS TO ACCOMPANY
A LEGAL DESCRIPTION
OF
A PARCEL OR TRACT OF LAND
LYING IN SECTION 21, TOWNSHIP 46 S
RANGE 25 E., LEE COUNTY, FLORIDA

DEPARTMENT OF PUBLIC WORKS TRANSPORTATION DIVISION			SHEET NO.
Designed by: A.W.P.	Date: 02/01	Disk 20001	2 of 2
Drawn by: D.O.K.	Date: 02/01	Scale: 1"=200'	
Chk'd: A.W.P.	Date: 02/01	001572701	

EXHIBIT E


Zoning Map
San Carlos Park
Malaga Rd
TFC-2
THE VINES
PUD
Subject
Property
AG-2
San Carlos Park
TFC-2
THE VINES
Vintage Trace Cir
Railroad Right-of-Way
CC
AG-2
Subject
Property
MPD
US 41
RPD
RS-1
CC
AG-2
AG-2
AG-2
Koreshan Blvd
Attachment A

LAND USE SUMMARY

Land Uses	Acres	Units/Sq.Ft.
Commercial Tracts	33.00ac±	320,000 sq ft**
Office Tract	1.06ac±	20,000 sq ft
Residential & Club/Res Tracts	280.34ac±	820 units ***
TOTAL	314.80ac	

* Acreage between water management, wetlands and open space for the site.
** The developer retains the option of converting retail commercial to office on a basis of 1 square foot of commercial use = 1.2 square feet of office use.

MASTER CONCEPT PLAN NOTES

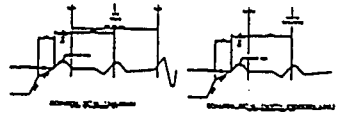
1. [illegible]
2. This master plan is preliminary and subject to change due to marketing and permitting considerations. Single and multi-family units may be converted on a 1:1 basis.
3. Multi-family units may be converted to a maximum of 100 Assisted Living Facility (ALF) units in accordance LDC Section 34-1494.
4. Access to public transit will be provided in accordance with LDC Section 10-413.
5. Fences, screening walls and berms shall be developed for the project.
6. Temporary administration offices and model offices may utilize model homes and/or building trailers. Permanent model homes may be used for golf course and clubhouse.
7. There are no aboriginal sites.
8. This property will be developed in two phases.
9. The designations of the "Commercial" areas and "Residential Enclosure" are approximate and subject to modification by the owner/developer.

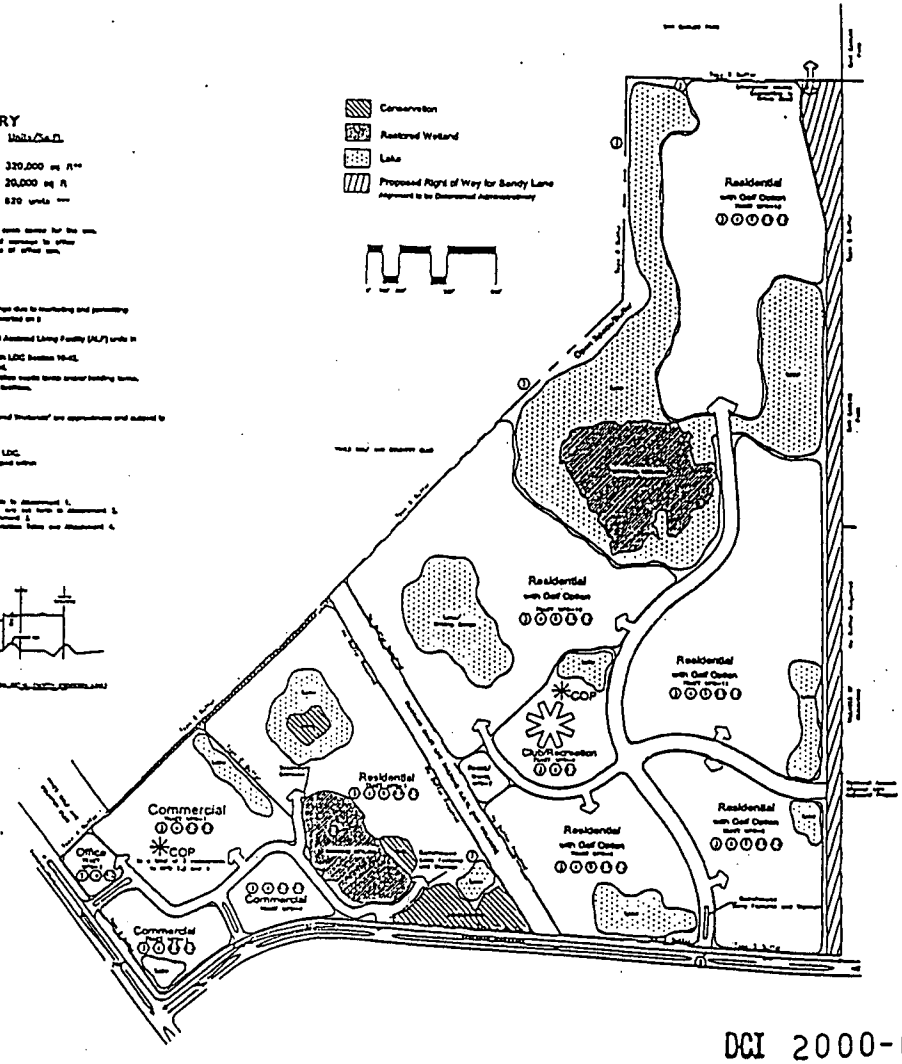
PARKING

Estero Golf Resort will meet the parking requirements of the LDC. Parking will be distributed between the specific uses throughout Estero the project.

NOTES

1. For Estero Golf Resort Club House and Clubhouse Restaurant Sizes see Attachment A.
2. For Estero Golf Resort Club House and Clubhouse Restaurant Sizes see Attachment A.





APPROVED
Master Concept Plan
Site Plan # 01-012 Page 1 Of 1
Subject to conditions in Resolution 2-01-012A
Zoning Case # DC12000-00032

DCI 2000-00032

COASTAL ENGINEERING CONSULTANTS, INC.

FLORIDA LAND PLANNING, INC.

ESTERO GOLF RESORT
Master Concept Plan

Exhibit F

METRO

DCI 2003-00058

RECEIVED
DEC 17 2003
ZONING COUNTER

TRAFFIC IMPACT STATEMENT

FOR

WAL-MART - KORESHAN ZONING AMENDMENT

PROJECT NO. 030215

PREPARED BY:
Metro Transportation Group, Inc.
12651 McGregor Boulevard, Suite 4-403
Fort Myers, Florida 33919-4489
239-278-3090

December 17, 2003

EXHIBIT "D"

METRO

CONTENTS

I. INTRODUCTION

II. EXISTING CONDITIONS

III. PROPOSED DEVELOPMENT

IV. TRIP GENERATION

V. TRIP DISTRIBUTION

VI. FUTURE TRAFFIC CONDITIONS

VII. LEVEL OF SERVICE DETERMINATIONS AND IMPROVEMENTS

VIII. SITE LOCATION STANDARDS

IX. CONCLUSION

I. INTRODUCTION

Metro Transportation Group, Inc. (Metro) has conducted a traffic impact analysis to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking approval for a zoning amendment. The development site is located at the northeast corner of the U.S. 41/Koreshan Boulevard intersection in Lee County, Florida. The site location is illustrated on **Figure 1**.

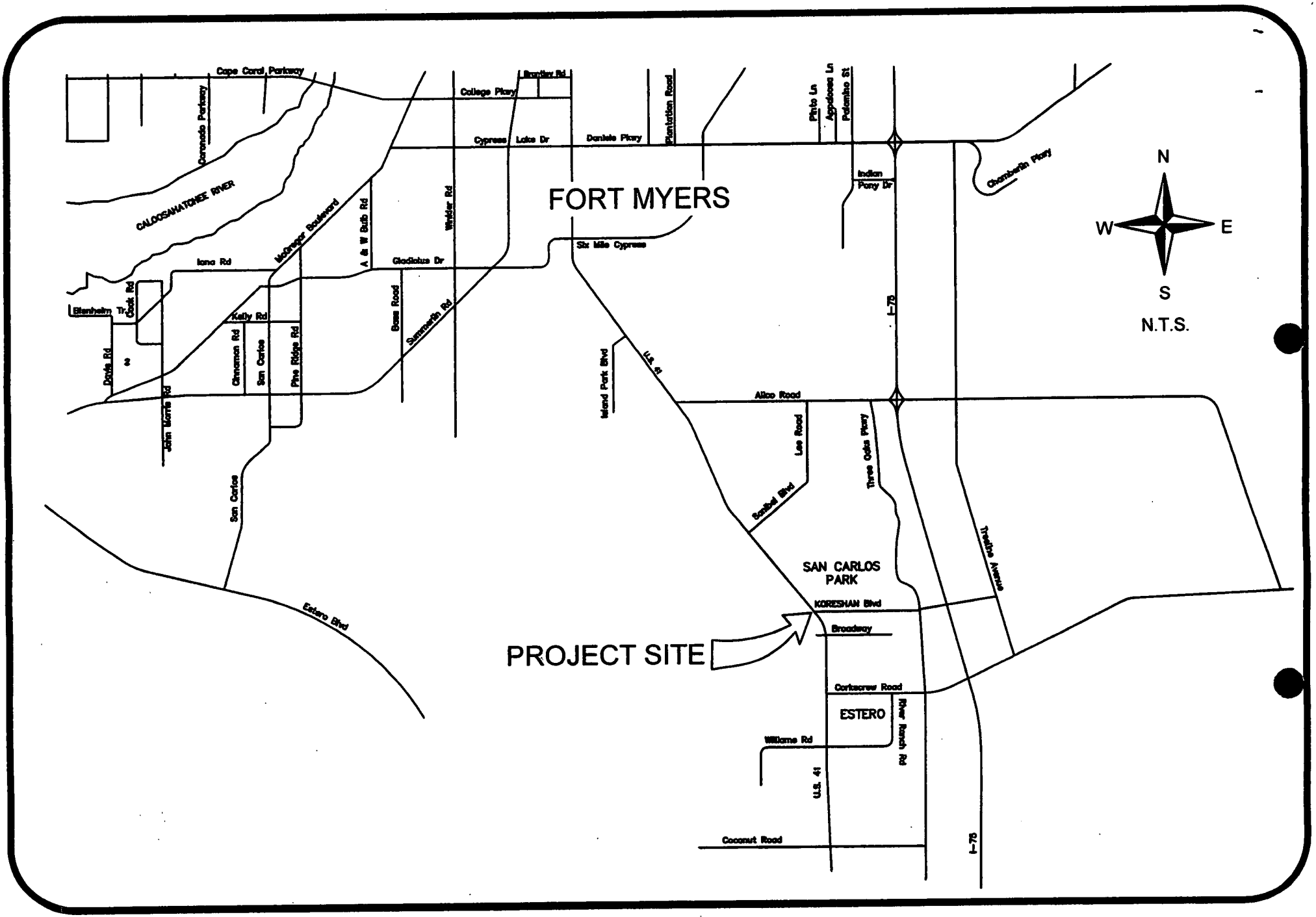
The mixed use development on the site will consist of multi-family dwelling units, retail outparcel uses, and a free standing discount superstore. The proposed free standing discount superstore is anticipated to contain the typical sales floor, a tire, lube and express center, and an outdoor garden center. Access to the site is proposed via three access drives, two to Koreshan Boulevard and a third driveway to U.S. 41.

The following report will examine the anticipated trip generation of the proposed development and evaluate the impact the additional trips will have on the surrounding roadway network.

II. EXISTING CONDITIONS

The subject site is currently vacant. The site is bordered to the south by the Koreshan Boulevard, to the west by U.S. 41, to the east by vacant land zoned for future residential uses, and to the north by existing residential development.

Currently, the subject site is zoned to contain the uses proposed as a part of this report. This zoning amendment is proposed to the subject site in order to allow twenty-four (24) hour operations on a majority of the commercial portions of the subject site. Based on the trip generation indicated within this analysis and within the original zoning analysis for the subject site, the development proposed within this zoning amendment will actually reduce the overall trip generation on the subject site.



PROJECT LOCATION MAP
WAL-MART KORESHAN-ZONING

Figure 1

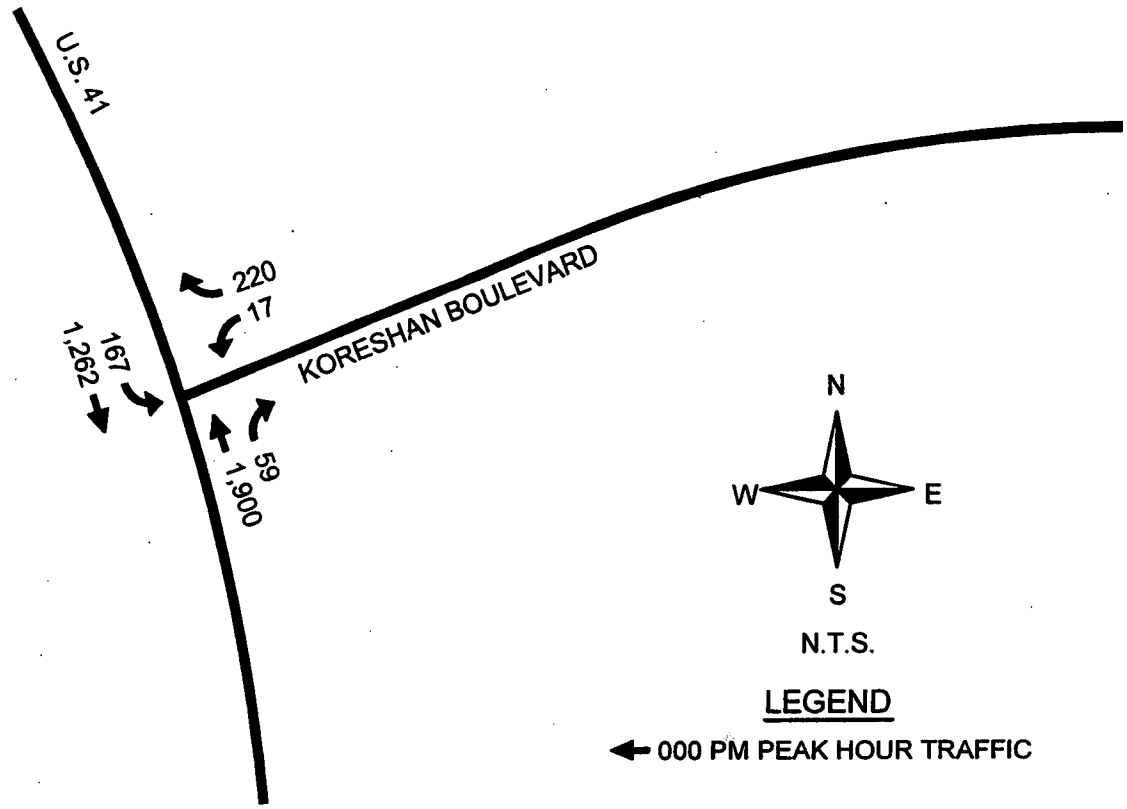
Koreshan Boulevard is a four-lane divided arterial roadway that extends east from U.S. 41 to its current terminus at Three Oaks Parkway. According to the Lee County FY 02/03-06/07 Transportation Capital Improvement Program dated October, 2002, the extension of Koreshan Boulevard to Ben Hill Griffin Parkway is funded for the FY 03/04. This roadway improvement would extend Koreshan Boulevard beyond its current terminus at Three Oaks Parkway to the east, terminating at Ben Hill Griffin Parkway with an overpass constructed over I-75. At its unsignalized intersection with U.S. 41, Koreshan Boulevard has a two-lane approach, striped as a left turn lane and right turn lane. Koreshan Boulevard has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation.

U.S. 41 is a four lane divided arterial in the area of the subject site. At the unsignalized intersection of Koreshan Boulevard, U.S. 41 has a northbound right turn lane and a southbound left turn lane. Currently, design is funded for the six-laning of U.S. 41 from Corkscrew Road to San Carlos Boulevard according to the Florida Department of Transportation 2003-2008 Draft Tentative Work Program. However, construction of this roadway improvement is not funded within three years of this submittal, so the improvement is not accounted for as a part of this analysis. U.S. 41 has a posted speed limit of 50 mph adjacent to the subject site and is under the jurisdiction of the Florida Department of Transportation.

In order to obtain a better understanding of the peak hour traffic conditions that exist at the Koreshan Boulevard/U.S. 41 intersection, Metro conducted a weekday P.M. peak hour traffic count at the subject intersection in December, 2003. **Figure 2** indicates the weekday P.M. peak hour turning movement volumes for the Koreshan Boulevard/U.S. 41 intersection.

III. PROPOSED DEVELOPMENT

The proposed Koreshan Wal★Mart is a mixed use development within Lee County. Based on previous submittals for Wal★Mart developments within Lee County, the square footage of the free standing discount superstore proposed within the subject site



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2003 TURNING MOVEMENT COUNT RESULTS
WAL-MART KORESHAN-ZONING

Figure 2

utilized in order to calculate the trip generation of the proposed development was determined to consist of the floor area of the sales floor in addition to that of the tire, lube, and express center within the subject site. The proposed subject site is also expected to consist of a number of multi-family dwelling units as well as some commercial outparcels. **Table 1** indicates the size of the proposed development utilized in order to perform the necessary trip generation calculations for the site. These uses were taken from the Master Concept Plan prepared by CPH Engineers, Inc.

Table 1
Koreshan - Wal★Mart
Land Uses

Land Use	Size
Residential Condominium/Townhouse (LUC 230)	340 dwelling units
Sales Floor and Tire, Lube & Express (LUC 813)	210,000 square feet
Shopping Center (LUC 820)	15,000 square feet

In addition to the uses indicated within Table 1, the proposed Wal★Mart site will also consist of a 14,973 square foot outdoor garden center. However, according to previous Wal★Mart submittals, the garden center will not be a destination use, and thus the trip generation of the proposed Koreshan Wal★Mart assumes all of the trips associated with the outdoor garden center to be secondary to the proposed sales floor and tire, lube and express center within the subject site.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 6th Edition. For the ownership condominium units, Land Use Code 230 (Residential Condominium/Townhouse) was utilized for trip generation purposes. For the commercial uses, Land Use Code 813 (Free Standing Discount Superstore) and Land Use Code 820 (Shopping Center) were utilized in order to calculate the trip generation of the proposed Wal★Mart development. The trip generation equations for the proposed land

uses are located in the Appendix of this report for reference. **Table 2** indicates the number of trips anticipated to be generated by the proposed Koreshan Wal★Mart.

Table 2
Trip Generation
Koreshan Wal★Mart

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
Residential Condo/Townhouse (340 dwelling units)	25	110	135	115	55	170	1,840
Free Standing Discount Superstore (210,000 sq. ft.)	195	190	385	395	405	800	10,565
Shopping Center (15,000 sq. ft.)	30	20	50	85	95	180	2,015
Total Trips	250	320	570	595	555	1,150	14,420

The trips indicated in Table 2 for the proposed Koreshan Wal★Mart development will not entirely be new trips to the adjacent roadway system. ITE estimates that retail centers of comparable size may attract a significant amount of its traffic from vehicles already traveling the adjoining roadway system. This traffic, called "pass-by" traffic, reduces the development's overall impact on the surrounding roadway system but does not decrease the actual driveway volumes. Based on the analysis contained within previous development submittals for Wal★Mart developments, the ITE estimated "pass-by" trip reduction of 17.2% for Land Use Code 815 (Free Standing Discount Store) within the ITE Trip Generation Handbook was deemed appropriate for the free standing discount superstore land use. For the shopping center use, Lee County permits a maximum pass-by reduction of 30%. The appropriate tables from the ITE Trip Generation Handbook indicate the "pass-by" percentages for the proposed development and have been attached to the Appendix of this report for reference.

For this analysis, the "pass-by" traffic was accounted for to determine the number of "new" trips the development will add to the surrounding roadways. **Table 3** summarizes the pass-by percentage for the proposed uses. **Table 4** summarizes the development traffic and the breakdown between the new trips the development is anticipated to generate and the "pass-by" trips the development is anticipated to attract. It should be noted that the driveway volumes are not reduced as a result of the "pass-by" reduction, only the traffic added to the surrounding streets and intersections.

Table 3
Pass-by Trip Reduction Factors
Koreshan Wal★Mart

Land Use	Percentage Trip Reduction
Free Standing Discount Superstore (LUC 813)	17.2%
Shopping Center (LUC 820)	30%

Table 4
Trip Generation
Koreshan Wal★Mart

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-way)
Trip Generation	250	320	570	595	555	1,150	14,420
Less Pass-by Traffic	-45	-35	-80	-95	-100	-195	-2,420
Total New Trips	205	285	490	500	455	955	12,000

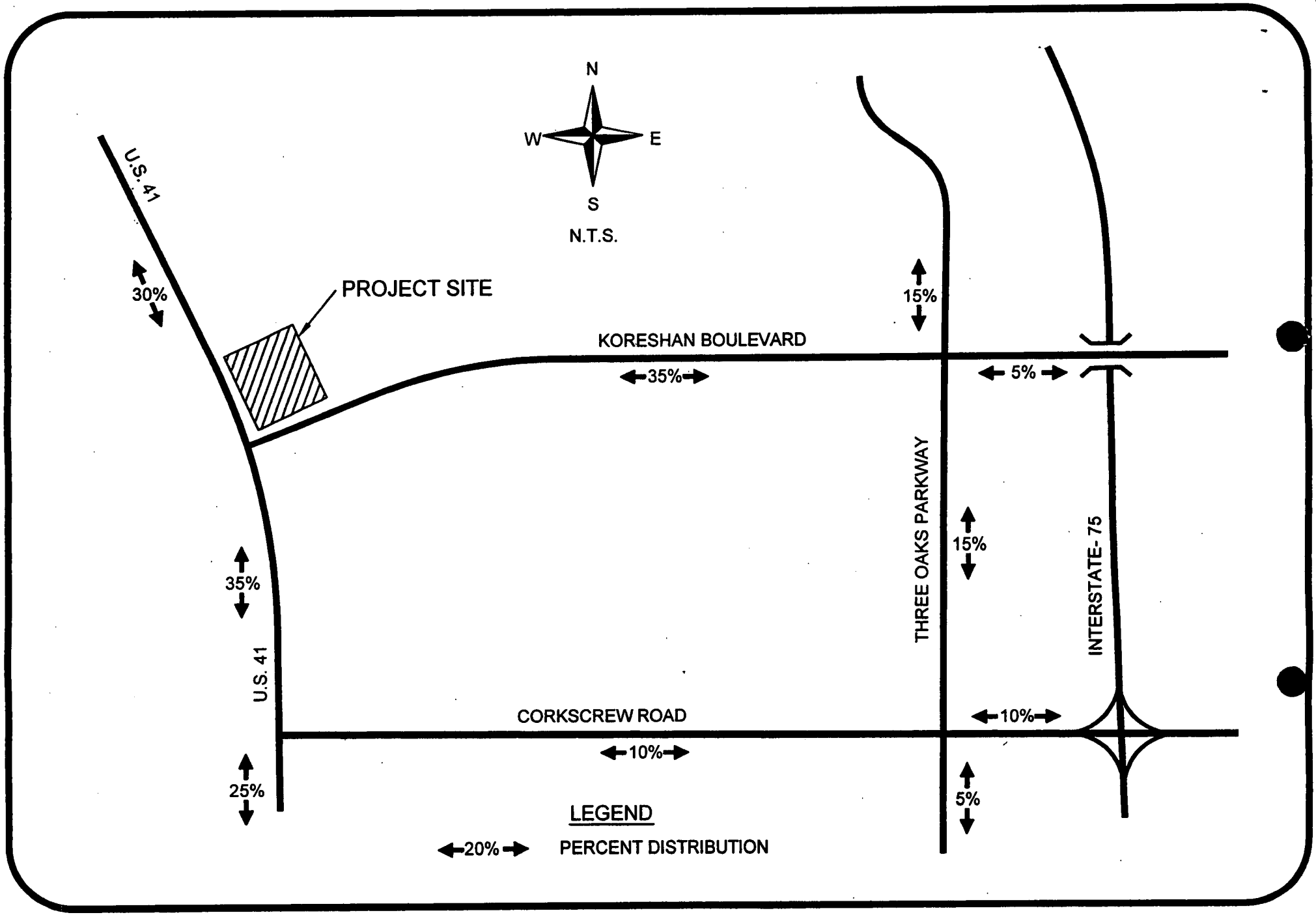
Based on the anticipated trip generation shown in Table 4, the development will be classified and analyzed based on the guidelines established for a development generating "more than 300 trip ends" during the peak hour by the Lee County Traffic Impact Statement Guidelines.

V. TRIP DISTRIBUTION

The new trips shown in Table 4 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. The driveway volumes shown in Table 4 were assigned to the various proposed site access drives. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is shown on **Figure 3.**

The driveway traffic shown in Table 4 was then assigned to the surrounding street network based on the distribution shown on Figure 3. The assignment of the trips to the

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PROJECT TRAFFIC DISTRIBUTION
WAL-MART KORESHAN-ZONING

Figure 3

area roadway network is shown on **Figure 4**. It should be noted that the site traffic assignment indicated in Figure 4 reflects the total driveway volumes as the driveway volumes are not reduced as a result of "pass-by" traffic, on link volumes.

In order to determine which roadway segments surrounding the site may be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service "C" volumes, as defined by the Lee County Link Specific Peak Hour, Peak Direction Service Volumes, as provided by the Lee County Department of Transportation.

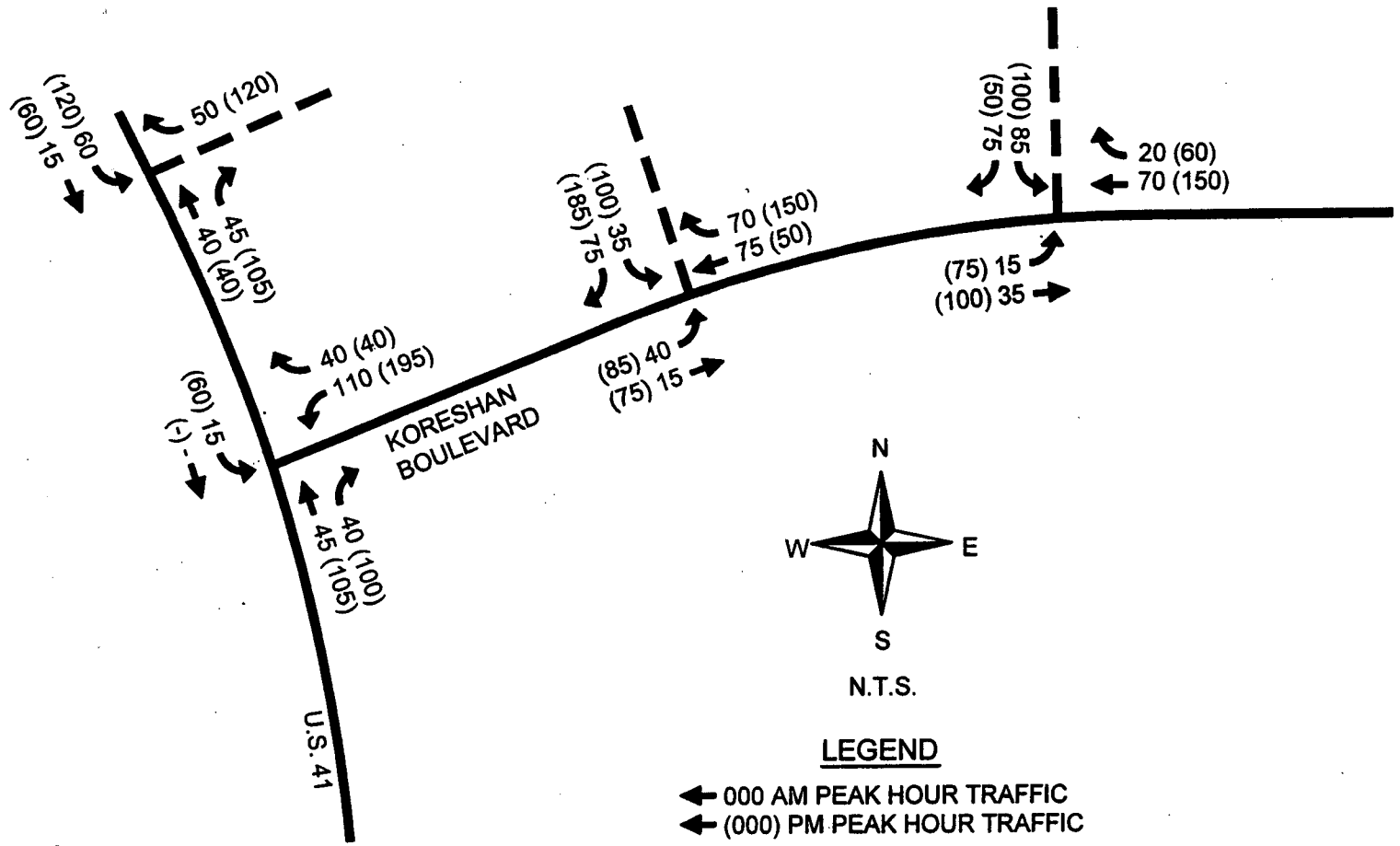
Based on the information contained within Table 1A, the proposed Koreshan Wal★Mart is not expected to significantly impact any roadway link within the vicinity of the subject site as a result of the added development traffic.

VI. FUTURE TRAFFIC CONDITIONS

It was assumed that the project would be completed by the year 2005. Based on this project build-out, a growth rate was applied to the existing traffic conditions for all roadway links and intersections within the projects' area of influence for the year 2006. The existing roadway link traffic data and the growth rates were calculated based on the historical traffic data listed within the 2002 Lee County Traffic Count Report and the appropriate K-100 and D-factors.

Based on the project distribution shown in Figure 3, the intersection turning movement counts and the roadway link data was analyzed for the year 2006 without the development and year 2006 with the development. **Table 2A**, contained in the Appendix of the report, outlines the methodology used in determining the 2006 traffic volumes as well as the growth rate utilized for each roadway segment.

Based on the growth rates indicated within Table 2A, the Koreshan Boulevard/U.S. 41 intersection turning movement volumes were grown to reflect the background 2006



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SITE TRAFFIC ASSIGNMENT
WAL-MART KORESHAN-ZONING

Figure 4

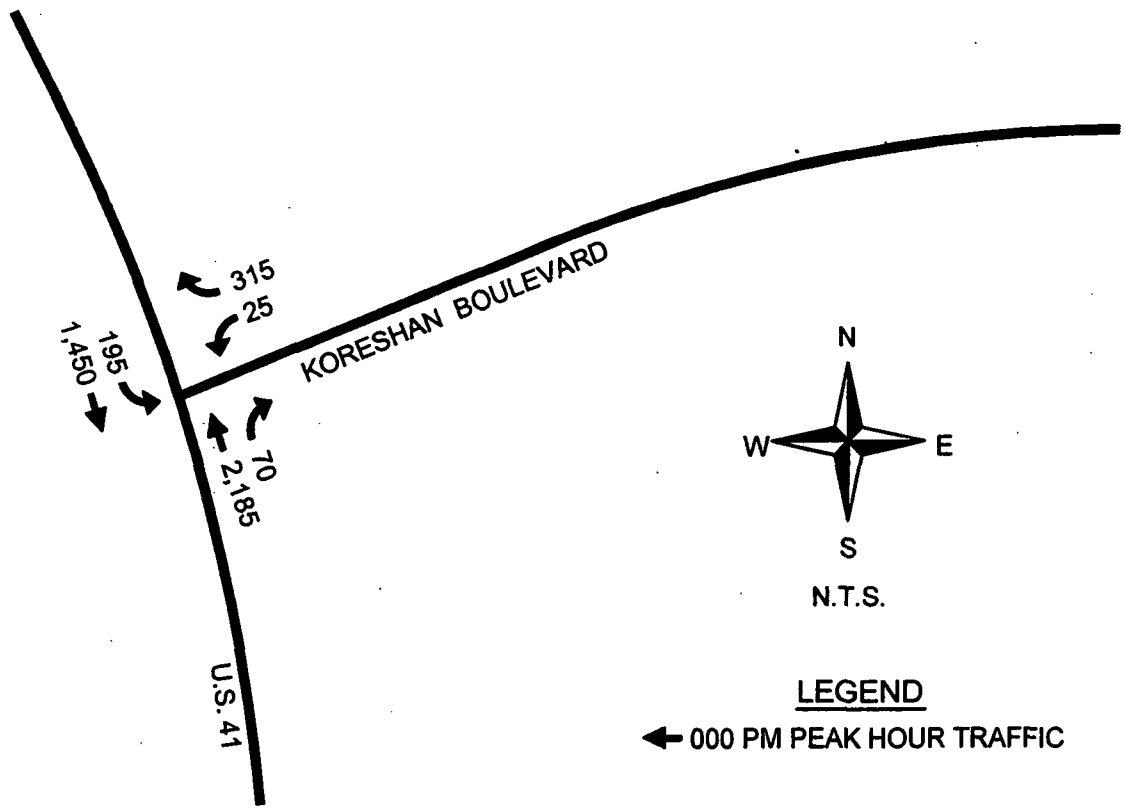
traffic conditions in the vicinity of the subject site. **Figure 5** reflects the 2006 PM peak hour background turning movements at the Koreshan Boulevard/U.S. 41 intersection.

Figure 6 indicates the year 2006 peak hour traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 6 is the Peak Hour volume and Level of Service of each link should no development occur on the subject site and the peak hour volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways. These values are also derived from **Table 2A** contained in the Appendix.

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

As can be seen from Figure 6, the majority of the roadway links analyzed as a part of this report will not be adversely impacted as a result of the proposed development. Nearly all of the roadway links analyzed as a result of this analysis are shown to operate at an acceptable Level of Service according to the Link Specific Lee County Level of Service Standards. The only exception is U.S. 41 to the north and south of Koreshan Boulevard. This roadway is shown to operate at LOS "F" under 2006 buildout traffic conditions. According to the Florida Department of Transportation (FDOT) 2003-2008 Draft Tentative Work Program, preliminary engineering is under way for the six-laning of U.S. 41 from Corkscrew Road to San Carlos Boulevard. However, construction for this roadway improvement is not indicated within three years of this submittal, so the six-laning of U.S. 41 next to the subject site was not accounted for within this analysis.

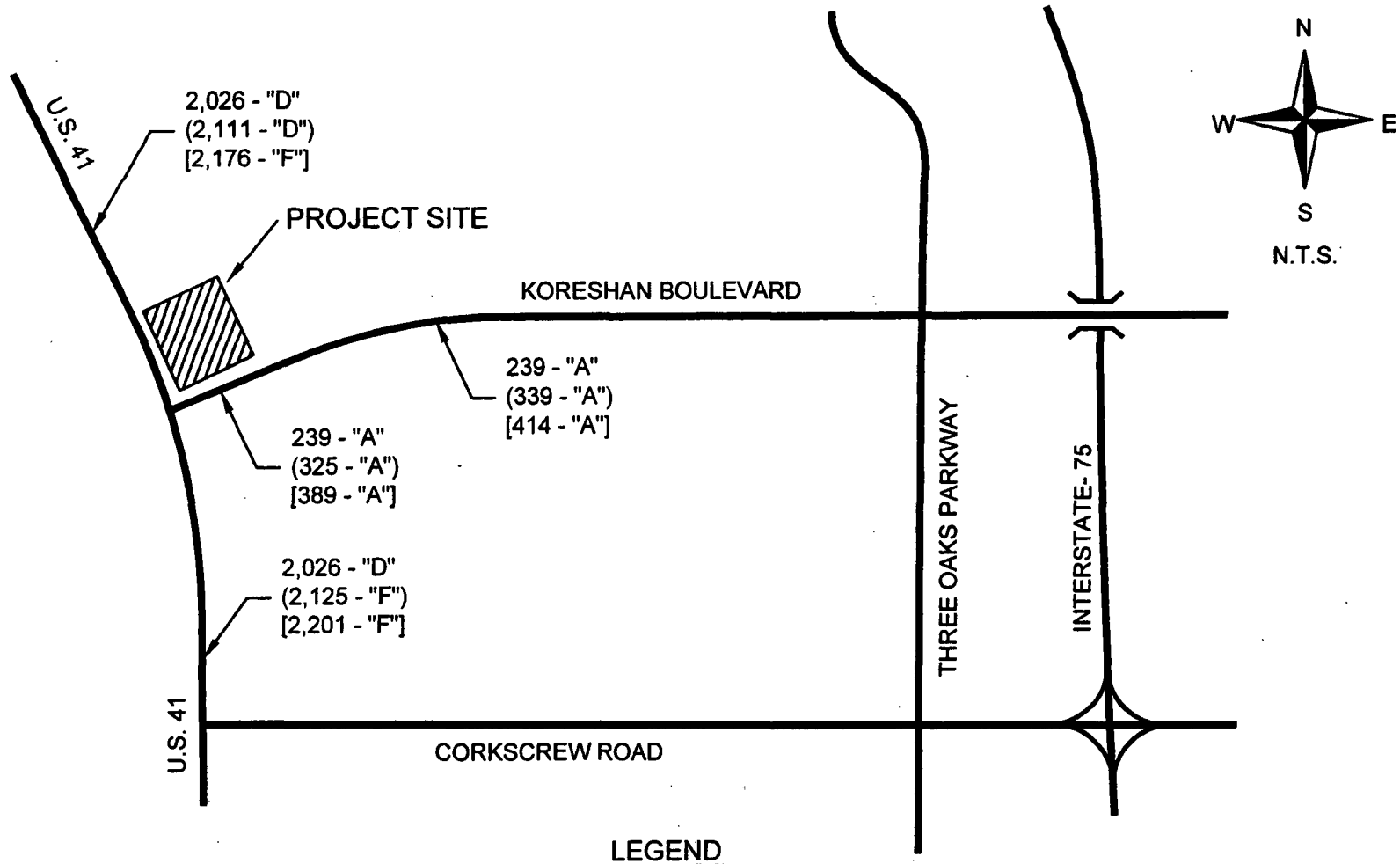
Should the six-laning of U.S. 41 from Corkscrew Road to San Carlos Boulevard be complete, this roadway link would function under acceptable Level of Service conditions (LOS "B") upon the addition of the development traffic. The remaining roadway links analyzed as a part of this report are shown to operate under acceptable Level of Service conditions upon the completion of the Koreshan Wal★Mart.



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2006 BACKGROUND TURNING MOVEMENT VOLUMES
WAL-MART KORESHAN-ZONING

Figure 5



LEGEND

XXX - "C" PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC AND LEVEL OF SERVICE DESIGNATION

(XXX -"C") PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC PLUS AM PROJECT TRAFFIC AND LEVEL OF SERVICE DESIGNATION

[XXX -"C"] PEAK SEASON PEAK HOUR PEAK DIRECTION BACKGROUND TRAFFIC PLUS PM PROJECT TRAFFIC AND LEVEL OF SERVICE DESIGNATION

X.X% PERCENT OF PROJECT TRAFFIC VS. LEVEL OF SERVICE STANDARD

METRO

2006 BUILD-OUT TRAFFIC CONDITIONS
WAL-MART KORESHAN-ZONING

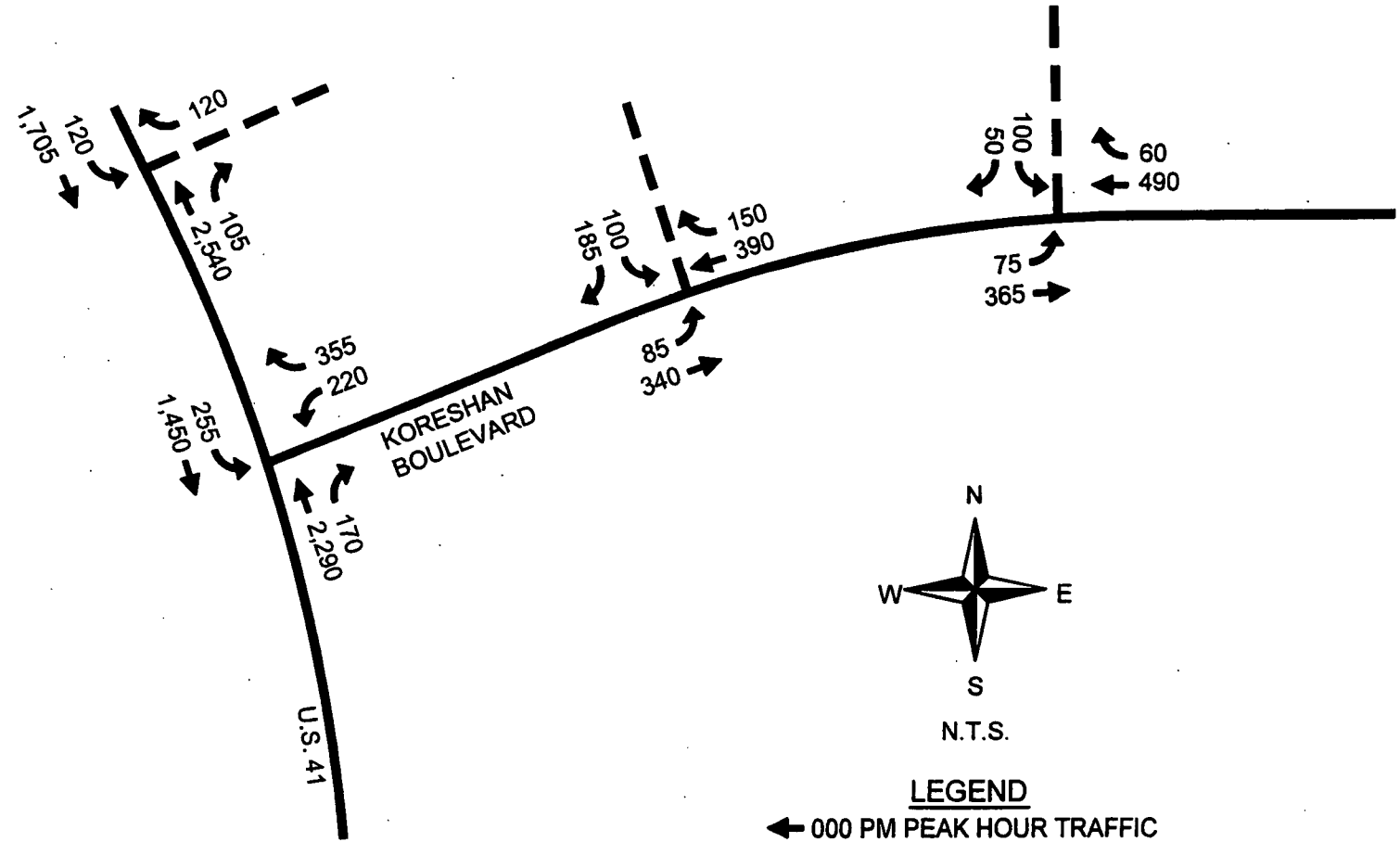
Figure 6

Intersection analysis was performed as a result of the proposed Koreshan Wal★Mart. The intersections analyzed as a result of this report are as follows:

- U.S. 41 @ Left in/Right in/Right out access
- Koreshan Boulevard @ Western Full access
- Koreshan Boulevard @ Eastern Full access
- Koreshan Boulevard @ U.S. 41

The intersections listed above were analyzed utilizing HCS 2000. It should be noted that the Koreshan Boulevard/U.S. 41 intersection was analyzed based on signalized traffic conditions. FDOT has granted preliminary approval of the signalization of this intersection by opening day of the Koreshan Wal★Mart, regardless of when the U.S. 41 six-laning project is completed adjacent to the subject site. U.S. 41's intersections with the directional project entrance and Koreshan Boulevard were analyzed based not only on the existing four-lane U.S. 41, but also based on a six-lane U.S. 41 due to the inevitable widening of this roadway. In order to perform the capacity analysis at the U.S. 41 intersection with the directional project entrance, SYNCHRO 5.0 was utilized due to the HCS Software's inability to analyze unsignalized intersections on six-lane roadways.

The volumes utilized for the intersection analyses are indicated within **Figure 7**. Figure 7 illustrates the 2006 build out traffic conditions at the U.S. 41/Koreshan Boulevard and site access intersections. The 2006 background turning movement counts indicated in Figure 5 were combined with the site traffic assignment to the site access intersections and U.S. 41/Koreshan Boulevard intersection indicated in Figure 4 in order to create Figure 7. The turning movements indicated within Figure 7 and the proper lane arrangements were inputted into SYNCHRO 5.0 and HCS 2000 in order to complete the capacity analysis. The results of the capacity analyses are indicated within **Table 5** below.



2006 BUILD OUT TURNING MOVEMENT VOLUMES
WAL-MART KORESHAN-ZONING

Figure 7

Table 5
Intersection Analysis Results
Koreshan Wal★Mart

Intersection	Approach/ Movement	2006 Background LOS	2006 Build-out LOS	2006 Build-out LOS with 6-lane U.S. 41
U.S. 41 @ Koreshan Blvd		D	D	C
U.S. 41 @ Site Entrance	SBL	--	F	F
	WB	--	F	B
Koreshan Blvd @ W. Site Entrance	EBL	--	A	A
	SB	--	B	B
Koreshan Blvd @ E. Site Entrance	EBL	--	A	A
	SB	--	B	B

Based on the results of the capacity analyses, no intersection improvements, beyond necessary turn lane additions, will be required as a result of the addition of the project generated traffic. The majority of the turning movements are shown to operate acceptably upon the addition of the development traffic to the surrounding intersections. The only exception is the southbound left turn movement on U.S. 41 at the directional project entrance is shown to fail even after the six-laning of U.S. 41. However, according to the SYNCHRO 5.0 analysis performed as a part of this analysis, the 95th percentile queuing distance for this movement is 257 feet. Therefore, as long as the southbound left turn lane on U.S. 41 at this intersection provides sufficient deceleration distance in addition to 260 feet of stacking, the development traffic performing the southbound left turn at this location will not back up into the southbound through lanes on U.S. 41. The remaining intersections and intersection turning movements will all function acceptably upon the addition of the development traffic and the widening of U.S. 41 to six-lanes.

X. CONCLUSION

The proposed zoning amendment to the Koreshan Wal★Mart site will not adversely affect the Level of Service operations of the surrounding intersections or arterials. The intent of this zoning application is to amend the current zoning on the subject site to allow twenty-four (24) hour operations on the commercial property within the subject site. Based on the existing zoning on the subject site, the proposed construction of a free-standing discount superstore will reduce the total trips generated on the subject site based on the original zoning analysis.

The proposed re-zoning of the subject site will permit the construction of a 210,000 square foot free standing discount superstore, which will include a tire, lube, and express center and a 14,973 square foot outdoor garden center. In addition, the site will also be permitted to include 340 multi-family dwelling units and 15,000 square feet of commercial outparcel space. Upon the addition of the development traffic to the surrounding roadway network, nearly all roadway links within the projects' area of influence are shown to maintain an acceptable Level of Service according to the Lee County Level of Service Standards.

The only exception is U.S. 41 to the north and south of Koreshan Boulevard. U.S. 41 in the vicinity of Koreshan Boulevard consists of four travel lanes. This roadway is shown to operate at LOS "F" under 2006 background traffic conditions. According to the FDOT 2003-2008 Draft Tentative Work Program, preliminary engineering is under way for the six-laning of U.S. 41 from Corkscrew Road to San Carlos Boulevard. However, construction for this roadway improvement is not indicated within three years of this submittal, so the six-laning of U.S. 41 next to the subject site was not accounted for within this analysis. If the six-laning of U.S. 41 adjacent to the subject site were completed, the roadway link would operate under acceptable Level of Service conditions (LOS "B") based on the Lee County Level of Service standards.

Intersection analysis was performed at all of the site access intersections in addition to the Koreshan Boulevard/U.S. 41 intersection. The Koreshan Boulevard/U.S. 41 intersection was analyzed based on signalized traffic conditions. According to FDOT, this intersection will be signalized by the opening day of the proposed Koreshan Wal★Mart development whether U.S. 41 is six laned adjacent to the subject site or not. U.S. 41's intersections with the project entrance and Koreshan Boulevard were analyzed based on the existing four-lane U.S. 41 in addition to the potential six-laning of U.S. 41.

Based on the results of the intersection capacity analyses, no intersection improvements will be required as a result of the added development traffic beyond the necessary turn lane improvements at the site access intersections. The southbound left turn lane on U.S.

41 at the project entrance is shown to fail when the development traffic is added to the surrounding roadway network. However, with sufficient queue stacking for the vehicles performing this movement, there will be no spill over into the U.S. 41 southbound through lanes as a result of this movement delay. In addition, vehicles experiencing a delay as a result of this movement can enter the subject site by continuing south on U.S. 41 to the Koreshan Boulevard intersection and turning left on to Koreshan Boulevard and using the site entrances on Koreshan Boulevard. Appropriate turn lane improvements will be determined at the Development Order Stage.

Based on the analysis contained within this report, beyond the possible six-laning of U.S. 41, no additional roadway improvements will be necessary as a result of the development traffic anticipated to be generated by the proposed Koreshan Wal★Mart development. The addition of the development traffic to the surrounding roadway network will not detrimentally affect the traffic conditions on the County roadway network based on the future six-laning of the U.S. 41 corridor.

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TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 490 VPH IN= 205 OUT= 285

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 955 VPH IN= 500 OUT= 455

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Corkscrew Road	E. of U.S. 41	4LD	0	1070	1910	2040	2070	10.0%	50	2.6%
	W. of I-75	4LD	0	0	990	1860	2080	10.0%	50	5.1%
Koreshan Blvd.	E. of U.S. 41	4LD	780	1250	1800	2380	2770	30.00%	150	8.3%
	E. of Site Access	4LD	780	1250	1800	2380	2770	35.00%	175	9.7%
	E. of Three Oaks Parkway	4LD	780	1250	1800	2380	2770	5.00%	25	1.4%
Three Oaks Pkwy	S. of Koreshan Blvd	4LD	450	1630	1900	1950	1950	15.00%	75	3.9%
	N. of Koreshan Blvd	4LD	450	1630	1900	1950	1950	15.00%	75	3.9%
U.S. 41	S. of Corkscrew Rd	4LD	0	1200	1980	2110	2110	25.00%	125	6.3%
	S. of Koreshan Blvd	4LD	0	1290	1990	2120	2120	35.00%	175	8.8%
	S. of Site Access	4LD	0	1290	1990	2120	2120	35.00%	175	8.8%
	N. of Site Access	4LD	0	1290	1990	2120	2120	30.00%	150	7.5%

TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS

7% Truck Adjustment = 0.934

P. C. S.	K	D
PCS NO. 15	0.104	0.58
PCS NO. 25	0.097	0.58

TOTAL PROJECT TRAFFIC AM = 490 VPH IN = 205 OUT= 285

TOTAL PROJECT TRAFFIC PM = 955 VPH IN= 500 OUT= 455

ROADWAY	SEGMENT	PCS	BASE YR ADT	2002 ADT	YRS OF GROWTH	ANNUAL RATE	2003 PK HR PK SEASON PEAK DIR.	2006 PK HR PK SEASON PEAK DIR.	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2006 BCKGRND + AM PROJ TRAFFIC	2006 BCKGRND + PM PROJ TRAFFIC
Koreshan Blvd.	E. of U.S. 41	15	1800	2900	5	10.01%	180	239	30.00%	86	150	325	389
	E. of Site Access	15	1800	2900	5	10.01%	180	239	35.00%	100	175	339	414
U.S. 41	S. of Koreshan Blvd	25	29100	35100	8	2.37%	1888	2026	35.00%	100	175	2125	2201
	S. of Site Access	25	29100	35100	8	2.37%	1888	2026	35.00%	100	175	2125	2201
	N. of Site Access	25	29100	35100	8	2.37%	1888	2026	30.00%	86	150	2111	2176

* The Truck Factor was not accounted for in the calculations for roadway links that have permanent count stations.

PM PEAK HOUR INTERSECTION TURNING MOVEMENT COUNT – KORESHAN BOULEVARD @ U.S. 41

PROJECT: F0302.15
DATE: 12/8/2003
DAY: Monday
WEATHER: Fair
COUNT TIME: 3:30 PM - 6:30 PM

15 MINUTE SUMMARY OF INDIVIDUAL MOVEMENTS

U.S. 41 & KORESHAN BLVD

15 MIN BEGIN	U.S. 41								KORESHAN BLVD								INTER-SECTION TOTAL
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	U-TURN	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
3:30 PM	5	382	12	399	47	320	0	367	0	0	0	0	12	0	68	80	846
3:45 PM	6	416	13	435	47	349	0	396	0	0	0	0	6	0	66	72	903
4:00 PM	0	467	17	484	42	298	0	340	0	0	0	0	6	0	76	82	906
4:15 PM	2	484	11	497	32	297	0	329	0	0	0	0	6	0	56	62	888
4:30 PM	5	453	9	467	46	291	0	337	0	0	0	0	12	0	47	59	863
4:45 PM	3	467	11	481	54	302	0	356	0	0	0	0	1	0	61	62	899
5:00 PM	0	487	18	505	35	293	0	328	0	0	0	0	4	0	48	52	885
5:15 PM	3	493	14	510	39	337	0	376	0	0	0	0	8	0	46	54	940
5:30 PM	5	453	16	474	39	330	0	369	0	0	0	0	4	0	65	69	912
5:45 PM	2	444	8	454	37	247	0	284	0	0	0	0	5	0	54	59	797
6:00 PM	1	389	3	393	21	263	0	284	0	0	0	0	5	0	43	48	725
6:15 PM	1	330	26	357	25	191	0	216	0	0	0	0	6	0	31	37	610
TOTAL:	33	5265	158	5456	464	3518	0	3982	0	0	0	0	75	0	661	736	10174

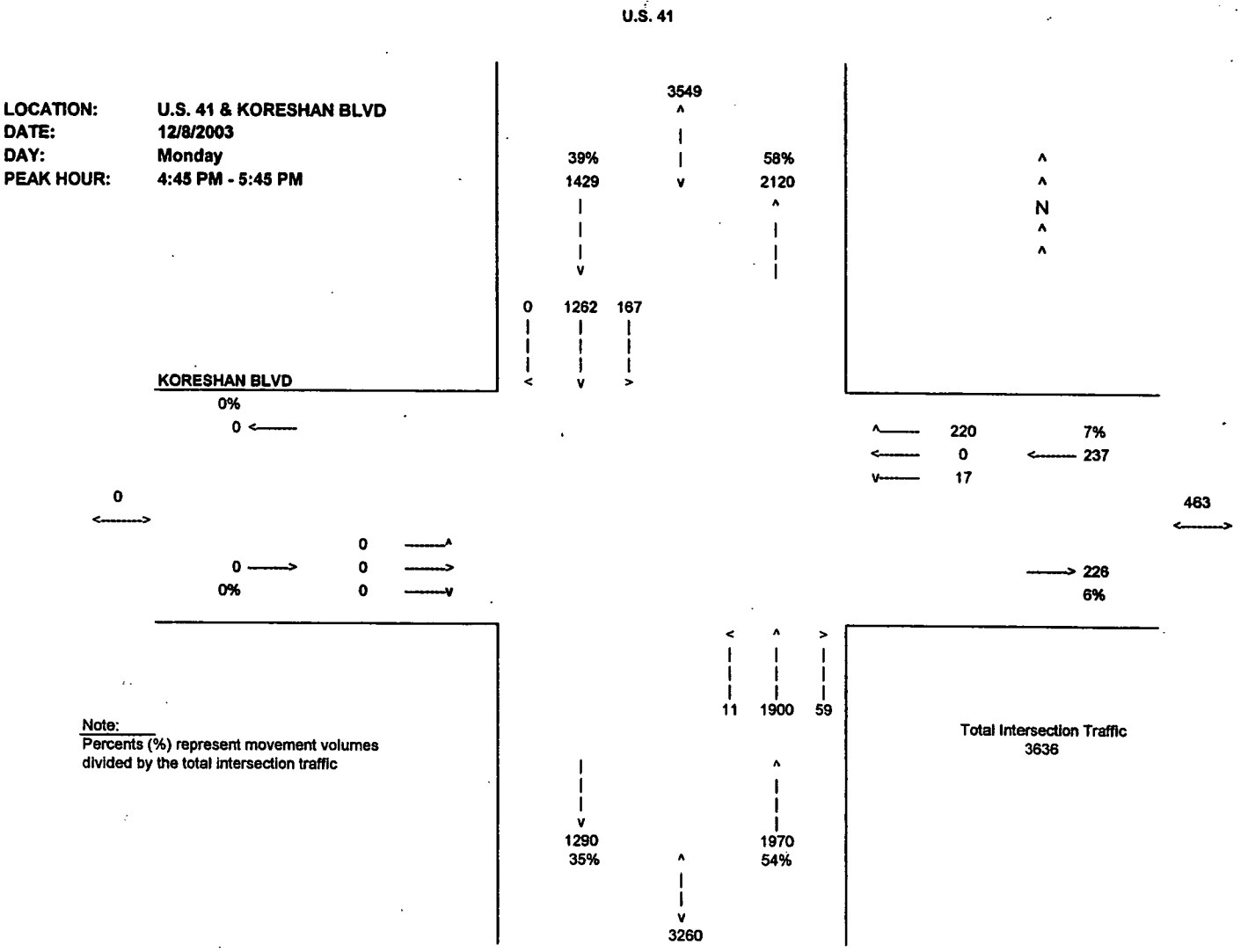
HOURLY SUMMARY OF INDIVIDUAL MOVEMENTS

U.S. 41 & KORESHAN BLVD

HOUR BEGIN	U.S. 41								KORESHAN BLVD								INTER-SECTION TOTAL
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	U-TURN	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
3:30 PM	13	1749	53	1815	168	1264	0	1432	0	0	0	0	30	0	266	296	3543
3:45 PM	13	1820	50	1883	167	1235	0	1402	0	0	0	0	30	0	245	275	3560
4:00 PM	10	1871	48	1929	174	1188	0	1362	0	0	0	0	25	0	240	265	3556
4:15 PM	10	1891	49	1950	167	1183	0	1350	0	0	0	0	23	0	212	235	3535
4:30 PM	11	1900	52	1963	174	1223	0	1397	0	0	0	0	25	0	202	227	3587
4:45 PM	11	1900	59	1970	167	1262	0	1429	0	0	0	0	17	0	220	237	3636
5:00 PM	10	1877	56	1943	150	1207	0	1357	0	0	0	0	21	0	213	234	3534
5:15 PM	11	1779	41	1831	136	1177	0	1313	0	0	0	0	22	0	208	230	3374
5:30 PM	9	1616	53	1678	122	1031	0	1153	0	0	0	0	20	0	193	213	3044

PEAK HOUR SUMMARY

HOUR BEGIN	U.S. 41								KORESHAN BLVD								INTER-SECTION TOTAL
	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				
	U-TURN	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	LEFT	THRU	RIGHT	TOTAL	
4:45 PM	11	1900	59	1970	167	1262	0	1429	0	0	0	0	17	0	220	237	3636


U.S. 41
LOCATION: U.S. 41 & KORESHAN BLVD
DATE: 12/8/2003
DAY: Monday
PEAK HOUR: 4:45 PM - 5:45 PM
3549
39%
1429
58%
2120
0
1262
167
N
KORESHAN BLVD
0%
0
220
7%
0
237
17
0
463
0
0
0
0%
0
226
6%
11
1900
59
1290
35%
1970
54%
3260
Note:
Percents (%) represent movement volumes divided by the total intersection traffic
Total Intersection Traffic
3636

ITE TRIP GENERATION HANDBOOK– TABLE 5.2 – PASS-BY AND DIVERTED LINK TRIPS FOR LUC 815

Table 5.2
Pass-By Trips and Diverted Linked Trips
Weekday, P.M. Peak Period
Land Use 815—Free-Standing Discount Store

SIZE (1,000 SQ. FEET GFA)	LOCATION	WEEKDAY SURVEY DATE	NO. OF INTERVIEWS	TIME PERIOD	PRIMARY TRIP (%)	NON-PASS-BY TRIP (%)	DIVERTED LINKED TRIP (%)	PASS-BY TRIP (%)	ADJ. STREET PEAK HOUR VOLUME	SOURCE
116	Auburn, NY	Nov. 1994	80	4-6 P.M.	33.8	-	37.4	28.8	1,490	Bergmann Associates
116	Fredonia, NY	Nov. 1994	80	4-6 P.M.	46.3	-	30.0	23.7	1,620	Bergmann Associates
122	Marlton, NJ	Nov. 1994	73	4:15-5:15 P.M.	50.7	-	27.4	21.9	1,360	Raymond Keyes Assoc.
127	Marlton, NJ	Nov. 1994	23	4-5 P.M.	21.8	-	39.1	39.1	1,410	Raymond Keyes Assoc.
127	Toms River, NJ	Nov. 1994	137	4-5 P.M.	46.0	-	40.9	13.1	1,430	Raymond Keyes Assoc.
128	Toms River, NJ	Nov. 1994	89	4-5 P.M.	60.7	-	32.6	6.7	1,290	Raymond Keyes Assoc.
128	Brick, NJ	Nov. 1994	48	4:15-5:15 P.M.	41.7	-	50.0	8.3	2,560	Raymond Keyes Assoc.
128	Brick, NJ	Nov. 1994	56	4-5 P.M.	46.4	-	39.3	14.3	2,550	Raymond Keyes Assoc.
126	Berlin, NJ	Feb. 1994	45	4:30-5:30 P.M.	75.5	-	17.8	6.7	1,230	Raymond Keyes Assoc.
126	Berlin, NJ	Feb. 1994	95	4-5 P.M.	61.0	-	37.9	1.1	1,430	Raymond Keyes Assoc.
133	Mays Landing, NJ	Feb. 1994	22	4-5 P.M.	81.8	-	9.1	9.1	3,640	Raymond Keyes Assoc.
133	Mays Landing, NJ	Feb. 1994	40	4-5 P.M.	55.0	-	42.5	2.5	3,700	Raymond Keyes Assoc.
127	Toms River, NJ	Sept. 1994	58	4-5 P.M.	65.5	-	20.7	13.8	1,380	Raymond Keyes Assoc.
127	Toms River, NJ	Sept. 1994	83	4:15-5:15 P.M.	57.8	-	28.9	13.3	1,390	Raymond Keyes Assoc.
128	Brick, NJ	Sept. 1994	117	4:30-5:30 P.M.	47.0	-	26.5	26.5	2,640	Raymond Keyes Assoc.
128	Brick, NJ	Sept. 1994	98	4-5 P.M.	49.0	-	21.4	29.6	2,640	Raymond Keyes Assoc.
127	Berlin, NJ	Sept. 1994	35	4-5 P.M.	71.4	-	20.0	8.6	1,240	Raymond Keyes Assoc.
88	Omaha, NE	n/a	n/a	4-6 P.M.	26.0	-	51.0	23.0	n/a	University of Nebraska - Lincoln
100	Omaha, NE	n/a	n/a	4-6 P.M.	32.0	-	46.0	22.0	n/a	University of Nebraska - Lincoln
100	Omaha, NE	n/a	n/a	4-6 P.M.	22.0	-	49.0	29.0	n/a	University of Nebraska - Lincoln
88	Omaha, NE	n/a	n/a	4-6 P.M.	33.0	-	48.0	19.0	n/a	University of Nebraska - Lincoln
66	Omaha, NE	n/a	n/a	4-6 P.M.	21.0	-	60.0	19.0	n/a	University of Nebraska - Lincoln

Average Pass-By Trip Percentage: 17.2

ITE TRIP GENERATION HANDBOOK– TABLE 5.4 – PASS-BY AND DIVERTED LINK TRIPS FOR LUC 820

Table 5.4 (Cont'd)
Pass-By Trips and Diverted Linked Trips
Weekday, P.M. Peak Period

Land Use 820—Shopping Center

SIZE (1,000 SQ. FEET GLA)	LOCATION	WEEKDAY SURVEY DATE	NO. OF INTERVIEWS	TIME PERIOD	PRIMARY TRIP (%)	NON-PASS-BY TRIP (%)	DIVERTED LINKED TRIP (%)	PASS-BY TRIP (%)	ADJ. STREET PEAK HOUR VOLUME	AVERAGE DAILY TRAFFIC	SOURCE
237	W Windsor Twp, NJ	Winter 1988/89	n/a	4-6 P.M.	-	52	-	48	n/a	46,000	Booz Allen & Hamilton
242	Willow Grove, PA	Winter 1988/89	n/a	4-6 P.M.	-	63	-	37	n/a	26,000	McMahon Associates
297	Whitehall, PA	Winter 1988/89	n/a	4-6 P.M.	-	67	-	33	n/a	26,000	Orth Rodgers
360	Broward County, FL	Winter 1988/89	n/a	4-6 P.M.	-	56	-	44	n/a	73,000	McMahon Associates
370	Pittsburgh, PA	Winter 1988/89	n/a	4-6 P.M.	-	81	-	19	n/a	33,000	Wilbur Smith
150	Portland, OR	n/a	519	4-6 P.M.	6	-	26	68	n/a	25,000	Kittleson and Associates
150	Portland, OR	n/a	655	4-6 P.M.	7	-	28	65	n/a	30,000	Kittleson and Associates
760	Calgary, Alberta	Oct-Dec 1987	15,436	4-6 P.M.	39	-	41	20	n/a	n/a	City of Calgary DOT
178	Bordentown, NJ	Apr. 1989	154	2-6 P.M.	-	65	-	35	n/a	37,980	Raymond Keyes Assoc.
144	Manalapan, NJ	Jul. 1990	176	3:30-6:15 P.M.	44	-	24	32	n/a	69,347	Raymond Keyes Assoc.
549	Natick, MA	Feb. 1989	n/a	4:45-5:45 P.M.	26	-	41	33	n/a	48,782	Raymond Keyes Assoc.

Average Pass-By Trip Percentage: 34



LEE COUNTY FY 02/03 06/076 TRANSPORTATION CAPITAL IMPROVEMENT PROGRAM – OCTOBER 2002 FOR KORESHAN BOULEVARD

PROJECT NAME	Koreshan Extension	DATE PREPARED:	10/22/02
PROJECT NUMBER	5021	COMPREHENSIVE PLAN REFERENCE	
MANAGING DEPT.	Transportation	COMMISSION DISTRICT	5

PROJECT DESCRIPTION:
Extend four-lane arterial across I-75, 0.7 Miles.

PROJECT LOCATION:
Estero, From Three Oaks Parkway to Ben Hill Griffin Parkway.

ESTIMATED PROJECT COST (IN THOUSANDS)	FY 98-01 PRIOR EXP.	FY 01/02 BUDGET	FY 02/03	FY 03/04	FY 04/05	FY 05/06	FY 06/07	5 YEAR NEW TOTAL	YEARS 6-10	PROJECT TOTAL
DESIGN / PERMITTING		1,400								1,400
RIGHT -OF- WAY ACQUISITION		572	929					929		1,501
MAINLINE CONSTRUCTION			1,171	8,742				9,913		9,913
ADDITIONAL CONSTRUCTION										
PROJECT MANAGEMENT	1	199	500					500		700
CONSTRUCTION INSPECTION				1,010				1,010		1,010
MITIGATION			200					200		200
LANDSCAPING					120			120		120
OTHER										
TOTAL	1	2,171	2,800	9,752	120	0	0	12,672	0	14,844

CIP FUNDING SOURCES AND AMOUNTS	FY 02/03	FY 03/04	FY 04/05	FY 05/06	FY 06/07
Gax Taxes		4,809			
Development Contr.	2,800	4,943			
Ad Valorem			120		

OPERATING IMPACT:		FY 02/03	FY 03/04	FY 04/05	FY 05/06	FY 06/07	O & M FUNDING SOURCE
START UP		N/A	N/A	N/A	N/A	N/A	Transportation Trust Fund
RECURRING	(Operations)	N/A	N/A	16,600	16,600	16,600	
	(Traffic)	N/A	N/A	2,000	2,060	2,180	
	TOTAL	0	0	18,600	18,660	18,780	

COMMENTS:
Majority of funding ($10.9 million) anticipated through payment schedule in adopted Miromar Lakes Development Agreement. Payments represent overall DRI proportionate share and will be in lieu of impact fees. Initial payment of $3,171,928 was made by 5/31/01 and was reduced by impact fee credit redemption ($1,000,000), and previous impact fee payments ($28,549); second payment of $2,800,000 due 12/31/02, subject to a reduction for the value of ROW dedication (undetermined); third payment of $4,942,938 due 9/1/04.

ALL COSTS IN THOUSANDS OF DOLLARS, EXCEPT FOR OPERATING IMPACTS

2003-2008 FDOT DRAFT TENTATIVE WORK PROGRAM – U.S. 41 FROM CORKSCREW ROAD TO SAN CARLOS BOULEVARD

Florida Department of Transportation
Work Program

2003-2008 TENTATIVE
Last Update: 2/10/03 - 11:06 PM

District 1 - LEE County

Category: **Highways**
Transportation System: **Non-Intrastate State Highway**
Item Number: **195765-1**

Transportation System Description	District	Length	Type of Work			Item
Fiscal Year:	**2003**	**2004**	**2005**	**2006**	**2007**	**2008**
Category: Highways						
Non-intrastate State Highway US 41 FROM CORKSCREW RD TO SAN CARLOS BLVD	01 - Lee County	2.476 Miles	Add Lanes & Rehabilitate Pvmnt			195765-1
Preliminary Engineering	$1,892,000					
Right Of Way					$6,999,000	
Local Advance Reimbursement			$1,700,000			

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HCS 2000 INTERSECTION ANALYSIS - KORESHAN BLVD @ U.S. 41

SHORT REPORT

General Information		Site Information	
Analyst	RLP	Intersection	Koreshan Blvd @ U.S. 41
Agency or Co.	Metro Transportation Group	Area Type	All other areas
Date Performed	12/16/2003	Jurisdiction	Lee County
Time Period	PM Peak Hour	Analysis Year	2006 Background

Volume and Timing Input

	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	0	0	0	2	0	1	0	2	1	1	2	0
Lane group				L		R		T	R	L	T	
Volume (vph)				25		315		2185	70	195	1450	
% Heavy veh				0		0		0	0	0	0	
PHF				0.95		0.95		0.95	0.95	0.95	0.95	
Actuated (P/A)				A		A		A	A	A	A	
Startup lost time				2.0		2.0		2.0	2.0	2.0	2.0	
Ext. eff. green				2.0		2.0		2.0	2.0	2.0	2.0	
Arrival type				3		3		3	3	3	3	
Unit Extension				3.0		3.0		3.0	3.0	3.0	3.0	
Ped/Bike/RTOR Volume	0			0		130	0		15			
Lane Width				12.0		12.0		12.0	12.0	12.0	12.0	
Parking/Grade/Parking	N		N	N	0	N	N	0	N	N	0	N
Parking/hr												
Bus stops/hr				0		0		0	0	0	0	
Unit Extension				3.0		3.0		3.0	3.0	3.0	3.0	

Phasing	WB Only	02	03	04	SB Only	Thru & RT	07	08
Timing	G = 15.0	G =	G =	G =	G = 18.0	G = 63.0	G =	G =
	Y = 5	Y =	Y =	Y =	Y = 5	Y = 4	Y =	Y =

Duration of Analysis (hrs) = 0.25 | Cycle Length C = 110.0

Lane Group Capacity, Control Delay, and LOS Determination

	EB			WB			NB			SB		
Adj. flow rate				26		195		2300	58	205	1526	
Lane group cap.				478		220		2176	925	295	2971	
v/c ratio				0.05		0.89		1.06	0.06	0.69	0.51	
Green ratio				0.14		0.14		0.57	0.57	0.16	0.78	
Unif. delay d1				41.3		46.7		23.5	10.4	43.4	4.4	
Delay factor k				0.11		0.41		0.50	0.11	0.26	0.12	
Increm. delay d2				0.0		32.2		36.4	0.0	6.9	0.2	
PF factor				1.000		1.000		1.000	1.000	1.000	1.000	
Control delay				41.4		78.9		59.9	10.4	50.3	4.5	
Lane group LOS				D		E		E	B	D	A	
Apprch. delay				74.5			58.7			10.0		
Approach LOS				E			E			A		
Intersec. delay	39.9			Intersection LOS						D		

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SHORT REPORT

General Information		Site Information	
Analyst	RLP	Intersection	Koreshan Blvd @ U.S. 41
Agency or Co.	Metro Transportation Group	Area Type	All other areas
Date Performed	12/16/2003	Jurisdiction	Lee County
Time Period	PM Peak Hour	Analysis Year	2006 Buildout

Volume and Timing Input

	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	0	0	0	2	0	1	0	2	1	1	2	0
Lane group				L		R		T	R	L	T	
Volume (vph)				220		355		2290	170	255	1450	
% Heavy veh				0		0		0	0	0	0	
PHF				0.95		0.95		0.95	0.95	0.95	0.95	
Actuated (P/A)				A		A		A	A	A	A	
Startup lost time				2.0		2.0		2.0	2.0	2.0	2.0	
Ext. eff. green				2.0		2.0		2.0	2.0	2.0	2.0	
Arrival type				3		3		3	3	3	3	
Unit Extension				3.0		3.0		3.0	3.0	3.0	3.0	
Ped/Bike/RTOR Volume	0			0		170	0		35			
Lane Width				12.0		12.0		12.0	12.0	12.0	12.0	
Parking/Grade/Parking	N		N	N	0	N	N	0	N	N	0	N
Parking/hr												
Bus stops/hr				0		0		0	0	0	0	
Unit Extension				3.0		3.0		3.0	3.0	3.0	3.0	

Phasing	WB Only	02	03	04	SB Only	Thru & RT	07	08
Timing	G = 15.0	G =	G =	G =	G = 18.0	G = 63.0	G =	G =
	Y = 5	Y =	Y =	Y =	Y = 5	Y = 4	Y =	Y =

Duration of Analysis (hrs) = 0.25 | Cycle Length C = 110.0

Lane Group Capacity, Control Delay, and LOS Determination

	EB			WB			NB			SB		
Adj. flow rate				232		195		2411	142	268	1526	
Lane group cap.				478		220		2176	925	295	2971	
v/c ratio				0.49		0.89		1.11	0.15	0.91	0.51	
Green ratio				0.14		0.14		0.57	0.57	0.16	0.78	
Unif. delay d1				43.9		46.7		23.5	11.0	45.2	4.4	
Delay factor k				0.11		0.41		0.50	0.11	0.43	0.12	
Increm. delay d2				0.8		32.2		56.0	0.1	30.0	0.2	
PF factor				1.000		1.000		1.000	1.000	1.000	1.000	
Control delay				44.7		78.9		79.5	11.1	75.2	4.5	
Lane group LOS				D		E		E	B	E	A	
Apprch. delay				60.3			75.7			15.1		
Approach LOS				E			E			B		
Intersec. delay	51.5			Intersection LOS						D		

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SHORT REPORT

General Information		Site Information	
Analyst	RLP	Intersection	Koreshan Blvd @ U.S. 41
Agency or Co.	Metro Transportation Group	Area Type	All other areas
Date Performed	12/16/2003	Jurisdiction	Lee County
Time Period	PM Peak Hour	Analysis Year	2006 Buildout w/ 6 lane US 41

Volume and Timing Input

	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	0	0	0	2	0	1	0	3	1	1	3	0
Lane group				L		R		T	R	L	T	
Volume (vph)				220		355		2290	170	255	1450	
% Heavy veh				0		0		0	0	0	0	
PHF				0.95		0.95		0.95	0.95	0.95	0.95	
Actuated (P/A)				A		A		A	A	A	A	
Startup lost time				2.0		2.0		2.0	2.0	2.0	2.0	
Ext. eff. green				2.0		2.0		2.0	2.0	2.0	2.0	
Arrival type				3		3		3	3	3	3	
Unit Extension				3.0		3.0		3.0	3.0	3.0	3.0	
Ped/Bike/RTOR Volume	0			0		170	0		35			
Lane Width				12.0		12.0		12.0	12.0	12.0	12.0	
Parking/Grade/Parking	N		N	N	0	N	N	0	N	N	0	N
Parking/hr												
Bus stops/hr				0		0		0	0	0	0	
Unit Extension				3.0		3.0		3.0	3.0	3.0	3.0	

Phasing	WB Only	02	03	04	SB Only	Thru & RT	07	08
Timing	G = 15.0	G =	G =	G =	G = 18.0	G = 63.0	G =	G =
	Y = 5	Y =	Y =	Y =	Y = 5	Y = 4	Y =	Y =

Duration of Analysis (hrs) = 0.25 | Cycle Length C = 110.0

Lane Group Capacity, Control Delay, and LOS Determination

	EB			WB			NB			SB		
Adj. flow rate				232		195		2411	142	268	1526	
Lane group cap.				478		220		3127	925	295	4269	
v/c ratio				0.49		0.89		0.77	0.15	0.91	0.36	
Green ratio				0.14		0.14		0.57	0.57	0.16	0.78	
Unif. delay d1				43.9		46.7		18.0	11.0	45.2	3.6	
Delay factor k				0.11		0.41		0.32	0.11	0.43	0.11	
Increm. delay d2				0.8		32.2		1.2	0.1	30.0	0.1	
PF factor				1.000		1.000		1.000	1.000	1.000	1.000	
Control delay				44.7		78.9		19.2	11.1	75.2	3.7	
Lane group LOS				D		E		B	B	E	A	
Apprch. delay				60.3			18.8			14.4		
Approach LOS				E			B			B		
Intersec. delay	20.8			Intersection LOS						C		

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INTERSECTION ANALYSES – U.S. 41

@ LEFT IN/RIGHT IN/RIGHT OUT

ACCESS DRIVEWAY

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	*RLP*	Intersection	*US 41@Directional Site Access*
Agency/Co.	*Metro Transportation Group*	Jurisdiction	*Lee County*
Date Performed	*12/16/2003*	Analysis Year	*2006 Build-out*
Analysis Time Period	*PM Peak*		

Project Description	*Koreshan Walmart - F0302.15*
East/West Street:	*Directional Site Access*
North/South Street:	*U.S. 41*
Intersection Orientation:	*North-South*
Study Period (hrs):	*0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	*0*	*2540*	*105*	*120*	*1705*	*0*
Peak-Hour Factor, PHF	*1.00*	*1.00*	*1.00*	*1.00*	*1.00*	*1.00*
Hourly Flow Rate, HFR	*0*	*2540*	*105*	*120*	*1705*	*0*
Percent Heavy Vehicles	*0*	–	–	*0*	–	–
Median Type	*Raised curb*					
RT Channelized			*0*			*0*
Lanes	*0*	*2*	*1*	*1*	*2*	*0*
Configuration		*T*	*R*	*L*	*T*	
Upstream Signal		*0*			*0*	

Minor Street	Westbound			Eastbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume	*0*	*0*	*120*	*0*	*0*	*0*
Peak-Hour Factor, PHF	*1.00*	*1.00*	*1.00*	*1.00*	*1.00*	*1.00*
Hourly Flow Rate, HFR	*0*	*0*	*120*	*0*	*0*	*0*
Percent Heavy Vehicles	*0*	*0*	*0*	*0*	*0*	*0*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*0*	*1*	*0*	*0*	*0*
Configuration			*R*			

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		*L*			*R*			
v (vph)		*120*			*120*			
C (m) (vph)		*162*			*162*			
v/c		*0.74*			*0.74*			
95% queue length		*4.58*			*4.58*			
Control Delay		*72.9*			*72.9*			
LOS		*F*			*F*			
Approach Delay	–	–	*72.9*					
Approach LOS	–	–	*F*					

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Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations			↑↑↑			↑↑↑
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	0	120	2540	105	120	1705
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (veh/h)	0	130	2761	114	130	1853
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage veh)						
Upstream signal (ft)			469			
pX, platoon unblocked	0.64	0.64			0.64	
vC, conflicting volume	3639	920			2875	
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	4007	0			2803	
tC, single (s)	6.8	6.9			4.1	
tC, 2 stage (s)						
tF (s)	3.5	3.3			2.2	
p0 queue free %	0	81			0	
cM capacity (veh/h)	0	689			86	

Direction, Lane #	WB 1	NB 1	NB 2	NB 3	NB 4	SB 1	SB 2	SB 3	SB 4
Volume Total	130	920	920	920	114	130	618	618	618
Volume Left	0	0	0	0	0	130	0	0	0
Volume Right	130	0	0	0	114	0	0	0	0
cSH	689	1700	1700	1700	1700	86	1700	1700	1700
Volume to Capacity	0.19	0.54	0.54	0.54	0.07	1.51	0.36	0.36	0.36
Queue Length (ft)	17	0	0	0	0	257	0	0	0
Control Delay (s)	11.4	0.0	0.0	0.0	0.0	366.6	0.0	0.0	0.0
Lane LOS	B					F			
Approach Delay (s)	11.4	0.0				24.1			
Approach LOS	B								

Intersection Summary			
Average Delay	9.9		
Intersection Capacity Utilization	65.4%	ICU Level of Service	B

HCS 2000 INTERSECTION ANALYSIS – KORESHAN BOULEVARD @ WESTERN FULL ACCESS

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	RLP	Intersection	Koreshan@West Full Access
Agency/Co.	Metro Transportation Group	Jurisdiction	Lee County
Date Performed	12/16/2003	Analysis Year	2006 Build-out
Analysis Time Period	PM Peak		

Project Description: Koreshan Walmart - F0302.15

East/West Street: Koreshan Boulevard	North/South Street: Western Full Access
Intersection Orientation: East-West	Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	85	340	0	0	390	120
Peak-hour factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate (veh/h)	85	340	0	0	390	120
Proportion of heavy vehicles, P_{HV}	0	–	–	0	–	–
Median type	Raised curb					
RT Channelized?			0			0
Lanes	1	2	0	0	2	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	0	0	0	100	0	185
Peak-hour factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate (veh/h)	0	0	0	100	0	185
Proportion of heavy vehicles, P_{HV}	0	0	0	0	0	0
Percent grade (%)	0			0		
Flared approach		N			N	
Storage		0			0	
RT Channelized?			0			0
Lanes	0	0	0	1	0	1
Configuration				L		R

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L					L		R
Volume, v (vph)	85					100		185
Capacity, c_m (vph)	1065					449		820
v/c ratio	0.08					0.22		0.23
Queue length (95%)	0.26					0.84		0.86
Control Delay (s/veh)	8.7					15.3		10.7
LOS	A					C		B
Approach delay (s/veh)	–	–				12.3		
Approach LOS	–	–				B		

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HCS 2000 INTERSECTION ANALYSIS – KORESHAN BOULEVARD @ EASTERN FULL ACCESS

TWO-WAY STOP CONTROL SUMMARY

General Information

Analyst	RLP
Agency/Co.	Metro Transportation Group
Date Performed	12/16/2003
Analysis Time Period	PM Peak

Site Information

Intersection	Koreshan@East Full Access
Jurisdiction	Lee County
Analysis Year	2006 Build-out

Project Description: Koreshan Walmart - F0302.15

East/West Street: Koreshan Boulevard | North/South Street: Eastern Full Access

Intersection Orientation: East-West | Study Period (hrs): 0.25

Vehicle Volumes and Adjustments

Major Street	Eastbound			Westbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume (veh/h)	75	365	0	0	490	20
Peak-hour factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate (veh/h)	75	365	0	0	490	20
Proportion of heavy vehicles, P_{HV}	0	–	–	0	–	–
Median type	Raised curb					
RT Channelized?			0			0
Lanes	1	2	0	0	2	1
Configuration	L	T			T	R
Upstream Signal		0			0	

Minor Street	Northbound			Southbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume (veh/h)	0	0	0	100	0	50
Peak-hour factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
Hourly Flow Rate (veh/h)	0	0	0	100	0	50
Proportion of heavy vehicles, P_{HV}	0	0	0	0	0	0
Percent grade (%)		0			0	
Flared approach		N			N	
Storage		0			0	
RT Channelized?			0			0
Lanes	0	0	0	1	0	1
Configuration				L		R

Control Delay, Queue Length, Level of Service

Approach	EB	WB	Northbound			Southbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration	L					L		R
Volume, v (vph)	75					100		50
Capacity, c_m (vph)	1065					416		762
v/c ratio	0.07					0.24		0.07
Queue length (95%)	0.23					0.93		0.21
Control Delay (s/veh)	8.6					16.4		10.1
LOS	A					C		B
Approach delay (s/veh)	–	–				14.3		
Approach LOS	–	–				B		

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TRIP GENERATION EQUATIONS

TRIP GENERATION EQUATIONS
KORESHAN WAL★MART
TRAFFIC IMPACT STATEMENT

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Weekday
Residential Condominium/Townhouse (LUC 230)	Ln(T) = 0.790 Ln(X) + 0.298	Ln(T) = 0.827 Ln(X) + 0.309	Ln(T) = 0.850 Ln(X) + 2.564
T = Trips, X = # of units			
Free Standing Discount Superstore (LUC 813)	T = 1.84 (X)	T = 3.82 (X)	T = 59.492 (X) – 1,930.270
T = Trips, X = 1,000 square feet of floor area			
Free Standing Discount Superstore (LUC 820)	Ln(T) = 0.596 Ln(X) + 2.329	Ln(T) = 0.660 Ln(X) + 3.403	Ln(T) = 0.643 Ln(X) + 5.866
T = Trips, X = 1,000 square feet of floor area			

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: January 7, 2004

TO: Jerry Murphy
Planner

FROM: Mike Carroll
Mike Carroll
Development Review Manager

RE: WAL-MART, KORESHAN BLVD. AND US 41

I have the following comments after having reviewed the Traffic Impact Statement for the referenced project:

The project will be a 210,000 square foot store containing a discount department store, grocery store, automobile service center. There will also be a outdoor garden store that will cover 14,973 square feet. This project will be expected to attract 385 a.m. peak hour trips and 800 p.m. peak hour trips which will access the site by one driveway on US 41 and two driveways on Koreshan Blvd.

In the latest Concurrency Management Inventory and Projections dated December 2003 we show that US 41 provided LOS C during the 100th highest hour in 2002 but because there is only a small difference between the maximum volume at LOS C and the minimum volume at LOSE and LOS F the report shows that the expected growth in traffic will cause the 100th highest hour in 2003 to provide LOS F. The Wal-Mart store will cause the existing condition of US 41 to become worse until this section of US 41 can be widened to six lanes which is anticipated to begin in 2009 or later. Lee County has advanced funds to FDOT for the design of the improvements and acquisition of additional right-of-way is to be funded in the 2006/07 fiscal year. Construction of the six lane project is noy in the current five work program of the FDOT. It should be pointed out that projects in the later years of the FDOT five year work plan often slip back a year or more, for any number of reasons, before construction begins.

Policy 22.3.2 of THE LEE PLAN states "Lee County will continue to annually identify roadway conditions and available capacity as part of its concurrency management report. The report will identify both existing traffic conditions and forecast conditions. The

EXHIBIT "E"

available capacity for existing conditions will include the added capacity of roadway improvements programmed in the first three years of an adopted County Capital Improvement Program or State Five Year Work Program."

Policy 23.2.2 of THE LEE PLAN states "No Development order or Development Permit, as defined in Section 163.3164, F.S., will be granted if the approval will result in a needed facility not being available concurrent with the impacts of the development, unless the applicant has been granted previous development rights consistent with the Florida Department of Community Affairs' Declaratory Statement #88-DS-1 and 88-DS-2."

In light of these policies in THE LEE PLAN a development order for the Wal-mart store cannot be approved at this time.

Jerry

LEE COUNTY
SOUTHWEST FLORIDA

DEPARTMENT OF TRANSPORTATION

LEE COUNTY
RECEIVED
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SECOND FLOOR

Memo

To: Gerald Murphy
Senior Planner

From: Andrew J. Getch
Andrew Getch, P.E.
Senior Engineer

Date: June 30, 2004

Re: Estero Golf Resort MPD Wal-Mart Concept
DCI2003-00058

The Department of Transportation has received this request to revise the zoning conditions and Master Concept Plan (MCP) with a "Wal-Mart Option" on the subject Mixed Planned Development (MPD). We have reviewed the Traffic Impact Statement (TIS) dated December 17, 2003 by Metro Transportation Group, Inc. for the requirements of a Zoning TIS in AC-13-17. The Traffic Impact Statement (TIS) specifies a 210,000 SF Wal-Mart Supercenter (Sales Floor and Tire & Lube Express), 15,000 SF shopping center and 340 residential condominium/townhouse dwelling units. The proposed modifications are depicted on the MCP as west of the Seminole Gulf Railway. We have the following substantive comments that you may wish to include in the staff report:

There are some concerns with the timing of U.S. 41 6-laning, traffic operations adjacent to the site, and the project access to Estero Parkway that are addressed below. Beyond traffic operations issues on County maintained roads and future Lee County roadway needs, LCDOT staff defers to Department of Community Development staff on concurrency issues, the evaluation of Zoning TIS review, site location standards, deviations, and issues along State highways.

U.S. 41

U.S. 41 is an arterial roadway maintained by the Florida Department of Transportation (FDOT). The segment of U.S. 41 from Corkscrew Road to San Carlos Boulevard is an existing four-lane highway planned to be six-laned. The phases in the FDOT 2004-2008 Work Program are Preliminary Engineering and Right Of Way. Preliminary Engineering with funding advanced by Lee County. Right of way acquisition is funded in FY 2007. The FDOT 2004-2009 Tentative Work Program advances right of way acquisition to 2004 and adds construction funded in FY 2009. The FDOT 2004-2009 Tentative Work Program revisions are expected to become effective by the beginning of the next state fiscal year on July 1, 2004. It is our understanding that advancement of the timing of construction to FY 2007 may be possible should funds become available. Staff has explored the possibility of a commercial paper loan to advance the construction phase. Lee County would

EXHIBIT "F"

be required to pay the finance charges and staff has not received direction to pursue a loan to fund construction on State Roads.

The applicant's consultant's have suggested they may be willing to construct a traffic signal at Estero Parkway coincident with the construction of a Wal-Mart Supercenter and contribute a pro-rata share of the costs. Since this is a T-intersection, the left turn movements to and from Estero Parkway create the need for a traffic signal. The TIS indicates that the background left turn volumes will be 195 southbound and 25 westbound for a total of 220. The project traffic will add 60 southbound and 190 westbound left turns for a total of 255. Based on the TIS, the project will contribute 255 of a total of 475 or 56 percent of the total left turn movements. A southbound dual left would also improve operation of a signalized intersection. It is our understanding that a traffic signal at the intersection of U.S. 41 is included in the FDOT 6-laning design. Design and operational decisions for U.S. 41 are made by the Florida Department of Transportation.

Estero Parkway

Koreshan Boulevard was renamed Estero Parkway earlier this year by the Board of County Commissioners. It is an existing four-lane roadway with a functional classification of an arterial. The existing intersection with Estero Parkway has two lanes approaching U.S. 41. The left lane terminates in a left lane must turn left condition. The right lane terminates in a right lane must turn right condition. Sufficient pavement and a traffic separator have been constructed for a future dual left turn lane.

It is our understanding that the Estero community has requested a right turn on red prohibition at U.S. 41. This would also fall under FDOT jurisdiction. The right turn on red movement was permitted in the intersection analysis provided by the applicant. The applicant's TIS contained an assumption that approximately half of the vehicles would turn right on red. Even with that assumption, a single-lane westbound right turn is estimated to have an average delay of 78.9 seconds. An average delay of 80 seconds is considered level of service "F". If the right turn on red is determined to be prohibited it will diminish capacity for the westbound to northbound right turn movement and likely require a higher percentage of green time allocated for Estero Parkway to accommodate the movement volume. A westbound dual right turn would likely offset the reduction in movement capacity.

AJG/mlb

cc: David Loveland, Planning Program Manager
Robert G. Rentz, Development Review Engineer
Donna Marie Collins, Assistant County Attorney
Ted Treesh, Metro Transportation Group

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: **June 22, 2004**

To: **Jerry Murphy, Planner**
From: **Kim Trebatoski; Principal Environmental Planner**
Phone: (239) 479-8183
E-mail: trebatkm@leegov.com

Project: **Estero Golf Resort MPD**
Case: **DCI2003-00058**
STRAP: **21-46-25-00-00001.0010 & portions of 21-46-25-00-00001.0020/.0030**

The Division of Environmental Sciences (ES) staff have reviewed the proposed amendment to the Estero Golf Resort Mixed-Use Planned Development (MPD) to revise the commercial and residential tracts west of the train tracks. The proposed revisions include a redesign of the storm water lakes and the configuration of the development tracts MPD-1 through MPD-5. The indigenous preservation areas remain as previously approved.

There have not been any notable changes in the environmental status of the property. The previous approval included a number of environmental conditions relating to the indigenous preservation areas and the listed species observed onsite. ES staff recommend that condition 3(a)-(f) be retained as a part of any approval for the proposed amendment.

The open space provided within the commercial and residential tracts MPD Tract 1-5 has not changed from the approved MPD zoning resolution Z-01-012. The proposed amendment increases the indigenous preservation area provided from 13.14 acres to 13.98 acres. ES staff recommend the following condition to confirm the indigenous preservation acreage:

Prior to local development order approval, the development order plans must delineate a minimum of 13.98 acres of indigenous preservation and restoration in substantial compliance with the Master Concept Plan.

Prior to issuance of a Certificate of Compliance for the commercial portion of the planned development, the indigenous restoration and invasive exotic removal must be completed within the preserves west of the railroad tracts.

The open space area within the Wal-Mart tract of the planned development was discussed at the Estero Community Planning Panel meeting. The Estero community asked that the 30% open space for the commercial tract be met within the commercial portions of the MPD. The applicant's

EXHIBIT "G"

response to this request was the proposed Wal-Mart development has 10.08 acres of open space, more than double the 5.0 acres required in the approved zoning resolution. ES staff recommend the following condition to confirm the open space to be provided within the commercial portion of the MPD and the landscaping required in addition to the minimum LDC standards:

Prior to local development order approval, the landscape plans for the commercial portion of the MPD must include a minimum of 10 acres of open space within the commercial portion of the MPD; and be substantially consistent with the landscape plan stamped received May 11, 2004 prepared by CPH Engineers.

Deviation 9:
The request explained through Deviation 9 is not a deviation, but a reconfiguration of the proposed MCP. ES staff appreciate the explanation of the lake reconfiguration. Please withdraw Deviation 9 as it is not a deviation to redesign a MCP.

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Toll FL GP Corp., General Partner filed an application for administrative approval to a Mixed Use Planned Development on a project known as Estero Golf Resort (Being developed as Belle Lago) for a temporary sales center on property located between US 41 and Three Oaks Pkwy., on north side of Koreshan Blvd., just east of the railroad tracks, described more particularly as:

LEGAL DESCRIPTION: In Section 21, Township 46 South, Range 25 East, Lee County, Florida:

See Legal Description Attached as EXHIBIT "A"

WHEREAS, the property was originally rezoned in case number DCI2000-00032 (with subsequent amendments in case numbers DOS2002-00239 & DOS2002-00253); and

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

WHEREAS, the subject property was rezoned to a Mixed Use Planned Development, Resolution Z-01-012a, in reference to Estero Golf Resort MPD;and

WHEREAS, the developer is desirous of placing a temporary sales center on the subject property: and

WHEREAS, a temporary sales center is permitted on Tract MPD-5;and

WHEREAS, the temporary sales center will be removed within 60 days after the permanent model/sales center is opened; 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.

EXHIBIT "H"

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to amend the master concept plan to allow a temporary sales center in the Mixed Use Planned Development is **APPROVED.**

Approval is subject to the following conditions:

1. **The temporary sales center must be in compliance with the amended Master Concept Plan, stamped received by Community Development on March 3, 2003, entitled "ESTERO GOLF RESORT Amended Master Concept Plan for Belle Lago Temporary Sales Center", Sheet 1 of 1, dated 02-26-03. Master Concept Plan for ADD2003-00014 is hereby APPROVED and adopted. A reduced copy is attached hereto.**

2. **The terms and conditions of the original zoning resolutions remain in full force and effect.**

3. **The temporary sales center must be in compliance with the Land Development Code (LDC) for temporary uses.**

4. **The temporary sales center must be removed within 60 days after the permanent model/sales center receives a certificate of occupancy.**

DULY SIGNED this 13th day of March, A.D., 2003.

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

EXHIBIT "A"

LEGAL DESCRIPTION FOR BELLE LAGO

LEGAL DESCRIPTION

A Tract or Parcel of Land in Section 21, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 21, thence along the East line of Section 21, N.00°46'45"W., a distance of 94.98 feet to the Northerly Right-of-Way line of Koreshan Boulevard (As described in O.R. Book 2183, Pages 3461 – 3462) to the Point of Beginning; thence continue N.00°46'45"W. along said East line of Section 21, a distance of 2555.79 feet to the East quarter corner of said Section 21; thence N.00°53'22"W., a distance of 2646.37 feet to the Northeast corner of said Section 21; thence N.89°29'23"W. along the North line of Section 21, a distance of 1322.73 feet to the East line of The Vintage Golf and Country Club as recorded in Plat Book 37, Page 38, of the Public Records of Lee County, Florida; thence S.00°53'13"E., along said East line of The Vintage Golf and Country Club, a distance of 1317.90 feet; thence S.44°54'53"W. a distance of 2370.26 feet; thence continue S.32°34'51"E. along the Easterly Right-of-Way line of the Seaboard Coast line Railroad a distance of 2513.30 feet; thence along the Northerly Right-of-Way line of Koreshan Boulevard, continue S.86°11'52"E., a distance of 1148.53 feet to a point of curvature, thence continue 552.84 feet along the arc of said curve concave to the Northeast, having a radius of 11425.00 feet, a central angle of 02°46'21", a chord distance of 552.79 feet and a chord bearing of S.87°35'02"E. to said Point of Beginning.

Applicant's Legal Checked
by 13MAR03

RECEIVED
MAR 12 2003
ZONING COUNTER

ADD 2003-00014

P:\Estero\Master Plan\Legal\boundary-less-sales-desc.dwg, 11/25/2002 09:12 AM

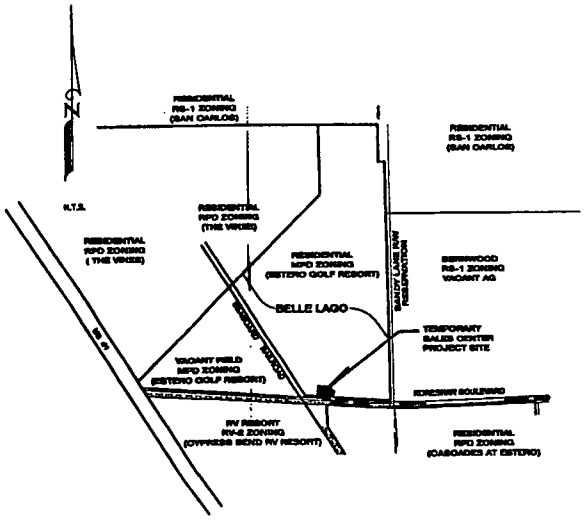
PREPARED BY: HEIDT & ASSOCIATES, Inc.
Tampa • Fort Myers
CIVIL ENGINEERING
PLANNING
SURVEYING
ENVIRONMENTAL PERMITTING
LANDSCAPE ARCHITECTURE
Fort Myers Office
3800 Colonial Blvd Suite 200
Fort Myers, Florida 33912
Phone: 941-482-7275
FAX: 941-482-2103

LEGAL DESCRIPTION FOR BELLE LAGO

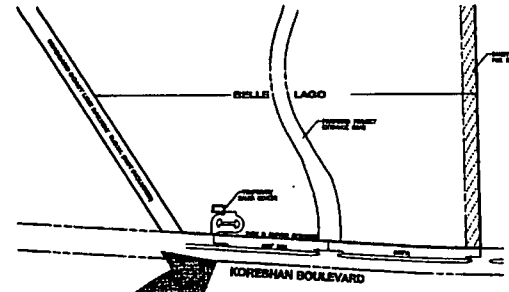
Prepared For: TOLL BROTHERS INC.

SHEET 1 OF 1	Dwn. SU / Ck. SU	DWG: BNDY-LESS-SALES
	Date: 10/23/02	Order No.: TB2-ES
	SEC. 21, TWP.46 S, RGE. 25 E LEE COUNTY, FLORIDA	

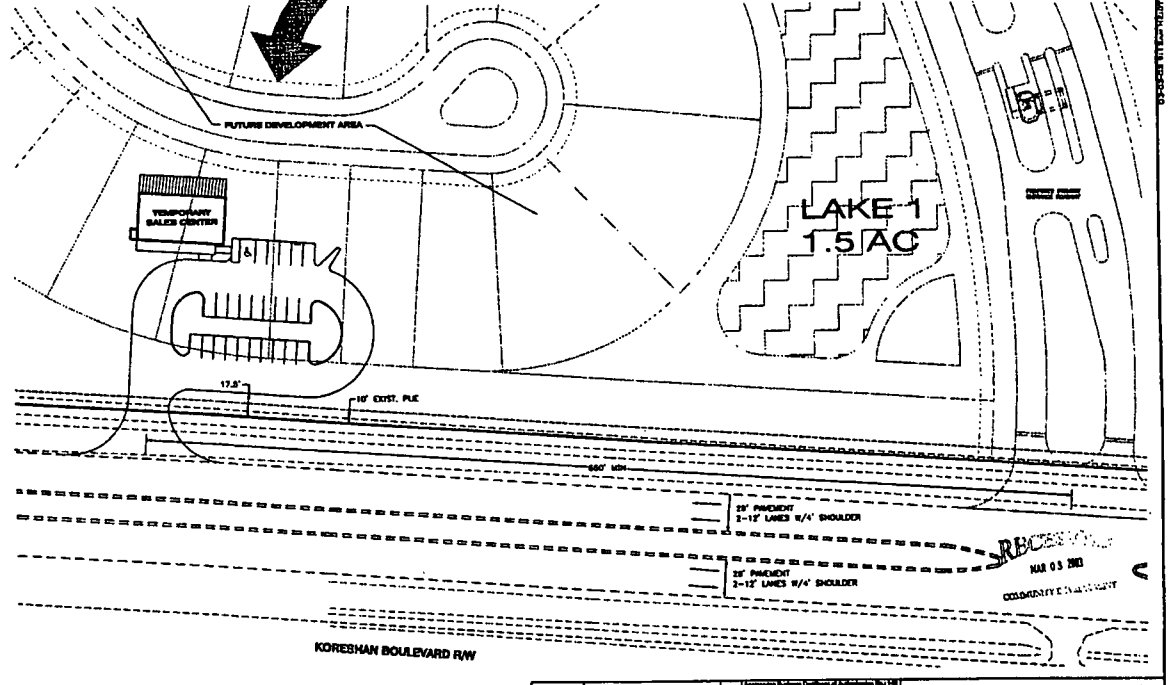
APPROVED
Amended Plan
Subject to Case # ADD 2003-00014
Resolution # 03-2003



LOCATION MAP



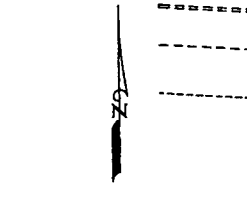
SCALE: 1" = 300'



MAR 05 2003
COMMUNITY DEVELOPMENT

MASTER CONCEPT PLAN NOTES

1. THE TEMPORARY SALES CENTER AND DRIVEWAY CONNECTION TO KORESHAN BOULEVARD SHALL BE REMOVED WITHIN 60 DAYS AFTER THE OPENING OF THE PERMANENT SALES FACILITY WITHIN THE COMMUNITY.



SCALE: 1" = 40'

DATE	DESCRIPTION	BY
	REVISIONS	

Wessy & Associates, Inc.
Tampa • Fort Myers
Fort Myers Office
2800 Cleveland Blvd.
Suite 205
Fort Myers, Florida 33916
Phone: 239-489-9778
FAX 239-489-9782

R. H. McCormick P.E. NO. 46812
FLORIDA PROFESSIONAL ENGINEER

BELLE LAGO ADMINISTRATIVE AMENDMENT 1A

ESTERO GOLF RESORT
AMENDED MASTER CONCEPT PLAN
FOR BELLE LAGO
TEMPORARY SALES CENTER

TOLL BROTHERS

SHEET 1 OF 1 SHEETS

ADD 2003-00014

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Toll FL GP Corp., General Partner filed an application for administrative approval to a Mixed Use Planned Development on a project known as Estero Golf Resort (Being developed as Belle Lago) to amend the master concept plan in reference to Estero Golf Resort MPD, a mixed use planned development to:

1. revise the master concept plan to address Section B, Condition 6.a., Resolution Z-01-012a, to show the Sandy Lane right-of-way reservation consistent with the sketch set forth in the Lee County DOT Exhibit entitled "Sketch and description of Sandy Lane Extension", Exhibit D;

2. show the location of model homes, model sales center, and parking lot location for the model homes on lots located in Tracts MPD-6 and MPD-7;

3. clarify Section B, Condition 11., Resolution Z-01-012a, that requires the developer show an emergency access connecting to the existing Oriole Road to the north prior to development order approval for any portion of the project;

4. amend Tracts MPD-6 through MPD-12 to reflect the revised master concept plan, which reconfigures Tracts MPD-6 through MPD-12; and

5. revise the master concept plan to construct a combination berm/wall along the Seaboard Coastline Railway R.O.W. and Koreshan Boulevard right-of-way, which exceeds the requirements of Section 34-1743(b)(1) of the land Development code.

on property located between US 41 and Three Oaks Pkwy., on north side of Koreshan Blvd., just east of the railroad tracks, described more particularly as:

LEGAL DESCRIPTION: In Section 21, Township 46 South, Range 25 East, Lee County, Florida:

See Legal Description Attached as EXHIBIT "A"

WHEREAS, the property was originally rezoned to Mixed Use Planned Development (MPD) in case number DCI2000-00032, with subsequent amendments in case numbers DOS2002-00239, DOS2002-00253, and add2003-00014; and

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

EXHIBIT "I"

WHEREAS, a temporary sales center was previously approved as a supplement to this application as Administrative Amendment ADD2003-00014; and

WHEREAS, Lee County Department of Transportation has reviewed Sandy Lane right-of-way reservation as shown on the master concept plan and find it consistent with the sketch set forth in Exhibit B entitled "Sketch and description of Sandy Lane Extension"; and

WHEREAS, the master concept plan has been revised to show 15 model homes designated "M" on the revised master concept plan for Tracts MPD-6 and MPD-7, with lots in Tract MPD-6 designated for a sales center and parking in association with the model homes; and

WHEREAS, staff has reviewed the request to amend Section B, Condition 11., Resolution Z-01-012a, to show the emergency access connecting to the existing Oriole Road after the first residential development order approval; and

WHEREAS, the applicant met with the Estero Community Planning Panel (ECPP) on October 17, 2002, to discuss the residential development, known as the Estero Golf Resort project; and

WHEREAS, the developer indicated to the ECPP that approvals were being sought for the sales center, three residential pods and infrastructure for the entire residential site; and

WHEREAS, summary of the ECPP meeting of October 17, 2002, reflected no objection to the proposed changes to the project; and

WHEREAS, the applicant sought comments from the Vines, a residential development immediately to the west of the project, on the proposed changes to the master concept plan; and

WHEREAS, R. W. Collins, President. Board of Directors, Vines Community Association and Bud Caldwell, President, Board of Governors, Vines Country Club, in correspondence dated March 7, 2003, expressed no objection to the revised master concept plan; and

WHEREAS, Ms. Kay Rok, President of the Vines Homeowners Association, in correspondence dated May 2, 2003, expressed no objection to the revised master concept plan with the understanding that there will be a 20 foot Type B buffer with a 2 foot berm and landscaping plantings installed adjacent to the Vines to provide a visual screen between the Vines and Belle Lago; and

WHEREAS, the applicant is proposing a combination wall and berm adjacent to the Seaboard Coastline Railway R.O.W. and Koreshan Boulevard right-of-way that exceeds the requirements of Section 34-1743(b((1) of the Land Development Code and the proposed buffer will be in substantial compliance with the cross sections shown on the revised master concept plan for Estero Golf Resort project; 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 to amend the master concept plan in reference to Estero Golf Resort MPD, a mixed use planned development Mixed Use Planned Development is APPROVED to:

1. amend the master concept plan to address Section B, Condition 6.a., Resolution Z-01-012a, to show the Sandy Lane right-of-way reservation consistent with the sketch set forth in the Lee County DOT Exhibit entitled "Sketch and description of Sandy Lane Extension", Exhibit D;

2. amend the master concept plan to show the location of model homes andsales center, including the sales center parking lot, in association with the model home sites on lots located in Tracts MPD-6 and MPD-7;

3. clarify Section B, Condition 11., Resolution Z-01-012a, that requires the developer show an emergency access connecting to the existing Oriole Road to the north prior to development order approval for any portion of the project;

4. amend Tracts MPD-6 through MPD-12 to reflect the revised master concept plan, which reconfigures Tracts MPD-6 through MPD-12; and

5. to amend the master concept plan to construct a combination berm/wall along the railroad right-of-way and Koreshan Boulevard right-of-way, which exceeds the requirements of Section 34-1743(b)(1) of the land Development code.

Approval is subject to the following conditions:

1. The Development must be in compliance with the amended Master Concept Plan, stamped received by the zoning counter on May 30, 2003, entitled "ESTERO GOLF RESORT Amended Master Concept Plan, MPD TRACTS 6-12", Sheet 1 of 1, dated 02-03-03. Master Concept Plan for ADD2003-00014A is hereby APPROVED and adopted. A reduced copy is attached hereto.

2. The proposed amendment to the Master Concept Plan and attendant Land Use Summary, Master Concept Plan Notes, Parking, and South and West Perimeter

Buffers elevations as shown, on the Master Concept Plan, stamped received by Community Development on May 30, 2003, entitled "ESTERO GOLF RESORT Amended Master Concept Plan, MPD TRACTS 6-12", Sheet 1 of 1, dated 02-03-03, apply only to the residential portion of the Estero Golf Resort MPD east of the Seaboard Coastline Railway R.O.W.

3. A maximum of 450 residential dwelling units will be permitted on Tracts MPD-6 through MPD-12, as shown on the revised Master Concept Plan attached hereto.

4. A minimum 20 foot wide Type B buffer, with a 2 foot berm and landscape plantings must be installed adjacent to the Vines property to provide a visual screen between the Vines and Belle Lago. The proposed buffer must be in substantial compliance with the proposed buffer planting plan as shown on the attached sketch entitled, "BELLE LAGO AMENDMENT - PARCEL F", Cross-Section for Parcel F Buffer Adjacent to the Vines, stamped received by the zoning counter on May 16, 2003, attached hereto for reference purposes.

5. The lot configuration for the lots adjacent to the Vines will be in substantial compliance with the attached sketch entitled "BELLE LAGO AMENDMENT - PARCEL F", Typical Lots in Parcel F and Buffer Adjacent to the Vines, stamped received by the zoning counter on May 16, 2003, attached hereto for reference purposes.

6. Lots adjacent to the Vines must be conventional single-family homes on lots having a minimum lot width of 75 feet and a minimum lot depth of 140 feet, as shown on the attached sketch entitled, "BELLE LAGO AMENDMENT - PARCEL F", Typical Lots in Parcel F and Buffer Adjacent to the Vines, stamped received by the zoning counter on May 16, 2003, attached hereto for reference purposes.

7. Prior to local development order approval, the development order plans must include:

   a. enhancement planting detail as setforth in the document prepared by Pasarella and Associates entitled, "Belle Lago Wetland Mitigation/Monitoring/Maintenance Plan SFWMD application No. 001026-3 Revised January 31, 2003" (attached hereto). Uplands plantings must be mulched with pine straw and temporary irrigation system established;

   b. the exotic removal plan must include the Category 1 exotic pest plants; and

   c. where lakes abut the preserve, lake slopes must be 8:1 to provide an enlarged littoral zone. Littoral planting must be calculated as two littoral plants per linear foot. The majority of the littoral plants must be installed in the enlarged littoral zone to provide wading bird habitat.

8. **Section B, Condition 11, Resolution Z-01-12a, is hereby amended by adding in underline format the following language:**

Prior to <u>the first residential</u> Development Order approval for any portion of the property, the developer must show an emergency access connecting to the existing Oriole Road to the north. Prior to the opening of Sandy Lane extension that will connect to the existing Oriole Road, the developer must revise the emergency access so that it will be accessible from the future sandy Lane extension.

9. **Section B, Condition 21, permitted residential, golf course, and maintenance on Tract MPD-7, as originally configured in Resolution Z-01-12a. Any relocation of the internal location of the maintenance facility as originally approved will require, at a minimum, an administrative amendment to the Estero Golf Resort MPD.**

10. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**

DULY SIGNED this 3rd day of June, A.D., 2003.

BY: Mary Gibbs
for Pam Houck, Director
Division of Zoning
Department of Community Development

EXHIBIT A

LEGAL DESCRIPTION FOR BELLE LAGO

LEGAL DESCRIPTION

A Tract or Parcel of Land in Section 21, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 21, thence along the East line of Section 21, N.00°46'45"W., a distance of 94.98 feet to the Northerly Right-of-Way line of Koreshan Boulevard (As described in O.R. Book 2183, Pages 3461 - 3462) to the Point of Beginning; thence continue N.00°46'45"W. along said East line of Section 21, a distance of 2555.79 feet to the East quarter corner of said Section 21; thence N.00°53'22"W., a distance of 2646.37 feet to the Northeast corner of said Section 21; thence N.89°29'23"W. along the North line of Section 21, a distance of 1322.73 feet to the East line of The Vintage Golf and Country Club as recorded in Plat Book 37, Page 38, of the Public Records of Lee County, Florida; thence S.00°53'13"E., along said East line of The Vintage Golf and Country Club, a distance of 1317.90 feet; thence S.44°54'53"W. a distance of 2370.26 feet; thence continue S.32°34'51"E. along the Easterly Right-of-Way line of the Seaboard Coast line Railroad a distance of 2513.30 feet; thence along the Northerly Right-of-Way line of Koreshan Boulevard, continue S.86°11'52"E., a distance of 1148.53 feet to a point of curvature, thence continue 552.84 feet along the arc of said curve concave to the Northeast, having a radius of 11425.00 feet, a central angle of 02°46'21", a chord distance of 552.79 feet and a chord bearing of S.87°35'02"E. to said Point of Beginning.

Applicant's Legal Checked
by 13MAR03

RECEIVED
MAR 12 2003
ZONING COUNTER

ADD 2003-00014

P:\Estero Master Plan\Legal\boundary-less-sales-desc.dwg, 11/25/2002 09:12 AM

PREPARED BY: HEIDT & ASSOCIATES, Inc.
Tampa ◆ Fort Myers
CIVIL ENGINEERING
PLANNING
SURVEYING
ENVIRONMENTAL PERMITTING
LANDSCAPE ARCHITECTURE
Fort Myers Office
3800 Colonial Blvd Suite 200
Fort Myers, Florida 33912
Phone: 941-482-7275
FAX: 941-482-2103

LEGAL DESCRIPTION FOR BELLE LAGO

Prepared For: TOLL BROTHERS INC.

SHEET 1 OF 1

Dwn. SU	Ck. SU	DWG: BNDY-LESS-SALES
Date: 10/23/02		Order No.: TB2-ES

SEC. 21, TWP.46 S, RGE. 25 E
LEE COUNTY, FLORIDA

LAND USE SUMMARY

TRACTS MPD-6 THRU MPD-12	228.87 Ac.
SANDY LANE R/W RESERVATION	11.49 Ac.
TOTAL	240.36 Ac.

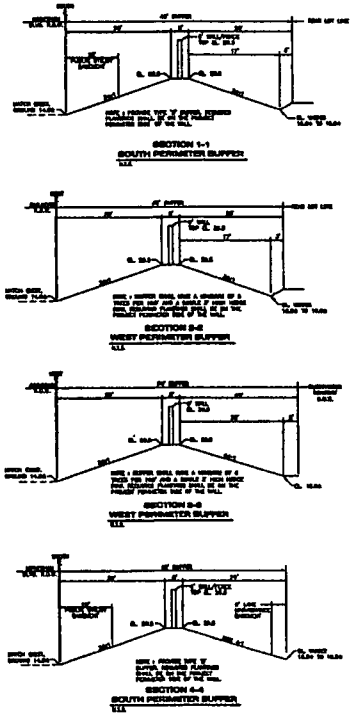
MAXIMUM NUMBER OF RESIDENTIAL UNITS = 480

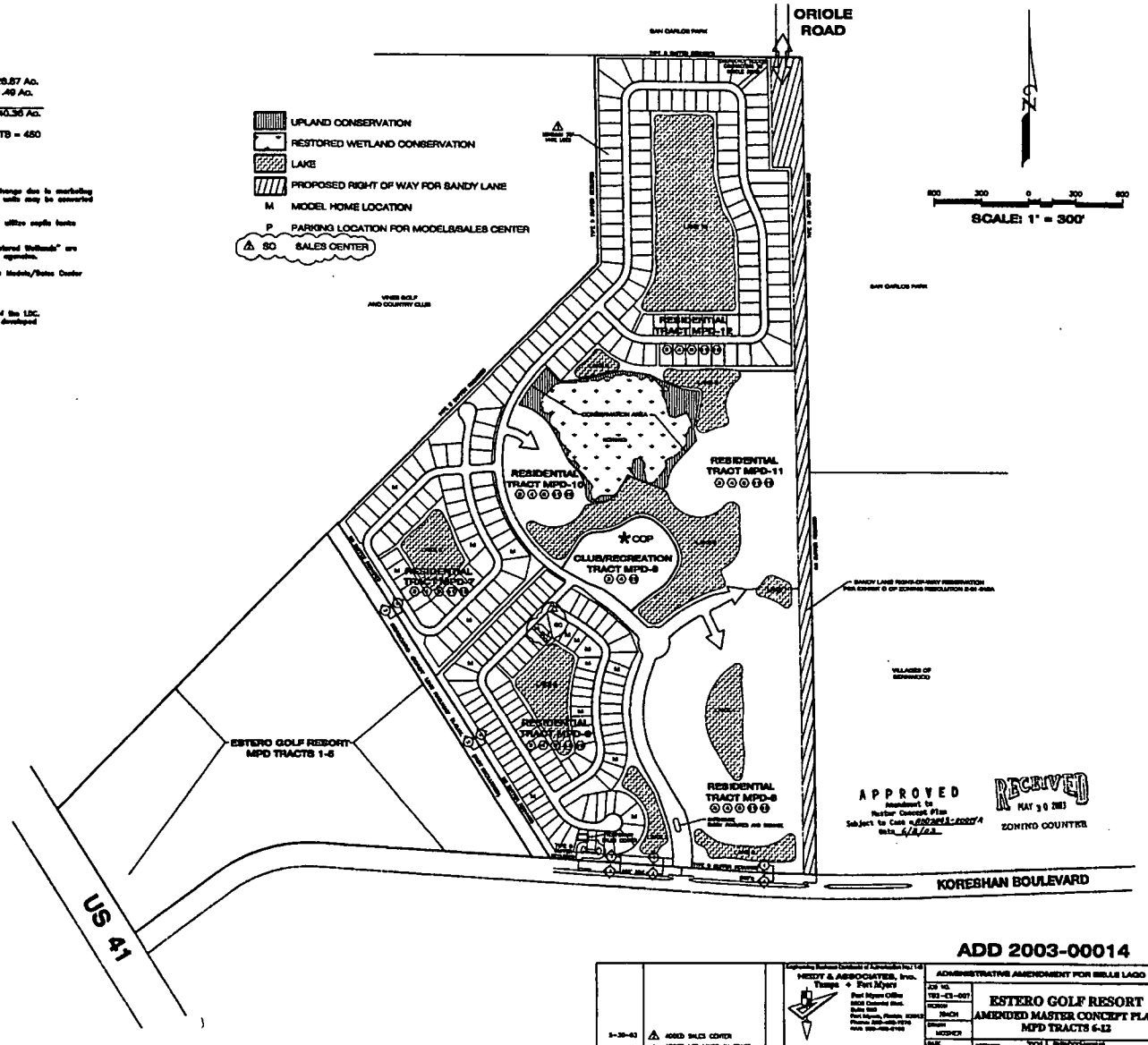
MASTER CONCEPT PLAN NOTES

1. The residential unit mix is preliminary and subject to change due to marketing and permitting considerations. Single and multi-family units may be converted on a 1:1 ratio.
2. Temporary administration offices and sales offices may utilize septic tanks and/or holding tanks.
3. The configuration of the "Conservation" areas and "Restored Wetlands" are approximate and subject to modification by the review agencies.
4. The Temporary Sales Center shall be removed when the Models/Sales Center is opened.

PARKING

Estero Golf Resort will meet the parking requirements of the LDC. Parking will be calculated based on the specific uses developed within this project.





ADD 2003-00014

5-30-03	⚠ 400SD SALES CENTER	
5-1-03	⚠ 400SD LOT LINES IN TRACT MPD-12	
INIT.	DESCRIPTION	BY

REVISIONS

NEIDT & ASSOCIATES, Inc.
Tampa ◆ Fort Myers
Fort Myers Office
8500 Colonial Blvd.
Suite 205
Fort Myers, Florida 33905
Phone 239-418-1676
FAX 239-418-1768

ENGINEER NAME P.E. NO. 52621
FLORIDA PROFESSIONAL ENGINEER

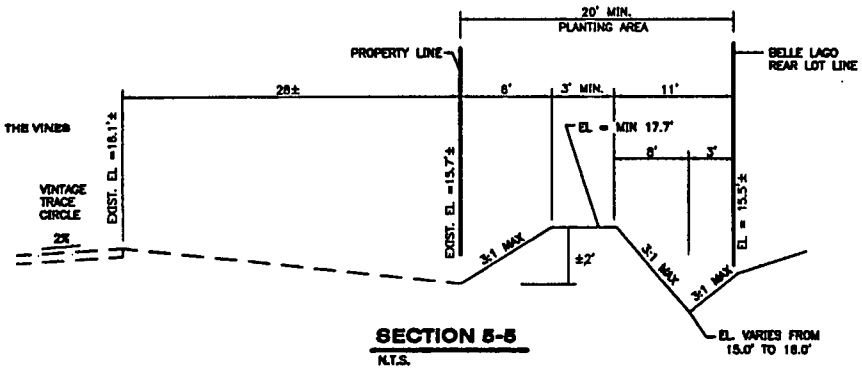
ADMINISTRATIVE AMENDMENT FOR SIESTA LAGO

JOB NO.	702-03-007
DRAWN	MACH
CHKD	MCGHEE
DATE	02-03-03
FILE	ESMN-AMDC

ESTERO GOLF RESORT
AMENDED MASTER CONCEPT PLAN
MPD TRACTS 6-12

PREPARED FOR: TOLL BROTHERS

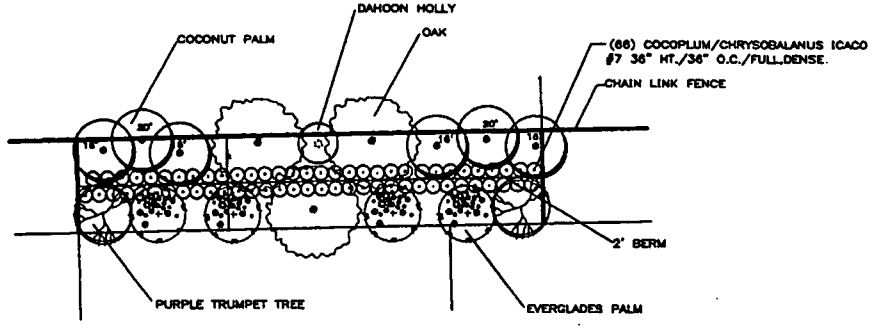
SHEET 1 OF 1 SHEETS



SECTION 5-5

N.T.S.

AS PERMITTED ON SHEET 31 OF 40
OF PHASE 1 PLANS

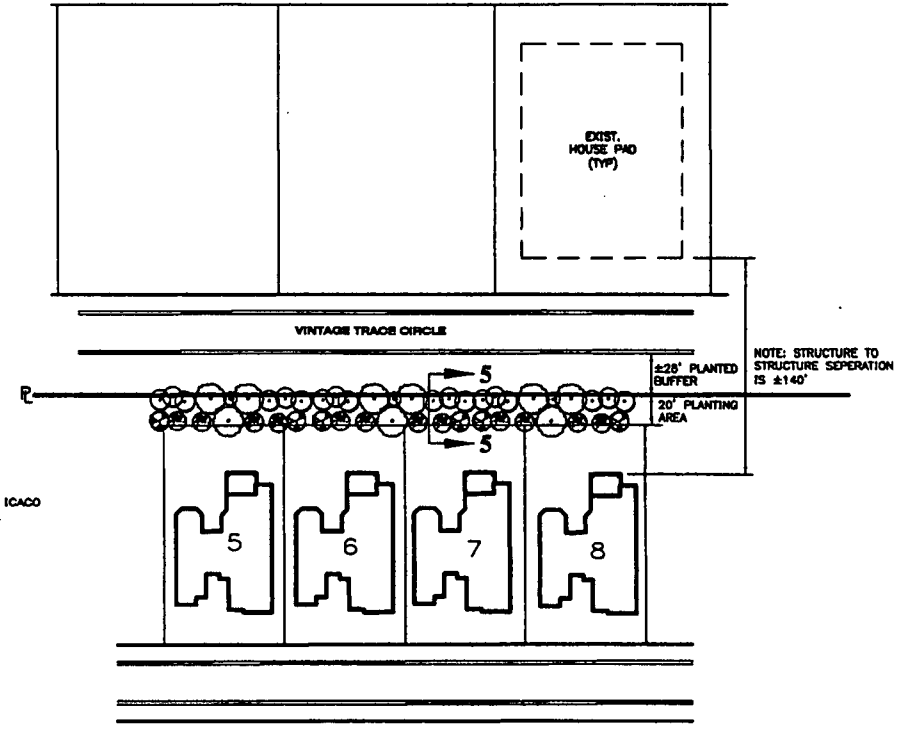


TYPICAL 20' PLANTING AREA

ALONG THE VINES PROPERTY LINE

N.T.S.

AS PERMITTED ON SHEET 10 OF 12
OF PHASE 1 LANDSCAPE PLANS



AUV 2003-00014

RECEIVED
MAY 16 2003
ZONING COUNTER

BELLE LAGO AMENDMENT - PARCEL F

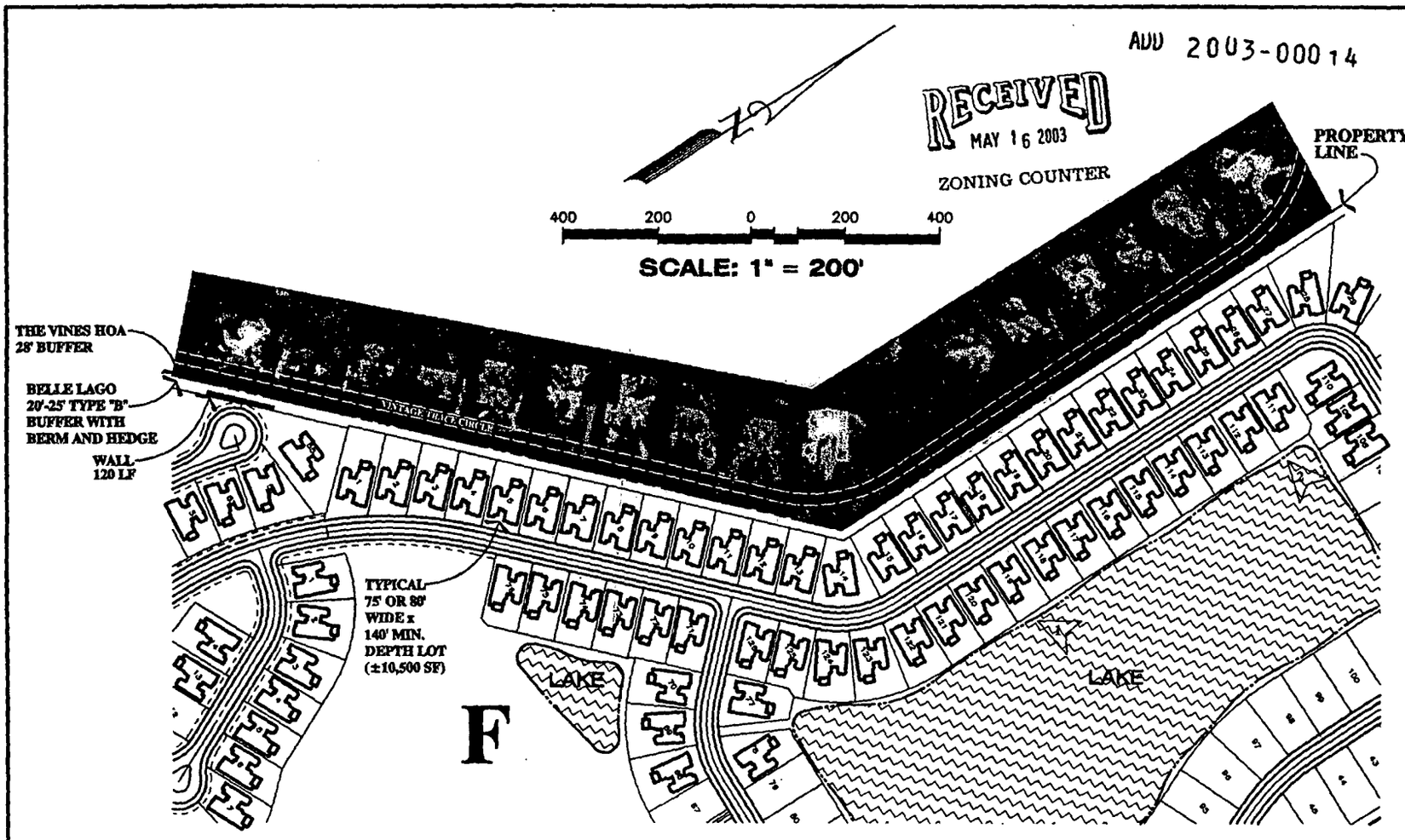
CROSS-SECTION FOR PARCEL F AND BUFFER ADJACENT TO THE VINES

HEIDT & ASSOCIATES, INC.
CIVIL ENGINEERING
SURVEYING
PLANNING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL PERMITTING
Tampa
Fort Myers

05-06-03 6:27PM HEIDT & ASSOC. TMEAN8::P:\ESTERO TOLL\MASTER PLAN\LANDPLAN\VINES EXHIBIT B 5-6-03.DWG

ADD 2003-00014

RECEIVED
MAY 16 2003
ZONING COUNTER



1 PHOTOSTATION

BELLE LAGO AMENDMENT - PARCEL F

TYPICAL LOTS IN PARCEL F AND BUFFER ADJACENT TO THE VINES

HEIDT & ASSOCIATES, INC.

05-06-03 3:46PM HEIDT & ASSOC. TMEANS::P:\EASTERO TOLL\MASTER PLAN\LANDPLAN\VINES EXHIBIT 5-6-03.DWG

BELLE LAGO
WETLAND MITIGATION/MONITORING/MAINTENANCE PLAN
SFWMD APPLICATION NO. 001026-3

Revised January 31, 2003

INTRODUCTION

The following outlines the wetland mitigation plan for the Belle Lago (project) residential community (f.k.a. Wynnewood and Estero Resort) located in Section 21, Township 46 South, Range 25 East, Lee County (Figure 1). The project with its associated roads and storm water management system will result in impacts to 1.62± acres of South Florida Water Management District (SFWMD) jurisdictional wetlands. In order to offset the loss of wetland functions due to the proposed construction activities, a total of 10.96± acres of wetlands will be preserved and enhanced on-site. The wetland preservation area is located in a single area towards the center of the project.

A 3.16± acre upland buffer is also proposed for preservation and enhancement around the wetland preserve (no mitigation credit is given for the buffer). A boardwalk is proposed to be located in the buffer around the east side of the wetland preserve. The boardwalk will be field located and designed to avoid larger native trees when possible.

The on-site mitigation work will be performed concurrent with the construction of the infrastructure and storm water management system for the residential development. As part of the mitigation program for the SFWMD, the wetland and upland buffer will be placed under a conservation easement and, collectively, referred to as the conservation area.

ON-SITE MITIGATION PLAN

The on-site mitigation plan consists of preserving and enhancing 10.96± acres of wetlands and 3.12± acres of uplands (Table 1). Please refer to the SFWMD permit application for the site's vegetation (i.e., FLUCFCS) map and descriptions.

Table 1. Mitigation Acreages and Existing and Proposed Habitats

Mitigation Area	Habitat	Enhancement and Preservation			
		Wetland		Upland Buffer	
		Area (Ac.)	Target Type	Area (Ac.)	Target Type
No.1	424				434
	4241	10.40		3.16	
	6219	0.56	621		
Total		10.96		3.16*	

* No mitigation credit is proposed for the upland buffer

APPLICATION NUMBER 021115-5 #

ADD/REVISED SUBMITTAL
JAN 31 2003
LWC SERVICE CENTER

EXHIBIT C

Mitigation Area No. 1

Mitigation Area No. 1 is located in the central portion of the project area. The mitigation area is comprised primarily of Melaleuca, Hydric (FLUCFCS Code 4241) wetland along with a small Cypress, Disturbed (FLUCFCS Code 6219) community located toward the center of the melaleuca wetland. An upland buffer of Melaleuca (FLUCFCS Code 424) and Melaleuca, COE Jurisdictional Only (FLUCFCS Code 424°) surrounds the wetland preserve and enhancement area.

Concurrent with construction of the infrastructure and storm water management system, 10.96± acres of wetlands and upland buffer will be preserved and enhanced. The targeted post construction wetland type will be pine and cypress. The wetlands will be enhanced through exotic removal and supplemental plantings of desirable wetland species. The targeted post construction upland buffer will be pine and oak.

Removal of exotics (i.e., melaleuca, Brazilian pepper, and Australian pine) from the wetland and upland buffer preservation and enhancement area will involve mechanical removal, if the soil conditions will allow. If the soil conditions do not allow it, then the exotics will be cut within 12 inches of ground elevation, hand removed, and the remaining stumps treated with an approved herbicide.

Supplemental plantings within the wetland area will consist of trees, shrubs, and herbaceous ground cover. The tree plantings will include slash pine, bald cypress, and dahoon holly; the shrub plantings will include wax-myrtle and coco plum; and the herbaceous ground cover will include sand cordgrass. The trees will be planted on 20 foot centers and the shrubs and herbaceous ground cover on ten foot centers.

Supplemental plantings within the upland buffer area will consist of trees, shrubs, and herbaceous ground cover. The tree plantings will include slash pine and live oak; the shrub plantings will include wax-myrtle; and the herbaceous ground cover will include fakahatchee grass (Table 2). The trees will be planted on 20 foot centers and the shrubs and ground cover on ten foot centers.

Table 2. Supplemental Wetland and Upland Buffer Planting Specifications

Target Habitat	Common Name	Scientific Name	Stratum	Minimum Height	Minimum Container	Spacing	Quantity
Pine/Cypress Wetland	Slash Pine	*Pinus elliotti*	Tree	4-6'	3 gallon	20'	440
				6-8'	3 gallon	20'	440
	Bald Cypress	*Taxodium distichum*	Tree	4-6'	3 gallon	20'	60
				6-8'	3 gallon	20'	60
	Dahoon Holly	*Ilex cassine*	Tree	4-6'	3 gallon	20'	100
				6-8'	3 gallon	20'	100
			SUBTOTAL				1,200

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LWC SERVICE CENTER
APPLICATION NUMBER
021115-5 #

EXHIBIT 10B

Table 2. (Continued)

Target Habitat	Common Name	Scientific Name	Strata	Minimum Height	Minimum Container	Spacing	Quantity
Pine/Cypress Wetland (Continued)	Wax-Myrtle	*Myrica cerifera*	Shrub	2'	1 gallon	10'	2,360
	Coco Plum	*Chrysobalanus icaco*	Shrub	2'	1 gallon	10'	2,360
	SUBTOTAL						4,720
	Sand Cordgrass	*Spartina bakeri*	Herb	N/A	2" liner	10'	4,720
	SUBTOTAL						4,720
Pine/Oak Upland Buffer	Live Oak	*Quercus virginianus*	Tree	4-6	3 gallon	20'	170
	Slash Pine	*Pinus elliottii*	Tree	4-6	3 gallon	20'	170
	SUBTOTAL						340
	Wax Myrtle	*Myrica cerifera*	Shrub	2'	1 gallon	10'	1,359
	SUBTOTAL						1,359
	Fakahatchee Grass	*Tripsacum floridanum*	Herb	NA	2" liner	10'	1,359
	SUBTOTAL						1,359

ON-SITE MITIGATION SUCCESS CRITERIA

A monitoring period shall extend for a period of five years with baseline, time-zero and five annual reports submitted to the SFWMD. The on-site mitigation shall be considered successful if at the end of five years the mitigation area contains at least 80 percent survival rate of planted vegetation and 80 percent coverage by desirable obligate and facultative wetland species.

A maintenance program shall be implemented in perpetuity to maintain the conservation area free from Category 1 exotic and nuicance vegetation (as defined by the Florida Exotic Pest Plant Council (EPPC) at time of permit issuance). Coverage of exotic vegetation shall not exceed zero percent immediate following a maintenance event and five percent between maintenance events.

OFF-SITE MITIGATION

No off-site mitigation is proposed for the project.

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JAN 3 1 2003
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ON-SITE MONITORING

Monitoring Methodology

APPLICATION NUMBER
021115-5 #

EXHIBIT 10C

The proposed monitoring of the preserved and enhanced wetland area will occur for five years or until the SFWMD determines the mitigation area meets the success criteria. Monitoring reports will be submitted to the SFWMD and will consist of a baseline, time-zero, and five annual monitoring reports. Vegetation, wildlife, rainfall, and wetland water level observations will all be recorded. The Baseline monitoring report will document conditions in the project site as they currently exist. The time-zero report will document the conditions immediately following wetland construction. The annual reports will document the extent of success of the project and, if needed, identify specific actions to be taken to improve the conditions within the project area. Sampling transects and methodology for the time-zero and five annual monitoring reports will utilize identical methods of data collection from established sampling stations as outlined below.

A. Vegetation Monitoring

Wetlands will be monitored prior to and following enhancement activities. Sampling in wetland enhancement areas will involve a quantitative analysis of tree/shrub and herbaceous strata (Figure 2).

To facilitate an intensive, accurate, and repeatable sampling program at the herbaceous level within the wetland enhancement areas, the point frame method will be utilized (Bonham 1989). Along each sampling transect, point quadrats will be sampled. Each point quadrat consists of 1m square wire grid with 25 cross points. Any plant species directly below a cross point will be recorded, including bare ground. The species identified will be listed and percent cover computed and discussed. Each cross point represents four percent of the square meter. Water depths will also be recorded at each quadrat.

The percent of coverage by the canopy and sub-canopy plant species within the wetland enhancement areas will be determined by the establishment of two 20 x 50 foot tree-shrub study plots along each transect. Within the plot, percent of coverage will be determined by species for each strata. Woody vegetation with a diameter at breast height (DBH) greater than or equal to four inches is classified as a tree, while shrubs include everything less than four inches in DBH and greater than 3.2 feet in height. The number of planted tree seedlings within the plots will also be recorded and used to determine future survivorship percentages.

B. Wildlife Monitoring

Regular observations of fish and wildlife will be made during all monitoring events by qualified ecologists. This will consist of recording evidence and sign of wildlife (i.e., direct sightings, vocalizations, burrows, nests, tracks, droppings, etc.).

C. Photographic Documentation

Permanent fixed-point photograph stations will be established in each of the monitored areas providing physical documentation of the condition and appearance of an area, as

ADD/REVISED SUBMITTAL
Passarella and Associates, Inc.
APPLICATION NUMBER
4 of 6
021115-5 #
EXHIBIT 10D

well as any changes taking place within it. Panoramic photographs will accompany vegetation data in each report. Locations of photo stations will remain the same throughout the duration of the monitoring program.

D. Rainfall and Staff Gauge Recordings

One staff gauge will be installed in the wetland preserve. Data will try to be collected bi-weekly during the wet season (typically June through mid-October) and monthly during the remainder of the year as water levels permit. Water levels will be recorded and the data presented in the reports along with available rainfall data for the area.

Monitoring Reports

The permittee will submit monitoring reports to the SFWMD documenting the success of the mitigation program and general condition of the preservation area for five years or until success criteria are met. Within 60 days of permit issuance, the baseline wetland monitoring report for the mitigation areas will be submitted to the SFWMD. The time-zero monitoring report will be submitted within 60 days of completion of plantings and exotic eradication. Annual monitoring reports will include the following information:

- Brief description of mitigation and maintenance work performed since the previous report along with a discussion of any modifications to the mitigation or maintenance program.
- Brief description of anticipated mitigation and maintenance work to be conducted over the next year.
- A summary of staff gauge rainfall data collected within wetland preserves on the project site.
- Results of quantitative vegetation monitoring conducted in the enhanced wetlands. A list of observed wildlife species.
- Panoramic photographs taken at photo stations within the enhanced wetlands.

CONSERVATION EASEMENT

Within six months of permit issuance, the permittee will have a legally sufficient conservation easement prepared. The conservation easement will be to the SFWMD following the District's passive recreation easement format. The conservation easement will ensure that the on-site mitigation areas will remain in a natural state in perpetuity. These preserved mitigation areas will not be disturbed by dredging, filling, land clearing, agriculture activities, or other construction work whatsoever except for those activities described in this mitigation plan.

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Passarella and Associates, Inc
#00CEC553 Revised 1/31/03
LWC SERVICE CENTER
APPLICATION NUMBER
021115-5 #

EXHIBIT 10E

MAINTENANCE

Following the completion of the initial exotic removal effort, semi-annual inspections of the mitigation area will occur for the first two years. During these inspections, the mitigation area will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Any additional potential problems will also be noted and corrective actions taken. Once exotic/nuisance species levels have been reduced to acceptable limits (i.e., less than five percent cover), inspections of the mitigation areas will be conducted annually.

Maintenance will be conducted in perpetuity to ensure that the conservation area is free of Category 1 exotic vegetation as defined by the EPPC at time of permit issuance immediately following a maintenance event. Exotic and nuisance species shall constitute no more than five percent of the total cover between maintenance events.

WETLAND MITIGATION ACTIVITY SCHEDULE

Activities associated with the implementation of the wetland mitigation, monitoring, and maintenance shall be in accordance with the following work schedule. Time frames in this schedule are based on permit issuance by April 1, 2003.

Completion Date	Activity
June 1, 2003	Record Conservation Easement
July 31, 2003	Baseline Monitoring Report
September 31, 2003	Exotic Vegetation Removal
July 31, 2004	Mitigation Plantings
September 31, 2004	Time Zero Monitoring Report
April 30, 2005	Exotic Maintenance
July 31, 2005	First Monitoring Report
April 30, 2006	Exotic Maintenance
July 31, 2006	Second Monitoring Report
July 31, 2007	Third Monitoring Report
July 31, 2008	Fourth Monitoring Report
July 31, 2009	Fifth Monitoring Report

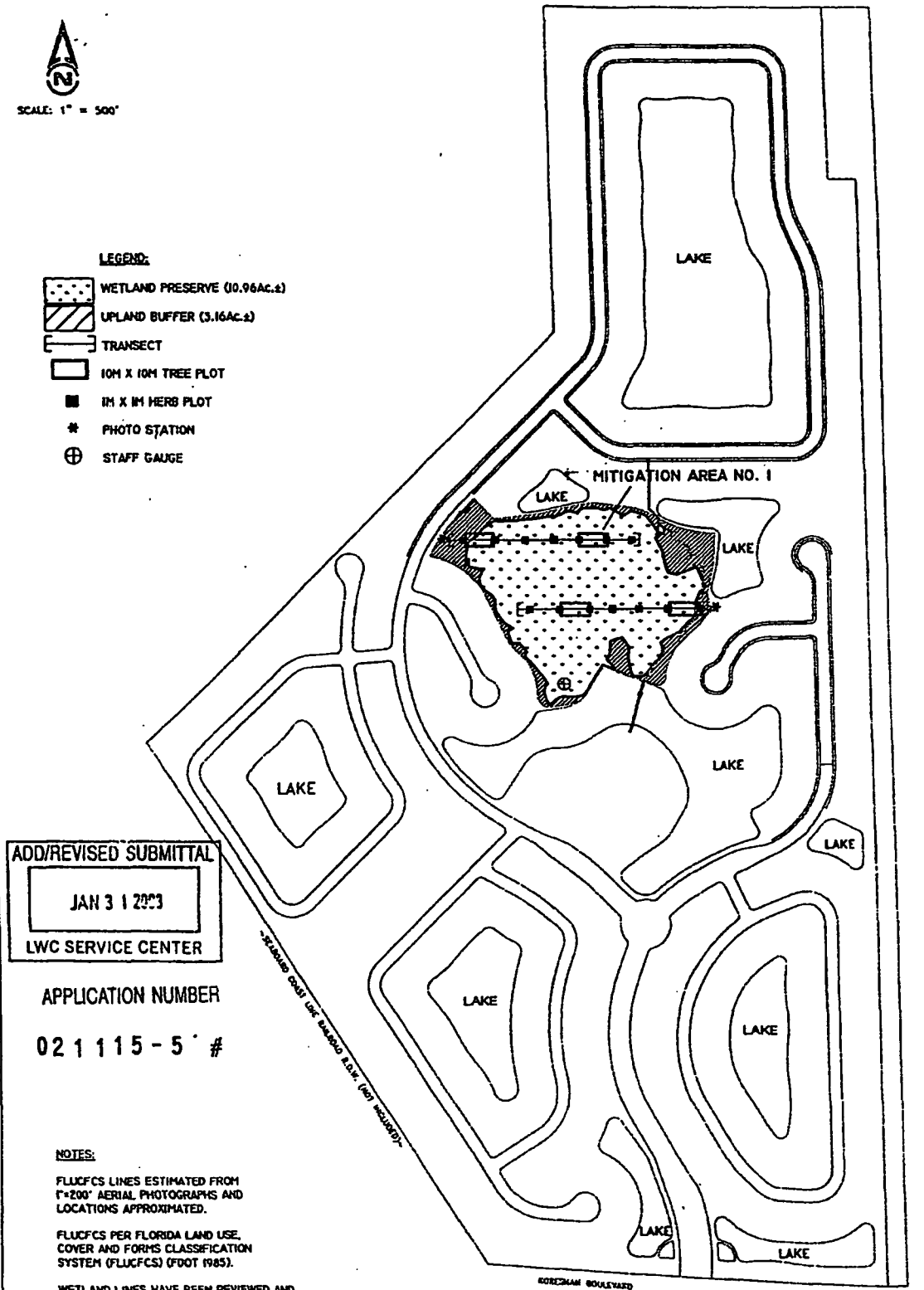
REFERENCES

Bonham, C.D. 1989. Measurements for Terrestrial Vegetation. John Wiley and Sons, New York, New York.

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APPLICATION NUMBER
021115-5 #

EXHIBIT 10F



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APPLICATION NUMBER

021115-5 #

NOTES:

FLUCFCS LINES ESTIMATED FROM 1"=200' AERIAL PHOTOGRAPHS AND LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE, COVER AND FORMS CLASSIFICATION SYSTEM (FLUCFCS) (FDOT 1985).

WETLAND LINES HAVE BEEN REVIEWED AND APPROVED IN THE FIELD BY SFWMD ON 1/30/95 AND BY COE ON 1/9/95.

SURVEYED WETLAND LINES PROVIDED BY COASTAL ENGINEERING CONSULTANTS, INC. DRAWING No. 01361 DWG. DATED 10/01/01.

SITE PLAN PER HEIDT AND ASSOCIATES, INC. DRAWING NO. ESTERO-LAYOUT.DWG DATED JANUARY 29, 2003.

EXHIBIT 11

PASSARELLA and ASSOCIATES, INC.
Consulting Ecologists

FIGURE 2. MITIGATION AND MONITORING PLAN

South Florida Water Management District

Mitigation Monitoring Work Schedule

Application No : 021115-5

Mitigation Plan ID : BELLE LAGO

Activity	Due Date
SUBMITTAL OF RECORDED CONSERVATION EASEMENT	01-MAY-2003
BASELINE MONITORING REPORT	31-JUL-2003
EXOTIC VEGETATION REMOVAL	30-SEP-2003
PLANTING MITIGATION AREA	31-JUL-2004
TIME ZERO MONITORING REPORT	30-SEP-2004
EXOTIC VEGETATION REMOVAL	30-APR-2005
FIRST MONITORING REPORT	31-JUL-2005
EXOTIC VEGETATION REMOVAL	30-APR-2006
SECOND MONITORING REPORT	31-JUL-2006
THIRD MONITORING REPORT	31-JUL-2007
FOURTH MONITORING REPORT	31-JUL-2008
FIFTH MONITORING REPORT	31-JUL-2009

Exhibit No : 12

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Jim Manners filed an application for administrative approval to a Mixed Use Planned Development on a project known as Estero Golf Resort (being developed as Belle Lago) to add a new deviation (Deviation #14) to Resolution Z-01-012a to allow a stacked bulkhead in each of Lakes 1 and 2, pursuant to Section 10-329(d)(4) of the Land Development Code, as the lakes are shown in Administrative Amendment ADD2003-00014A on property located between US41 and Three Oaks Parkway, on north side of Estero (formerly Koreshan) Blvd., described more particularly as:

LEGAL DESCRIPTION: In Section 21, Township 46 South, Range 25 East, Lee County, Florida:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in case number Z-01-01a (with subsequent amendments in case numbers DCI2000-00032; ADD2003-00014; ADD2003-00014a and DOS2002-00253, Ph 1 and DOS2003-00094 Rec Center); and

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

WHEREAS, lakes 1 and 2 are located at the entrance of the project off Estero Parkway; and

WHEREAS, the applicant is proposing a 140 linear foot stacked rock bulkhead for each of the two lakes; and

WHEREAS, the lake slope at the toe of the bulkhead may be no greater than 4:1; and

WHEREAS, the applicant is also providing a compensatory littoral zone with an 8:1 slope and two littoral plants per linear foot will be provided for each linear foot of bulkhead; and

WHEREAS, the compensatory littoral zone will be provided in lakes 8 and 9; and

WHEREAS, the compensatory littoral zone is adjacent to the 14 acre conservation area and will provide more beneficial habitat adjacent to the preserve then providing the compensatory littoral zone in lakes 1 and 2; and

WHEREAS, the decorative stacked rock bulkheads are to tie the lake shorelines (lakes 1 and 2) in with the fountains and other decorative entrance features; and

EXHIBIT "J"

WHEREAS, the Division of Environmental Sciences have reviewed the requested deviation; and

WHEREAS, the Division of Environmental Sciences has provided a condition to the approval of Deviation #14; and

WHEREAS, this Administrative Amendment only addresses the addition of Deviation #14 as it may affect Tracts 6-12 of the development approved in Resolution Z-01-012a; 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 Mixed Use Planned Development to add Deviation #14, Resolution Z-01-012a, pursuant to Section 10-329(d)(4) of the Land Development Code, to allow a stacked bulkhead in each of Lakes 1 and 2 as the lakes are shown in Administrative Amendment ADD2003-00014A is **APPROVED.**

Approval is subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, entitled "ESTERO GOLF RESORT AMENDED MASTER CONCEPT PLAN TRACTS 6-12", dated 02-03-03, last revised 6-14-04, and stamped received by the permit counter on June 16, 2004. Master Concept Plan for ADD2004-00127 is hereby APPROVED and adopted. A reduced copy is attached hereto.**

2. **Lake 1 and 2 may utilize 140 linear feet of stacked rock bulkheads for a total of 280 linear feet as depicted on the Master Concept Plan. A compensatory littoral zone must be provided in lakes 8 and 9 for a total of 280 linear feet with an 8:1 slope as depicted in the "Compensatory Littoral zone" cross-section on the Master Concept Plan. A minimum of 560 herbaceous littoral plants must be install within the compensatory littoral zone areas in addition to the required littoral plants for the lakes. A revision must be made to Development Order DOS2004-00132 to delineate the compensatory littoral zone and provide details of the littoral plantings within Lake 8 and 9, and a revision must be made to DOS2002-00253 to delineate the bulkheads in Lake 1 and 2. These development order revisions must be submitted for review and approval within 90-days of the approved of ADD2004-00127.**

3. **This Administrative Amendment only addresses the addition of Deviation #14 as it may affect Tracts 6-12 of the development approved in Resolution Z-01-012a and amended by Administrative Amendment ADD2003-00014A.**

4. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**

DULY SIGNED this 25th day of June, A.D., 2004.

BY: _____
Pam Houck, Director
Division of Zoning
Department of Community Development

EXHIBIT A

LEGAL DESCRIPTION FOR BELLE LAGO

LEGAL DESCRIPTION

A Tract or Parcel of Land in Section 21, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 21, thence along the East line of Section 21, N.00°46'45"W., a distance of 94.98 feet to the Northerly Right-of-Way line of Koreshan Boulevard (As described in O.R. Book 2183, Pages 3461 - 3462) to the Point of Beginning; thence continue N.00°46'45"W. along said East line of Section 21, a distance of 2555.79 feet to the East quarter corner of said Section 21; thence N.00°53'22"W., a distance of 2646.37 feet to the Northeast corner of said Section 21; thence N.89°29'23"W. along the North line of Section 21, a distance of 1322.73 feet to the East line of The Vintage Golf and Country Club as recorded in Plat Book 37, Page 38, of the Public Records of Lee County, Florida; thence S.00°53'13"E., along said East line of The Vintage Golf and Country Club, a distance of 1317.90 feet; thence S.44°54'53"W. a distance of 2370.26 feet; thence continue S.32°34'51"E. along the Easterly Right-of-Way line of the Seaboard Coast line Railroad a distance of 2513.30 feet; thence along the Northerly Right-of-Way line of Koreshan Boulevard, continue S.86°11'52"E., a distance of 1148.53 feet to a point of curvature, thence continue 552.84 feet along the arc of said curve concave to the Northeast, having a radius of 11425.00 feet, a central angle of 02°46'21", a chord distance of 552.79 feet and a chord bearing of S.87°35'02"E. to said Point of Beginning.

Applicant's Legal Checked
by _____ 26 MAY 04

RECEIVED
MAY 21 2004
COMMUNITY DEVELOPMENT

ADD 2004-00127

P:\Estero Master Plan\Legal\boundary-less-sales-desc.dwg, 11/25/2002 09:12 AM

PREPARED BY: HEIDT & ASSOCIATES, Inc.
Tampa • Fort Myers
CIVIL ENGINEERING
PLANNING
SURVEYING
ENVIRONMENTAL PERMITTING
LANDSCAPE ARCHITECTURE
Fort Myers Office
3800 Colonial Blvd Suite 200
Fort Myers, Florida 33912
Phone: 941-482-7275
FAX: 941-482-2103

LEGAL DESCRIPTION FOR BELLE LAGO

Prepared For: TOLL BROTHERS INC.

SHEET 1 OF 1

Dwn. SU	Ck. SU	DWG: BNDY-LESS-SALES
Date: 10/23/02		Order No.: TB2-ES

SEC. 21, TWP. 46 S, RGE. 25 E
LEE COUNTY, FLORIDA

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LAND USE SUMMARY

TRACTS MPD-6 THRU MPD-12	228.67 Ac.
SANDY LANE R/W RESERVATION	11.49 Ac.
TOTAL	240.36 Ac.

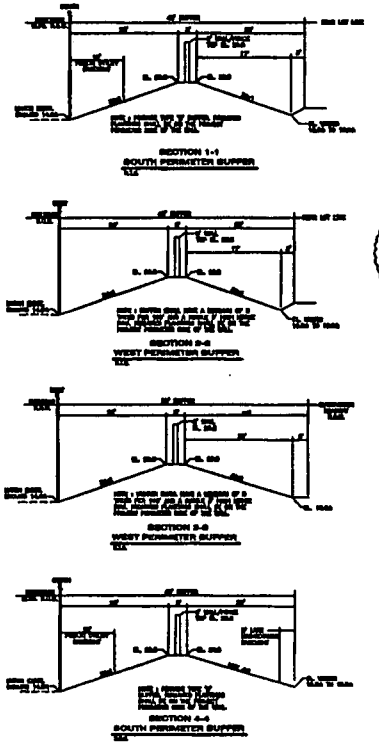
MAXIMUM NUMBER OF RESIDENTIAL UNITS = 450

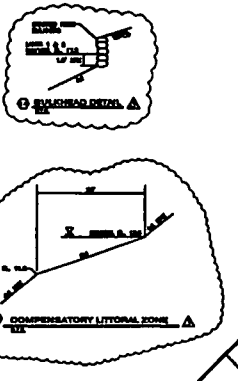
MASTER CONCEPT PLAN NOTES

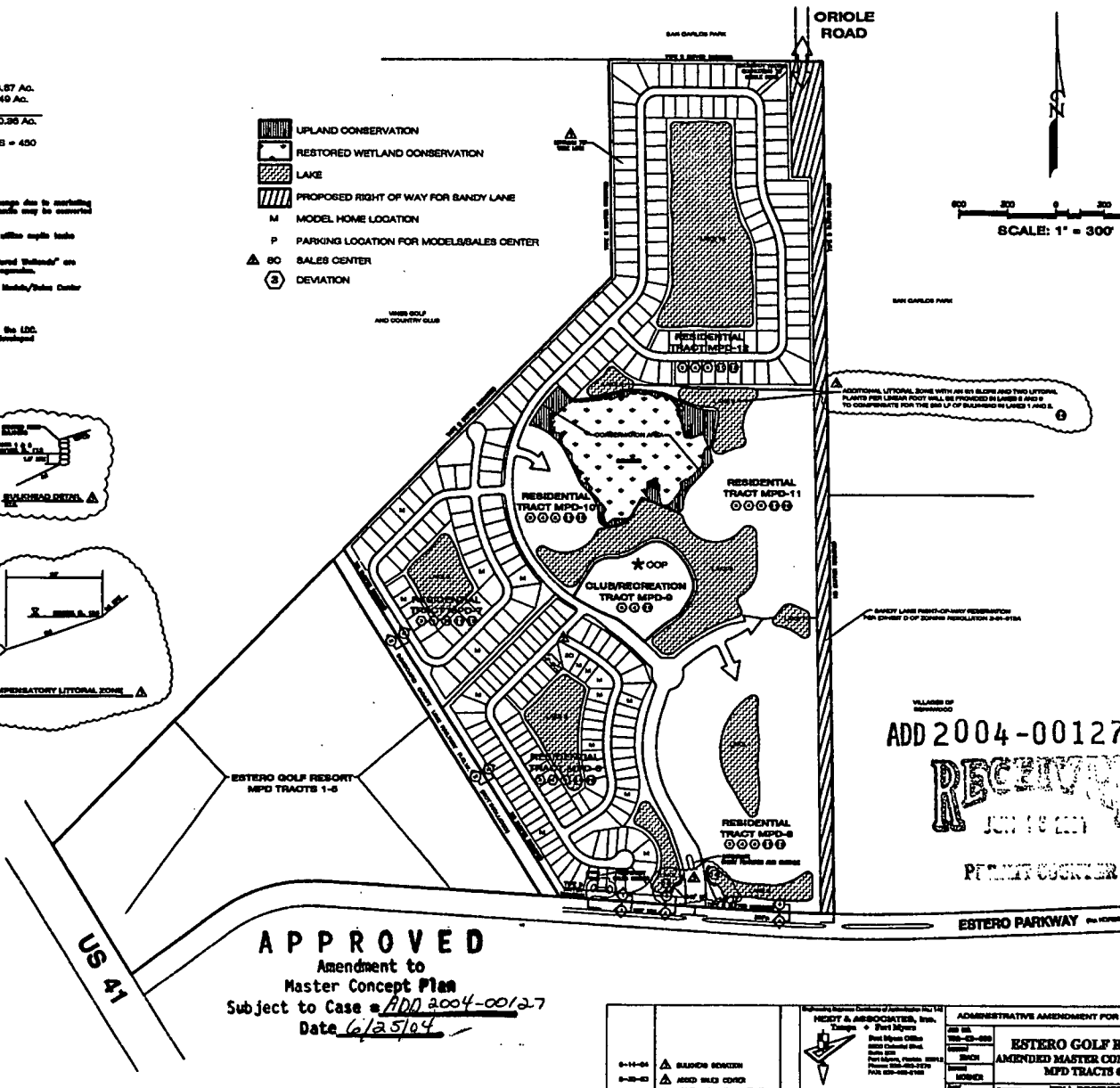
1. The residential unit mix is preliminary and subject to change due to marketing and permitting considerations. Single and multi-family units may be converted on a 1:1 ratio.
2. Temporary administrative offices and sales offices may utilize model units and/or building tents.
3. The configuration of the "Conservation" areas and "Restored Wetlands" are approximate and subject to modification by the master operation.
4. The Temporary Sales Center shall be removed when the Models/Sales Center is opened.

PARKING

Estero Golf Resort will meet the parking requirements of the LDC. Parking will be calculated based on the specific uses developed within this project.







APPROVED
Amendment to
Master Concept Plan
Subject to Case # ADD 2004-00127
Date 6/25/04

ADD 2004-00127
RECEIVED
JUN 16 2004
PERMIT CENTER

5-14-04	⚠	BUILDING SCHEDULE
5-10-04	⚠	ADDED SALES CENTER
5-1-04	⚠	ADDED LOT LINES IN TRACT MPD-12
DATE	DESCRIPTION	BY

REVISIONS

Engineering Business Certificate of Authorization No. 142
HEIDT & ASSOCIATES, Inc.
Tampa • Fort Myers
Fort Myers Office
Phone: 239-482-1270
FAX: 239-482-1140
STRICKLAND T. SMITH, P.E. NO. 50883
FLORIDA PROFESSIONAL ENGINEER

ADMINISTRATIVE AMENDMENT FOR BELLE LAGO

JOB NO.	155-03-005
DRAWN BY	BNDR
DESIGNED BY	BDR/ER
DATE	03-03-03
FILE NAME	155-03-005DEV

ESTERO GOLF RESORT
AMENDED MASTER CONCEPT PLAN
MPD TRACTS 6-12

PREPARED FOR: TOLL BROTHERS

SHEET 1 OF 1 SHEETS

HOLD

INSTRUCTIONS

(Section C.1.c., Lee County Administrative Code AC 2-8)

A zoning sign must be posted on the parcel subject to any zoning application for a minimum of fifteen CALENDAR (15) days in advance of the Hearing Examiner's Public Hearing and maintained through the Board of County Commissioners Hearing, if any. This sign will be provided by the Zoning Division in the following manner:

a. Signs for case **#DCI2003-00058** must be posted by **July 20, 2004.**
b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
d. The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Zoning Division, and obtain duplicate copies of the sign from the Zoning Division.

The Division may require the applicant to erect additional signs where large parcels are involved with street frontages extending over considerable distances. If required, such additional signs must be placed not more than three hundred (300) feet apart.

When a parcel abuts more than one (1) street, the applicant must post signs along each street. When a subject parcel does not front a public road, the applicant must post the sign at a point on a public road which leads to the property, and the sign must include a notation which generally indicates the distance and direction to the parcel boundaries and the dimensions of the parcel.

NOTE: AFTER THE SIGN HAS BEEN POSTED, THE AFFIDAVIT OF POSTING NOTICE, BELOW, SHOULD BE RETURNED NO LATER THAN THREE (3) WORKING DAYS BEFORE THE INITIAL HEARING DATE TO LEE COUNTY ZONING DIVISION, 1500 MONROE ST., FT. MYERS, FL 33901.

(Return the completed Affidavit below to the Zoning Division as indicated in previous paragraph.)

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Judson C. Pankey WHO ON OATH SAYS THAT HE/SHE HAS POSTED PROPER NOTICE AS REQUIRED BY SECTION 34-236(b) OF THE LEE COUNTY LAND DEVELOPMENT CODE ON THE PARCEL COVERED IN THE ZONING APPLICATION REFERENCED BELOW:

SIGNATURE OF APPLICANT OR AGENT

Judson C. Pankey
NAME (TYPED OR PRINTED)

2211 Peck St., Suite 300
ST. OR PO BOX

Fort Myers, FL 33901
CITY, STATE & ZIP

#DCI2003-00058/Estero Golf Resort MPD/ 8/4/04 / JSS

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to and subscribed before me this 15th day of July, 2004, by Judson Pankey (personally known to me) or who produced _____ as identification and who did not take an oath.

Lisa M. Williams
MY COMMISSION # DD033969 EXPIRES
July 14, 2005
BONDED THRU TROY FAIN INSURANCE, INC.

Lisa M. Williams
Signature of Notary Public

LISA M. WILLIAMS
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number)

Lisa M. Williams
MY COMMISSION # DD033969 EXPIRES
July 14, 2005
BONDED THRU TROY FAIN INSURANCE, INC.

RECEIVED
JUL 15 2004
COMMUNITY DEVELOPMENT

LEE COUNTY

APPLICATION FOR PUBLIC HEARING FOR PLANNED DEVELOPMENT UNINCORPORATED AREAS ONLY

Applicant's Name: Wal-Mart Stores East, LP

Project Name: Wal-Mart #5347-00 (Estero Golf Resort MPD)

STRAP Number(s): 21-46-25-00-00001.0010 and portions of 21-46-25-00-00001.0020 and .0030

RECEIVED
MAR 28 2003
PERMIT COUNTER

****

STAFF USE ONLY

Commissioner District:	#5	*Case Number:*	DCI2003-00058
Planning Community	ESTERO	*Date of Application:*	3/28/03
Current Zoning:	MPD	*Date found sufficient:*	
Land Use Classification(s):	URBAN	*Date HEX Public Hearing:*	
Lee Plan Density Range:		*Fee:*	#7,682.00
		Planner in charge:	

TYPE OF APPLICATION

____ *DRI*	✓ *DCI - Major*	____ *DCI - Minor*
____ *PD - Existing Development*	____ *PD - Amendment*	

****

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (941) 479-8585

DCI 2003-00058

PART I
APPLICANT\PROPERTY OWNERSHIP INFORMATION

A. **Application Initiated By:**

A.1. ✓ Application is owner-initiated or applicant is authorized by a Covenant of Unified Control. A copy of the Covenant of Unified control is attached as **Exhibit I-A-1.** *[34-202(b)(1)b.]*

A.2. *N/A* Applicant has been authorized by the owner(s) to represent them for this action. A copy of the Notarized Authorization form is attached as **Exhibit I-A-2.** *[34-202(b)(1)c.]*

A.3. ✓ Applicant is a contract purchaser/vendee. A copy of the Notarized Authorization form is attached as **Exhibit I-A-3.** *[34-202(b)(1)d.]*

B. **Name of applicant:** Wal-Mart Stores East, LP

Mailing Address: Street 2001 S.E. 10th Street

City: Bentonville State: AR Zip: 72716-0550

Phone Area Code: 479 Number: 273-4000 Ext:

Fax Area Code: 479 Number 273-4107

E-mail: n/a

C. **Property Ownership**

C.1. Name of property owner(s) Estero Land Holdings, LLC (see Exhibit I-C-2 for additional Information)

Mailing Address: Street: 24860 Burnt Pine Drive

City: Bonita Springs State: FL Zip: 34134

Phone Area Code: 239 Number: 498-4560 Ext:

Fax Area Code: 239 Number 498-4561

E-mail: n/a

C.2. ✓ **Property owners list:** A list of all owners of the subject property and their mailing addresses, is attached as **Exhibit I-C-2.** *[34-202(a)(5)]*

D. **Date property was acquired by present owner(s):** *01/08/2001*

D.1. ✓ The owner(s) is/are required to file a disclosure form. The completed disclosure form is attached as **Exhibit I- D-1.** *[34-202(b)(1)a]*

D.2. ✓ The property is subject to a sales contract or sales option and the contract purchaser(s) is/are required to file a disclosure form. The completed disclosure form is attached as **Exhibit I-D-2.** *[34-202(b)(1)a]*

E. **Deed Restrictions:**

E.1. ✓ Existing deed restrictions or other covenants on this property may affect this request. A copy of the deed restrictions or other covenants is attached as **Exhibit I-E-1.** *[34-202(b)2]*

E.2. N/A A narrative statement explaining how the restrictions may affect the requested action is attached as **Exhibit I-E-2.** *[34-202(b)2]*

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F.1. **Authorized Agent: This is the person who will receive all county-initiated correspondence regarding this application.** *[34-202(b)(1)c.]*

Company Name: **CPH Engineers, Inc.**

Address: **2211 Peck Street, #300, Fort Myers, FL 33901**

Contact Person: **Judson C. Pankey, P.E.**

Phone Number: ***239-332-5499*** Fax Number: **239-332-2955**

E-mail: *jpankey@cphengineers.com*

F.2. **Additional Agent(s): List the names of other authorized agents the county may contact concerning this application.** *[34-202(b)(1)c.]*

F.2.a. Company Name: **Pavese, Haverfield, Dalton, Harrison & Jensen, LLP**

Address: **1833 Hendry Street / P.O. Box 1507, Fort Myers, FL 33902-1507**

Contact Person: **Neale Montgomery**

Phone Number: **239-336-6235** Fax Number: **239-332-2243**

E-mail: *nealemontgomery@paveselaw.com*

F.2.b. Company Name:

Address:

Contact Person:

Phone Number: Fax Number:

E-mail:

F.2.c. Company Name:

Address:

Contact Person:

Phone Number: Fax Number:

E-mail:

F.2.d. Company Name:

Address:

Contact Person:

Phone Number: Fax Number:

E-mail:

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PART II
GENERAL INFORMATION

A. **Action Requested**

___ **Rezoning** from: _____ TO: _____

√ **Other** - Provide specific details: **Amendment to existing MPD**
Estero Golf Resort MPD, Resolution No. Z01-012a

B. **Legal Description and Certified sketch of description:**

B.1. N/A Attached is a legible copy of the legal description labeled **Exhibit II-B-1.A.** *[34-202(a)(1)]*

N/A Attached is an electronic copy of the legal description labeled **Exhibit II-B-1.B.**

B.2. √ Attached is a ~~Certified sketch of description~~ **Signed and sealed Survey** as set out in chapter 61G 17-6.006 FAC. labeled **Exhibit II-B-2.** *[34-202(a)(2)*

B.3. N/A The property consists only of one or more undivided lots within a platted subdivision recorded in the Official Plat Books of Lee County. Attached is a copy of the Plat Book Page labeled **Exhibit II-B-3**, with the subject property clearly marked. *[34-202(a)(2)]*

B.4. **Subdivision Name:** None

Plat Book: _____ Page _____ Unit _____ Block _____ Lot(s) _____

Section: _____ Township _____ Range _____

B.5. **STRAP Number** 21-46-25-00-00001.0010 and portions of .0020 and .0030

C. **Property Location**

C.1. **Project Street Address:** Tamiami Trail South (U.S. 41) and Koreshan Blvd.

C.2. **General Location Of Property:** Northeast Corner of US 41 and Koreshan Blvd.

D. **Notice Information**

D.1. √ Planning Community(ies) in which located: *Estero*

D.2. √ Area Location Map: An area location map, 8 by 11 inches in size, is attached as **Exhibit II-D-2**: *[34-202(a)(4)]*

D.3. √ A list of surrounding property owners is attached as **Exhibit II-D-3.** *[34-202(a)(6)]*

D.4. √ A map displaying all surrounding parcels attached as **Exhibit II-D-4.** *[34-202(a)(7)]*

D.5. √ Two copies of mailing labels attached as **Exhibit II-D-5.**

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E. **The Lee Plan & Other Narrative Statements**

E.1. ✓ The Land Use Classification(s) is/are: Urban Community

E.2 ✓ Attached as **Exhibit II-E-2**, is a narrative explanation as to how the proposed development complies with the Lee Plan. *[34-373(a)(5)*

E.3. N/A The attached proposed amendment to the Lee Plan may affect this property. The proposed amendments and a statement as to how the proposed amendment will affect the property is attached as **Exhibit II-E-3.**

E.4 ✓ Attached as **Exhibit II-E-4**, is a narrative explanation as to how the proposed development complies with the Design Standards set forth in Section 34-411. *[34-373(a)(5)]*

E.5 ✓ Attached as **Exhibit II-E-5**, is a narrative explanation as to how the proposed development complies with the guidelines for decision-making embodied in sections 34-145(c)(2)a and e., and 34-145(d)(3). *[34-373(a)(5)]*

F. **Waivers from Application Submission Requirements**

N/A The following waivers have been approved by the Director of Development Services. Copies of the approved waiver(s) are attached as **Exhibit II-F-1.**

Section Number	**Name of item**

PART III
EXISTING CONDITIONS

A. **Location, Zoning and Surrounding land uses.**

A.1. ✓ Attached as **Exhibit III-A-1** is a map showing 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. *[34-373(a)(4)a.]* **Please Refer to Master Concept Plan (MCP)**

A.2. ✓ Attached as **Exhibit III-A-2** is a map or other depiction of the existing zoning and current land uses surrounding the tract or parcel to a distance of 500 feet. *[34-373(a)(4)b.]* **Please Refer to MCP**

A.3. ✓ Attached as **Exhibit III-A-3** is an aerial photograph with the site clearly delineated. *[34-373(a)(4)c.]*

B. **Archaeological/Historical**

DCI 2003-00058

B.1 ✓ Attached as **Exhibit III-B-1** is a map indicating the nature and location of known or recorded historical or archaeological sites and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to chapter 22. The plan shows the outline of historic buildings and approximate extent of archaeological sites. *[34-373(a)(4)f.]*

B.2. N/A Attached as **Exhibit III-B-2** is a description of proposed improvements that may impact archaeological or historical resources. *[34-373(a)(4)f.]*

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C. **Drainage, Water Control and Environmental Issues**

C.1. ✓ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.

C.2 ✓ The minimum elevation required for the first habitable floor is 18.5 NGVD (MSL)

C.3. ✓ Attached is **Exhibit III-C-3,** the Environmental Assessment Report required by Section 34-1573.

C.4. ✓ Environmentally sensitive lands on the subject property are delineated on the following maps.

C.5. ✓ **Exhibit III-C-5:** Soils, classified in accordance with the USDA/SCS System;

C.6. ✓ **Exhibit III-C-6:** Vegetation and ground cover in accordance with the FLUCCS.

C.7. ✓ **Exhibit III-C-7:** Topography or a USGS quadrangle map showing the subject property.

C.8. ✓ **Exhibit III-C-8:** Protected Species Survey (if applicable) as required by Section 10-473.

D. **Public Transit**

D.1. N/A Property is within the Lee Tran public transit service area. **There are no designated LeeTran route stops currently available within the project area.**

D.2. N/A **Exhibit III-D-1** shows the property in relation to existing and proposed public transit routes, including bus stops.

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

E.1	Width (average if irregular parcel)	*1265.27*	Feet		
E.2	Depth (average if irregular parcel):	*2129.96*	Feet		
E.3	Frontage on road or street:	*1023.14*	Feet	*Street Name:*	*Tamiami Trail (US 41)*
E.3	Frontage on road or street:	*2327.18*	Feet	*Street Name:*	*Koreshan Blvd.*
E.4.	Total land area:	*(34.06ac) 74.2 ±*	**Acres** or Square Feet		

MPD 1, 3 & 4 ESTERO GOLF RESORT MPD

F. **Land Area Calculations** ***(Based on total property)***

F.1 Undevelopable Areas:

a.	Existing natural and manmade waterbodies.	*n/a*
b.	Freshwater wetland areas:	*6.26*
c.	Other ~~wetland~~ Conservation area:	*5.04*
d.	Submerged land subject to tidal influence	*n/a*
e.	Total (a + b + c + d):	*11.3*

F.2 Remaining developable land (E.4 less F.1.e): *62.9*

G. **Present Use of Property**

G.1. *N/A* The property is not vacant. The owner or applicant's signature on this application indicates that the Owner agrees to either remove all existing buildings and structures, OR that the proposed use of the building or structure(s)will be in compliance with all applicable requirements of the Land Development Code. *[34-202(b)(3)]*

G.2. ✓ Briefly describe current use of the property: *Vacant (undeveloped commercial)*

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PART IV
PROPOSED DEVELOPMENT

A. **Copies of Master Concept Plan**

A.1. √ Attached are copies of **Exhibit IV-A-1** entitled "Proposed Master Concept Plan" drawn to scale on 24 inch by 36 inch medium. *[34-373(a)(6)]*

A.2. √ Attached are copies of **Exhibit IV-A-2.** entitled "Proposed Master Concept Plan" drawn to scale on 11 inch by 17 inch medium. *[34-373(a)(6)]*

B. **Vehicular Ingress & Egress, Public Transit**

B.1. √ The master concept plan indicates the exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development. *[34-373(a)(6)a]*

B.2. √ The proposed development includes plans for subdividing. The master concept plan shows the general location of all proposed internal street rights-of-way or easements *[34-373(a)(6)a]*

B.3. √ The master concept plan indicates the general location from the proposed internal rights-of-way or easements into multiple-family, commercial and industrial lots. *[34-373(a)(6)a]*

B.4. √ Proposed access and public transit facilities have been indicated on the master concept plan as required by Sections 34-411(e) and 10-442. *[34-373(a)(4)e]*

C. **Parks, Open Space and Indigenous areas.**

C.1. N/A The general location of proposed parks and recreation areas and facilities, has been shown and identified on the master concept plan. *[34-373(a)(6)e]*

C.2. √ The general location of indigenous areas to be preserved has been shown and identified on the master concept plan. *[34-373(a)(6)e]*

C.3. N/A The development is a subdivision consisting solely of conventional single-family units on lots of no less than 6,500 square feet. *[34-373(a)(6)f]*

C.4. √ Approximately minimum 10% percent of the property will be open space. *[34-373(a)(6)f]*

C.5. √ The minimum open space required by Section 10-329(f)(7) for commercial and industrial lots and outlots has been indicated on the master concept plan. *[34-373(a)(6)f]*

D. **Buffers**

D.1. √ The master concept plan indicates the types and minimum widths of buffers proposed along the perimeter of the property as well as between the individual development areas where required. *[34-373(a)(6)g]*

DCI 2003-00058

D.2. √ All buffer types shown refer to buffers described in Chapter 10 of the Land Development Code unless clearly noted otherwise. *[34-373(a)(6)g]*

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E. **Surface Water Management**

E.1. N/A The property is located within a flood plain or flow way and compensation for impacts to flood storage capacity or flow ways due to filling of the site will be made at the time of local development order or district permitting . *[34-373(b)(1)]*

E.2. √ A written description of the proposed surface water master plan is submitted as **Exhibit IV-E2.**

F. **Excavations**

F.1. ___√___ The general location of excavations for on-site fill and wet retention have been indicated on the master concept plan. *[34-373(a)(6)i]*

F.2. ___√___ Preliminary calculations for cuts and fills have been made and:

F.3. ___√___ No excavated materials will be removed from the site.

F.4. ___N/A___ Excavated materials to be removed from the site will comply with the definition of "surplus material" or will not exceed ten percent of the total material excavated.

F.5. ___N/A___ Excavated materials to be removed from the premises exceed the definition of "surplus materials" or will exceed ten percent of the total material excavated. Calculations have been submitted as **Exhibit IV-F-5**. *[34-373(a)(6)i]*

F.6. ___N/A___ This application includes "mining" as a requested use and a "general mining permit" has been requested in accordance with section 10-329(f)(7). *[34-373(a)(6)i]*

G. **Subdivisions**

G.1. ___√___ The proposed development will be divided into lots or parcels. *[34-373(a)(6)b]*

G.2. ___√___ The uses proposed for each lot or parcel have been indicated and keyed to the proposed list of uses submitted with the application. *[34-373(a)(6)b]*

G.3. ___√___ The master concept plan indicates the general location, configuration, and approximate dimensions of the lots or parcels (including outparcels), lot coverage, and the minimum proposed setbacks for principal buildings. *[34-373(a)(6)b]*

_____ Special property development regulations are proposed for this development and are setforth in Exhibit IV-G-4. To the extent a property development is not indicated in the exhibit, the regulations of the Land Development Code will be used.

___√___ The property development regulations for the ___Estero Golf Resort___ zoning ~~district~~ Resolution No. Z-01-012a, will be used. *[34-373(a)(6)b]*

H. **Individual Development Areas** *[34-373(a)(6)c]*

H.1. ___√___ The boundary of each individual development area within which buildings, parking or other uses will be located has been delineated on the master concept plan indicating:

H.2. _____ Residential uses by type for each development area have been indicated (if applicable) including the maximum number of living units by type.

H.3. _____ Development areas proposed for hotel or motel use have been indicated as well as the number of hotels/motels and the maximum number of rooms by size.

H.4. _____ Development areas proposed to contain health care facilities have been indicated as well as the maximum number of beds.

H.5. ___√___ Commercial uses by type for each development area have been indicated (if applicable) including the maximum floor area proposed. Where the use includes outdoor areas for display or storage, the outdoor area has been indicated separately from the floor area.

H.6. _____ Industrial uses by type for each development area have been indicated (if applicable) including the maximum floor area proposed. Where the use includes outdoor areas for display or storage, the outdoor area has been indicated separately from the floor area.

H.7. ___N/A___ Parking under the building(s) is proposed and the number of parking stories has been indicated.

H.8. ___N/A___ The total number of living stories has been indicated.

H.9. ___√___ The maximum height of the buildings, including parking stories, has been indicated.

H.10 ___√___ The general location of service areas for delivery of goods or services has been delineated on the master concept plan.

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I. **Summary list of uses**

I.1. ✓ A list of all uses, including types and number of units for residential, hotel/motel and assisted living facilities as well as square footage of each type of commercial and industrial use, proposed for the entire development is attached as **Exhibit IV-I-1.** *[34-373(a)(8)]*

J. **Master list of deviations.** **[34-373(a)(6)j]**

J.1. ✓ A list of all deviations requested as well as a written justification for the deviation, has been submitted as **Exhibit IV-J-1.**

J.2. ✓ The proposed location for each requested deviation, keyed to the schedule of requested deviations (Exhibit IV-J-1), has been indicated on the master concept plan.

J.3. ✓ Drawings demonstrating the effect of the requested deviations are submitted as **Exhibit IV-J-3.** **Please Refer to MCP**

J.4. N/A No deviations are requested.

K. **Traffic Impact Statement** *[34-373(a)(7)]*

K.1. ✓ The Traffic Impact statement has been submitted as **Exhibit IV-K-1.**

K.2. N/A The director has waived the requirement for this minor planned development. The signed waiver is attached hereto as **Exhibit II-F-1.**

L **Phasing Plan**

L.1. N/A The project will be developed in phases OR the Traffic Impact Statement utilized phasing . A description of the phasing plan has been submitted as **Exhibit IV-L-1.** *[34-376(b)(3)]*

M. **Special Concerns**

M.1. N/A This project includes a private port facility. Attached is a Hazardous Materials Emergency Plan labeled **Exhibit IV-M-1.** *[34-202(b)(4)]*

M-2 N/A This project includes rezoning of a mobile home park. Attached as **Exhibit IV-M-2** is the information required by section 34-203(d). *[34-203(d)].*

M-3 N/A This project includes a request to use Bonus Density units. Attached as **Exhibit IV-M-3** is information on the type of bonus density units to be used, the source of the bonus density units, and the effect on the overall project. *[34-202(b)(5)]*

M-4 N/A The project is a Residential Planned Development located in either a Rural or Outer Island land use classification. Attached as **Exhibit IV-M-4** is the impact analysis. *[34-442]*

M-5 N/A This project is subject to the airport hazard regulations. Attached is **Exhibit IV-M-5.** *[34-1001]*

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PART V - AFFIDAVIT

I, Robert M. Bedard, Wal-Mart Stores East, LP certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true. I also authorize 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.

Robert M. Bedard — 5/27/03

Signature of Owner or Owner-authorized Agent — Date

Robert M. Bedard, Assistant Vice President,
Wal-Mart Stores East, LP

Typed or printed name and title

STATE OF ARKANSAS)
COUNTY OF BENTON)

The foregoing instrument was certified and subscribed before me this 27th day of May 2003, by Robert M. Bedard who is **personally known to me** or who has produced _____ as identification.

(SEAL)
" NOTARY SEAL "
Tonya Coffelt, Notary Public
Benton County, State of Arkansas
My Commission Expires 12/1/2009

Tonya Coffelt
Signature of notary public

Tonya Coffelt
Printed name of notary public

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PART VI - SUBMITTAL REQUIREMENTS

COPIES REQUIRED including 1 original					Exhibit #	Item
SUB	NR	DRI	DCI	MINOR		
√		12	11	11		Completed application [34-201(b) & 34-373(a)(1)]
√		12	11	11	MPD	**Estero Golf Resort MPD Resolution No. Z-01-012a**
√		3	3	3	I-A-1	Covenant Of Unified Control [34-202(b)(1)b & 34-373(a)(3)]
√		3	3	3	I-A-2, I-A-3	Authorization Form [34-201(a)(1)] & [34-202(b)(1)c]
√		2	2	2	I-C-2	Subject property owners list [34-202(a)(5)]
√		3	3	3	I-D-1, I-D-2	Disclosure Form [34-201(b)(1)a]
√		3	3	3	I-E-1	Deed Restrictions [34-202(b)(2)]
	√	3	3	3	I-E-2	Deed Restrictions Narrative [34-202(b)(2)]
	√	3	3	3	II-B-1-A	Legal Description [34-202(a)(1)]
	√	1	1	1	II-B-1-B	Electronic version of legal description
√		3	3	3	II-B-2	Certified sketch of description [34-202(a)(2)] **Signed/Sealed Survey**
	√	3	3	3	II-B-3	Plat Book Page [34-202(a)(1)]
√		2	2	2	II-D-2	Area Location Map on 8 ½ by 11 paper [34-202(a)(4)]
√		2	2	2	II-D-3	Surrounding Property Owners List [34-202(a)(6)]
√		2	2	2	II-D-4	Surrounding parcels Map [34-202(a)(7)]
√		2	2	2	II-D-5	Mailing labels (sets)
√		12	11	11	II-E-2	Compliance with Lee Plan. [34-373(a)(5) & 34-491]
	√	12	11	11	II-E-3	Lee Plan Amendment [34-373(a)(5) & 34-491]
√		3	3	3	II-E-4	Compliance with design standards of 34-411. [34-373(a)(5)]
√		3	3	3	II-E-5	Compliance with decision-making guidelines. [34-373(a)(5)]
	√	3	3	3	II-F-1	Waivers
√		12	11	11	III-A-1	Existing easements and r-o-w map. [34-373(a)(4)a.] **See MCP**
√		12	11	11	III-A-2	Exist. zoning & current land use map [34-373(a)(4)b] **See MCP**
√		3	3	3	III-A-3	Aerial photograph [34-373(a)(4)c]
√		3	3	3	III-B-1	Map of Historical & Archaeological sites [34-373(a)(4)f]
	√	3	3	3	III-B-2	Possible impacts on Hist. & Arch. sites [34-373(a)(4)f]
√		12	11	4	III-C-3	Environmental Assessment Report
√		12	11	4	III-C-5	Soils [34-373(a)(4)d.i]
√		12	11	4	III-C-6	Vegetation\ground cover [34-373(a)(4)d]
√		12	11	4	III-C-7	Topography. [34-373(a)(4)d.iv]
√		4	4	-	III-C-8	Protected Species Survey (if applicable) [34-373(b)(2)]
	√	12	11	4	III-D-1	Public transit routes map (if applicable) [34-373(a)(4)e.]
√		12	11	11	IV-A-1	Master Concept Plan 24 X 36 inches [34-373(a)(6)a.]
√		3	3	3	IV-A-2	Master Concept Plan 11 X 17 inches [34-373(a)(6)a.]
√		4	4	-	IV-E-2	Surface Water Management Plan [34-373(b)(1)]
	√	4	4	4	IV-F-5	Excavation calculations [34-373(a)(6)l]
√		12	11	11	IV-I-1	Master List of uses for entire development [34-373(a)(8)]
√		12	11	11	IV-J-1	List of deviations & justification [34-373(a)(9)]
√		12	11	11	IV-J-3	Drawings demonstrating deviations [34-373(a)(6)j] **See MCP**
√		4	4	4*	IV-K-1	Traffic Imp. Statement [34-373(a)(7)]
	√	12	11	11	IV-L-1	Program for phased development [34-373(b)(3)]
√		12	11	11	IV-M	Facilities for the development
	√	4	4	4	IV-M-1	Haz. Mat Emer Plan [34-202(b)(4)]
	√	4	4	4	IV-M-2	Mobile Home Park Information [34-203(d)]
	√	4	4	4	IV-M-3	Bonus Density units 34-202(b)(5)
	√	4	4	4	IV-M-4	Sanitary Sewer Facilities
	√	4	4	4	IV-M-5	Airport Hazard

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EXHIBIT I-D-1 or I-D-2
DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. 21-46-25-00-00001.0010 **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, Address, and Office	Percentage of Stock

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

(over)

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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, Address, & Office(if applicable)	Percentage of Stock
Wal-Mart Stores East, LP	Limited Partnership does not have stock.
Robert M. Bedard, Assistant Vice President	
2001 SE 10th st., Bentonville, AR 72716-0550	An entity owned by Wal-Mart Stores, Inc.
	A publicly traded corporation

Date of Contract: ___Januray 21, 2003_____

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: Robert M. Bedard
(Applicant)

Robert M. Bedard, Assistant Vice President
Wal-Mart Stores East, LP
(Printed or typed name of applicant)

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STATE OF ARKANSAS
COUNTY OF BENTON

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The foregoing instrument was acknowledged before me this 27th day of May 2003,
by Robert M. Bedard who is personally known to me or who has
produced _____ as identification.

" NOTARY SEAL "
Tonya Coffelt, Notary Public
Benton County, State of Arkansas
My Commission Expires 12/1/2009

Tonya Coffelt
Signature of Notary Public

J:\W13303~1\APPLIC~1\LEECOU~1\PD-APP.WPD

WAL-MART STORES EAST, LP

Officer List

Each of the following may be reached at:

Wal-Mart Stores East, LP
702 SW 8th Street
Bentonville, AR 72716

H. Lee Scott, Jr.	President & Sole Director
Paul R. Carter	Executive Vice President
Mike Duke	Executive Vice President
Coleman Peterson	Executive Vice President
Thomas Schoewe	Executive Vice President & CFO
Jay Fitzsimmons	Senior Vice President and Treasurer
Glenn L. Habern	Senior Vice President – New Business Development
James Martin	Senior Vice President – Pharmacy
Robert K. Rhoads	Senior Vice President and Secretary
James A. Walker, Jr.	Senior Vice President and Controller
Eric Zorn	Senior Vice President – Real Estate
Rollin Ford	Senior Vice President
Dennis Atnip	Vice President & Regional Distribution Manager
Rick Brazile	Vice President – Accounting and Assistant Controller
J. Robert Bray	Vice President – Real Estate
David Bullington	Vice President – Tax
Johnnie Dobbs, Jr.	Vice President Specialty Distribution

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Larry Duff	Vice President
Bradley Feagans	Vice President & Divisional Merchandise Manager
Gary Fratto	Vice President & Divisional Merchandise Manager
Anthony L. Fuller	Vice President – Real Estate
Allison Garrett	Vice President & Assistant Secretary
Martin G. Gilbert	Vice President & Assistant Secretary
Kerry Harmon	Vice President – Operations
Dave Holtz	Vice President & Regional Distribution Manager
Brian Huff	Vice President & Divisional Merchandise Manager
Chuck Johnston	Vice President – Logistics
Deborah Kass	Vice President – Logistics People
Mike Mabry	Vice President & Regional Distribution Manager
Larry Mahoney	Vice President - Logistics
Rick Mangrum	Vice President
William May	Vice President
Ruth McCarthy	Vice President & Divisional Merchandise Manager
Mike McLemore	Vice President - Logistics
Lori Meyer	Vice President
Mike Miller	Vice President – Operations
Steve Noetzel	Vice President
Dave Reiff	Vice President – Private Fleet
Bob Robinson	Vice President & Regional Distribution Manager

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Michael Rouse	Vice president & Divisional Merchandise Manager
Sallie Stroud	Vice President & Assistant Secretary
Ted Wade	Vice President – Traffic
Mark Weiler	Vice President & Regional Distribution Manager
Ronald A. Williams	Vice President & Assistant Secretary
Tim Yatsko	Vice President-IMD
Robert M. Bedard	Assistant Vice President & Assistant Secretary
Jim Bennett	Assistant Vice President
J. Robert Bray	Assistant Vice President & Assistant Secretary
Michael A. Gardner	Assistant Vice President & Assistant Secretary
Kimberly K. Lane	Assistant Vice President & Assistant Secretary
S. Richard Levin	Assistant Vice President & Assistant Secretary
Barry Shannahan	Assistant Vice President & Assistant Secretary
George Bacso	Assistant Secretary
Angela S. Beehler	Assistant Secretary
Shavondelia Brown	Assistant Secretary
Rachel Brumley	Assistant Secretary
Debbie Cawood	Assistant Secretary
James A. Cole	Assistant Secretary
Lorraine E. Dark	Assistant Secretary
Anthony George	Assistant Secretary
Martin G. Gilbert, Jr.	Assistant Secretary
Chris Glass	Assistant Secretary

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Scott Greear	Assistant Secretary
Jim Harris	Assistant Secretary
Sondra Hilger	Assistant Secretary
Frank Hysell	Assistant Secretary
Michael W. Kersting	Assistant Secretary
Adele E. Lucas	Assistant Secretary
Joan Mladucky	Assistant Secretary
Carl Muller	Assistant Secretary
Karen Roberts	Assistant Secretary
Brandt Rydell	Assistant Secretary
Kim Saylors	Assistant Secretary
Kathy Tobey	Assistant Secretary
Michael E. Tomlin	Assistant Secretary
Latriece Watkins	Assistant Secretary
Elizabeth Branigan	Assistant Treasurer
Michael A. Cook	Assistant Treasurer

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AUG 2 8 2003
ZONING

Letter of Authorization

To Lee County Community Development

To Whom It May Concern:

I, Robert M. Bedard, (Owner Authorized Representative), of the property(ies) described below, hereby authorize CPH Engineers, Inc., to represent me before Lee County in matters solely related to the rezoning and development order applications for the described property.

Address____US 41 and Koreshan Blvd., Estero, FL_____

Strap #s 21-46-25-00-00001.0010

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PERMIT COUNTER

Robert M. Bedard
Assistant Vice President
Wal-Mart Stores East, LP

Name of Owner Authorized Representative

Robert M. Bedard

Signature of Owner Authorized Representative

DCI 2003-00058

STATE OF ARKANSAS
COUNTY OF BENTON

Sworn and subscribed before me this 27th day of May, 2003, who is personally known to me. He has acknowledged to and before me, he/she executed such instrument for the purpose therein expressed.

Tonya Coffelt
Printed Notary Signature

Tonya Coffelt
Notary Signature

My Commission Expires: 12-1-2009

" NOTARY SEAL "
Tonya Coffelt, Notary Public
Benton County, State of Arkansas
My Commission Expires 12/1/2009

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

Contract purchasers
The undersigned do hereby swear or affirm that they are the ~~fee simple title holders and owners of record~~ of property commonly known as __Estero Land Holdings, LLC__ and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate _CPH ENGINEERS, INC.__ as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

_____
~~Owner~~(signature) Contract Purchaser*

Robert M. Bedard, Asst. Vice President,
Wal-Mart Stores East, LP
Printed Name

_____
Owner(signature)*

_____
Printed Name

_____
Owner(signature)*

_____
Printed Name

_____
Owner(signature)*

_____
Printed Name

STATE OF ARKANSAS
COUNTY OF BENTON

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 200__, by _____, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

(SEAL)

RECEIVED
AUG 2 8 2003
PERMIT COUNTER

_____
Notary Public

_____
(Name typed, printed or stamped)

**If more than one owner then all owners must sign. See explanation on back.*

DCI 2003-00058

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as __Estero Land Holdings, LLC__ and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate _Robert M. Bedard, Assistant Vice President, Wal-Mart Stores East, LP__ as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

~~Owner~~*(signature) Manager	Owner*(signature)
Paula J. Davis, Estero Land Holdings, LLC Printed Name	Printed Name
Owner*(signature)	Owner*(signature)
Printed Name	Printed Name
Owner*(signature)	Owner*(signature)
Printed Name	Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 21 day of August, 2003, by Paula Davis, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

(SEAL)

MELLISSA LIGUORI
Notary Public - State of Florida
My Commission Expires Mar 27, 2007
Commission # DD197329
Bonded By National Notary Assn.

Mellissa Liguori
Notary Public

Mellissa Liguori
(Name typed, printed or stamped)

*If more than one owner then all owners must sign. See explanation on back.

RECEIVED
AUG 28 2003
PERMIT COUNTER

DCI 2003-00058

INSTR # 5038555
OR BK 03348 PG 3059
RECORDED 01/10/01 11:47 AM
CHARLIE GREEN CLERK OF COURT
LEE COUNTY
RECORDING FEE 19.50
DOC TAX PD(F.S.201.02) 21,000.00
DEPUTY CLERK K Cartwright

Prepared by and return to:
William A. Keyes, Jr.
Attorney at Law
Stewart & Keyes
2125 First Street, Suite 101 Post Office Drawer 790
Fort Myers, Florida 33902
File Number: **10587-12c**
Will Call No.: **Box28**

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this **8th** day of **January, 2001** between **Hermes Investment Co., Inc., a Delaware corporation** whose post office address is **c/o Stewart & Keyes, Post Office Drawer 790, Fort Myers, Florida 33902,** grantor, and **Estero Land Holdings, L.L.C. a Florida Limited Liability Company** whose post office address is **24860 Burnt Pine Drive, Bonita Springs, Florida 34134,** grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Lee County, Florida** to-wit:

See Attached Exhibit "A"

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2000.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

DCI 2003-00058

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AUG 28 2003
PERMIT COUNTER DoubleTime

Signed, sealed and delivered in our presence:

Witness Name: SHAWN O'SHEA

Witness Name: John Downey

Hermes Investment Co., Inc.
a Delaware corporation

By: _____
Robert Mann
as President

(Corporate Seal)

State of California
County of _____

The foregoing instrument was acknowledged before me this _____ day of January, 2001 by Robert Mann, as President of Hermes Investment Co., Inc., a Delaware corporation, on behalf of the corporation. He [_] is personally known to me or [_] has produced a driver's license as identification.

[Notary Seal]

Notary Public

Printed Name: _____

My Commission Expires: _____

SEE ATTACHED
ACKNOWLEDGEMENT

OCI 2003-00058

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AUG 28 2003
PERMIT COUNTER

DoubleTime®

OR BK 03348 PG 3061

CALIFORNIA ALL PURPOSE ACKNOWLEDGEMENT

State of California
County of San Francisco

On 1/8/01, before me, **Paul C. Moffett**, Notary Public, personally appeared
Robert Mann
Name[s] of signer[s]

___ personally known to me - OR -
Y proved to me on the basis of satisfactory evidence
to be the person[s] whose name[s] is/are subscribed to the within instrument and acknowledged to me that he / she / they executed the same in his / her / their authorized capacity[ies], and that by his / her / their signature[s] on the instrument the person[s], or the entity upon behalf of which the person[s] acted, executed the instrument.

PAUL C. MOFFETT
Commission # 1220481
Notary Public - California
San Francisco County
My Comm. Expires May 21, 2003

WITNESS my hand and official seal.

Paul C. Moffett

Paul C. Moffett, Notary Public

CAPACITY CLAIMED BY SIGNER

___ INDIVIDUAL[S] SIGNING FOR ONSELF/THEMSELVES
X CORPORATE OFFICER[S] President TITLE[S]
Hermes Investment Co, Inc
COMPANY NAME
___ PARTNER[S]
PARTNERSHIP
___ ATTORNEY IN FACT
PRINCIPAL
___ TRUSTEE[S]
TRUST
___ OTHER
TITLE[S]
ENTITY[IES] REPRESENTED

DESCRIPTION OF ATTACHED DOCUMENT

OCI 2003-00058
Warranty Deed
TITLE OR TYPE OF DOCUMENT
NUMBER OF PAGES 2
DATE OF DOCUMENT 1/8/01

RECEIVED
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PERMIT COUNTER

SIGNER[S] OTHER THAN NAMED ABOVE

584 Castro Street San Francisco, Ca 94114 [415] 864 5888

EXHIBIT I-A-1

COVENANT OF UNIFIED CONTROL

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as _Northeast Corner of Tamiami Trail South (US 41) and Koreshan Blvd., Estero, Florida 33912___ and (street address)

legally described in Exhibit A attached hereto.

The property described herein is the subject of an application for planned development zoning. We hereby designate Robert M. Bedard, Asst. Vice President, Wal-Mart Stores East, LP, the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorization of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended covenant of unified control is delivered to Lee County.

The undersigned recognize the following and will be guided accordingly in the pursuit of development of the project:

1. The property will be developed and used in conformity with the approved master concept plan including all conditions placed on the development and all commitments agreed to by the applicant in connection with the planned development rezoning.
2. The legal representative identified herein is responsible for compliance with all terms, conditions, safeguards, and stipulations made at the time of approval of the master concept plan, even if the property is subsequently sold in whole or in part, unless and until a new or amended covenant of unified control is delivered to and recorded by Lee County.
3. A departure from the provisions of the approved plans or a failure to comply with any requirements, conditions, or safeguards provided for in the planned development process will constitute a violation of the Land Development Code.
4. All terms and conditions of the planned development approval will be incorporated into covenants and restrictions which run with the land so as to provide notice to subsequent owners that all development activity within the planned development must be consistent with those terms and conditions.
5. So long as this covenant is in force, Lee County can, upon the discovery of noncompliance with the terms, safeguards, and conditions of the planned development, seek equitable relief as necessary to compel compliance. The County will not issue permits, certificates, or licenses to occupy or use any part of the planned development and the County may stop ongoing construction activity until the project is brought into compliance with all terms, conditions and safeguards of the planned development.

Owner/Manager

Paula J. Davis, Manager, Estero Land Holdings, LLC
Printed Name

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AUG 28 2003
PERMIT COUNTER

STATE OF FLORIDA)
COUNTY OF LEE)

Sworn to (or affirmed) and subscribed before me this 6 day of May, 2003
by Paula Davis who is personally known to me or has produced _____ as identification.

Mellissa Liguori Notary Public

Mellissa Liguori
(Name typed, printed or stamped)

(Serial Number, if any)

MELLISSA LIGUORI
Notary Public - State of Florida
My Commission Expires Mar 27, 2007
Commission # DD197329
Bonded By National Notary Assn.

DCI 2003-00058

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as __Koreshan Conservation Area, Inc.__ and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate _Robert M. Bedard, Assistant Vice President, Wal-Mart Stores East, LP__ as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

~~Owner~~*(signature) President

Paula J. Davis, Koreshan Conservation Area, Inc.
Printed Name A Florida Non-Profit Corporation

Owner(signature)*

Printed Name

Owner(signature)*

Printed Name

Owner(signature)*

Printed Name

Owner(signature)*

Printed Name

Owner(signature)*

Printed Name

Owner(signature)*

Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 21 day of August, 2003, by Paula Davis, who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

(SEAL)

MELLISSA LIGUORI
Notary Public - State of Florida
My Commission Expires Mar 27, 2007
Commission # DD197329
Bonded By National Notary Assn.

Mellissa Liguori
Notary Public

Mellissa Liguori
(Name typed, printed or stamped)

*If more than one owner then all owners must sign. See explanation on back.

RECEIVED
AUG 28 2003
PERMIT COUNTER

DCI 2003-00058

This Instrument Prepared By:
Thomas B. Garlick, Esquire
Garlick, Stetler & Peeples, LLP
5551 Ridgewood Drive, Suite 101
Naples, FL 34108

Tax Folio #: 21 46 25 00 00001.0010

INSTR # 5617058
OR BK 03768 PG 4343
RECORDED 11/06/2002 08:29:40 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 19.50
DEED DOC 0.70
DEPUTY CLERK G Sherwood

(4)

QUIT-CLAIM DEED

THIS QUIT-CLAIM DEED, executed this 31 day of October 2002, by Estero Land Holdings, L.L.C., a Florida limited liability company, Grantor, to Koreshan Conservation Area, Inc., a Florida corporation not-for-profit, whose post office address is 24860 Burnt Pine Drive, Bonita Springs, FL 341324, Grantee:

(Wherever used herein the terms "first party" and "second party" include all the parties to this instrument and their heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the Grantor, for and in consideration of the sum of $10.00 in hand paid by the Grantee, the receipt of which is hereby acknowledged, does hereby remise, release and quit-claim unto the Grantee forever all the right, title and interest, claim and demand which the Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Lee, State of Florida, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the Grantor, either in law or equity, to the only proper use; benefit and behoof of the Grantee forever.

IN WITNESS WHEREOF, the Grantor has signed and sealed these presents the day and year first above written.

WITNESSES:

Wenke V. Brandes
Printed Name: Wenke V. Brandes

Matthew Grazkski
Printed Name: Matthew Grazkski

Estero Land Holdings, L.L.C., a Florida limited liability company

By: Paula J. Davis, Manager

OCI 2003-00058
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AUG 28 2003
PERMIT COUNTER

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 31 day of October, 2002, by Paula J. Davis, as Manager of Estero Land Holdings, L.L.C., a Florida limited liability company, on behalf of the company. She is personally known to me or produced ____ _____ as identification.

Wenke O Brandes

Notary Public – Signature
Printed Name:_____
My Commission Expires: _____

(SEAL)

N:\Clients\Estero_Land_Holdings_0235\Osprey_Cove\quit claim deed.DOC

Wenke O Brandes
My Commission DD139364
Expires October 06, 2006

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PERMIT COUNTER

COASTAL ENGINEERING CONSULTANTS INC
A CECI GROUP COMPANY

CECI Group Services
Civil Engineering
Survey & Mapping
Coastal Engineering
Real Estate Appraisal
Environmental Assessment
Website: www.coastalengineering.com

OR BOOK 03768 PAGE 4345

EXHIBIT
LEGAL DESCRIPTION
TRACT "C"
ESTERO RESORT WEST – CONSERVATION TRACT

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45"W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461-3462); THENCE CONTINUE ALONG THE NORTHERLY RIGHT-OF-WAY OF KORESHAN BOULEVARD 552.84 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; HAVING A RADIUS OF 11425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF N 87°35'02" W TO A POINT OF TANGENCY; THENCE N 86°11'52" W, FOR A DISTANCE OF 1310.00 FEET TO **THE POINT OF BEGINNING;** THENCE N 86°11'52" W A DISTANCE OF 920.03 FEET; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY OF KORESHAN BOULEVARD CONTINUE N 03°48'08" E A DISTANCE OF 78.17 FEET, THENCE N 06°17'52" E A DISTANCE OF 65.10 FEET; THENCE N 86°11'52" W FOR A DISTANCE OF 308.33 FEET; THENCE N 56°32'09" W FOR A DISTANCE OF 125.01 FEET; THENCE N 41°49'02" W FOR A DISTANCE OF 117.26 FEET; THENCE N 18°05'53" W A DISTANCE OF 261.25 FEET; THENCE N 23°09'48" E A DISTANCE OF 201.23 FEET; THENCE N 71°24'47" E A DISTANCE OF 120.41 FEET; THENCE S 71°26'56" E A DISTANCE OF 178.91 FEET; THENCE S 39°21'22" E A DISITANCE OF 133.21 FEET; THENCE S 02°18'15" W A DISTANCE OF 64.89 FEET; THENCE S 41°20'34" E A DISTANCE OF 90.17 FEET; THENCE N 87°30'05" E A DISTANCE OF 152.80 FEET; THENCE S 62°50'45" E A DISTANCE OF 61.63 FEET; THENCE S 24°56'18" E A DISTANCE OF 115.10 FFET; THENCE S 12°27'19" W A DISTANCE OF 150.58'; THENCE S 57°09'16" E A DISTANCE OF 82.60'; THENCE N 64°37'44" E A DISTANCE OF 89.13 FEET; THENCE N 84°05'09" E A DISTANCE OF 90.84 FEET; THENCE S 45°21'24" E A DISTANCE OF 226.56 FEET; THENCE N 28°23'13" E A DISTANCE OF 110.77 FEET; THENCE N 60°59'26" E A DISTANCE OF 126.08' FEET TO THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (AS RECORDED IN DEED BOOK 68, PAGE 78); THENCE CONTINUB ALONG THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD S 32°34'52" E FOR A DISTANCE OF 343.00 FEET TO **POINT OF BEGINNING.**

PARCEL CONTAINS 11.3 ACRES OF LAND MORE OR LESS.

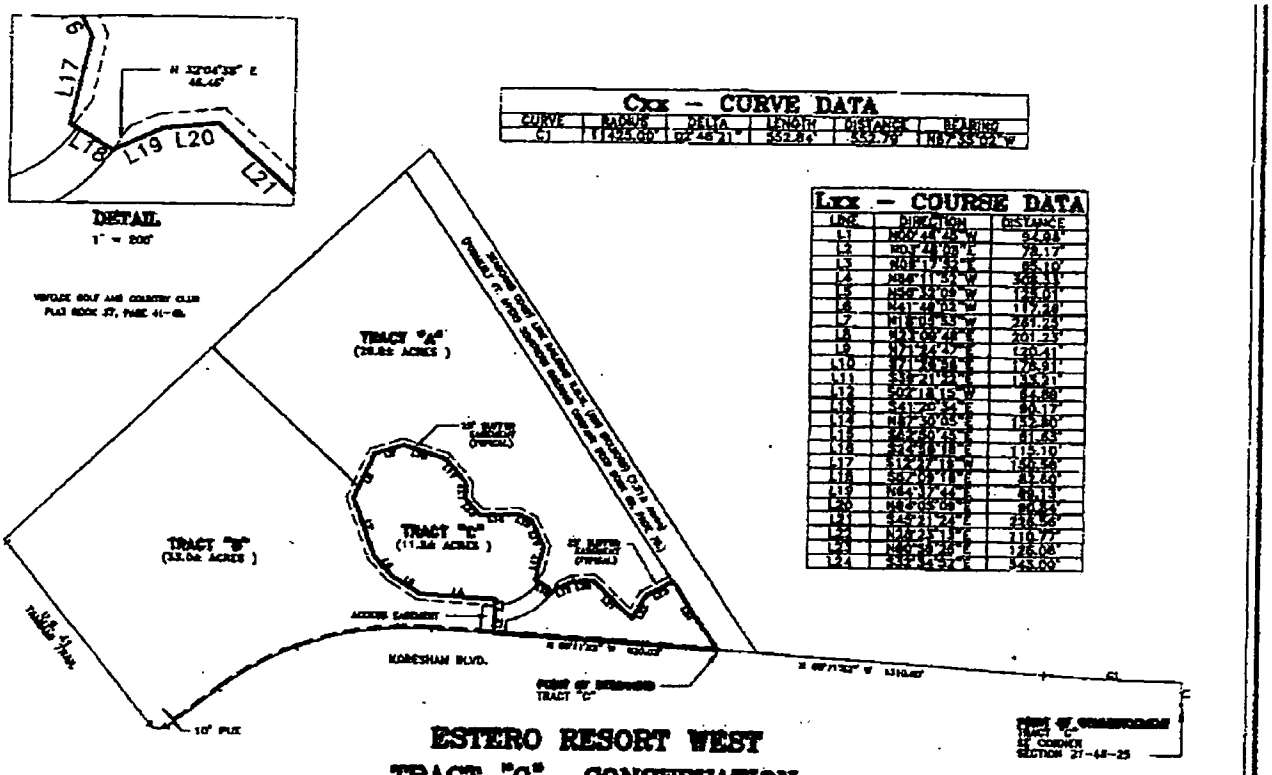
SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2464

DANAL WORLEY
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5651
NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 02.325
DATE SIGNED: 10-24-02

DCI 2003-00058

RECEIVED
AUG 28 2003
PERMIT COUNTER



CXX – CURVE DATA

CURVE	RADIUS	DELTA	LENGTH	DISTANCE	BEARING
C1	11425.00'	02° 46' 21"	552.84'	552.79'	N87°35'02"W

LXX – COURSE DATA

LINE	DIRECTION	DISTANCE
L1	N00°48'45"W	94.98'
L2	N01°49'19"E	78.17'
L3	N08°17'52"E	85.10'
L4	N86°11'52"W	308.33'
L5	N86°11'52"W	125.01'
L6	N41°49'02"W	117.26'
L7	N18°05'53"W	261.25'
L8	N23°09'48"E	201.23'
L9	N71°24'47"E	120.41'
L10	N71°28'58"E	178.91'
L11	S39°21'22"E	133.21'
L12	S02°18'15"W	84.88'
L13	S41°20'34"E	90.17'
L14	N87°30'05"E	152.80'
L15	S62°50'45"E	51.63'
L16	S24°56'18"E	115.10'
L17	S12°27'19"W	150.58'
L18	S57°09'18"E	82.60'
L19	N84°37'44"E	89.13'
L20	S45°21'24"E	226.98'
L21	N28°23'13"E	110.77'
L22	N60°58'28"E	126.08'
L23	S32°34'52"E	343.00'

ESTERO RESORT WEST
TRACT "C"– CONSERVATION
NOT A BOUNDARY SURVEY

LEGAL DESCRIPTION

TRACT "C"
ESTERO RESORT WEST – CONSERVATION TRACT

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE ALONG THE EAST LINE OF SECTION 21, N 00°48'45"W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461-3462); THENCE CONTINUE ALONG THE NORTHERLY RIGHT-OF-WAY OF KORESHAN BOULEVARD 552.84 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; HAVING A RADIUS OF 11425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF N 87°35'02" W TO A POINT OF TANGENCY; THENCE N 86°11'52" W, FOR A DISTANCE OF 1310.00 FEET TO THE POINT OF BEGINNING; THENCE N 86°11'52" W A DISTANCE OF 920.03 FEET; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY OF KORESHAN BOULEVARD CONTINUE N 03°48'08" E A DISTANCE OF 78.17 FEET, THENCE N 08°17'52" E A DISTANCE OF 85.10 FEET; THENCE N 86°11'52" W FOR A DISTANCE OF 308.33 FEET; THENCE N 58°32'09" W FOR A DISTANCE OF 125.01 FEET; THENCE N 41°49'02" W FOR A DISTANCE OF 117.26 FEET; THENCE N 18°05'53" W A DISTANCE OF 261.25 FEET; THENCE N 23°09'48" E A DISTANCE OF 201.23 FEET; THENCE N 71°24'47" E A DISTANCE OF 120.41 FEET; THENCE S 71°28'58" E A DISTANCE OF 178.91 FEET; THENCE S 39°21'22" E A DISTANCE OF 133.21 FEET; THENCE S 02°18'15" W A DISTANCE OF 84.88 FEET; THENCE S 41°20'34" E A DISTANCE OF 90.17 FEET; THENCE N 87°30'05" E A DISTANCE OF 152.80 FEET; THENCE S 62°50'45" E A DISTANCE OF 51.63 FEET; THENCE S 24°56'18" E A DISTANCE OF 115.10 FFET; THENCE S 12°27'19" W A DISTANCE OF 150.58'; THENCE S 57°09'18" E A DISTANCE OF 82.60'; THENCE N 84°37'44" E A DISTANCE OF 89.13 FEET; THENCE N 84°05'09" E A DISTANCE OF 90.84 FEET; THENCE S 45°21'24" E A DISTANCE OF 226.98 FEET; THENCE N 28°23'13" E A DISTANCE OF 110.77 FEET; THENCE N 60°58'28" E A DISTANCE OF 126.08' FEET TO THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (AS RECORDED IN DEED BOOK 68, PAGE 78); THENCE CONTINUE ALONG THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD S 32°34'52" E FOR A DISTANCE OF 343.00 FEET TO POINT OF BEGINNING.

PARCEL CONTAINS 11.3 ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

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AUG 28 2003
PERMIT COUNTER

500 0 250 500 1000
SCALE: 1" = 500'
REDUCED COPY

COASTAL ENGINEERING CONSULTANTS INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2464

DANA L. WORLEY, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5551
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 02.525
DATE OF SIGNATURE: 10-24-02

COASTAL ENGINEERING CONSULTANTS INC.
17965 S. TAMIAMI TRAIL STE #102
FORT MYERS, FLORIDA 33908

KEYSTONE CUSTOM HOMES
SKETCH OF DESCRIPTION
OF LANDS LYING IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

10/24/02 1" = 500'

DCI 2003-00058

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as __Osprey Cove of Lee Co. Ltd,__ and legally described in exhibit A attached hereto.

The property described herein is the subject of an application for zoning or development. We hereby designate _Robert M. Bedard, Assistant Vice President, Wal-Mart Stores East, LP__ as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

Owner(signature)*

Stefan M. Davis, Managing Member of General Partner of Osprey Cove of Lee Co. Ltd.
Printed Name

Owner(signature)*

Printed Name

Owner(signature)*

Printed Name

Owner(signature)*

Printed Name

Owner(signature)*

Printed Name

Owner(signature)*

Printed Name

STATE OF FLORIDA
COUNTY OF ALACHUA

Sworn to (or affirmed) and subscribed before me this 29 day of July, 2003, by Stefan M. Davis, Managing Member of General Partner of Osprey Cove of Lee Co. Ltd., who is personally known to me or who has produced _____ as identification and who did (did not) take an oath.

Kimberly A. Mattair
Notary Public

(SEAL)

KIMBERLY A. MATTAIR
MY COMMISSION # CC 966274
EXPIRES: Dec 8, 2004
1-800-3-NOTARY FL Notary Service & Bonding, Inc.

_____
(Name typed, printed or stamped)

**If more than one owner then all owners must sign. See explanation on back.*

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AUG 28 2003
PERMIT COUNTER

DCI 2003-00058

(3)

Thomas B. Garlick, Esq.
Garlick, Statler & Peeples, LLP
5551 Ridgewood Drive, Suite 101
Naples, FL 34108

INSTR # 5617059
OR BK 03768 PG 4347
RECORDED 11/06/2002 08:29:40 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 15.00
DEED DOC 19,600.00
DEPUTY CLERK G Sherwood

Parcel ID Number: 21 46 25 00 00001.0010
Grantee #1 TIN:
Grantee #2 TIN:

Warranty Deed

This Indenture, Made this 31 day of October, 2002 A.D., **Between** Estero Land Holdings, L.L.C., a Florida limited liability company

of the County of , State of FL 34134, **grantors,** and Osprey Cove of Lee Co., Ltd., a Florida limited liability company

whose address is: 20725 S.W. 46th Avenue, Newberry, FL 32669

of the County of , State of Florida, **grantee.**

Witnesseth that the GRANTORS, for and in consideration of the sum of ----------TEN DOLLARS ($10)---------- DOLLARS, and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Lee State of Florida to wit:

A tract or parcel of land in Section 21, Township 46 South, Range 25 East, Lee County, Florida, being shown as Tract A on attached Exhibit A.

SUBJECT to zoning, building code and other use restrictions imposed by governmental authority, outstanding oil, gas, and mineral interests of record, if any; restrictions and easements common to the subdivision; and real estate taxes accruing subsequent to December 31, 2002.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anyway appertaining.
TO HAVE AND TO HOLD the same in fee simple forever,

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DCI 2003-00058

and the grantors do hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Estero Land Holdings, L.L.C., a Florida limited liability company

Witness
Printed Name: Wenke O Brandes

By: _____ (Seal)
Paula J. Davis, Manager
P.O. Address: 24860 Burnt Pine Drive, Bonita Springs, FL 34134

Witness
Printed Name: MATTHEW GRABINSKI

(Corporate Seal)

STATE OF Florida
COUNTY OF Collier

The foregoing instrument was acknowledged before me this 31 day of October, 2002 by Paula J. Davis, Manager of Estero Land Holdings, L.L.C., a Florida limited liability company, on behalf of the company,
she is personally known to me or she has produced her Florida driver's license as identification.

Wenke O Brandes
My Commission DD139364
Expires October 06, 2006

Printed Name: _____
Notary Public
My Commission Expires:

0235-008

Laser Generated by O Display Systems, Inc., 2000 (863) 763-5555 Form FLWD-1

EXT 216 KEW CHASE

COASTAL ENGINEERING CONSULTANTS INC
A CECI GROUP COMPANY

CECI Group Members
Civil Engineering
Survey & Mapping
Coastal Engineering
Real Estate Appraisal
Environmental Assessment
Website: www.coastalengineering.com

OR BOOK 03768 PAGE 4348

EXHIBIT
LEGAL DESCRIPTION
TRACT "A"
ESTERO RESORT WEST – MULTI-FAMILY TRACT

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45"W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461-3462); THENCE CONTINUE ALONG THE NORTHERLY RIGHT-OF-WAY OF KORESHAN BOULEVARD 552.84 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; HAVING A RADIUS OF 11425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF N 87°35'02" W TO A POINT OF TANGENCY; THENCE N 86°11'52" W, FOR A DISTANCE OF 1310.00 FEET; THENCE N 32°34'52" W A DISTANCE OF 343.00 FEET ALONG THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (AS RECORDED IN DEED BOOK 68, PAGE 78) TO THE POINT OF BEGINNING; THENCE S 60°59'26" W A DISTANCE OF 126.08 FEET; THENCE S 28°23'13" W A DISTANCE OF 110.77 FEET, THENCE N 45°21'24" W A DISTANCE OF 226.56 FEET; THENCE S 84°05'09" W FOR A DISTANCE OF 90.84 FEET; THENCE S 64°37'44" W FOR A DISTANCE OF 89.13 FEET; THENCE N 57°09'16" W FOR A DISTANCE OF 82.60 FEET; THENCE N 12°27'19" E A DISTANCE OF 150.58' FEET; THENCE N 24°56'18" W A DISTANCE OF 115.10 FEET; THENCE N 62°50'45" W A DISTANCE OF 61.63 FEET; THENCE S 87°30'05" W A DISTANCE OF 152.80 FEET; THENCE N 41°20'34" W A DISTANCE OF 90.17 FEET; THENCE N 02°18'15" E A DISTANCE OF 64.89 FEET; THENCE N 39°21'22" W A DISTANCE OF 133.21 FEET; THENCE N 71°26'56" W A DISTANCE OF 178.91 FEET; THENCE S 71°24'47" W A DISTANCE OF 120.41 FEET; S 23°09'48" W A DISTANCE OF 153.12 FEET; THENCE ALONG A LINE COMMON TO TRACT "B" N 45°05'07"W A DISTANCE OF 824.30 FEET; THENCE ALONG A LINE COMMON TO VINTAGE GOLF AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 37, PAGE 41-48, N 44°54'53" E A DISTANCE OF 1070.00 FEET; THENCE S 32°34'52" E A DISTANCE OF 2045.69 FEET ALONG THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (AS RECORDED IN DEED BOOK 68, PAGE 78); TO POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

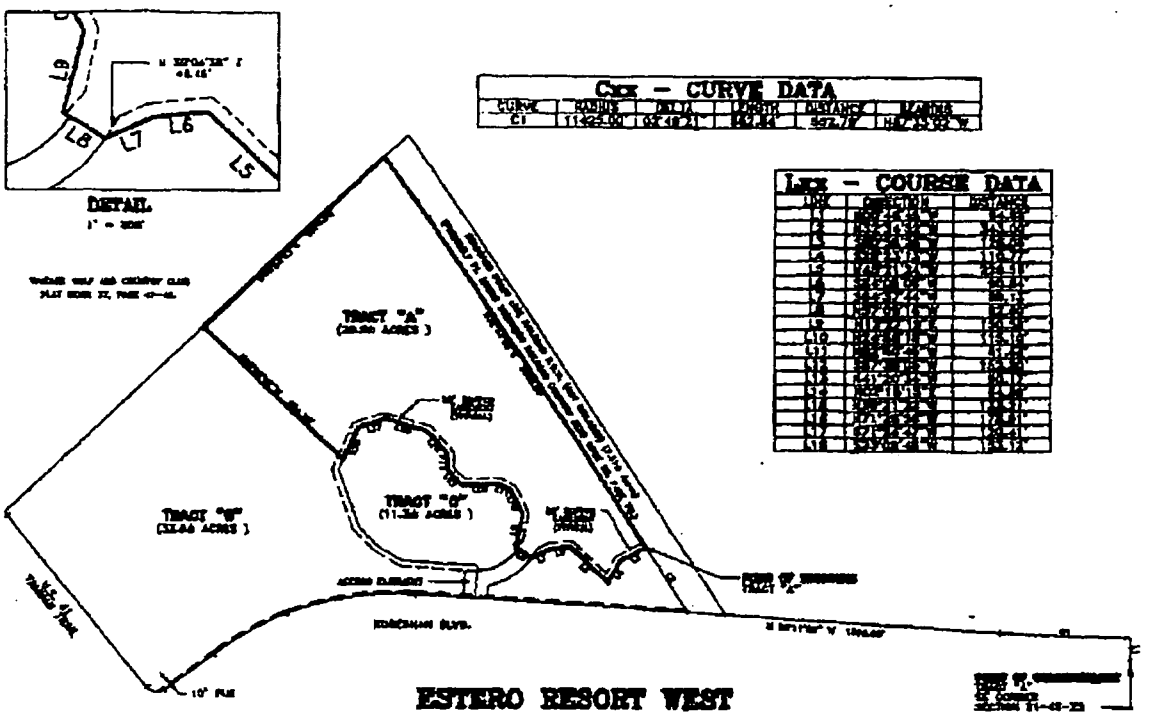
COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2464

DANA E. WORLEY-
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5651
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
CEC FILE NO: 02.326
DATE SIGNED: 10-24-02

RECEIVED
AUG 28 2003
PERMIT COUNTER

17595 S. Tamiami Trail, Suite 0102, Fort Myers, Florida 33908 ○ Phone (941) 590-9900 Fax (941) 590-9909 ○ E-Mail: info@coastl.com
SERVING FLORIDA SINCE 1977

DCI 2003-00058



LEGAL DESCRIPTION

TRACT "A"
ESTERO RESORT WEST - MULTI-FAMILY TRACT

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45"W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3481-3482); THENCE CONTINUE ALONG THE NORTHERLY RIGHT-OF-WAY OF KORESHAN BOULEVARD 552.84 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; HAVING A RADIUS OF 11428.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF N 87°35'02" W TO A POINT OF TANGENCY; THENCE N 86°11'52" W, FOR A DISTANCE OF 1310.00 FEET; THENCE N 32°34'32" W A DISTANCE OF 343.00 FEET ALONG THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (AS RECORDED IN DEED BOOK 66, PAGE 78) TO THE POINT OF BEGINNING; THENCE S 60°39'26" W A DISTANCE OF 128.00 FEET; THENCE S 28°23'13" W A DISTANCE OF 110.77 FEET, THENCE N 45°21'24" W A DISTANCE OF 226.56 FEET; THENCE S 84°05'06" W FOR A DISTANCE OF 80.84 FEET; THENCE S 64°37'44" W FOR A DISTANCE OF 89.13 FEET; THENCE N 87°09'16" W FOR A DISTANCE OF 82.80 FEET; THENCE N 12°27'19" E A DISTANCE OF 150.58' FEET; THENCE N 26°56'19" W A DISTANCE OF 115.10 FEET; THENCE N 62°50'45" W A DISTANCE OF 81.83 FEET; THENCE S 87°38'05" W A DISTANCE OF 132.80 FEET; THENCE N 41°20'34" W A DISTANCE OF 90.17 FEET; THENCE N 02°18'15" E A DISTANCE OF 84.89 FEET; THENCE N 38°21'22" W A DISTANCE OF 133.21 FEET; THENCE N 71°26'58" W A DISTANCE OF 178.81 FEET; THENCE S 71°24'47" W A DISTANCE OF 120.41 FEET; S 23°09'48" W A DISTANCE OF 153.12 FEET; THENCE ALONG A LINE COMMON TO TRACT "B" N 43°05'07" W A DISTANCE OF 824.30 FEET; THENCE ALONG A LINE COMMON TO VINTAGE GOLF AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 37, PAGE 41-48, N 46°54'53" E A DISTANCE OF 1070.00 FEET; THENCE S 32°34'32" E A DISTANCE OF 2048.58 FEET ALONG THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (AS RECORDED IN DEED BOOK 66, PAGE 78); TO POINT OF BEGINNING.

Pr

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

N

500 0 250 500 1000
SCALE: 1" = 500'
REDUCED COPY

COASTAL ENGINEERING CONSULTANTS INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2484

DANA L. WORLEY, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. [illegible]
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 02.324
DATE OF SIGNATURE: 10-24-02

DAVIS AND SONS
SKETCH OF DESCRIPTION
OF LANDS LYING IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

Exhibit "A"
2 of 2

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DCI 2003-00058 PERMIT COUNTER

EXHIBIT I-D-1 or I-D-2
DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. **21-46-25-00-00001.0010** **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, Address, and Office	Percentage of Stock

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
John Frasco 1668 Telegraph Road, Suite 200	60%
Paula J. Davis, 24860 Burnt Pine Dr., Bonita Springs, FL 34134	40%

(over)

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, Address, & Office(if applicable)	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: Paula _____
(Applicant)

Paula J. Davis, Manager, Estero Land Holdings, LLC
(Printed or typed name of applicant)

DCI 2003-00058

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AUG 28 2003
PERMIT COUNTER

STATE OF FLORIDA)
COUNTY OF LEE)

Sworn to (or affirmed) and subscribed before me this 21 day of August, 2003 by Paula Davis who is personally known to me or has produced _____ as identification.

Mellissa Liguori Notary Public
Mellissa Liguori
(Name typed, printed or stamped) (Serial Number, if any)

MELLISSA LIGUORI
Notary Public - State of Florida
My Commission Expires Mar 27, 2007
Commission # DD197329
Bonded By National Notary Assn.

EXHIBIT I-D-1 or I-D-2
DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. 21-46-25-00-00001.0020 **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, Address, and Office	Percentage of Stock

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
Davis Heritage-Osprey Cove, LLC (General Partner) 20725 S.W. 46th Avenue Newberry, FL 32669	.0095
Stefan M. Davis, Trustee Davis Family Dynasty Trust (General Partner) 20725 S.W. 46th Avenue Newberry, FL 32669	.0005
Stefan M. Davis (Limited Partner) 20725 S.W. 46th Avenue Newberry, FL 32669	99.99

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, Address, & Office(if applicable)	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)

Stefan M. Davis, Managing Member of General Partner of Osprey Cove of Lee Co. Ltd.
(Printed or typed name of applicant)

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AUG 28 2003
PERMIT COUNTER

CCI 2003-00058

STATE OF FLORIDA)
COUNTY OF ALACHUA)

Sworn to (or affirmed) and subscribed before me this 29 day of July, 2003 by Stefan M. Davis, Managing Member of Osprey Cove of Lee Co. Ltd. who is personally known to me or has produced _____ as identification.

Kimberly A. Mattair Notary Public

_____
(Name typed, printed or stamped) (Serial Number, if any)

KIMBERLY A. MATTAIR
MY COMMISSION # CC 966274
EXPIRES: Dec 8, 2004
1-800-3-NOTARY FL Notary Service & Bonding, Inc.

EXHIBIT I-D-1 or I-D-2
DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. 21-46-25-00-00001.0030 **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, Address, and Office	Percentage of Stock
	N/A

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

(over)

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, Address, & Office(if applicable)	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)

Paula J. Davis, President, Koreshan Conservation Area, Inc.
A Florida Non-Profit Corporation
(Printed or typed name of applicant)

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AUG 28 2003
PERMIT COUNTER

STATE OF FLORIDA)
COUNTY OF LEE)

Sworn to (or affirmed) and subscribed before me this 21 day of August, 2003 by Paula Davis who is personally known to me or has produced _____ as identification.

Mellissa Liguori Notary Public
Mellissa Liguori
(Name typed, printed or stamped) (Serial Number, if any)

MELLISSA LIGUORI
Notary Public - State of Florida
My Commission Expires Mar 27, 2007
Commission # DD197329
Bonded By National Notary Assn.

DCI 2003-00058

EXHIBIT II-D-2 AREA LOCATION MAP



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DCI 2003-00058

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© Copyright 1999 by Compusearch Micromarketing Data and Systems Ltd.

EXHIBIT IV-M
FACILITIES FOR THE DEVELOPMENT
(Instructions on back side of page)

1. Fire District: San Carlos Fire District

2. Estimated daily consumption of potable water:

2.a.	√	Residential units:	*	gpd	
2.b.		Mobile Home units:		gpd	
2.c.		Rec. Vehicle units:		gpd	
2.d.	√	Commercial **(Average)**:	25,000	gpd	(includes irrigation)
2.e.		Industrial:		gpd	

3. Source of Potable Water: Verbal commitment from Gulf Environmental Services (Lee County Utilities took possession of lines on July 1, 2003, availability letter requested)

3.a. ____ Agreement with the utility company is attached as **Exhibit IV-M-3.**

4. Source of Non-Potable Water: Verbal commitment from Gulf Environmental Services (Lee County Utilities took possession of lines on July 1, 2003, availability letter requested)

5. Estimated daily production of wastewater:

5.a.	√	Residential units:	*	gpd
5.b.		Mobile Home units:		gpd
5.c.		Rec. Vehicle units:		gpd
5.d.	√	Commercial **(average)**:	16,500	gpd
5.e.		Industrial:		gpd

6. ____ Special effluent is anticipated. See **Exhibit IV-M-4.**

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AUG 2 8 2003
ZONING

7. Source of sanitary sewer service:

7.a. ____ Agreement with the utility company is attached as **Exhibit IV-M-7.**

7.b. ____ A private on-site disposal facility will be used. See **Exhibit IV-M-4.**

7.c. ____ Individual sewage disposal systems will be used.

7.d.. ____ Spray irrigation will be used. See **Exhibit IV-M-4.**

**** Please refer to the rates shown on the original Estero Golf Resort MPD application (DCI-2000-00032)***

EXHIBIT I-D-1 or I-D-2
DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. 21-46-25-00-00001.0030 **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, Address, and Office	Percentage of Stock
Paula Davis, President and Treasurer, 5405 Taylor Rd., Ste 4, Naples, FL 34109 (Previous Address 24860 Burnt Pine Drive Bonita Springs, FL 34134)	N/A - Not for Profit Corporation The purpose of which is the management of the conservation area. Upon transfer of the subject property, officers representing Wal-Mart and Osprey Cove will be designated and an additional officer will be selected by both parties.
David Farmer, Vice President and Secretary 5405 Taylor Rd., Ste 4, Naples, FL 34109 (Previous Address 24860 Burnt Pine Drive Bonita Springs, FL 34134)	

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

(over)

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, Address, & Officer(if applicable)	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.

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NOV 05 2003
PERMIT COUNTER

Signature: _____
(Applicant)

Paula J. Davis, President, Koreshan Conservation Area, Inc.
(Printed or typed name of applicant)

2003-00058

STATE OF FLORIDA)
COUNTY OF LEE)

Sworn to (or affirmed) and subscribed before me this 10 day of October, 2003 by Paula Davis who is personally known to me or has produced _____ as identification.

Mellissa Liguori
Notary Public

Mellissa Liguori
(Name typed, printed or stamped)

(Serial Number, If any)

MELLISSA LIGUORI
Notary Public - State of Florida
My Commission Expires Mar 27, 2007
Commission # DD197329
Bonded By National Notary Assn.

COASTAL ENGINEERING CONSULTANTS INC

A CECI GROUP COMPANY

CECI Group Services
Civil Engineering
Survey & Mapping
Coastal Engineering
Real Estate Appraisal
Environmental Assessment
Website: www.coastalengineering.com

EXHIBIT
LEGAL DESCRIPTION
PARCEL "A"
ESTERO GOLF RESORT MPD

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21, THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45" W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULLVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461 - 3462) TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°46'45" W, ALONG SAID EAST LINE OF SECTION 21, A DISTANCE OF 2555.79 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 21; THENCE N 00°53'22" W, A DISTANCE OF 2646.37 FEET TO THE NORTHEAST CORNER OF SAID SECTION 21; THENCE N 89°29'23" W, ALONG THE NORTH LINE OF SECTION 21, A DISTANCE OF 1322.73 FEET TO THE EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 37, PAGE 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S 00°53'13" E, ALONG SAID EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB, A DISTANCE OF 1317.90 FEET; THENCE S 44°54'53" W, A DISTANCE OF 2370.26 FEET; THENCE CONTINUE S 32°34'51" E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD A DISTANCE OF 2513.30 FEET; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD CONTINUE S 86°11'52" E A DISTANCE OF 1148.53 FEET TO A POINT OF CURVATURE, THENCE CONTINUE 552.84 FEET ALONG THE ARC OF SAID CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 11,425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF S 87°35'02" E; TO SAID POINT OF BEGINNING.

PARCEL CONTAINS 240.44 ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

AND THOSE LANDS FURTHER DESCRIBED AS FOLLOWS:

PARCEL "A-1"
ESTERO GOLF RESORT MPD

A TRACT OR PARCEL OF LAND IN SECTION 21 AND 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45"W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461-3462); THENCE CONTINUE ALONG THE NORTHERLY RIGHT-OF-WAY OF KORESHAN BOULEVARD 552.84 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; HAVING A RADIUS OF 11425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF N 87°35'02" W TO A POINT OF TANGENCY; THENCE N 86°11'52" W, FOR A DISTANCE OF 1310.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 86°11'52" W A DISTANCE OF 1166.17 FEET TO A POINT OF CURVATURE; THENCE 540.77 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 1175.00 FEET, A CENTRAL ANGLE OF 26°22'09" A CHORD DISTANCE OF 536.01 FEET, AND A CHORD BEARING OF S 80°36'51" W TO A POINT OF COMPOUND CURVATURE, THENCE CONTINUE 358.46' ALONG THE ARC OF CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 1292.82 FEET, A CENTRAL ANGLE OF 15°53'11", A CHORD DISTANCE OF 357.31 FEET, AND A CHORD BEARING OF S 59°29'40" W, TO A POINT OF TANGENCY; THENCE S 51°33'05" W FOR A DISTANCE OF 281.89 FEET TO A POINT OF CURVATURE; THENCE CONTINUE 79.66 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH; HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 91°17'11", A CHORD DISTANCE OF 71.50 FEET, AND A CHORD BEARING OF N 82°48'27" W, TO A POINT OF TANGENCY; THENCE CONTINUE N 37°10'00" W A DISTANCE OF 955.60 FEET, THENCE CONTINUE N 37°45'31" W A DISTANCE OF 17.52 FEET; THENCE N 44°54'53" E FOR A DISTANCE OF 2235.13 FEET TO THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (AS RECORDED IN DEED BOOK 68, PAGE 78); THENCE CONTINUE ALONG THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD S 32°34'52" E FOR A DISTANCE OF 2388.69 FEET TO POINT OF BEGINNING.

PARCEL CONTAINS 74.28 ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2464

DANA L WORLEY
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5651
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 99509
DATE SIGNED: 07-21-00

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NOV 05 2003
PERMIT COUNTER

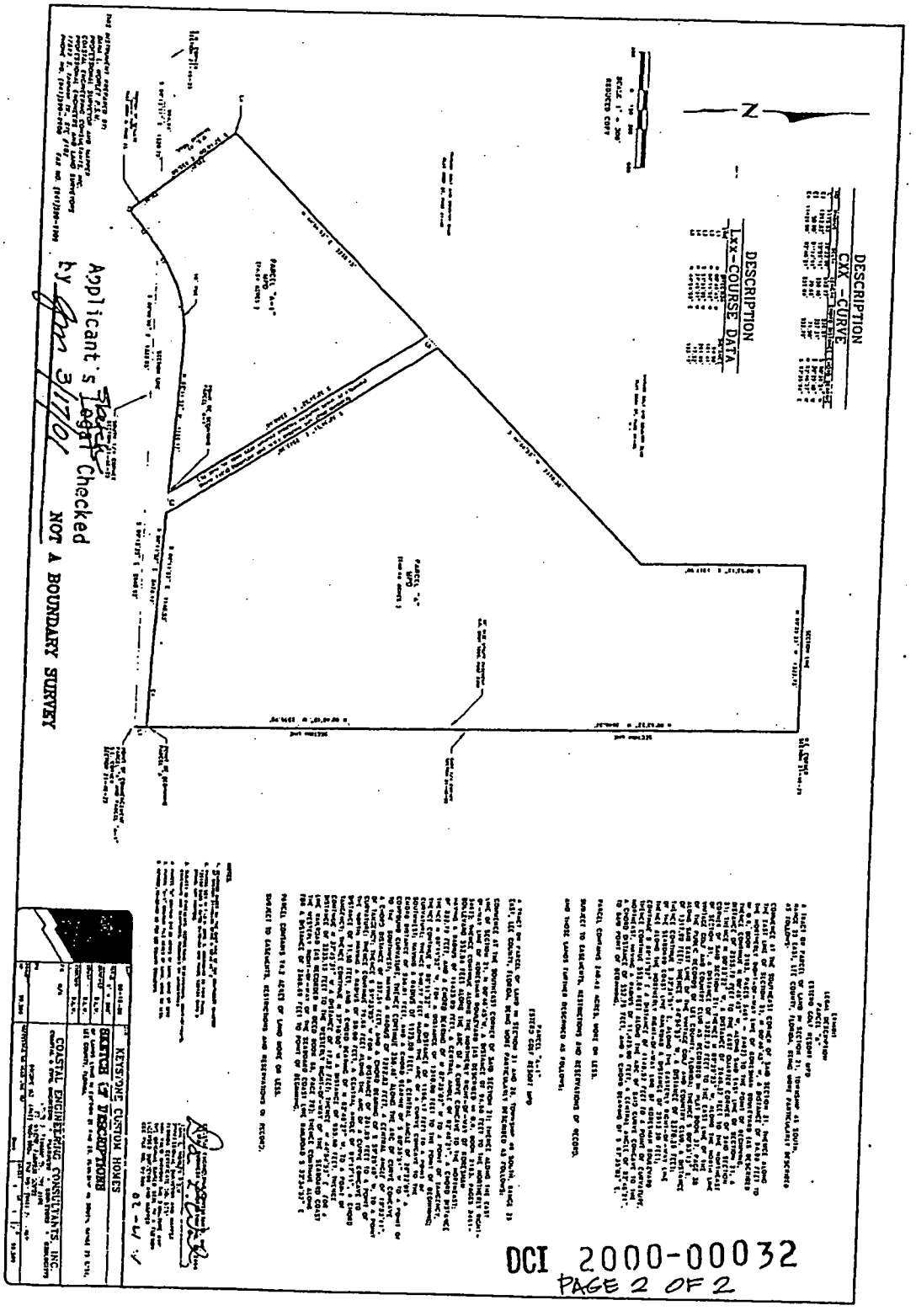
Applicant's Legal Checked
by GM 3/17/01

DCI 2000-00032
PAGE 1 OF 2

DCI 2003-00058

CASE NO:DCI2000-00032

Exhibit "A"



The applicant has indicated that the STRAP numbers for the subject property are:
21-46-25-00-00001.0000; 21-46-25-00-00001.3000

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DCI 2003-00058

CASE NO:DCI2000-00032

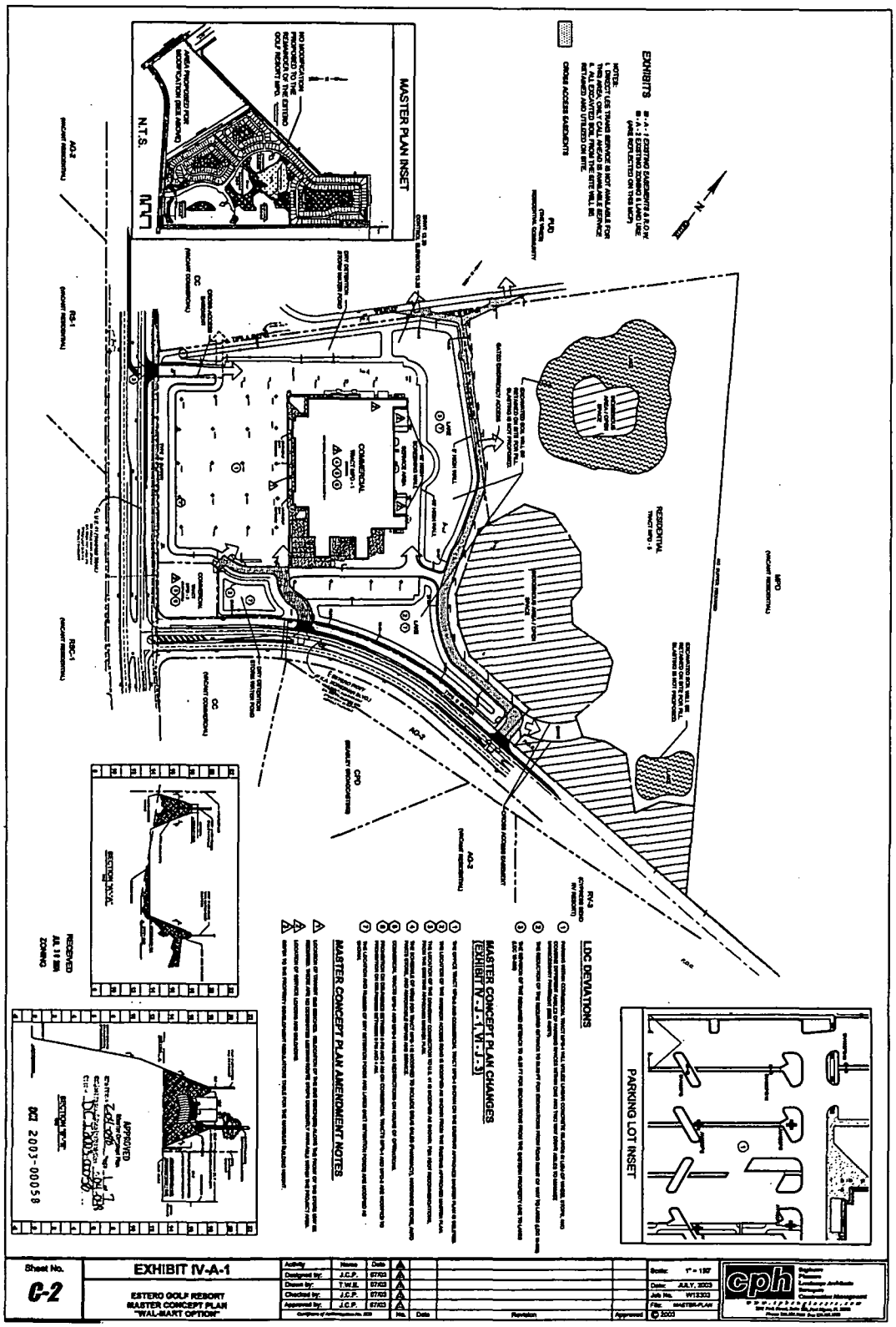
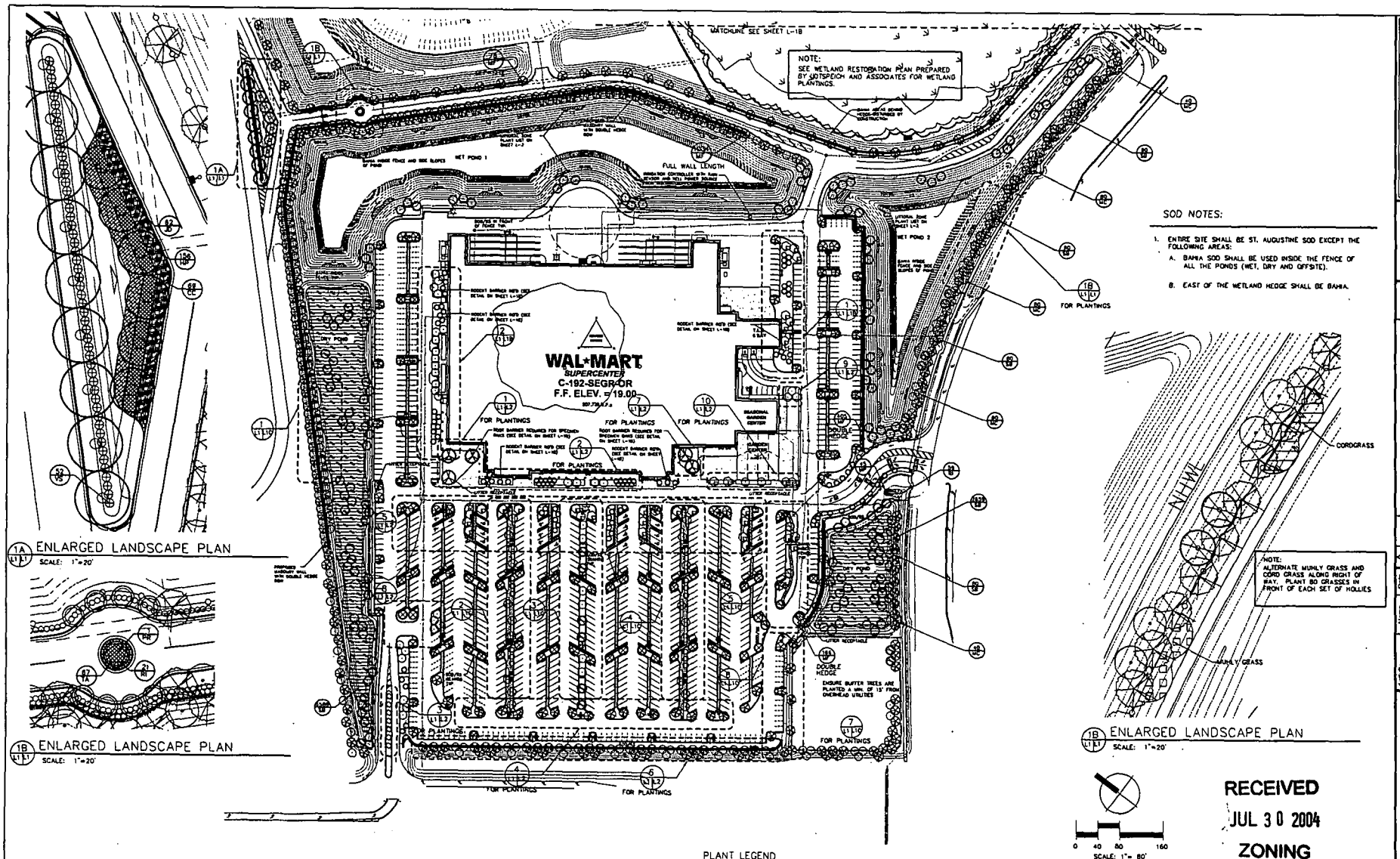

EXHIBIT IV-A-1
ESTERO GOLF RESORT
MASTER CONCEPT PLAN
"WAL-MART OPTION"
Sheet No.
C-2
MASTER PLAN INSET
N.T.S.
EXHIBITS
LDC DEVIATIONS
MASTER CONCEPT PLAN CHANGES
(EXHIBIT IV-J-1, IV-J-3)
MASTER CONCEPT PLAN AMENDMENT NOTES
PARKING LOT INSET
SECTION "A"
SECTION "B"
SECTION "C"
DCI 2003-00058
RECEIVED
JUL 16 2003
ZONING
APPROVED
Date
Revision
Approved
Scale: 1" = 150'
Date: JULY, 2003
Job No. W13303
File: MASTER-PLAN
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cph

EXHIBIT C



1A L1.1 ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'

1B L1.1 ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'

1B L1.1 ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'

SOD NOTES:

1. ENTIRE SITE SHALL BE ST. AUGUSTINE SOD EXCEPT THE FOLLOWING AREAS:
   A. BAHIA SOD SHALL BE USED INSIDE THE FENCE OF ALL THE PONDS (WET, DRY AND OFFSITE).
   B. EAST OF THE WETLAND HEDGE SHALL BE BAHIA.

IRRIGATION NOTES:

1. SITE SHALL BE 100% IRRIGATED.
2. SYSTEM SHALL BE CONTROLLED AND MONITORED WITH RAINBIRD ESP SITE CONTROLLER.
3. IRRIGATION SYSTEM WILL BE INSTALLED WITH A RAIN SENSOR.
4. FLORIDA IRRIGATION INDUSTRY STANDARDS WILL BE USED FOR DESIGN, PIPING, HEADS, NOZZLES, AND CONSTRUCTION.

PLANT LEGEND

SYM	COMMON NAME
TREES	
QV2	LIVE OAK (LG)
QV3	LIVE OAK (S)
LI	QUEEN CRAPE MYRTLE
SP	SABAL PALM
SR	MAHOGANY
TD	BALD CYPRESS
CO	SATINLEAF
IC	DAHOON HOLLY
PR	SENEGAL PALM

SYM	SHRUBS AND GROUNDCOVER	SYM	
MF	SIMPSON'S STOPPER	IV	DWARF YAUPON HOLLY
VO	WALTER'S VIBURNUM	TA	ASIATIC JASMINE
IX	IXORA	DV	AFRICAN IRIS
CI	RED TIP COCOPLUM	JD	'PARSONSI' JUNIPER
IX	IXORA	SB	CORDGRASS
RI	INDIAN HAWTHORN	MC	MUHLY GRASS
HP	DWARF FIREBUSH	BAHIA	ARGENTIN BAHIA SOD
TF	FLORIDA GAMMA GRASS	SOD/SS	ST. AUGUSTINE GRASS

0 40 80 160
SCALE: 1"= 80'

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JUL 30 2004
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EXHIBIT D

cph Engineers, Planners, Landscape Architects, Surveyors
Construction Management
2201 First Street, Ste. 102, Fort Myers, FL 33901
Phone 239 334 3063 Fax 239 332 2243

Activity	Name	Date
Designed by:	MJU	8/03
Drawn by:	KDL	8/03
Checked by:	MJU	8/03
Approved by:	MJU	8/03

Compliance w/ Ordinance No. 2001

No.	Date	Revision
		Approved © 2003

Scale: 1" = 80'
Date: AUG 2003
Job No. W13.3303
File: LSP

EXHIBIT B - LANDSCAPE PLAN

WAL*MART
SUPERCENTER
STORE #3347-00, ESTERO, FLORIDA

Sheet No. L-1

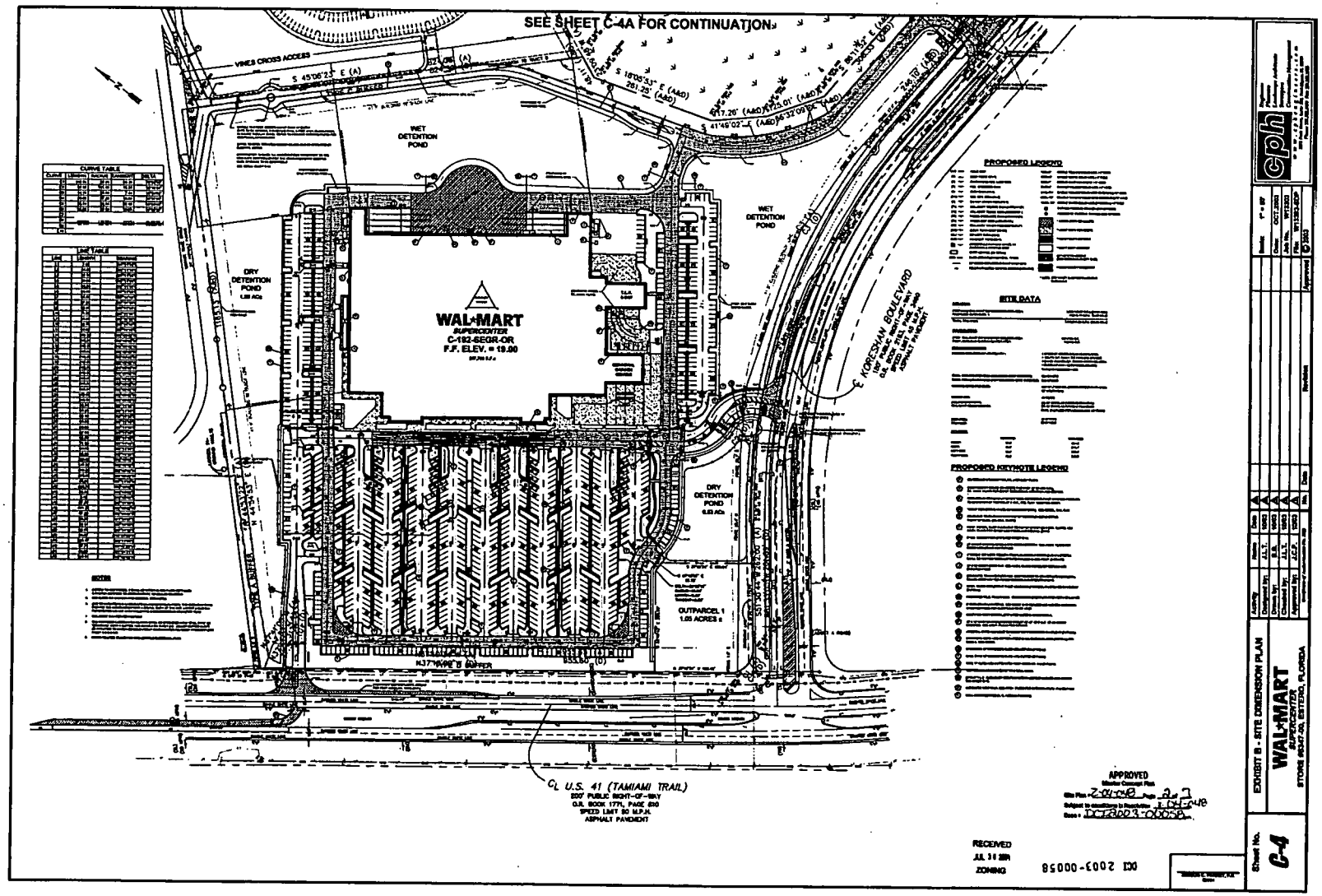


EXHIBIT B - SITE DIVERSION PLAN

WAL*MART
SUPERCENTER
STORE #2047-00, ESTERO, FLORIDA

Sheet No. C-4

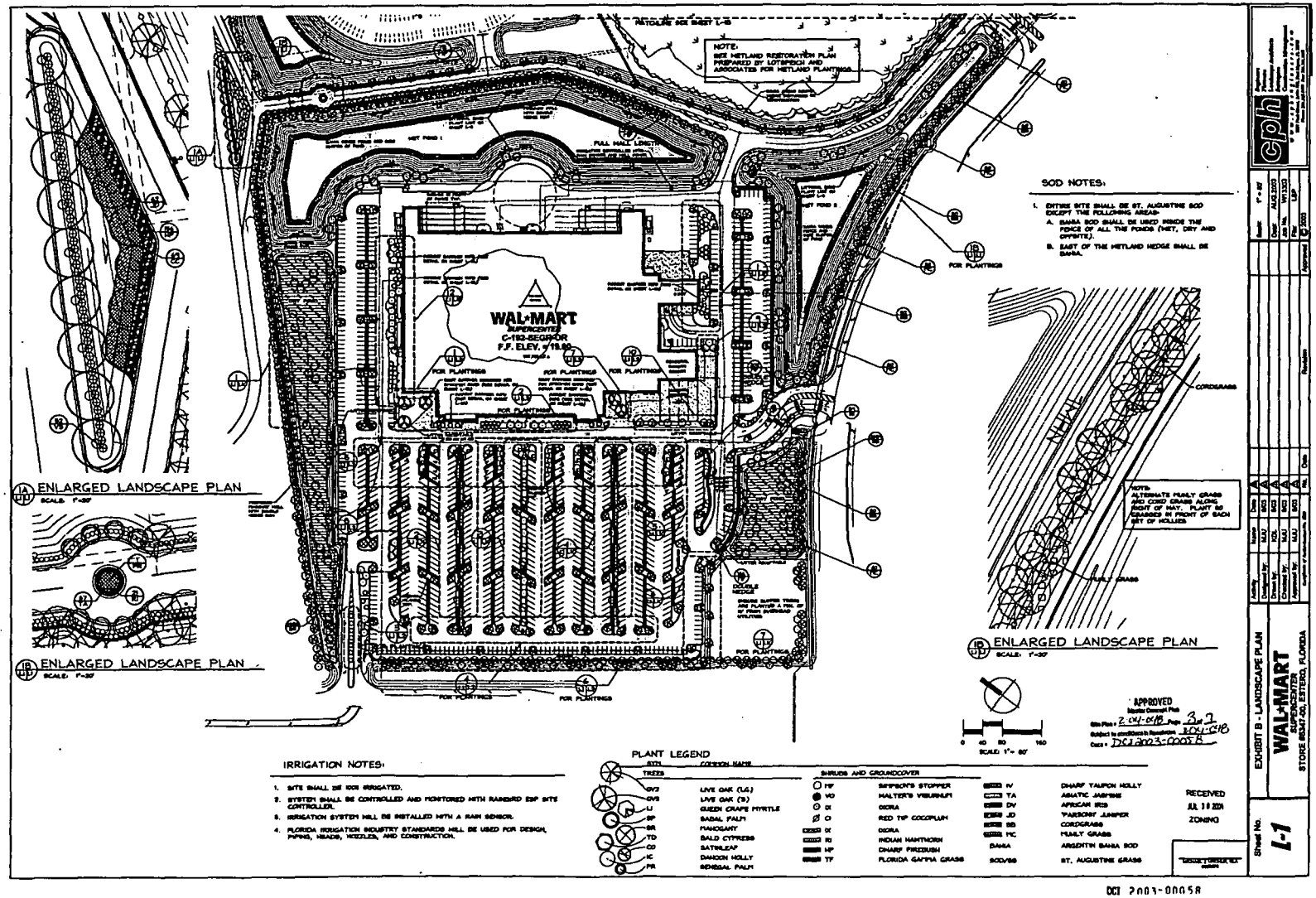
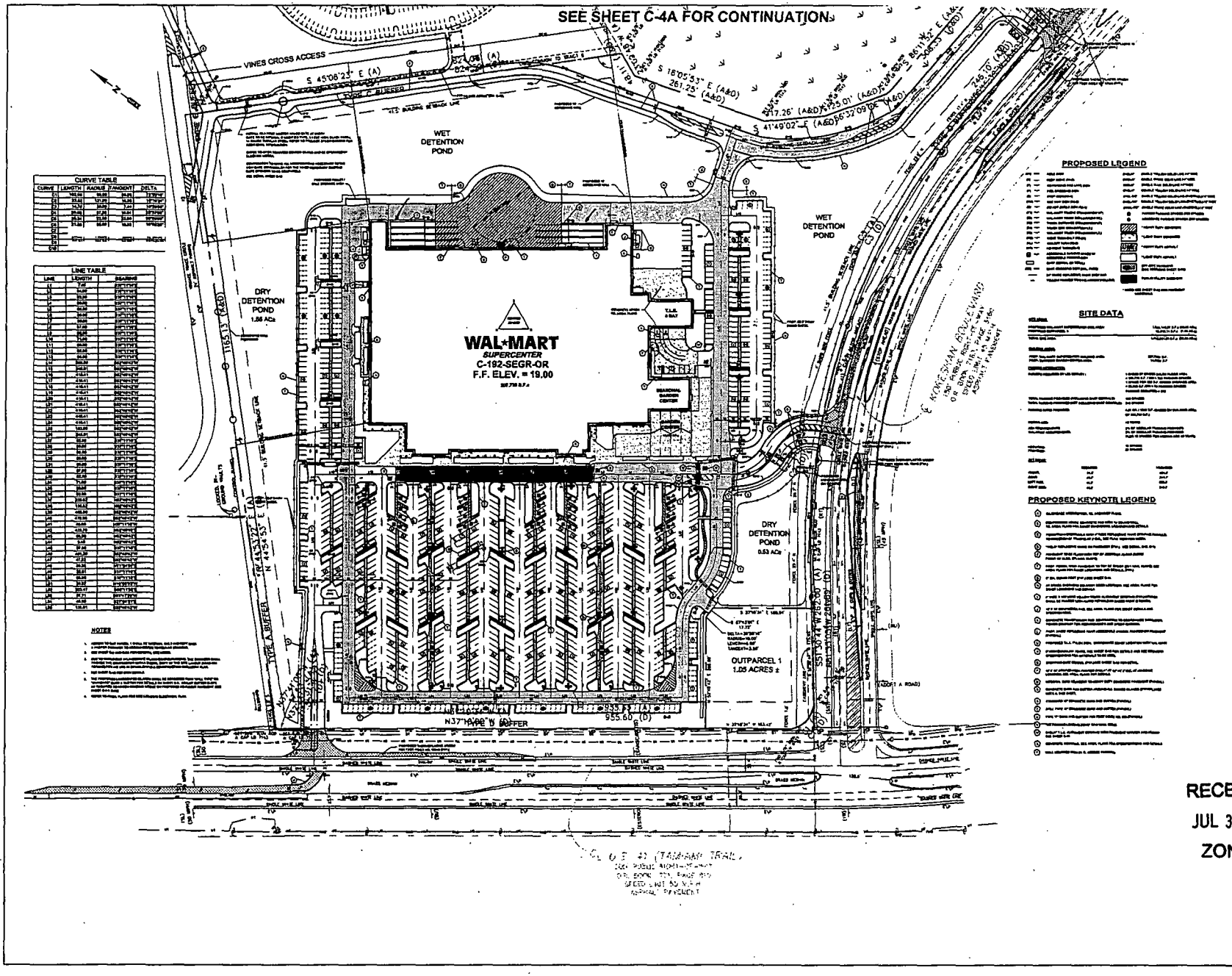


EXHIBIT D

DCI 2003-00058



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EXHIBIT B - SITE DIMENSION PLAN

WAL*MART
SUPERCENTER
STORE #5347-00, ESTERO, FLORIDA

Sheet No. C-4

Scale: 1" = 60'
Date: OCT 2003
Job No. W13303
File: W13303-SDP
Approved: 3303

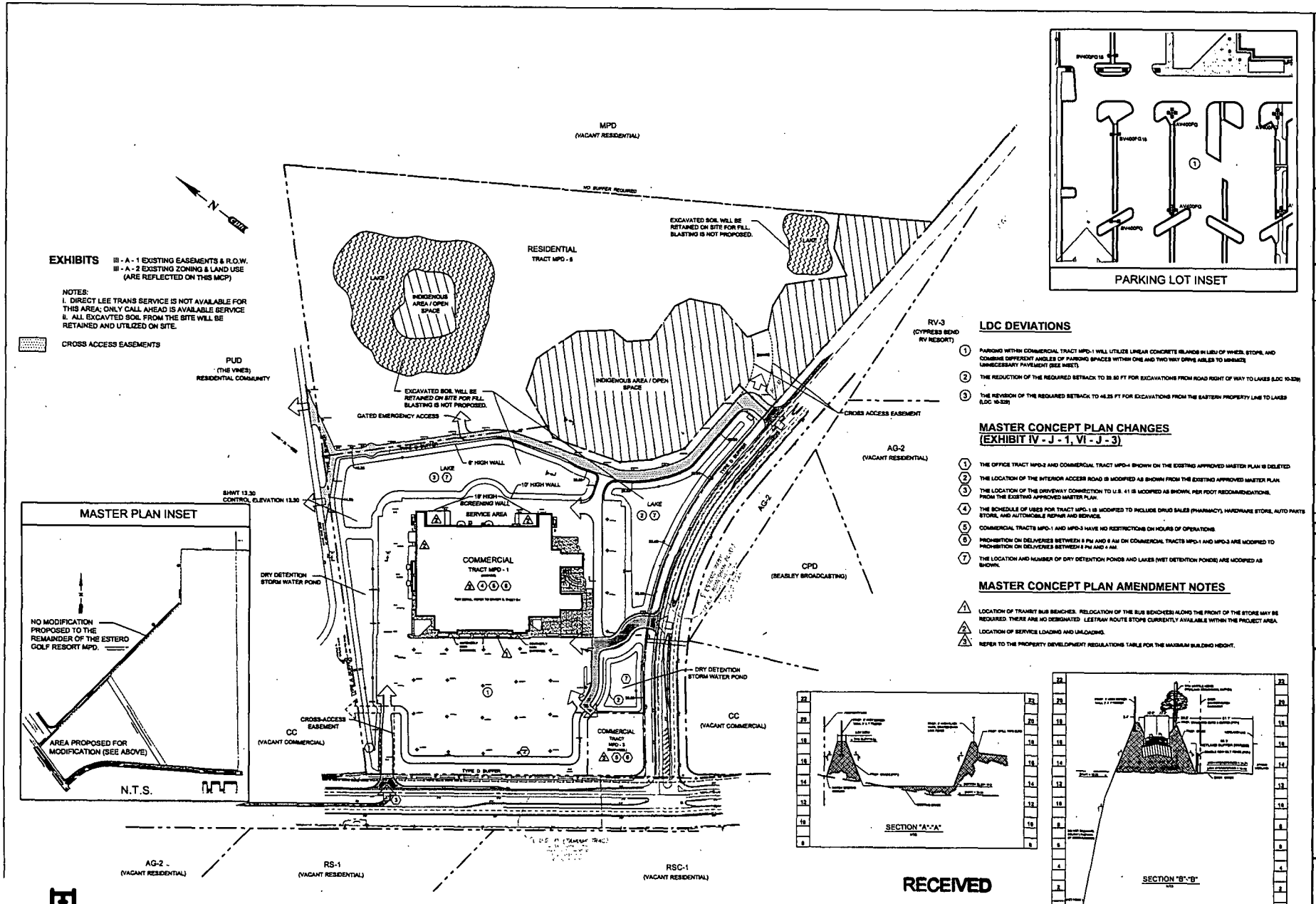
Revision

No.	Date
1	10/03
2	10/03
3	10/03
4	10/03

Activity	Name	Date
Designed by:	J.L.T.	10/03
Drawn by:	B.B.	10/03
Checked by:	J.L.T.	10/03
Approved by:	J.C.P.	10/03

Copyright of authorship no. 000

cph
Engineers
Planners
Landscape Architects
Surveyors
Construction Management
3501 Port Royal Road North, Suite 200, Naples, FL 34103
Phone 239.263.3240 Fax 239.263.2038



LDC DEVIATIONS

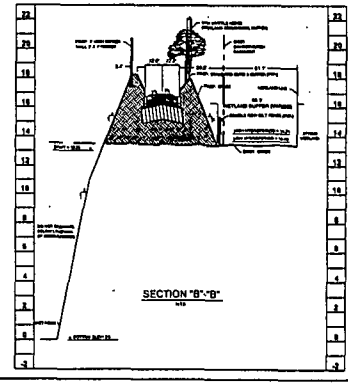
1. PARKING WITHIN COMMERCIAL TRACT MPD-1 WILL UTILIZE LINEAR CONCRETE ISLANDS IN LIEU OF WHEEL STOPS, AND COMBINE DIFFERENT ANGLES OF PARKING SPACES WITHIN ONE AND TWO WAY DRIVE AISLES TO MINIMIZE UNNECESSARY PAVEMENT (SEE INSET).
2. THE REDUCTION OF THE REQUIRED SETBACK TO 39.50 FT FOR EXCAVATIONS FROM ROAD RIGHT OF WAY TO LAKES (LDC 10-329)
3. THE REVISION OF THE REQUIRED SETBACK TO 46.25 FT FOR EXCAVATIONS FROM THE EASTERN PROPERTY LINE TO LAKES (LDC 10-329)

MASTER CONCEPT PLAN CHANGES (EXHIBIT IV - J - 1, VI - J - 3)

1. THE OFFICE TRACT MPD-2 AND COMMERCIAL TRACT MPD-4 SHOWN ON THE EXISTING APPROVED MASTER PLAN IS DELETED.
2. THE LOCATION OF THE INTERIOR ACCESS ROAD IS MODIFIED AS SHOWN FROM THE EXISTING APPROVED MASTER PLAN.
3. THE LOCATION OF THE DRIVEWAY CONNECTION TO U.S. 41 IS MODIFIED AS SHOWN, PER FDOT RECOMMENDATIONS, FROM THE EXISTING APPROVED MASTER PLAN.
4. THE SCHEDULE OF USES FOR TRACT MPD-1 IS MODIFIED TO INCLUDE DRUG SALES (PHARMACY), HARDWARE STORE, AUTO PARTS STORE, AND AUTOMOBILE REPAIR AND SERVICE.
5. COMMERCIAL TRACTS MPD-1 AND MPD-3 HAVE NO RESTRICTIONS ON HOURS OF OPERATIONS.
6. PROHIBITION ON DELIVERIES BETWEEN 9 PM AND 6 AM ON COMMERCIAL TRACTS MPD-1 AND MPD-3 ARE MODIFIED TO PROHIBITION ON DELIVERIES BETWEEN 6 PM AND 4 AM.
7. THE LOCATION AND NUMBER OF DRY DETENTION PONDS AND LAKES (WET DETENTION PONDS) ARE MODIFIED AS SHOWN.

MASTER CONCEPT PLAN AMENDMENT NOTES

1. LOCATION OF TRANSIT BUS BENCHES. RELOCATION OF THE BUS BENCH(ES) ALONG THE FRONT OF THE STORE MAY BE REQUIRED. THERE ARE NO DESIGNATED LEETRAN ROUTE STOPS CURRENTLY AVAILABLE WITHIN THE PROJECT AREA.
2. LOCATION OF SERVICE LOADING AND UNLOADING.
3. REFER TO THE PROPERTY DEVELOPMENT REGULATIONS TABLE FOR THE MAXIMUM BUILDING HEIGHT.



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JUL 30 2004
ZONING

Activity	Name	Date
Designed by:	J.C.P.	07/03
Drawn by:	T.W.E.	07/03
Checked by:	J.C.P.	07/03
Approved by:	J.C.P.	07/03

No.	Date	Revision
1		
2		
3		
4		

Compliance with ordinance No. 2003-

cph
Engineers
Planners
Landscape Architects
Surveyors
Construction Management
6531 Cypress Gardens Blvd., Suite 200, Winter Haven, FL 33884
Phone: 863.324.2142 Fax: 863.324.2066

Scale: 1" = 150'
Date: JULY, 2003
Job No. W12303
File: MASTER-PLAN
© 2003
Approved

EXHIBIT IV-A-1

ESTERO GOLF RESORT
MASTER CONCEPT PLAN
"WAL-MART OPTION"

Sheet No. C-2

EXHIBIT C

Acco

RESOLUTION NUMBER Z-01-012a

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

WHEREAS, Paula Davis, President of Keystone Customer Homes, Inc., filed an application on behalf of the property owner, Hermes Investment Company, Inc., to rezone a 314.6±-acre parcel from Agricultural (AG-2) to Mixed Use Planned Development (MPD), in reference to Estero Golf Resort MPD; and

WHEREAS, a public hearing was advertised and held before the Lee County Hearing Examiner on March 14, 2001. The Hearing Examiner left the record open for written submissions until March 30, 2001. The Lee County Zoning Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2000-00032; and

WHEREAS, a second public hearing was advertised and held on May 7, 2001, 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 interested persons.

WHEREAS, on July 30, 2001, the Board amended the original resolution to clarify an ambiguity regarding the number of consumption on premises permitted within the project.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 314.6±-acre parcel from AG-2 to MPD to allow: 1) a maximum of 820 dwelling units consisting of a mix of unit types and including up to 100 units within an assisted living facility; 2) a golf course; 3) up to 320,000 square feet of retail uses; and 4) 20,000 square feet of office use. The application also included a request for consumption on premises and buildings not to exceed 55 feet and four stories.

The property is located in the Urban Community, Suburban and Wetlands Land Use Categories and is legally described in attached Exhibit A.

The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Estero Golf Resort," last revised 5/8/01, stamped "Received May 9 2001," and the

EXHIBIT "F"

conditions set forth herein. (The MCP has been revised to reflect the Board's action on May 7, 2001.) If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

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

a. SCHEDULE OF USES

(1) RESIDENTIAL PORTION - TRACTS 5-12

Accessory Uses
Administrative Offices
Agricultural Uses, as limited by other conditions
Assisted Living Facility, limited to Tracts MPD-5 only-maximum 100 units
Club, Country including the following ancillary uses:
Consumption on Premises, limited to one for the clubhouse and one for the golf course only, includes outdoor seating
Food and Beverage Service
Golf Course Maintenance Facility, limited to MPD-7 only
Health Club and Spa
Restaurant, includes outdoor seating
Speciality Retail
Dwelling Units - single-, two-, and multi-family units, zero lot line units, and townhouses - limited to a maximum of 820 for the entire project; and a maximum of 340 units for MPD-5
Entrance Gates and Gatehouses
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - Not to include the removal of excavated material from the site
Fences and Walls
Golf Course, including Practice Greens and Driving Range - subject to further review during the development order process to determine appropriate locations and possible additional buffering or screening required for the practice greens and driving range
Golf and Tennis Pro Shops (limited to ancillary use in clubhouse tract)
Home Occupation, as limited by the LDC
Model Homes, Model Units and Model Display Center
Real Estate Sales and Rental Office - limited to sales of lots, homes or units within the development, except as may be permitted in §34-1951 *et seq.* The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years from the date the Certificate of Occupancy for the sales office is issued. The director may grant one 2-year extension at the same location.
Recreational Facilities, Personal and Private On-site, as defined and regulated by the LDC § 34
Signs, in compliance with the LDC
Storage, Open, recreational vehicles, boats and similar items for residents

only, will only be permitted if administrative approval is sought showing the exact location of the use. Such uses, at a minimum, must be shielded behind a continuous visual screen at least eight feet in height when visible from any residential use, and six feet in height when visible from any street right-of-way or street easement.

Temporary uses - limited to a sales center and a construction office, in compliance with the LDC for temporary uses

(2) COMMERCIAL PORTION - TRACTS 1-4

Accessory Uses
Administrative Offices
Agricultural Uses, as further limited by other conditions
Animal Clinic - outside kennels are prohibited
Auto Parts Store, subject to permitted Use Note B - limited also by Condition 16
Automobile Repair & Service, Group I only - subject to Permitted use Note B
Banks and Financial Establishments, all Groups
Broadcast Studio, Commercial Radio and Television - an on-site tower is prohibited
Business Services, Groups I & II, Group II - outdoor storage prohibited
Cleaning and Maintenance Services, no outdoor storage of vehicles
Clothing Stores
Computer and Data Processing
Consumption on Premises, subject to Permitted Use Note set forth in 2.a.(3)(B)C
Contractors and Builders, Group I only
Cultural Facilities, limited to Art Galleries and Museums
Daycare Center, Child and Adult
Department Store
Drive-through facility, must be located a minimum of 500 feet from any residential lot in The Vines
Drug Store, limited to Permitted Use Note B
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - Not to include the removal of excavated material from the site
Fences and Walls
Food Stores, Groups I and II
Gift and Souvenir Shop
Hardware Store, limited to Permitted Use Note B
Health Care Facility, Groups I, II and III
Hobby, Toy and Game Shop
Hospice
Model Units and Model Display Centers - subject to conditions below
Non-store Retailers, all Groups, outdoor storage is prohibited
Offices, Medical

Package Store, limited to:
Wine Shops, and
Package Stores in conjunction with a Drug Store use only
Paint, Glass and Wallpaper Store
Personal Services, Group I, II - limited to Beauty Spas, Health Clubs or Spas, Reducing or Slenderizing Salons, Group III, and Group IV - limited to babysitting bureaus, debt counseling services, portrait copying, shopping services, and tax return preparation services
Pet Services
Pet Shop
Place of Worship
Real Estate Sales and Rental Office
Recreational Facilities, Personal and Private On-site only and only in conjunction with and on the same tract as any ancillary multi-family or townhouse uses
Rental and Leasing Establishments, Group II - outside storage is prohibited
Restaurants, Standard - Groups I, II, III & IV - subject to Permitted Use Note A
Schools, Commercial
Shopping Center
Signs, in compliance with the LDC
Social Services, Group I only
Specialty Retail Shops, Groups I-IV
Storage, Indoor only and only as an ancillary use
Studios
Temporary uses - limited to sales center and construction offices, in compliance with LDC regulations regarding temporary uses
Variety Store
Wholesale Establishments, Group III only

(3) ADDITIONAL USE CONDITIONS

(A) The following uses may be allowed in Wetland areas subject to review and approval by Environmental Sciences staff as part of development order review:

Interpretative centers, rain shelters gazebos
Nature and foot paths including pedestrian boardwalks
Wildlife management areas
Mitigation activities
Signs, limited to educational signs only

(B) The following Permitted Use Notes, apply to the uses referenced above (referenced in the Schedule of Uses as A, B & C):

A. Must be located a minimum of 200 feet from any off-site property zoned for residential purposes
B. Limited to Tracts MPD-3 and MPD-4

C. Consumption on Premises (COP)

(1) COPs are limited to a maximum of three for standard restaurants, one for the clubhouse and one for the golf course.

(2) COPs in Tract MPD-1 must first receive Special Exception or an Administrative Approval, whichever is deemed appropriate by the DCD Director. Since the proposed plan of development is only conceptual, this additional condition is necessary to ensure the placement of the COP use will be compatible with the surrounding land uses.

(C) Uses in MPD Tract 1 are limited as follows:

Hours of operation for businesses open to the public are 7:00 a.m. until 10:00 p.m. Restaurants may be open until 11:00 p.m., Monday through Thursday and 12:00 midnight, Friday and Saturday

Deliveries are prohibited between the hours of 8:00 p.m. and 6:00 a.m.

Outside entertainment, speaker systems, loud speakers or public address systems are prohibited in MPD Tract 1.

b. SITE DEVELOPMENT REGULATIONS

Site Development Regulations are limited to the "Property Development Regulations," set forth in Exhibit B as revised on March 30, 2001:

(A) General Project Square Footage Limitations:

(1) Maximum overall commercial development is limited to 320,000 square feet of retail commercial uses, and 20,000 square feet of office uses, except as limited below; and

(2) This project can be comprised of medical, general office, retail, or service uses (in compliance with the schedule above), or any combination of those uses, up to the maximum square footage, provided all limiting conditions, parking, open space, buffering, and water management requirements are met.

(3) All special setback or development regulations contained in the LDC (as it may be amended) for any specific use must be met; and

(4) The option to convert retail and office uses is approved with

the limitation that no more than 21.94 acres of commercial acreage may be converted to office use; and

(5) Retail Commercial square footage within the Suburban land use category may not exceed 100,000 square feet. The development must provide cumulative totals for each development order submittal showing compliance with this condition.

(B) Outdoor Seating for COP uses:

(1) Outdoor seating may not be located within 300 feet of a residential lot in The Vines; and
(2) Outdoor seating must be located on the side of the principal structure that is opposite residentially zoned or used lot in The Vines; and
(3) The outdoor seating must cease at 10:00 p.m., Monday through Thursday, and 11:00 p.m., Friday and Saturday;

3. Environmental Conditions: Prior to local development order approval, the developer must:

a. Provide open space consistent with the Open Space and Indigenous Vegetation Table attached as Exhibit C. Each tract must provide a minimum of 10 percent open space.

b. Submit development order plans that show a connection between the conservation area in the southeast corner of the MPD Tract-5 and the upland conservation area on the eastern side of the restored wetland. The wildlife connection will run under the road and include a set of two tunnels constructed of 36-inch-wide by 24-inch-high, elliptical concrete pipe. The plans will show the two elliptical wildlife connections placed under the road in a side by side position unless directed otherwise by Division of Planning/Environmental Sciences Staff. At a minimum, the bottom of the pipes will be placed no lower than the existing upland preserve grade to help prevent inundation within the pipes during the wet season.

c. Submit a detailed wetland restoration plan to the Division of Planning/Environmental Sciences Staff for review and approval. Both the wetland restoration plan and littoral zones required by the LDC must be designed to provide foraging area for wood storks.

d. Re-survey the potential Big Cypress fox squirrel nests on-site specifically for fox squirrel presence. The protected species survey must be prepared in accordance with LDC § 10-473 and submitted to the Division of Planning/Environmental Sciences for review and approval. If fox squirrel use of the site is verified, the developer must submit final management details in accordance with LDC § 10-474 including a phased exotic removal plan.

e. Submit a detailed gopher tortoise management plan for review and approval by the

Division of Planning/Environmental Sciences staff.

f. Obtain a Vegetation Removal Permit to install barricades to protect preserves and conduct excavation of tortoise burrows to move the gopher tortoises within the development tracts.

4. The Golf Driving Range is limited to operating during daylight hours.

5. Development order submittals must include a running inventory showing the overall number of units and commercial (retail and office) square footage that have been built, approved to be built, or are in the development approval process.

6. Sandy Lane Extension

a. As part of the first development order submittal, the developer must revise the MCP to reflect the planned extension of Sandy Lane along the eastern boundary of the site, consistent with the sketch set forth in the Lee County DOT Exhibit entitled, "Sketch and Description of Sandy Lane Extension," (Exhibit D) unless mutual agreement regarding a different alignment is reached between Lee County and the property owner(s). Lee County will compensate the property owner for the reservation of the property in accordance with the regulations set forth in Chapter 2 of the LDC; and

b. The minimum setback for a water retention lake from the road right-of-way must be no less than 25 feet from the western Sandy Lane right of way, consistent with LDC § 10-329(f)(1)a.2 and the sketch noted above, unless mutual agreement regarding a different alignment is reached between Lee County and the property owner(s). The developer must provide satisfactory elements for the protection of wayward vehicles. These elements may consist of fencing, berms, buffering or a combination of all three, however, the exact elements are subject to review and approval by Lee County; and

c. This project will be permitted one access point within the southern half of this project's frontage along the proposed Sandy Lane extension. This access point must align with the access point that is approved for the parcel on the tract on the east side of the Sandy Lane extension. (The access point onto Sandy Lane is not a required access point, except that at least one emergency access must be provided to a road other than Koreshan Boulevard as noted in Condition 11.)

7. Bona fide agricultural uses in existence at the time this resolution is finalized may continue until approval of the first local development order. However, no development activity of any kind may occur on the property, including clearing of vegetation or cutting of trees, unless that activity is reviewed and approved in accordance with the Lee County LDC regulations as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.

8. No excess excavated material may be removed from the site unless the developer can demonstrate to the Director of the Department of Community Development that the material to be removed: 1) is unsuitable material that cannot be used on-site; and 2) the material must be excavated to meet the minimum requirements necessary to accommodate a water management system on the site. The purpose of this condition is to prohibit the voluntary creation of excess fill material for use off-site.

9. Model units and homes are permitted in compliance with the following conditions:

   a. Administrative approval must be obtained. Administrative Approval is subject to review and approval based upon potential negative impacts to nearby uses regarding, but not limited to, glare, noise, dust

   b. Each model must be a unique example. Multiple examples of the same unit are not permitted; and

   c. All model sites must be designated on the development order plans; and

   d. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat. The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for the project; and

   e. Dry models are prohibited.

10. Golf Course Conditions:

   a. The golf course developer must use fertilizers with a low leaching potential (slow release). Fertilizers must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels; and

   b. To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan that includes an integrated pest management (IPM) program and a nutrient management program such that nutrients and pesticides are used only when absolutely necessary. The program must address prevention, diagnosis, and limited treatment with pesticides when necessary rather than blanket treatment with broad spectrum pesticides as insurance against all pest species. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must minimize the use of pesticides and must include the use of the U.S. Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may

be used. Turf managed areas (including fairways, tees, and greens) are prohibited within 35 feet of wetlands or preserve areas. The chemical management plan must be reviewed and approved by Lee County Natural Resources Division prior to development order approval.

c. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.

d. The Developer must utilize a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.

e. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.

f. 1) Prior to the issuance of local development order approval, the developer must demonstrate compliance with "Best Management Practices for Golf Course Maintenance Departments," prepared by the Florida Department of Environmental Protection, May 1995, as amended.

2) The development order must demonstrate separate mixing and loading facilities for pesticides, and provide a separate pesticide storage area, in compliance with materials specified in the above referenced document. The development order must demonstrate separate mixing and loading facilities for fertilizer, and provide a separate fertilizer storage area, in compliance with materials specified in the above referenced document.

3) The development order plans must specify the construction material for all buildings in compliance with "Best Management Practices for Golf Course Maintenance Departments."

4) Equipment to apply pesticides and fertilizers must be stored in an area protected from rainfall.

g. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use;

h. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.

i. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from underdrains must not discharge directly into a surface water management lake.

j. Stormwater run-off must be pre-treated through an acceptable recreated natural

system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.

k. The operator of the golf course must submit an annual monitoring report of ground water and surface water quality. The monitoring program must include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water within the area of the golf course; identifying the locations for the ground water monitoring and testing on a map(s); setting forth the testing and recording requirements. The Developer must submit the test results with the monitoring report to the Lee County Natural Resources Division. The monitoring program will be established and operated at the expense of the Developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 62-302, F.A.C., water quality standards.

l. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and if the pollution is caused by the application of fertilizers, herbicides or pesticides to the golf course, the application must cease until there is a revised management plan. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County must be implemented by the Developer.

m. Prior to development order approval for the golf course, the developer must conduct a pre-development groundwater and surface water analysis and submit the analysis to Lee County Division of Natural Resources. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals that are anticipated to be associated with the project. Prior to commencing this baseline study, the developer must submit the methodology for review, comment and approval by Lee County.

11. Prior to development order approval for any portion of the property, the developer must show an emergency access connecting to the existing Oriole Road to the north. Prior to the opening of the Sandy Lane extension that will connect to the existing Oriole Road, the developer must revise the emergency access so that it will be accessible from the future Sandy Lane extension.

12. Buildings exceeding 35 feet in height must maintain additional building separation or additional building setbacks consistent with LDC § 34-2174(a) and LDC § 935(e)4.

13. Lighting to serve uses within 200 feet of perimeter property allowing residential uses must be hooded, shuttered, or shielded and may not exceed 18 feet in height. Mercury vapor lamps/lights are prohibited, the lighting in this 200-foot area must be scaled so that no more than the minimum required number of light fixtures are erected. Individual building lighting must be of the lowest intensity to meet safety standards. The scale of the fixtures and the type of hooding, shuttering and shielding is subject to further review prior to the approval of a development order. The individual building fixtures must be either directly fixed to the building or placed on a post lamp standard not to exceed 10 feet in height. Incandescent

lamps are encouraged. The use of mercury vapor lamps/lights is prohibited.

14. Approval of this zoning request does not address access onto U.S. 41, since Lee County has no jurisdiction over that roadway. The developer must pursue U.S. 41 access issues with the Florida Department of Transportation (FDOT). 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. Approval of this rezoning does not give the developer an undeniable right to receive local development order approval. Future development order approvals must satisfy concurrency requirements as required by Lee Plan Objective 2.2.

15. Approval of this rezoning does not guarantee local development order approval or vest present or future development rights for Lee Plan consistency. Development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b). In addition, development order applications must also 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.

16. Installation of any auto parts, either by employees or the general public, in conjunction with the Auto Parts Store is prohibited. Signs must be posted and maintained in the parking lot for this use advising customers that "self installation" is strictly prohibited on the premises.

17. This development must comply with all the requirements of the LDC, specifically including the requirements of LDC § 10-600 *et seq.*, at the time of local development order approval, except as may be granted by deviation as part of this planned development approval or subsequent amendments thereto.

18. Structures within Tract 5 are limited to 2-story height for a distance of 200 feet back from the perimeter property line that is shared with The Vines.

19. Development of this project must not exceed any DRI thresholds, as the impacts of same were not reviewed as part of the rezoning. The developer must provide a project-wide cumulative DRI threshold analysis with each local development order submittal.

20. If the lake shown in Tract 1 is relocated further away from the boundary shared with Tract 5, structures within Tract 1 must maintain a 100-foot setback from the shared property line between the two tracts.

21. Tract MPD-7 is approved in the internal location shown in the revised MCP dated March 30, 2001. The uses permitted in MPD-7 are Residential, Golf Course, and Maintenance. Direct access to Koreshan Boulevard from this tract is prohibited.

SECTION C. DEVIATIONS:

Deviation 1 - WITHDRAWN BY APPLICANT.

Deviation 2 seeks relief from the LDC §10-329(e)(1)(a)(3) requirement to provide a 50-foot

minimum setback for water retention lakes, to allow a 25-foot setback for water retention lakes. This deviation is APPROVED SUBJECT TO the condition that, prior to development order approval, the developer must provide satisfactory elements to discourage access from the adjacent properties. These elements may consist of fencing, berms, buffering or a combination of all three. This deviation is not approved along the eastern or northern boundary in the area identified in the memo from LCDOT if Condition 6 requires the applicant to revise its MCP to reflect the planned extension of Sandy Lane. This deviation is approved without this condition if the applicant is not required to revise its MCP to reflect the reservation of the northerly extension of Sandy Lane.

Deviation 3 seeks relief from the LDC § 10-296(d), Table 4(7)(c) requirement to provide wearing surfaces of local and access streets for category A development be constructed of 1½-inch asphaltic concrete, to allow for cement concrete or decorative pavers. This deviation is APPROVED SUBJECT TO the condition that, prior to development order approval, the developer must demonstrate that the pavers are structural equivalent to the asphaltic pavement standard of the LDC and equivalent to 2500 psi concrete.

Deviation 4 seeks relief from the LDC § 10-256(d)(3) requirement to provide wearing surfaces of sidewalks to be constructed of 1½-inch asphaltic concrete, to allow for cement concrete decorative pavers. This deviations is APPROVED SUBJECT TO the condition that, prior to development order approval, the developer must demonstrate that the pavers are structural equivalent to the asphaltic pavement standard of the LDC and equivalent to 2500 psi concrete.

Deviation 5.a - WITHDRAWN BY APPLICANT.

Deviation 5.b - WITHDRAWN BY APPLICANT.

Deviation 6 - WITHDRAWN BY APPLICANT.

Deviation 7 - WITHDRAWN BY APPLICANT.

Deviation 8 seeks relief from the LDC § 10-292(c) requirement to provide residential developments of more than five acres or any commercial development of more than ten acres provide two or more means of ingress or egress for the development, to allow the residential portion of the project that is separated by the railway right-of-way to have one means of ingress and egress. This deviation is APPROVED SUBJECT TO COMPLIANCE WITH CONDITION 11.

Deviation 9 - WITHDRAWN BY APPLICANT.

Deviation 10 - WITHDRAWN BY APPLICANT.

Deviation 11 seeks relief from the LDC §§ 34-2015(2)c and 34-2020(1)c requirements to prohibit the stacking of vehicles in multi-family development, to allow stacking of the vehicles when all of the following requirements are met:

1. The number of units in each multi-family building will be limited to eight units or less; and
2. The first parking space is in an individual garage with an individual driveway; and
3. Each individual driveway has a minimum 1-foot physical separation from any other

driveway; and

4. It can be demonstrated at the time of development order application that safe sight distance triangles are met.

This deviation is APPROVED SUBJECT TO the above stated requirements.

Deviation 12 seeks relief from the LDC § 10-415(b)(1) requirement to establish open space requirements, to allow the adoption of an Open Space Table. This deviation is APPROVED SUBJECT TO Condition 3.

Deviation 13 seeks relief from the LDC § 34-1264(b)(1)a requirement to require a 500-foot separation distance between an establishment for the sale or service of alcoholic beverages from consumption on the premises, to allow a separation distance of 300 feet. This deviation is APPROVED SUBJECT TO the Permitted Use Notes set forth in Conditions 2.a.3(B)C and 2.a.3(C), above.

SECTION D. EXHIBITS:

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

Exhibit A: The legal description and STRAP number of the property.
Exhibit B: Project Development Regulations
Exhibit C: Open Space and Indigenous Vegetation Table
Exhibit D. Sketch and Description of Sandy Lane Extension
Exhibit E: Zoning Map (subject parcel identified with shading)
Exhibit F: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable code and regulations.

2. The MPD rezoning, as conditioned:

   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 the site 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 approval of this rezoning request 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 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.

The foregoing resolution was adopted by the Lee County Board of Commissioners upon the motion of Commissioner Coy, seconded by Commissioner Albion, and, upon being put to a vote, the result was as follows:

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Absent
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 30th day of July 2001.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____
County Attorney's Office

RECEIVED
AUG 3 2001
MINUTES OFFICE

LAND USE SUMMARY

Land Uses	Acres	Units/Sq.Ft.
Commercial Tracts	32.00ac*	320,000 sq ft**
Office Tract	1.06ac*	20,000 sq ft
Residential & Club/Rec Tracts	280.54ac*	820 units ***
TOTAL	314.60ac	

* Acreage includes water management, roadways and open space for the use.
** The developer retains the option of converting retail acreage to office at a ratio of 1 acres of commercial use = 2 acres of office use.

MASTER CONCEPT PLAN NOTES

1. WITHDRAWN
2. The residential unit mix is preliminary and subject to change due to marketing and permitting considerations. Single and multi-family units may be converted on a 1=1 ratio.
3. Multi-family units may be converted to a maximum of 100 Assisted Living Facility (ALF) units in accordance LDC Section 34-1494.
4. Access to public beach will be provided in accordance with LDC Section 10-12.
5. Private commercial boat use docks developed for the project.
6. Temporary subdivision offices and sales offices may utilize mobile trailer and/or building trailer. Permanent onsite trailer may be used for golf course and facilities.
7. There are no structures on site.
8. This property will be developed in one phase.
9. The configuration of the "Conservation" areas and "Restored Wetlands" are approximate and subject to modification by the review agencies.

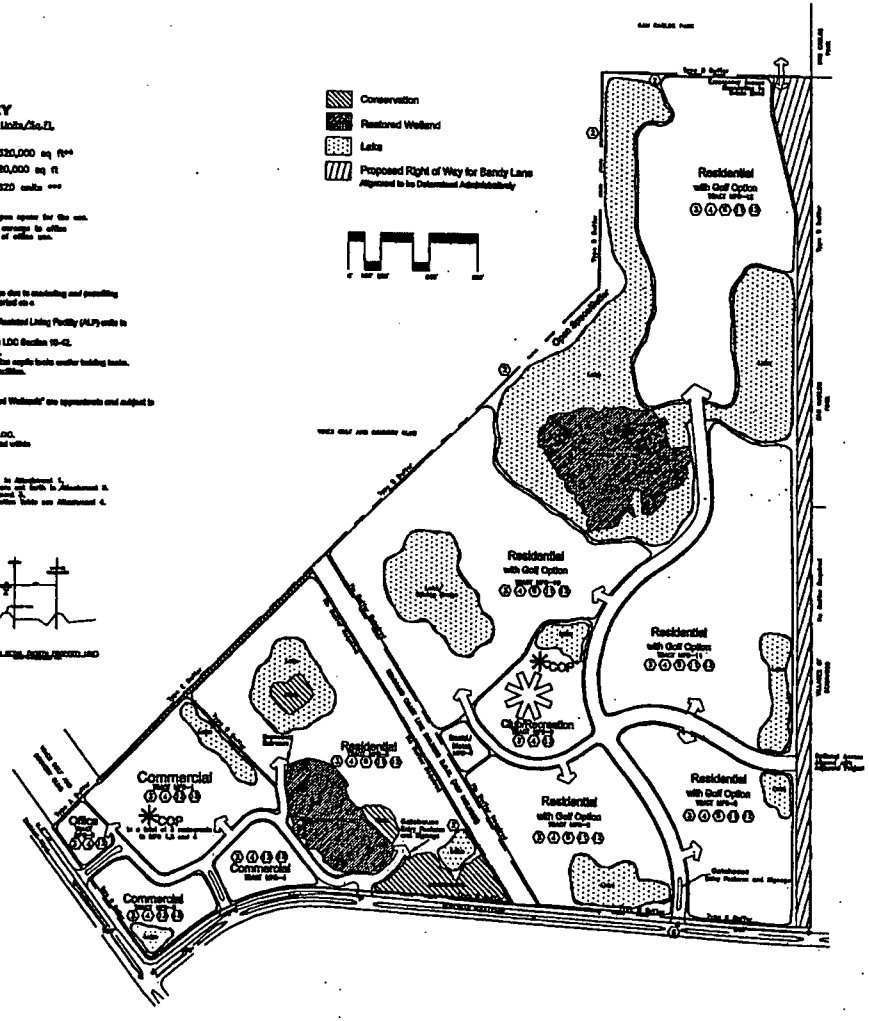
PARKING

Estero Golf Resort will meet the parking requirements of the LDC.
Parking will be calculated based on the specific uses developed within this project.

BUFFERS

1. Preserved land trees for Estero Golf Resort are set forth in Attachment A.
2. Typical Development Regulations for Estero Golf Resort are set forth in Attachment B.
3. Typical Buffer Detail Cross Section and Landscape Regulation Table are Attachment C.





APPROVED
Master Concept Plan
Site File# DCI2000-00032 Page 1 of 1
Subject to Conditions/Deviations in DCI2000-00032
Date: December 20, 2000

Survey and site information provided by:
COASTAL ENGINEERING CONSULTANTS, INC.
CIVIL & ENVIRONMENTAL ENGINEERS • PLANNERS
3106 KRAFT ROAD, SUITE 200
NAPLES, FLORIDA 34105
PHONE NO. (941) 649-5800 FAX NO. (941) 649-6338

DCI 2000-00032

FLORIDA LAND PLANNING, INC.
1300 Weather Drive, Suite C – Millenia Professional Center
Fort Myers, Florida 33907
(941) 275-0222 – Fax (941) 275-4448

ESTERO GOLF RESORT
Master Concept Plan

Date	03/15/2001
Rev	05/31/2001
Rev	08/09/2001
Rev	09/04/2001

Scale: 1" = 300'

Sheet 1 of 1

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Toll FL GP Corp., General Partner filed an application for administrative approval to a Mixed Use Planned Development on a project known as Estero Golf Resort (Being developed as Belle Lago) for a temporary sales center on property located between US 41 and Three Oaks Pkwy., on north side of Koreshan Blvd., just east of the railroad tracks, described more particularly as:

LEGAL DESCRIPTION: In Section 21, Township 46 South, Range 25 East, Lee County, Florida:

See Legal Description Attached as EXHIBIT "A"

WHEREAS, the property was originally rezoned in case number DCI2000-00032 (with subsequent amendments in case numbers DOS2002-00239 & DOS2002-00253); and

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

WHEREAS, the subject property was rezoned to a Mixed Use Planned Development, Resolution Z-01-012a, in reference to Estero Golf Resort MPD;and

WHEREAS, the developer is desirous of placing a temporary sales center on the subject property: and

WHEREAS, a temporary sales center is permitted on Tract MPD-5;and

WHEREAS, the temporary sales center will be removed within 60 days after the permanent model/sales center is opened; 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.

EXHIBIT "G"

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to amend the master concept plan to allow a temporary sales center in the Mixed Use Planned Development is **APPROVED.**

Approval is subject to the following conditions:

1. **The temporary sales center must be in compliance with the amended Master Concept Plan, stamped received by Community Development on March 3, 2003, entitled "ESTERO GOLF RESORT Amended Master Concept Plan for Belle Lago Temporary Sales Center", Sheet 1 of 1, dated 02-26-03. Master Concept Plan for ADD2003-00014 is hereby APPROVED and adopted. A reduced copy is attached hereto.**

2. **The terms and conditions of the original zoning resolutions remain in full force and effect.**

3. **The temporary sales center must be in compliance with the Land Development Code (LDC) for temporary uses.**

4. **The temporary sales center must be removed within 60 days after the permanent model/sales center receives a certificate of occupancy.**

DULY SIGNED this 13th day of March, A.D., 2003.

BY: Pam Houck

Pam Houck, Director
Division of Zoning
Department of Community Development

EXHIBIT "A"

LEGAL DESCRIPTION FOR BELLE LAGO

LEGAL DESCRIPTION

A Tract or Parcel of Land in Section 21, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 21, thence along the East line of Section 21, N.00°46'45"W., a distance of 94.98 feet to the Northerly Right-of-Way line of Koreshan Boulevard (As described in O.R. Book 2183, Pages 3461 -- 3462) to the Point of Beginning; thence continue N.00°46'45"W. along said East line of Section 21, a distance of 2555.79 feet to the East quarter corner of said Section 21; thence N.00°53'22"W., a distance of 2646.37 feet to the Northeast corner of said Section 21; thence N.89°29'23"W. along the North line of Section 21, a distance of 1322.73 feet to the East line of The Vintage Golf and Country Club as recorded in Plat Book 37, Page 38, of the Public Records of Lee County, Florida; thence S.00°53'13"E., along said East line of The Vintage Golf and Country Club, a distance of 1317.90 feet; thence S.44°54'53"W. a distance of 2370.26 feet; thence continue S.32°34'51"E. along the Easterly Right-of-Way line of the Seaboard Coast line Railroad a distance of 2513.30 feet; thence along the Northerly Right-of-Way line of Koreshan Boulevard, continue S.86°11'52"E., a distance of 1148.53 feet to a point of curvature, thence continue 552.84 feet along the arc of said curve concave to the Northeast, having a radius of 11425.00 feet, a central angle of 02°46'21", a chord distance of 552.79 feet and a chord bearing of S.87°35'02"E. to said Point of Beginning.

Applicant's Legal Checked
by 13MAR03

RECEIVED
MAR 12 2003
ZONING COUNTER

ADD 2003-00014

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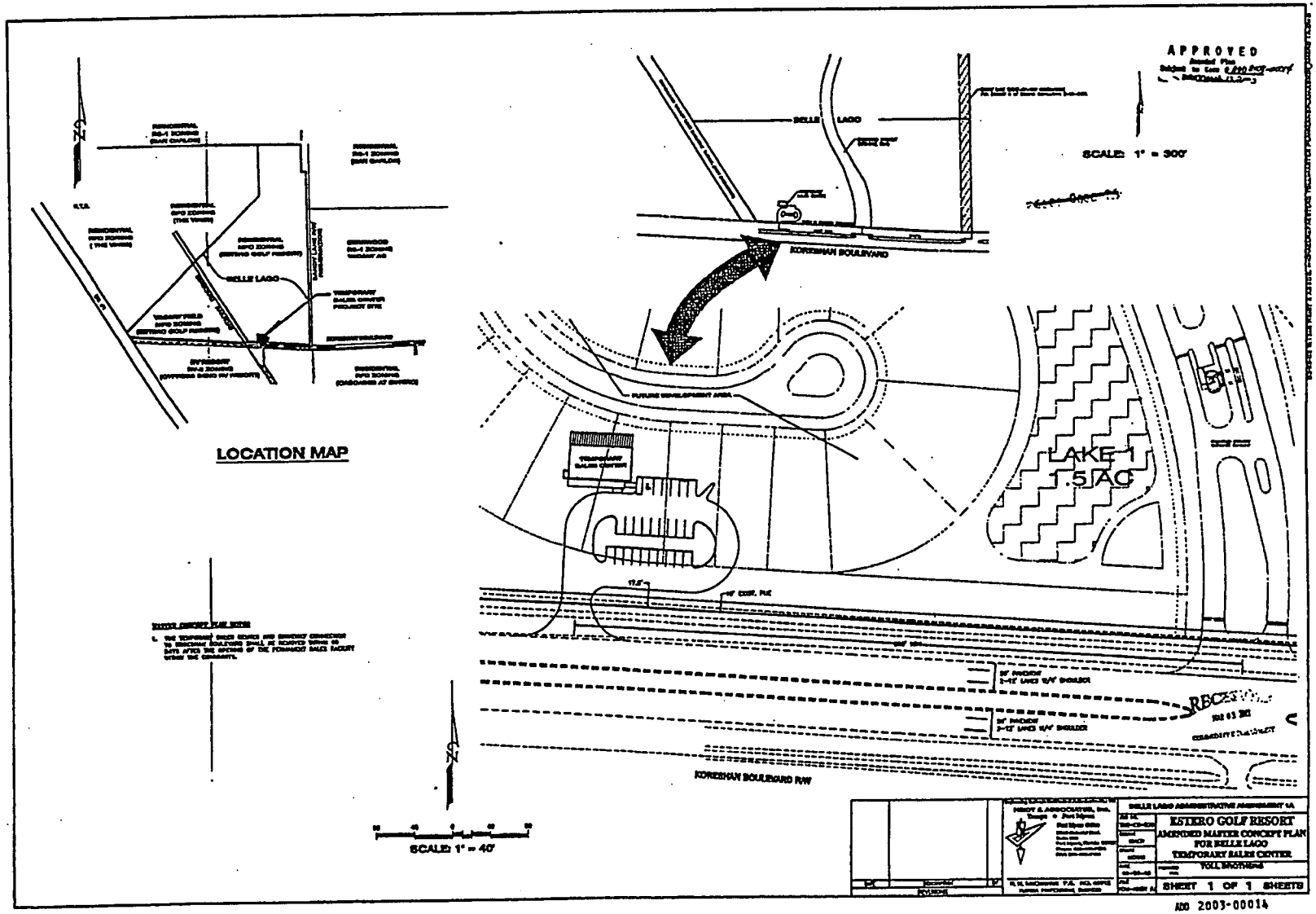
PREPARED BY: HEIDT & ASSOCIATES, Inc.
Tampa • Fort Myers
CIVIL ENGINEERING
PLANNING
SURVEYING
ENVIRONMENTAL PERMITTING
LANDSCAPE ARCHITECTURE
Fort Myers Office
3800 Colonial Blvd Suite 200
Fort Myers, Florida 33912
Phone: 941-482-7275
FAX: 941-482-2103

LEGAL DESCRIPTION FOR BELLE LAGO

Prepared For: TOLL BROTHERS INC.

SHEET 1 OF 1

Dwn. SU | Ck. SU | DWG: BNDY-LESS-SALES
Date: 10/23/02 | Order No.: 182-ES
SEC. 21, TWP. 46 S, RGE. 25 E
LEE COUNTY, FLORIDA



ADD 2003-00014

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Toll FL GP Corp., General Partner filed an application for administrative approval to a Mixed Use Planned Development on a project known as Estero Golf Resort (Being developed as Belle Lago) to amend the master concept plan in reference to Estero Golf Resort MPD, a mixed use planned development to:

1. revise the master concept plan to address Section B, Condition 6.a., Resolution Z-01-012a, to show the Sandy Lane right-of-way reservation consistent with the sketch set forth in the Lee County DOT Exhibit entitled "Sketch and description of Sandy Lane Extension", Exhibit D;

2. show the location of model homes, model sales center, and parking lot location for the model homes on lots located in Tracts MPD-6 and MPD-7;

3. clarify Section B, Condition 11., Resolution Z-01-012a, that requires the developer show an emergency access connecting to the existing Oriole Road to the north prior to development order approval for any portion of the project;

4. amend Tracts MPD-6 through MPD-12 to reflect the revised master concept plan, which reconfigures Tracts MPD-6 through MPD-12; and

5. revise the master concept plan to construct a combination berm/wall along the Seaboard Coastline Railway R.O.W. and Koreshan Boulevard right-of-way, which exceeds the requirements of Section 34-1743(b)(1) of the land Development code.

on property located between US 41 and Three Oaks Pkwy., on north side of Koreshan Blvd., just east of the railroad tracks, described more particularly as:

LEGAL DESCRIPTION: In Section 21, Township 46 South, Range 25 East, Lee County, Florida:

See Legal Description Attached as EXHIBIT "A"

WHEREAS, the property was originally rezoned to Mixed Use Planned Development (MPD) in case number DCI2000-00032, with subsequent amendments in case numbers DOS2002-00239, DOS2002-00253, and add2003-00014; and

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

EXHIBIT "H"

WHEREAS, a temporary sales center was previously approved as a supplement to this application as Administrative Amendment ADD2003-00014; and

WHEREAS, Lee County Department of Transportation has reviewed Sandy Lane right-of-way reservation as shown on the master concept plan and find it consistent with the sketch set forth in Exhibit B entitled "Sketch and description of Sandy Lane Extension"; and

WHEREAS, the master concept plan has been revised to show 15 model homes designated "M" on the revised master concept plan for Tracts MPD-6 and MPD-7, with lots in Tract MPD-6 designated for a sales center and parking in association with the model homes; and

WHEREAS, staff has reviewed the request to amend Section B, Condition 11., Resolution Z-01-012a, to show the emergency access connecting to the existing Oriole Road after the first residential development order approval; and

WHEREAS, the applicant met with the Estero Community Planning Panel (ECPP) on October 17, 2002, to discuss the residential development, known as the Estero Golf Resort project; and

WHEREAS, the developer indicated to the ECPP that approvals were being sought for the sales center, three residential pods and infrastructure for the entire residential site; and

WHEREAS, summary of the ECPP meeting of October 17, 2002, reflected no objection to the proposed changes to the project; and

WHEREAS, the applicant sought comments from the Vines, a residential development immediately to the west of the project, on the proposed changes to the master concept plan; and

WHEREAS, R. W. Collins, President. Board of Directors, Vines Community Association and Bud Caldwell, President, Board of Governors, Vines Country Club, in correspondence dated March 7, 2003, expressed no objection to the revised master concept plan; and

WHEREAS, Ms. Kay Rok, President of the Vines Homeowners Association, in correspondence dated May 2, 2003, expressed no objection to the revised master concept plan with the understanding that there will be a 20 foot Type B buffer with a 2 foot berm and landscaping plantings installed adjacent to the Vines to provide a visual screen between the Vines and Belle Lago; and

WHEREAS, the applicant is proposing a combination wall and berm adjacent to the Seaboard Coastline Railway R.O.W. and Koreshan Boulevard right-of-way that exceeds the requirements of Section 34-1743(b((1) of the Land Development Code and the proposed buffer will be in substantial compliance with the cross sections shown on the revised master concept plan for Estero Golf Resort project; 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 to amend the master concept plan in reference to Estero Golf Resort MPD, a mixed use planned development Mixed Use Planned Development is **APPROVED** to:

1. **amend the master concept plan to address Section B, Condition 6.a., Resolution Z-01-012a, to show the Sandy Lane right-of-way reservation consistent with the sketch set forth in the Lee County DOT Exhibit entitled "Sketch and description of Sandy Lane Extension", Exhibit D;**

2. **amend the master concept plan to show the location of model homes andsales center, including the sales center parking lot, in association with the model home sites on lots located in Tracts MPD-6 and MPD-7;**

3. **clarify Section B, Condition 11., Resolution Z-01-012a, that requires the developer show an emergency access connecting to the existing Oriole Road to the north prior to development order approval for any portion of the project;**

4. **amend Tracts MPD-6 through MPD-12 to reflect the revised master concept plan, which reconfigures Tracts MPD-6 through MPD-12; and**

5. **to amend the master concept plan to construct a combination berm/wall along the railroad right-of-way and Koreshan Boulevard right-of-way, which exceeds the requirements of Section 34-1743(b)(1) of the land Development code.**

Approval is subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, stamped received by the zoning counter on May 30, 2003, entitled "ESTERO GOLF RESORT Amended Master Concept Plan, MPD TRACTS 6-12", Sheet 1 of 1, dated 02-03-03. Master Concept Plan for ADD2003-00014A is hereby APPROVED and adopted. A reduced copy is attached hereto.**

2. **The proposed amendment to the Master Concept Plan and attendant Land Use Summary, Master Concept Plan Notes, Parking, and South and West Perimeter**

Buffers elevations as shown, on the Master Concept Plan, stamped received by Community Development on May 30, 2003, entitled "ESTERO GOLF RESORT Amended Master Concept Plan, MPD TRACTS 6-12", Sheet 1 of 1, dated 02-03-03, apply only to the residential portion of the Estero Golf Resort MPD east of the Seaboard Coastline Railway R.O.W.

3. A maximum of 450 residential dwelling units will be permitted on Tracts MPD-6 through MPD-12, as shown on the revised Master Concept Plan attached hereto.

4. A minimum 20 foot wide Type B buffer, with a 2 foot berm and landscape plantings must be installed adjacent to the Vines property to provide a visual screen between the Vines and Belle Lago. The proposed buffer must be in substantial compliance with the proposed buffer planting plan as shown on the attached sketch entitled, "BELLE LAGO AMENDMENT - PARCEL F", Cross-Section for Parcel F Buffer Adjacent to the Vines, stamped received by the zoning counter on May 16, 2003, attached hereto for reference purposes.

5. The lot configuration for the lots adjacent to the Vines will be in substantial compliance with the attached sketch entitled "BELLE LAGO AMENDMENT - PARCEL F", Typical Lots in Parcel F and Buffer Adjacent to the Vines, stamped received by the zoning counter on May 16, 2003, attached hereto for reference purposes.

6. Lots adjacent to the Vines must be conventional single-family homes on lots having a minimum lot width of 75 feet and a minimum lot depth of 140 feet, as shown on the attached sketch entitled, "BELLE LAGO AMENDMENT - PARCEL F", Typical Lots in Parcel F and Buffer Adjacent to the Vines, stamped received by the zoning counter on May 16, 2003, attached hereto for reference purposes.

7. Prior to local development order approval, the development order plans must include:

   a. enhancement planting detail as setforth in the document prepared by Pasarella and Associates entitled, "Belle Lago Wetland Mitigation/Monitoring/Maintenance Plan SFWMD application No. 001026-3 Revised January 31, 2003" (attached hereto). Uplands plantings must be mulched with pine straw and temporary irrigation system established;

   b. the exotic removal plan must include the Category 1 exotic pest plants; and

   c. where lakes abut the preserve, lake slopes must be 8:1 to provide an enlarged littoral zone. Littoral planting must be calculated as two littoral plants per linear foot. The majority of the littoral plants must be installed in the enlarged littoral zone to provide wading bird habitat.

8. **Section B, Condition 11, Resolution Z-01-12a, is hereby amended by adding in underline format the following language:**

Prior to <u>the first residential</u> Development Order approval for any portion of the property, the developer must show an emergency access connecting to the existing Oriole Road to the north. Prior to the opening of Sandy Lane extension that will connect to the existing Oriole Road, the developer must revise the emergency access so that it will be accessible from the future sandy Lane extension.

9. **Section B, Condition 21, permitted residential, golf course, and maintenance on Tract MPD-7, as originally configured in Resolution Z-01-12a. Any relocation of the internal location of the maintenance facility as originally approved will require, at a minimum, an administrative amendment to the Estero Golf Resort MPD.**

10. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**

DULY SIGNED this 3rd day of June, A.D., 2003.

BY: Mary Gibbs
for Pam Houck, Director
Division of Zoning
Department of Community Development

EXHIBIT A

LEGAL DESCRIPTION FOR BELLE LAGO

LEGAL DESCRIPTION

A Tract or Parcel of Land in Section 21, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 21, thence along the East line of Section 21, N.00°46'45"W., a distance of 94.98 feet to the Northerly Right-of-Way line of Koreshan Boulevard (As described in O.R. Book 2183, Pages 3461 – 3462) to the Point of Beginning; thence continue N.00°46'45"W. along said East line of Section 21, a distance of 2555.79 feet to the East quarter corner of said Section 21; thence N.00°53'22"W., a distance of 2646.37 feet to the Northeast corner of said Section 21; thence N.89°29'23"W. along the North line of Section 21, a distance of 1322.73 feet to the East line of The Vintage Golf and Country Club as recorded in Plat Book 37, Page 38, of the Public Records of Lee County, Florida; thence S.00°53'13"E., along said East line of The Vintage Golf and Country Club, a distance of 1317.80 feet; thence S.44°54'53"W. a distance of 2370.26 feet; thence continue S.32°34'51"E. along the Easterly Right-of-Way line of the Seaboard Coast line Railroad a distance of 2513.30 feet; thence along the Northerly Right-of-Way line of Koreshan Boulevard, continue S.86°11'52"E., a distance of 1148.53 feet to a point of curvature, thence continue 552.84 feet along the arc of said curve concave to the Northeast, having a radius of 11425.00 feet, a central angle of 02°46'21", a chord distance of 552.79 feet and a chord bearing of S.87°35'02"E. to said Point of Beginning.

Applicant's Legal Checked
by 13MAR03

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ZONING COUNTER

ADD 2003-00014

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PREPARED BY: HEIDT & ASSOCIATES, Inc.
Tampa • Fort Myers
CIVIL ENGINEERING
PLANNING
SURVEYING
ENVIRONMENTAL PERMITTING
LANDSCAPE ARCHITECTURE
Fort Myers Office
3800 Colonial Blvd Suite 200
Fort Myers, Florida 33912
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FAX: 941-482-2103

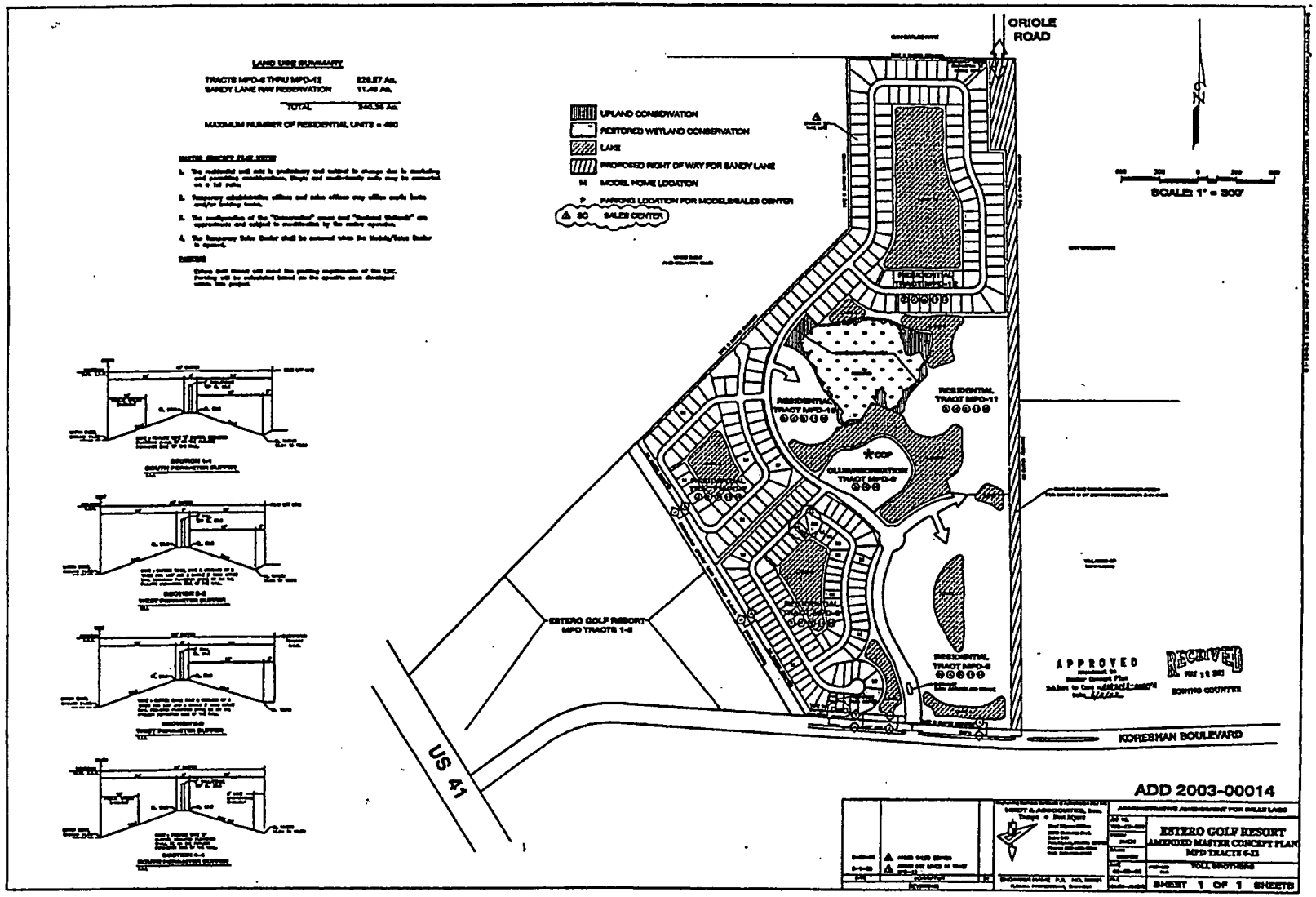
LEGAL DESCRIPTION FOR BELLE LAGO

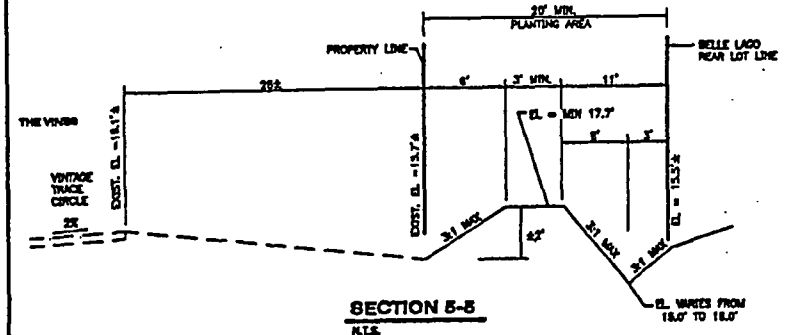
Prepared For: TOLL BROTHERS INC.

SHEET 1 OF 1

Dwn. SU	Ck. SU	DWG: BNDY-LESS-SALES
Date: 10/23/02		Order No.: TB2-ES

SEC. 21, TWP.46 S, RGE. 25 E
LEE COUNTY, FLORIDA

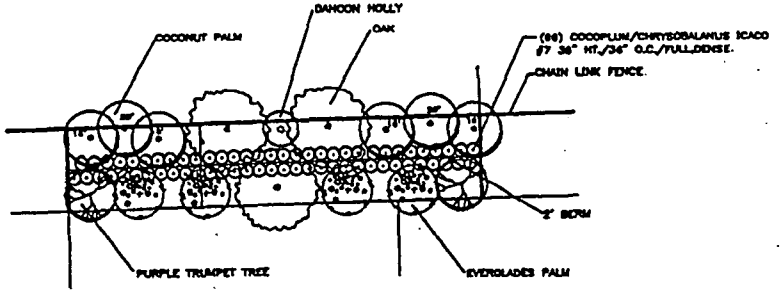

ORIOLE ROAD
UPLAND CONSERVATION
RESTORED WETLAND CONSERVATION
LAKE
PROPOSED RIGHT OF WAY FOR SANDY LANE
M MODEL HOME LOCATION
P PARKING LOCATION FOR MODELS/SALES CENTER
20 SALES CENTER
SCALE: 1" = 300'
RESIDENTIAL TRACT MPD-11
RESIDENTIAL TRACT MPD-10
COP
CLUB/RECREATION TRACT MPD-9
RESIDENTIAL TRACT MPD-8
ESTERO GOLF RESORT MPD TRACTS 1-5
US 41
KORESHAN BOULEVARD
APPROVED
RECEIVED
ADD 2003-00014
ESTERO GOLF RESORT
AMENDED MASTER CONCEPT PLAN
MPD TRACTS 4-11
TOLL BROTHERS
SHEET 1 OF 1 SHEETS



SECTION 5-5

N.T.S.

AS PERMITTED ON SHEET 21 OF 40
OF PHASE 1 PLANS

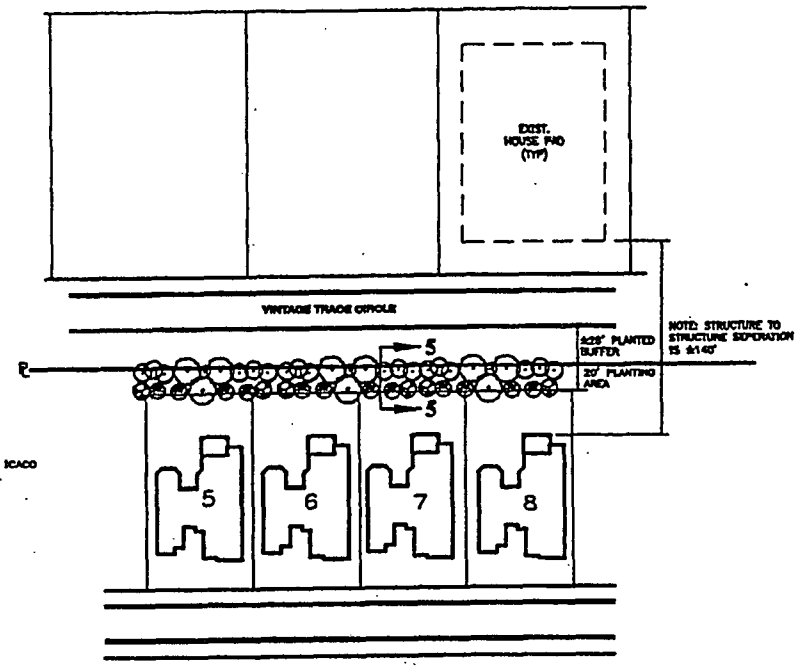


TYPICAL 20' PLANTING AREA

ALONG THE VINES PROPERTY LINE

N.T.S.

AS PERMITTED ON SHEET 10 OF 12
OF PHASE 1 LANDSCAPE PLANS



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BELLE LAGO AMENDMENT - PARCEL F

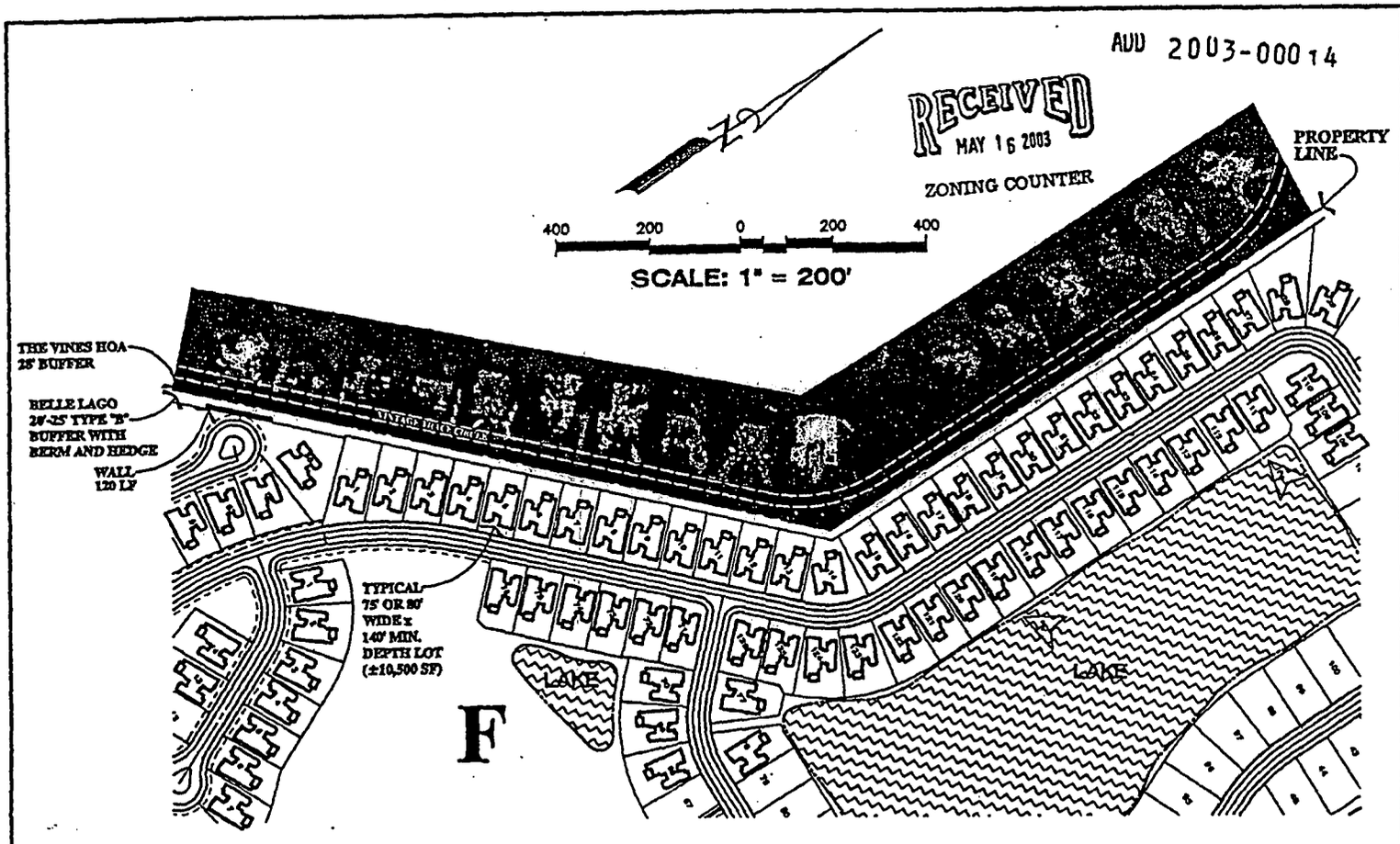
CROSS-SECTION FOR PARCEL F AND BUFFER ADJACENT TO THE VINES

HEIDT & ASSOCIATES, INC.
Tampa
Fort Myers

05-06-03 6:27PM HEIDT & ASSOC. T:\EANS\P\VESTERO TOLLMASTER PLAN\LANDPLAN\VINES EXHIBIT B 5-6-03.DWG

AUD 2003-000114

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ZONING COUNTER



PHOTOSTATION

BELLE LAGO AMENDMENT - PARCEL F

TYPICAL LOTS IN PARCEL F AND BUFFER ADJACENT TO THE VINES

HEIDT & ASSOCIATES, INC.

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BELLE LAGO
WETLAND MITIGATION/MONITORING/MAINTENANCE PLAN
SFWMD APPLICATION NO. 001026-3

Revised January 31, 2003

INTRODUCTION

The following outlines the wetland mitigation plan for the Belle Lago (project) residential community (f.k.a. Wynnewood and Estero Resort) located in Section 21, Township 46 South, Range 25 East, Lee County (Figure 1). The project with its associated roads and storm water management system will result in impacts to 1.62± acres of South Florida Water Management District (SFWMD) jurisdictional wetlands. In order to offset the loss of wetland functions due to the proposed construction activities, a total of 10.96± acres of wetlands will be preserved and enhanced on-site. The wetland preservation area is located in a single area towards the center of the project.

A 3.16± acre upland buffer is also proposed for preservation and enhancement around the wetland preserve (no mitigation credit is given for the buffer). A boardwalk is proposed to be located in the buffer around the east side of the wetland preserve. The boardwalk will be field located and designed to avoid larger native trees when possible.

The on-site mitigation work will be performed concurrent with the construction of the infrastructure and storm water management system for the residential development. As part of the mitigation program for the SFWMD, the wetland and upland buffer will be placed under a conservation easement and, collectively, referred to as the conservation area.

ON-SITE MITIGATION PLAN

The on-site mitigation plan consists of preserving and enhancing 10.96± acres of wetlands and 3.12± acres of uplands (Table 1). Please refer to the SFWMD permit application for the site's vegetation (i.e., FLUCFCS) map and descriptions.

Table 1. Mitigation Acreages and Existing and Proposed Habitats

Mitigation Area	Habitat	Enhancement and Preservation			
		Wetland		Upland Buffer	
		Area (Ac.)	Target Type	Area (Ac.)	Target Type
No.1	424				434
	4241	10.40		3.16	
	6219	0.56	621		
Total		10.96		3.16*	

* No mitigation credit is proposed for the upland buffer

APPLICATION NUMBER
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EXHIB. IC

Mitigation Area No. 1

Mitigation Area No. 1 is located in the central portion of the project area. The mitigation area is comprised primarily of Melaleuca, Hydric (FLUCFCS Code 4241) wetland along with a small Cypress, Disturbed (FLUCFCS Code 6219) community located toward the center of the melaleuca wetland. An upland buffer of Melaleuca (FLUCFCS Code 424) and Melaleuca, COE Jurisdictional Only (FLUCFCS Code 424*) surrounds the wetland preserve and enhancement area.

Concurrent with construction of the infrastructure and storm water management system, 10.96± acres of wetlands and upland buffer will be preserved and enhanced. The targeted post construction wetland type will be pine and cypress. The wetlands will be enhanced through exotic removal and supplemental plantings of desirable wetland species. The targeted post construction upland buffer will be pine and oak.

Removal of exotics (i.e., melaleuca, Brazilian pepper, and Australian pine) from the wetland and upland buffer preservation and enhancement area will involve mechanical removal, if the soil conditions will allow. If the soil conditions do not allow it, then the exotics will be cut within 12 inches of ground elevation, hand removed, and the remaining stumps treated with an approved herbicide.

Supplemental plantings within the wetland area will consist of trees, shrubs, and herbaceous ground cover. The tree plantings will include slash pine, bald cypress, and dahoon holly; the shrub plantings will include wax-myrtle and coco plum; and the herbaceous ground cover will include sand cordgrass. The trees will be planted on 20 foot centers and the shrubs and herbaceous ground cover on ten foot centers.

Supplemental plantings within the upland buffer area will consist of trees, shrubs, and herbaceous ground cover. The tree plantings will include slash pine and live oak; the shrub plantings will include wax-myrtle; and the herbaceous ground cover will include fakahatchee grass (Table 2). The trees will be planted on 20 foot centers and the shrubs and ground cover on ten foot centers.

Table 2. Supplemental Wetland and Upland Buffer Planting Specifications

Target Habitat	Common Name	Scientific Name	Stratum	Minimum Height	Minimum Container	Spacing	Quantity
Pine/Cypress Wetland	Slash Pine	*Pinus elliotii*	Tree	4-6'	3 gallon	20'	440
				6-8'	3 gallon	20'	440
	Bald Cypress	*Taxodium distichum*	Tree	4-6'	3 gallon	20'	60
				6-8'	3 gallon	20'	60
	Dahoon Holly	*Ilex cassine*	Tree	4-6'	3 gallon	20'	100
				6-8'	3 gallon	20'	100
				SUBTOTAL			1,200

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EXHIBIT 10B

Table 2. (Continued)

Target Habitat	Common Name	Scientific Name	Stratum	Minimum Height	Minimum Container	Spacing	Quantity
Pine/Cypress Wetland (Continued)	Wax-Myrtle	*Myrica cerifera*	Shrub	2'	1 gallon	10'	2,360
	Coco Plum	*Chrysobalanus icaco*	Shrub	2'	1 gallon	10'	2,360
	SUBTOTAL						4,720
	Sand Cordgrass	*Spartina bakeri*	Herb	N/A	2" liner	10'	4,720
	SUBTOTAL						4,720
Pine/Oak Upland Buffer	Live Oak	*Quercus virginianus*	Tree	4-6	3 gallon	20'	170
	Slash Pine	*Pinus elliottii*	Tree	4-6	3 gallon	20'	170
	SUBTOTAL						340
	Wax Myrtle	*Myrica cerifera*	Shrub	2'	1 gallon	10'	1,359
	SUBTOTAL						1,359
	Fakahatchee Grass	*Tripsacum floridanum*	Herb	NA	2" liner	10'	1,359
	SUBTOTAL						1,359

ON-SITE MITIGATION SUCCESS CRITERIA

A monitoring period shall extend for a period of five years with baseline, time-zero and five annual reports submitted to the SFWMD. The on-site mitigation shall be considered successful if at the end of five years the mitigation area contains at least 80 percent survival rate of planted vegetation and 80 percent coverage by desirable obligate and facultative wetland species.

A maintenance program shall be implemented in perpetuity to maintain the conservation area free from Category 1 exotic and nuicance vegetation (as defined by the Florida Exotic Pest Plant Council (EPPC) at time of permit issuance). Coverage of exotic vegetation shall not exceed zero percent immediate following a maintenance event and five percent between maintenance events.

OFF-SITE MITIGATION

No off-site mitigation is proposed for the project.

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ON-SITE MONITORING

Monitoring Methodology

APPLICATION NUMBER
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EXHIBIT 10C

The proposed monitoring of the preserved and enhanced wetland area will occur for five years or until the SFWMD determines the mitigation area meets the success criteria. Monitoring reports will be submitted to the SFWMD and will consist of a baseline, time-zero, and five annual monitoring reports. Vegetation, wildlife, rainfall, and wetland water level observations will all be recorded. The Baseline monitoring report will document conditions in the project site as they currently exist. The time-zero report will document the conditions immediately following wetland construction. The annual reports will document the extent of success of the project and, if needed, identify specific actions to be taken to improve the conditions within the project area. Sampling transects and methodology for the time-zero and five annual monitoring reports will utilize identical methods of data collection from established sampling stations as outlined below.

A. Vegetation Monitoring

Wetlands will be monitored prior to and following enhancement activities. Sampling in wetland enhancement areas will involve a quantitative analysis of tree/shrub and herbaceous strata (Figure 2).

To facilitate an intensive, accurate, and repeatable sampling program at the herbaceous level within the wetland enhancement areas, the point frame method will be utilized (Bonham 1989). Along each sampling transect, point quadrats will be sampled. Each point quadrat consists of 1m square wire grid with 25 cross points. Any plant species directly below a cross point will be recorded, including bare ground. The species identified will be listed and percent cover computed and discussed. Each cross point represents four percent of the square meter. Water depths will also be recorded at each quadrat.

The percent of coverage by the canopy and sub-canopy plant species within the wetland enhancement areas will be determined by the establishment of two 20 x 50 foot tree-shrub study plots along each transect. Within the plot, percent of coverage will be determined by species for each strata. Woody vegetation with a diameter at breast height (DBH) greater than or equal to four inches is classified as a tree, while shrubs include everything less than four inches in DBH and greater than 3.2 feet in height. The number of planted tree seedlings within the plots will also be recorded and used to determine future survivorship percentages.

B. Wildlife Monitoring

Regular observations of fish and wildlife will be made during all monitoring events by qualified ecologists. This will consist of recording evidence and sign of wildlife (i.e., direct sightings, vocalizations, burrows, nests, tracks, droppings, etc.).

C. Photographic Documentation

Permanent fixed-point photograph stations will be established in each of the monitored areas providing physical documentation of the condition and appearance of an area, as

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EXHIBIT 10D

well as any changes taking place within it. Panoramic photographs will accompany vegetation data in each report. Locations of photo stations will remain the same throughout the duration of the monitoring program.

D. Rainfall and Staff Gauge Recordings

One staff gauge will be installed in the wetland preserve. Data will try to be collected bi-weekly during the wet season (typically June through mid-October) and monthly during the remainder of the year as water levels permit. Water levels will be recorded and the data presented in the reports along with available rainfall data for the area.

Monitoring Reports

The permittee will submit monitoring reports to the SFWMD documenting the success of the mitigation program and general condition of the preservation area for five years or until success criteria are met. Within 60 days of permit issuance, the baseline wetland monitoring report for the mitigation areas will be submitted to the SFWMD. The time-zero monitoring report will be submitted within 60 days of completion of plantings and exotic eradication. Annual monitoring reports will include the following information:

- Brief description of mitigation and maintenance work performed since the previous report along with a discussion of any modifications to the mitigation or maintenance program.
- Brief description of anticipated mitigation and maintenance work to be conducted over the next year.
- A summary of staff gauge rainfall data collected within wetland preserves on the project site.
- Results of quantitative vegetation monitoring conducted in the enhanced wetlands. A list of observed wildlife species.
- Panoramic photographs taken at photo stations within the enhanced wetlands.

CONSERVATION EASEMENT

Within six months of permit issuance, the permittee will have a legally sufficient conservation easement prepared. The conservation easement will be to the SFWMD following the District's passive recreation easement format. The conservation easement will ensure that the on-site mitigation areas will remain in a natural state in perpetuity. These preserved mitigation areas will not be disturbed by dredging, filling, land clearing, agriculture activities, or other construction work whatsoever except for those activities described in this mitigation plan.

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APPLICATION NUMBER
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EXHIBIT 10E

MAINTENANCE

Following the completion of the initial exotic removal effort, semi-annual inspections of the mitigation area will occur for the first two years. During these inspections, the mitigation area will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Any additional potential problems will also be noted and corrective actions taken. Once exotic/nuisance species levels have been reduced to acceptable limits (i.e., less than five percent cover), inspections of the mitigation areas will be conducted annually.

Maintenance will be conducted in perpetuity to ensure that the conservation area is free of Category 1 exotic vegetation as defined by the EPPC at time of permit issuance immediately following a maintenance event. Exotic and nuisance species shall constitute no more than five percent of the total cover between maintenance events.

WETLAND MITIGATION ACTIVITY SCHEDULE

Activities associated with the implementation of the wetland mitigation, monitoring, and maintenance shall be in accordance with the following work schedule. Time frames in this schedule are based on permit issuance by April 1, 2003.

Completion Date	Activity
June 1, 2003	Record Conservation Easement
July 31, 2003	Baseline Monitoring Report
September 31, 2003	Exotic Vegetation Removal
July 31, 2004	Mitigation Plantings
September 31, 2004	Time Zero Monitoring Report
April 30, 2005	Exotic Maintenance
July 31, 2005	First Monitoring Report
April 30, 2006	Exotic Maintenance
July 31, 2006	Second Monitoring Report
July 31, 2007	Third Monitoring Report
July 31, 2008	Fourth Monitoring Report
July 31, 2009	Fifth Monitoring Report

REFERENCES

Bonham, C.D. 1989. Measurements for Terrestrial Vegetation. John Wiley and Sons, New York, New York.

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EXHIBIT 10F

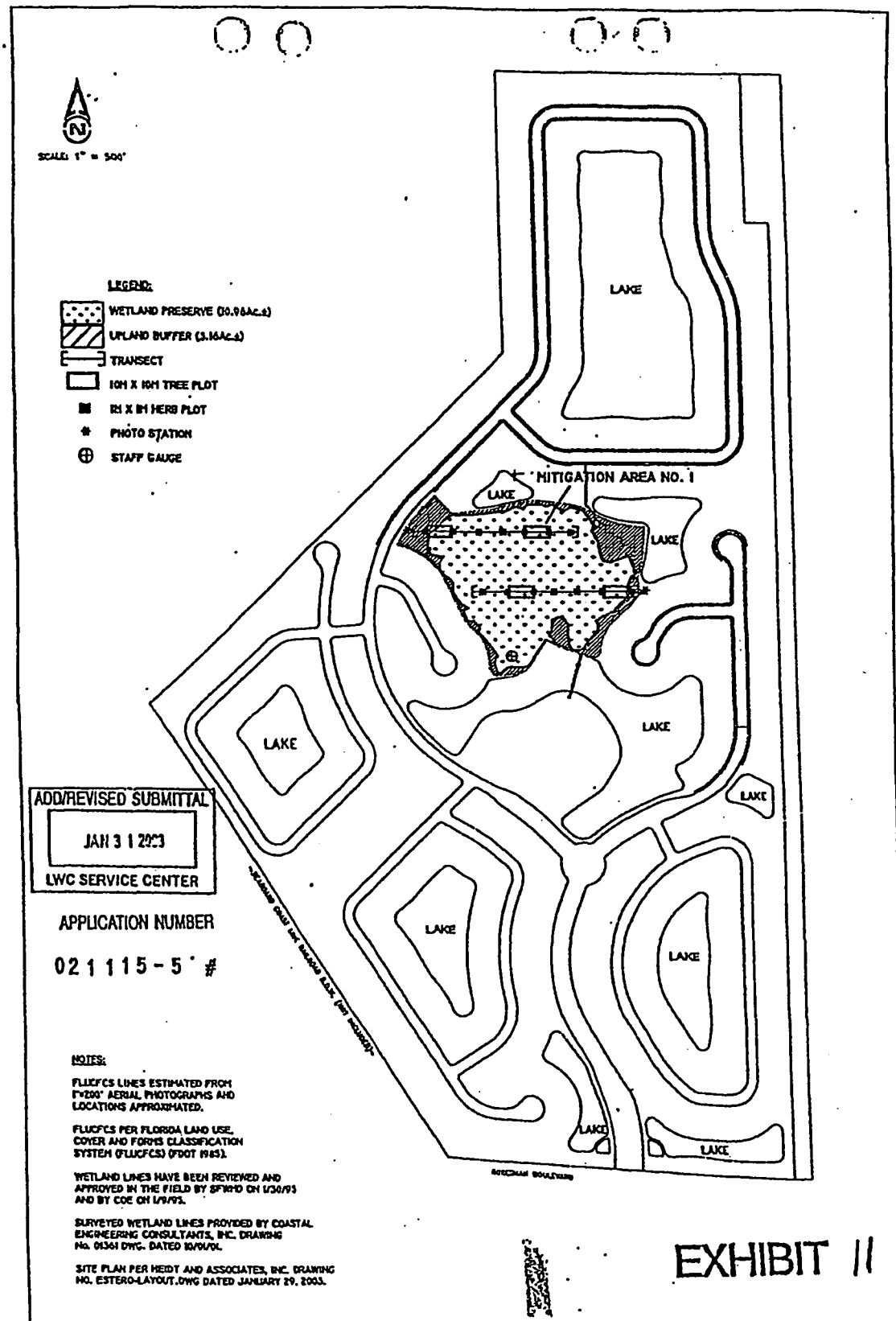


EXHIBIT II

FIGURE 2. MITIGATION AND MONITORING PLAN

PASSARELLA and ASSOCIATES, INC.
Consulting Ecologists

South Florida Water Management District

Mitigation Monitoring Work Schedule

Application No : 021115-5

Mitigation Plan ID : BELLE LAGO

Activity	Due Date
SUBMITTAL OF RECORDED CONSERVATION EASEMENT	01-MAY-2003
BASELINE MONITORING REPORT	31-JUL-2003
EXOTIC VEGETATION REMOVAL	30-SEP-2003
PLANTING MITIGATION AREA	31-JUL-2004
TIME ZERO MONITORING REPORT	30-SEP-2004
EXOTIC VEGETATION REMOVAL	30-APR-2005
FIRST MONITORING REPORT	31-JUL-2005
EXOTIC VEGETATION REMOVAL	30-APR-2006
SECOND MONITORING REPORT	31-JUL-2006
THIRD MONITORING REPORT	31-JUL-2007
FOURTH MONITORING REPORT	31-JUL-2008
FIFTH MONITORING REPORT	31-JUL-2009

Exhibit No : 12

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Jim Manners filed an application for administrative approval to a Mixed Use Planned Development on a project known as Estero Golf Resort (being developed as Belle Lago) to add a new deviation (Deviation #14) to Resolution Z-01-012a to allow a stacked bulkhead in each of Lakes 1 and 2, pursuant to Section 10-329(d)(4) of the Land Development Code, as the lakes are shown in Administrative Amendment ADD2003-00014A on property located between US41 and Three Oaks Parkway, on north side of Estero (formerly Koreshan) Blvd., described more particularly as:

LEGAL DESCRIPTION: In Section 21, Township 46 South, Range 25 East, Lee County, Florida:

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in case number Z-01-01a (with subsequent amendments in case numbers DCI2000-00032; ADD2003-00014; ADD2003-00014a and DOS2002-00253, Ph 1 and DOS2003-00094 Rec Center); and

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

WHEREAS, lakes 1 and 2 are located at the entrance of the project off Estero Parkway; and

WHEREAS, the applicant is proposing a 140 linear foot stacked rock bulkhead for each of the two lakes; and

WHEREAS, the lake slope at the toe of the bulkhead may be no greater than 4:1; and

WHEREAS, the applicant is also providing a compensatory littoral zone with an 8:1 slope and two littoral plants per linear foot will be provided for each linear foot of bulkhead; and

WHEREAS, the compensatory littoral zone will be provided in lakes 8 and 9; and

WHEREAS, the compensatory littoral zone is adjacent to the 14 acre conservation area and will provide more beneficial habitat adjacent to the preserve then providing the compensatory littoral zone in lakes 1 and 2; and

WHEREAS, the decorative stacked rock bulkheads are to tie the lake shorelines (lakes 1 and 2) in with the fountains and other decorative entrance features; and

EXHIBIT "I"

WHEREAS, the Division of Environmental Sciences have reviewed the requested deviation; and

WHEREAS, the Division of Environmental Sciences has provided a condition to the approval of Deviation #14; and

WHEREAS, this Administrative Amendment only addresses the addition of Deviation #14 as it may affect Tracts 6-12 of the development approved in Resolution Z-01-012a; 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 Mixed Use Planned Development to add Deviation #14, Resolution Z-01-012a, pursuant to Section 10-329(d)(4) of the Land Development Code, to allow a stacked bulkhead in each of Lakes 1 and 2 as the lakes are shown in Administrative Amendment ADD2003-00014A is **APPROVED.**

Approval is subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, entitled "ESTERO GOLF RESORT AMENDED MASTER CONCEPT PLAN TRACTS 6-12", dated 02-03-03, last revised 6-14-04, and stamped received by the permit counter on June 16, 2004. Master Concept Plan for ADD2004-00127 is hereby APPROVED and adopted. A reduced copy is attached hereto.**

2. **Lake 1 and 2 may utilize 140 linear feet of stacked rock bulkheads for a total of 280 linear feet as depicted on the Master Concept Plan. A compensatory littoral zone must be provided in lakes 8 and 9 for a total of 280 linear feet with an 8:1 slope as depicted in the "Compensatory Littoral zone" cross-section on the Master Concept Plan. A minimum of 560 herbaceous littoral plants must be install within the compensatory littoral zone areas in addition to the required littoral plants for the lakes. A revision must be made to Development Order DOS2004-00132 to delineate the compensatory littoral zone and provide details of the littoral plantings within Lake 8 and 9, and a revision must be made to DOS2002-00253 to delineate the bulkheads in Lake 1 and 2. These development order revisions must be submitted for review and approval within 90-days of the approved of ADD2004-00127.**

3. **This Administrative Amendment only addresses the addition of Deviation #14 as it may affect Tracts 6-12 of the development approved in Resolution Z-01-012a and amended by Administrative Amendment ADD2003-00014A.**

4. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**

DULY SIGNED this 25th day of June, A.D., 2004.

BY: _____
Pam Houck, Director
Division of Zoning
Department of Community Development

EXHIBIT A

LEGAL DESCRIPTION FOR BELLE LAGO

LEGAL DESCRIPTION

A Tract or Parcel of Land in Section 21, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 21, thence along the East line of Section 21, N.00°46'45"W., a distance of 94.98 feet to the Northerly Right-of-Way line of Koreshan Boulevard (As described in O.R. Book 2183, Pages 3461 – 3462) to the Point of Beginning; thence continue N.00°46'45"W. along said East line of Section 21, a distance of 2555.79 feet to the East quarter corner of said Section 21; thence N.00°53'22"W., a distance of 2646.37 feet to the Northeast corner of said Section 21; thence N.89°29'23"W. along the North line of Section 21, a distance of 1322.73 feet to the East line of The Vintage Golf and Country Club as recorded in Plat Book 37, Page 38, of the Public Records of Lee County, Florida; thence S.00°53'13"E., along said East line of The Vintage Golf and Country Club, a distance of 1317.90 feet; thence S.44°54'53"W. a distance of 2370.26 feet; thence continue S.32°34'51"E. along the Easterly Right-of-Way line of the Seaboard Coast line Railroad a distance of 2513.30 feet; thence along the Northerly Right-of-Way line of Koreshan Boulevard, continue S.86°11'52"E., a distance of 1148.53 feet to a point of curvature, thence continue 552.84 feet along the arc of said curve concave to the Northeast, having a radius of 11425.00 feet, a central angle of 02°46'21", a chord distance of 552.79 feet and a chord bearing of S.87°35'02"E. to said Point of Beginning.

Applicant's Legal Checked
by _____ 26 MAY 04

RECEIVED
MAY 21 2004
COMMUNITY DEVELOPMENT

ADD 2004-00127

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PREPARED BY: HEIDT & ASSOCIATES, Inc.
Tampa ◆ Fort Myers
CIVIL ENGINEERING
PLANNING
SURVEYING
ENVIRONMENTAL PERMITTING
LANDSCAPE ARCHITECTURE
Fort Myers Office
3800 Colonial Blvd Suite 200
Fort Myers, Florida 33912
Phone: 941-482-7275
FAX: 941-482-2103

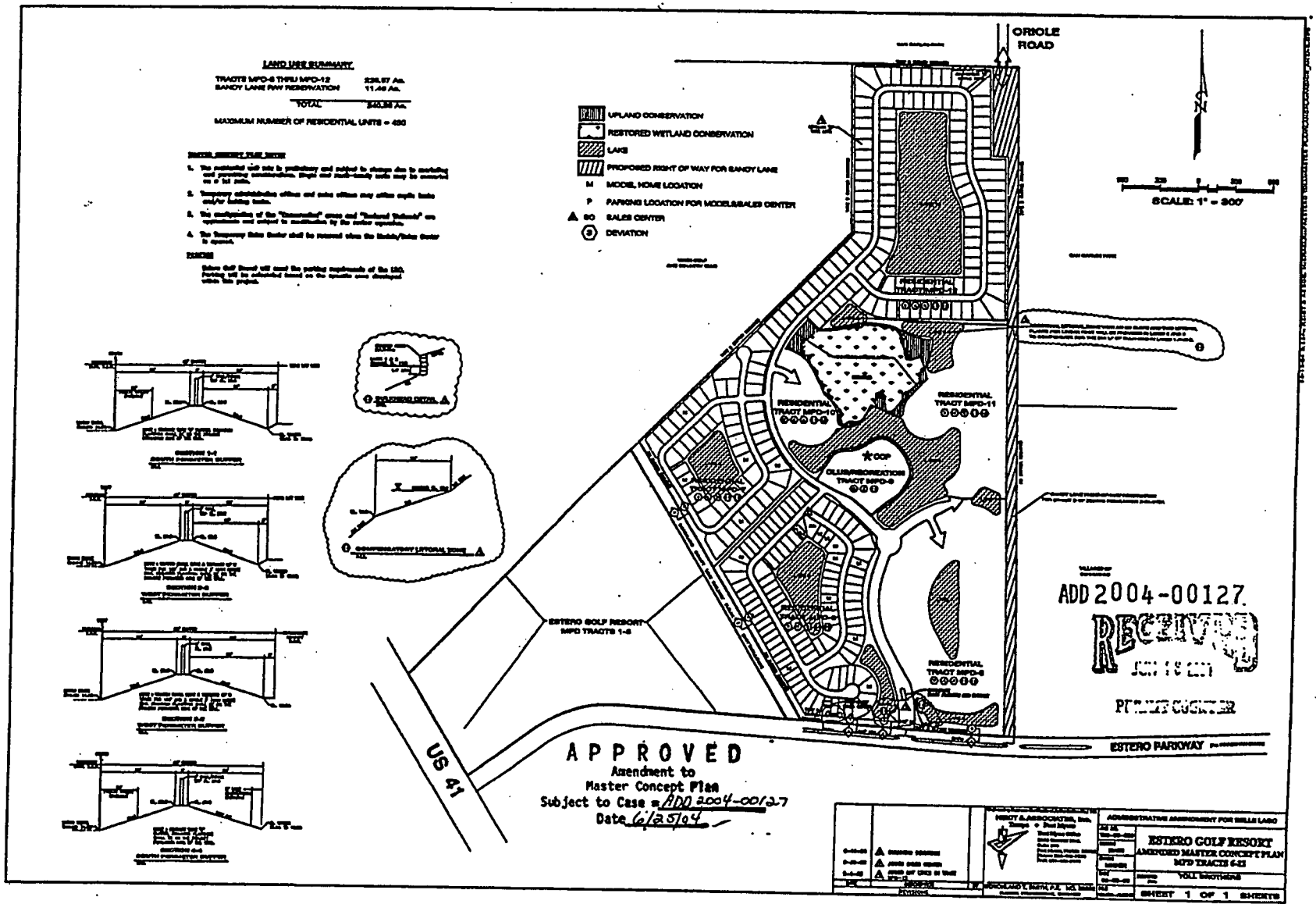
LEGAL DESCRIPTION FOR BELLE LAGO

Prepared For: TOLL BROTHERS INC.

SHEET 1 OF 1

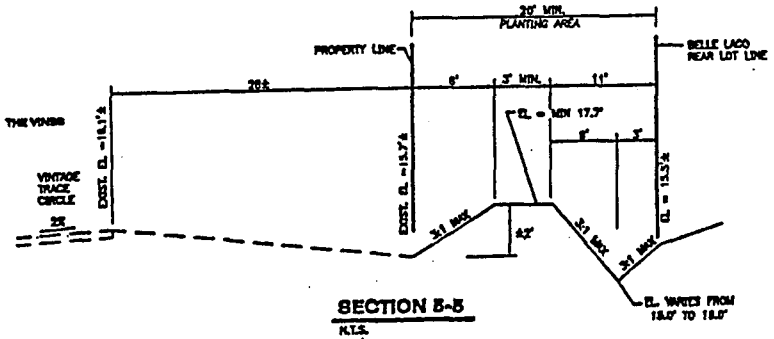
Dwn. SU	Ck. SU	DWG: BHDY-LESS-SALES
Date: 10/23/02		Order No.: TB2-ES

SEC. 21, TWP. 46 S, RGE. 25 E
LEE COUNTY, FLORIDA



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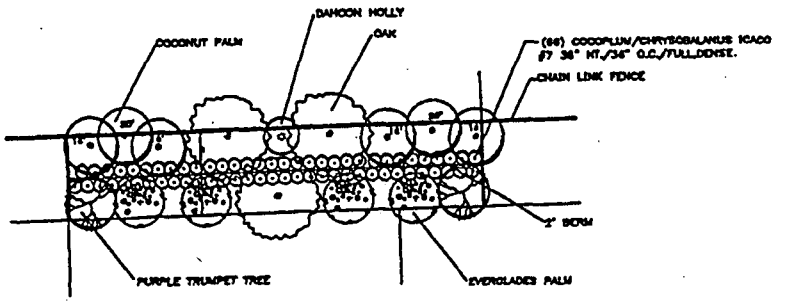
EXHIBIT "J"



SECTION B-B

N.T.S.

AS PERMITTED ON SHEET 91 OF 40 OF PHASE 1 PLANS

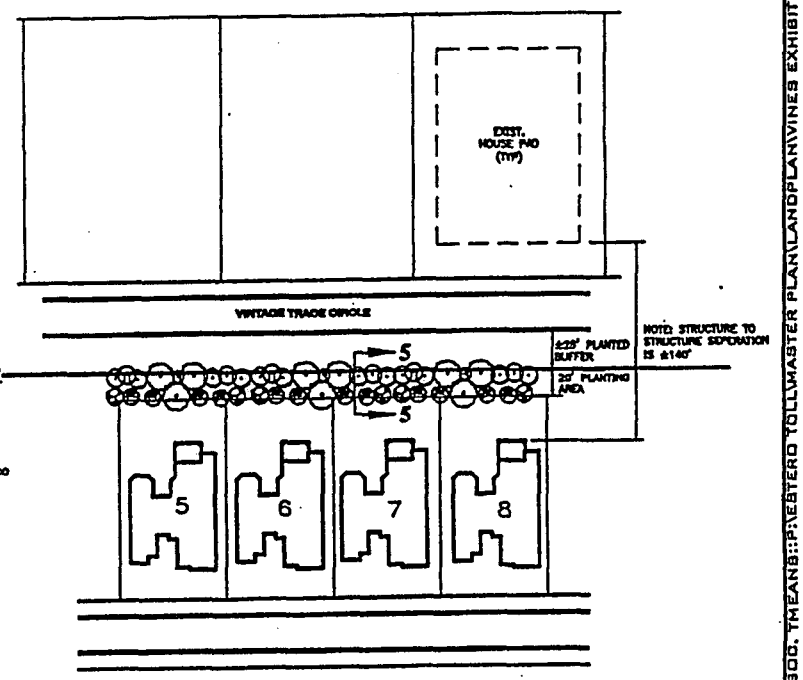


TYPICAL 20' PLANTING AREA

ALONG THE VINES PROPERTY LINE

N.T.S.

AS PERMITTED ON SHEET 10 OF 12 OF PHASE 1 LANDSCAPE PLANS



ADD 2003-00014

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MAY 16 2003
ZONING COUNTER

BELLE LAGO AMENDMENT - PARCEL F

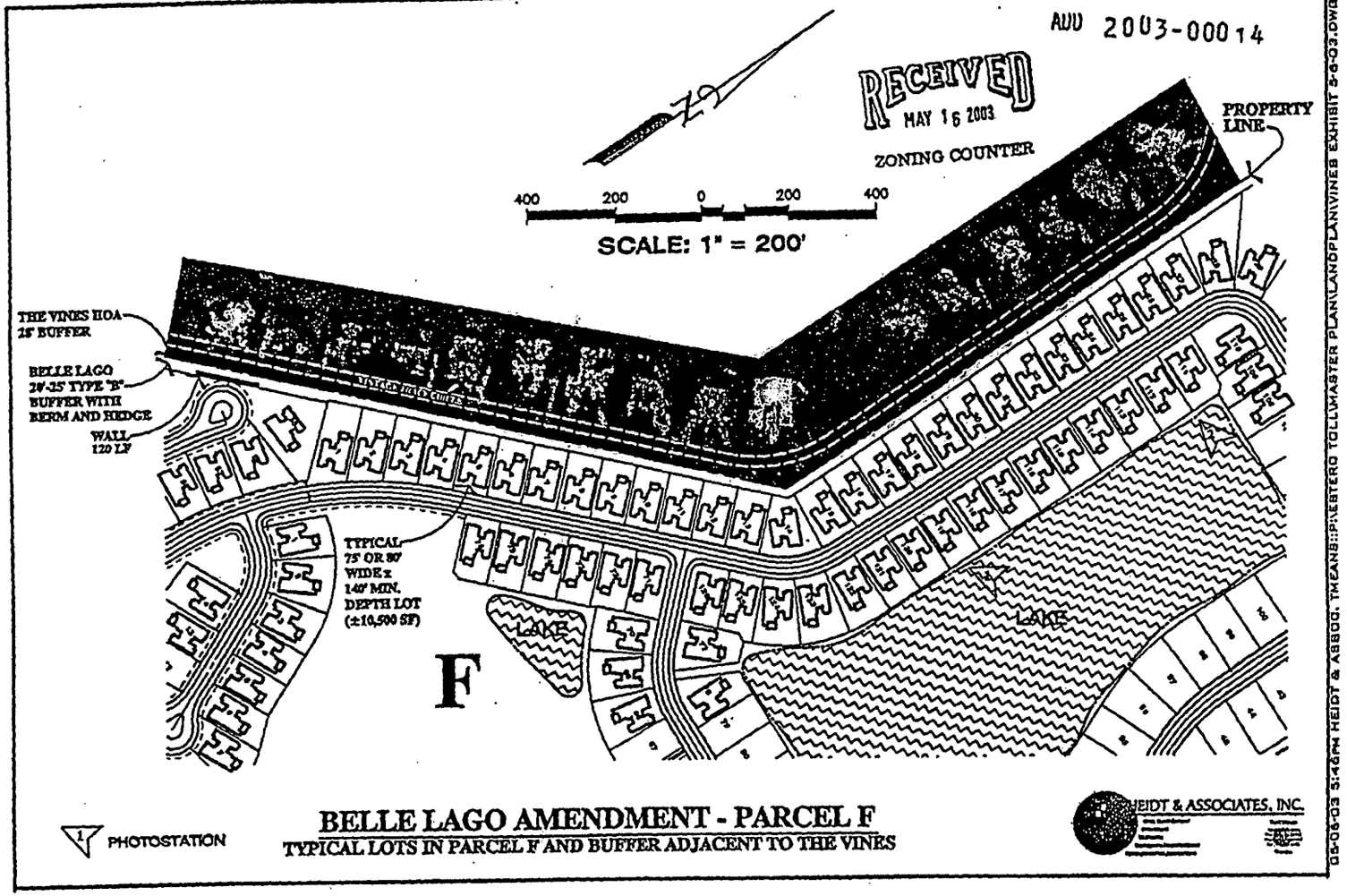
CROSS-SECTION FOR PARCEL F AND BUFFER ADJACENT TO THE VINES

HEIDT & ASSOCIATES, INC.
Tampa
Fort Myers

05-06-03 6:27PM HEIDT & ASSOC. T:\EANB\P:\EBTERD TOLLMASTER PLAN\LANDPLAN\VINES EXHIBIT B 5-6-03.DWG

AUU 2003-00014

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ZONING COUNTER



PHOTOSTATION

BELLE LAGO AMENDMENT - PARCEL F
TYPICAL LOTS IN PARCEL F AND BUFFER ADJACENT TO THE VINES

HEIDT & ASSOCIATES, INC.

05-06-03 5:46PM HEIDT & ASSOC. TMEANS::P:\ESTERO TOLL\MASTER PLAN\LANDPLAN\VINES EXHIBIT 5-6-03.DWG

EXHIBIT "J"
Page 2 of 2

BELLE LAGO
WETLAND MITIGATION/MONITORING/MAINTENANCE PLAN
SFWMD APPLICATION NO. 001026-3

Revised January 31, 2003

INTRODUCTION

The following outlines the wetland mitigation plan for the Belle Lago (project) residential community (f.k.a. Wynnewood and Estero Resort) located in Section 21, Township 46 South, Range 25 East, Lee County (Figure 1). The project with its associated roads and storm water management system will result in impacts to 1.62± acres of South Florida Water Management District (SFWMD) jurisdictional wetlands. In order to offset the loss of wetland functions due to the proposed construction activities, a total of 10.96± acres of wetlands will be preserved and enhanced on-site. The wetland preservation area is located in a single area towards the center of the project.

A 3.16± acre upland buffer is also proposed for preservation and enhancement around the wetland preserve (no mitigation credit is given for the buffer). A boardwalk is proposed to be located in the buffer around the east side of the wetland preserve. The boardwalk will be field located and designed to avoid larger native trees when possible.

The on-site mitigation work will be performed concurrent with the construction of the infrastructure and storm water management system for the residential development. As part of the mitigation program for the SFWMD, the wetland and upland buffer will be placed under a conservation easement and, collectively, referred to as the conservation area.

ON-SITE MITIGATION PLAN

The on-site mitigation plan consists of preserving and enhancing 10.96± acres of wetlands and 3.12± acres of uplands (Table 1). Please refer to the SFWMD permit application for the site's vegetation (i.e., FLUCFCS) map and descriptions.

Table 1. Mitigation Acreages and Existing and Proposed Habitats

Mitigation Area	Habitat	Enhancement and Preservation			
		Wetland		Upland Buffer	
		Area (Ac.)	Target Type	Area (Ac.)	Target Type
No.1	424				434
	4241	10.40		3.16	
	6219	0.56	621		
Total		10.96		3.16*	

* No mitigation credit is proposed for the upland buffer

APPLICATION NUMBER 021115-5 #

ADD/REVISED SUBMITTAL
JAN 31 2003
SFWMD SERVICE CENTER

EXHIBIT "K"

ANCE

ıe completion of the initial exotic removal effort, semi-annual inspections of the :ea will occur for the first two years. During these inspections, the mitigation area ɪrsed by a qualified ecologist. Locations of nuisance and/or exotic species will be ɪr immediate treatment with an appropriate herbicide. Any additional potential ll also be noted and corrective actions taken. Once exotic/nuisance species levels ɛduced to acceptable limits (i.e., less than five percent cover), inspections of the eas will be conducted annually.

will be conducted in perpetuity to ensure that the conservation area is free of xotic vegetation as defined by the EPPC at time of permit issuance immediately naintenance event. Exotic and nuisance species shall constitute no more than five ; total cover between maintenance events.

MITIGATION ACTIVITY SCHEDULE

sociated with the implementation of the wetland mitigation, monitoring, and shall be in accordance with the following work schedule. Time frames in this based on permit issuance by April 1, 2003.

tion Date	Activity
	Record Conservation Easement
3	Baseline Monitoring Report
1, 2003	Exotic Vegetation Removal
4	Mitigation Plantings
1, 2004	Time Zero Monitoring Report
05	Exotic Maintenance
5	First Monitoring Report
06	Exotic Maintenance
6	Second Monitoring Report
7	Third Monitoring Report
8	Fourth Monitoring Report
9	Fifth Monitoring Report

ES

). 1989. Measurements for Terrestrial Vegetation. John Wiley and Sons, New New York.

D SUBMITTAL
L 1 2003
s, Inc.
1/31/03
CE CENTER

APPLICATION NUMBER
021115-5 #

EXHIBIT 10F

3/10/2004

TO: Dana L. Worley P.S.M
Professional Surveyor and Mapper
Coastal Engineering Consultants, Inc.
Phone: 239-643-2324
Fax: 239-643-1143
E-mail: dworley@cecifl.com
3106 S. Horseshoe Dr.
Naples, FL 34104

CC: Lisa M. Williams
Project Coordinator
CPH Engineers, Inc.
2211 Peck St., Suite 300
Fort Myers, FL 33901
PH: 239-332-5499
FX: 239-332-2955
E-mail: lwilliams@cpheng.com

REGARDING:
Estero Gulf Resort MPD – DCI2003-00058
(Request for a legible copy of legal & survey for the entire MPD)

Good Morning Dana & Lisa,

Here I am sending you a facsimile to confirm receipt of the legible copy from Dana Worley at CEC, so Lisa M. Williams can notify the CPH Team that this issue has been resolved.

Thank you both for your professional assiduity on solving this issue.

My Best Regards to both of you, Luis

Luis G. Machado
Planning Technician
Lee County Department of Community Development
Division of Zoning
P.O. Box 398
Fort Myers, FL 33901-0398
Phone: (239) 479-8485 Fax: (239) 479-8313
Email: lmachado@leegov.com
Webpage: www.lee-county.com/dcd

PROPERTY DEVELOPMENT REGULATIONS

(Wal-Mart Option)

LAND USES	Minimum Lot			Minimum Setback (ft)								Max Height (ft)[2]	Min Bldg Separation (ft)[2]	Max Lot Coverage (%)	
					Rear (ft)				Front (ft)						
	Area (sq ft)	Min Width (ft)	Min Depth (ft)	Side[1] Incl. Corner Lots (ft)	Lots	Wetland	Golf	Acc.	Front Entry Garage	Bldg or Side Entry Garage	Water Body (ft)			East of railroad with Golf Option	East of Railroad without Golf Option
Single Family Detached	5,000	50	100	5	20	20	0	5	20	12	25	35 or 2 stories	10	65	40
Zero Lot Line	5,000	50	100	0 or 7½	20	20	0	5	20	12	25	35 or 2 stories	10	65	40
Two Family Attached	3750	37½	100	0 or 10	20	20	0	5	20	12	25	35 or 2 stories	10	65	40
Townhouse	2,000	22	80	0 or 10	20	20	0	5	20	15	25	35 or 2 stories	½ bldg height but not less than 20	n/a	n/a
Multi-Family	10,000	100	100	10	20	20	0	5	20	20	25	55 or 4 stories	½ bldg height but not less than 20	70	40
Clubhouse	20,000	80	100	10	20	20	0	5	n/a	20	25	55 or 4 stories	½ bldg height but not less than 20	55	n/a
Commercial (MPD 1-4)	20,000	80	100	0 or 15[3]	25[4]	20	n/a	5	per LDC	per LDC	25	55 or 4 stories	½ bldg height but not less than 20	55	

[1] Applies to lots of all widths and to corner lots.

[2] Building height is limited to 35 feet or 2 stories within 200 feet of The Vines and San Carlos Park. Buildings exceeding 35 ft in height must maintain additional building separation or additional building setbacks consistent with LDC Section 34-2174(a) and LDC Section 935(e)4.

[3] Should the subject property be subdivided, a 0' setback to any internal lot lines will be required.

[4] Structures in MPD Tract 1 must maintain a 100 ft setback from the Tract 5 property line.

DCI 2003-00058

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SKETCH AND DESCRIPTION

LEGAL DESCRIPTION

LEGAL DESCRIPTION (AS FURNISHED)

A PARCEL OF LAND LYING IN SECTIONS 21 AND 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21, THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45" W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461 – 3462) TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°46'45" W, ALONG SAID EAST LINE OF SECTION 21, A DISTANCE OF 2555.79 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 21; THENCE N 00°53'22" W, A DISTANCE OF 2646.37 FEET TO THE NORTHEAST CORNER OF SAID SECTION 21; THENCE N 89°29'23" W, ALONG THE NORTH LINE OF SECTION 21, A DISTANCE OF 1322.73 FEET TO THE EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 37, PAGE 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA: THENCE S 00°53'13" E, ALONG SAID EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB, A DISTANCE OF 1317.73 FEET; THENCE S 44°54'53" W, A DISTANCE OF 4738.55 FEET TO THE EASTERLY RIGHT-OF-WAY LINE (100.00 FEET FROM CENTERLINE) OF U.S. 41 (TAMIAMI TRAIL); THENCE S 37°45'31" E, ALONG SAID EASTERLY RIGHT-OF WAY LINE, A DISTANCE OF 17.52 FEET; THENCE S 37° 10' 00" E, A DISTANCE OF 955.60 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 50.00 FEET, A DELTA ANGLE OF 91°16'55", A CHORD DISTANCE OF 71.50 FEET AND A CHORD BEARING OF S 82°48'27" E; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 79.66 FEET TO A POINT OF TANGENCY, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD; THENCE N 51° 33'05" E, ALONG SAID NORHTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 261.89 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1292.82 FEET, A DELTA ANGLE OF 15°53'11", A CHORD DISTANCE OF 357.31 FEET AND A CHORD BEARING OF N 59°29'40" E; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 358.46 FEET TO A POINT OF COMPOUND CURVATURE: A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 1175.00 FEET, A DELTA ANGLE OF 26°21'52", A CHORD DISTANCE OF 535.91 FEET, AND A CHORD BEARING OF N 80°37'11" E, THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 540.67 FEET TO A POINT OF TANGENCY; THENCE S 86°11'52" E, A DISTANCE OF 2476.17 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 11,425.00 FEET, A DELTA ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET AND A CHORD BEARING OF S 87°35'02" E; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 552.84 FEET TO THE POINT OF BEGINNING:

LESS AND EXCEPT THE SEABOARD COAST LINE RAILROAD RIGHT-OF-WAY.

PARCEL CONTAINS 314.60 ACRES, MORE OR LESS.

Survey Notes:

1. "NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER".
2. BEARINGS SHOWN HEREON ARE RELATIVE TO ASSUMED DATA AS BEING N 00°46'45" W ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST.
3. THE "LEGAL DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR PER THE CLIENT'S REQUEST.
4. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OR OPINION OF TITLE. NO INSTRUMENTS OF RECORD REFLECTING EASEMENTS, RIGHTS-OF-WAY, AND/OR OWNERSHIP WERE FURNISHED TO THIS SURVEYOR EXCEPT AS NOTED.
5. THIS IS NOT A BOUNDARY SURVEY, THIS SKETCH AND DESCRIPTION WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR, NO FIELD SURVEY WAS DONE TO DEFINE OWNERSHIP.

ABBREVIATION LEGEND:

P.R.M. – PERMANENT REFERENCE MONUMENT	C.M. – CONCRETE MONUMENT	EL. – ELEVATION	CONC. – CONCRETE	W.M. – WATER METER
P.O.C. – POINT OF COMMENCEMENT	P.B. – PLAT BOOK	A/C – AIR CONDITIONER	C.L.F. – CHAIN LINK FENCE	F.H. – FIRE HYDRANT
P.C. – POINT OF CURVATURE	Pg. – PAGE	TYP. – TYPICAL	W.F. – WOOD FENCE	N & D – NAIL AND DISC
P.R.C. – POINT OF REVERSE CURVATURE	N.R. – NON-RADIAL	U.E. – UTILITY EASEMENT	C & G – CURB & GUTTER	B.M. – BENCH MARK
P.C.C. – POINT OF COMPOUND CURVATURE	RAD. – RADIAL	D.E. – DRAINAGE EASEMENT	CATV – CABLE TELEVISION RISER	PVMT. – PAVEMENT
P.T. – POINT OF TANGENCY	R. – RADIUS	F.F. – FINISHED FLOOR	TELE – TELEPHONE RISER	F.B. – FIELD BOOK
P.I. – POINT OF INTERSECTION	L. – ARC LENGTH	B.S. – BUILDING SETBACK	TRANS – TRANSFORMER PAD	M.H. – MANHOLE
P.C.P. – PERMANENT CONTROL POINT	Δ – DELTA	C.B.S. – CONCRETE BLOCK STRUCTURE	L.P. – LIGHT POLE	(A) – ACTUAL
P.O.L. – POINT ON LINE	R.P. – RADIUS POINT	(P) – PLAT	P.P. – POWER POLE	NSI – NO SURVEYOR IDENTIFICATION
C.B. – CHORD BEARING	R/W – RIGHT-OF-WAY	(M) – MEASURED	N.G. – NATURAL GROUND	FND – FOUND
T.B. – TANGENT BEARING	℄ – CENTER LINE	(C) – CALCULATED	SQ. FT. – SQUARE FEET	REC – RECOVERED

Surveyor's Certification:

I hereby certify that the attached "Sketch and Description" of the hereon-described property is true and correct to the best of my knowledge, information and belief as surveyed under my direction on December 16, 2003. I further certify that this "Sketch and Description" meets the minimum technical standards set forth in rule 61g17-6 of the Florida Administrative Code.

W. C. Elliott, P.S.M.
Professional Surveyor and Mapper
Florida Registration No. 5599

CLIENT: WAL-MART
PROJECT NUMBER: W13303
CADD DWG. FILE: SKETCH AND DESCRIPTION.DWG

NOT VALID WITHOUT SHEET 2
SHEET 1 OF 2

cph Engineers Planners Landscape Architects Surveyors Construction Management
www.cphengineers.com
500 West Fulton Street, Sanford, FL 32771 P.O. Box 2026, Sanford, FL 32772-2026
Phone: 407.322.6841 Fax 407.330.9439

Activity	Name	Date
Date of Field Survey:	N\A	N\A
Drawn by:	T.E.D.	12/03
Checked by:	T.J.G.	12/03
Approved by:	W.C.E.	12/03

Certificate of Authorization No. 7143

SKETCH AND DESCRIPTION

ESTERO GOLF RESORT MPD

FORT MYERS, LEE COUNTY, FLORIDA

DEC 16 2003

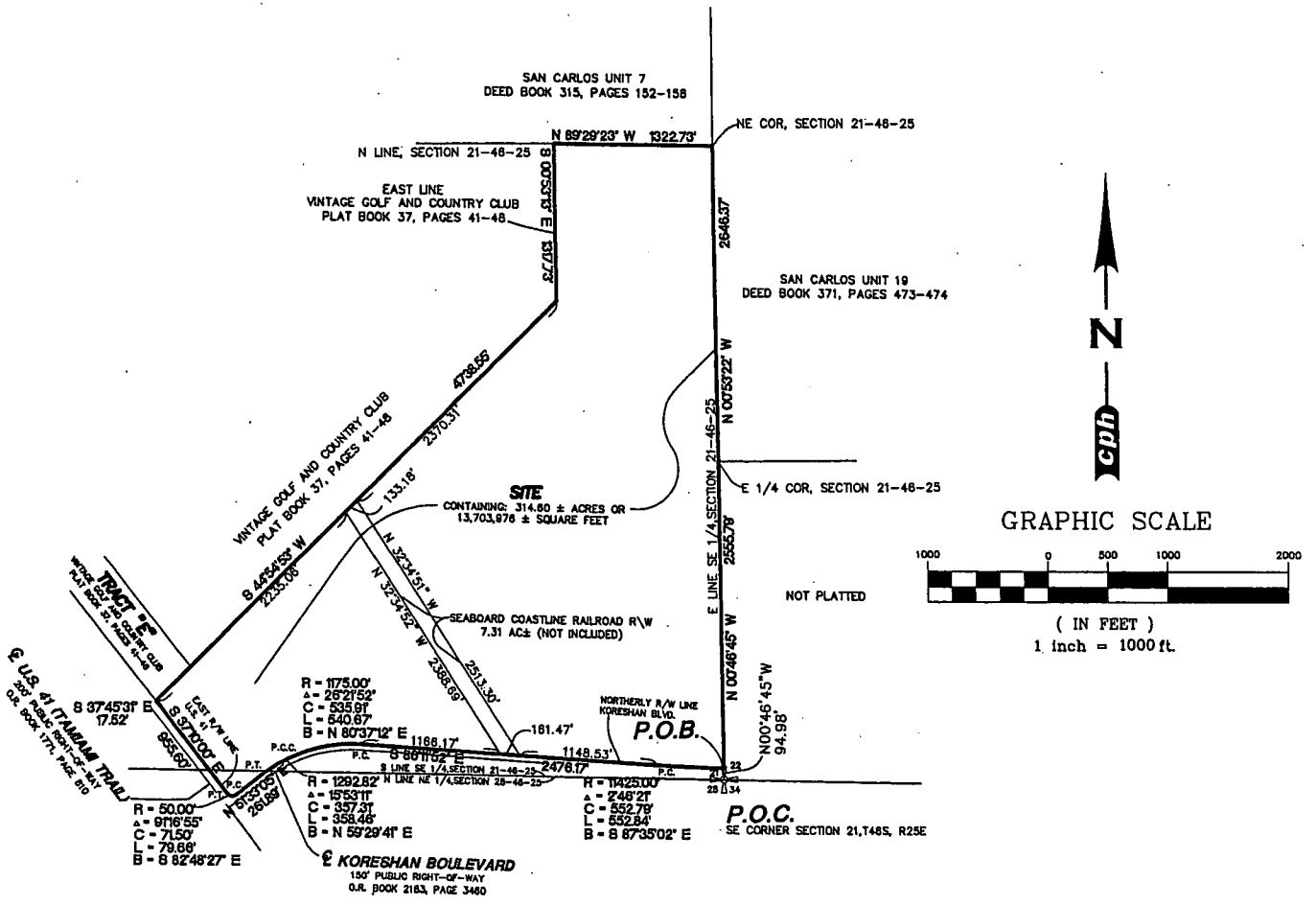
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Date: DEC 2003
Job No. W13303
File: SOD.DWG
Sheet 1 of 2

DCI 2003-00058

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DEC 17 2003
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SKETCH AND DESCRIPTION

LEGAL DESCRIPTION



CLIENT: WAL-MART
PROJECT NUMBER: W13303
CADD DWG. FILE: SKETCH AND DESCRIPTION.DWG

NOT VALID WITHOUT SHEET 1
SHEET 2 OF 2

cph Engineers Planners Landscape Architects Surveyors Construction Management
www.cphengineers.com
3330 West Palmetto Street, Bradford, FL 32771 P.O. Box 2008, Bradford, FL 32772-2008
Phone: 407.322.6643 Fax: 407.330.0633

Activity	Name	Date
Date of Field Survey:	N/A	N/A
Drawn by:	T.E.D.	12/03
Checked by:	T.J.G.	12/03
Approved by:	W.C.E.	12/03

Certificate of Authorization No. 7143

SKETCH AND DESCRIPTION

ESTERO GOLF RESORT MPD

FORT MYERS, LEE COUNTY, FLORIDA

Scale:	1" = 1000'
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Job No.	W13303
File:	SOD.DWG
	Sheet 2 of 2

DCI 2003-00058

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ZONING COUNTER

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DEC 17 2003
ZONING COUNTER

ESTERO COMMUNITY PLANNING PANEL PUBLIC MEETING

JULY 14, 2003

DCI 2003-00058

Name	Address	E-Mail

1. BOB THINNES, 3800 VIA DEL REY, B.S. bthinnes@gradyminor.c
2. TERESA MURPHY 6700 ANTIOCH MERRIAM KS TMURPHY@BRRARCH.com
3. Neale Montgomery, 1833 Hendry St. Fort Myers Fla. NealeMontgomery@DavisLaw.com
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5. Don Rowe 9136 Willow Walk Bonita Srgs 34135 Shalimar Wood of The Brooks
6. Alvis Cagulet 9870 Spring Run, Block J #3003 Bonita Springs 34135
7. SAM LEVY 23051 WHISPERING RDG. DR. BONITA SPRINGS 34134
8. Denise Scott, The News-Press, Bonita Springs Bureau
9. Mim Stamb, Estero Historical Society.
10. Bob Thomas, 20231 Calica Ct. #2704, Estero
11. Lila Nichols, 9951 Rookery Circle, Estero

JULY 14, 2003

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14. Edith Wallace	20381 Rookery Dr.	WallaceJ@ATT.COM
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16. O. M. Spicher	20350 Palm Tree Blvd.	
17. Morry Bectel	19337 Silver Oak	VINCI AMBectel@COMCAST.NET
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19. Susan & Jim Weis	19366 Silver Oak DR. (33912)	
20. Bill Parker	19325 Silver Oak Dr	
21. Jack P. Smith	19155 Vintage Trace Cr.	
22. Anne La Smith	19155 Vintage Trace Cr.	

JULY 14, 2003

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23. David Gabriel	d/b/a Shady Acres RV Park 19370 S. Tamiami Trail	Camp@ShadyAcreFL.com
24. Gina Cohen	The Vines 8371 Grand Palm Dr	
25. Stephen Cohen	The Vines 8371 Grand Palm Dr	
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27. Robert Abramson	3734 Stone Way Estero	
28. Bernadette Lengerich	8583 Fairway Bend The Vine	
29. Patricia Meldon	23132 Grassy Pine (Marsh Landing)	
30. Gayle / Ray Pothier	21034 Oxbow Bend - Estero	
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32. John Sandberg	23841 Copperhead Rd. 34135	
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JULY 14, 2003

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38.	ROSE MARIE HAMMOND	3450 DATE PALM LN.	
39.	Eddie Perri	4120 LORENE DR. #305 ESTERO	
40.	Sharon McGeorge	20071 Whiffler Dr. Estero	
41.	Elaine Perri	4120 Lorene Dr. Estero	
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JULY 14, 2003

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JULY 14, 2003

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59. PATRICIA PARKER	19325 SILVER OAK DR	PATATVINES@AOL.COM
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65. M. GORDON LYON	20268 LEOPARD LANE ESTERO FL	33928
66. ROBERT VAYDA	20954 BLACKSMITH FORGE	ESTERO
67. EARL BILLING	20943 BLACKSMITH FORGE	ESTERO
68. CAS OBIE	20681 COUNTRY WALK WAY	ESTERO
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JULY 14, 2003

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75.	DON GREENLEAF VINES		
76.	CHARLOTTE GREENLEAF VINES		
77.	DON Eslick	ECPP	
78.	Deborah Fogarty	ECPP	
79.	CARL HOKE	ECPP	
80.	NEAL NOETHLICH		
81.	GREG TOTH		ECPP
82.	JOE ORTEGA		
83.	BILL BROWN		
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Lotspeich and Associates, Inc.
ECOLOGICAL CONSULTANTS

DCI 2003-00058
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10 December 2003
L&A No. 2002-278.25
Doc: \2002-278T&ERPTL10.wpd

Ms. Lisa Williams
CPH Engineers, Inc.
2211 Peck Street, Suite 300
Fort Myers, FL 33901

RE: **Wal-Mart #5347-00 Estero**
75.71± acres *in* Sections 21 and 28, Township 46 South, Range 25 East; Lee County, Florida
Threatened and Endangered Species Survey

Dear Ms. Williams:

This letter serves as a response for your submittal to the Lee County Department of Community Development for application number DOS2003-00222. Lotspeich and Associates, Inc. was retained by Wal-Mart Stores, Inc. to conduct a threatened and endangered species survey of the entire 75.71± acre site, located in Lee County, Florida. Numerous site reviews have been conducted on the site over the past year including 10 December 2002, 15-16 July 2003, and 12 November 2003.

Only the gopher tortoise (*Gopherus polyphemus*), a state-listed "species of special concern," possibly occurs on the site although none have been observed during our investigations. A final survey will be conducted a few months prior to the start of project construction. If this species is observed, a management plan will be developed and a request will be submitted to the Florida Fish and Wildlife Conservation Commission to relocate the gopher tortoises to the upland conservation area on-site. If this occurs, Lee County will be copied with the approved on-site relocation plan.

In addition to surveying for gopher tortoise, a search was conducted on the site for evidence of the Big Cypress fox squirrel (*Sciurus niger avicennia*). No evidence was observed during our investigations to suggest this species is utilizing the project site. A final survey will be conducted a few months prior to the start of project construction. If this species is observed, Lee County will be contacted in order to develop a management plan for the species.

Our findings indicated that there are no other known federal or state animal species listed as "endangered," "threatened," or "species of special concern" inhabiting the site. Only one state protected plant species, the royal fern (*Osmunda regalis*), was observed on the site. This plant was observed in both the proposed development and the proposed conservation areas. This species is listed by the State of Florida as "commercially exploited" due to over-collection. No coordination is needed with the State of Florida to impact this plant species as a result of proposed construction activities associated with development of a site. No other listed plant species were observed during our investigation.

Attached please find Tables 1 and 2 that list the state and federal protected plant and animal species, respectively, documented to occur within Lee County and the potential for their occurrence within the project site.

Please feel free to contact us if you would like to discuss our findings in greater detail.

Sincerely,

LOTSPEICH AND ASSOCIATES, INC.

Renee L. Thomas

Renee L. Thomas
President

RLT\amh

Enclosures (2): Tables 1 and 2

cc: File

Table 1. **State and Federal Listed Plant Species Documented in Lee County and the Potential for Occurrence within the Heritage Development Shopping Center With Neighborhood Market Project Area**

Source: Lotspeich and Associates, Inc.

SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT and FLOWERING SEASON	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FDACS	FWS			
Acrostichum aureum Golden leather fern	T	-	Coastal hammocks, tidal marsh	Low, no habitat on-site	No
Andropogon arctatus Pinewood bluestem	T	-	Flatwoods; Oct-Nov	Moderate, habitat low quality	No
Asclepias curtissii Curtis' milkweed	E	-	Sand pine scrub, dry hammocks, flatwoods; May-Sep	Low, no habitat on-site	No
Asplenium serratum Bird's nest spleenwort	E	-	Swamps and hammocks on fallen logs	Moderate, habitat low quality	No
Bletia purpurea Pine-pink orchid	T	-	Cypress strand; Apr-May	Low, no habitat on-site	No
Bonamia grandiflora Florida bonamia	E	T	Scrub; Apr-Sep	Low, no habitat on-site	No
Burmannia flava Fakahatchee burmannia	E	-	Wet flatwoods, Big Cypress Swamp; Jan	Low, no habitat on-site	No
Calopogon multiflorus Many-flowered grass-pink	E	-	Damp pinelands and meadows (fire maintained); Mar-Jun	Moderate, habitat low quality	No
Celosia nitida Slender celosia	E	-	Hardwood hammocks, coastal dunes; Summer	Low, no habitat on-site	No
Celtis iguanaea Iiguana hackberry	E	-	Shell mounds, tidal swamps	Low, no habitat on-site	No
Celtis pallida Spiny hackberry	E	-	Shell mounds, tidal swamps	Low, no habitat on-site	No
Cereus gracilis West coast prickly-apple	E	-	Shell mounds, rockland hammocks, maritime hammocks;	Low, no habitat on-site	No
Cereus pentagonus Barbed-wire cactus	T	-	Maritime hammocks, beaches; all year	Low, no habitat on-site	No
Chamaesyce cumulicola Sand-dune spurge	E	-	Coastal dunes, coastal scrub	Low, no habitat on-site	No
Chamaesyce deltoidea Rockland spurge	E	E	Pine rocklands, coastal berm, coastal grassland; all year	Low, no habitat on-site	No
Crossopetalum rhacoma Rhacoma	E	-	Pine rocklands, rockland hammocks, coastal strand; all year	Low, no habitat on-site	No
Cyrtopodium punctatum Butterfly orchid	E	-	Rockland hammocks, marl prairie, strand swamp	Low, no habitat on-site	No
Deeringothamnus pulchellus Beautiful pawpaw	E	E	Grassy flatwoods, road edges; Mar-May	Moderate, habitat low quality	No
Encyclia cochleata Florida clamshell orchid	E	-	Rockland hammocks, dome swamps, strand swamps; all year.	Low, no habitat on-site	No
Epidendrum anceps Dingy-flowered epidendrum	E	-	Rockland hammocks, dome swamps, strand swamps, hammocks; all year	Low, no habitat on-site	No
Epidendrum difforme Umbelled epidendrum	E	-	Hammocks	Low, no habitat on-site	No

Table 1 - continued

SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT and FLOWERING SEASON	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FDACS	FWS			
Epidendrum rigidum Rigid epidendrum	E	-	Rockland hammocks, dome swamps, strand swamps; Oct-May	Low, no habitat on-site	No
Eragrostis tracyi Sanibel lovegrass	E	-	Beach dunes, maritime hammocks, coastal strand, coastal grassland, old fields, clearings, disturbed sites; all year	Moderate, habitat low quality	No
Eugenia confusa Redberry eugenia	E	-	Rockland hammocks; Mar-Jul	Low, no habitat on-site	No
Gossypium hirsutum Wild cotton	E	-	Coastal hammocks, shell mounds, coastal berm; all year	Low, no habitat on-site	No
Habenaria distans Distans habenaria	E	-	Hydric hammocks, strand swamps; Aug-Sep	Moderate, habitat low quality	No
Hexalectris spicata Crested coralroot	E	-	Pine-hickory woods; secondary woods, calcareous hammocks; Jun-Aug	Low, no habitat on-site	No
Jacquinia keyensis Joewood	T	-	Coastal strand, coastal grassland, maritime hammocks, rocky pineland; all year	Low, no habitat on-site	No
Lantana depressa Pineland lantana	E	-	Pine rockland, coastal strand, coastal grasslands, beach berm, marl prairies; May-Nov	Low, no habitat on-site	No
Lechea cernua Scrub pinweed	T	-	Sandy openings in scrub, fire maintained; Jul-Jan	Low, no habitat on-site	No
Lechea divaricata Spreading pinweed	E	-	Dry sandy soil, scrubby flatwoods; May-Oct	Low, no habitat on-site	No
Lilium catesbaei Catesby's lily	T	-	Wet flatwoods, bogs, usually with grasses; Jul-Oct	Moderate, habitat low quality	No
Lycopodium cernuum Nodding club-moss	C	-	Wet depressions, ditches, moist areas	Moderate, habitat low quality	No
Lythrum flagellare Lowland loosestrife	E	-	Low open ground, swamps, thickets; Spring	Moderate, habitat low quality	No
Maytenus phyllanthoides Mayten	T	-	Hammocks, dunes	Low - Moderate, poor habitat on-site	No
Myrcianthes fragrans Simpson's stopper	T	-	Hammocks, tropical/coastal; all year	Moderate, habitat low quality	No
Nephrolepis biserrata Giant sword fern	T	-	Mesic hammocks, roadside, clearings, swamps; all year	Low, no habitat on-site	No
Nolina atopocarpa Florida beargrass	T	-	Grassy areas of flatwoods, bordering savannahs, shell middens; May-Aug	Moderate, habitat low quality	No
Ophioglossum palmatum Hand fern	E	-	Bases of cabbage palm leaves in moist hammocks, strand swamps; Mar-Jun	Low, no habitat on-site	No
Opuntia stricta Shell mound prickly pear	T	-	Shell mounds, coastal areas; all year	Low, no habitat on-site	No

Table 1 - continued

SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT and FLOWERING SEASON	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FDACS	FWS			
Osmunda cinnamomea Cinnamon fern	C	-	Swamps and wetlands; Spring	Moderate, habitat low quality	No
Osmunda regalis Royal fern	C	-	Swamps and wetlands; all year	Moderate, habitat low quality	No
Pinguicula lutea Yellow flowered butterwort	T	-	Sandy to sandy-peaty soils of pine flatwoods, ditches and roadsides, and seepage bogs; Feb-May	Moderate, habitat low quality	No
Platanthera nivea Snowy orchid	T	-	Bogs, wet pine savannas and flatwoods, wet prairies; May-Jun	Moderate, habitat low quality	No
Polystachya concreta Pale-flowered polystachya	E	-	Strand swamps; all year	Low, no habitat on-site	No
Ruellia noctiflora Night-flowering ruellia	E	-	Wet flatwoods, seepage slopes; May-Aug	Moderate, habitat low quality	No
Scaevola plumieri Inkberry	T	-	Beaches, coastal strand; all year	Low, no habitat on-site	No
Setaria chapmanii Coral panic grass	E	-	Cleared areas, cultivated fields, shell mounds, hammocks, prairies and bay shores	Low, no habitat on-site	No
Spiranthes brevilabris Small ladies'-tresses	E	-	Pine flatwoods; Feb-May	Low, no habitat on-site	No
Spiranthes longilabris Long-lip ladies'-tresses	T	-	Prairies, flatwoods, marshes, sandy bogs; Nov-Dec	Moderate, habitat low quality	No
Spiranthes torta Southern ladies'-tresses	E	-	Rockland pinelands, marl prairies; May-Jun	Low, no habitat on-site	No
Spiranthes tuberosa Little pearl-twist	T	-	Dry acid soil, open pine-palmetto woods, pine flatwoods; Jun	Moderate, habitat low quality	No
Stenorrhynchos lanceolatus Terra-cotta orchid	T	-	Open pastures, roadside, wet pine flatwoods, sandhills; Apr-Jul	Low, no habitat on-site	No
Stylisma abdita Hidden stylisma	E	-	Pinelands, scrub; Spring-Summer	Low, no habitat on-site	No
Thelypteris reticulata Lattice-vein fern	E	-	Hammocks in cypress swamps, wet roadsides	Moderate, habitat low quality	No
Tillandsia balbisiana Inflated wild-pine	T	-	Hammocks, cypress swamps, pinelands, scrub; Fall	Low, no habitat on-site	No
Tillandsia flexuosa Twisted air plant	E	-	Shell ridges or mounds, hammocks, swamps, mangrove, pinelands, scrub; Spring-Summer	Low, no habitat on-site	No
Tillandsia utriculata Giant wild-pine	E	-	Hammocks, cypress swamps, pinelands	Low, no habitat on-site	No
Verbena tampensis Tampa vervain	E	-	Flatwoods, hammocks, sandy soils, disturbed sites; Jan-Jun	Moderate, habitat low quality	No
Vernonia blodgetti Blodgett's ironweed	E	-	Low pinelands; all year	Moderate, habitat low quality	No

Table 1 - continued

SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT and FLOWERING SEASON	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FDACS	FWS			
Zamia floridana Florida coontie	C	-	Scrub, oak hammock, well-drained sandy or loamy soils; Fall-Winter	Low , no habitat on-site	No
Zamia umbrosa East coast coontie	C	-	Scrub, oak hammock, well-drained sandy or loamy soils; Fall-Winter	Low , no habitat on-site	No
Zephranthes simpsonii Simpson's zephyr-lily	T	-	Wet pinelands and pastures, roadsides; Spring	Moderate; habitat low quality	No

LEGEND:

E = Endangered
T = Threatened
C = Commercially exploited
FDACS = Florida Department of Agriculture and Consumer Services (June 1998)
FWS = U.S. Fish and Wildlife Service

Table 2. **State and Federally Listed Animal Species Documented in Lee County and the Potential for Occurrence within Heritage Development Shopping Center With Neighborhood Market Project Area**

Source: Lotspeich and Associates, Inc.

SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FWC	FWS			
BIRDS					
Ajaia ajaja Roseate spoonbill	SSC	-	Salt marshes, mangroves, wet prairies, marshes, and agricultural environments	Low - no habitat on-site	No
Aphelocoma c. coerulescens Florida scrub jay	T	T	Oak scrub with open ground	Low - no habitat on-site	No
Aramus guarauna Limpkin	SSC	-	Slow-moving freshwater rivers, marshes, and lakeshores	Moderate, foraging habitat, low quality	No
Campephilus principalis principalis Ivory-billed woodpecker	E	E	Cypress swamps	Low - no habitat on-site	No
Charadrius alexandrinus tenuirostris Southeastern snowy plover	T	-	Coastal beaches	Low - no habitat on-site	No
Charadrius melodus Piping plover	T	T	Beach dune, exposed marine and estuarine substrate	Low - no habitat on-site	No
Egretta caerulea Little blue heron	SSC	-	Marshes, lakeshores, ponds, ditches, and pastures	Moderate, foraging habitat, low quality	No
Egretta thula Snowy egret	SSC	-	Marshes, lakeshores, ponds, ditches, and pastures	Moderate, foraging habitat, low quality	No
Falco peregrinus tundrius Arctic peregrine falcon	E	-	Needs plentiful supply of birds for food, perches for roosting and feeding	Low - no habitat on-site	No
Falco sparverius paulus Southeastern American kestrel	T	-	Forest ecotone, urban areas, farm lands, and clearings	Low - no habitat on-site	No
Grus canadensis pratensis Florida sandhill crane	T	T	Wet prairies, littoral zones, and wet pastures; nests in pickerelweed-maidencane marshes	Low - no habitat on-site	No
Haematopus palliatus American oystercatcher	SSC	-	Coastal beaches	Low - No habitat on-site	No
Haliaeetus leucocephalus Southern bald eagle	T	T	Coastal areas, large lakes, and river shorelines; nests near water bodies	Moderate, habitat low quality	No
Mycteria americana Wood stork	E	E	Marshes, ponds, and lagoons; nests in cypress and mangrove swamps	Moderate, habitat low quality	No
Pelecanus occidentalis Brown pelican	SSC	-	Coastal marine and estuarine habitats	Low - No habitat on-site	No
Picoides borealis Red-cockaded woodpecker	T	E	Mature longleaf and slash pine forests with open mid-story	Moderate, habitat low quality	No
Polyborus plancus audubonii Audubon's crested caracara	T	T	Prairies, open grassland; nest in cabbage palm hammock	Low - No habitat on-site	No
Rostrhamus sociabilis Snail kite	E	E	Freshwater marsh	Moderate, habitat low quality	No
Speotyto cunicularia Burrowing owl	SSC	-	Open grassland, prairies, farm land, pastures, and airfields; can be found in urban settings	Low - No habitat on-site	No
Sterna antillarum Least tern	T	-	Open flat sand or gravel, spoil areas, and roof-tops; adjacent to coastal areas	Low - No habitat on-site	No

Table 2 - continued

SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FWC	FWS			
Vermivora bachmanii Bachman's warbler	E	E	Nests in hardwood swamps; migrants occur in a variety of woodlands, usually in lowlands	Low - No habitat on-site	No
MAMMALS					
Balaena glacialis Right whale	E	E	Near shore shallow water, in large bays	Low - No habitat on-site	No
Balaenoptera borealis Sei whale	E	E	Near and offshore temperate open seas	Low - No habitat on-site	No
Balaenoptera physalus Finback whale	E	E	Inshore and offshore	Low - No habitat on-site	No
Blarina brevicauda shermanii Sherman's short-tailed shrew	SSC	-	Dense grassy areas	Low - No habitat on-site	No
Crocodylus aculus American crocodile	-	E	Mangrove, seagrass	Low - No habitat on-site	No
Felis concolor coryi Florida panther	E	E	Vast areas of most vegetation	Low - No habitat on-site	No
Megaptera novaeangliae Humpback whale	E	E	Along coasts, continental shelf, island banks, open seas	Low - No habitat on-site	No
Mustela vison evergladensis Everglades mink	T	-	Shallow wetlands	Low - No habitat on-site	No
Oryzomys palustris sanibelli Sanibel Island rice rat	SSC	-	Low wet areas	Low - No habitat on-site	No
Physeter catodon Sperm whale	E	E	Temperate and tropical oceans, edge of continental shelf	Low - No habitat on-site	No
Podomys floridanus Florida mouse	SSC	-	Sand pine scrub, coastal scrub, scrubby flatwoods, and sandhills	Moderate, habitat low quality	No
Sciurus niger avicennia Cypress fox squirrel	T	-	Cypress swamps, pine flatwoods, tropical hardwood swamp, mixed hardwoods, and suburban habitats	Moderate, habitat low quality	No
Trichechus manatus latirostris West Indian Manatee	E	E	Caloosahatchee River and in coastal waters	Low - No habitat on-site	No
Ursus americanus floridanus Florida black bear	T	-	Pine flatwoods, cypress swamps, hardwood swamp, sand pine scrub, and mixed hardwoods	Low - No habitat on-site	No
AMPHIBIANS AND REPTILES					
Alligator mississippiensis American alligator	SSC	T(s/a)	Lakes, ponds, sloughs, and marshes	Low - No habitat on-site	No
Caretta caretta Loggerhead sea turtle	T	T	Continental shelves, bays, lagoons, and estuaries in temperate, subtropical, and tropical waters	Low - No habitat on-site	No
Chelonia mydas Green sea turtle	E	E	Ranges throughout tropics and subtropics; nests primarily on Florida's east coast beaches	Low - No habitat on-site	No

Table 2 - continued

SCIENTIFIC NAME COMMON NAME	DESIGNATED STATUS		HABITAT	LIKELIHOOD OF OCCURRENCE	OBSERVED
	FWC	FWS			
Dermochelys coriacea Leatherback sea turtle	E	E	Nest on tropical beaches, usually on mainland shores of the Atlantic, Indian, Pacific oceans	Low - No habitat on-site	No
Drymarchon corais couperi Eastern indigo snake	T	T	Varied habitats from wet prairie to xeric pineland and scrub	Moderate, habitat low quality	No
Elaphe guttata guttata Red rat snake	SCC	-	Woodland habitats, disturbed sites	Moderate, habitat low quality	No
Eretmochelys imbricata Hawksbill sea turtle	E	E	Coral reefs; hardbottom habitats including limestone ledges and outcroppings	Moderate, habitat low quality	No
Gopherus polyphemus Gopher tortoise	SSC	-	Sandhills, sand pine scrub, live oak hammocks, palmetto prairie, pine flatwoods, abandoned grove, and pasture	Moderate, habitat low quality	No
Pituophis melanoleucus mugitus Florida pine snake	SSC	-	Longleaf pine-xeric oak, sand pine scrub, dry pine flatwoods, and abandoned fields on well drained soils	Moderate, habitat low quality w - No habitat on-site	No
Rana capito Gopher frog	SSC	-	Sandhill, pine flatwoods, and sand pine scrub; needs ephemeral marshes for breeding	Low - No habitat on-site	No

LEGEND:

E = Endangered
T = Threatened
T(s/a) = Threatened due to similarity of appearance
SSC = Species of Special Concern
FWC = Florida Fish and Wildlife Conservation Commission (August 1997)
FWS = U.S. Fish and Wildlife Service (September 1998)

DCI 2003-00058

Return to: (enclose self-addressed stamped envelope)

Name: Scott J. Fuerst, Esq.
Address:
Ruden, McClosky, Smith,
Schuster & Russell, P.A.
200 East Broward Boulevard
Suite 1500
Fort Lauderdale, Florida 33301

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DEC 17 2003
ZONING COUNTER

This Instrument Prepared by:
Scott J. Fuerst, Esq.
Ruden, McClosky, Smith,
Schuster & Russell, P.A.
200 East Broward Boulevard
Suite 1500
Fort Lauderdale, Florida 33301

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR PROCESSING DATA

DECLARATION OF COVENANTS (DRAFT) (MASTER STORMWATER SYSTEM)

THIS DECLARATION OF COVENANTS ("Declaration") is made as of the _____ day of _____, 2003 by and between WAL-MART STORES EAST, LP, a Delaware limited partnership, having an address at 2001 Southeast Tenth Street, Bentonville, Arkansas 72716-0550 ("Wal-Mart"), OSPREY COVE OF LEE COUNTY, LTD., a Florida limited partnership, having an address at 20725 S.W. 46 Avenue, Newberry, FL 32669 ("Osprey Cove"), and KORESHAN CONSERVATION AREA, INC., a Florida not-for-profit corporation, having an address at 24860 Burnt Pine Drive, Bonita Springs, FL 34134 ("Koreshan"), (Wal-Mart, Koreshan and Osprey Cove are sometimes hereinafter referred to as "Owners").

W I T N E S S E T H :

WHEREAS, Wal-Mart is the owner of that certain real property located in Lee County, Florida, as more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Wal-Mart Parcel"); and

WHEREAS, Osprey Cove is the owner of that certain real property located in Lee County, Florida, as more particularly described on Exhibit "B" attached hereto and made a part hereof (the "Multi-Family Parcel"); and

WHEREAS, Koreshan is the owner of that certain real property located in Lee County, Florida, as more particularly described on Exhibit "C" attached hereto and made a part hereof (the "Conservation Area Parcel") (the Wal-Mart Parcel, Multi-Family Parcel and Conservation Area Parcel are sometimes hereinafter collectively referred to as the "Property"); and

WHEREAS, the wet detention ponds, outfall structures from the wet detention ponds to the conservation areas, and to the U.S. 41 right-of-way, all as shown on Exhibit "D" attached hereto and made a part hereof are considered common property (the "Master Stormwater System"); and

WHEREAS, the Master Stormwater System has been issued an Environmental Resource Permit by the South Florida Water Management District ("SFWMD") attached as Exhibit "E"; and

WHEREAS, Wal-Mart and Osprey agree, as members of the Koreshan Conservation Area, Inc., that Koreshan will be responsible for the maintenance and repair of the Master Stormwater System; and

WHEREAS, the By-Laws of the Koreshan Conservation Area, Inc. provide for the collection of assessments to maintain the wetlands located in the Conservation Area Parcel, and Wal-Mart and Osprey Cove agree that Koreshan shall have the authority to collect assessments for the operation, maintenance, and repair of the Master Stormwater System.

WHEREAS, Wal-Mart intends to develop the Wal-Mart Parcel in connection with Wal-Mart's plan of development; and

WHEREAS, Wal-Mart's plan of improvement includes construction of the Master Stormwater System on the Multi-Family and Conservation Area Parcels and Osprey Cove consents to the construction of such improvements; and

WHEREAS, in connection with the development of the Wal-Mart Parcel, the SFWMD requires that the portions of each Owners' stormwater system which is jointly utilized be subject to an Association that carries out the requirements of this agreement in accordance with Chapter 9, Operating Entity Requirements of the SFWMD Basis of Review.

NOW, THEREFORE, the parties hereto, intending to be legally bound, do hereby agree, bargain, create and place the following covenants upon the Property for the benefit of all portions of the Property.

1. Recitals. The statements contained in the recitals set forth above are true and correct and such recitals are, by this reference, incorporated herein and made part of this Declaration.

2. Covenants. The entire Property shall at all times, with respect to the stormwater drainage thereof, be the subject of a master stormwater drainage system ("Master Stormwater System") which will be maintained and repaired by Koreshan in accordance with the rules of all applicable governmental or quasi-governmental authorities including, but not limited to, those of SFWMD. Each Owner shall be responsible for the maintenance, repair, and operation of the all other portions of the stormwater system on their parcel not included within the Master Stormwater System. There shall be no alterations to the Master Stormwater System without the

prior approval and permitting from SFWMD and all other applicable governmental authorities and there shall be no use of the Master Stormwater System including, but not limited to, any and all lakes included therein, except as and to the extent specifically allowed by the permits issued by SFWMD and all applicable governmental authorities for such Master Stormwater System.

3. Default; Cure: If Koreshan shall fail to timely maintain the stormwater drainage structures located upon its parcel, and any such failure continues for thirty (30) days after receipt of written notice thereof from any party entitled to enforce this Declaration as set forth below, then any other Owner shall have the right, in addition to any other rights or remedies it may have under applicable law, to enter upon the defaulting Owner's parcel and cure such failure at the sole cost and expense of the defaulting Owner. Any costs and expenses incurred by non-defaulting Owner in the reasonable exercise of its rights hereunder, including reasonable attorneys' fees, shall be payable within thirty (30) days of receipt of an invoice therefor (accompanied by reasonable supporting documentation).

4. Successors Bound. The restrictions and covenants set forth in this Declaration shall run with the Property and be binding upon and inure to the benefit of the successors and assigns of the Owners and the owners of any portion of the Property.

5. Governing Law. This Declaration shall be construed and enforced in accordance with the laws of the State of Florida.

6. Amendments. This Declaration shall not be altered, modified or amended except by an instrument in writing signed by all of the Owners and SFWMD. Notwithstanding the foregoing, the Owners may, without the consent of SWMFD, supplement the provisions of this Declaration to address matters not expressly covered hereby including, but not limited to, the grant of easements in favor of any Owner for excavation and construction, enforcement rights with respect to the obligation of an Owner, insurance and such other issues reasonably necessary to insure the construction, operation and maintenance of the Master Stormwater System as a comprehensive and efficient drainage system benefiting all Owners.

IN WITNESS WHEREOF, the Owners have caused this Declaration to be executed as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

_____
Printed Name: _____

_____
Printed Name: _____

WAL-MART STORES EAST, LP, a
Delaware limited partnership

By: WSE MANAGEMENT, LLC, a Delaware
limited liability company, General Partner

By: _____
Robert M. Bedard,
Assistant Vice President of Real Estate

STATE OF ARKANSAS)
) SS:
COUNTY OF BENTON)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by Robert M. Bedard, as Assistant Vice President of Real Estate of WSE MANAGEMENT, LLC, a Delaware limited liability company, the General Partner of WAL-MART STORES EAST, LP, a Delaware limited partnership, freely and voluntarily under authority duly vested in him by limited liability company. He/she is personally known to me or has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2003.

_____
Notary Public

_____
Typed, printed or stamped name of Notary Public

My Commission Expires:

Signed, sealed and delivered
in the presence of:

_____
Printed Name:_____

_____
Printed Name: _____

OSPREY COVE OF LEE COUNTY, LTD., a
Florida limited partnership

By: _____
a_____, General Partner

By:_____
Print Name: _____
Title: _____

STATE OF_____)
) SS:
COUNTY OF _____)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by _____, as _____ of _____, the General Partner of OSPREY COVE OF LEE COUNTY, LTD., a Florida limited partnership, freely and voluntarily under authority duly vested in him by said _____. He/she is personally known to me or has produced _____as identification.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2003.

_____
Notary Public

_____
Typed, printed or stamped name of Notary Public

My Commission Expires:

Signed, sealed and delivered
in the presence of:

_____
Printed Name:_____

_____
Printed Name: _____

KORESHAN CONSERVATION AREA, INC., a Florida not-for-profit corporation

By: _____
Print Name: _____
Title: _____

STATE OF _____)
) SS:
COUNTY OF _____)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by _____, as _____ of KORESHAN CONSERVATION AREA, INC., a Florida not-for-profit corporation, freely and voluntarily under authority duly vested in him/her by said corporation. He/she is personally known to me or has produced _____as identification.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2003.

_____
Notary Public

My Commission Expires:

_____
Typed, printed or stamped name of Notary Public

EXHIBIT A
Legal Description
of Wal-Mart Parcel

EXHIBIT B
Legal Description
of Multi-Family Parcel

EXHIBIT C
Legal Description
of Conservation Area Parcel

EXHIBIT D
Plan Showing the Master Stormwater System

EXHIBIT E
SFWMD ERP Permit

JOINDER AND CONSENT OF MORTGAGEE

The undersigned hereby joins in and consents to that certain Declaration of Covenants (Master Stormwater System) to which this Joinder and Consent is attached as of this _____ day of _____, 2003.

WITNESSES:

_____, a
_____

_____
Print Name:_____

By: _____
Print Name: _____
Title: _____

_____
Print Name:_____

STATE OF _____)
) SS:
COUNTY OF _____)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, the foregoing instrument was acknowledged before me by _____, as _____ of _____, a _____ ("_____"), freely and voluntarily under authority duly vested in her by said_____. He/she is personally known to me or has produced _____ as identification.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2003.

_____
Notary Public

_____
Typed, printed or stamped name of Notary Public

My Commission Expires:

Wal-Mart Issues
Raised by the Community
July 12, 2003

Transportation Issues

- Fully assess the ability of the road network to handle the volume of traffic (10,000 movements per day) along with all the other new demands being placed on our local road system
- Delay the opening of the store until US 41 has been 6-laned
- If necessary provide financial assistance in order to accelerate the widening of US 41
- Fully assess the impact that the proposed right-in right-out entrance and possible left in turn lane on US 41 would have on vehicles attempting to access US 41 from the Vines and Breckenridge
- Determine the impact and timing of installation of a traffic light at Koreshan
- Fully assess the traffic impact of the proposed location of the principal Koreshan Blvd store entrance

Site and Appearance Issues

- Limit use of outlots to those consistent with the location being the western entrance to FGCU
- Wide, well landscaped buffers between parking lots and US 41 and Koreshan
- Demassing of the Building and using architecture to improve its appearance
- Demassing of Parking Lots--breaking them with entrance roads; sidewalks and landscaping
- Providing good and safe pedestrian circulation
- Satisfying the 30% open space requirement on the 33 acre site
- Other "Big Box" standards
- Elimination of the tire, lube battery use to achieve consistency with earlier gas station elimination by the BOCC
- Prohibit gas stations and all drive through facilities in the anchor parcel
- Relocate or buffer noise from the grocery store refrigeration equipment
- Prohibit blasting

DCI 2003-00058

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Wal-Mart Requested Zoning Changes-- Wal-Mart should provide the community with extensive information about each of the requested zoning changes including detailed experience information from other stores, especially those that are located close to a residential community.

- Authorize 24-7 operation on Parcel 1 (and its impact on crime and noise)
- Increased Signage
- Outdoor sales and display (and storage and storage creep)
- Lower the existing delivery restrictions
- Site design changes, notably combined 60 degree and 90 degree parking

Operational Issues

- Create mechanism for continuing community and county involvement to assure effective store and parking lot maintenance, clean-up and cart control
- Prohibit all outdoor display and sales of merchandise; games etc.
- Prohibit RV overnight parking
- Prohibit use of containers on the property
- Prohibit auto shows
- Prohibit sidewalk sales
- Prohibit use of parking lots for all special events
- Eliminate noise from night-time deliveries

Vines/Breckenridge Specific Issues

- Impact of the store upon the already unsafe entrance and exit to US 41 for both The Vines and Breckenridge communities
- Desirability and cost (including maintenance) of a special entrance road to the Vines
- Providing adequate visual and noise buffering for the nearby houses in the Vines
- Elimination or effective abatement of noise from delivery trucks and other store operations
- Prevention of any air pollution impacts on the Vines
- Prevention of any light intrusion into the nearby homes in the Vines

Original to Billie 4/3/03 MMK.

ODC/2003-00058

LEE COUNTY
HEARING EXAMINER

03 APR -2 AM 9:27

March 26, 2003

Diana Parker
Hearing Examiner of Lee County
P.O. 398
Ft. Myers, FL. 33902-0398

Dear Diana Parker,

I am a resident of The Vines Golfing Community. Our community is currently in the process of having presentations made to the members by the people representing Wal Mart. They are currently considering buying a parcel of ground on the corner of Koreshan and Hwy 41. I have enclosed Wal Mart's list of changes that would have to be made to the existing zoning laws to make it possible for them to operate in the manner they feel is appropriate.

They are proposing to build a 208,000 square foot "box" with an additional 20,000 square feet for their out parcels. We have been told that their expected traffic flow would be approximately 5,000 plus customers per day. As you can see, by their proposed request, they plan to be open 24 hours per day.

This corner, while zoned for commercial property, is surrounded by residential property owners. There are currently three separate, new housing developments on Koreshan, of medium to high priced homes, plus a proposed multi-level condominium project directly to the East of the property Wal Mart has the option on, that would house approximately 340 families

The traffic that the Wal Mart property would bring to this area is going to make it impossible for the home owners of these properties to be able to move in and out of their communities safely. Speaking from the point of view of the homeowners in The Vines, we will never be able to exit our community without waiting for interminable amount of time to gain access to Hwy 41. We have voiced our concerns to the people representing WalMart and they have tried to come up with several options for The Vines traffic to exit their community, none of which are acceptable. There have been three deaths at our exit from the Vines onto 41, in the last three years. We think that the DOT is mistakenly reporting that those accidents occurred at the corner of Koreshan and Hwy 41, when in reality they occurred at the Vines entrance. There is also another community directly across Hwy 41 from the Vines. It is called Breckenridge, this community and the Vines share an intersection.

There is no doubt that we have an over abundance of Wal Mart stores already in place in Lee County and surrounding communities. While we realize that their property taxes go to Lee County, the proceeds from these stores go back to the Wal Mart headquarters in Arkansas, taking money that many of our local businesses are loosing to this large corporation.

The purpose of this letter is to respectfully request you as the Lee County Hearing Examiner to study this problem and to refrain from granting Wal Mart the zoning changes that they will need to request. We have been told, that Wal Mart has been considering other locations. The Vines members feel, that it would be much more appropriate to have a building of their size, with the traffic that it would generate, in another location, that would not be encroaching on the well being of the citizens of this county, who have purchased their homes with the expectations of having a peaceful and quiet lifestyle. We do not want to deal with the lights and noise 24 hours a day and most of all, the impossible traffic that this store would generate for all the residential properties that surround it.

I thank you for your time.

Respectfully Submitted,
Patricia Parker
19325 Silver Oak Drive
Ft. Myers, Fl. 33912

Requested Changes to Existing Zoning

- Outdoor sales and display. Wal-Mart would like to utilize a portion of the parking lot for the seasonal sales of garden center merchandise. The sales would typically be during the spring and would have a Farmer's Market atmosphere.
- Outdoor storage. Wal-Mart would like to utilize portions of the truck delivery areas behind the store for seasonal pod storage. Typically, the pods are used during the holidays for extra storage of toys and holiday decorations.
- 24 hour operation in MPD Tract 1. Wal-Mart will request that 24 hour operation, which is already allowed on MPD Tracts 2, 3, and 4, be extended to MPD Tract 1. The current site layout places the most intensive uses as far away as possible from the Vines, but it requires that 24 hour operation be allowed on MPD Tract 1 where the building is proposed.
- Deliveries between 8:00 PM and 6:00 AM. Wal-Mart optimizes delivery of products to its stores to ensure there is no opportunity for congestion at the rear of the building. Not allowing deliveries between 8:00 PM and 6:00 AM will likely lead to congestion. Noise related to nighttime deliveries has been addressed, and from the suggestions provided by you, will be further scrutinized to identify additional measures that can be taken to eliminate it as a concern.
- Installation of auto parts in MPD Tract 4. Wal-Mart's TLE ('Tire Lube Express') installs limited auto parts (tires, filters, wipers, etc.) as part of its service.
- Miscellaneous minor site design elements. Wal-Mart will request that minor site design items also be allowed. These include linear concrete islands in lieu of wheel stops (tripping hazard) and mixture of 60 and 90 degree parking (optimizes parking).

We would appreciate your voting on which of the conceptual options you prefer for a roadway connection between the Vines and Koreshan Boulevard. We request that you provide us the opportunity to show you the improvements we have made to the site layout to address concerns you have previously given us.

WAL-MART ESTERO #5347

ESTERO COMMUNITY PLANNING PANEL, INC. (ECPP)

YEAR 2003 REGULAR MEETING SCHEDULE
(second Monday of each month)

__ MONDAY, JAN 13, 6:00PM AT MARSH LANDING CLUBHOUSE.

__ MONDAY, FEB 10, 6:00PM AT MARSH LANDING CLUBHOUSE.

__ MONDAY, MAR 10, 6:00PM AT MARSH LANDING CLUBHOUSE.

__ MONDAY, APR 14, 6:00PM AT MARSH LANDING CLUBHOUSE.

__ MONDAY, MAY 12, 6:00PM AT MARSH LANDING CLUBHOUSE.

__ MONDAY, JUN 09, 6:00PM AT MARSH LANDING CLUBHOUSE.

☑ MONDAY, JUL 14, 6:00PM AT MARSH LANDING CLUBHOUSE.

__ MONDAY, AUG 11, 6:00PM AT MARSH LANDING CLUBHOUSE.

__ MONDAY, SEP 08, 6:00PM AT MARSH LANDING CLUBHOUSE.

__ MONDAY, OCT 13, 6:00PM AT MARSH LANDING CLUBHOUSE.

__ MONDAY, NOV 10, 6:00PM AT MARSH LANDING CLUBHOUSE.

__ MONDAY, DEC 08, 6:00PM AT MARSH LANDING CLUBHOUSE.

NOTE: Developers seeking zoning/rezoning should contact any of the persons listed below at least three weeks in advance of the date of the meeting at which they wish to present to the Estero Community in order to secure a place on the Agenda: Email to all three all year. Phone Bill Brown May thru Oct; Phone Jim Ramsburg Nov thru Apr; Phone Neal Noethlich Jan thru Dec.

Bill Brown,	**email: aquilla@ix.netcom.comtel**	**tel:498-0643**
Jim Ramsburg,	**email: jramsburg@hotmail.com**	**tel:949-0362**
Neal Noethlich,	**email: nen13@aol.com**	**tel:495-6698**

Upon receiving a request from a Developer for a meeting slot, a confirmation and a listing of the information package(s) required from the developer by the Panel will be sent by email or FAX to the developer.

Issue1/122602/nen

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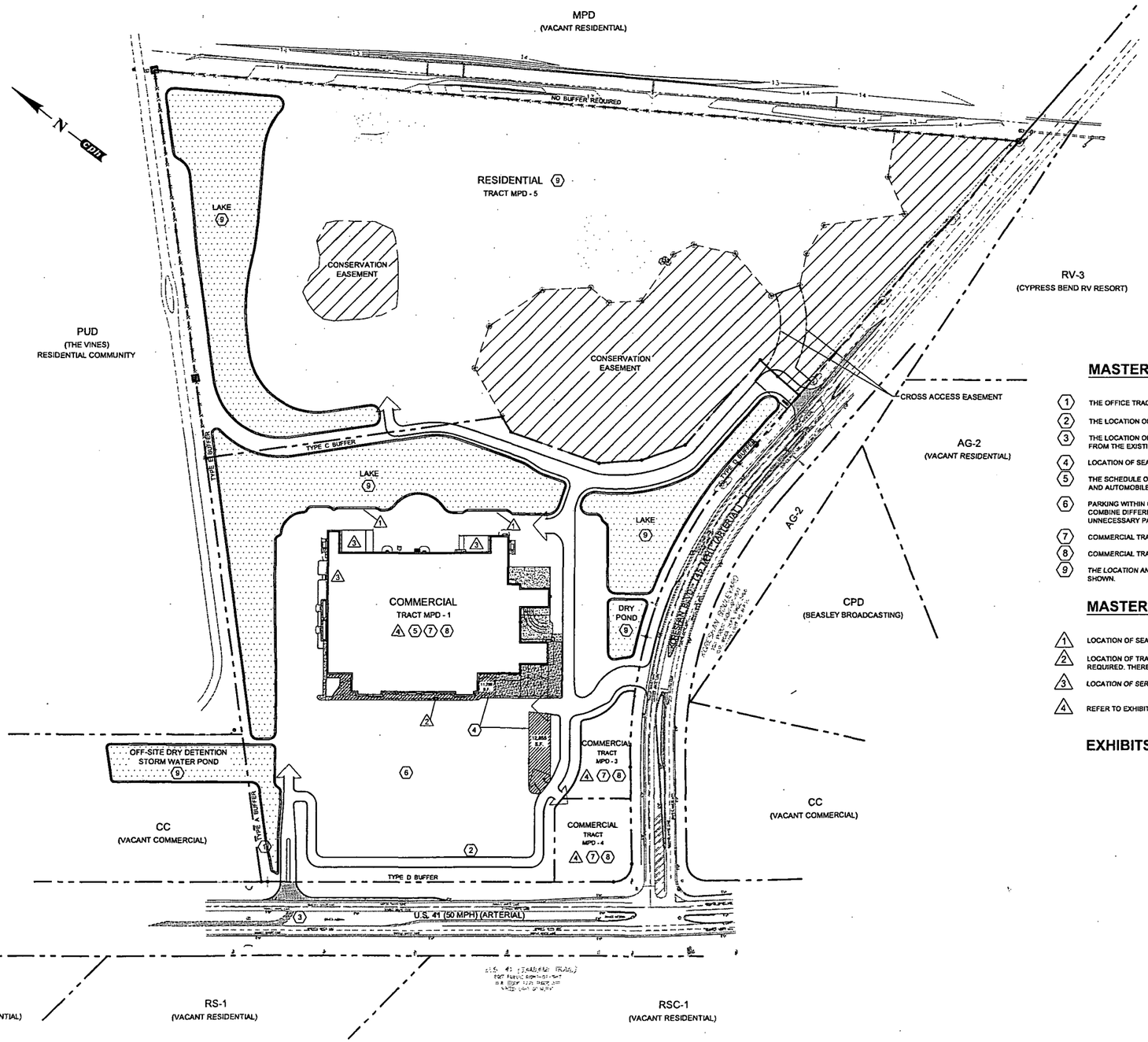
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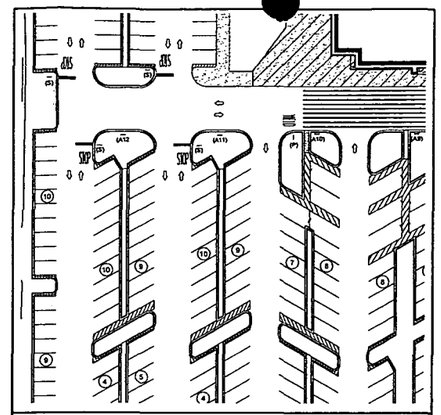
LAND USE SUMMARY (EXHIBIT IV - I - 1)

TRACTS	AREA	USES	UNITS / SQ. FT.	OPEN SPACE MIN. %	FAR %	OPEN SPACE REQUIRED	OPEN SPACE PROVIDED	INDIGENOUS REQUIRED	INDIGENOUS PROVIDED
MPD 1,3,4	34.06± ACRES	RETAIL	320,000 S.F.	30	55	10.22± ACRES	5.00± ACRES	5.11± ACRES	0 ACRES
MPD 5	40.14± ACRES	RESIDENTIAL (MF)	340 UNITS	40	40	16.06± ACRES	16.06± ACRES 5.22± ACRES*	8.03± ACRES	13.14± ACRES**
TOTAL	74.20± ACRES	74.20± ACRES				26.28± ACRES	26.28± ACRES	13.14± ACRES	13.14± ACRES

* BALANCE FROM TRACTS MPD 1-4

** INCLUDING RESTORED WETLAND





MASTER CONCEPT PLAN AMENDMENT DEVIATIONS (EXHIBIT IV - J - 1, VI - J - 3)

1. THE OFFICE TRACT MPD-2 SHOWN ON THE EXISTING APPROVED MASTER PLAN IS DELETED.
2. THE LOCATION OF THE INTERIOR ACCESS ROAD IS MODIFIED AS SHOWN FROM THE EXISTING APPROVED MASTER PLAN.
3. THE LOCATION OF THE DRIVEWAY CONNECTION TO U.S. 41 IS MODIFIED AS SHOWN, PER FDOT RECOMMENDATIONS, FROM THE EXISTING APPROVED MASTER PLAN.
4. LOCATION OF SEASONAL OUTDOOR DISPLAY AND SALES.
5. THE SCHEDULE OF USES FOR TRACT MPD-1 IS MODIFIED TO INCLUDE DRUG SALES (PHARMACY), HARDWARE STORE, AUTO PARTS STORE, AND AUTOMOBILE REPAIR AND SERVICE.
6. PARKING WITHIN COMMERCIAL TRACT MPD-1 WILL UTILIZE LINEAR CONCRETE ISLANDS IN LIEU OF WHEEL STOPS, AND COMBINE DIFFERENT ANGLES OF PARKING SPACES WITHIN ONE AND TWO WAY DRIVE AISLES TO MINIMIZE UNNECESSARY PAVEMENT (SEE INSET).
7. COMMERCIAL TRACTS MPD-1, MPD-3, AND MPD-4 HAVE NO RESTRICTIONS ON HOURS OF OPERATIONS.
8. COMMERCIAL TRACTS MPD-1, MPD-3, AND MPD-4 HAVE NO RESTRICTIONS ON HOURS FOR DELIVERIES.
9. THE LOCATION AND NUMBER OF DRY DETENTION PONDS AND LAKES (WET DETENTION PONDS) ARE MODIFIED AS SHOWN.

MASTER CONCEPT PLAN AMENDMENT NOTES

1. LOCATION OF SEASONAL TRAILER AND POD STORAGE
2. LOCATION OF TRANSIT BUS BENCHES. RELOCATION OF THE BUS BENCH(ES) ALONG THE FRONT OF THE STORE MAY BE REQUIRED. THERE ARE NO DESIGNATED *LEETRAN* ROUTE STOPS CURRENTLY AVAILABLE WITHIN THE PROJECT AREA.
3. LOCATION OF SERVICE AREAS.
4. REFER TO EXHIBIT B OF RESOLUTION Z - 01.012a FOR THE MAXIMUM BUILDING HEIGHT.

EXHIBITS III - A - 1 EXISTING EASEMENTS & R.O.W.
III - A - 2 EXISTING ZONING & LAND USE
(ARE REFLECTED ON THIS MCP)

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ZONING DEPARTMENT

DCI 2003-00058

cph
Engineers
Planners
Landscape Architects
Surveyors
Construction Management
10 10th Street, Suite 300, Fort Myers, FL 33901
2271 Pine Ridge Road, Naples, FL 34109
Phone: 239.332.2540 Fax: 239.332.2503

Scale: 1" = 150'
Date: JULY, 2003
Job No. W13303
File: MASTER-PLAN
© 2003

No.	Date	Revision	Approved
1	07/03	A.J.L.	A.J.L.
2	07/03	L.W.	J.C.P.

Activity	Name	Date
Designed by:	A.J.L.	07/03
Drawn by:	A.J.L.	07/03
Checked by:	L.W.	07/03
Approved by:	J.C.P.	07/03

Certificate of Authorization No. 3215

EXHIBIT IV-A-2

AMENDMENTS TO THE
ESTERO GOLF RESORT
MASTER CONCEPT PLAN
(RESOLUTION NO. Z - 01.012a)

Sheet No. C-1

August 27, 2003

2211 Peck Street, Suite 300
Fort Myers, Florida 33901
Phone: 239.332.5499
Fax: 239.332.2955
www.cphengineers.com

Mr. Neal Noethlich, Chairperson
Estero Community Planning Panel
20225 Wildcat Run Drive
Estero, FL 33928-2011

RE: Response to Comments Issued by ECPP for the Master Plan Amendment Proposed by Wal-Mart for the Estero Golf Resort Located at the Northeast Quadrant of Koreshan Boulevard and U.S. 41 CPH Project No. W13303

Dear Mr. Noethlich:

We appreciate your providing a compilation of comments received at our most recent presentation of the above referenced project to ECPP. We have modified our plan and application in response to your comments, as discussed in more detail below. For reference, your comments are shown in bold typeface.

Transportation Issues

- **Fully assess the ability of the road network to handle the volume of traffic (10,000 movements per day) along with all the other new demands being placed on our local road system.**
  A traffic impact analysis has been performed for the project, and includes future roadway improvements and those projects that have already been granted concurrency certificates. The analysis shows that the roadway system will function at an acceptable Level of Service (LOS). The analysis will be submitted to Lee County, as required, as part of the Master Plan Amendment application.

- **Delay the opening of the store until US 41 has been 6-laned.**
  The F.S. and Lee County Land Development Code require the necessary transportation infrastructure to be, funded within three (3) years of the Development Order approval in order for a project to be issued a concurrency certificate. It is not in the best interest of Wal-Mart's customers for the store to open with an insufficient transportation infrastructure being available to serve it. Please see the next comment regarding Wal-Mart's commitment to ensuring the transportation infrastructure will be available.

- **If necessary, provide financial assistance in order to accelerate the widening of US 41.**
  Wal-Mart is currently working with Lee County, the MPO, and FDOT to ensure that the construction phase of the U.S. 41 widening is, at a minimum, kept in 2009, where it is

DCI 2003-00058
SEP 10 2003
ZONING COUNTER

currently scheduled. Wal-Mart is diligently working with all affected parties to identify ways to accelerate the widening of U.S. 41 to 2007.

- **Fully assess the impact that the proposed right-in, right-out entrance and possible left turn lane on U.S. 41 would have on vehicles attempting to access US 41 from The Vines and Breckenridge.**
  We have previously met with the FDOT regarding the proposed directional (right-in, right-out, and left in) access into the site. The impact of the left turn ingress and right turn ingress lane on the Vines and Breckenridge entrances should be negligible. The proposed right turn egress lane will reintroduce traffic onto U.S. 41 northbound. Although the traffic analysis does no support the claim from the residents that it will be more difficult to turn onto U.S. 41, we have proposed a secondary route to the Vines development via Koreshan Boulevard. The proposed secondary route will be a private roadway for the sole use of Vines residents; it will be located east of Wal-Mart and west of the multi-family parcel and be bordered by a six foot high screening wall and upgraded landscaping. The road will have an entry and exit gate at its connection to the Vintage Trace and only Vines residents will have the codes, or transponders, to control the gates. Wal-Mart hopes The Vines will support this secondary route.

- **Determine the impact and timing of installation of a traffic light and Koreshan.**
  Per the MUTCD and FDOT requirements, a signal will be installed at the intersection of U.S. 41 and Koreshan Boulevard when the necessary number of warrants is met. Wal-Mart anticipates FDOT will request a traffic signal warrant analysis as part of the project's FDOT driveway connection permit application. Wal-Mart will contribute their pro-rata share for the cost of the signal and is willing to install it as part of the construction work for its store.

- **Fully assess the traffic impact of the proposed location of the principal Koreshan Blvd store entrance.**
  The western full access driveway connection onto Koreshan Boulevard has been located at the existing median opening east of U.S. 41. An eastbound left turn lane and westbound right turn lane are proposed on Koreshan Boulevard at the driveway which leads to the front of the store. These turn lanes will maximize the operational efficiency of the intersection, and thus, result in a low impact to Koreshan Boulevard.

Site and Appearance Issues

- **Limit the use of outlots to those consistent with the location being the western entrance to FGCU.**
  The proposed uses of the outlots will be consistent with the uses listed in Resolution No. Z-01-012a for the Estero Golf Resort. If there is a listed use which is of particular concern to the community then Wal-Mart will work with the community to address their concern.

- **Wide, well landscaped buffers between parking lots and US 41 and Koreshan.**
  The proposed buffers meet or exceed the buffers required by the Resolution approving the Master Plan and the Lee County Land Development Code. Significant upgrades in the landscaping are proposed along both Koreshan and U.S. 41.

- **Demassing of the building and using architecture to improve its appearance.**
  The Estero Wal-Mart Supercenter has many outstanding architectural elements that blend together to present a "store of the community." The use of clean volumetric forms on all four sides of the building are used to articulate the building both horizontally and vertically. The use of pilasters, cornice, hipped roofs over the vestibules, and striping all contribute to its unique style. High quality materials such as tiled roofs, split faced block and stucco (EIFS) further enhance the architecture of the building, thus presenting an outstanding, quality building for Estero. In addition, extensive landscaping is proposed adjacent to the building and within the parking lot to provide discontinuities, i.e., 'breaking up', along the elevation. The combination of the varied elements in the elevation, the extensive landscaping, and the site layout will demass the building.

- **Provide good and safe pedestrian circulation.**
  The project will include the necessary features for safe pedestrian access, including, but not limited to: cross-walk striping along the front of the store, on-site sidewalks that connect to sidewalks along Koreshan Boulevard and/or U.S. 41., and clear visibility at pedestrian/vehicle conflict points.

- **Satisfying the 30% open space requirement on the 33 acre site.**
  The Resolution for the Estero Golf Resort requires a combined 30% open space for Tracts MPD 1 - 5. The proposed Wal-Mart development has 10.08 acres of open space, more than double the 5.00 acres required in Exhibit C of the aforementioned resolution. The proposed open space is currently equal to approximately 29%.

- **Other "Big Box" Standards**
  It is unclear what is being referenced by this comment. Wal-Mart is familiar with the 'Big Box Ordinance' which was compiled by ECCO and submitted to Lee County, and feels the proposed site plan and architectural elevation meet the intent of the standards. If there is a specific standard which ECPP feels that Wal-Mart has not addressed then Wal-Mart will revisit the issue.

- **Elimination of the tire, lube, battery use to achieve consistency with earlier gas station elimination by the BOCC.**
  The proposed TLE (Tire Lube Express) will not include the sale of gas and is consistent with the allowed uses listed in the Resolution approving the Estero Golf Resort. Per previous meetings with Lee County zoning staff, they concurred that the TLE is consistent with the uses listed in the resolution. The proposed TLE will be located away from the adjacent residential communities and be located within an enclosed structure surrounded by landscaping.

- **Prohibit gas stations and all drive thru facilities in the anchor parcel.**
  No gas station or drive thru facility is proposed on MPD Tract 1.

- **Relocate or buffer noise from the grocery store refrigeration equipment.**
  A masonry screening wall is proposed around the refrigeration compressors to buffer the noise.

- **Prohibit blasting.**
  Since no shallow limerock was encountered during the geotechnical investigation of the site, the need for blasting is not anticipated.

Wal-Mart Requested Zoning Changes – Wal-Mart should provide the community with extensive information about each of the requested zoning changes including detailed experience information from other stores, especially those that are located close to a residential community.

- **Authorize 24-7 operation on Parcel 1 (and its impact on crime and noise).**
  Nearly all new Wal-Mart Supercenters are open 24 hours a day. Across the country, Wal-Mart's experience has been that store customers are members of the surrounding community. Wal-Mart has a zero tolerance policy regarding criminal activity on its property, utilizes security cameras around its entire building, and, when necessary, utilizes security patrols in its parking lot. Wal-Mart is able to abate the noise sources from the store to minimize impact to its neighbors.

- **Increased signage**
  Since the proposed Wal-Mart store is set back from U.S. 41 by approximately 400 feet and from Koreshan Boulevard by approximately 200 feet, the signage on the building needs to be proportional at that distance, and as a result, the signage must be larger than allowed.

- **Outdoor sales and display**
  During seasonal events, i.e., beginning of Spring, Halloween, etc., outdoor display and sales of seasonal items are conducted in a farmer's market atmosphere. The parking spaces and drive aisle that would be utilized as one part of the farmer's market will not impact circulation through the site or decrease the Lee County required amount of parking. The parking and drive aisle are blocked off so that customer safety is not compromised while enjoying the farmer's market. As depicted on the attached Exhibit IV-2. Wal-Mart is willing to work with the County and ECPP to arrive at mutually agreeable location for outdoor sales and display on the site.

- **Lower the existing delivery restrictions**
  Wal-Mart optimizes the delivery of merchandise and groceries to its stores to avoid having a large number of trucks arriving at the site at the same time and to avoid having

delivery trucks on the roadways during peak traffic periods. Wal-Mart is requesting that the hours for delivery restrictions be removed so that trucks arrive in an intermittent manner during off-peak hours.

- **Site design changes, notably combined 60 degree and 90 degree parking.**
  The majority of Wal-Mart parking lots in Florida are comprised of a combination of 60 and 90 degree parking. The parking lots function in an efficient, safe manner while maximizing pedestrian safety and minimizing the amount of unnecessary pavement.

Operational Issues

- **Create mechanism for continuing community and county involvement to assure effective store and parking lot maintenance, clean-up and cart control.**
  Wal-Mart always welcomes the community's input and involvement when it comes to parking lot maintenance and cart control. Should the maintenance of the parking lot or cart control not meet the community's expectations, then please do not hesitate to notify the store manager of your concerns and expectations for resolution. Lee County has mechanisms in place to ensure the minimal maintenance of landscape on all commercial properties in its jurisdiction.

- **Prohibit all outdoor display and sales of merchandise, games, etc.**
  Please refer to the response listed in bullet No. 3 under the Wal-Mart Requested Zoning Changes section.

- **Prohibit RV overnight parking**
  Wal-Mart discourages the overnight parking of recreational vehicles on its properties; if it should become a problem on this site, then the store manager will make personal visits to each of the recreational vehicles notifying them of ordinances prohibiting overnight parking.

- **Prohibit use of containers on the property**
  Storage containers are proposed for seasonal, i.e., during the December holidays, storage of merchandise. The storage containers will be located behind the building and be screened by the proposed four foot high berm with six foot high screening wall and upgraded landscaping near the northern and eastern property lines, as depicted on the attached Exhibit IV-2. Wal-Mart is willing to work with the County and ECPP to arrive at mutually agreeable location for seasonal storage on the site.

- **Prohibit auto shows.**
  The display and sale of automobiles is not proposed.

- **Prohibit sidewalk sales**
  Sidewalk sales are not proposed, but Wal-Mart is requesting the use of sidewalk display for seasonal merchandise, as depicted on the attached Exhibit IV-2.

- **Prohibit use of parking lot for all special events.**
  The Wal-Mart parking lot will be used by its customers to park their vehicles; however, Wal-Mart does respond to community needs when requested, i.e., emergency staging area for natural disasters, blood drives, etc. No other types of special events are proposed.

- **Eliminate noise from night-time deliveries.**
  Noise from night-time deliveries will be abated through the appropriate design of the site, which includes: trucks entering and exiting the site via Koreshan, the truck wells being oriented towards each other to block any noise, walls being proposed along the sides of the truck wells, and a continuous berm with screening wall being proposed along the north and east sides of the site.

Vines/Breckenridge Specific Issues

- **Impact of the store upon the already unsafe entrance and exit to U.S. 41 for both The Vines and Breckenridge communities.**
  Please see the response to bullet No. 4 under the Transportation Issues section.

- **Desirability and cost (including maintenance) of a special entrance road to the Vines.**
  Wal-Mart is awaiting a formal response from the Vines Homeowners Association regarding their desire for the proposed cross access road. Wal-Mart will maintain the roadway and stormwater areas for same. Wal-Mart requests the Vines maintain the access gates which will be located on their common property.

- **Providing adequate visual and noise buffering for the nearby houses in the Vines.**
  Wal-Mart proposes to construct 4 foot high berms with 6 foot high walls around the northern and eastern perimeters of the site. A double row of trees will be planted along the wall to maximize the overlapping canopy area of the trees. In addition, understory trees and shrubs are proposed on the Vines side of the wall. Please see the response to the next comment regarding noise issues.

- **Elimination or effective abatement of noise from delivery trucks and other store operations.**
  Wal-Mart has retained Bernard Kinney, a renowned noise expert, to evaluate the noise generated by similar stores, i.e., stores adjacent to residential communities and a major arterial roadway. Mr. Kinney compiled an investigative report and concluded that the natural sounds, i.e., chirping crickets, currently on the site exceed the noise levels that will be generated by the Wal-Mart development. However, Wal-Mart is proactively proposing to orient the active side of the store, i.e., TLE and garden center, away from the Vines, to construct a screening wall around the refrigeration compressors, to construct walls around the truck wells, and to construct a continuous 4 foot high berm with 6 foot

high wall around the northern and eastern perimeters of the site to ensure the noise is effectively abated.

- **Prevention of any air pollution impacts on The Vines.**
  No new air pollution sources will be introduced by the Wal-Mart development.

- **Prevention of any light intrusion into the nearby homes in The Vines.**
  As previously presented to the Vines, the lighting plan for the site has already been designed to have zero spillage beyond the property line and to utilize recessed canopy light fixtures. The lights will meet the height restrictions listed within the Resolution approving the Estero Golf Resort master plan.

Please do not hesitate to contact us at 239.332.5499 to discuss the above or if you require additional information. We look forward to presenting the project to the EDRC in the near future.

Sincerely,
CPH Engineers, Inc.

Judson C. Pankey

Judson C. Pankey, P.E.
Project Manager

xc: ECPP Members
Peter Klein, MeLandCo
Neale Montgomery, Esq., Pavese, et.al.
Teresa Murphy, AIA, BRR Architects
Jeffrey Satfield, CPH
Gregg Marino, E.I., CPH

DCI 2003-00058
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ZONING

November 5, 2003

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Gerald Murphy
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Zoning Division
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RECEIVED
NOV 05 2003
PERMIT COUNTER

RE: Wal-Mart #5347-00
DCI2003-00058 – PDL Application (Major PD)

Dear Mr. Murphy:

We are in receipt of your comments dated September 19, 2003, for the above referenced project and offer the following responses or additional information. Please note that our responses are shown in bold italic type face.

1) Except for Condominiums, Timeshare Condominiums, or Subdivisions, where there is more than one owner, either legal or equitable, all such owners much jointly initiate the application or petition. [34-201(a)(1)a.]
The application for the Master Plan amendment was executed by the current owners of the property. The application was provided with our previous submittal.

6a) Legal description. The request must include a legal description of the property upon which the action is to be initiated. [34-202(a)(1)]
A boundary survey, including legal description, is attached. The boundary survey includes the commercial tracts and multi-family tract. In addition, a separate 8.5"x11" page containing the legal description for the parcel covered by the Master Plan amendment application is attached.

6a1) The legal description must be sufficiently detailed so as to locate the property on county maps or section aerial photographs. [34-202-(a)(1)]
Please see response to No. 6a, above.

DCI 2003-00058

6a3) If the application includes multiple abutting parcels or consists of other than one or more undivided platted lots, the legal description must specifically describe the perimeter of the total property, by metes & bounds with accurate bearings and distances for every line, but need not describe each individual parcel. [34-202(a)(1)]

After reviewing the property described in the submitted Boundary Survey and its property descriptions (per Title Commitment & Surveyor), the following is needed: A Legal Description on an 8.5 x 11 page, that specifically describes the perimeter boundary of the total property to be developed by metes and bounds with accurate bearings and distances for every line, but not each individual parcels. Please modify boundary description on Survey.
Please see response to No. 6a, above.

6b) Certified sketch of description. A certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code, must be provided unless the subject property

consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. [34-202(a)(2)]

The project proposes an amendment to an approved MPD. A boundary description and certified sketch of description for the perimeter boundary of the entire MPD is required, while the boundary survey requirement may be limited to the extents of the area affected by the amendment.
Please see the attached original copy of the sketch and description that was submitted with the original MPD application.

6c) Boundary Survey. A boundary survey meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, FAC, is required for property encompassing 10 or more acres and for all Planned Development applications. [34-202(a)(2)]
Please see the response to No. 6a, above.

6c1) The perimeter boundary must be clearly marked on the survey with a heavy line and must include the entire area to be developed. [34-202(a)(2)]

The Boundary Survey must clearly mark the perimeter boundary with a heavy line and must include the entire area affected by the proposed amendment, not just a portion of it. The Survey must be tied to the State Plane Coordinate System for the Florida West Zone with coordinates displayed on two opposing corners on property. It must show all exiting conditions and be signed and sealed by a Florid Certified Surveyor and Mapper.
Please see the response to No. 6a, above.

6c3) If the property encompasses 10 or more acres the survey must be tied to the state plane coordinate system for the Florida West Zone(North America Datum of 1983/1990 Adjustment). [34-202(a)(2)]
Please see the response to No. 6a, above.

7) Miscellaneous Items.

Sufficiency or non-applicability of legal requirements subject to change upon review of subsequent resubmittals.
Understood.

Development Review Checklist

2) Deviations. The application and Master Concept Plan include a schedule of deviation including detail drawings and written justifications. [34-412(a)]

It appears that the Master Concept Plan, as proposed, will require additional deviations.
We would appreciate County staff indicating what additional deviations are required. We reviewed the approved Master Plan, resolution, and County Land Development Code to identify those items requiring deviations.

3) Zoning Traffic Impact Statement. A zoning TIS is required. [34-373(a)(7)]
Please refer to the response provided under separate cover by Neale Montgomery of Pavese, et. al., dated October 23, 2003. Please note that our resubmittal includes the additional change of the deletion of Commercial Tract MPD-4. A

waiver from providing the traffic impact statement has been requested from LCDOT.

T.I.S. Checklist

2) Trip End Rates or Equations. The TIS must contain the equations or the average trip end generation rates for each type of use proposed and the name of the document from which this information was obtained (i.e. ITE TRIP GENERATION, current edition).

The trip generation should include the two commercial tracts, MPD-3 and MPD-4.
Please see the response to No. 3 under the Development Review Checklist.

4) Background Traffic. The TIS must contain 100th highest traffic hour traffic for the current year and for the year following the year in which the project is expected to be completed.

The background traffic should include traffic from the approved residential tract MPD-5
Please see the response to No. 3 under the Development Review Checklist.

7) Level of Service Analysis. The TIS for projects generating more that 100 net new trips during the A.M. or P.M. peak hour of the adjacent street must contain an analysis of the Level of Service for all links within the area of influence.

1. The Lee County D.O.T. link-specific service volumes should be used, instead of the generalized volumes.
2. Table 2-A: The K100 factor and D factor for PCS no. 10 and 15 are incorrect.

The 2002 Traffic Count Report has year 2002 data for Koreshan Blvd. Using this data and 5 years growth, the CGR would be higher than shown.
Utilizing the link-specific service volumes, the LOS on Three Oaks Pkwy will be different than shown.
Please see the response to No. 3 under the Development Review Checklist.

8) Arterial Analysis. The TIS for projects generation more than 300 trips during the A.M. or P.M. peak hour of the adjacent street must contain an analysis of the arterial road accessed or impacted in the area of influenced of the project following the methods established in the most current edition of the HIGHWAY CAPACITY MANUAL for an urban or suburban road.
Please see the response to No. 3 under the Development Review Checklist.

LCDOT Sufficiency Checklist

1) The site traffic assignment numbers in Figure 4 do not add up in some instances. The number of vehicles departing the eastern driveway on Koreshan Boulevard proceeding westbound do not match the number approaching the western driveway in the PM peak hour. Similarly, the vehicles departing the western driveway do not equal the number approaching the U.S. 41 intersection. This inconsistency occurs in both the AM and PM traffic distribution. Figure 4 and any dependent intersection analyses should be revised.
Please see the response to No. 3 under the Development Review Checklist.

2) The most recent link-specific service volumes may be more appropriate for use in Table 1A if the project build out is les than five years.
Please see the response to No. 3 under the Development Review Checklist.

3) Table 2A should be revised to use data from the 2002 Lee County Traffic Count Report. The reported ASKT, K and D factors for 2002 should be used to calculate the base year peak hour, peak season, peak direction volume. The approximately 350 AADT increase in background traffic on Koreshan Boulevard appears to be simply based on historic growth rates. The increase does not appear to include added traffic from approved development of the roadway extension east to Ben Hill Griffin Parkway.
Please see the response to No. 3 under the Development Review Checklist.

4) It may be more appropriate to add a segment for analysis in Table 1A and 2A on U.S. 41 from Koreshan Boulevard to the project entrance.
Please see the response to No. 3 under the Development Review Checklist.

5) The directional split on U.S. 41 in Figures 2 and 7 appear to be based on calculated from the nearest permanent count station 25 on U.S. 41 south of San Carlos Boulevard.
Please see the response to No. 3 under the Development Review Checklist.

6) The SYNCHRO intersection analysis of the intersection with U.S. 41 reflects U.S. 41 in the six-laning condition, not the existing four-lanes. A HCS unsignalized intersection analysis should be submitted. The TIS does not discuss the status of the proposed southbound left at the U.S. 41 driveway in the Florida Department of Transportation design plans.
Please see the response to No. 3 under the Development Review Checklist.

1c) The fee owner is a corporation, and a duty authorized corporate official initiated the application. [34-201(a)(1)a.3.]

Property owner directly adjacent to north-west not included.
The previously-proposed off-site detention pond parcel has been deleted from the Amendments to the Master Concept Plan.

1c1) The names of all parties having interest in subject property including the names of all stockholders and the names of beneficiaries of trusts must be provided. [34-201(a)(1)a.3 & 34-202(b)(1)a]

The names of all parties having interest in the subject property including the names of stockholders and beneficiaries of trusts must be provided.
This information was previously provided.

1d) The fee owner is a partnership and a general partner initiated the application. [34-201(a)(1)A.4.]

Per county attorney's comments, the disclosure of interest form must disclose the beneficiaries of any trusts and stockholders of corporations. Koreshan Conservation Area, Inc. not included on disclosure form.
This information was previously provided.

1d1) The names of all parties having interest in the subject property including the names of all stockholders and the names of beneficiaries of trusts must be provided. [34-201(b)(2)a. & 24-202(a)(1)a.4.]

Per county attorney's comments, the disclosure of interest form must disclose the beneficiaries of any trusts and stockholders of corporations.
This information was previously provided.

6g) Surrounding property owners list. A complete list, and two (2) sets of mailing labels, of all property owners, and their mailing addresses, for all property within 500 feet of the perimeter of the subject parcel or the portion thereof that is the subject of the request. [34-202(a)(6)]

Mailing labels were not included with the application.
Per our previous telephone conversations with Mr. Murphy, this information was previously provided in our original application and has been subsequently located.

9c) Zoning and Land Use Map. A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet [34-373(a)(4)c.]

Exhibit IV-A-2 does not include entire area of MPD.
The Amendments to the Master Concept Plan only include the portion of the approved Master Concept Plan proposed to be changed; the previously-submitted Exhibit IV-A-2 shows the existing zoning and land uses within 500 feet of aforementioned portion.

9e6) Lee Tran Map. A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. [34-373(a)(4)g.]

Existing and proposed transit routes should be shown. Sit is located within the Lee Tran service area. Transit benches at front of store are not clearly associated with a Lee Tran route.
We coordinated with representatives of Lee Tran on current and proposed transit routes to the vicinity of the site. We were told that no transit routes currently extend to the project location and that none are proposed; therefore, none are shown on the amendment to the master plan.

11) Master Concept Plan. All applications must be accompanied by a graphic illustration (Master Concept Plan) of the proposed development. [34-373(a)(6)]

Master Concept Plan does not show boundaries of entire planned development.
The Amendments to the Master Concept Plan only include the portion of the approved Master Concept Plan proposed to be changed, which lies between U.S. 41 and the railroad right of way.

12) Scale of Plans/Required Information. The Master Concept Plan must be clearly legible and drawn at a scale sufficient to adequately show and identify the following information. [34-373(a)(6)]

12b) Vehicular Access. The exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development. [34-373(a)(6)b]

Unclear from plan if access will accommodated through neighboring parcels (the Vines).
The revised Amendments to the Master Concept Plan shows the proposed access road to the west property line of the multi-family parcel required by Lee County and its continuation to the south property line of the Vines subdivision. The access to the multi-family tract and the Vines subdivision will be restricted by the use of locked gates (multi-family) and code-operated gates (the Vines). The access to the multi-family tract will be for emergency vehicles only.

12c) Streets. If it is a subdivision, the plan must also show the general location of all proposed internal street rights-of-way or easements, and the general location of all points of vehicular ingress and egress from the proposed internal rights-of-way or easements into multiple-family, commercial or industrial use lots. [34-373(a)(6)b]

Master Concept Plan does not indicate proposed ROW lines and other easements.
Easements on the roadways serving commercial tract MPD-3, the multi-family tract, and the Vines subdivision are shown hatched on the revised Amendments to the Master Concept Plan. The easements will run between the back of curb to back of curb (or end of parking stall, as appropriate).

12d) Other Master Concept Plan Parcel Requirements. Where the subject property is to be divided into lots or parcels, the Master Concept Plan must indicate the following: [34-373(a)(6)c]

Property development regulations and a specific schedule of uses with total floor areas for each use has not been provided.
Please see the response to No. 3 under the Development Review Checklist, and the information provided on the Amendments to the Master Concept Plan. The Land Use Summary Table near the top of Sheet C-1 shows the total square footage for the proposed uses; these items remain unchanged from the existing Master Concept Plan.

12d2) Lot Coverage. The lot coverage for each lot or parcel (including outparcels). [34-373(a)(6)c]

Proposed lot/site coverage is not indicated on plan.
Please see the response to No. 3 under the Development Review Checklist, and the information provided on the Amendments to the Master Concept Plan. The Land Use Summary Table near the top of Sheet C-1 shows the lot coverage (FAR and open space); these items remain unchanged from the existing Master Concept Plan.

12d3) Setbacks. The minimum proposed setbacks for principal structures on each lot or parcel (including outparcels). [34-373(a)(6)c]

Setbacks have not been indicated.
Please see the response to No. 3 under the Development Review Checklist. The setbacks approved as part of the existing Master Concept Plan, Exhibit B of

Resolution No. Z-01-012a, are not proposed to be changed as part of this application.

12d4) Uses. The proposed us of each lot or parcel (including outparcels) keyed to the list of proposed uses submitted with the application. If the property development regulations for a specific zoning district will be used, reference to the specific district will be sufficient.

Specific uses proposed are not indicated.
Please see the response to No. 3 under the Development Review Checklist. The uses approved for Commercial Tracts 1 – 4 as part of the existing Master Concept Plan, Section B(2)(a)(2), are not proposed to be changed as part of this application.

12e) Development Areas. Individual development areas (i.e. residential, retail, office, manufacturing, mixed use-listed, etc.) must be identified with detail showing the following: [34-373(a)(6)d]

Proposed building heights and individual development areas have not been provided.
Please see the response to No. 3 under the Development Review Checklist. The building heights approved as part of the existing Master Concept Plan, Exhibit B of Resolution No. Z-01-012a, are not proposed to be changed as part of this application. The individual development areas have been provided in the Land Use Summary table at the top of Sheet C-1 of the Amendments to the Master Concept Plan.

12e2) Height. The maximum height, in feet and number of habitable stories, of any proposed buildings or structures. If parking under the buildings is proposed, the number of stories proposed for parking must be indicated and included in the total maximum height of the buildings. [34-373(a)(6)d.ii.]

Maximum building heights have not been indicated.
Please see the response to 12e, above.

12e6) Commercial/Industrial. If commercial or industrial is proposed, the type(s) and the total floor area of each type. [34-373(a)(6)d.vi.]

Is this proposed for only these tracts, or will commercial floor area be considered in other parts of this MPD?
Please see the response to No. 3 under the Development Review Checklist, and the information provided on the Amendments to the Master Concept Plan.

12f) Service Areas. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions. [34-373(a)(6)e]

Service areas for loading and unloading, circulation patterns and proposed buffering have not been indicated.
The service areas for the proposed use for Commercial Tract MPD-1 are located at the rear of the building shown on the Amendments to the Master Concept Plan.

12g) Parks/Recreation/Indigenous Areas. The general location of all proposed parks and

recreations areas and facilities, as well as indigenous areas to be preserved. [34-373(a)(6)f.]

There are no parks or recreation facilities indicated on the Master Concept Plan.
Please see the response to No. 3 under the Development Review Checklist, and the information provided on the Amendments to the Master Concept Plan.

12h) Open space design plan delineating the indigenous preserves and/or native tree reservation areas as required per LDC Section 10-415(b). [34-373(a)(6)g.]

Open space and indigenous preserves have not been indicated on the Master Concept Plan.
Please see the response to No. 3 under the Development Review Checklist, and the information provided in the Land Use Summary table on the top of Sheet C-1 of the Amendments to the Master Concept Plan. The indigenous and open space areas approved as part of the existing Master Concept Plan, Exhibit C of Resolution No. Z-01-012a, are not proposed to be changed as part of this application.

12i) Open Space. The percentage of open space, unless the proposed development consists solely of conventional single gamily dwelling unit on lots of no less thank 6,500 square feet. For commercial or industrial developments, the percentage of open space within each lot or outparcel must be per 34-414c. [34-373(a)h.]

Open space not designated on the Master Concept Plan.
Please see the response to 12h, above.

12j) Buffers. The minimum width and composition of all proposed buffers along the perimeter of subject property, as well as between the individual uses, if the types of proposed used requires buffer separations. References to types of buffers as described in chapter 10 are acceptable. [34-373(a)(6)i.]

Buffers are interrupted by water retention areas. Buffers should be located on commercial zoning lot and maintained by property owner. Section details of buffers have not been provided.
A 100 foot portion of the buffer required on the commercial tract adjacent to the multi-family tract is located off site. This portion is adjacent to the cross access road and continues to meet the requirements of the Land Development Code. Sections through the proposed buffers are shown on the Amendments to the Master Concept Plan, Sheet C-1.

12k) Public Transit. Proposed access and facilities for public transit, in accordance with sections 34-411(e) and 10-442. [34-373(a)(6)j.]

Please provide additional information with regard to coordinating public transportation service to/from proposed development.
Please see the response to No. 9e6 of the LCDOT Sufficiency Checklist above.

12l) Excavations. The general location of excavations for on-site fill and wet retention. {34-373(a)(6)k.] Add note that all cut soil excavated will be retained for on-site fill. Please indicate whether or not blasting is proposed.

The requested note has been added to the Amendments to the Master Concept Plan. No blasting is proposed.

12l2) Flow Ways. If the development is within a floodplain or flow way, it is the applicant's responsibility at the time of local development order or SFWMD permitting to compensate for impacts to flood storage capacity or flow ways due to filling of the site. [34-373(a)(6)k.]

USGS (Estero) quad map indicates isolated wetlands on site.
Wetlands have been located on the site. The proposed, minor wetland impact will be more than off-set by the restoration of the large melaleuca-infested wetland located in the existing conservation easement. The wetland impact and restoration are currently being permitted with the SFWMD.

14c) Open Space Percentage. The proposed percentage of open space for the entire site. [34-373(a)(8)iii.]

Indicate percentages of areas designated as open space for each development tract on Master Concept Plan.
Please see the response to 12h, above..

16a1) Runoff Characteristics. The runoff characteristics of the property in is existing state. [34-373(b)(1)a.]

Predevelopment flows have not been quantified.
This information has been provided within the stormwater design calculations included with the Development Order application for the Wal-Mart project and associated master stormwater system. The pre-development flows will be compliant with the basin discharge limitations placed on the site (approximately 0.1 cfs/acre).

16a3) Retention Features. The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance. [34-373(b)(1)c.]

Proposed stormwater system instrument of dedication has not been indicated.
The proposed master stormwater system serving Commercial Tracts MPD-1 and MPD-3 and the Multi-Family Tract MPD-5 will be jointly maintained by the owners of the parcels. The necessary agreement is currently being drafted and will be forwarded for your review within the next two weeks.

16a4) Water Table/Natural Features. How existing natural features will be preserved including an estimate of the ranges of existing and post development water table elevations, where appropriate. [34-373(b)(1)d.]

Pre-development water table elevations have not been identified. Post-development controls intended to preserve pre-existing conditions have not been identified.
Please refer to the response to No. 16a1, above.

Environmental Sciences Planned Development Sufficiency Checklist

1) Description of Existing Conditions, Soils, Vegetation Fluccs, Topography. The application for a Planned Development must be accompanied by the following: [34-373(a)(4)]

1b) Maps. Maps drawn to the same scale as the Master Concept Plan marked or overprinted as shown: [34-373(a)(4)e.]

Please submit a FLUCCS and soils map at the same scale as the MCP.
Please refer to the new Sheet C-2 of the Amendments to the Master Concept Plan.

1b1) Soils. Soils, classified in accordance with the USDA/SCS system. [34-373(a)(4)e.i.]
Please refer to the new Sheet C-2 of the Amendments to the Master Concept Plan.

1b2) Vegetation/Ground Cover. Vegetation and ground cover classified in accordance with the Florida Land Use and Cover Classified System. [34-373(a)(4)e.i.]
Please refer to the new Sheet C-2 of the Amendments to the Master Concept Plan.

2) Protected Species Survey. A Protected Species Survey as required by LDC Section 10-473 must be provided for large projects (as defined by LDC Chapter 10) and Major Planned Developments. [34-373(b)(2)]

Please submit a protected species survey of Lee County listed Species meeting the requirements of Land Development Code Section 10-473.
This survey was provided with our original submittal. Per our telephone conversations with Lee County staff, we understand the protected species survey has been located.

3) Protected Species Management Plan. Protected species preserve areas must be indicated on the Master Concept Plan; a final management plan as required by LDC Section 10-474 is not required until time of local development order. [10-474]

Pending submittal of protected species survey, and ES staff filed verification. Additionally, Lee County listed species or signs thereof were observed during original planned development analysis. Please clarify if there are any changes proposed to the conditions 3(b)-(f) set forth in zoning resolution Z-01-01a.
No changes to the aforementioned conditions are proposed; however, the applicant is requesting that a condition be shown on the Development Order for the gopher tortoise management plan since gopher tortoise surveys are only valid for a short period of time. The applicant will submit the gopher tortoise management plan to the County for review and approval after the Development Order is issued, but prior to the commencement of site construction activities.

5) Open Space. The percentage of open space must be clearly stated on the Master Concept Plan unless the proposed development consists solely of conventional single family dwelling units on lost of no less than 6,500 square feet. [34-373(a)(6)f.; 34-373(a)(8)iii.]

The acreage for the project and open space vary throughout the submittal. The application states 6.26 acres of wetland + 5.04 acres of upland conservation totaling

11.3 acres of preservation with a total site area of 62.9 acres. The surface water management system discussion states the project size as 74.2 acres plus 1.51 acres of off-site detention for a total site area of 75.71 acres, and states 59.79 acres will be improved, resulting in 15.92 acres of preservation. The MCP states a total site area of 74.2 acres with 13.14 acres of preservation. Please clarify the total site areas and preservation acreage, and revise submittal to be consistent.
The total site area is 74.2 acres of which 60.04 acres will be improved. There are 14.16 acres of area not proposed for disturbance – 12.54 acres are located in the existing conservation easement and 1.62 acres are located in the conservation area proposed on the multi-family tract. Of the 12.54 acres in the existing conservation easement, 12.36 acres are preservation (wetlands and uplands) and the remaining 0.18 acres are undisturbed land. The entire 1.62 acres on the multi-family tract are preservation acreage. Therefore, of the 14.16 acres of undisturbed land, 13.98 acres are preservation acreage. The total site area decreased from 75.71 acres to 74.2 acres due to the removal of the previously-proposed offsite dry pond.

6) Parks, Recreation Areas and Indigenous Areas. The general location of proposed parks, recreation areas and facilities as well s indigenous areas to be preserved must be shown on the Maser Concept Plan. [34-373(a)(6)e.]

Pending clarification of indigenous preservation acreage and total site acreage.
Understood.

8) Design Standards: Environmentally Sensitive Areas. Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural features of the site, particularly mature native trees and threatened or endangered native vegetation.
[34-411(g)]

The original planned development included lakes adjacent to the upland preserve and around the smaller wetland preserve within the multifamily tract. The lake configuration has been altered. The original approval was partly based upon the lake configuration being complementary to the indigenous preserves, thus improving the preserve quality. Please explain why these changes are necessary.
The proposed stormwater system has been designed in accordance with SFWMD requirements; the stormwater ponds shown on the approved Master Concept Plan did not meet the minimum width (at the control elevation) requirement of the SFWMD.

12) Miscellaneous Items.

Will any more details regarding the landscaping be submitted, such as a detailed landscape plan or landscaping conditions, to address the issues raised by citizens during the ECPP meeting?
Please see the response to No. 3 under the Development Review Checklist. The information included with the recent Development Order application addresses the issues raised at the EDRC meeting.

In support of our application resubmittal, please find enclosed:

1. Twelve signed and sealed copies of the boundary survey, including legal description, for the entire parcel on which the master plan amendment is proposed.
2. Four 8.5"x11" copies of the legal description for the parcel covered by the Master Plan amendment.
3. Twelve copies of the sketch and legal description depicting the entire MPD parcel, as obtained from the application file for the original MPD project.
4. One copy of the previous correspondence between Neale Montgomery of Paves, et. al. and Pamela Houck regarding the sufficiency review.
5. Twelve sets of the revised Amendments to the Master Concept Plan, including Sheets C-1 and C-2.

Please do not hesitate to contact us if you would like to discuss any of the above in greater detail, or if you require additional information.

Sincerely,

CPH ENGINEERS, INC.

Judson C. Pankey, P.E.
Sr Project Manager

cc: Neale Montgomery, Pavese, Haverfield, Dalton, Harrison & Jensen, LLP
Ted Treesh, Metro
Renee' Thomas, Lotspeich and Associates, Inc.
LW, JLT, SP
File

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Mr. Neal Noethlich, Chairperson
Estero Community Planning Panel
20225 Wildcat Run Drive
Estero, FL 33928-2011

RE: Response to Comments Issued by ECPP for the Master Plan Amendment Proposed by Wal-Mart for the Estero Golf Resort Located at the Northeast Quadrant of Koreshan Boulevard and U.S. 41 CPH Project No. W13303

Dear Mr. Noethlich:

We appreciate your providing a compilation of comments received at our most recent presentation of the above referenced project to ECPP. We have modified our plan and application in response to your comments, as discussed in more detail below. For reference, your comments are shown in bold typeface.

Transportation Issues

- **Fully assess the ability of the road network to handle the volume of traffic (10,000 movements per day) along with all the other new demands being placed on our local road system.**
  A traffic impact analysis has been performed for the project, and includes future roadway improvements and those projects that have already been granted concurrency certificates. The analysis shows that the roadway system will function at an acceptable Level of Service (LOS). The analysis will be submitted to Lee County, as required, as part of the Master Plan Amendment application.

- **Delay the opening of the store until US 41 has been 6-laned.**
  The F.S. and Lee County Land Development Code require the necessary transportation infrastructure to be, funded within three (3) years of the Development Order approval in order for a project to be issued a concurrency certificate. It is not in the best interest of Wal-Mart's customers for the store to open with an insufficient transportation infrastructure being available to serve it. Please see the next comment regarding Wal-Mart's commitment to ensuring the transportation infrastructure will be available.

- **If necessary, provide financial assistance in order to accelerate the widening of US 41.**
  Wal-Mart is currently working with Lee County, the MPO, and FDOT to ensure that the construction phase of the U.S. 41 widening is, at a minimum, kept in 2009, where it is

currently scheduled. Wal-Mart is diligently working with all affected parties to identify ways to accelerate the widening of U.S. 41 to 2007.

- **Fully assess the impact that the proposed right-in, right-out entrance and possible left turn lane on U.S. 41 would have on vehicles attempting to access US 41 from The Vines and Breckenridge.**
  We have previously met with the FDOT regarding the proposed directional (right-in, right-out, and left in) access into the site. The impact of the left turn ingress and right turn ingress lane on the Vines and Breckenridge entrances should be negligible. The proposed right turn egress lane will reintroduce traffic onto U.S. 41 northbound. Although the traffic analysis does no support the claim from the residents that it will be more difficult to turn onto U.S. 41, we have proposed a secondary route to the Vines development via Koreshan Boulevard. The proposed secondary route will be a private roadway for the sole use of Vines residents; it will be located east of Wal-Mart and west of the multi-family parcel and be bordered by a six foot high screening wall and upgraded landscaping. The road will have an entry and exit gate at its connection to the Vintage Trace and only Vines residents will have the codes, or transponders, to control the gates. Wal-Mart hopes The Vines will support this secondary route.

- **Determine the impact and timing of installation of a traffic light and Koreshan.**
  Per the MUTCD and FDOT requirements, a signal will be installed at the intersection of U.S. 41 and Koreshan Boulevard when the necessary number of warrants is met. Wal-Mart anticipates FDOT will request a traffic signal warrant analysis as part of the project's FDOT driveway connection permit application. Wal-Mart will contribute their pro-rata share for the cost of the signal and is willing to install it as part of the construction work for its store.

- **Fully assess the traffic impact of the proposed location of the principal Koreshan Blvd store entrance.**
  The western full access driveway connection onto Koreshan Boulevard has been located at the existing median opening east of U.S. 41. An eastbound left turn lane and westbound right turn lane are proposed on Koreshan Boulevard at the driveway which leads to the front of the store. These turn lanes will maximize the operational efficiency of the intersection, and thus, result in a low impact to Koreshan Boulevard.

Site and Appearance Issues

- **Limit the use of outlots to those consistent with the location being the western entrance to FGCU.**
  The proposed uses of the outlots will be consistent with the uses listed in Resolution No. Z-01-012a for the Estero Golf Resort. If there is a listed use which is of particular concern to the community then Wal-Mart will work with the community to address their concern.

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- **Wide, well landscaped buffers between parking lots and US 41 and Koreshan.**
  The proposed buffers meet or exceed the buffers required by the Resolution approving the Master Plan and the Lee County Land Development Code. Significant upgrades in the landscaping are proposed along both Koreshan and U.S. 41.

- **Demassing of the building and using architecture to improve its appearance.**
  The Estero Wal-Mart Supercenter has many outstanding architectural elements that blend together to present a "store of the community." The use of clean volumetric forms on all four sides of the building are used to articulate the building both horizontally and vertically. The use of pilasters, cornice, hipped roofs over the vestibules, and striping all contribute to its unique style. High quality materials such as tiled roofs, split faced block and stucco (EIFS) further enhance the architecture of the building, thus presenting an outstanding, quality building for Estero. In addition, extensive landscaping is proposed adjacent to the building and within the parking lot to provide discontinuities, i.e., 'breaking up', along the elevation. The combination of the varied elements in the elevation, the extensive landscaping, and the site layout will demass the building.

- **Provide good and safe pedestrian circulation.**
  The project will include the necessary features for safe pedestrian access, including, but not limited to: cross-walk striping along the front of the store, on-site sidewalks that connect to sidewalks along Koreshan Boulevard and/or U.S. 41., and clear visibility at pedestrian/vehicle conflict points.

- **Satisfying the 30% open space requirement on the 33 acre site.**
  The Resolution for the Estero Golf Resort requires a combined 30% open space for Tracts MPD 1 - 5. The proposed Wal-Mart development has 10.08 acres of open space, more than double the 5.00 acres required in Exhibit C of the aforementioned resolution. The proposed open space is currently equal to approximately 29%.

- **Other "Big Box" Standards**
  It is unclear what is being referenced by this comment. Wal-Mart is familiar with the 'Big Box Ordinance' which was compiled by ECCO and submitted to Lee County, and feels the proposed site plan and architectural elevation meet the intent of the standards. If there is a specific standard which ECPP feels that Wal-Mart has not addressed then Wal-Mart will revisit the issue.

- **Elimination of the tire, lube, battery use to achieve consistency with earlier gas station elimination by the BOCC.**
  The proposed TLE (Tire Lube Express) will not include the sale of gas and is consistent with the allowed uses listed in the Resolution approving the Estero Golf Resort. Per previous meetings with Lee County zoning staff, they concurred that the TLE is consistent with the uses listed in the resolution. The proposed TLE will be located away from the adjacent residential communities and be located within an enclosed structure surrounded by landscaping.

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- **Prohibit gas stations and all drive thru facilities in the anchor parcel.**
  No gas station or drive thru facility is proposed on MPD Tract 1.

- **Relocate or buffer noise from the grocery store refrigeration equipment.**
  A masonry screening wall is proposed around the refrigeration compressors to buffer the noise.

- **Prohibit blasting.**
  Since no shallow limerock was encountered during the geotechnical investigation of the site, the need for blasting is not anticipated.

Wal-Mart Requested Zoning Changes – Wal-Mart should provide the community with extensive information about each of the requested zoning changes including detailed experience information from other stores, especially those that are located close to a residential community.

- **Authorize 24-7 operation on Parcel 1 (and its impact on crime and noise).**
  Nearly all new Wal-Mart Supercenters are open 24 hours a day. Across the country, Wal-Mart's experience has been that store customers are members of the surrounding community. Wal-Mart has a zero tolerance policy regarding criminal activity on its property, utilizes security cameras around its entire building, and, when necessary, utilizes security patrols in its parking lot. Wal-Mart is able to abate the noise sources from the store to minimize impact to its neighbors.

- **Increased signage**
  Since the proposed Wal-Mart store is set back from U.S. 41 by approximately 400 feet and from Koreshan Boulevard by approximately 200 feet, the signage on the building needs to be proportional at that distance, and as a result, the signage must be larger than allowed.

- **Outdoor sales and display**
  During seasonal events, i.e., beginning of Spring, Halloween, etc., outdoor display and sales of seasonal items are conducted in a farmer's market atmosphere. The parking spaces and drive aisle that would be utilized as one part of the farmer's market will not impact circulation through the site or decrease the Lee County required amount of parking. The parking and drive aisle are blocked off so that customer safety is not compromised while enjoying the farmer's market. As depicted on the attached Exhibit IV-2. Wal-Mart is willing to work with the County and ECPP to arrive at mutually agreeable location for outdoor sales and display on the site.

- **Lower the existing delivery restrictions**
  Wal-Mart optimizes the delivery of merchandise and groceries to its stores to avoid having a large number of trucks arriving at the site at the same time and to avoid having

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delivery trucks on the roadways during peak traffic periods. Wal-Mart is requesting that the hours for delivery restrictions be removed so that trucks arrive in an intermittent manner during off-peak hours.

- **Site design changes, notably combined 60 degree and 90 degree parking.**
  The majority of Wal-Mart parking lots in Florida are comprised of a combination of 60 and 90 degree parking. The parking lots function in an efficient, safe manner while maximizing pedestrian safety and minimizing the amount of unnecessary pavement.

Operational Issues

- **Create mechanism for continuing community and county involvement to assure effective store and parking lot maintenance, clean-up and cart control.**
  Wal-Mart always welcomes the community's input and involvement when it comes to parking lot maintenance and cart control. Should the maintenance of the parking lot or cart control not meet the community's expectations, then please do not hesitate to notify the store manager of your concerns and expectations for resolution. Lee County has mechanisms in place to ensure the minimal maintenance of landscape on all commercial properties in its jurisdiction.

- **Prohibit all outdoor display and sales of merchandise, games, etc.**
  Please refer to the response listed in bullet No. 3 under the Wal-Mart Requested Zoning Changes section.

- **Prohibit RV overnight parking**
  Wal-Mart discourages the overnight parking of recreational vehicles on its properties; if it should become a problem on this site, then the store manager will make personal visits to each of the recreational vehicles notifying them of ordinances prohibiting overnight parking.

- **Prohibit use of containers on the property**
  Storage containers are proposed for seasonal, i.e., during the December holidays, storage of merchandise. The storage containers will be located behind the building and be screened by the proposed four foot high berm with six foot high screening wall and upgraded landscaping near the northern and eastern property lines, as depicted on the attached Exhibit IV-2. Wal-Mart is willing to work with the County and ECPP to arrive at mutually agreeable location for seasonal storage on the site.

- **Prohibit auto shows.**
  The display and sale of automobiles is not proposed.

- **Prohibit sidewalk sales**
  Sidewalk sales are not proposed, but Wal-Mart is requesting the use of sidewalk display for seasonal merchandise, as depicted on the attached Exhibit IV-2.

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- **Prohibit use of parking lot for all special events.**
  The Wal-Mart parking lot will be used by its customers to park their vehicles; however, Wal-Mart does respond to community needs when requested, i.e., emergency staging area for natural disasters, blood drives, etc. No other types of special events are proposed.

- **Eliminate noise from night-time deliveries.**
  Noise from night-time deliveries will be abated through the appropriate design of the site, which includes: trucks entering and exiting the site via Koreshan, the truck wells being oriented towards each other to block any noise, walls being proposed along the sides of the truck wells, and a continuous berm with screening wall being proposed along the north and east sides of the site.

Vines/Breckenridge Specific Issues

- **Impact of the store upon the already unsafe entrance and exit to U.S. 41 for both The Vines and Breckenridge communities.**
  Please see the response to bullet No. 4 under the Transportation Issues section.

- **Desirability and cost (including maintenance) of a special entrance road to the Vines.**
  Wal-Mart is awaiting a formal response from the Vines Homeowners Association regarding their desire for the proposed cross access road. Wal-Mart will maintain the roadway and stormwater areas for same. Wal-Mart requests the Vines maintain the access gates which will be located on their common property.

- **Providing adequate visual and noise buffering for the nearby houses in the Vines.**
  Wal-Mart proposes to construct 4 foot high berms with 6 foot high walls around the northern and eastern perimeters of the site. A double row of trees will be planted along the wall to maximize the overlapping canopy area of the trees. In addition, understory trees and shrubs are proposed on the Vines side of the wall. Please see the response to the next comment regarding noise issues.

- **Elimination or effective abatement of noise from delivery trucks and other store operations.**
  Wal-Mart has retained Bernard Kinney, a renowned noise expert, to evaluate the noise generated by similar stores, i.e., stores adjacent to residential communities and a major arterial roadway. Mr. Kinney compiled an investigative report and concluded that the natural sounds, i.e., chirping crickets, currently on the site exceed the noise levels that will be generated by the Wal-Mart development. However, Wal-Mart is proactively proposing to orient the active side of the store, i.e., TLE and garden center, away from the Vines, to construct a screening wall around the refrigeration compressors, to construct walls around the truck wells, and to construct a continuous 4 foot high berm with 6 foot

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high wall around the northern and eastern perimeters of the site to ensure the noise is effectively abated.

- **Prevention of any air pollution impacts on The Vines.**
  No new air pollution sources will be introduced by the Wal-Mart development.

- **Prevention of any light intrusion into the nearby homes in The Vines.**
  As previously presented to the Vines, the lighting plan for the site has already been designed to have zero spillage beyond the property line and to utilize recessed canopy light fixtures. The lights will meet the height restrictions listed within the Resolution approving the Estero Golf Resort master plan.

Please do not hesitate to contact us at 239.332.5499 to discuss the above or if you require additional information. We look forward to presenting the project to the EDRC in the near future.

Sincerely,
CPH Engineers, Inc.

Judson C. Pankey

Judson C. Pankey, P.E.
Project Manager

xc: ECPP Members
Peter Klein, MeLandCo
Neale Montgomery, Esq., Pavese, et.al.
Teresa Murphy, AIA, BRR Architects
Jeffrey Satfield, CPH
Gregg Marino, E.I., CPH

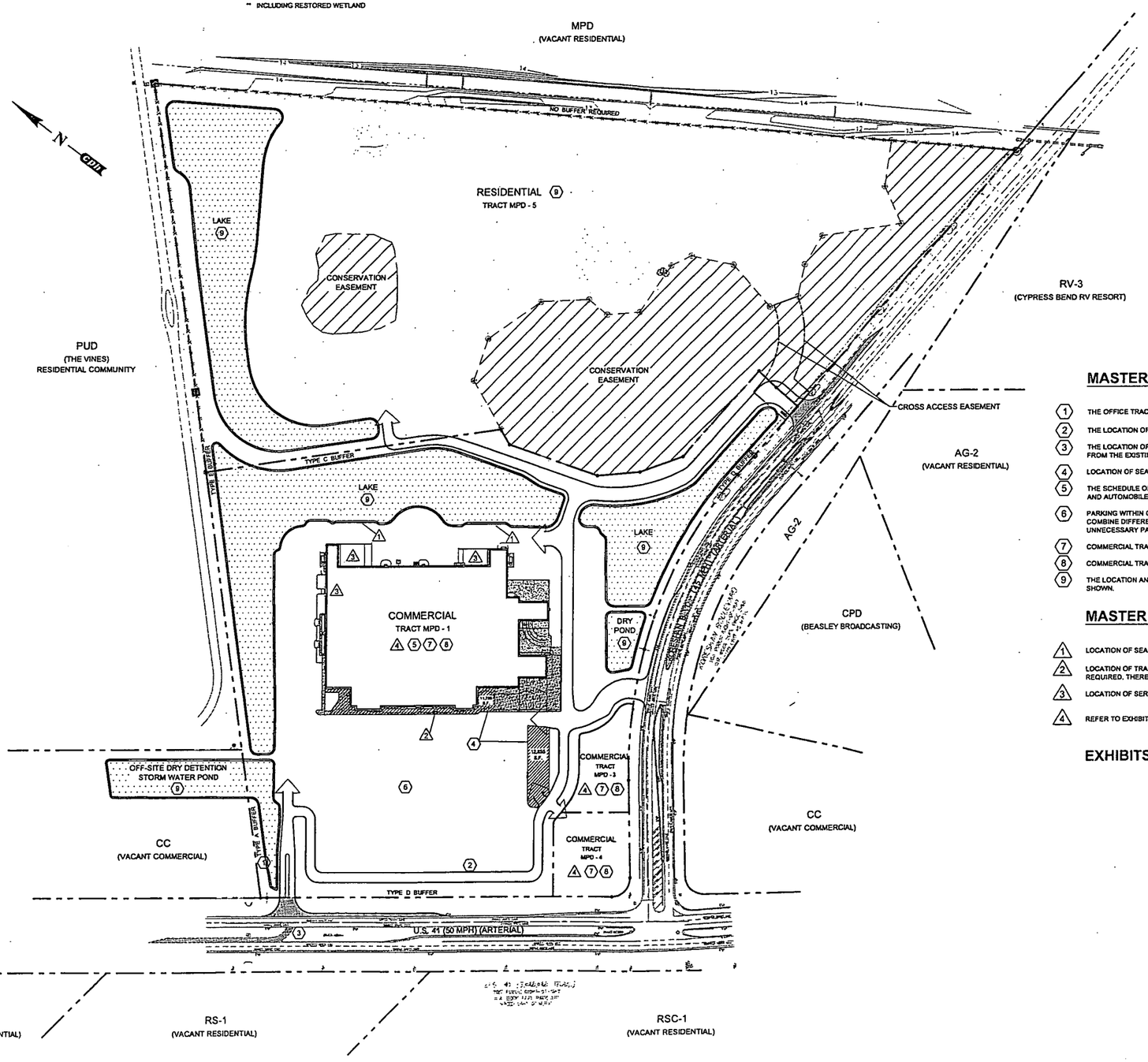
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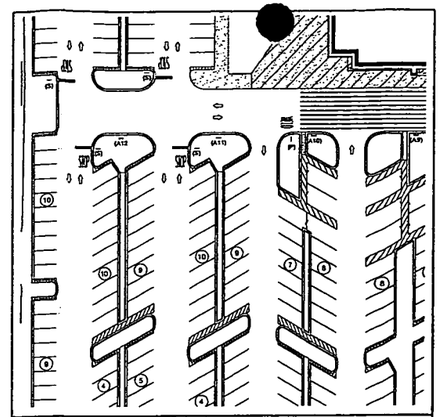
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LAND USE SUMMARY (EXHIBIT IV - I - 1)

TRACTS	AREA	USES	UNITS / SQ. FT.	OPEN SPACE MIN. %	OPEN SPACE FAR %	OPEN SPACE REQUIRED	OPEN SPACE PROVIDED	INDIGENOUS REQUIRED	INDIGENOUS PROVIDED
MPD 1,3,4	34.06± ACRES	RETAIL	320,000 S.F.	30	55	10.22± ACRES	5.00± ACRES	5.11± ACRES	0 ACRES
MPD 5	40.14± ACRES	RESIDENTIAL (MF)	340 UNITS	40	40	16.06± ACRES	16.06± ACRES 5.22± ACRES*	8.03± ACRES	13.14± ACRES**
TOTAL	74.20± ACRES	74.20± ACRES				26.28± ACRES	26.28± ACRES	13.14± ACRES	13.14± ACRES

* BALANCE FROM TRACTS MPD 1-4
** INCLUDING RESTORED WETLAND





MASTER CONCEPT PLAN AMENDMENT DEVIATIONS (EXHIBIT IV - J - 1, VI - J - 3)

1. THE OFFICE TRACT MPD-2 SHOWN ON THE EXISTING APPROVED MASTER PLAN IS DELETED.
2. THE LOCATION OF THE INTERIOR ACCESS ROAD IS MODIFIED AS SHOWN FROM THE EXISTING APPROVED MASTER PLAN.
3. THE LOCATION OF THE DRIVEWAY CONNECTION TO U.S. 41 IS MODIFIED AS SHOWN, PER FDOT RECOMMENDATIONS, FROM THE EXISTING APPROVED MASTER PLAN.
4. LOCATION OF SEASONAL OUTDOOR DISPLAY AND SALES.
5. THE SCHEDULE OF USES FOR TRACT MPD-1 IS MODIFIED TO INCLUDE DRUG SALES (PHARMACY), HARDWARE STORE, AUTO PARTS STORE, AND AUTOMOBILE REPAIR AND SERVICE.
6. PARKING WITHIN COMMERCIAL TRACT MPD-1 WILL UTILIZE LINEAR CONCRETE ISLANDS IN LIEU OF WHEEL STOPS, AND COMBINE DIFFERENT ANGLES OF PARKING SPACES WITHIN ONE AND TWO WAY DRIVE AISLES TO MINIMIZE UNNECESSARY PAVEMENT (SEE INSET).
7. COMMERCIAL TRACTS MPD-1, MPD-3, AND MPD-4 HAVE NO RESTRICTIONS ON HOURS OF OPERATIONS.
8. COMMERCIAL TRACTS MPD-1, MPD-3, AND MPD-4 HAVE NO RESTRICTIONS ON HOURS FOR DELIVERIES.
9. THE LOCATION AND NUMBER OF DRY DETENTION PONDS AND LAKES (WET DETENTION PONDS) ARE MODIFIED AS SHOWN.

MASTER CONCEPT PLAN AMENDMENT NOTES

1. LOCATION OF SEASONAL TRAILER AND POD STORAGE
2. LOCATION OF TRANSIT BUS BENCHES. RELOCATION OF THE BUS BENCH(ES) ALONG THE FRONT OF THE STORE MAY BE REQUIRED. THERE ARE NO DESIGNATED *LEETRAN* ROUTE STOPS CURRENTLY AVAILABLE WITHIN THE PROJECT AREA.
3. LOCATION OF SERVICE AREAS.
4. REFER TO EXHIBIT B OF RESOLUTION Z - 01.012a FOR THE MAXIMUM BUILDING HEIGHT.

EXHIBITS III - A - 1 EXISTING EASEMENTS & R.O.W.
III - A - 2 EXISTING ZONING & LAND USE
(ARE REFLECTED ON THIS MCP)

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Scale: 1" = 150'
Date: JULY, 2003
Job No. W13303
File: MASTER-PLAN
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Approved

No.	Revision	Date
1		
2		
3		
4		
5		

Activity	Name	Date
Designed by:	A.J.L.	07/03
Drawn by:	A.J.L.	07/03
Checked by:	L.W.	07/03
Approved by:	J.C.P.	07/03

Certificate of Authorization No. 3273

EXHIBIT IV-A-2

AMENDMENTS TO THE
ESTERO GOLF RESORT
MASTER CONCEPT PLAN
(RESOLUTION NO. Z - 01.012a)

Sheet No. 1 of 1

Exhibit IV-J-1

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Master List of Deviations

In addition, to the Deviations listed in Section C of Resolution No. Z-01-012a for the Estero Golf Resort dated July 30, 2001, the following additional Deviations are requested:

Deviation 1: The Office Tract MPD-2 shown on Exhibit F and discussed in Section B(2)(b)(A)(1) of Resolution No. Z-01-012a of the Estero Golf Resort dated July 30, 2001, has been deleted.

Justification: The deletion of the office tract, which allowed for 20,000 s.f. of office, results in a net decrease in the development traffic impact.

Deviation 2: The interior access road on Tracts MPD 1, 2, 3, and 4 shown on Exhibit F of Resolution No. Z-01-012a of the Estero Golf Resort dated July 30, 2001, has been modified as shown.

Justification: With the proposed layout of the majority of the commercial portion of the MPD tract known, the interior access road was slightly modified to accommodate specific site design issues. The intent of the interior access road remains unchanged.

Deviation 3: The location of the driveway connection to U.S. 41 shown on Exhibit F of Resolution No. Z-01-012a of the Estero Golf Resort dated July 30, 2001, has been relocated further north along U.S. 41 per the recommendation of FDOT.

Justification: Sarah Clarke, FDOT Access Management, recommended that the proposed directional driveway connection be shifted as far north as possible to minimize the potential for conflict with lengthened southbound left turn lanes onto Koreshan.

Deviation 4: The location of seasonal outdoor farmer's market for the display and sale of seasonal items, i.e., plants, landscape materials, and related seasonal items are shown along the front of the proposed building and within the area of the proposed parking lot. This deviation requires a release from LDC Section 34-3004(b)(1).

Justification: During the seasonal events, i.e., beginning of Spring, Halloween, etc., outdoor display and sales of seasonal items is conducted in a farmer's market atmosphere. The parking spaces and drive aisle that

would be utilized as one part of the farmer's market will not impact circulation through the site or decrease the Lee County required amount of parking. The parking and drive aisle are blocked off so that customer safety is not compromised while enjoying the farmer's market.

Deviation 5: The Schedule of Uses for Tract MPD-1 of the Estero Golf Resort listed in Section B(2)(a)(2) of Resolution No. Z-01-012a dated July 30, 2001, is modified to allow for a large retail store with the following uses, in addition to those already allowed: pharmacy (Drug Store), light hardware (Hardware Store), auto parts sale and installation (Auto Parts Store and Automobile Repair and Service). Permitted Use Note B of Section B(2)(a)(3)(B) and Condition 16 of Section B are deleted.

Justification: The proposed additional uses will be located interior to the large retail store and will not result in the typical negative impacts associated with stand alone types of these uses. The automobile repair and service will be of a limited nature, i.e., installation and repair of tires, battery installation, oil change, lube, filters, wipers, etc., and will be conducted by employees within a well-maintained appendage to the building. The appendage is located in the current location of Tract MPD-4, which currently allows for the use.

Deviation 6: The proposed parking lot in Tract MPD-1 will be designed with (1) a combination of one and two way drive aisles that are clearly labeled and signed, (2) a combination of 60 and 90 degree parking stalls, and (3) the use of 4 foot wide concrete median islands in lieu of wheel stops. This deviation requires a release from LDC Section 10-610(a).

Justification: The proposed deviations listed above will minimize any unnecessary pavement, maximize the available landscape area, and maximize the safe circulation of vehicles and pedestrians in the parking lot. The majority of the small percentage of 90 degree parking will be located along the less used parking lot perimeter and along the sides of the building. The concrete median islands in lieu of wheel stops will minimize the tripping hazard while still providing the required barrier for each parking space.

Deviation 7: The restriction on hours of operation for businesses and restaurants for Tract MPD-1 shown in Section (B)(2)(a)(3)(C) of Resolution No. Z-01-012a, Estero Golf Resort, dated July 30, 2001 is deleted.

Justification: The concern about the types of uses on Tract MPD-1, which resulted in the restrictions on hours of operation, is not proposed. In addition, the removal of the hours of operation will allow for serving members of the community that work the night shift, i.e., personnel in the medical fields, police officers, firemen, etc.

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Deviation 8: The restriction on hours for deliveries of goods and services for Tract MPD-1 shown in Section (B)(2)(a)(3)(C) of Resolution No. Z-01-012a, Estero Golf Resort, dated July 30, 2001 is deleted.

Justification: The release from the restriction on hours of deliveries will allow for the more efficient and less intrusive delivery of goods and services to the store. By removing the restriction, delivery trucks will not be limited to using the local roadways only during peak traffic periods.

Deviation 9: The location and number of lakes shown on Exhibit F of Resolution No. Z-01-012a of the Estero Golf Resort dated July 30, 2001, has been modified to those shown on Exhibit IV-A-1 (Amendments to the Estero Golf Resort Master Concept Plan) for MPD Tracts 1, 3, 4, and 5. (NOTE: This is the only deviation requested for Tract MPD-5).

Justification: The location and number of lakes, or stormwater treatment ponds, has been modified to provide a more aesthetic system while maximizing the treatment capability. In addition, the originally proposed lakes did not meet the minimum width requirement of the SFWMD.

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This Instrument Prepared By:
Matthew L. Grabinski, Esq.
Garlick, Stetler & Peeples, LLP
5551 Ridgewood Drive, Suite 101
Naples, FL 34108
(941) 597-7088

INSTR # 5617857
OR BK 03768 PG 4389
RECORDED 11/06/2002 08:29:40 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 154.50
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5.2 #6

(34)

DECLARATION OF RESTRICTIONS, EASEMENTS,

AND COVENANT FOR ASSESSMENTS

FOR

KORESHAN CONSERVATION AREA

THIS DECLARATION ("Declaration"), is made this 31st day of October, 2002, by Estero Land Holdings, LLC, a Florida limited liability company, hereinafter referred to as "Declarant".

WITNESSETH:

WHEREAS, Declarant is the owner of certain real property located in Lee County, Florida, which is more particularly described in Exhibit "A" attached hereto, and desires to establish a Conservation Area thereon ("Conservation Area") and further desires to establish an association to own, maintain and operate the Conservation Area; and

WHEREAS, Declarant desires to subject the real property described in Exhibit "A" (the "Property") to the terms, conditions, rights and obligations of this Declaration of Restrictions, Easements, and Covenant for Assessments, (herein called the "Declaration,") and has created a non-profit corporation to be given the power and duty of maintaining and administering the Conservation Area and enforcing this Declaration.

NOW, THEREFORE, Declarant hereby declares that all of the Property in Exhibit "A" shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and be binding on all parties having any right, title or interest in the Property or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of such Owner thereof.

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ARTICLE I

DEFINITIONS

1.1 "Assessment" shall mean a sum or sums of money collected by the Association for Common Expenses provided for herein, which shall be used for the purposes of owning, operating, maintaining, repairing and/or replacing all or any portion of the Preserve, as may be specifically authorized from time to time by the Board of Directors which, if not paid by a Member, can result in a lien against one or more Lots or Units.

1.2 "Access Easement" shall mean and refer to the access easement created pursuant to Paragraph 8.5, hereof.

1.3 "Association" shall mean and refer to Koreshan Conservation Area, Inc., a Florida not-for-profit corporation, its successors and assigns.

1.4 "Association Property" shall mean and refer to the Conservation Area, Access Easement, and any other supplies, equipment or other personal property owned by the Association for the purpose of carrying out the duties of the Association, the Board, the officers, or other agents acting on behalf of the Board or Association.

1.5 "Board of Directors" or "Board" shall mean and refer to the representative body that is responsible for the administration of the Association.

1.6 "Commercial Owner" shall mean and refer to the person or entity that is the fee simple owner of the Commercial Tract, provided, however, that the rights and responsibilities of the Commercial Owner may be required to be assigned and assumed in accordance with Paragraph 3.1, below.

1.7 "Commercial Tract" shall mean the Property, LESS the following: 1) The Multi-Family Tract and 2) the Conservation Area.

1.8 "Common Areas" shall mean the Conservation Area, and the Easement Area.

1.9 "Conservation Area" shall mean and refer to the portion of the Property described in Exhibit "B."

1.10 "Declarant" shall mean and refer Estero Land Holdings, LLC.

1.11 "Institutional Mortgagee" shall mean and refer to the holder of a first mortgage against a Unit, which holder is a bank, savings and loan association, real estate or mortgage investment trust, pension or profit sharing trust, the Federal Housing Administration, the Veterans Administration or any agency of the United States of America, and their successors and assigns, or any entity recognized in the community as an institutional lender. The mortgage may be placed through and closed in the name of a mortgage broker.

1.12 "Member" shall mean and refer to the Commercial Owner and the Multi-Family Owner.

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1.13 "Multi-Family Owner" shall mean and refer to the person or entity that is the fee simple owner of the Multi-Family Tract, provided, however, that the rights and responsibilities of the Multi-Family Owner may be required to be assigned and assumed in accordance with Paragraph 3.1, below.

1.14 "Multi-Family Tract" shall mean and refer to that portion of the Property described in Exhibit "C", attached hereto.

1.15 "Owner" shall collectively refer to the Commercial Owner and/or the Multi-Family Owner.

1.16 "Property" shall mean and refer to that certain real property described in Exhibit "A".

1.17 "Tract" shall collectively mean and refer to the Commercial Tract and the Multi-Family Tract.

1.18 "District" shall mean and refer to the South Florida Water Management District or its successors.

ARTICLE II

PROPERTY RIGHTS

2.1 Common Areas. The Member's rights to the Common Area, together with a nonexclusive easement of ingress and egress over the Access Easement, shall be governed according to the terms of this Declaration and subject specifically, without limitation, to the following provisions:

A. The right of the Association to charge the Owners reasonable Assessments for the maintenance and repair of the Common Areas and Association Property.

B. The right of the Association to dedicate, transfer or grant an easement or property rights to all or any part of the Common Areas to any public agency, authority, or utility for such purposes, and subject to such conditions as may be agreed to by the Members.

C. The right of the Board to promulgate, modify, amend and enforce reasonable rules and regulations relating to the use and enjoyment of the Common Areas.

2.2 Judicial Partition. There shall be no judicial partition of the Common Areas.

ARTICLE III

MEMBERSHIP AND VOTING RIGHTS IN THE ASSOCIATION

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3.1 Qualification. The Association shall have two Members: the Commercial Owner and the Multi-Family Owner.

A. Prior to the conveyance of fee simple title to any portion (but less than all) of the Commercial Tract by any person other than the Declarant, the owner of such tract shall establish a not-for-profit corporation for the purpose of governing and administering such Commercial Tract. (The "Commercial Association"). Upon formation of the Commercial Association, the Commercial Owner shall, by recorded instrument, assign all of its rights and responsibilities hereunder to the Commercial Association and the Commercial Association shall accept all of such rights and responsibilities. Thereafter, the "Commercial Owner" shall mean and refer to such Commercial Association. Upon the request of the Association, the Commercial Association shall collect all Assessments levied hereunder against the Commercial Tract and remit the same to the Association.

B. Prior to the conveyance of fee simple title to any portion (but less than all) of the Multi-Family Tract by any person other than the Declarant, the owner of such tract shall establish a not-for-profit corporation for the purpose of governing and administering such Commercial Tract. (The "Multi-Family Association"). Upon formation of such Multi-Family Association, the Multi-Family Owner shall, by recorded instrument, assign all of its rights and responsibilities hereunder to such Multi-Family Association, and the Multi-Family Association shall accept and assume all of such rights. Upon the request of the Association, the Multi-Family Association shall collect all Assessments levied hereunder and applicable to the Multi-Family Tract and remit the same to the Association. Thereafter, the "Multi-Family Owner" shall mean and refer to such Multi-Family Association.

3.2 Voting. In all matters submitted to a vote of the Members, the Commercial Owner shall be entitled to one (1) vote and the Multi-Family Owner shall be entitled to one (1) vote.

ARTICLE IV

COVENANTS FOR MAINTENANCE ASSESSMENTS

4.1 Assessments. The Declarant hereby declares, and the Commercial Owner and Multi-Family Owner (by acceptance of a deed therefor, whether or not it shall be so expressed in any such deed or other conveyance), including any purchaser at a judicial sale, shall hereafter be deemed to covenant and agree to pay to the Association, Base Assessments, Special Assessments and Specific Assessments to be fixed, established and collected from time to time as hereinafter provided. All Assessments, together with interest, costs of collection and reasonable attorneys' fees, shall be a charge on the land and shall be a continuing lien upon the Commercial Tract and/or Multi-Family Tract against which such Assessment is made, and shall also be the personal obligation of the Owner or Owners of such Tract.

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4.2 Base Assessments. The Base Assessment levied by the Association shall be collected by the Board and shall be used by the Association to cover the costs ("Common Expense") of carrying out its duties and obligations hereunder, including, without limitation, the following:

A. Owning, operating, proofing, maintaining and/or repairing the Common Areas, including, but not limited to, the cost of maintaining:

1. All streets, driveways, parking areas and sidewalks, to the extent that such improvements are a part of the Common Areas;

2. All landscaped areas including lawns, shrubs, trees and other plantings located on Common Areas;

3. All equipment and facilities owned by or acquired by the Association located on the Common Areas;

B. Hiring professional advisors, management companies and payment of management fees and charges;

C. Maintaining casualty insurance covering the full insurable replacement value of the Common Areas with extended coverage;

D. Maintaining liability insurance insuring the Association against any and all liability to the public, to any Owner, or to the invitees, or tenants of any Owner arising out of their occupation or use of the Common Areas. The policy limits shall be set by the Association, and shall be reviewed at least annually, and increased or decreased in the discretion of the Association;

E. Acquiring equipment for the Common Areas as may be determined by the Board, including, without limitation, all equipment and personnel necessary or proper for use or maintenance of the Common Areas;

F. Any other materials, supplies, equipment, labor, management, supervision, services, personnel, repairs, structural alterations, insurance, taxes or Assessments which the Association is required to secure or pay pursuant to the terms of this Declaration or by law, or which shall be necessary or proper in the opinion of the Board for the operation of the Common Areas for the benefit of the Owners, or for the enforcement of these restrictions;

G. Establishment of reserve accounts for capital expenditures and deferred maintenance for the Common Areas;

H. Payment of real property taxes, personal property taxes and other assessments levied against the Common Areas.

I. Wetland Restoration, Mitigation, Maintenance and/or Monitoring required in the Common Areas.

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4.3 Special Assessments. In addition to the Base Assessments, the Association may levy a Special Assessment applicable to that year only, for reconstruction, unexpected repair or replacement of a capital improvement as approved by the Board, including the necessary fixtures and personal property related thereto, or for any other expenditure approved by the Board. A Special Assessment shall become due and payable according to reasonable terms and conditions as set forth at the discretion of the Board. Special Assessments need not be levied at a uniform rate, but may be allocated specifically to the Commercial Tract or the Multi-Family Tract, if such tract is the only tract specifically benefited by the Special Assessment.

4.4 Determination of Assessments. The Board shall fix the date of commencement, and the amount of the Assessments against each Tract for each Assessment at least thirty (30) days in advance of such date or period and shall, at that time, prepare a roster of the Owners and Assessments applicable thereto, which shall be kept in the office of the Association and shall be open to inspection by any Member. No later than fourteen (14) days after fixing the date of commencement and amount of Assessments, the Association shall notify Owners by sending written notice of such commencement date and amount to said Owners at the address as shown on the current roster of members, which notice shall be conclusive as to delivery to Owners. The Association shall, on demand and for a reasonable charge, furnish to any Owner liable for said Assessment a certificate in writing signed by an officer of the Association setting forth whether said Assessment has been paid. Such certificate shall be conclusive evidence of payment of any Assessment therein stated to have been paid.

4.5 Apportionment of Assessments.

A. Once the Association has determined its anticipated Common Expenses, and desired amount of funding for reserve accounts, the Association shall apportion and levy such Base Assessments in accordance with the following:

B. 52.5% of such Base Assessment shall be levied against the Commercial Tract and 47.5% shall be levied against the Multi-Family Tract.

4.6 Payment of Base Assessments. The Base Assessments, for which provision is herein made shall be paid quarterly, in advance. The first Base Assessment shall be adjusted according to the number of months remaining in the fiscal year.

4.7 Delinquent Assessments. Any Assessment is delinquent if not paid within thirty (30) days from its due date as determined by the Board. The following shall be added to all delinquent Assessments:

A. Interest at the highest rate allowed by law;

B. Costs of collection; and

C. Reasonable attorneys' fees.

4.8 Assessment Lien. If an Assessment becomes delinquent, the Association may, at any time thereafter, record a lien against the entire applicable Tract, including any residential and/or commercial lots or units located within such Tract, in the Public Records of Lee County,

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Florida. Such lien shall be prior to and superior to the creation of any homestead status on the property and any subsequently recorded liens or encumbrances.

4.9 Action to Collect. The Association may take one or both of the following actions in order to collect a delinquent Assessment:

A. If a lien has been recorded, bring an action to foreclose such lien in a like manner as a foreclosure of a mortgage on real property; and/or

B. Bring a suit against the Owner on the personal obligation.

4.10 Subordination of Assessment Lien. The lien of the Assessment for which provision is herein made, as well as in any other Article of this Declaration, shall be subordinate to the lien of any first mortgage to an Institutional Mortgagee unless the claim of lien is recorded prior to the mortgage. Such subordination shall apply only to the Assessments which have become due and payable prior to a sale or transfer of such Lot or Unit pursuant to a decree of foreclosure, and in any other proceeding in lieu of foreclosure and shall relieve any Lot or Unit neither from liability for any Assessments thereafter becoming due, nor from the lien of any subsequent Assessment.

4.11 Unconditional Obligation of Owner. Suspension of a Member by the Board shall not relieve a Member from the obligation to pay any Assessment as it becomes due. No Owner may waive or otherwise escape liability for the Assessments provided for herein by non-use of the Common Areas.

ARTICLE V

MAINTENANCE OF COMMON AREAS

5.1 Duties of Association. The Association shall be responsible for owning, operating, maintaining, repairing, and replacing the Conservation Area and the Access Easement, subject to and in accordance with the terms of this Declaration, and any requirement of any governmental or quasi-governmental entity, including, without limitation, Lee County, The South Florida water Management District, the Florida Fish and Wildlife Conservation Commission.

ARTICLE VI

USE RESTRICTIONS

6.1 Allocation of Indigenous Space. For purpose of (and solely for the purpose of) satisfying the requirements of the Lee County Land Development Code, up to but not more than six (6) acres of the Conservation Area shall be allocated to the Multi-Family Tract, to satisfy a portion of the indigenous and open space requirements necessitated by the development of the Multi-Family Tract. All remaining acreage located within the Conservation Area shall be allocated to and for the benefit of the Commercial Tract, as environmental mitigation, to enable the owner of the Commercial Tract to obtain all necessary governmental permits and approvals to develop such tract.

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6.2 Minimum Storm Water Retention. The Multi-Family Tract shall contain not less than four (4) acres of wet or dry storm water retention area.

ARTICLE VII

CONSERVATION AREA

7.1 Dedication. The Conservation Area shall be the perpetual responsibility of the Association and may in no way be altered from their natural or permitted state. All Owners are hereby notified that their Units may be adjacent to wetland preservation or mitigation areas and upland buffers which are protected under conservation easements.

7.2 Maintenance and Monitoring. The Association is responsible for the maintenance and monitoring of all Conservation Areas in accordance with the District permit.

7.3 Use Restrictions. The Association shall enforce the use restrictions for the Conservation Area, and the Association shall take action against Lot Owners, as necessary, to enforce the provisions of the conservation easements and the District permit. Unless otherwise provided for herein or approved by the District, activities prohibited within the Conservation Areas shall include, but not be limited to:

A. Construction or placing of buildings on or above the ground;

B. Dumping or placing soil or other substances, such as trash;

C. Removal or destruction of trees, shrubs or other vegetation, with the exception of exotic or nuisance vegetation removal;

D. Excavation, dredging or removal of soil material;

E. Diking, fencing, or any other activities detrimental to drainage, flood control, water conservation, erosion control, or fish and wildlife habitat conservation or preservation.

7.4 Wetland Mitigation and/or Restoration. If wetland restoration, mitigation, maintenance and/or monitoring is required on the Conservation Area, then it shall be the Association's responsibility to complete the task successfully, and all costs and expenses incurred shall be assessed to the Members as a part of the Base Assessment.

7.5 Owner Acknowledgment. By acquiring title to all or any portion of the Commercial Tract or Multi-Family Tract, each Owner agrees that the maintenance of the Conservation Area and the wetland mitigation maintenance and monitoring required to be performed on the Conservation Area directly benefits the Property, the Association and all Members of the Association, and that any costs or expenses incurred by the Declarant in performing any conservation area maintenance or wetland mitigation maintenance in monitoring and reimbursed by the Association to the Declarant shall be considered a Common Expense of the Association and incurred by all Owners as a part of their Base Assessment.

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7.6 Signage. The Association shall maintain all signage required to protect the Conservation Areas.

ARTICLE VIII

EASEMENTS

8.1 Access and Repair. The Declarant hereby reserves unto itself, its agents, employees, invitees and assigns, and for the benefit of the Association, and the Association's agents, employees, invitees and assigns, a non-exclusive easement for ingress and egress over Property in order to gain access to the Common Areas in order for the Association to discharge its duties to construct, maintain and repair the Common Areas in a manner consistent with the Association's maintenance obligations or rights and obligations provided herein.

8.2 Utilities. The Access Easement shall be and hereby is made subject to easements for construction, development, repair and maintenance of utilities, systems and facilities (including, but not limited to, fire and police protection, garbage and trash removal, water and sewage system, electric and gas service drainage and telephone), and roadways and driveways, and the utilities and applicable governmental agencies having jurisdiction thereover and their employees and agents shall have the right of access to the Common Areas in furtherance of such easements. No structure, planting, fill or other material shall be placed or permitted to remain which may damage or interfere with the use of such easements.

8.3 Additional Easements. The Declarant reserves the right, for itself and its designee (so long as Declarant or said designee owns any Tract or portion thereof), and for the Board, without joinder or consent of any person or entity whatsoever, to create and/or grant such additional easements of construction, maintenance, repair and use of, as an illustration, but not limited to, irrigation, wells and pumps, cable television, television antennas, electric, gas, water drainage or other utility easement, or to relocate any easement in any portion of the Common Areas as the Declarant, its designee, or the said Board shall deem necessary or desirable for the proper development, operation and maintenance of the Common Area or Property, or any portion thereof, or for the general health or welfare of the Property.

8.4 Storm Water Management System Easements. Reciprocal blanket easements are hereby reserved over the Commercial Tract and the Multi-Family Tract for the purpose of designing, constructing, operating and maintaining the storm water management system for the Property. By accepting title to either the Commercial Tract or the Multi-Family Tract, the acquirer of title to such Tract acknowledges and agrees that the storm water management system for the Commercial Tract must be integral with the storm water management system for the Multi-Family Tract. Each Owner shall cooperate with the other Owner, in a reasonable manner, to insure that an adequate storm water management system for the Property as a whole is designed, constructed, operated and maintained in accordance with the District requirements and the requirements of any other governmental or quasi-governmental entity.

8.5 Access Easement. An easement for ingress and egress and right-of-way is hereby reserved for vehicular and pedestrian traffic over, through, on and across the property depicted on Exhibit "C" as the Access Easement. The Multi-Family Owner shall be responsible for all

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costs and expenses pertaining to the design and construction of the paved roadway constructed within the Access Easement, which shall be no wider than 28 feet, excluding sidewalk area, (if any). The purposes of the Access Easement is to provide access from Koreshan Blvd. (located adjacent to and South of the Property) to the Multi-Family Tract AND the Commercial Tract.

8.6 Temporary Secondary Access Easement. If required by Lee County, or any other governmental agency having jurisdiction over the Property, a temporary Secondary Access Easement ("Secondary Access Easement") is hereby reserved over the Commercial Tract for the benefit of the Multi-Family Tract, subject to the following:

A. The actual location of the Secondary Access Easement shall be determined by the mutual agreement of the Commercial Owner and Multi-Family Owner, and shall be used solely for the purpose of providing temporary secondary access to the Multi-Family Tract, in accordance with the requirements of Lee County, Florida. Neither the construction, maintenance, nor use of the Secondary Access Easement shall unreasonably interfere with the development and use of the Commercial Tract.

B. At the option of the Multi-Family Owner, at such time as the Commercial Tract is developed, (and if required by Lee County) the parking isles and driveways constructed on the Commercial Tract shall serve as the permanent means of secondary access to the Multi-Family Tract.

C. This Secondary Access Easement shall automatically terminate upon the issuance of a Development Order Certificate of Compliance by Lee County pertaining to the permanent access facilities associated with the development of the Commercial Tract, and the recording in the public records of Lee County, Florida of an instrument which: 1) verifies that such certificate of compliance has been issued, 2) refers to this paragraph of this Declaration, and 3) grants a permanent secondary access easement over the Commercial Tract (or another tract of land acceptable to the Multi-Family Owner) in favor of the Multi-Family Tract. The location of the permanent secondary access easement shall be determined by the mutual agreement of the Commercial Owner and the Multi-Family Owner, and if they cannot reach a mutually agreeable location, then the matter shall be submitted to binding arbitration.

D. The Association shall be responsible for causing any necessary improvements to be made to the Secondary Access Easement in order for such easement to comply with the requirements of Lee County (or any other regulatory agency), and the costs of such improvements shall be shared by the Multi-Family Owner and the Commercial Owner in accordance with the percentages set forth in Paragraph 4.5(B), above.

8.7 Buffer Easement. A twenty five (25) foot wide buffer easement is hereby dedicated along those portions of the Multi-Family Tract that are contiguous with the Conservation Area. However, the Buffer Easement created hereby shall be subject to and subordinate to the Access Easement. No buildings, developments landscaping, or any other improvements shall occur within the Buffer Easement without the prior written consent of the Association. The purpose of the Buffer Easement created hereby is to provide adequate

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protection and a buffer area between the development contemplated to occur on the Multi-Family Tract and the Conservation Areas located on the Conservation Tract.

8.8 Alternate Easements. If the location of any of the easements contemplated by Paragraphs 8.5 or 8.6 is unacceptable to Lee County, the District, or any other governmental agency having regulatory authority over the Property, then the Commercial Owner and Multi-Family Owner shall cooperate in a reasonable manner to establish alternative permanent access and secondary access to the Multi-Family Tract, and shall execute any documentation reasonably necessary to establish such alternate easements.

ARTICLE IX

ENFORCEMENT OF COVENANTS

9.1 Enforcement By Members or Association. The provisions of this Declaration may be enforced by the Members and/or the Association.

9.2 Remedies. Failure to comply herewith or with such rules and regulations shall be grounds for immediate action which may include, without limitation, an action to recover sums for damages, an action for injunctive relief, or any combination thereof.

9.3 Cause of Action. The Association shall have an action for damages, injunctive relief, or both to enforce all of the terms and conditions of this Declaration, the Articles of Incorporation, and the By-laws against the responsible person or entity.

ARTICLE X

AMENDMENTS

10.1 Amendment by Declarant. Declarant reserves the right unilaterally to amend this Declaration and to do so at any time or times upon such conditions, in such form and for such purposes as it shall, in its sole discretion, deem appropriate by preparing and recording amendments hereto, provided however, that this right of unilateral amendment shall expire upon turnover of control of the Association to members other than the Declarant. Any amendment shall relate back to and become effective as of the date of recording of this Declaration.

10.2 Restrictions on Amendment by Declarant. Declarant's rights shall include, without limitation, the right to amend this Declaration in order to correct any errors or omissions, or the dimensions of any specific easement granted hereby or Common Areas not previously conveyed, as long as any such amendment does not:

A. Change the dimensions of any Common Area previously conveyed;

B. Restrict the integrity of the lien of any institutional lender who holds a mortgage on any portion of the Property;

C. Change the allocation of Assessments set forth in paragraph 4.5, above; or

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AUG 28 2003
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D. amend the provisions of Paragraphs 6.1, 6.2, 8.4, 8.5, 8.6, 8.7 or 8.8, above.

10.3 Amendment by Owners. After turnover of control of the Association to members other than the Declarant, this Declaration may be amended upon the vote of a majority of the Directors of the Association and recordation of an instrument executed by an officer of the Association. However, no amendment to this Declaration, the Articles of Incorporation of the Association, or the By-Laws of the Association, shall be valid, if such amendment would affect the Declarant's rights under this Declaration. In addition, no amendment to this Declaration shall be effective without the consent of the Commercial Owner and the Multi-Family Owner if such amendment would:

A. change the allocation of Assessments set forth in Paragraph 4.5

B. amend the provisions of Paragraphs 6.1, 6.2, 8.4, 8.5, 8.6, 8.7 or 8.8, above.

ARTICLE XI

GENERAL PROVISIONS

11.1 Duration of Covenants. The covenants and restrictions of this Declaration shall run with and bind the Property, and shall insure to the benefit of and be enforceable by the Declarant, the Association or the Owner of any property subject to this Declaration, their respective legal representatives, heirs, successors and assigns, for a term of fifty (50) years from the date this Declaration is recorded, after which time, said covenants and restrictions shall automatically be extended for successive periods of ten (10) years, unless an instrument signed by the Commercial Owner has been recorded agreeing to change or terminate these covenants and restrictions in whole or in part. Violation or breach of any conditions, covenants or restrictions herein contained shall give the Declarant and/or Association and/or the Owner(s), in addition to all other remedies, the right to proceed at law or in equity to compel a compliance with the terms of said conditions, covenants or restrictions and to prevent the violation or breach of any of them, and the expense of such litigation shall be borne by the then Owner or Owners of the subject property, provided such proceeding results in a finding that such Owner was in violation of said covenants or restrictions. Expenses of litigation shall include reasonable attorneys' fees incurred by Declarant and/or the Association in seeking such enforcement.

11.2 Eminent Domain Proceeds. Any awards for the taking of all or any part of the Common Areas by condemnation or eminent domain shall be used to make the remaining portion of the Common Areas usable in the manner approved by Board. The balance of such awards, if any, shall be distributed to the Commercial Owner.

11.3 Mailing of Notices. Any notices required to be sent under the provisions of this Declaration shall be deemed to have been properly sent when mailed, postage paid, to the address of the party to which the notice is directed.

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11.4 Savings Clause. Invalidation of any one or more of these covenants and restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

11.5 Release or Addition of Property. Notwithstanding any of the provisions contained in this Declaration, Declarant may release any of the property submitted in this Declaration from the terms and conditions hereof, or subject additional property to the terms of this Declaration, except any Property conveyed to the Association or Owners. Such deletions or additions shall be made by the Declarant by filing in the Public Records of Lee County an amendment to this Declaration providing for the release or addition of the property from this Declaration. However, such unilateral right to release or subject additional property to the terms and conditions of this Declaration shall expire upon turnover of control of the Association to members other than the Declarant.

11.6 Effective Date. This Declaration shall become effective upon its recording in the Public Records of Lee County, Florida.

11.7 Articles of Incorporation and Bylaws. The Association's Articles of Incorporation and Bylaws are attached hereto as Exhibits "E" and "F", respectively, and are incorporated herein by reference.

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[Signature page for Declaration of Restrictions, Easements, and Covenant for Assessments for Koreshan Conservation Area, dated October 31, 2002]

IN WITNESS WHEREOF, the Declarant has caused these presents to be executed as of this 31st day of October, 2002.

Witnesses:

ESTERO LAND HOLDINGS, LLC,, a Florida limited liability company

Printed Name: Wenke O Brandes

By: _____
Paula J. Davis, Manager

Printed Name: MATTHEW GRABINSKI

[SEAL]

STATE OF FLORIDA
COUNTY OF Collier

The foregoing instrument was acknowledged before me this 31 day of October, 2002, by Paula J. Davis, as Manager of ESTERO LAND HOLDINGS, LLC, a Florida limited liability company, on behalf of the company, who is personally known to me.

_____
Notary Public
Print Name: _____
My Commission Expires: _____

(Seal)

Wenke O Brandes
My Commission DD139364
Expires October 06, 2006

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PERMIT COUNTER
OCI 2003-00058

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Exhibit A
Page 1 Of 1

A TRACT OR PARCEL OF LAND IN SECTION 21 AND 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45"W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461-3462); THENCE CONTINUE ALONG THE NORTHERLY RIGHT-OF-WAY OF KORESHAN BOULEVARD 552.84 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; HAVING A RADIUS OF 11425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF N 87°35'02" W TO A POINT OF TANGENCY; THENCE N 86°11'52" W, FOR A DISTANCE OF 1310.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 86°11'52" W A DISTANCE OF 1166.17 FEET TO A POINT OF CURVATURE; THENCE 540.77 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 1175.00 FEET, A CENTRAL ANGLE OF 26°22'09" A CHORD DISTANCE OF 536.01 FEET, AND A CHORD BEARING OF S 80°36'51" W TO A POINT OF COMPOUND CURVATURE, THENCE CONTINUE 358.46' ALONG THE ARC OF CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 1292.82 FEET, A CENTRAL ANGLE OF 15°53'11", A CHORD DISTANCE OF 357.31 FEET, AND A CHORD BEARING OF S 59°29'40" W, TO A POINT OF TANGENCY; THENCE S 51°33'05" W FOR A DISTANCE OF 261.89 FEET TO A POINT OF CURVATURE: THENCE CONTINUE 79.66 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH; HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 91°17'11", A CHORD DISTANCE OF 71.50 FEET, AND A CHORD BEARING OF N 82°48'27" W, TO A POINT OF TANGENCY; THENCE CONTINUE N 37°10'00" W A DISTANCE OF 955.60 FEET, THENCE CONTINUE N 37°45'31" W A DISTANCE OF 17.52 FEET; THENCE N 44°54'53" E FOR A DISTANCE OF 2235.13 FEET TO THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (AS RECORDED IN DEED BOOK 68, PAGE 78); THENCE CONTINUE ALONG THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD S 32°34'52" E FOR A DISTANCE OF 2388.69 FEET TO POINT OF BEGINNING.

PARCEL CONTAINS 74.2.4± ACRES, MORE OR LESS.

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COASTAL ENGINEERING CONSULTANTS INC

A CECI GROUP COMPANY

Exhibit B
Page 1 Of 2

CECI Group Services
Civil Engineering
Survey & Mapping
Coastal Engineering
Real Estate Appraisal
Environmental Assessment
Website: www.coastalengineering.com

EXHIBIT
LEGAL DESCRIPTION
TRACT "C"
ESTERO RESORT WEST – CONSERVATION TRACT

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45"W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461-3462); THENCE CONTINUE ALONG THE NORTHERLY RIGHT-OF-WAY OF KORESHAN BOULEVARD 552.84 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; HAVING A RADIUS OF 11425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF N 87°35'02" W TO A POINT OF TANGENCY; THENCE N 86°11'52" W, FOR A DISTANCE OF 1310.00 FEET TO **THE POINT OF BEGINNING;** THENCE N 86°11'52" W A DISTANCE OF 920.03 FEET; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY OF KORESHAN BOULEVARD CONTINUE N 03°48'08" E A DISTANCE OF 78.17 FEET, THENCE N 06°17'52" E A DISTANCE OF 65.10 FEET; THENCE N 86°11'52" W FOR A DISTANCE OF 308.33 FEET; THENCE N 56°32'09" W FOR A DISTANCE OF 125.01 FEET; THENCE N 41°49'02" W FOR A DISTANCE OF 117.26 FEET; THENCE N 18°05'53" W A DISTANCE OF 261.25 FEET; THENCE N 23°09'48" E A DISTANCE OF 201.23 FEET; THENCE N 71°24'47" E A DISTANCE OF 120.41 FEET; THENCE S 71°26'56" E A DISTANCE OF 178.91 FEET; THENCE S 39°21'22" E A DISITANCE OF 133.21 FEET; THENCE S 02°18'15" W A DISTANCE OF 64.89 FEET; THENCE S 41°20'34" E A DISTANCE OF 90.17 FEET; THENCE N 87°30'05" E A DISTANCE OF 152.80 FEET; THENCE S 62°50'45" E A DISTANCE OF 61.63 FEET; THENCE S 24°56'18" E A DISTANCE OF 115.10 FFET; THENCE S 12°27'19" W A DISTANCE OF 150.58'; THENCE S 57°09'16" E A DISTANCE OF 82.60'; THENCE N 64°37'44" E A DISTANCE OF 89.13 FEET; THENCE N 84°05'09" E A DISTANCE OF 90.84 FEET; THENCE S 45°21'24" E A DISTANCE OF 226.56 FEET; THENCE N 28°23'13" E A DISTANCE OF 110.77 FEET; THENCE N 60°59'26" E A DISTANCE OF 126.08' FEET TO THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (AS RECORDED IN DEED BOOK 68, PAGE 78); THENCE CONTINUE ALONG THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD S 32°34'52" E FOR A DISTANCE OF 343.00 FEET TO **POINT OF BEGINNING.**

PARCEL CONTAINS 11.3 ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

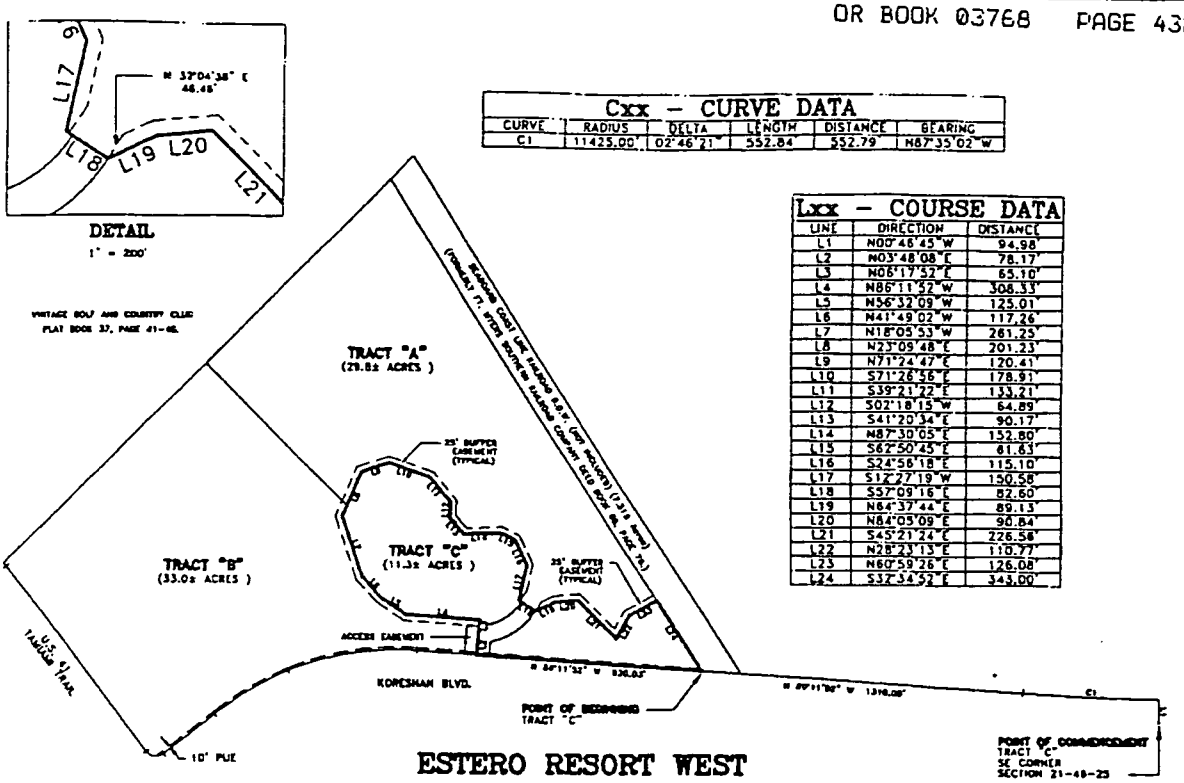
COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2464

Dana L. Worley

DANA L WORLEY
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5651
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 02.325
DATE SIGNED: 10-24-02

RECEIVED
AUG 28 2003
PERMIT COUNTER

DCI 2003-00058



Cxx – CURVE DATA

CURVE	RADIUS	DELTA	LENGTH	DISTANCE	BEARING
C1	11425.00'	02°46'21"	552.84'	552.79'	N87°35'02"W

Lxx – COURSE DATA

LINE	DIRECTION	DISTANCE
L1	N00°46'45"W	94.98'
L2	N03°48'08"E	78.17'
L3	N06°17'52"E	65.10'
L4	N86°11'52"W	308.33'
L5	N56°32'09"W	125.01'
L6	N41°49'02"W	117.26'
L7	N18°05'53"W	261.25'
L8	N23°09'48"E	201.23'
L9	N71°24'47"E	120.41'
L10	S71°26'56"E	178.91'
L11	S39°21'22"E	133.21'
L12	S02°18'15"W	64.89'
L13	S41°20'34"E	90.17'
L14	N87°30'05"E	152.80'
L15	S62°50'45"E	61.63'
L16	S24°56'18"E	115.10'
L17	S12°27'19"W	150.58'
L18	S57°09'16"E	82.60'
L19	N64°37'44"E	89.13'
L20	N84°05'09"E	90.84'
L21	S45°21'24"E	226.56'
L22	N28°23'13"E	110.77'
L23	N60°59'26"E	126.08'
L24	S32°34'52"E	343.00'

ESTERO RESORT WEST
TRACT "C"– CONSERVATION
NOT A BOUNDARY SURVEY

LEGAL DESCRIPTION

TRACT "C"
ESTERO RESORT WEST – CONSERVATION TRACT

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45"W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461-3462); THENCE CONTINUE ALONG THE NORTHERLY RIGHT-OF-WAY OF KORESHAN BOULEVARD 552.84 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; HAVING A RADIUS OF 11425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF N 87°35'02" W TO A POINT OF TANGENCY; THENCE N 86°11'52" W, FOR A DISTANCE OF 1310.00 FEET TO THE POINT OF BEGINNING; THENCE N 86°11'52" W A DISTANCE OF 920.03 FEET; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY OF KORESHAN BOULEVARD CONTINUE N 03°48'08" E A DISTANCE OF 78.17 FEET, THENCE N 06°17'52" E A DISTANCE OF 65.10 FEET; THENCE N 86°11'52" W FOR A DISTANCE OF 308.33 FEET; THENCE N 56°32'09" W FOR A DISTANCE OF 125.01 FEET; THENCE N 41°49'02" W FOR A DISTANCE OF 117.26 FEET; THENCE N 18°05'53" W A DISTANCE OF 261.25 FEET; THENCE N 23°09'48" E A DISTANCE OF 201.23 FEET; THENCE N 71°24'47" E A DISTANCE OF 120.41 FEET; THENCE S 71°26'56" E A DISTANCE OF 178.91 FEET; THENCE S 39°21'22" E A DISITANCE OF 133.21 FEET; THENCE S 02°18'15" W A DISTANCE OF 64.89 FEET; THENCE S 41°20'34" E A DISTANCE OF 90.17 FEET; THENCE N 87°30'05" E A DISTANCE OF 152.80 FEET; THENCE S 62°50'45" E A DISTANCE OF 61.63 FEET; THENCE S 24°56'18" E A DISTANCE OF 115.10 FFET; THENCE S 12°27'19" W A DISTANCE OF 150.58'; THENCE S 57°09'16" E A DISTANCE OF 82.60'; THENCE N 64°37'44" E A DISTANCE OF 89.13 FEET; THENCE N 84°05'09" E A DISTANCE OF 90.84 FEET; THENCE S 45°21'24" E A DISTANCE OF 226.56 FEET; THENCE N 28°23'13" E A DISTANCE OF 110.77 FEET; THENCE N 60°59'26" E A DISTANCE OF 126.08' FEET TO THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (AS RECORDED IN DEED BOOK 68, PAGE 78); THENCE CONTINUE ALONG THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD S 32°34'52" E FOR A DISTANCE OF 343.00 FEET TO POINT OF BEGINNING.

PARCEL CONTAINS 11.3 ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

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500 0 250 500 1000
SCALE: 1" = 500'
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COASTAL ENGINEERING CONSULTANTS INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2464

DANA L. WORLEY, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5651
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 02-325
DATE OF SIGNATURE: 10-24-02

COASTAL ENGINEERING CONSULTANTS INC.
A CCD GROUP COMPANY
Serving Florida Since 1977
17595 S. TAMIAMI TRAIL STE #103
FORT MYERS, FLORIDA 33908
CIVIL ENGINEERING
SURVEY & MAPPING
COASTAL ENGINEERING
REAL ESTATE APPRAISAL
ENVIRONMENTAL ASSESSMENT
PHONE: (941)590-9900
FAX: (941)590-9909
www.coastalengineering.com
E-Mail: engcoast@ecifl.com

CLIENT: KEYSTONE CUSTOM HOMES
TITLE: SKETCH OF DESCRIPTION
OF LANDS LYING IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

DATE	10/24/02
SCALE	1" = 500'
DRAWN	DLW
CHECKED	DLW
SEC.	21
TWP.	46S
RGE.	25E
FILE NO.	Trast_C.dwg
JOB NO.	02.325

COASTAL ENGINEERING CONSULTANTS INC

A CECI GROUP COMPANY

Exhibit C
Page 1 Of 2

CECI Group Services
Civil Engineering
Survey & Mapping
Coastal Engineering
Real Estate Appraisal
Environmental Assessment
Website: www.coastalengineering.com

EXHIBIT
LEGAL DESCRIPTION
TRACT "A"
ESTERO RESORT WEST – MULTI-FAMILY TRACT

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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PARCEL CONTAINS 29.8 ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2464

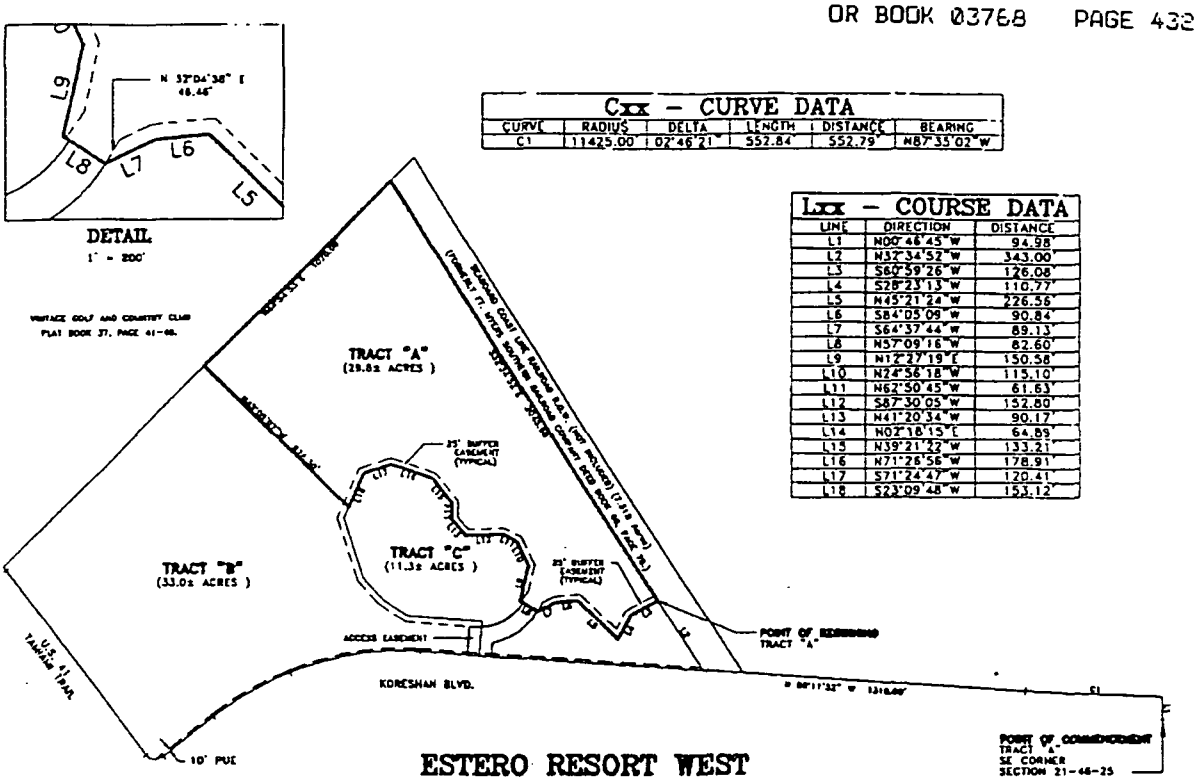
Dana L Worley

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CEC FILE NO. 02-326
DATE SIGNED: 10-30-02

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DCI 2003-00058

Exhibit C
Page 2 Of 2



Cxx – CURVE DATA

CURVE	RADIUS	DELTA	LENGTH	DISTANCE	BEARING
C1	11425.00'	02°46'21"	552.84'	552.79'	N87°35'02"W

Lxx – COURSE DATA

LINE	DIRECTION	DISTANCE
L1	N00°46'45"W	94.98'
L2	N32°34'52"W	343.00'
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L15	N39°21'22"W	133.21'
L16	N71°26'56"W	178.91'
L17	S71°24'47"W	120.41'
L18	S23°09'48"W	153.12'

ESTERO RESORT WEST
TRACT "A"– MULTI FAMILY
NOT A BOUNDARY SURVEY

RECEIVED
AUG 8 2003
PERMIT COUNTER
OCI 2003-00058

LEGAL DESCRIPTION

TRACT "A"
ESTERO RESORT WEST – MULTI-FAMILY TRACT

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45"W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461-3462); THENCE CONTINUE ALONG THE NORTHERLY RIGHT-OF-WAY OF KORESHAN BOULEVARD 552.84 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; HAVING A RADIUS OF 11425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF N 87°35'02" W TO A POINT OF TANGENCY; THENCE N 86°11'52" W, FOR A DISTANCE OF 1310.00 FEET; THENCE N 32°34'52" W A DISTANCE OF 343.00 FEET ALONG THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (AS RECORDED IN DEED BOOK 68, PAGE 78) TO THE POINT OF BEGINNING; THENCE S 60°59'26" W A DISTANCE OF 126.08 FEET; THENCE S 28°23'13" W A DISTANCE OF 110.77 FEET, THENCE N 45°21'24" W A DISTANCE OF 226.56 FEET; THENCE S 84°05'09" W FOR A DISTANCE OF 90.84 FEET; THENCE S 64°37'44" W FOR A DISTANCE OF 89.13 FEET; THENCE N 57°09'16" W FOR A DISTANCE OF 82.60 FEET; THENCE N 12°27'19" E A DISTANCE OF 150.58 FEET; THENCE N 24°56'18" W A DISTANCE OF 115.10 FEET; THENCE N 62°50'45" W A DISTANCE OF 61.63 FEET; THENCE S 87°30'05" W A DISTANCE OF 152.80 FEET; THENCE N 41°20'34" W A DISTANCE OF 90.17 FEET; THENCE N 02°18'15" E A DISTANCE OF 64.89 FEET; THENCE N 39°21'22" W A DISTANCE OF 133.21 FEET; THENCE N 71°26'56" W A DISTANCE OF 178.91 FEET; THENCE S 71°24'47" W A DISTANCE OF 120.41 FEET; S 23°09'48" W A DISTANCE OF 153.12 FFET; THENCE ALONG A LINE COMMON TO TRACT "B" N 45°05'07" W A DISTANCE OF 824.30 FEET; THENCE ALONG A LINE COMMON TO VINTAGE GOLF AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 37, PAGE 41-48, N 44°54'53" E A DISTANCE OF 1070.00 FEET; THENCE S 32°34'52" E A DISTANCE OF 2045.69 FEET ALONG THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (AS RECORDED IN DEED BOOK 68, PAGE 78); TO POINT OF BEGINNING.

PARCEL CONTAINS 29.8 ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

500 0 250 500 1000
SCALE: 1" = 500'
REDUCED COPY

COASTAL ENGINEERING CONSULTANTS INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2464

DANA L. WORLEY, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5651
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 02.326
DATE OF SIGNATURE: 10-30-02

COASTAL ENGINEERING CONSULTANTS INC.
CIVIL ENGINEERING
SURVEY & MAPPING
COASTAL ENGINEERING
REAL ESTATE APPRAISAL
ENVIRONMENTAL ASSESSMENT
17595 S. TAMIAMI TRAIL, STE #102
FORT MYERS, FLORIDA 33908
PHONE: (941)590-6900
FAX: (941)590-9908
E-mail: engsolfl.com

CLIENT: DAVIS AND SONS
TITLE: SKETCH OF DESCRIPTION
OF LANDS LYING IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

DATE: 10/24/02 SCALE: 1" = 500'
DRAWN: DLW CHECKED: DLW
SEC. 21 TWP. 46S RGE. 25E
ACAD NO. Tract_C.dwg
REF. NO. 02.325 no.

COASTAL ENGINEERING CONSULTANTS INC

A CECI GROUP COMPANY

Exhibit D
Page 1 Of 2

CECI Group Services
Civil Engineering
Survey & Mapping
Coastal Engineering
Real Estate Appraisal
Environmental Assessment
Website: www.coastalengineering.com

EXHIBIT
LEGAL DESCRIPTION
ACCESS EASEMENT
ESTERO RESORT WEST

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45"W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461-3462); THENCE CONTINUE ALONG THE NORTHERLY RIGHT-OF-WAY OF KORESHAN BOULEVARD 552.84 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; HAVING A RADIUS OF 11425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF N 87°35'02" W TO A POINT OF TANGENCY; THENCE N 86°11'52" W, FOR A DISTANCE OF 2180.02 FEET TO **THE POINT OF BEGINNING;** THENCE N 86°11'52" W A DISTANCE 100.00 FEET; THENCE LEAVING SAID RIGHT OF WAY CONTINUE N 03°48'08""E A DISTANCE OF 116.99 FEET; THENCE S 86°11'52" E A DISTANCE OF 25.05 FEET; THENCE CONTINUE 231.98 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST; HAVING A RADIUS OF 215.00 FEET, A CENTRAL ANGLE OF 61°49'16", A CHORD DISTANCE OF 220.89 FEET, AND A CHORD BEARING OF N 62°53'30" E; THENCE S 57°09'16" E A DISTANCE OF 70.01 FEET ALONG A LINE COMMON TO TRACT "A"; THENCE 230.61 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST; HAVING A RADIUS OF 285.00 FEET, A CENTRAL ANGLE OF 46°21'41", A CHORD DISTANCE OF 224.37 FEET, AND A CHORD BEARING OF S 55°22'27" W; THENCE S 03°48'08" W A DISTANCE OF 57.02 FEET TO **THE POINT OF BEGINNING.**

PARCEL CONTAINS 0.59 ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

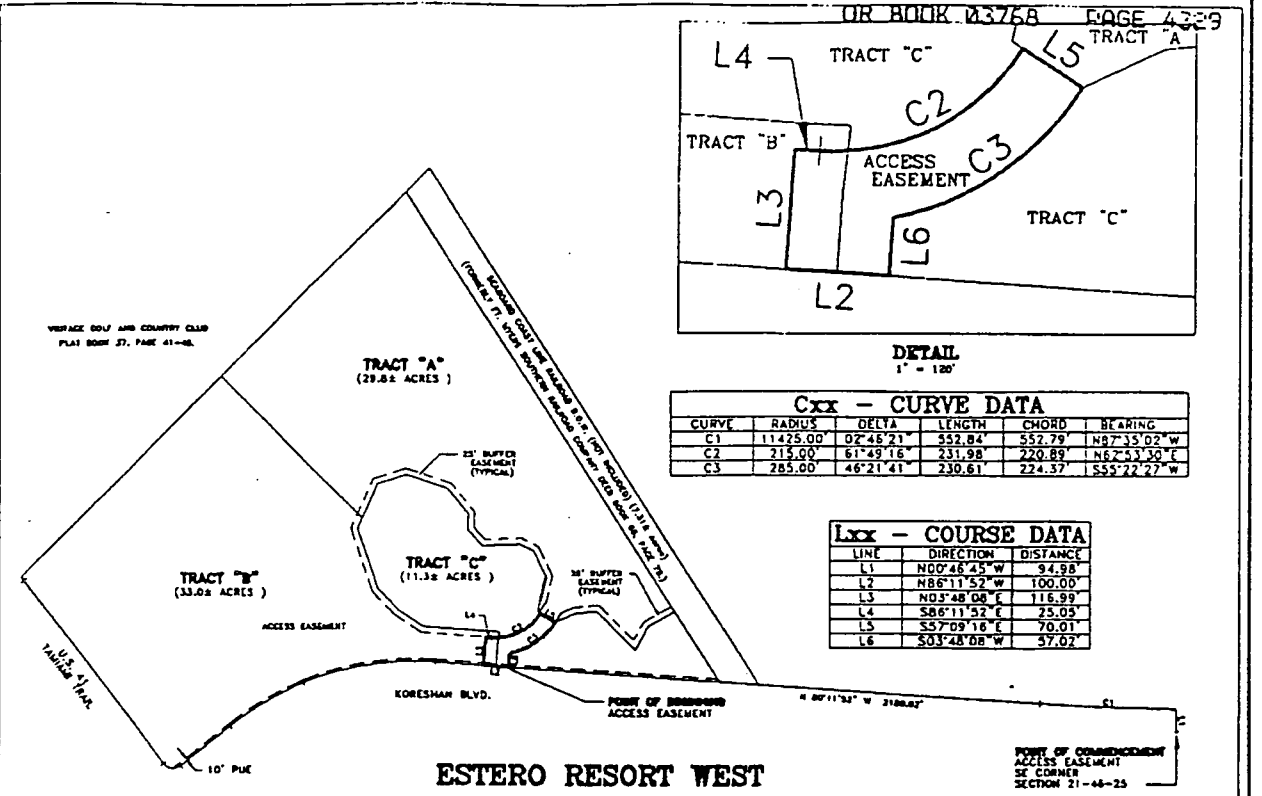
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FLORIDA BUSINESS AUTHORIZATION NO. LB 2464

Dana L. Worley

DANA L. WORLEY
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5651
NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 02.326
DATE SIGNED: 10-30-02

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DCI 2003-00058



Cxx – CURVE DATA					
CURVE	RADIUS	DELTA	LENGTH	CHORD	BEARING
C1	11425.00'	02°46'21"	552.84'	552.79'	N87°35'02"W
C2	215.00'	61°49'16"	231.98'	220.89'	N62°53'30"E
C3	285.00'	46°21'41"	230.61'	224.37'	S55°22'27"W

Lxx – COURSE DATA		
LINE	DIRECTION	DISTANCE
L1	N00°46'45"W	94.98'
L2	N86°11'52"W	100.00'
L3	N03°48'08"E	116.99'
L4	S86°11'52"E	25.05'
L5	S57°09'16"E	70.01'
L6	S03°48'08"W	57.02'

ESTERO RESORT WEST
ACCESS EASEMENT
NOT A BOUNDARY SURVEY

LEGAL DESCRIPTION

ACCESS EASEMENT
ESTERO RESORT WEST

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45"W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461-3462); THENCE CONTINUE ALONG THE NORTHERLY RIGHT-OF-WAY OF KORESHAN BOULEVARD 552.84 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; HAVING A RADIUS OF 11425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF N 87°35'02" W TO A POINT OF TANGENCY; THENCE N 86°11'52" W, FOR A DISTANCE OF 2180.02 FEET TO THE POINT OF BEGINNING; THENCE N 86°11'52" W A DISTANCE 100.00 FEET; THENCE LEAVING SAID RIGHT OF WAY CONTINUE N 03°48'08"E A DISTANCE OF 116.99 FEET; THENCE S 86°11'52" E A DISTANCE OF 25.05 FEET; THENCE CONTINUE 231.98 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST; HAVING A RADIUS OF 215.00 FEET, A CENTRAL ANGLE OF 61°49'16", A CHORD DISTANCE OF 220.89 FEET, AND A CHORD BEARING OF N 62°53'30" E; THENCE S 57°09'16" E A DISTANCE OF 70.01 FEET ALONG A LINE COMMON TO TRACT "A"; THENCE 230.61 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHWEST; HAVING A RADIUS OF 285.00 FEET, A CENTRAL ANGLE OF 46°21'41", A CHORD DISTANCE OF 224.37 FEET, AND A CHORD BEARING OF S 55°22'27" W; THENCE S 03°48'08" W A DISTANCE OF 57.02 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 0.59 ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

OCI 2003-00058

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500 0 250 500 1000
SCALE: 1" = 500'
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COASTAL ENGINEERING CONSULTANTS INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2464

DIANA L. WORLEY, P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5651
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 02.326
DATE OF SIGNATURE: 10-30-02

COASTAL ENGINEERING CONSULTANTS, INC.
17595 S. TAMIAMI TRAIL STE #102
FORT MYERS, FLORIDA 33908
CIVIL ENGINEERING
SURVEY & MAPPING
COASTAL ENGINEERING
REAL ESTATE APPRAISAL
ENVIRONMENTAL ASSESSMENT
PHONE: (941)590-9900
FAX: (941)590-9909

CLIENT: DAVIS AND SONS
TITLE: SKETCH OF DESCRIPTION
OF LANDS LYING IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

DATE: 10/24/02 SCALE: 1" = 500'
DRAWN: DLW J.A. N/A
CHECKED: DLW PRINCIPAL N/A
SEC. 21 TWP. 46S RGE. 25E
JOB NO. Access.dwg
REF. NO. 02.326

Exhibit D
Page 2 Of 2

OR BOOK 03768 PAGE 4330

ARTICLES OF INCORPORATION
KORESHAN CONSERVATION AREA, INC.
(A Corporation, Not-for-Profit)

In order to form a corporation under the provisions of Chapter 617 of laws of the State of Florida for a formation of a corporation, not-for-profit, I, the undersigned, hereby create a corporation for the purpose and with the powers herein mentioned.

ARTICLE I

NAME AND ADDRESS

The name of the corporation, herein called the "Association," is Koreshan Conservation Area, Inc., and its address is 24860 Burnt Pine Drive, Bonita Springs, Florida 34134.

ARTICLE II

PURPOSE AND POWERS

2.1 Purpose. The purpose for which the Association is organized is to provide an entity to administer, manage and operate a conservation area pursuant to that certain Declaration of Restrictions, Easements, and Covenant for Assessments for Koreshan Conservation Area recorded or to be recorded in the public records of Lee County, Florida.

2.2 Powers. The Association is organized and shall exist upon a non-stock basis as a non-profit corporation under the laws of the State of Florida, and no portion of any earnings of the Association shall be distributed or inure to the private benefit of any member, director or officer of the Association. For the accomplishment of its purposes, the Association shall have all of the common law and statutory powers and duties of a corporation, not-for-profit under the laws of the State of Florida, except as limited or modified by these Articles or the By-Laws of this Association, or that certain Declaration of Restrictions, Easements, and Conservation Area, (recorded or to be recorded in the Public Records of Lee County, Florida), and it shall have all the powers and duties reasonably necessary to operate the Common Areas and the Conservation Area pursuant to the Declaration as it may hereafter be amended, including, but not limited to, the following:

A. To levy and collect Assessments against Members of the Association to defray the costs, expenses and losses of the Association, and to use the proceeds of assessments in the exercise of its powers and duties;

B. To own, lease, maintain, repair, replace, add to or operate the Common Area;

C. To purchase insurance upon the Common Area for the protection of the Association and its members;

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D. To reconstruct improvements after casualty and to make further capital improvements or additions to the Common Area;

E. To make, amend and enforce reasonable rules and regulations governing the use of the Common Area and the operation of the Association;

F. To sue and be sued, and to enforce the provisions of the Declaration, these Articles and the By-Laws of the Association;

G. To contract for the management and maintenance of the Conservation Area and to delegate any powers and duties of the Association in connection therewith, except such as specifically required by the Declaration to be exercised by the Board of Directors or the membership of the Association;

H. To employ accountants, attorneys, architects, and other professional personnel to perform the services required for proper operations of the Association;

I. To borrow or raise money for any proposes of the Association, without limit as to amount; to draw, make, accept, endorse, execute and issue promissory notes, drafts, bills of exchange, warrants, bonds, debentures, and other negotiable or non-negotiable instruments and evidences of indebtedness; and to secure the payment of any thereof, and of the interest thereon, by mortgage, pledge, conveyance or assignment in trust, of the whole or any part of the rights or property of the Association; and

J. To hold funds and the title to all property acquired by the Association for the benefit of the Members in accordance with the provisions of the Declaration, these Articles of Incorporation, and the By-Laws.

ARTICLE III

MEMBERSHIP

3.1 Qualification. The Members of the Association shall be as defined in the Declaration, and as further provided in the By-Laws.

3.2 Voting. The Members shall be entitled to the number of votes in Association matters as set forth in the Declaration and By-Laws. The manner of exercising voting rights shall be as set forth in the Declaration and By-Laws.

ARTICLE IV

TERM

4.1 Term. The term of the Association shall be perpetual.

4.2 Dissolution. In the event of dissolution, any portions of the Properties consisting of the surface water management system shall be conveyed to an appropriate agency or

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government. If not accepted, the system must be deeded to a Florida corporation, not-for-profit, that will accept responsibility.

ARTICLE V

BY-LAWS

5.1 Adoption by Board. The By-Laws of the Association shall be adopted by the Board of Directors and may be altered, amended, or rescinded in the manner provided therein.

ARTICLE VI

AMENDMENTS

6.1 Procedure. Amendments to these Articles shall be proposed and adopted in the following manner:

A. These Articles of Incorporation may be amended by a majority vote of the Directors of the Association at a special or annual meeting at which a quorum has been established. Any such amendment may also be approved in writing by a majority of the voting interests without a meeting. Notice of any proposed amendment must be given to the Members, and the notice must contain the text of the proposed amendment.

B. Any proposed amendment to these Articles, which would affect the surface water management system (including environmental conservation areas and the water management portions of the Conservation Area), must be submitted to the South Florida Water Management District or its successors for a determination of whether the amendment necessitates a modification of the surface water management permit.

C. An amendment shall become effective upon filing with the Secretary of State and recording a certified copy in the Public Records of Lee County, Florida.

ARTICLE VII

DIRECTORS AND OFFICERS

7.1 Election by Owners. Upon turnover of control of the Association to members other than the Declarant, one (1) Director shall be appointed by the Commercial Owner and one (1) Director shall be appointed by the Multi-Family Owner. Those two appointed Directors shall then appoint a mutually agreeable third Director. Directors may be removed and vacancies on the Board of Directors shall be filled in the manner provided by the By-Laws.

7.2 Number of Directors. The affairs of the Association will be administered by a Board of Directors consisting of three (3) Directors.

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7.3 Election of Officers. The business of the Association shall be conducted by the officers designated in the By-Laws. The officers shall be elected by the Board of Directors at its first meeting following the annual meeting of the members of the Association and shall serve at the pleasure of the Board.

ARTICLE VIII

INDEMNIFICATION

8.1 Indemnification of Director or Officer. To the fullest extent permitted by Florida law, the Association shall indemnify and hold harmless every Director and officer of the Association against all expenses and liabilities, including attorneys' fees, actually and reasonably incurred by or imposed on him in connection with any legal proceeding (or settlement or appeal of such proceedings) to which he may be a party because of his being or having been a Director or officer of the Association. The foregoing right of indemnification shall not be available if a judgment or other final adjudication establishes that his actions or omissions to act were material to the cause adjudicated and involved:

A. Willful misconduct or a conscious disregard for the best interest of the Association to procure a judgment in its favor.

B. A violation of criminal law, unless the Director or Officer has no reasonable cause to believe his action was unlawful or had reasonable cause to believe his action was lawful.

C. A transaction from which the Director or officer derived an improper personal benefit.

8.2 Approval of Settlement. In the event of a settlement or any dispute with respect to any indemnification, the right to indemnification shall not apply unless the Board of Directors approves such settlement or disposes of any such dispute as being in the best interest of the Association. The foregoing rights of indemnification shall be in addition to and not exclusive of all rights to which a Director or officer may be entitled.

ARTICLE IX

PRINCIPAL OFFICE

9.1 Address. The principal office of the Association shall be located at 24860 Burnt Pine Drive, Bonita Springs, Florida 34134. The Association may maintain offices and transact business in other such places within or without the State of Florida as may from time to time be designated by the Board of Directors. The Board of Directors may from time to time relocate the aforesaid principal office.

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ARTICLE X

SUBSCRIBER

10.1 Name. The name of the subscriber to these Articles of Incorporation is as follows:

Matthew L. Grabinski

10.2 Address. The address of the subscriber to these Articles of Incorporation is as follows:

5551 Ridgewood Drive, #101
Naples, Florida 34018

ARTICLE XI

REGISTERED AGENT

11.1 Initial Registered Agent. The initial registered agent of the Association is Matthew L. Grabinski, and the street address of the initial registered office of the Association is 5551 Ridgewood Drive, Naples, Florida 34108. This corporation shall have the right to change such registered agent and office from time to time as provided by law.

IN WITNESS WHEREOF, the subscriber has hereunto set her hand and seal this 29th, day of October, 2002.

SUBSCRIBER:

_____
Matthew L. Grabinski

STATE OF FLORIDA
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of October, 2002, by Matthew L. Grabinski, who is personally known to.

_____
Notary Public
(Seal) Printed Name:_____
My Commission Expires:_____

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ACCEPTANCE OF DESIGNATION
REGISTERED AGENT/REGISTERED OFFICE

I, the undersigned person, having been named as Registered Agent and to accept service of process for the above-stated corporation at the place designated in this statement, hereby accept the appointment as Registered Agent and agree to act in this capacity. I further agree to comply with the provisions of all statutes relating to the proper and complete performance of my duties, and I am familiar with and accept the obligations of my position as registered agent.

_____

Matthew L. Grabinski

Dated: October _____, 2002.

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OR BOOK 03768 PAGE 4336

BY-LAWS

OF

KORESHAN CONSERVATION AREA, INC.

ARTICLE I

IDENTITY

1.1 Name. The name of this corporation is Koreshan Conservation Area, Inc. ("Association").

1.2 Address. The address of the initial principal office of the Association is 24860 Burnt Pine Drive, Bonita Springs, Florida 34134.

ARTICLE II

DEFINITIONS

All terms used herein which are defined in that certain Declaration of Restrictions, Easements, and Conservation Area for Koreshan Conservation Area, recorded or to be recorded in the Public Records of Lee County, Florida (hereinafter "Declaration"), as it may be amended from time to time, shall have the same meaning herein as therein.

ARTICLE III

DIRECTORS AND OFFICERS

3.1 Number of Directors. The affairs of the Association shall be managed by a Board of Directors which shall consist of three (3) individuals. One (1) Director shall be appointed by the Multi Family Owner (the "Multi-Family Director"), one (1) Director shall be appointed by the Commercial Owner (the "Commercial Director") and those two Directors shall then appoint a mutually acceptable third Director (the "Third Director"). Directors need not be Members.

3.2 Term. Each Director shall hold office for a term of one (1) year.

3.3 Meetings of the Board. The Board shall meet at such times and places as may be called by the President or a majority of the Board. Notice of meetings shall be posted in a conspicuous place in the community at least forty-eight (48) hours prior to the meeting, except in an emergency. In the alternative, notice of the meeting may be mailed to all Members at least seven (7) days prior to the meeting, except in an emergency.

3.4 Open Meetings. Meetings of the Board shall be open to Members, but Members shall not be entitled to participate at such meetings.

3.5 Action by Board without Meeting. Unless prohibited by law, any action which may be taken at a meeting of the Board may be taken without a meeting, if authorized in writing

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signed by all of the Directors who would be entitled to vote upon said action at a meeting, and filed with the Secretary of the Association.

3.6 Quorum. A majority of the Directors shall constitute a quorum to transact business of the Board, and an act of the majority of the Directors present at any meeting shall be deemed to be the act of the Board.

3.7 Compensation. No Director shall receive or be entitled to any compensation for his services as Director, but shall be entitled to reimbursement for all expenses incurred by him as such, if incurred upon the authorization of the Board.

3.8 Enumeration of Officers. The officers of the Association shall be a President, Vice President, Secretary and Treasurer, and such other officers as the Board may appoint. The positions of Secretary and Treasurer may be held by one individual or by separate individuals. Officers other than those appointed by the Developer-controlled Board must be Owners in the Neighborhood.

3.9 Term of Officers. The officers of this Association shall be elected annually by the Board and shall hold office for one (1) year. Officers appointed at the first meeting of the Board shall hold office until their successors shall have been appointed and shall qualify.

3.10 Resignation. Any Director or officer of the Association may resign at any time, by instrument in writing. Resignations shall take effect at the time specified therein, and if no time is specified, resignations shall take effect at the time of receipt of such resignation by the President or Secretary of the Association. The acceptance of a resignation shall not be necessary to make it effective.

3.11 Vacancies. If the Commercial Director resigns or is removed from office, then the Commercial Owner shall have the right to fill such vacancy by appointing a new Commercial Director. If the Multi-Family Director resigns or is removed from office, then the Multi-Family Owner shall have the right to fill such vacancy by appointing a new Multi-Family Director. A vacancy in the seat held by the Third Director shall be filled by new director selected by the Multi Family Director and the Commercial Director.

3.12 Removal of Directors. The Commercial Director may only be removed, with or without cause, by the Commercial Owner. The Multi-Family Director shall only be removed, with or without cause, by the Multi-Family Owner. The third Director may be removed, with or without cause, by the unanimous vote of the Commercial Owner and the Multi-Family Owner.

3.13 Removal of Officers. Any officer of the Association may be removed by the Board at any time, with or without cause.

ARTICLE IV

ASSOCIATION MEMBERSHIP

4.1 Qualification. Members of the Association shall be the Commercial Owner and the Multi-Family Owner.

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4.2 Voting Rights. In all matters submitted to a vote of the Members, the Commercial Member shall have one (1) vote, and the Multi-Family Member shall have one (1) vote.

ARTICLE V

MEMBER MEETINGS

5.1 Annual Meeting. The annual meeting of the Members for the election of Directors and the transaction of whatever other business may properly come before the Members shall be held as outlined below.

5.2 Notice. Notice of the annual meeting shall be mailed, postage prepaid, not less than ten (10) days and not more than sixty (60) days prior to the date of the annual meeting and shall state the purpose, time and location of the meeting. Such notice shall be addressed to each Owner at the address of the Owner as set forth in the Association's books and records.

5.3 Special Meetings. Special meetings of the Members may be called for any purpose at any time by a majority of the Board, or by the written petition of thirty percent (30%) or more of the total voting interests, setting forth the purpose of the special meeting. Notice of such special meeting shall be in the same form and mailed in the same manner as for the annual meeting.

5.4 Quorum. One hundred percent (100%) of the total vote that could be cast at any annual or special meeting, represented in person or by proxy, shall constitute a quorum at any meeting of the Members. After a quorum has been established at a meeting of the Members, the subsequent withdrawal of Members, which reduces the number of votes at the meeting below the number required for a quorum, shall not affect the validity of any action taken at the meeting or any adjournment thereof. A majority of the votes cast shall decide each matter submitted to the Members at a meeting, except in cases where a larger vote is required.

5.5 Order of Business. The order of business at Members' meetings shall be substantially as follows:

A. Call of the roll and certification of quorum;

B. Proof of notice of meeting or waiver of notice;

C. Reading of minutes and disposal of any unapproved minutes;

D. Reports of Officers;

E. Reports of Committees;

F. Election of Directors;

G. Old Business;

H. New Business; and

I. Adjournment.

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5.6 Action by Members without Meeting. Any action required or permitted to be taken at a meeting of the Members may be taken without a meeting if written consents, setting forth the action to be taken, are signed by the Members entitled to vote having not less than the minimum number of votes that would be necessary to take such action at a meeting, or a majority of the members entitled to vote, whichever is greater. Upon receiving the required number of written consents, the Board shall take the authorized action upon adopting a resolution to that effect. Within ten (10) days after adopting the resolution, the Board shall send written notice of the action taken to all Members who have not consented in writing. Nothing in this paragraph shall be construed in derogation of the Members' rights to call a special meeting of the Association Members as elsewhere provided in these By-Laws.

ARTICLE VI

POWERS

6.1 Sources of Power. The Association shall have all powers granted to it by common law, Florida Statutes, the Declaration, the Articles of Incorporation of the Association and these By-Laws, all of which shall be exercised by the Board, unless the exercise thereof is otherwise restricted in the Declaration, these By-Laws or by law.

6.2 Enumeration of Powers. The powers of the Association shall include, but not be limited to, all of the powers specifically provided for in the Declaration and in the Articles of Incorporation.

ARTICLE VII

DUTIES OF OFFICERS

7.1 President. The President shall be chief executive officer of the Association and shall perform all duties normally required of the President of a non-profit corporation.

7.2 Vice President. The Vice President shall be vested with all the powers and required to perform all the duties of the President in his absence and such other duties as the Board may, from time to time, determine.

7.3 Secretary. The Secretary shall perform the following duties:

A. Attend all meetings of the Board and keep the records and minutes of the proceedings;

B. Keep such membership records as required, prepare and serve notice of meetings of members and attend to all correspondence on behalf of the Association, or cause these things to be done; and

C. All other duties as the Board may, from time to time, determine.

7.4 Treasurer. The Treasurer shall perform the following duties:

A. Attend all meetings of the Board;

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B. Have custody of the funds of the Association;

C. Collect monies due the Association, including Assessments;

D. Keep or supervise the keeping of accounts of all financial transactions of the Association and books belonging to the Association, and deliver such books to his successor;

E. Prepare the annual budget for the Association and present it to the Board for its consideration; and

F. Any other duties as the Board may, from time to time, determine.

ARTICLE VIII

FISCAL MANAGEMENT

8.1 Fiscal Year. The fiscal year of the Association shall be the calendar year.

8.2 Records. The Association shall maintain accounting records according to generally accepted accounting principles that shall be open to inspection by Members at the Association's offices during reasonable times, as set by the Board. A register for the names of all Institutional Mortgagees who have notified the Association of their liens, and to which lienholders the Association will give notice of default in payment of Assessments, if required, shall also be maintained.

8.3 Budget. The Board shall adopt a budget for the next fiscal year that shall include the estimated revenues and expenses for that year and the estimated surplus or deficit for the current year.

8.4 Financial Management. The receipts and disbursements of the Association may be credited and charged to accounts as the Board may determine, in accordance with generally accepted accounting principles.

ARTICLE IX

ASSESSMENTS

9.1 Base Assessments. The Association shall have the power and authority to levy and collect Base Assessments for purposes of operating the Association, in accordance with the terms of the Declaration.

9.2 Special Assessments. The Association shall have the power and authority to levy and collect special Assessments for payment of unexpected expenses, subject to and in accordance with the terms of the Declaration.

9.3 Collection of Assessments. The Association shall bill and collect all Assessments pursuant to the terms and conditions set forth in the Declaration.

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9.4 Unconditional Obligation of Owner. Suspension of a Member by the Board shall not relieve a Member from the obligation to pay any Assessment as it becomes due. In addition, no Owner may waive or otherwise escape liability for the Assessments provided for herein by non-use of the Common Areas, or by abandonment or otherwise.

ARTICLE X

MISCELLANEOUS

10.1 Amendment. These By-Laws may be amended, altered or repealed by a majority vote of the Board.

10.2 Conflicts. In the event of a conflict between these By-Laws and the Articles of Incorporation or Declaration, the Articles of Incorporation or Declaration shall control.

10.3 Seal. The Association shall have a seal in a circular form, having within its circumference the following words: Koreshan Conservation Area, Inc., a Florida corporation, not-for-profit.

IN WITNESS WHEREOF, we, being all of the Directors of Koreshan Conservation Area, Inc., a Florida corporation, not for profit, have hereunto set our hands this _____ day of November, 2002.

_____

_____

_____

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CERTIFICATION

I, THE UNDERSIGNED, DO HEREBY CERTIFY:

That I am the duly elected and acting Secretary of Koreshan Conservation Area, Inc., a Florida corporation, not-for-profit, and

That the foregoing By-Laws constitute the original By-Laws of said Association, as duly adopted at a meeting of the Board of Directors thereof held on the _____ day of November, 2002.

_____
Secretary

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Lotspeich and Associates, Inc.
ECOLOGICAL CONSULTANTS

KARL G. LOTSPEICH - VICE PRESIDENT

BACKGROUND

Karl Lotspeich is a Principal with Lotspeich and Associates, Inc. and has been in the ecological consulting field since 1988. He has conducted preliminary land use assessments, wetland delineations, and listed species evaluations for over 300 sites throughout Florida. He has conducted all levels of ecological impact assessments including Florida Department of Transportation (FDOT) Project Development and Environmental (PD&E) studies and documentation for National Environmental Policy Act (NEPA) Environmental Impact Statement and Environmental Assessment studies.

Mr. Lotspeich is also a recognized qualified expert witness in wetland ecology, plant communities, and threatened and endangered species habitat requirements. He has developed mitigation/compensation programs for over 50 projects throughout Florida, including the restoration scheme for a 200 acre site in South Florida and a 120 acre site in Central Florida. He is knowledgeable in the application of ecological evaluation techniques including: Wetland Rapid Assessment Procedures (SFWMD, 1996 Draft), Hydrogeomorphic Classification for Wetlands (USACE-1993), Wetland Assessment Techniques (FDOT), and Habitat Evaluation Procedures (USFWS).

ACADEMIC BACKGROUND

Bachelor of Science, Agriculture, University of Florida, 1988. College of Agriculture, Department of Ornamental Horticulture

PROFESSIONAL AFFILIATIONS

National Association of Environmental Professionals
Florida Association of Environmental Professionals
Association of Eminent Domain Professionals
Florida Planning and Zoning Association
Orange County Bar Association - Environmental Land Use Section
Volusia County Association for Responsible Development
Home Builders Association of Mid-Florida
Orange County Governmental Affairs Committee

CERTIFICATIONS

- U.S. Army Corps of Engineers: Certified Wetland Delineator
- U.S. Fish and Wildlife Service: Habitat Evaluation Procedures
- Florida Fish and Wildlife Conservation Commission: Gopher Tortoise Relocation
- Florida Department of Transportation: PD&E

2711 W. Fairbanks Avenue, Winter Park, Florida 32789 Phone: 407-740-8482 Fax: 407-645-1305
E-MAIL: klotspeich@lotspeichandassociates.com

Lotspeich and Associates, Inc.
ECOLOGICAL CONSULTANTS

KARL G. LOTSPEICH - RELATED EXPERIENCE

ROADWAY/CORRIDOR STUDIES

- FDOT Miscellaneous Design Services (Multiple Contracts), District 5
- Markham Woods Road Widening, Seminole County
- S.R. 436 PD&E and Final Design, Orange County
- East Orange County Transportation Needs Study
- Clarcona/Ocoee RCA Study, Orange County
- Interstate 4/C.R. 46A Interchange, Seminole County
- Winter Garden-Vineland Rd (C.R. 535), Orange County
- McCulloch Road Force Main, Seminole County
- East Lake Mary Boulevard (City limits to Airport Entrance Road to State Road 46)
- Rouse Road RCA and Final Design, Orange County
- Edgewater Drive RCA, Orange County
- East-West Connector RCA, Orange County

PERMITTING, MITIGATION SERVICES, AND/OR PERMIT COMPLIANCE

- Ormond Lakes, Volusia County
- River Oaks Reserve, City of Oviedo, Seminole County
- Lake Mary Neighborhood Shopping Center
- Live Oak Reserve, City of Oviedo
- The Plantation D.R.I., Seminole County
- USACE - Florida Mitigation Banking Study, Statewide

GOPHER TORTOISE MANAGEMENT AND GENERAL PROTECTED SPECIES COORDINATION

- Moss Park Gopher Tortoise Relocation Study
- World Gateway D.R.I., Gopher Tortoise Incidental Take permit (65 acre habitat)
- University of Central Florida Athletic Field
- Orange Lake Country Club D.R.I, Gopher Tortoise/T&E Species Surveys
- World Gateway D.R.I., Red-cockaded woodpecker Survey/Management Plan
- Westland Terrace, Gopher Tortoise and Scrub Jay Survey, Incidental Take Permits

GENERAL ENVIRONMENTAL

- SFWMD Natural Areas Inventory, RFP C-9306
- Lake Mary Neighborhood Shopping Center
- Orlando Naval Training Center - Urban Design Contract
- SFWMD-General Service Contract/Continuing Services
- Orange County Eminent Domain, Expert Witness Testimony
- East Orange County Transportation Needs Study
- Southeast Orlando Sector Plan
- Lynx Corridor Alignment Studies (Northern and Southern)
- Northeast Jacksonville Vision Plan, Duval County
- Northwest Jacksonville Vision Plan, Duval County
- Brannan Field Master Development Plan, Clay County

2711 W. Fairbanks Avenue, Winter Park, Florida 32789 Phone: 407-740-8482 Fax: 407-645-1305
E-MAIL: klotspeich@lotspeichandassociates.com

PROPOSED CONDITIONS

1. The architectural design for the Wal-Mart option shall generally be consistent with the attached elevation, noted as Exhibit A.

2. Outdoor display and sales is not permitted if the site is developed with the Wal-Mart option.

3. Outdoor storage is not permitted if the site is developed with the Wal-Mart option.

4. The landscaping for the Wal-Mart option shall be in accordance with the attached landscape plans, labeled as Exhibit B. The landscape plans include plantings adjacent to roadways, as well as landscaped areas within the parking lot.

5. The plantings within the buffers along US 41 and Koreshan shall be installed in the outparcel at the same time as the US 41 and Koreshan plantings are installed for the Wal-Mart if the site is developed in accordance with the Wal-Mart option.

6. The architectural design for the outparcel shall be developed in a manner generally consistent with the architecture of the Wal-Mart if the site is developed with the Wal-Mart option.

7. Sidewalks shall be included within the US 41 and Koreshan right of way, if there is sufficient right of way, or within the landscape buffer area adjacent to the roadways, if the site is developed with the Wal-Mart option.

8. Pedestrian travel routes across the front drive aisle shall be striped, if the site is developed with the Wal-Mart option.

9. If the site is developed with the Wal-Mart option, the Tire and Lube facility shall be housed within a building, and buffered as depicted on the attached landscape plan, labeled as Exhibit B.

10. If the site is developed with the Wal-Mart option, there shall be no drive through facilities as part of the anchor parcel.

11. If the site is developed with the Wal-Mart option, no blasting is permitted.

12. If the site is developed with the Wal-Mart option, the compressors will be surrounded by 18 foot high solid wall, which will reduce the sound generated by the compressors by 20+/-dB. Variable speed motors must be used in the compressors.

13. A 16 foot high screening wall shall be used to shield the truck well and docks, if the site is developed with the Wal-Mart option.

14. A ten foot wall located adjacent to the rear service drive, and wrapping around the north side of the building up to the at-grade delivery doors, shall be installed if the site is developed with the Wal-Mart option.
15. A four foot high berm, with a six foot high screening wall shall be installed along any portion of the commercial site abutting the Vines, if the site is developed in accordance with the Wal-Mart option.

16. Truck Deliveries. Truck delivery hours for the Wal-Mart Option shall be limited as follows:
    a. Four - eight A.M.: Two daily deliveries, one bread truck, and one milk truck.

        i. Six to 11 A.M.: One daily Chip/Snack truck, one Coke truck, one Pepsi truck, one beer truck, one Wal-Mart truck with canned groceries, one Wal-Mart truck with frozen foods, and one Wal-Mart truck with produce.

        ii. Seven to 11 A.M.: One daily meat and produce truck.

        iii. Seven A.M. to four P.M.: One daily Wal-Mart general merchandise truck.

17. No Wal-Mart company trucks shall use back-up alarms while on the premises. Bread, milk and soda trucks shall use the at grade delivery door, so they will not be required to back up to exit the site.

18. All lighting shall not exceed 18 feet in height within two hundred feet of the Vines, and the poles shall not exceed 25 feet anywhere else on the site, if the site is developed with the Wal-Mart option. There shall be no spillage of light off-site.

19. Overnight Recreational Vehicle parking shall be prohibited in the parking lot, if the site is developed with the Wal-Mart option.

20. No sidewalk sales, auto shows, or other similar special events shall be permitted in the parking lot, if the site is developed with the Wal-Mart option.

21. The Wal-Mart store shall be open twenty-four hours a day. The general merchandise doors to the store will close between 11:00 PM and 6:00 AM; access to the general public shall be restricted to the grocery side of the store during that time.

DESCRIPTION
CXX –CURVE

NO.	RADIUS	DELTA	LENGTH	CHORD DISTANCE	CHORD BEARING
C1	1175.00'	26°22'09"	540.73'	536.01'	S 80°36'51" W
C2	1292.82'	15°53'11"	358.48'	357.31'	S 59°29'40" W
C3	50.00'	91°17'11"	79.66'	71.50'	N 82°48'27" W
C4	11425.00'	02°46'21"	552.84'	552.79'	S 87°35'02" E

DESCRIPTION
Lxx–COURSE DATA

LINE	DIRECTION	DISTANCE
L1	N 00°46'45" W	94.98'
L2	N 86°11'52" W	181.47'
L3	S 51°33'05" W	261.89'
L4	N 37°45'31" W	17.52'
L5	N 44°54'53" E	133.17'

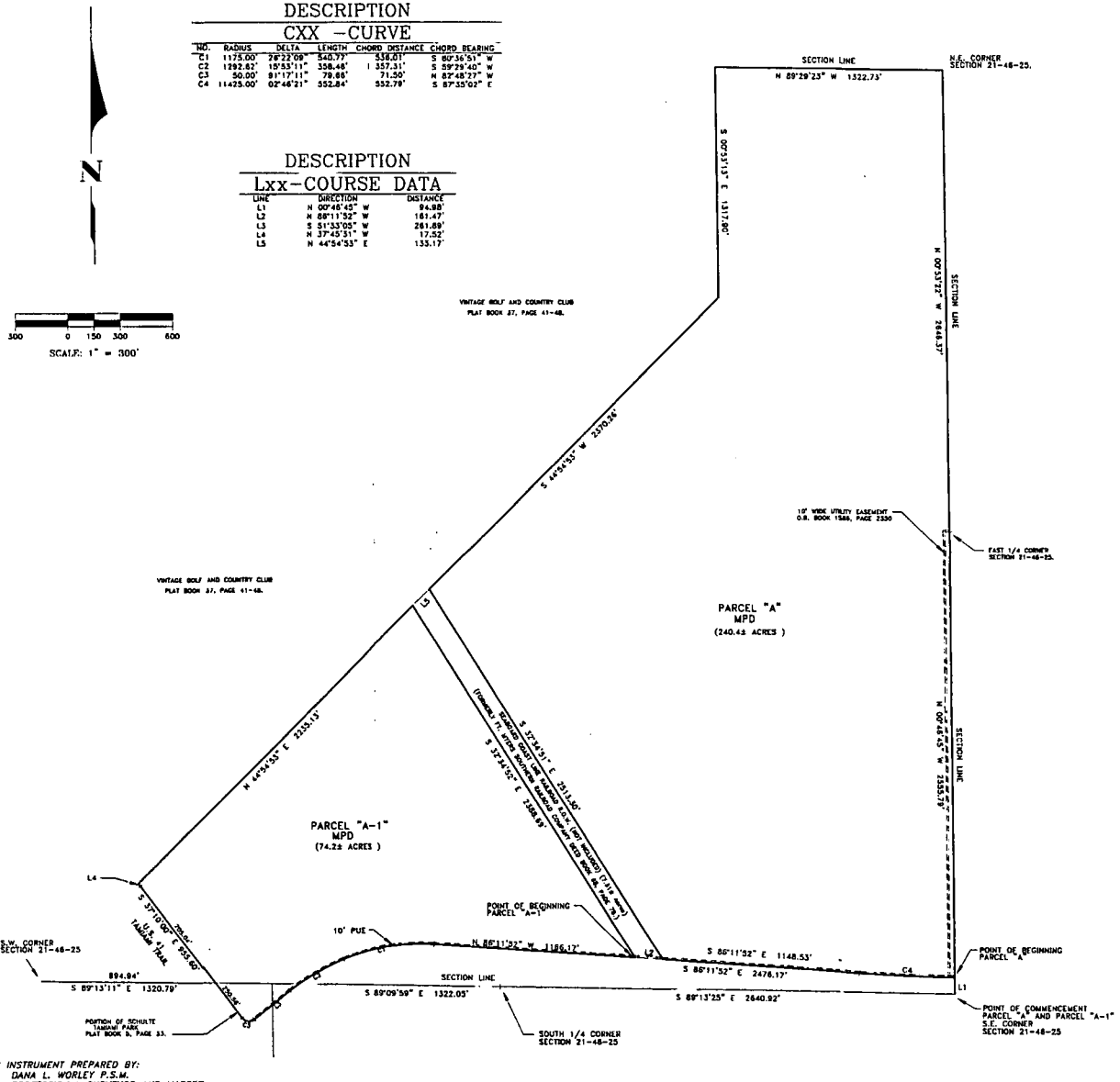


EXHIBIT
LEGAL DESCRIPTION
PARCEL "A"
ESTERO GOLF RESORT MPD

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21, THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45" W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461 - 3462) TO THE POINT OF BEGINNING; THENCE CONTINUE N 00°46'45" W, ALONG SAID EAST LINE OF SECTION 21, A DISTANCE OF 2558.79 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 21; THENCE N 00°53'22" W, A DISTANCE OF 2648.37 FEET TO THE NORTHEAST CORNER OF SAID SECTION 21; THENCE N 89°29'23" W, ALONG THE NORTH LINE OF SECTION 21, A DISTANCE OF 1322.73 FEET TO THE EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 37, PAGE 38 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S 00°53'13" E, ALONG SAID EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB, A DISTANCE OF 1317.90 FEET; THENCE S 44°54'53" W, A DISTANCE OF 2370.26 FEET; THENCE CONTINUE S 32°34'51" E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD A DISTANCE OF 2513.30 FEET; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD CONTINUE S 86°11'52" E A DISTANCE OF 1148.53 FEET TO A POINT OF CURVATURE, THENCE CONTINUE 552.84 FEET ALONG THE ARC OF SAID CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 11,425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF S 87°35'02" E; TO SAID POINT OF BEGINNING.

PARCEL CONTAINS 240.4± ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

AND THOSE LANDS FURTHER DESCRIBED AS FOLLOWS:

PARCEL "A-1"
ESTERO GOLF RESORT MPD

A TRACT OR PARCEL OF LAND IN SECTION 21 AND 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45"W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461-3462); THENCE CONTINUE ALONG THE NORTHERLY RIGHT-OF-WAY OF KORESHAN BOULEVARD 552.84 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; HAVING A RADIUS OF 11425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF N 87°35'02" W TO A POINT OF TANGENCY; THENCE N 86°11'52" W, FOR A DISTANCE OF 1310.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 86°11'52" W A DISTANCE OF 1166.17 FEET TO A POINT OF CURVATURE; THENCE 540.77 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 1175.00 FEET, A CENTRAL ANGLE OF 26°22'09" A CHORD DISTANCE OF 536.01 FEET, AND A CHORD BEARING OF S 80°38'51" W TO A POINT OF COMPOUND CURVATURE, THENCE CONTINUE 358.46' ALONG THE ARC OF CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 1292.82 FEET, A CENTRAL ANGLE OF 15°53'11", A CHORD DISTANCE OF 357.31 FEET, AND A CHORD BEARING OF S 59°29'40" W, TO A POINT OF TANGENCY; THENCE S 51°33'05" W FOR A DISTANCE OF 261.89 FEET TO A POINT OF CURVATURE; THENCE CONTINUE 79.66 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH; HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 91°17'11", A CHORD DISTANCE OF 71.50 FEET, AND A CHORD BEARING OF N 82°48'27" W, TO A POINT OF TANGENCY; THENCE CONTINUE N 37°10'00" W A DISTANCE OF 955.60 FEET, THENCE CONTINUE N 37°45'31" W A DISTANCE OF 17.52 FEET; THENCE N 44°54'53" E FOR A DISTANCE OF 2235.13 FEET TO THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (AS RECORDED IN DEED BOOK 68, PAGE 78); THENCE CONTINUE ALONG THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD S 32°34'52" E FOR A DISTANCE OF 2388.69 FEET TO POINT OF BEGINNING.

PARCEL CONTAINS 74.2 ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

DCI2003-00058
Applicant's Survey Checked
By [signature] 3/05/2004

NOTES:
1. BEARINGS BASED ON THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 21-48-25 BEING N 00°46'45" E
2. PARCEL LIES IN F.I.R.M. ZONE B, ACCORDING TO FIRM PANEL 125124 0455 B DATED 8-18-86 AND PANEL 125124 0475 B (PANEL NOT PRINTED).
3. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, RIGHT-OF-WAYS, COVENANTS AND SERVITUDES, RECORDED OR UNRECORDED.
4. PARCEL "A" CONTAIN 240.40 ACRES OF LAND, MORE OR LESS.
5. PARCEL "A-1" CONTAIN 74.2 ACRES OF LAND, MORE OR LESS.
6. REVISED 10-23-00 AS PER LEE COUNTY COMMENTS.

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COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 2484
[signature]
DANA L. WORLEY P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5851
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
CEC FILE NO. 99.509

THIS INSTRUMENT PREPARED BY:
DANA L. WORLEY P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
COASTAL ENGINEERING CONSULTANTS, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
17595 S. TAMIAMI TR., STE #102
PHONE NO. (941)590-9900 FAX NO. (941)590-9909

NOT A BOUNDARY SURVEY

DATE	08-18-00
SCALE	1" = 300'
DESIGNED	D.L.W.
DRAWN	D.L.W.
CHECKED	D.L.W.
F.B.	N/A
PG.	
PROJECT NO.:	99.509

PUR: KEYSTONE CUSTOM HOMES

SKETCH OF DESCRIPTIONS
OF LANDS LYING IN SECTION 21 AND 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA.

COASTAL ENGINEERING CONSULTANTS, INC.
COASTAL & CIVIL ENGINEERS • PLANNERS • SURVEYORS • GEOLOGISTS
17595 S. TAMIAMI TR., STE #102
FT. MYERS, FLORIDA 33908
PHONE NO.: (941) 590-9900 FAX NO.: (941) 590-9909

REFERENCE OR ACAD DWG. NO.: Desc
SHEET: 1 OF 1
FILE NO.: 99.509

EXHIBIT I-C-2

Property Owners List

Strap No. 21-46-25-00-00001.0010

Estero Land Holding, LLC
Paula J. Davis, Manager
24860 Burnt Pine Drive
Bonita Springs, FL 34134

A Portion of
Strap No. 21-46-25-00-00001.0020

Stefan M. Davis, Managing Member of General Partner of
Osprey Cove of Lee Co. Ltd.
20725 SW 46th Avenue
Newberry, FL 32669

A Portion of
Strap No. 21-46-25-00-00001.0030

Koreshan Conservation Area, Inc.
c/o Paula J. Davis, President
24860 Burnt Pine Drive
Bonita Springs, FL 34134

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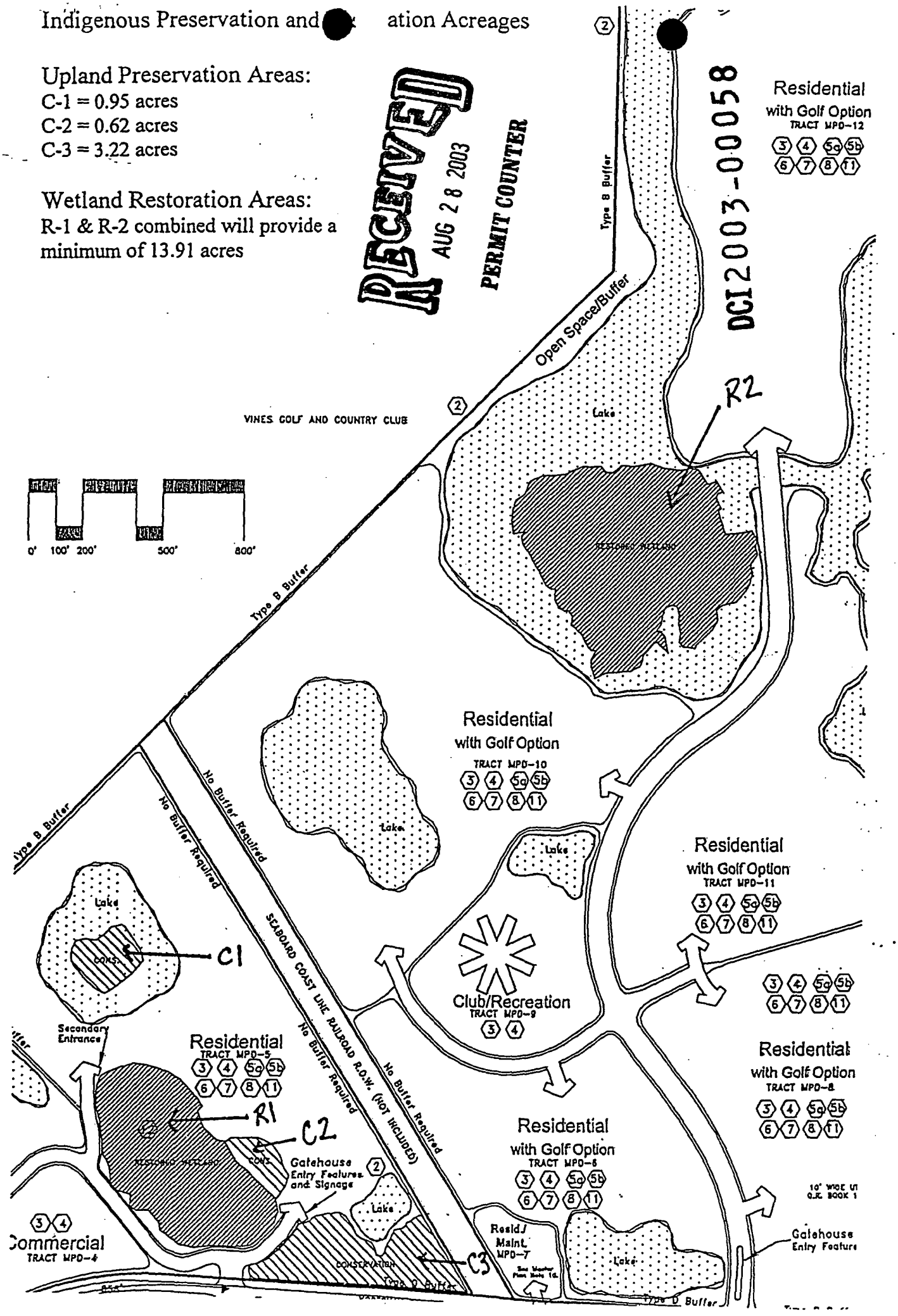
Indigenous Preservation and [redacted] ation Acreages

Upland Preservation Areas:
C-1 = 0.95 acres
C-2 = 0.62 acres
C-3 = 3.22 acres

Wetland Restoration Areas:
R-1 & R-2 combined will provide a minimum of 13.91 acres

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natural systems in ponds with slopes from 6(H) to 1(V) to not more than 4(H) to 1(V):

a. Shorelines must be sloped or bermed to direct stormwater through pretreatment systems or swales prior to discharge into the pond.

b. The minimum required number of native wetland herbaceous plants is one plant per linear foot of lake shoreline as measured at the control elevation water level. Native wetland trees or shrubs may be substituted for up to 25 percent of the total number of herbaceous plants required. One tree or two shrubs may be substituted for ten herbaceous plants.

c. Plants must be installed in clusters around the lake perimeter. Placement of clusters at the inlet and outfall areas is strongly encouraged. Clusters must contain a minimum of 25 plants within a 50-square-foot area.

d. At least four species must be planted. Minimum required herbaceous plant size is a two-inch container, referred to as a liner. Trees and shrubs must meet the minimum standards in section 10-420.

e. Sodding or mulching of native wetland plant materials is allowed to establish plantings at the minimum required density in lieu of liners.

f. *Survival of plant materials.* A minimum of 80 percent survivability at one year is required for herbaceous wetland plants. Wetland trees and shrubs must be maintained per section 10-421(b).

(Ord. No. 92-44, § 13(H), 10-14-92; Ord. No. 94-28, § 27, 10-19-94; Ord. No. 98-28, § 2, 12-8-98; Ord. No. 01-03, § 2, 2-27-01)

Sec. 10-419. Alternate landscape betterment plan.

Applications pursuant to this division are entitled to demonstrate that the intent of this division can be more effectively accomplished through an alternate landscape betterment plan. The following conditions must be met:

(1) The plan may not deviate from the minimum open space requirements of section 10-415.

(2) The plan must be labeled as an alternate landscape betterment plan, and delineate, identify and locate all changes to the requirements of this division.

(3) No less than 75 percent of the trees installed must be native species.

(4) If larger trees are substituted to reduce the minimum number of general trees required, all substituted trees must be no less than three inches in diameter at 12 inches above the ground or less than 12 feet in height at the time of planting. In no case may general trees be reduced in number by more than 50 percent of the requirement. The actual ratio of the number of general trees reduced from the requirement will be dependent on:

a. The proposed size and number of substituted trees;

b. Similarity to native vegetation onsite or in the immediate vicinity;

c. Appropriate plant grouping for water needs; and

d. The amount of immediate increase in site canopy.

(5) The plan must designate the botanical name (genus and species) and location of all plant material to be installed.

(6) The proposed alternate landscape betterment plan may not be approved if staff determines that the intent of the minimum requirements of these provisions is not being exceeded.

(Ord. No. 92-44, § 13(I), 10-14-92; Ord. No. 94-28, § 28, 10-19-94; Ord. No. 98-28, § 2, 12-8-98)

Sec. 10-420. Plant material standards.

(a) *Quality.* Plant materials used to meet the requirements of this division must meet the standards for Florida No. 1 or better, as set out in

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BUFFER REQUIREMENTS								
	Permitted or Existing Uses							
Proposed Uses		AG	SF-R	MF-R	COM	IND	STP	ROW
	AG	—	—	—	—	—	—	—
	SF-R	—	—	—	—	—	—	—
	MF-R	—	B	—	—	—	—	D
	COM	—	C/F	C/F	A	—	—	D
	WOR	—	C/F	C/F	—	—	—	D
	IND	—	Note a.	Note a.	—	—	—	D
	STP	C/F	E	E	E	C/F	—	C

Note a: All uses or activities must provide a Type E buffer unless the director determines that the proposed use or activity will not have an adverse impact on adjacent property. If the director determines that a Type E buffer is not required, a Type F buffer must be constructed.

(4) *Buffer types.* The following table provides six different buffer types. Each type buffer, identified by a letter, provides the minimum number of trees and shrubs per 100 linear foot segment and indicates whether or not a wall or hedge is required.

BUFFER TYPES (per 100 linear feet)						
Buffer types	*A*	*B*	*C*	*D*	*E*	*F*
Minimum width in feet	5	15	15	15	25	30
Minimum # of trees	4	5	5	5(3)	5	10
Minimum # of shrubs	—	Hedge(2)	18	Hedge(2)	30	Hedge(2)
Wall required (1)	No	No	Yes	No	Yes	No

Notes for Buffer Types Table:

1. A solid wall, berm or wall and berm combination, not less than eight feet in height. All trees and shrubs required in the buffer must be placed on the residential side of the wall. The height of the wall must be measured from the average elevation of the street or streets abutting the property as measured along the centerline of the streets, at the points of intersection of the streets with the side lot lines (as extended) and the midpoint of the lot frontage (see section 34-2172). Walls must be constructed to ensure that historic flow patterns are accommodated and all stormwater from the site is directed to on-site detention/retention areas in accordance with the SFWMD requirements.

2. Hedges must be planted in double staggered rows and be maintained so as to form a 36-inch high (F type buffers must be 48 inches at installation and be maintained at 60 inches high) continuous visual screen within one year after time of planting.

3. Trees within the ROW buffer must be appropriately sized in mature form so that conflicts with overhead utilities, lighting and signs are avoided. The clustering of trees and use of palms within the ROW buffer will add design flexibility and reduce conflicts.

(5) Public and quasi-public facilities, including, but not limited to, places of worship, parks, utility facilities, government offices, neighborhood recreational facilities and private schools must provide a type C buffer if, in the opinion of the director, the proposed development will have a significantly adverse impact on adjacent existing residential uses.

(6) If roads, drives, or parking areas are located less than 125 feet from an existing residential subdivision or residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 lineal feet. Where residences will be constructed between the road, drive or parking area and

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EXHIBIT IV-E-2

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Surface Water Management Plan

The proposed site contains 74.2 acres and will utilize an additional 1.51 acres of off-site dry detention for a project total of 75.71 acres. The project site is located at the northeast corner of Tamiami Trail (U.S.41) and Koreshan Boulevard. The site is bound to the north by an existing residential community and vacant commercial land, to the east by the Seaboard Coast Railroad line, to the south by Koreshan Boulevard, to the west by U.S.41, and is located within the Southwest quarter (SW ¼) of Section 21, Township 46 South, and Range 25 East, in unincorporated Lee County, Florida. The proposed development includes both a residential and commercial development which includes two (2) outparcels and a 207,498 sf Wal-Mart Supercenter. The residential development features multi-story apartment style living. Both developments will share a common stormwater management system with each having separate parking facilities and utilities.

The proposed site currently exists as undeveloped woodlands that contain previously identified wetland areas. The site is low relative to the surrounding roadways and contains little overall change in grade. Existing grades range from a high of 16 feet to a low of 13 feet (near the lower depressional areas onsite). USGS topographic survey shows runoff generated onsite flows overland to the west and is piped under U.S. 41 through a DOT cross drain. The site is located in the Mullock Creek Watershed and has a positive outfall to the Gulf of Mexico via Mullock Creek. The Federal Emergency Management Agency FIRM indicates that the site is located in an area between the limits of the 100- and 500-year floods or within an area which experiences less than one foot of flooding.

According to the December 1984 Soil Survey for Lee County, Florida, as prepared by the U.S. Department of Agriculture Soil Conservation Service, the predominant soil types onsite are identified as Pompano, Valkaria, and Pompano Depressional fine sands. These poorly drained soils in combination with a high seasonal groundwater table existing at or near grade are assigned a hydrological classification of "D". A geotechnical soil report, prepared by Universal Engineering Sciences (dated June 30, 2003), showing additional soil details and boring/soil profile information is available upon request. Hydrologic soil characteristics have been taken from the SCS soil survey for Lee County to develop runoff curve numbers by the methodology outlined in the SCS Technical Release 55 of June 1986 (SCS TR-55). The time of concentration for the drainage basin was estimated by delineating flow characteristics as overland sheet flow, shallow concentrated flow, or pipe flow in accordance with the accepted methods presented in the SCS TR-55.

For modeling purposes, 3-day storm events were assigned the South Florida Water Management distribution. A SCS Type II Florida Modified distribution was used for all

other storm events. Runoff curve numbers were determined by the methodology outlined in SCS TR-55. Runoff hydrographs were generated using the SCS Unit Hydrograph method, with a peak factor of 256. Storms were routed applying the continuity equation through the assistance of the *Advanced Interconnected Pond Routing* computer program (AdICPR), version 2.2. After review of the surrounding topography and the Lee County Surface Water Master Plan it was determined that the proposed site experiences a positive outfall to the Gulf of Mexico and it is anticipated that there will be no tidal influences on the tailwater condition at the site. In addition to modeling the 25-yr/72 hr storm event for attenuation, the SFWMD requires the 100-yr/72 hr storm event and 5-yr/1 hr storm event be analyzed to determine minimum building finished floor elevation and parking lot elevations, respectively. As a final point, the proposed site is located in the Mullock Creek Watershed as identified on the Lee County Master Drainage Plan (LEI, 1992) and is limited by the SFWMD to 0.1078 cfs/acre post developed discharge for the 25-year/72 hour storm event. For the proposed 75.71-acre site, discharge offsite must be attenuated to 8.16 cfs.

The proposed stormwater system is an on-line system with two (2) dry pre-treatment detention ponds and three (3) hydraulically connected wet detention ponds located along the northern and southern boundaries of the proposed site and between the proposed Wal-Mart and residential development. These ponds manage stormwater for the proposed Wal-Mart Supercenter site, proposed residential development, and two (2) outparcels developed at 80% imperviousness. The total area of the drainage basin is 75.71 acres of which 59.79 acres will be improved (subtracting the areas of the flagged conservation areas). Runoff from the Wal-Mart site, residential site, and outparcels will be conveyed through a series of storm pipes to the ponds for treatment and attenuation. Dry pretreatment will only be provided for the proposed commercial development comprising the Wal-Mart site and outparcels. It should be noted that all of the 'Wet Ponds' will be hydraulically connected. The attenuated 25-year/72-hour storm event will have a controlled discharge via an appropriately designed storm water control structure which will allow for proper water quality treatment (as specified by SFWMD) and will meet the limited discharge criteria as identified in the Lee County Drainage Master Plan. The site discharge will be piped offsite to the west into a DOT drainage structure. The structure is a cross drain that runs east and west under U.S. 41 (Tamiami Trail) and will convey the site's discharge to Mullock Creek located northwest of the proposed site.

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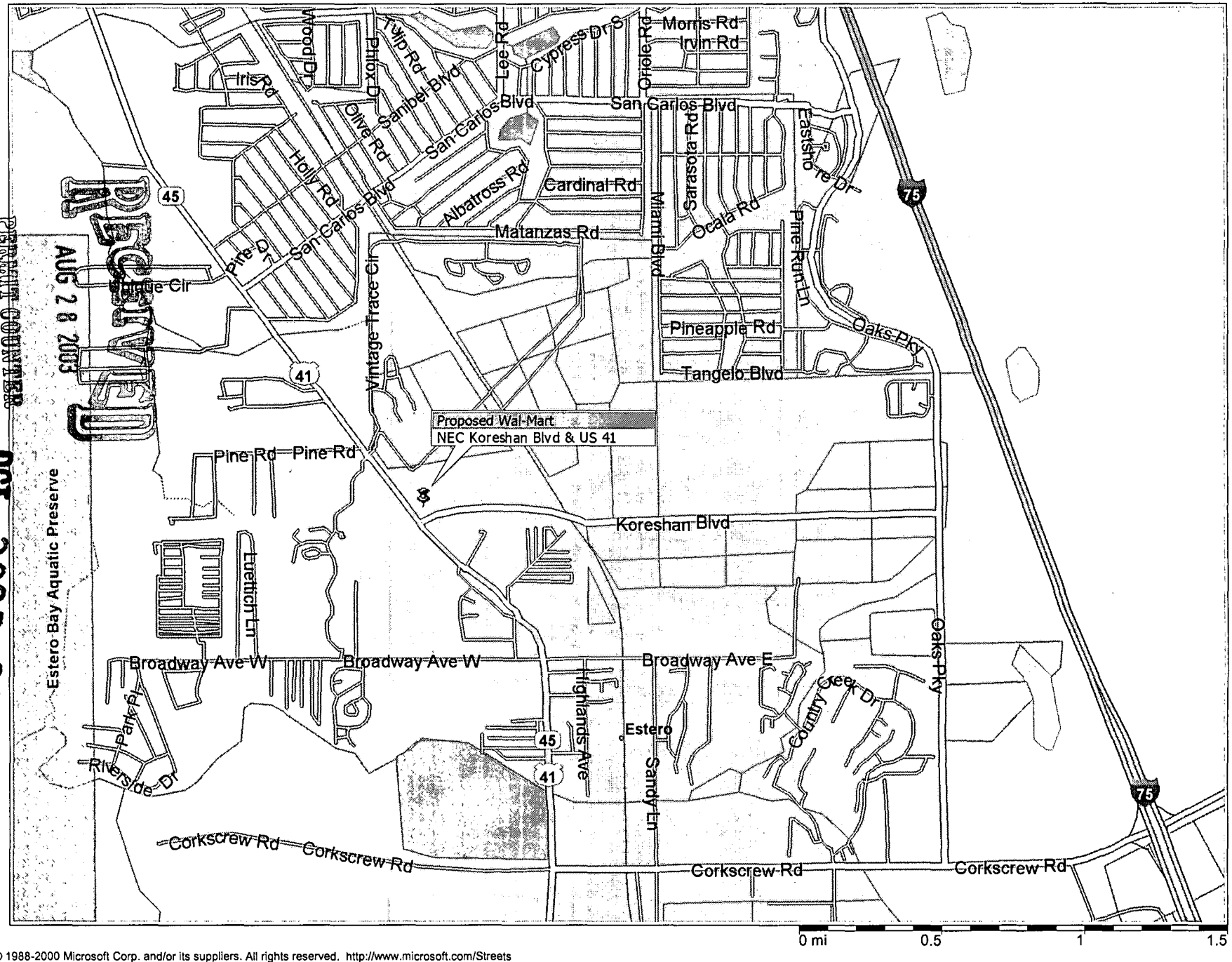
EXHIBIT IV-K-1

Traffic Impact Statement

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EXHIBIT II-D-2 AREA LOCATION MAP



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FLORIDA DEPARTMENT OF STATE
Glenda E. Hood
Secretary of State
DIVISION OF HISTORICAL RESOURCES

June 26, 2003

Ms. Ann Hague
Lotspeich and Associates, Inc.
2711 W. Fairbanks Ave.
Winter Park, Fl 32789
FAX# 407-645-1305

Dear Ms. Hague:

In response to your inquiry of June 24, 2003, the Florida Master Site File lists two previously recorded archaeological sites, one resource group, and twenty-three historical standing structures in the following parcels of Lee County:

T46S, R25E, Section 21, & 28

In interpreting the results of our search, please remember the following points:

- **Areas which have not been completely surveyed, such as yours, may contain unrecorded archaeological sites or historical structures.**
- **While many of our records relate to historically significant properties, the entry of an archaeological site or an historical structure on the Florida Master Site File does not necessarily mean that the structure is significant.**
- **Since vandalism is common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.**
- **As you may know, federal and state laws require formal environmental review for some projects. Record searches by the staff of the Florida Master Site File do not constitute such a review. If your project falls under these laws, you should contact the Compliance Review Section of the Bureau of Historic Preservation at 850-245-6333 or at this address.**

If you have any further questions concerning the Florida Master Site File, please contact us as below.

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Sincerely,

Michelle Caldwell Cremer
Data Analyst, Florida Master Site File
Division of Historical Resources
R. A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Phone 850-245-6440, Fax: 850-245-6439
State SunCom: 205-6440
Email: *fmsfile@.dos.state.fl.us*
Web: *http://www.dos.state.fl.us/dhr/msf/*

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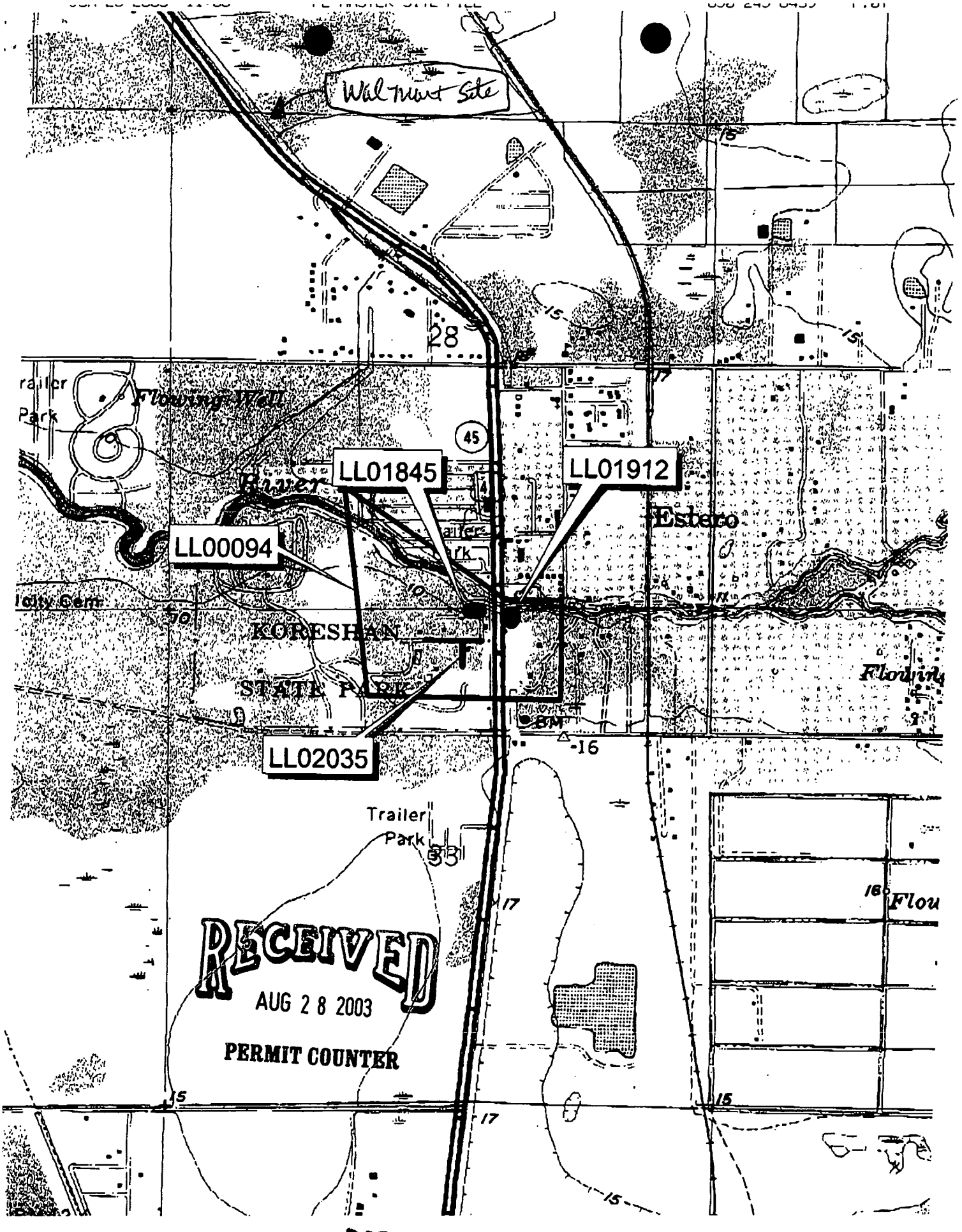
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Wal-mart Ea

CULTURAL RESOURCES REPORT

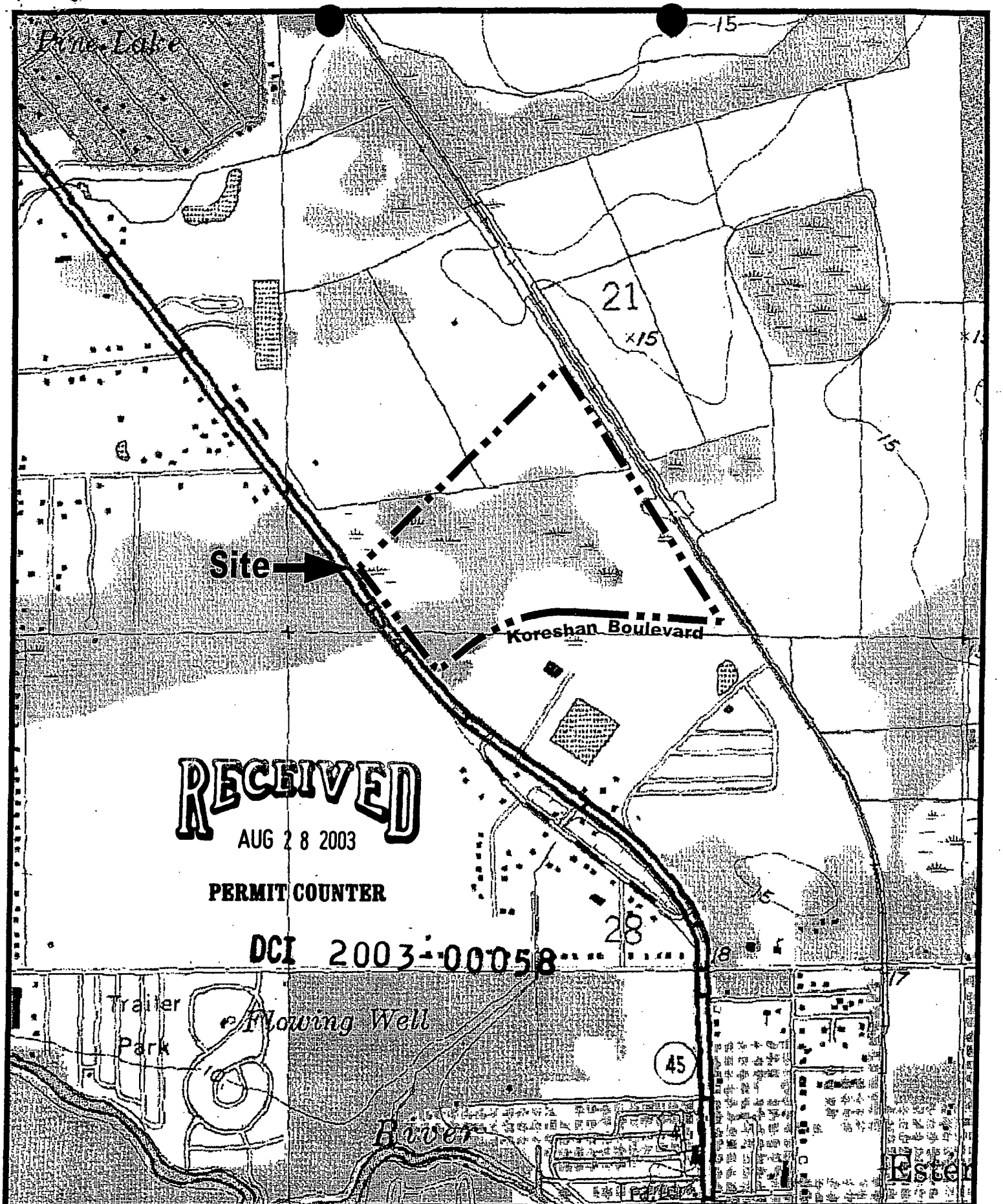
SITEID	FORMNO	T-R-S	CR	SITENAME	NRLIST	SURVEY	LOCATION	OTHER
L00094	197510	46S/25E/28	RG	KORESHAN UNITY SETTLEMENT HISTORIC DIST	Listed		City: ESTERO	RG Type: DINA, # Cntrib Resources: 20
L01080	199702	46S/25E/28	SS	ESTERO SCHOOL	Eligib	5215	8211 BROADWAY, ESTERO	Uses: RESI, SCHO, BREC Built: 1927
L01082	MELD	46S/25E/28	SS	STORE			COUNTY RD, ESTERO	Uses: VACA
L01083	MELD	46S/25E/28	SS	WHITTEN GROVE AND STORE			COUNTY RD, ESTERO	Uses: VACA
L01084	MELD	46S/25E/28	SS	SOTO PLACE			1028 HIGHLANDS AVE, ESTERO	Uses: RESI
L01085	MELD	46S/25E/28	SS	FERNANDEZ			HIGHLANDS AVE, ESTERO	Uses: RESI
L01086	MELD	46S/25E/28	SS	HALL			HIGHLANDS AVE, ESTERO	Uses: RESI
L01087	MELD	46S/25E/28	SS	ALVAREZ HOME			HIGHLANDS AVE, ESTERO	Uses: RESI
L01088	MELD	46S/25E/28	SS	ALVAREZ PACKINGHOUSE			HIGHLANDS AVE, ESTERO	Uses: OUTB
L01089	MELD	46S/25E/28	SS	COUNTY BARN			HIGHLANDS AVE, ESTERO	Uses: VACA
L01090	MELD	46S/25E/28	SS	JOHN HALL			20821 HIGHLANDS AVE, ESTERO	Uses: RESI
L01091	MELD	46S/25E/28	SS	SCHOOL HOUSE			20861 HIGHLANDS AVE, ESTERO	Uses: RESI
L01092	MELD	46S/25E/28	SS	MEADE/LOUGHMAN HOUSE			SANDY LANE, ESTERO	Uses: RESI
L01093	MELD	46S/25E/28	SS	SANDY LANE HOUSE			SANDY LANE, ESTERO	Uses: RESI
L01096	MELD	46S/25E/28	SS	SANDY LANE HOUSE			563 SANDY LANE, ESTERO	Uses: RESI
L01097	199702	46S/25E/28	SS	BOOMER CARETAKER HOUSE		5215	20690 S TAMIAMI TRAL, ESTERO	Uses: RESI, RESI Built: C1917
L01098	199612	46S/25E/28	SS	BOOMER HOUSE	Eligib	5215	20690 S TAMIAMI TRAL, ESTERO	Uses: RESI, RESI Built: C1917
L01099	MELD	46S/25E/21	SS	RUGG HOME – NOT Registered			TAMIAMI TRAIL, ESTERO	Uses: VACA
L01114	MELD	46S/25E/28	SS	LEWIS HOME			TAMIAMI TRAIL, ESTERO	Uses: RESI
L01845	199906	46S/25E/33	AR	FOUNDER'S HOUSE		6233	Map: ESTE	Culture: 19TH, 20TH, PREC Sitetype: FEAT, HOME, LAND, SCAR
L01912	199611	46S/25E/28	AR	ESTERO RIVERBANK		5215	Map: ESTE	Culture: 20TH, PREC Sitetype: LAND, OTHR, SCAR
L01914	199612	46S/25E/28	SS	TREBELL GARAGE		5215	20555 S TAMIAMI TRAL, ESTERO	Uses: GARA, SHOP, GARA Built: 1929
L01915	199612	46S/25E/28	SS	20575 S. TAMIAMI TRAIL		5215	20575 S TAMIAMI TRAL, ESTERO	Uses: OFFI, STOR, OFFI Built: C1939
L01916	199612	46S/25E/28	SS	EDITH TREBELL HOUSE		5215	20583 S TAMIAMI TRAL, ESTERO	Uses: OFFI, UNSP, RESI Built: C1946
L01917	199612	46S/25E/28	SS	20950 S. TAMIAMI TRAIL		5215	20950 S TAMIAMI TRAL, ESTERO	Uses: OFFI, UNSP, RESI Built: C1937
L01921	199612	46S/25E/28	SS	3440 BROADWAY		5215	3440 BROADWAY, ESTERO	Uses: RESI, RESI Built: C1946

site(s) evaluated; 26 form(s) evaluated.
int date: 6/26/2003 10:50:47 AM

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Lotspeich and Associates, Inc. ECOLOGICAL CONSULTANTS 2711 W. Fairbanks Avenue, Winter Park Florida 32789 (407) 740-8482 Fax: (407) 645-1305	Wal-Mart Koreshan Site 74.22± acres in Sections 21 & 28, Township 46 South, Range 25 East Lee County, Florida	Topographic Map Source: USGS 7.5" Series Topographic Map, Estero Quad	
		North	Scale: 1"=1000'
File: 2002-278T.dwg | Prepared by: JM	Job No.: 02-278.33 | Date: 20 Dec. 2002		Figure 2

EXHIBIT II-E.2., EXHIBIT II-E.4., EXHIBIT II.E.5.

I. COMPLIANCE WITH THE LEE PLAN

The Mixed Use Planned Development, which includes 320,000 square feet of retail, was found consistent with the Lee Plan by the Board of County Commissioners in Resolution Z-01-012. Thus, the question is, do any of the proposed changes raise Lee Plan consistency issues.

A. **Deletion of the office tract:** The deletion of the office outparcel does not raise a Lee Plan issue.

B. **Modification of the internal access road:** The modification of the internal access road does not raise a Lee Plan issue.

C. **The relocation of the access point:** The relocation of the access point is consistent with the FDOT requirements, and is consistent with the Lee Plan. Policy 25.1.1., Policy 24.1.1., and 24.1.2.

D. **The inclusion and location of the temporary seasonal outdoor display:** The inclusion and location of outdoor display is not directly addressed in the Lee Plan.

E. **The addition of uses to the schedule of uses:** The addition of uses to an approved MPD is not specifically addressed by the Lee Plan. The Lee Plan does require compatibility and no adverse impact to existing residential neighborhoods. The addition of a pharmacy and light hardware within the retail building does not raise any compatibility issues. The proposed facility will be consistent with or exceed the conditions included within the MPD to ensure compatibility, and will not create any unreviewed comprehensive plan issues. The auto parts installation use will be located at a sufficient distance, with sufficient buffer, to satisfy the requirements of Policy 5.1.5.

F. **Proposed parking lot aisle changes:** The development design will ensure the internal street and parking system is designed for the safe and efficient flow of vehicles and pedestrians, without having a disruptive impact on the activities of the retail facility or adjacent uses consistent with Policy 4.1.2.

G. **Permitting 24 hour retail operation:** The retail activity will occur within the building. A noise analysis was undertaken at similar facilities, and the 24 retail activity will not adversely impact adjacent residential uses. The entrance that will be open later in the evening and early morning hours will not be in close proximity to the residents. The lighting levels will be unaffected by the 24 usage. The lighting will not adversely affect adjacent residents, but it will address the residents' concerns

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about security, along with the fact that security personnel will be on-site to ensure the elimination of nefarious activity on the site. Policy 5.1.5. is addressed.

H. **Permitting 24 hour delivery of goods and services:** The neighbors are concerned about the potential for noise impacts. The loading areas have been designed to reduce any potential noise impacts. The 24 hour delivery will ensure that no trucks will enter the site and idle while waiting for the designated hours of delivery to begin. The normal number of truck deliveries per day is 15. The deliveries that are of concern are the early morning deliveries of the perishables. The loading areas have been located to ensure adequate separation. Additional buffering (beyond that required by the approved MPD) has been proposed to ensure compliance with policy 5.1.5 between the loading area and the closest residential unit.

I. **The location and number of lakes:** Policy 40.1.3. requires surface water management systems to be built in accordance with SFWMD standards for a 25 year, 3 day storm event. The applicant's changes are in response to the need to comply with this requirement.

II. COMPLIANCE WITH SECTION 34-411 DESIGN STANDARDS.

A. The proposed amendments are consistent with the comprehensive plan as outlined above.

B. The proposed amendments are designed to be in compliance with the County regulations.

C. The MPD was originally evaluated and the size, configuration and dimensions, open space, buffers, parking access, and surface water management were evaluated and found consistent with Section 34-411, LDC. The applicant has met with various representatives of the Estero Community and is suggesting changes to the buffers, water management, open space, and parking in an effort to further address compatibility with the community design standards.

D. The commercial portion of the property is not proposed for sub-units, the commercial portion of the site is designed for one main retail facility.

E. The parcel has access to existing or proposed roads. Koreshan has adequate capacity. There are capacity issues on US 41 in the short term. Design, right-of-way acquisition and construction are programmed. The community is working with LDOT to explore the potential of accelerating the current design, right-of-way acquisition, and construction schedules. The applicant has met with County staff to discuss the US 41 concurrency issue. Condition 14 of the approved MPD requires compliance with Lee Plan Objective 2.2., which should probably be amended to

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Objective 22.3. The applicant would like to work with the County on the creation of a Transportation Concurrency Management Area in Estero as required by policy 22.4.2. The amendments do not result in an increase in the impacts to the adjacent road network beyond those approved in Resolution Z-01-012.

F. The amendments to the approved MPD do not increase hazards to any persons or property by increasing the degree of flood, or erosion. The amendments do not create any nuisance for surrounding properties.

G. The amendments do not affect any areas identified as natural, historic, or archaeological during the adoption of the MPD.

H. The applicant is not diminishing the required open space which provides a separation between the commercial and residential uses.

I. The amendments to the MPD continue to minimize and in some instances further minimize the negative impacts on surrounding land uses.

J. The residential uses in the MPD are internally separated from the commercial uses, and the proposed amendments do not diminish the separation.

K. Section 34-411(n) encourages more intense uses to be located at an intersection or on a major road frontage. The retail facility is being located at a commercial node on two major road frontages.

L. Parking will be provided in accordance with the LDC, except for the deviations requested as part of this amendment.

III. CONSISTENCY WITH SECTION 34-145(c)2a. AND SECTION 34-145(d)3.

A. Is there an error or ambiguity which must be corrected?

There is an error or ambiguity in the current location of the US 41 connection. At the time the connection was reflected on the Master Concept Plan no FDOT approval had been obtained. This was understood and was addressed in condition 14. Condition 14 submits that the zoning approval does not address access onto US 41, since Lee County has no jurisdiction over that roadway. The developer must pursue the U.S. 41 access issue with FDOT. The developer has pursued the U.S. 41 access, and FDOT has recommended that the access point be relocated further north. It is unclear whether this item must be addressed at a public hearing, or administratively, since the adopted resolution acknowledged that this was a matter ultimately within the purview of FDOT.

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It is unclear whether or not a deviation is required from section 34-3004(b)(1), LDC. The displays are temporary and seasonal. Section 34-3004 prohibits the outdoor display if it is located in a required parking space, aisle, or loading area. The parking spaces that are used for the temporary display are not spaces needed to meet the County minimum parking requirements, and the county minimum parking requirements generally address more of a peak season demand. A casual review of the majority of retail facilities, except for the Christmas season, indicates that there are more than enough spaces for the average shopping day. Wal-Mart typically provides more than the required number of spaces, and the outdoor display will be located in an area of excess parking. It is understood that the community is sensitive to users providing more than the required number of spaces. It is herein submitted that the number of spaces being provided is based on historical experience regarding the number of required spaces, and with the understanding that on some occasions a portion of the spaces will be utilized for outdoor display purposes.

The zoning resolution limits the hours of operation on MPD Tract 1 to the hours of 7:00 a.m. to 10:00 p.m. A review of the transcript and the hearing examiner's report (See Hearing Examiner's report page 16), indicate that the need for the hours of operation was discussed in conjunction with the issue of consumption on premises. The issue of hours of operation was discussed in conjunction with limiting outdoor speakers, outdoor seating, and the distance of this potential use from the property line. The circumstances have changed, and a facility with outdoor seating, outdoor entertainment, and consumption on premises is not proposed. Therefore, the applicant would like to eliminate this restriction from MPD Tract 1.

Water retention lakes must be identified on the master concept plan. As a general rule the Environmental Resource Permitting is not done prior to zoning, because a property owner generally wants to know the zoning is in place before proceeding with the ERP permitting. It is fairly commonplace for the location of the retention or detention to change, and an increase in size and number is also common. These changes are most often directed by the District as control elevations are set, discharge rates established, and water quality issues are addressed. The circumstances have changed since the zoning was submitted based on conversations with the District, and a more extensive analysis of the site by an engineer.

B. Will urban services, as defined in the Lee Plan, be available and adequate to serve the proposed land use change?

The applicant is not changing the land use. The applicant is not seeking to change the Mixed Use Planned Development zoning. The MPD approved up to 320,000 s.f. of retail. The current applicant is proposing to develop less than 320,000 s.f. of retail. The findings and conclusions set forth on page 13 and 14 found the MPD to be

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consistent with the Lee Plan, and specifically found, "Urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use."

C. Is the proposed change intended to rectify errors on the official zoning map?

No.

D. Does the request meet or exceed all performance standards?

The MPD was found consistent with the County's performance standards, and the proposed amendments are consistent with the standards as well.

E. Will the requested use cause damage, hazard, nuisance or other detriment to persons or property?

The proposed amendments will not result in any damage, hazard, nuisance or other detriment to persons or property.

F. Will the requested use be in compliance with all general zoning provisions and supplemental regulations set forth in chapter 34 of the LDC?

Yes.

G. Is the request consistent with the Lee Plan?

Yes, please see the discussion above.

H. Will the proposed amendments place an undue burden on the existing transportation system or planned infrastructure facilities ?

The proposed amendments do not increase the square footage of the approved retail facility, and the current plans result in a potential reduction of the impacts on the transportation facilities and the planned infrastructure facilities.

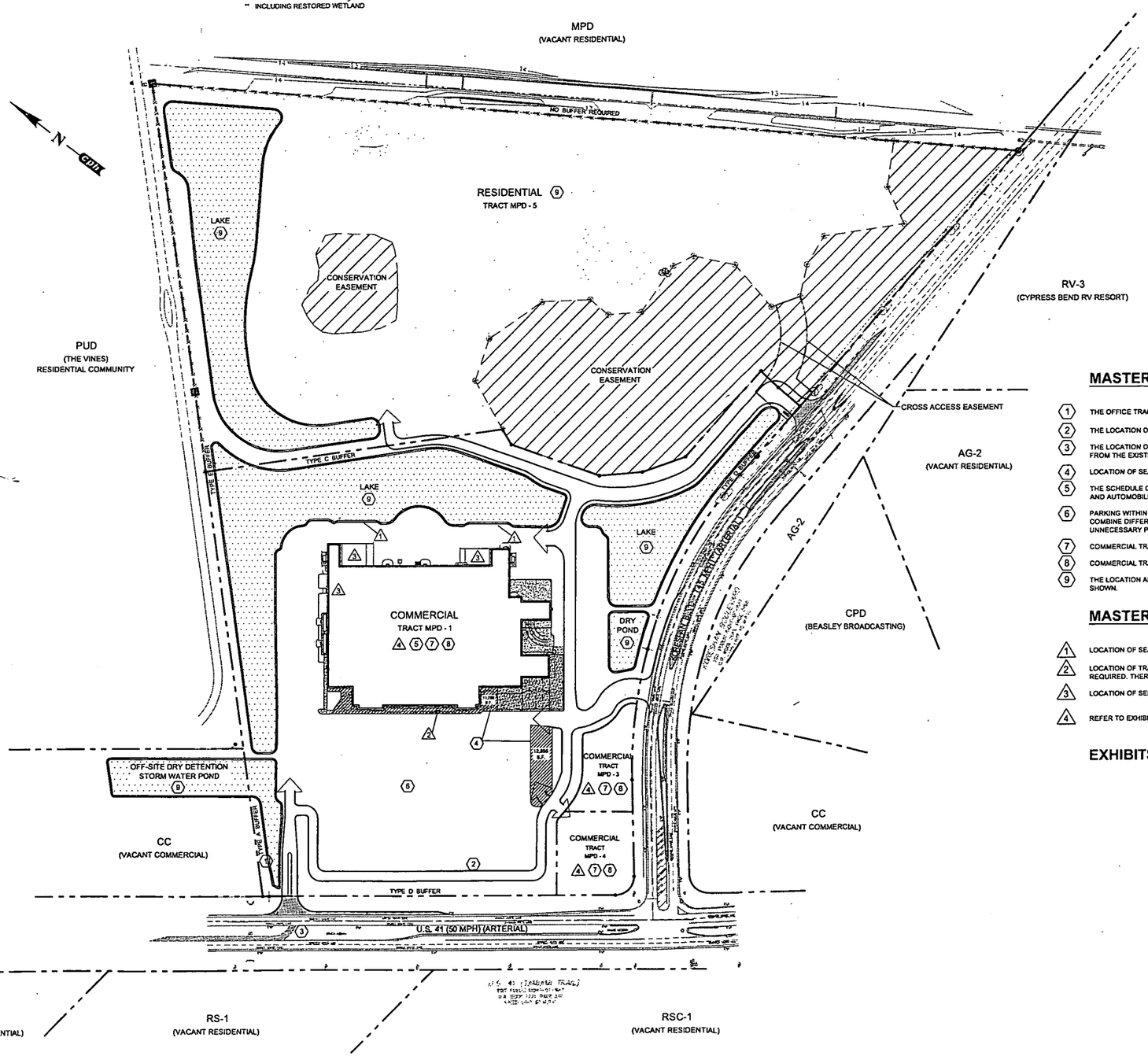
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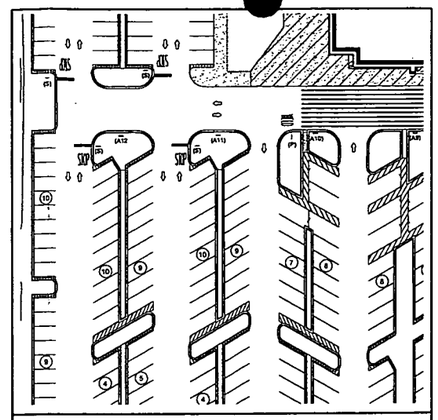
LAND USE SUMMARY (EXHIBIT IV - I - 1)

TRACTS	AREA	USES	UNITS / SQ. FT.	OPEN SPACE MIN. %	OPEN SPACE FAR %	OPEN SPACE REQUIRED	OPEN SPACE PROVIDED	INDIGENOUS REQUIRED	INDIGENOUS PROVIDED
MPD 1,3,4	34.06± ACRES	RETAIL	320,000 S.F.	30	55	10.22± ACRES	5.00± ACRES	5.11± ACRES	0 ACRES
MPD 5	40.14± ACRES	RESIDENTIAL (MF)	340 UNITS	40	40	16.06± ACRES	16.06± ACRES 5.22± ACRES*	8.03± ACRES	13.14± ACRES**
TOTAL	74.20± ACRES	74.20± ACRES				26.28± ACRES	26.28± ACRES	13.14± ACRES	13.14± ACRES

* BALANCE FROM TRACTS MPD 1-4

** INCLUDING RESTORED WETLAND





MASTER CONCEPT PLAN AMENDMENT DEVIATIONS (EXHIBIT IV - J - 1, VI - J - 3)

1. THE OFFICE TRACT MPD-2 SHOWN ON THE EXISTING APPROVED MASTER PLAN IS DELETED.
2. THE LOCATION OF THE INTERIOR ACCESS ROAD IS MODIFIED AS SHOWN FROM THE EXISTING APPROVED MASTER PLAN.
3. THE LOCATION OF THE DRIVEWAY CONNECTION TO U.S. 41 IS MODIFIED AS SHOWN, PER FDOT RECOMMENDATIONS, FROM THE EXISTING APPROVED MASTER PLAN.
4. LOCATION OF SEASONAL OUTDOOR DISPLAY AND SALES.
5. THE SCHEDULE OF USES FOR TRACT MPD-1 IS MODIFIED TO INCLUDE DRUG SALES (PHARMACY), HARDWARE STORE, AUTO PARTS STORE, AND AUTOMOBILE REPAIR AND SERVICE.
6. PARKING WITHIN COMMERCIAL TRACT MPD-1 WILL UTILIZE LINEAR CONCRETE ISLANDS IN LIEU OF WHEEL STOPS, AND COMBINE DIFFERENT ANGLES OF PARKING SPACES WITHIN ONE AND TWO WAY DRIVE AISLES TO MINIMIZE UNNECESSARY PAVEMENT (SEE INSET).
7. COMMERCIAL TRACTS MPD-1, MPD-3, AND MPD-4 HAVE NO RESTRICTIONS ON HOURS OF OPERATIONS.
8. COMMERCIAL TRACTS MPD-1, MPD-3, AND MPD-4 HAVE NO RESTRICTIONS ON HOURS FOR DELIVERIES.
9. THE LOCATION AND NUMBER OF DRY DETENTION PONDS AND LAKES (WET DETENTION PONDS) ARE MODIFIED AS SHOWN.

MASTER CONCEPT PLAN AMENDMENT NOTES

1. LOCATION OF SEASONAL TRAILER AND POD STORAGE
2. LOCATION OF TRANSIT BUS BENCHES. RELOCATION OF THE BUS BENCH(ES) ALONG THE FRONT OF THE STORE MAY BE REQUIRED. THERE ARE NO DESIGNATED *LEETRAN* ROUTE STOPS CURRENTLY AVAILABLE WITHIN THE PROJECT AREA.
3. LOCATION OF SERVICE AREAS.
4. REFER TO EXHIBIT B OF RESOLUTION Z - 01.012a FOR THE MAXIMUM BUILDING HEIGHT.

EXHIBITS III - A - 1 EXISTING EASEMENTS & R.O.W.
III - A - 2 EXISTING ZONING & LAND USE
(ARE REFLECTED ON THIS MCP)

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cph
Engineers
Planners
Landscape Architects
Surveyors
Construction Management
10481 Six Mile Cypress Parkway
Fort Myers, FL 33966
Phone: 239.332.2659 Fax: 239.332.2953

Scale: 1" = 150'
Date: JULY, 2003
Job No. W13303
File: MASTER-PLAN
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No.	Date	Revision	Approved
1	07/03		
2	07/03		
3	07/03		
4	07/03		

Activity	Name	Date
Designed by:	A.J.L.	07/03
Drawn by:	A.J.L.	07/03
Checked by:	L.W.	07/03
Approved by:	J.C.P.	07/03

Certificate of Authorization No. 2215

EXHIBIT IV-A-2

AMENDMENTS TO THE
ESTERO GOLF RESORT
MASTER CONCEPT PLAN
(RESOLUTION NO. Z - 01.012a)

Sheet No. C-1



REC

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PERMIT COUNTER

OCT 2003-000

Sheet No.	EXHIBIT III-A-3	Activity	Name	Date				Scale: 1" = 100'	cph Engineers Planners Landscape Architects Surveyors Construction Management
		Designed by:	A.J.L.	07/03				Date: FEB. 24, 2003	
	AERIAL PHOTOGRAPH	Drawn by:	A.J.L.	07/03				Job No. W13323	
		Checked by:	L.W.	07/03				File: NEIGHBORHOOD	
		Approved by:	J.C.P.	07/03					
		Certificate of Authorization No. 3215			No.	Date	Revision	Approved	© 2003

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TABLE OF CONTENTS

PAGE

INTRODUCTION 1

METHODOLOGY 1

EXISTING SITE CONDITIONS 2
- Topography and Drainage 2
- Soils 2
- Land Use and Vegetation 2

THREATENED AND ENDANGERED SPECIES 3

WETLAND HISTORY/AGENCY JURISDICTION 4

PROPOSED IMPACTS TO JURISDICTIONAL WATERS OF THE STATE OF FLORIDA 4

AVOIDANCE AND MINIMIZATION 4

SECONDARY AND CUMULATIVE IMPACTS ASSESSMENT 4

MITIGATION 5

TURBIDITY AND EROSION CONTROL 5

TABLES

Table 1. Classification of On-Site Soils

FIGURES

Figure 1 Location Map
Figure 2 Topographic Survey Map
Figure 3 Soil Survey Map
Figure 4 Vegetation and Land Use Map
Figure 5 Proposed Mitigation Map

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APPENDICES

Appendix A Primary and Secondary Information Sources
Appendix B SFWMD Project Impact and Mitigation Summary Tables 2 and 3

FIGURES

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Lotspeich and Associates, Inc.
ECOLOGICAL CONSULTANTS

Biological Summary Report

for

Application for Environmental Resource Permit

Wal-Mart #5347-00/Osprey Cove Multi-Family, Estero, FL

75.71± acres *in* Sections 21 and 28, Township 46 South, Range 25 East
Lee County, Florida

Prepared for:

South Florida Water Management District
2310 McGregor Boulevard
Ft. Myers, FL 33901

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Submitted to :

CPH Engineers, Inc.
2211 Peck Street, Suite 300
Ft. Myers, FL 33901

7 July 2003
L&A No. 2002-278.23
Doc: \2002-278ERPRPT-G07.WPD

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Biological Summary Report
Wal-Mart #5347-00/Osprey Cove Multi-Family, Estero, FL

75.71± acres *in* Sections 21 & 28, Township 46 South, Range 25 East
Lee County, Florida
Doc: \2002-278ERPRPT-G07.wpd

INTRODUCTION

An ecological assessment was conducted by Lotspeich and Associates, Inc. (L&A) of the Wal-Mart #5347-00/Osprey Cove Multi-Family project site that lies northeast of the U.S. Highway 41 (Tamiami Trail) and Koreshan Boulevard intersection, near the city limits of Estero, in Lee County, Florida (Figure 1). The site is bordered to the west by Tamiami Trail (U.S. 41); to the north by undeveloped land and single family residences; to the east by the Seminole Gulf Railway; and, to the south by Koreshan Boulevard. The applicants propose to construct a Wal-Mart Supercenter with outparcels and parking, future multi-family residential development, and the associated surface water management system. The proposed project will permanently impact 2.67± acres (ac) of State jurisdictional wetlands. A request for a "No Permit Required" letter was submitted to the U.S. Army Corps of Engineers (USACE) on 30 October 2002 by Passarella and Associates, Inc. for the site (aka "Estero West"). This request is pending and is based on a determination by both Passarella and Associates and the USACE that the on-site wetlands are hydrologically isolated from waters of the U.S.

This report provides the necessary environmental information as required in the South Florida Water Management District (SFWMD) *Basis of Review* for submittal of an Environmental Resource Permit application to the SFWMD. Specifically, this report details the investigation of the potential impact to jurisdictional wetlands and Federal or State listed plants and animals resulting from the proposed project. No subsurface soil, water quality, archeological, or hazardous materials investigations were conducted by L&A. These findings reflect conditions on-site at the time of the investigation and do not preclude the possibility that on-site conditions may change in the future.

METHODOLOGY

The project site was investigated through review of published information (Appendix A), a review of State database species' occurrence records, and field reviews to ground truth on-site vegetative communities. The field investigation was conducted by representatives of L&A on 10 December 2002. Wetlands were delineated using the Corps of Engineers Wetlands Delineation Manual (1987) and the Unified Wetland Delineation Methodology for the State of Florida dated 1 July 1994 (62-340, Florida Administrative Code (F.A.C.)).

Vegetative community types and general observations were recorded via field data sheets and photographs were taken of the site. A list of plant species encountered was recorded for the project site. This list reflects representative species observed within the site and is not necessarily a complete floristic inventory. The site was also reviewed for the presence of any listed animals through actual observation, signs of scat, prints, or other indications of their presence or utilization of the site. Statements regarding listed species are based on limited field observations and existing data records, and do not exclude the possibility that listed species may occasionally forage on-site or may move onto the site at a later date.

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EXISTING SITE CONDITIONS

Topography and Drainage

The U.S. Geological Survey (USGS) topographic map (Estero, FL Quadrangle) depicts the site as having a nearly level elevation of 10 to 15± feet National Geodetic Vertical Datum (NGVD) (Figure 2). On-site drainage occurs through soil percolation and sheet flow. In addition, a wetland-cut ditch extends to off-site wetlands located east of the existing Seminole Gulf Railway. The parcel lies within the Estero Bay Drainage Basin of the SFWMD.

Soils

The Natural Resource Conservation Service (NRCS) has identified three soil units - Pompano fine sand, Valkaria fine sand, and Pompano fine sands, depressional - as occurring on-site (Table 1 and Figure 3). All of these soils are considered hydric soils by the USACE and the SFWMD. It should be noted that the current status of these soils may be different from the NRCS description due to the effects of adjacent development and drainage activities.

Table 1. Classification of On-site Soils

Soil Map Unit[1]	Drainage Class[1]	USACE[2]	SFWMD[3]
Pompano fine sand (10)	Poorly drained	Hydric	Hydric
Valkaria fine sand (14)	Poorly drained	Hydric	Hydric
Pompano fine sands, depressional (27)	Poorly drained	Hydric	Hydric

1. Soil Survey of Lee County, Florida, NRCS
2. Corps of Engineers Wetland Delineation Manual (1987)
3. Hydric Soils of Florida Handbook (1990), Florida Association of Environmental Soil Scientists

Land Use and Vegetation

The on-site vegetative communities were classified using the Florida Land Use, Cover and Forms Classification System (FLUCFCS), Level III, 1999 (Figure 4). The majority of the site has been severely invaded by melaleuca (*Melaleuca quinquenervia*), an exotic plant species. This invasive community currently occupies all portions of the site that formerly supported pine flatwoods and cypress communities. The invasive nature of melaleuca has led to several cross-denominational communities described in detail below.

The majority of the site's uplands currently support a Pine Flatwoods/Melaleuca community (FLUCFCS 411/424). This community is primarily located in the southwest portion of the site; however, a small portion of this community extends along the southern property line into the southeast corner of the site. A second, small area of this upland community also occurs within the northern portion of the site. This community is dominated by saw palmetto (*Serenoa repens*), slash pine (*Pinus elliottii*), and melaleuca.

An improved Pasture/Melaleuca community (FLUCFCS 211/424) is located in the northernmost portion of the site. This community supports bahiagrass (*Paspalum notatum*), Bermudagrass (*Cynodon dactylon*), and sweet broom (*Scoparia dulcis*), with occasional occurrences of melaleuca and Brazilian Pepper (*Schinus terebinthifolius*).

A Wetland-Cut Ditch (FLUCFCS 512) extends east and west through the north portion of the site, along the southern extent of the Pasture/Melaleuca community.

A Melaleuca community (FLUCFCS 424) occupies the majority of the site. This community is dominated by melaleuca, with cabbage palm (*Sabal palmetto*), slash pine, and occasional bald cypress (*Taxodium distichum*) trees occurring as remnants of a former wetland community prior to the proliferation of melaleuca. The ground cover includes flat-sedge (*Cyperus ligularis*), yellow-eyed grass (*Xyris* spp.), and swamp fern (*Blechnum serrulatum*).

Three Melaleuca/Cypress communities (FLUCFCS 424/621) are present within the site. Melaleuca is the dominant canopy tree, with bald cypress occurring less frequently. Dahoon holly (*Ilex cassine*) and sweet bay (*Magnolia virginiana*) are present in the subcanopy. The ground cover of this community includes swamp fern, rein orchid (*Habenaria repens*), wild cocoa orchid (*Eulophia alta*), stalked adder's tongue fern (*Ophioglossum petiolatum*), Virginia chain fern (*Woodwardia virginica*), marsh fern (*Thelypteris palustris*), and occasional royal fern (*Osmunda regalis*).

THREATENED AND ENDANGERED SPECIES

The U.S. Fish and Wildlife Service (USFWS) and the Florida Department of Agriculture and Consumer Services (FDACS) compile lists of threatened and endangered plants in Florida. The USFWS classifies protected plants as either endangered or threatened, while FDACS categorizes plants as endangered, threatened, or "commercially exploited." Other than the "commercially exploited" royal fern, there were no other Federal or State listed plants observed on the project site during the field investigation. Further, the observation of a "commercially exploited" species does not necessitate coordination with the FDACS prior to development of the site.

The (USFWS) and the Florida Fish and Wildlife Conservation Commission (FFWCC) compile lists of wildlife species considered to be under possible threat of extinction. These species are categorized as either endangered or threatened. The FFWCC utilizes an additional category - "species of special concern" (SSC) - for several animals that may ultimately be listed as endangered or threatened. This classification provides the SSC-listed animal with a particular level of protection that varies from species to species. No Federal or State listed animals were found on-site at the time of investigation. L&A also conducted a bald eagle nest search following the procedures of the FFWCC's *Eagle Nest Locator Database* (2002). The FFWCC database found that no nests occur within one mile of the project site.

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WETLAND HISTORY/AGENCY JURISDICTION

A site review was previously conducted on 30 January 1995 with representatives of the SFWMD and Passarella and Associates, Inc. for the entire site (aka "Estero West"). During this time, the flagged wetland lines were approved by the SFWMD. A pre-application meeting was held with representatives of the SFWMD and the project team on 27 May 2003 in which representatives of the SFWMD agreed that the previously approved wetland lines would be accepted for the project. Also, site reviews were previously conducted on 9 January 1995 and 6 May 2003 with representatives of the USACE and Passarella and Associates, Inc. A request for a "No Permit Required" letter was submitted to the USACE on 30 October 2003 by Passarella and Associates, Inc. for the project site ("Estero West"). This request is pending and is based on a determination by both Passarella and Associates and the USACE that the on-site wetlands are hydrologically isolated from waters of the U.S.

PROPOSED IMPACTS TO JURISDICTIONAL WATERS OF THE STATE OF FLORIDA

A total of 2.67± acres of wetlands will be impacted by the project. Of this total, 2.29± acres of impact will occur to two small, isolated wetlands (Wetlands 1 and 2), and 0.38± acre of impact will occur to Wetland 3 located in the eastern portion of the project site. A completed "SFWMD: Project Wetland and Other Surface Water Summary" is provided as Appendix B - Table 2 to summarize this impact.

AVOIDANCE AND MINIMIZATION

The proposed project is located in a fully developed commercial and residential district of Lee County. This site is located on a prime area zoned for commercial development, and valued by large commercial interests. Although it was possible to design the project to avoid impacting nearly all of Wetland 3, it was not possible to avoid impacting the small, isolated Wetlands 1 and 2 (2.29± acres total). The 0.38± acre of impact to Wetland 3 is necessary for construction of a shared access road that is required by Lee County for the project.

SECONDARY AND CUMULATIVE IMPACTS ASSESSMENT

The criteria detailed in Sections 4.2.7 and 4.2.8 of the SFWMD *Basis of Review* were reviewed to evaluate the potential secondary and cumulative impacts that might occur as a result of the proposed project. Secondary impacts of the project were assessed per Section 4.2.7 of the *Basis of Review*. Secondary impacts to habitat for aquatic or wetland dependent species listed in Table 4.2.7-1 of the *Basis of Review* are considered "de minimis" because none of these species are expected to utilize the site for nesting. Similarly, it is assumed that there will be no secondary impact to historical or archaeological resources. The site is not in an area known to contain these types of resources. Secondary impacts to the water quality of adjacent surface waters will be prevented through the design of a stormwater treatment system in compliance with current SFWMD rules.

Cumulative impacts of the project were assessed per Section 4.2.8 of the *Basis of Review*. The proposed project will have no adverse cumulative effect on water quality or function of wetlands within the site's drainage basin. Water quality treatment functions of the impacted wetlands will be fully compensated by the proposed surface water management system and the proposed on-site wetland mitigation that is discussed below.

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MITIGATION

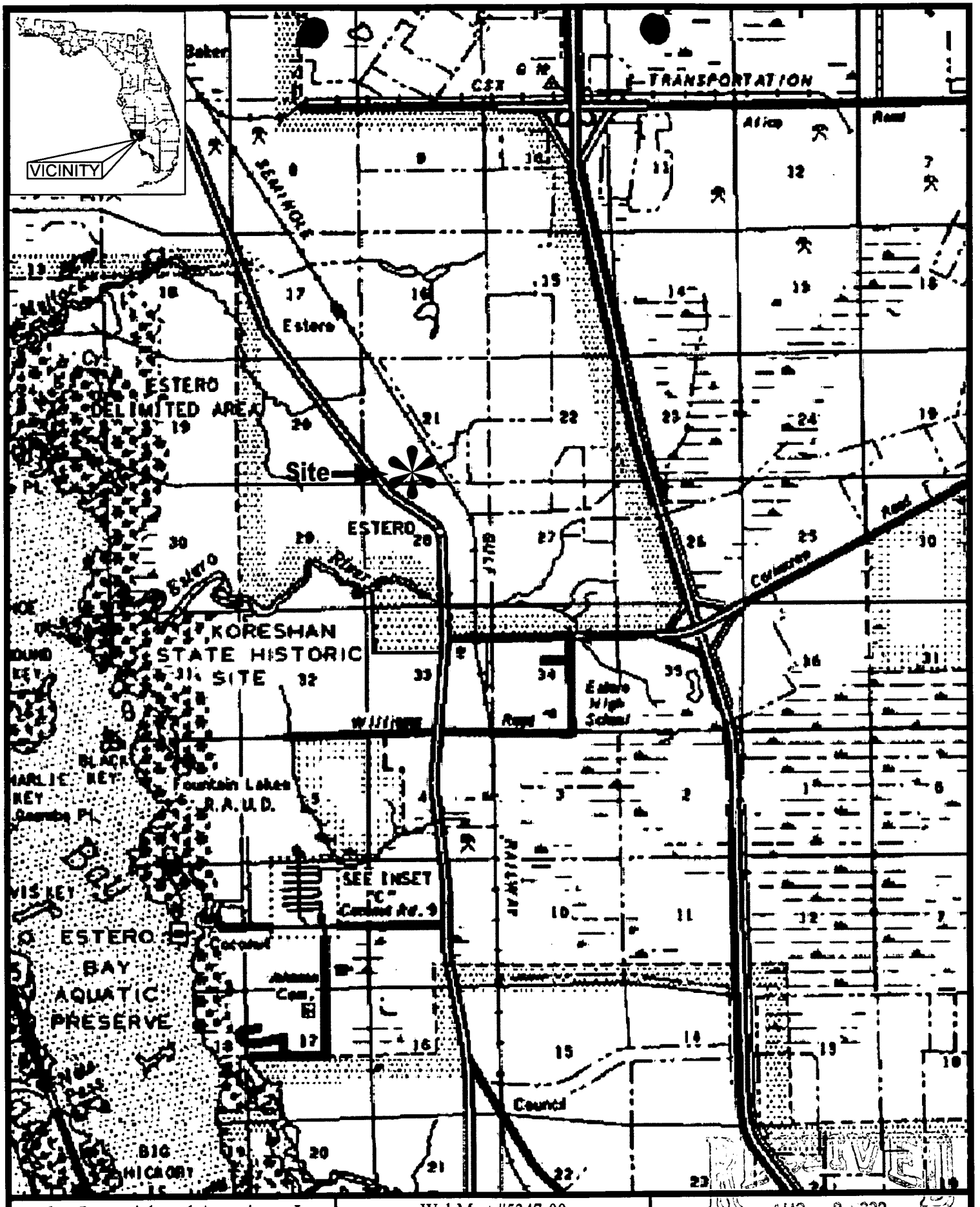
The proposed site plan limits wetland impacts to the two small, isolated wetlands (2.29± acres), and a small portion (0.38± acre) of Wetland 3. Mitigation will be conducted on-site via the enhancement of 6.26± acres of wetlands (Wetland 3) and the preservation of 5.02± acres of uplands (Figure 5 and Table 3). Nuisance and exotic species will be removed from the wetlands in accordance with a detailed mitigation plan that is currently being developed. The conservation area (11.28± acres) will be preserved via a conservation easement granted in favor of Lee County.

Section 4.3.2.4 of the *Basis of Review* provides for reduced mitigation ratios for melaleuca-dominated wetlands. The wetlands proposed for impact have a greater than 50% coverage of melaleuca. In accordance with the ratios provided in Sections 4.3.2.4(b)(2) and (4), the proposed 6.26± acres of wetland enhancement and 5.02± acres of upland preservation will more than adequately offset the 2.67± acres of proposed wetland impacts.

TURBIDITY AND EROSION CONTROL

Prior to construction activities, temporary erosion control devices such as hay bales and silt fences will be placed along wetland boundaries and maintained as described in the construction plans. These structures will remain in place until after construction activities are complete, and until surrounding surfaces have been stabilized and there is no longer a threat of water quality violations.

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Lotspeich and Associates, Inc.
ECOLOGICAL CONSULTANTS
2711 W. Fairbanks Avenue, Winter Park Florida 32789
(407) 740-8482 Fax: (407) 645-1305

Wal-Mart #5347-00
Osprey Cove Multi-Family
75.71± acres in
Sections 21 & 28, Township 46 South, Range 25 East
Lee County, Florida

AUG 8 2003
Vicinity Map
PERMIT COUNTER

North

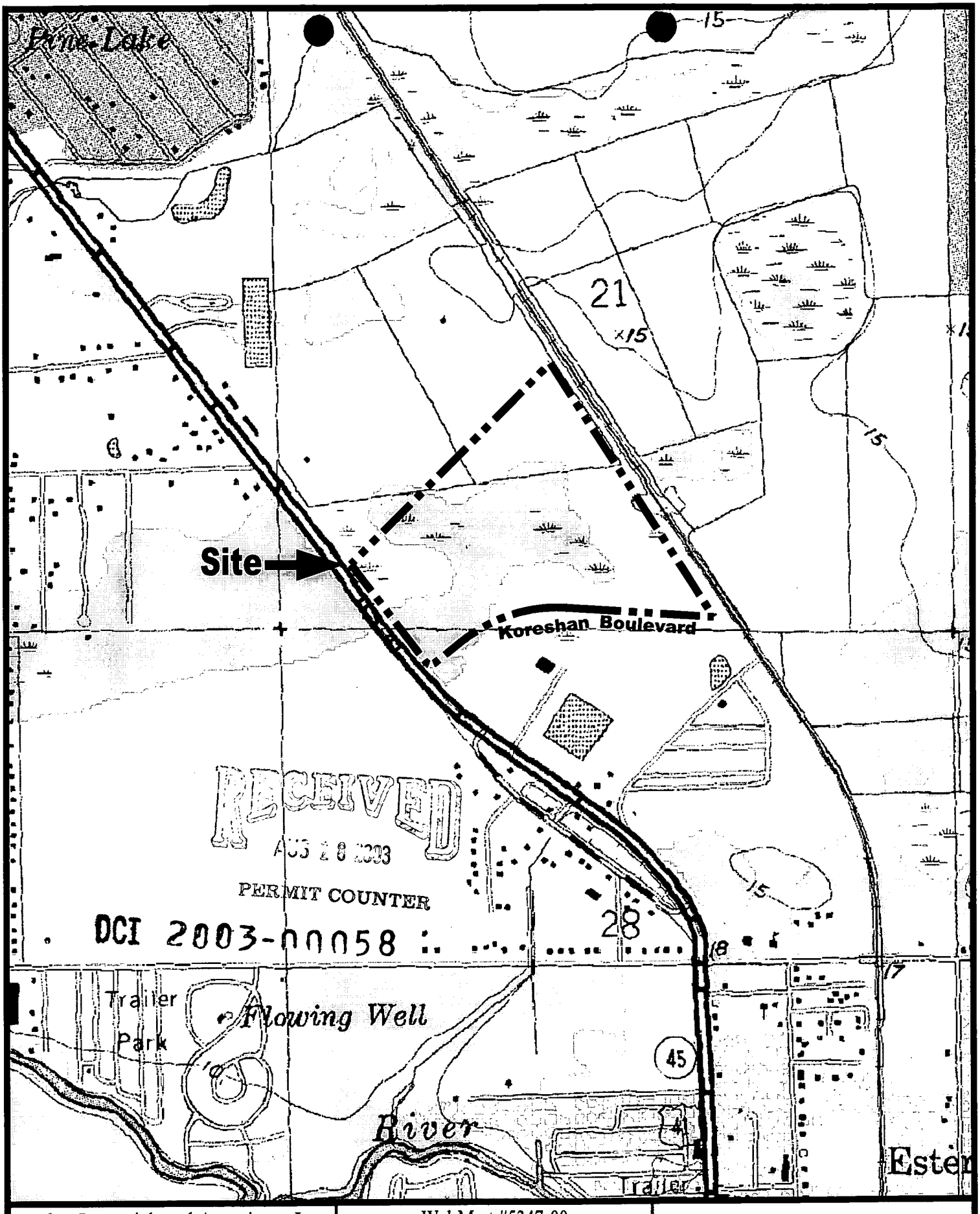
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Figure 1

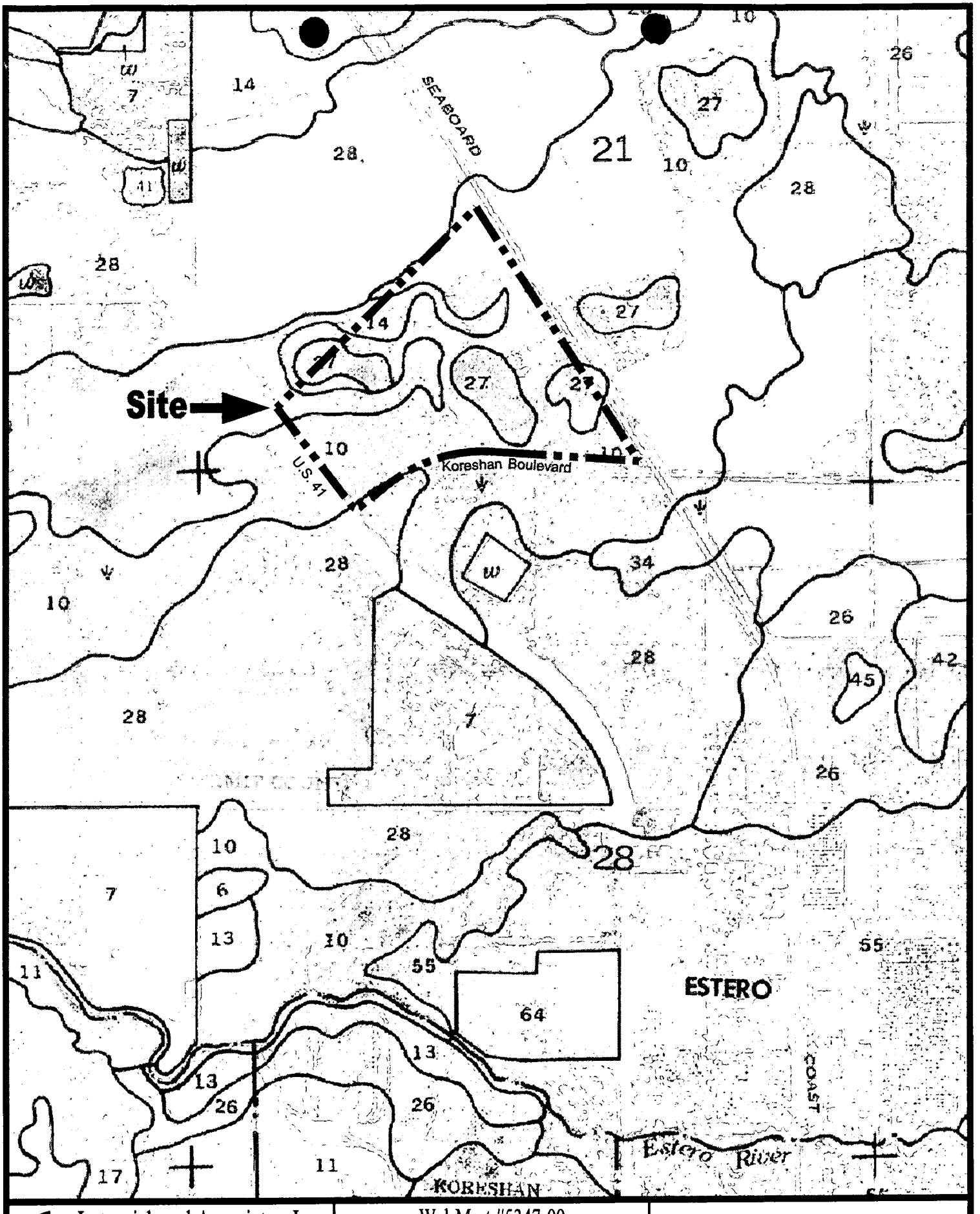
File: 2002-278L.dwg | Prepared by: JM | Job No.: 02-278.33 | Date: 7 July 2003

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Lotspeich and Associates, Inc. ECOLOGICAL CONSULTANTS 2711 W. Fairbanks Avenue, Winter Park Florida 32789 (407) 740-8482 Fax: (407) 645-1305	Wal-Mart #5347-00 Osprey Cove Multi-Family 75.71± acres in Sections 21 & 28, Township 46 South, Range 25 East Lee County, Florida	Topographic Map Source: USGS 7.5" Series Topographic Map, Estero Quad	
		North	Scale: 1"=1000'
File: 2002-278T.dwg	Prepared by : JM	Job No.: 02-278.33	Date: 7 July 2003	Figure 2



Lotspeich and Associates, Inc.
ECOLOGICAL CONSULTANTS
2711 W. Fairbanks Avenue, Winter Park Florida 32789
(407) 740-8482 Fax: (407) 645-1305

Wal-Mart #5347-00
Osprey Cove Multi-Family
75.71± acres in
Sections 21 & 28, Township 46 South, Range 25 East
Lee County, Florida

DCI 2003 00058

Soils Map

Source: USDA, NRCS Soils Map of Lee County, 1984

North

Scale: 1"=1000'

Figure 3

File: 2002-278S.dwg | Prepared by: JM | Job No.: 02-278.33 | Date: 7 July 2003

Soil Legend
Lee County, Florida

U.S. Department of Agriculture
Soil Conservation Service
issued: December 1984

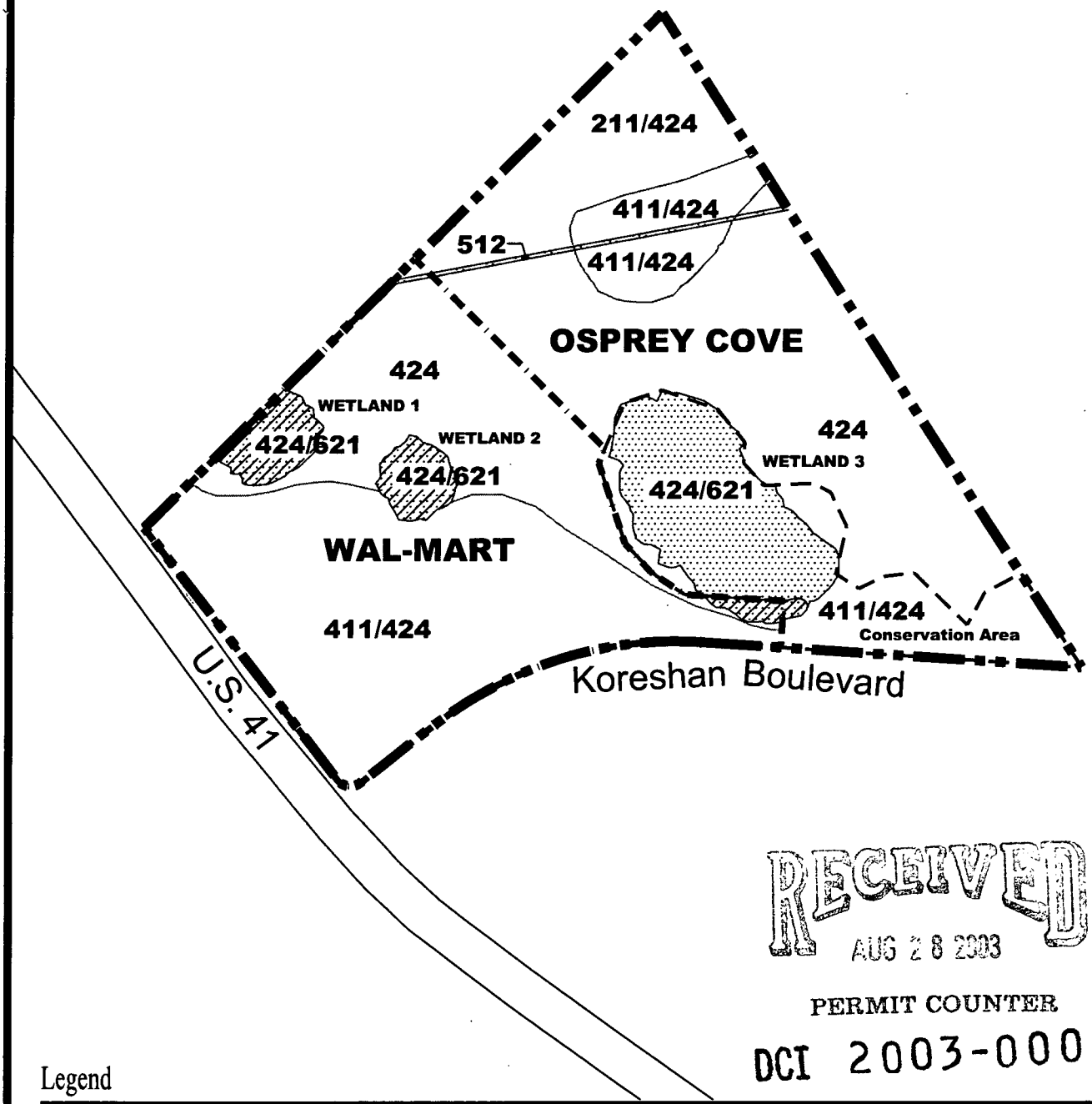
The recommended publication symbols are numerical. Map units without percent slope designated are either level or nearly level or they are miscellaneous areas.

2		Canaveral fine sand, 0 to 5 percent slopes
4		Canaveral-Urban Land complex
5	≙◇★	Captiva fine sand
6	≙	Hallandale fine sand
7		Matlacha-Urban Land complex
8	≙	Hallandale fine sand, tidal
9	≙	EauGallie sand
10	≙◇★	Pompano fine sand
11	≙	Myakka fine sand
12	≙◇★	Felda fine sand
13	≙	Boca fine sand
14	≙◇★	Valkaria fine sand
15	≙◇★	Estero muck
16	≙◇★	Peckish mucky fine sand
17		Daytona sand
18		Matlacha gravelly fine sand, limestone substratum
19	≙◇★	Gator muck
20	≙◇★	Terra Ceia muck
22	◇★	Beaches
23	≙◇★	Wulfert muck
24	≙◇★	Kesson fine sand
25		St. Augustine sand, organic substratum-Urban Land complex
26	≙◇★	Pineda fine sand
27	≙◇★	Pompano fine sands, depressional
28		Immokalee sand
29	≙	Punta fine sand
33		Oldsmar sand
34	≙◇★	Malabar fine sand
35	≙	Wabasso fine sand
36	≙	Immokalee-Urban Land complex
37		Satellite fine sand
38	≙◇★	Isles fine sand, slough
39	≙◇★	Isles fine sand, depressional
40	≙◇★	Anclote sand, depressional
41	≙◇★	Valkaria fine sand, depressional
42	≙	Wabasso sand, limestone substratum
43	≙	Smyrna fine sand
44	≙◇★	Malabar fine sand depressional
45	≙◇★	Copeland sandy loam, depressional
48		St. Augustine fine sand
49	≙◇★	Felda fine sand, depressional
50		Oldsmar fine sand, limestone substratum
51	≙◇★	Floridana sand, depressional
53	≙◇★	Myakka fine sand, depressional
55		Cocoa fine sand
56	≙◇★	Isles muck
57	≙◇★	Boca fine sand, tidal
59		Urban land
61		Orsino fine sand
62	≙◇★	Winder sand, depressional
63	≙	Malabar fine sand, high
64	≙	Hallandale-Urban Land complex
66		Caloosa fine sand
67	≙	Smyrna-Urban Land complex
69		Matlacha gravelly fine sand
70		Heights fine sand
72	≙	Bradenton fine sand
73	≙◇★	Pineda fine sand, depressional
74	≙◇★	Boca fine sand, slough
75	≙◇★	Hallandale fine sand, slough
76		Electra fine sand
77	≙◇★	Pineda fine sand, limestone substratum
78	≙◇★	Chobee muck

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≙	Denotes hydric soils U.S. Army Corps of Engineers, January 1987.
◇	Denotes hydric soils South Florida Water Management District.
★	Denotes hydric soils Florida Association of Professional Soils Classifiers, July 1990.
◎	The composition of these units is more variable than that of others in the survey area, but has been controlled well enough to be interpreted for the expected use of the soils.



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Legend

211/424	Improved Pastures/Melaleuca (7.25± ac.)
411/424	Pine Flatwoods/Melaleuca (27.29± ac.)
424	Melaleuca (31.90± ac.)
512	Wetland-Cut Ditch (0.34± ac.)
424/621	Melaleuca/Cypress (8.93± ac.)
	Wetlands and Surface Waters (9.27±)
	Wetland Impacts (2.67±)

Koreshan Site Boundary (75.71± ac.)

Wal-Mart Boundary (33.12± ac.)

Conservation Area

Notes: Delineation based on aerial photointerpretation with groundtruthing.

Classification based on Florida Land Use, Cover and Forms Classification System, FDOT, 1999.

Wetland delineation subject to verification by governmental agencies with regulatory authority.

Property boundaries as shown based on notes provided by CPH Engineers.

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Osprey Cove Multi-Family
75.71± acres in
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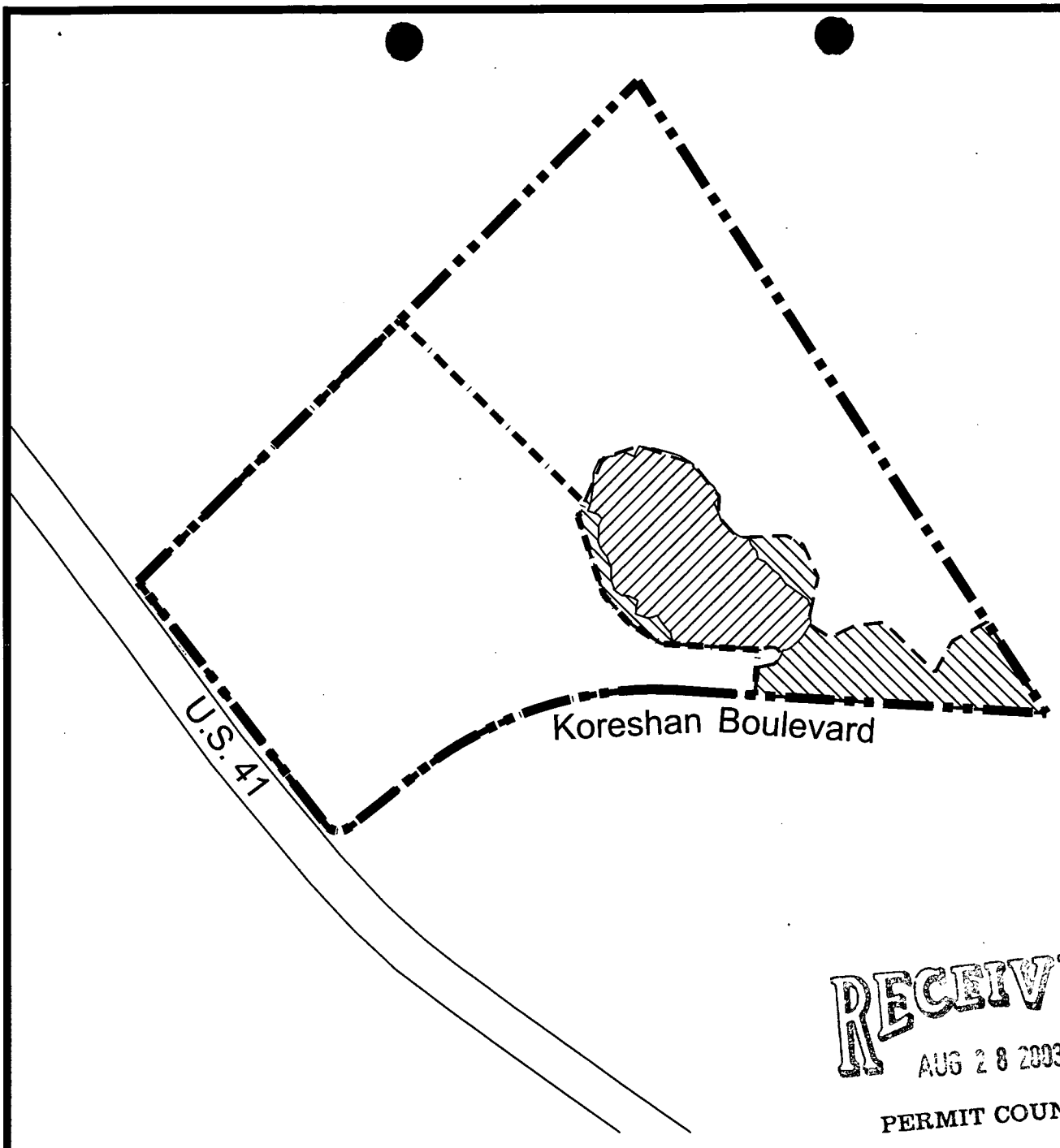
Vegetation, Land Use and Wetland Impact Map

North

Scale: 1"=400'

Figure 4

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Legend

- Koreshan Site Boundary (75.71± ac.)
- Wal-Mart Boundary (33.12± ac.)
- Conservation Area (11.28± ac.)
- Wetland to be Enhanced (6.26± ac.)
- Uplands to be Preserved (5.02± ac.)

Notes: Delineation based on aerial photointerpretation with groundtruthing.

Property boundaries as shown based on notes provided by CPH Engineers.

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Wal-Mart #5347-00
Osprey Cove Multi-Family
75.71± acres in
Sections 21 & 28, Township 46 South, Range 25 East
Lee County, Florida

Proposed Mitigation Map

North

Scale: 1"=400'

Figure 5

File: 2002-278CA.dwg | Prepared by: JM | Job No.: 02-278.33 | Date: 7 July 2003

APPENDIX A

Primary and Secondary Information Sources

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APPENDIX A

Primary information sources utilized for the Wal-Mart #5347-00/Osprey Cove Multi-Family, Estero, FL project site:

USGS Topographic Survey Map: Estero, FL Quadrangle, photorevised 1987; scale = 1:24,000;

Soil Survey of Lee County. 1984. United States Soil Conservation Service. Scale = 1:24,000;

United States Fish & Wildlife Service, National Wetlands Inventory, Wetland Survey Map: Estero Quad., Fla., 1987; scale = 1:24,000;

Florida Fish and Wildlife Conservation Commission (F.K.A. Game and Freshwater Fish Commission), 1 August 1997, Florida's Endangered Species, Threatened Species and Species of Special Concern *Official Lists*;

Secondary information sources utilized for the Wal-Mart #5347-00/Osprey Cove Multi-Family, Estero, FL project site:

United States Army Corps of Engineers, Section 404 of the Clean Water Act (33 U.S.C. 1344) and 33 CFR Parts 320 through 330;

United States Army Corps of Engineers Wetlands Delineation Manual. Technical Report Y-87-1. 1987;

Florida Association of Professional Soil Classifiers, Hydric Soils of Florida Handbook, 1990;

Cowardin, Lewis M., Virginia Carter, Francis C. Golet and Edward T. LaRoe. 1979. Classification of wetlands and deep water habitats of the United States. Office of Biological Services, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 103 pp.;

Florida Department of Transportation, January 1999, Florida Land Use, Cover and Forms Classification System, Level III;

South Florida Water Management District Management; *Basis of Review*;

Florida Game and Freshwater Fish Commission, September 1991, Florida Atlas of Breeding Sites for Herons and Their Allies, update 1986-1989, Florida Game and Fresh Water Fish Commission Non-Game Wildlife Program, Technical Report 10.

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APPENDIX B

SFWMD Project Wetland and Surface Water Impact and Mitigation Summary Tables

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TABLE 2. PROJECT WETLAND (WL) AND OTHER SURFACE WATER (SW) SUMMARY FOR THE WAL-MART #5347-00/OSPREY COVE MULTI-FAMILY, ESTERO, FL PROJECT SITE.

WL & SW ID	WL & SW TYPE	ON-SITE WL & SW SIZE (ac.)	WL & SW (ac.) NOT IMPACTED	TEMPORARY WL & SW IMPACTS		PERMANENT WL & SW IMPACTS		MITIGATION ID
				IMPACT SIZE (ac.)	IMPACT CODE	IMPACT SIZE (ac.)	IMPACT CODE	
WL - 1		1.26	0.00			1.26	F	1
WL - 2		1.03	0.00			1.03	F	1
WL -3		6.64	6.26			0.38	F	1
PROJECT TOTALS	-	**8.93**	**6.26**	-	-	**2.67**		

LEGEND

WL = Wetland; SW = Surface Water; ID = Identification number, letter, etc.

WETLAND TYPE: Use an established wetland classification system and indicate that classification system is being used in the "Comment" section below.

IMPACT CODE (Type): D = dredge; F = fill; H = change hydrology; S = shading; C = clearing; O = other. Indicate the final impact if more than one impact type is proposed in a given area. For example, show F only for an area that will first be demucked and then backfilled.

COMMENTS: Wetlands are classified in accordance with the Florida Land Use, Cover and Forms Classification System, Florida Department of Transportation, 1999

On-site wetlands were determined as isolated and not jurisdictional to the USACE.

Mitigation will be conducted on-site via the enhancement of 6.26± acres of wetlands and the preservation of 5.02± acres within an 11.3 acre conservation area (Table 3).

The 11.28± acre conservation area will be preserved via a conservation easement granted in favor of Lee County.

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TABLE 3. ON-SITE MITIGATION SUMMARY FOR THE WAL-MART #5347-00/OSPREY COVE MULTI-FAMILY, ESTERO, FL PROJECT SITE.

MITIGATION ID	CREATION		RESTORATION		ENHANCEMENT		WETLAND PRESERVE		UPLAND PRESERVE		OTHER	
	AREA	TARGET TYPE	AREA	TARGET TYPE	AREA	TARGET TYPE	AREA	TARGET TYPE	AREA	TARGET TYPE	AREA	TARGET TYPE
1					6.26	617			5.02	425		
PROJECT TOTALS					6.26				5.02			

LEGEND

TARGET TYPE OR TYPE: Target or existing habitat type from an established wetland classification system or land use classification for non-wetland mitigation.

CODES: Multiple entries per cell are not allowed.

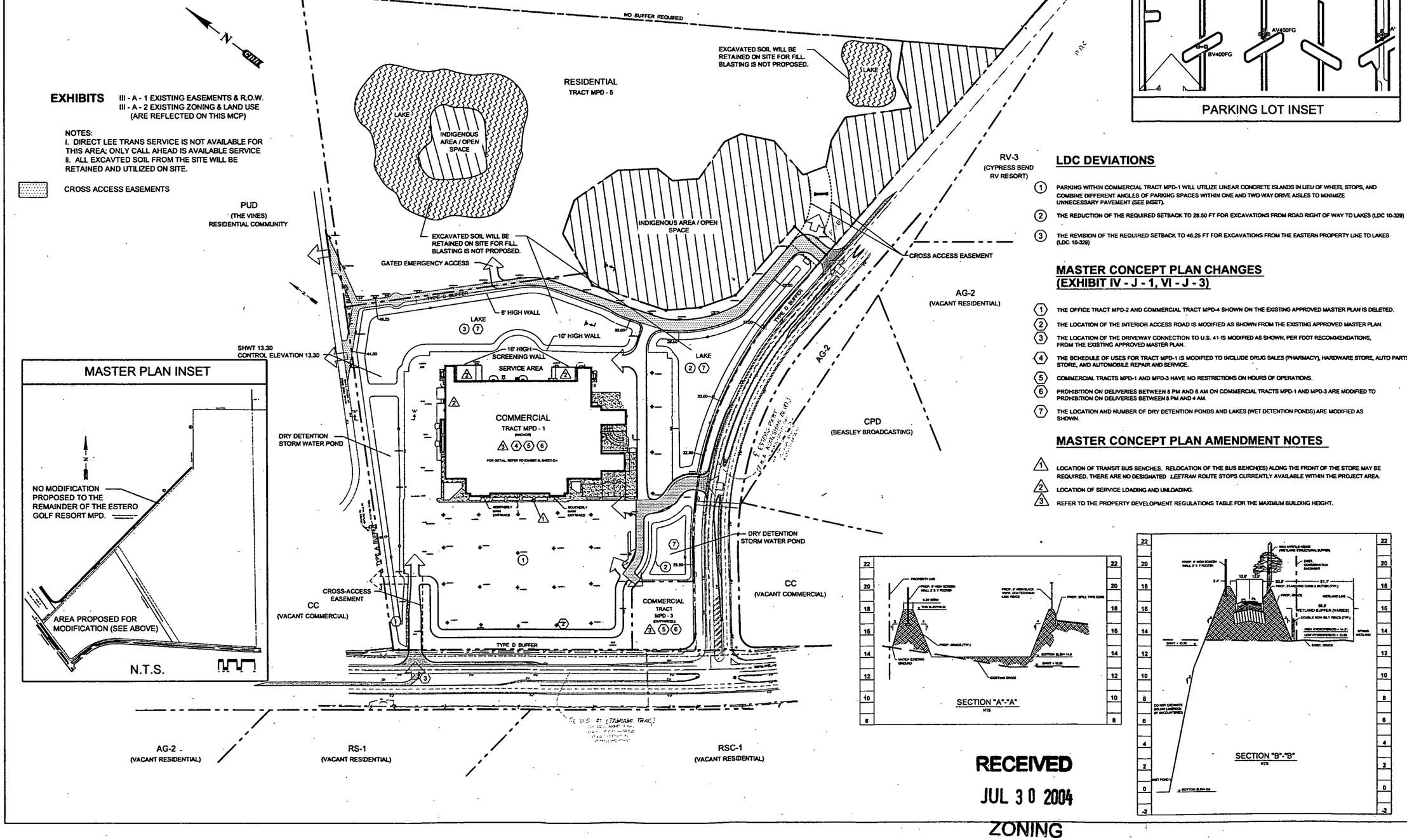
COMMENTS:

Mitigation will be conducted on-site via the enhancement of 6.26± acres of wetlands and the preservation of 5.02± acres within an 11.3± acre conservation area.

The 11.28± acre conservation area will be preserved via a conservation easement granted in favor of Lee County.

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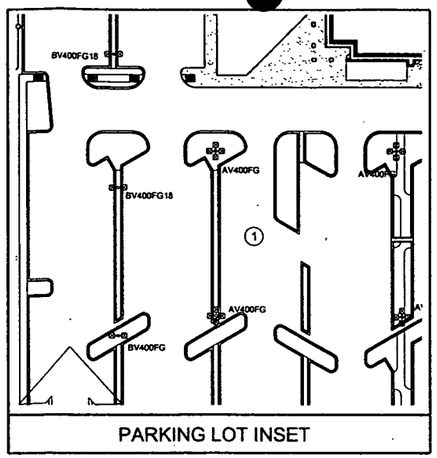
EXHIBITS

III - A - 1 EXISTING EASEMENTS & R.O.W.
III - A - 2 EXISTING ZONING & LAND USE
(ARE REFLECTED ON THIS MCP)

NOTES:
I. DIRECT LEE TRANS SERVICE IS NOT AVAILABLE FOR THIS AREA; ONLY CALL AHEAD IS AVAILABLE SERVICE
II. ALL EXCAVTED SOIL FROM THE SITE WILL BE RETAINED AND UTILIZED ON SITE.

CROSS ACCESS EASEMENTS

MASTER PLAN INSET



LDC DEVIATIONS

1. PARKING WITHIN COMMERCIAL TRACT MPD-1 WILL UTILIZE LINEAR CONCRETE ISLANDS IN LIEU OF WHEEL STOPS, AND COMBINE DIFFERENT ANGLES OF PARKING SPACES WITHIN ONE AND TWO WAY DRIVE AISLES TO MINIMIZE UNNECESSARY PAVEMENT (SEE INSET).
2. THE REDUCTION OF THE REQUIRED SETBACK TO 28.50 FT FOR EXCAVATIONS FROM ROAD RIGHT OF WAY TO LAKES (LDC 10-329)
3. THE REVISION OF THE REQUIRED SETBACK TO 46.25 FT FOR EXCAVATIONS FROM THE EASTERN PROPERTY LINE TO LAKES (LDC 10-329)

MASTER CONCEPT PLAN CHANGES (EXHIBIT IV - J - 1, VI - J - 3)

1. THE OFFICE TRACT MPD-2 AND COMMERCIAL TRACT MPD-4 SHOWN ON THE EXISTING APPROVED MASTER PLAN IS DELETED.
2. THE LOCATION OF THE INTERIOR ACCESS ROAD IS MODIFIED AS SHOWN FROM THE EXISTING APPROVED MASTER PLAN.
3. THE LOCATION OF THE DRIVEWAY CONNECTION TO U.S. 41 IS MODIFIED AS SHOWN, PER FDOT RECOMMENDATIONS, FROM THE EXISTING APPROVED MASTER PLAN.
4. THE SCHEDULE OF USES FOR TRACT MPD-1 IS MODIFIED TO INCLUDE DRUG SALES (PHARMACY), HARDWARE STORE, AUTO PARTS STORE, AND AUTOMOBILE REPAIR AND SERVICE.
5. COMMERCIAL TRACTS MPD-1 AND MPD-3 HAVE NO RESTRICTIONS ON HOURS OF OPERATIONS.
6. PROHIBITION ON DELIVERIES BETWEEN 8 PM AND 6 AM ON COMMERCIAL TRACTS MPD-1 AND MPD-3 ARE MODIFIED TO PROHIBITION ON DELIVERIES BETWEEN 8 PM AND 4 AM.
7. THE LOCATION AND NUMBER OF DRY DETENTION PONDS AND LAKES (WET DETENTION PONDS) ARE MODIFIED AS SHOWN.

MASTER CONCEPT PLAN AMENDMENT NOTES

1. LOCATION OF TRANSIT BUS BENCHES. RELOCATION OF THE BUS BENCH(ES) ALONG THE FRONT OF THE STORE MAY BE REQUIRED. THERE ARE NO DESIGNATED *LEETRAN* ROUTE STOPS CURRENTLY AVAILABLE WITHIN THE PROJECT AREA.
2. LOCATION OF SERVICE LOADING AND UNLOADING.
3. REFER TO THE PROPERTY DEVELOPMENT REGULATIONS TABLE FOR THE MAXIMUM BUILDING HEIGHT.

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Landscape Architects
Surveyors
Construction Management
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2271 Peck Street, Suite 200, Fort Myers, FL 33901
Phone: 239.332.3449 Fax: 239.332.2090

Scale: 1" = 150'
Date: JULY, 2003
Job No. W13303
File: MASTER-PLAN
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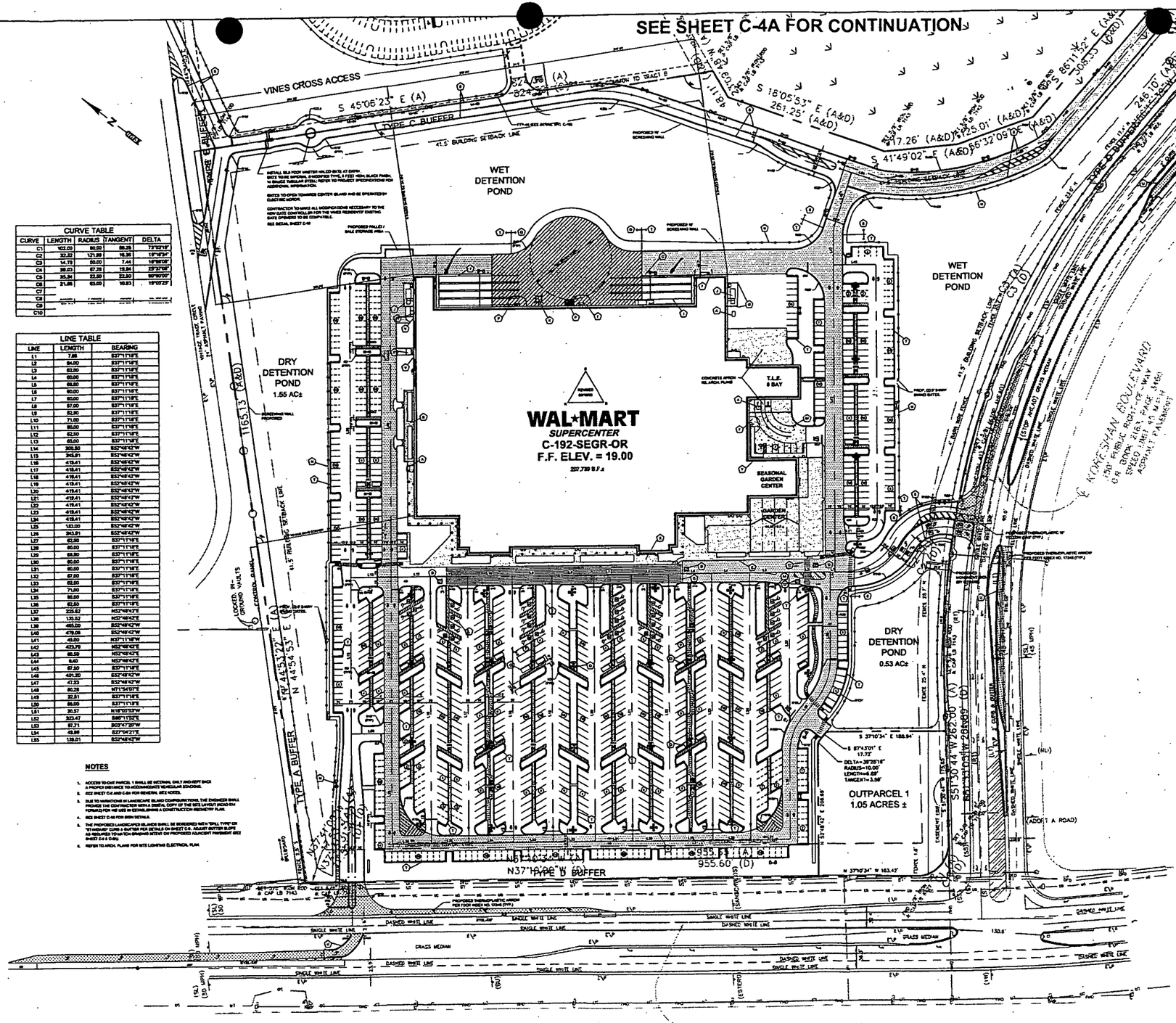
No.	Revision	Date	Approved
1		07/03	J.C.P.
2		07/03	J.C.P.
3		07/03	J.C.P.

Activity | Name | Date
Designed by: J.C.P. 07/03
Drawn by: T.W.E. 07/03
Checked by: J.C.P. 07/03
Approved by: J.C.P. 07/03
Certificate of Authorization No. 3215

EXHIBIT IV-A-1

ESTERO GOLF RESORT
MASTER CONCEPT PLAN
"WAL-MART OPTION"

Sheet No. C-2


SEE SHEET C-4A FOR CONTINUATION
VINES CROSS ACCESS
TYPE C BUFFER
TYPE A BUFFER
TYPE B BUFFER
WET DETENTION POND
DRY DETENTION POND 1.55 AC±
DRY DETENTION POND 0.53 AC±
WAL★MART
SUPERCENTER
C-192-SEGR-OR
F.F. ELEV. = 19.00
207,739 S.F.±
T.L.E. 8 BAY
SEASONAL GARDEN CENTER
GARDEN CENTER
OUTPARCEL 1
1.05 ACRES ±
(ADOBE A ROAD)
KORESHAN BOULEVARD
(100' PUBLIC RIGHT-OF-WAY
O.R. BOOK 216, PAGE 315)
SPEED LIMIT 45 M.P.H.
ASPHALT PAVEMENT
℄ U.S. 41 (TAMIAMI TRAIL)
(300' PUBLIC RIGHT-OF-WAY
O.R. BOOK 701, PAGE 610
SPEED LIMIT 50 M.P.H.
ASPHALT PAVEMENT
DRASS MEDIAN
SINGLE WHITE LINE
DASHED WHITE LINE
N 44°54'53" E
S 45°05'07" E
N37°18'26"W
955.60 (D)
S 37°10'34" E 188.84'
N 37°10'34" W 183.43'
S 51°30'44" W 262.80' (A)
S 41°49'02" E (A&D)
S 45°06'23" E (A)
S 16°05'53" E 261.25' (A&D)
S 86°11'32" E (A&D) 308.53'
246.70' (A&D)
N 43°54'07" E 1165.13' (A&D)
N 44°54'53" E 1165.13' (A&D)
N 37°18'26" W 955.60' (D)
N 37°18'26" W 955.60' (D)
N 37°18'26" W 955.60' (

MATCHLINE SEE SHEET L-1B

NOTE:
SEE WETLAND RESTORATION PLAN PREPARED BY GOTSPEICH AND ASSOCIATES FOR WETLAND PLANTINGS.

WET POND 1

WET POND 2

DRY POND

FULL WALL LENGTH

WAL*MART
SUPERCENTER
C-192-SEGR-OR
F.F. ELEV. = 19.00
207,730 S.F.±

SEASONAL GARDEN CENTER

DOUBLE HEDGE

ENSURE BUFFER TREES ARE PLANTED A MIN. OF 15' FROM OVERHEAD UTILITIES

FOR PLANTINGS

SOD NOTES:

1. ENTIRE SITE SHALL BE ST. AUGUSTINE SOD EXCEPT THE FOLLOWING AREAS:
   A. BAHIA SOD SHALL BE USED INSIDE THE FENCE OF ALL THE PONDS (WET, DRY AND OFFSITE).
   B. EAST OF THE WETLAND HEDGE SHALL BE BAHIA.

1A L1 L1 ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'

1B L1 L1 ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'

NOTE:
ALTERNATE MUHLY GRASS AND CORD GRASS ALONG RIGHT OF WAY. PLANT 80 GRASSES IN FRONT OF EACH SET OF HOLLIES

CORDGRASS

MUHLY GRASS

1B L1 L1 ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'

0 40 80 160
SCALE: 1"= 80'

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IRRIGATION NOTES:

1. SITE SHALL BE 100% IRRIGATED.
2. SYSTEM SHALL BE CONTROLLED AND MONITORED WITH RAINBIRD ESP SITE CONTROLLER.
3. IRRIGATION SYSTEM WILL BE INSTALLED WITH A RAIN SENSOR.
4. FLORIDA IRRIGATION INDUSTRY STANDARDS WILL BE USED FOR DESIGN, PIPING, HEADS, NOZZLES, AND CONSTRUCTION.

PLANT LEGEND

SYM	COMMON NAME
TREES	
QV2	LIVE OAK (LG)
QV3	LIVE OAK (S)
LI	QUEEN CRAPE MYRTLE
SP	SABAL PALM
SR	MAHOGANY
TD	BALD CYPRESS
CO	SATINLEAF
IC	DAHOON HOLLY
PR	SENEGAL PALM

		SHRUBS AND GROUNDCOVER	
MF	SIMPSON'S STOPPER	IV	DWARF YAUPON HOLLY
VO	WALTER'S VIBURNUM	TA	ASIATIC JASMINE
IX	IXORA	DV	AFRICAN IRIS
CI	RED TIP COCOPLUM	JD	'PARSONII' JUNIPER
IX	IXORA	SB	CORDGRASS
RI	INDIAN HAWTHORN	MC	MUHLY GRASS
HP	DWARF FIREBUSH	BAHIA	ARGENTIN BAHIA SOD
TF	FLORIDA GAMMA GRASS	SOD/SS	ST. AUGUSTINE GRASS

MICHAEL J. URCHUK, R.L.A. 0666675

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12734 Kenwood Lane, Suite 72, Fort Myers, FL 33907
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Phone: 239.332.2096 Fax: 332.2643

Scale:	1" = 80'
Date:	AUG.2003
Job No.	W13303
File:	LSP
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No.	Date	Revision
1	8/03	
2	8/03	
3	8/03	
4	8/03	

Activity	Name	Date
Designed by:	MJU	8/03
Drawn by:	KDL	8/03
Checked by:	MJU	8/03
Approved by:	MJU	8/03

Certificate of Authorization No. 1215

EXHIBIT B - LANDSCAPE PLAN

WAL*MART
SUPERCENTER
STORE #5347-00, ESTERO, FLORIDA

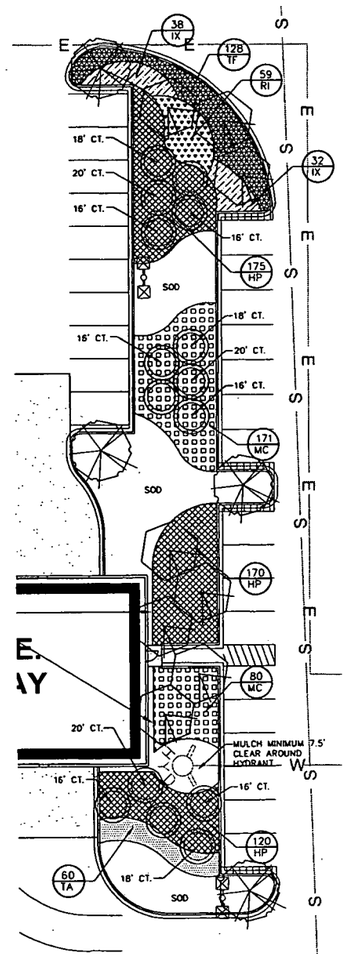
Sheet No. L-1

Invasive exotics.
The following highly invasive exotic plants must be removed from the development area. The development area will be maintained free from invasive exotic plants in perpetuity. For purposes of this subsection, invasive exotic plants include:

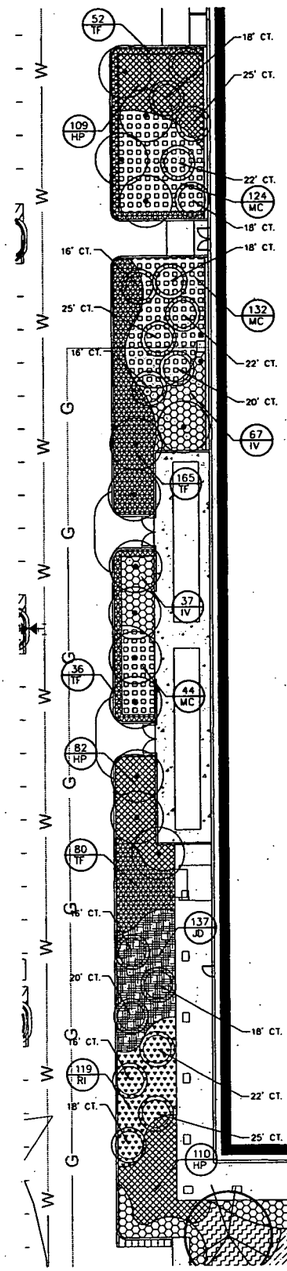
Melaleuca, paper tree-- Melaleuca quinquenervia
Brazilian pepper, Florida holly-- Schinus terebinthifolius
Australian pines-- All Casuarina species
earleaf acacia-- Acacia auriculiformis
downy rosemyrtle-- Rhodomyrtus tomentosus
tropical soda apple-- Solanum viarum

SEE EXOTIC REMOVAL PLAN FOR CONSERVATION AREA ONLY.

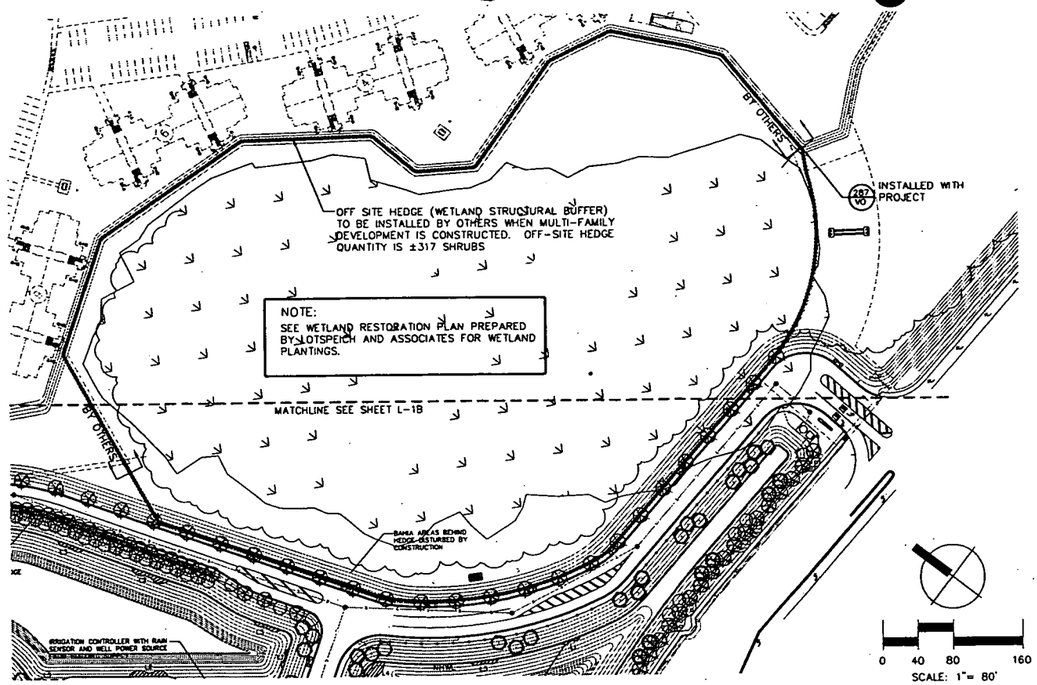
Control of invasive exotics to be achieved through initial hand, mechanical and chemical methods. A series of post emergent herbicide applications made by a certified landscape and or pest control applicator are to be made until 100% control is achieved. Upon review a pre-emergent herbicide is to be applied on a regular basis as well as periodic hand removal of invasive exotic species.

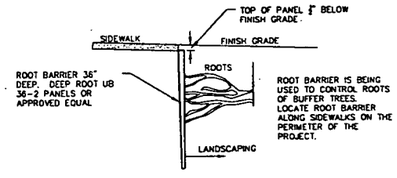


1 L1.1B ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'

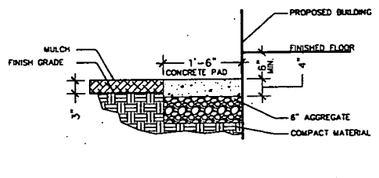


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SCALE: 1"=20'

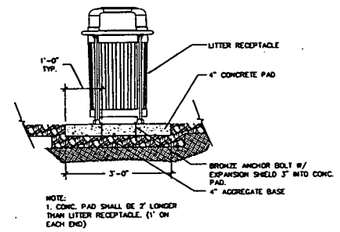




ROOT BARRIER DETAIL
N.T.S.



RODENT BARRIER
SCALE: 1/16" =1'-0"



LITTER RECEPTACLE

FURNITURE LEGEND

QTY.	SYM.	ITEM
4		LITTER RECEPTACLE- MODEL MC 402-DT WITH BLACK FINISH AS MANUFACTURED BY BRP ENTERPRISES 1.888.438.5311 SURFACE MOUNT WITH ANCHORS PER MANUFACTURER'S DIRECTIONS.

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PLANT LEGEND

SYM.	COMMON NAME
TREES	
QV2	LIVE OAK (LG)
QV3	LIVE OAK (S)
LI	QUEEN CRAPE MYRTLE
SP	SABAL PALM
SR	MAHOGANY
TD	BALD CYPRESS
CO	SATINLEAF
IC	DAHOON HOLLY
PR	SENEGAL PALM

SHRUBS AND GROUNDCOVER			
MF	SIMPSON'S STOPPER	IV	DWARF YAUPON HOLLY
VO	WALTER'S VIBURNUM	TA	ASIATIC JASMINE
IX	IXORA	DV	AFRICAN IRIS
CI	RED TIP COCOPLUM	JD	'PARSONII' JUNIPER
IX	IXORA	SB	CORDGRASS
RI	INDIAN HAWTHORN	MC	MUHLY GRASS
HP	DWARF FIREBUSH	BAHIA	ARGENTIN BAHIA SOD
TF	FLORIDA GAMMA GRASS	SOD/SS	ST. AUGUSTINE GRASS

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Activity	Name	Date
Designed by:	MJU	8/03
Drawn by:	KDL	8/03
Checked by:	MJU	8/03
Approved by:	MJU	8/03

Certificate of Authorization No. 3213

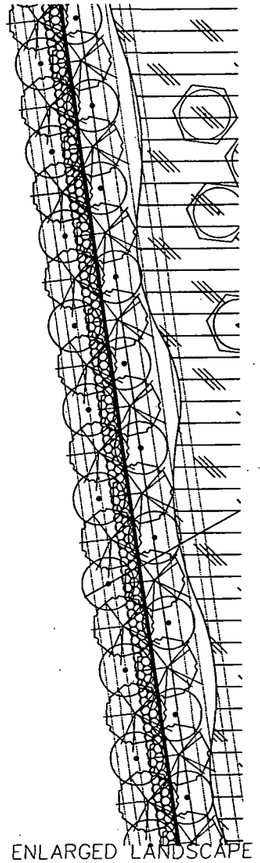
No.	Date	Revision
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2		
3		
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Scale: AS NOTED
Date: AUG.2003
Job No. W13303
File: LSP
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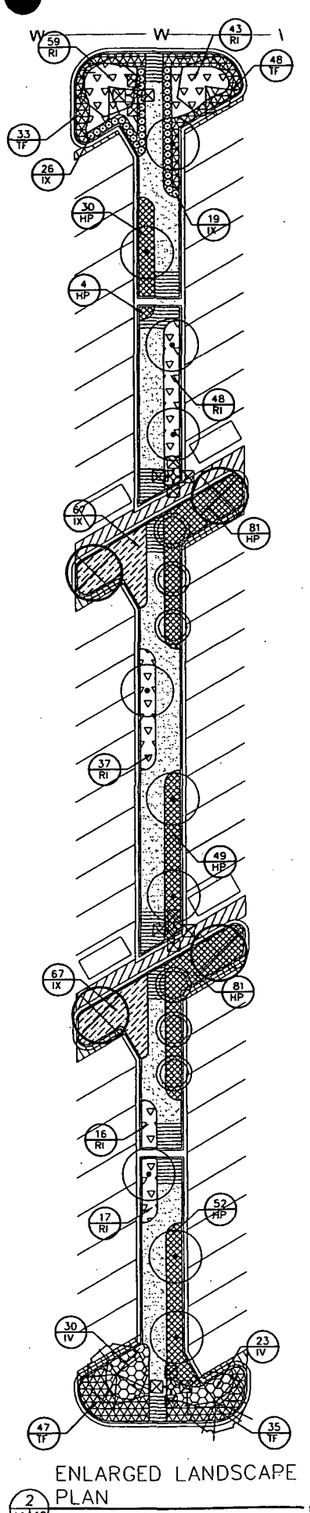
EXHIBIT B - LANDSCAPE PLAN

WAL★MART
SUPERCENTER
STORE #5347-00, ESTERO, FLORIDA

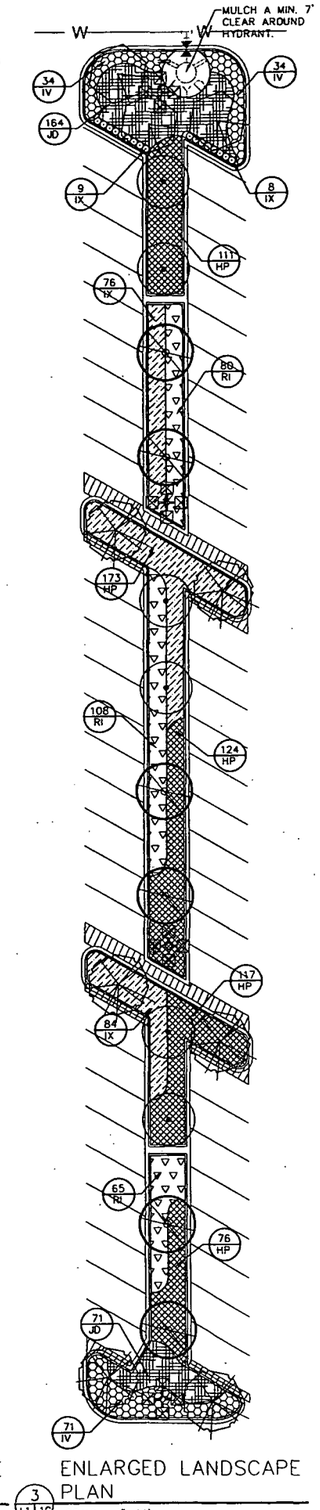
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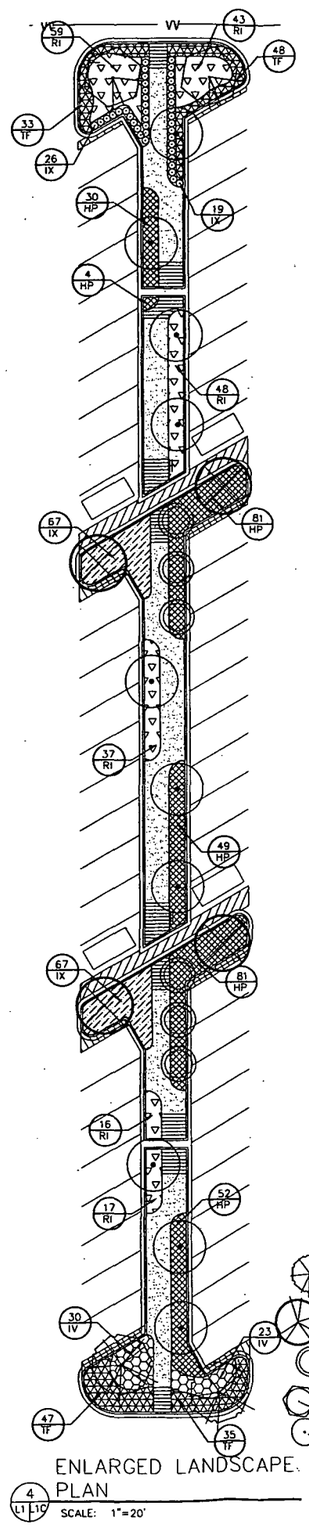
ENLARGED LANDSCAPE PLAN
1 L1-1C SCALE: 1"=20'



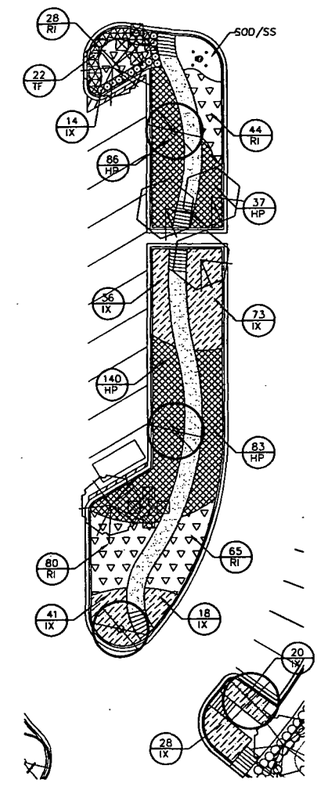
ENLARGED LANDSCAPE PLAN
2 L1-1C SCALE: 1"=20'



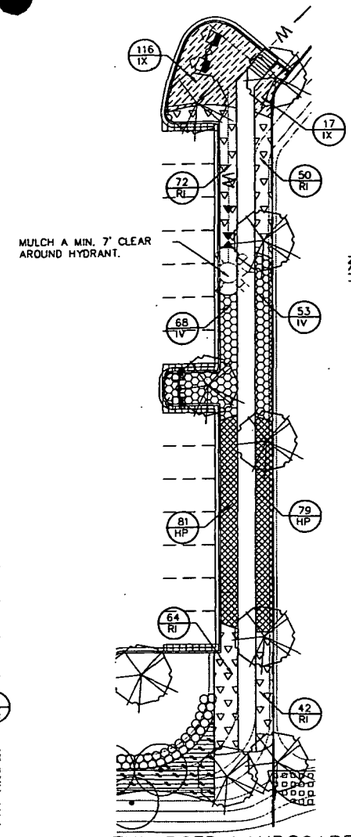
ENLARGED LANDSCAPE PLAN
3 L1-1C SCALE: 1"=20'



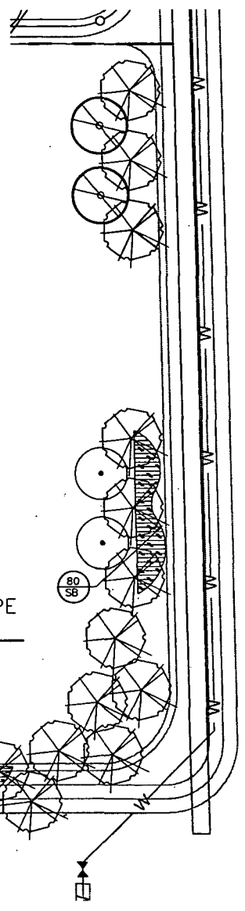
ENLARGED LANDSCAPE PLAN
4 L1-1C SCALE: 1"=20'



ENLARGED LANDSCAPE PLAN
5 L1-1C SCALE: 1"=20'



ENLARGED LANDSCAPE PLAN
6 L1-1C SCALE: 1"=20'



ENLARGED LANDSCAPE PLAN
7 L1-1C SCALE: 1"=20'

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PLANT LEGEND

SYM	COMMON NAME	SYM	COMMON NAME	SYM	COMMON NAME
TREES		SHRUBS AND GROUNDCOVER			
QV2	LIVE OAK (LG)	MF	SIMPSON'S STOPPER	IV	DWARF YAUPON HOLLY
QV3	LIVE OAK (S)	VO	WALTER'S VIBURNUM	TA	ASIATIC JASMINE
LI	QUEEN CRAPE MYRTLE	IX	IXORA	DV	AFRICAN IRIS
SP	SABAL PALM	CI	RED TIP COCOPLUM	JD	'PARSONII' JUNIPER
SR	MAHOGANY	IX	IXORA	SB	CORDGRASS
TD	BALD CYPRESS	RI	INDIAN HAWTHORN	MC	MUHLY GRASS
CO	SATINLEAF	HP	DWARF FIREBUSH	BAHIA	ARGENTIN BAHIA SOD
IC	DAHOON HOLLY	TF	FLORIDA GAMMA GRASS	SOD/SS	ST. AUGUSTINE GRASS
PR	SENEGAL PALM				

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Scale:	1" = 20'
Date:	AUG.2003
Job No.	W13303
File:	LSP
Approved	© 2003

No.	Revision	Date
1		
2		
3		
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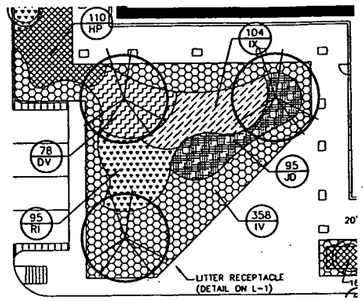
Activity	Name	Date
Designed by:	MJU	8/03
Drawn by:	KDL	8/03
Checked by:	MJU	8/03
Approved by:	MJU	8/03

Certificate of Authorization No. 3213

EXHIBIT B - LANDSCAPE PLAN

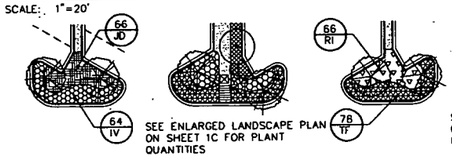
WAL★MART
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STORE #5347-00, ESTERO, FLORIDA

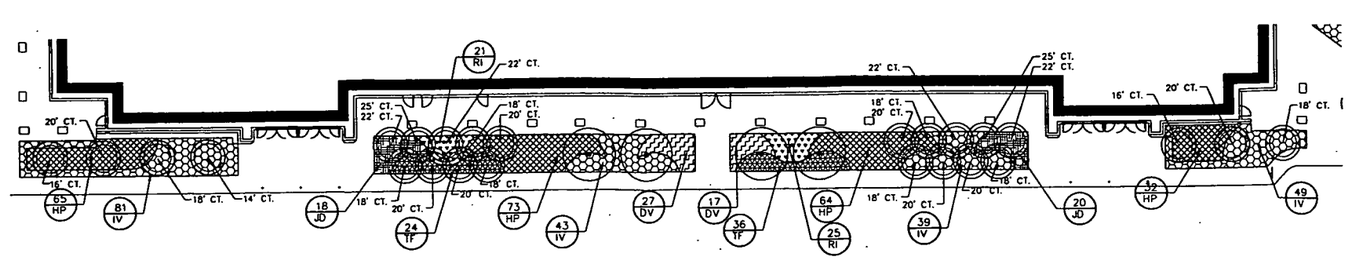
Sheet No.
L-1C



1 L1 L2 ENLARGED LANDSCAPE PLAN

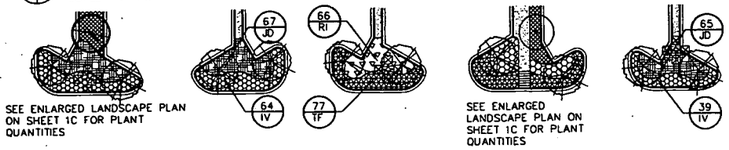
SCALE: 1"=20'

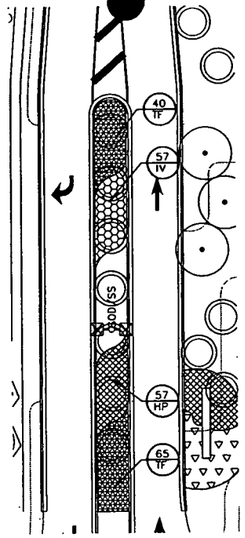




2 L1 L2 ENLARGED LANDSCAPE PLAN

SCALE: 1"=20'



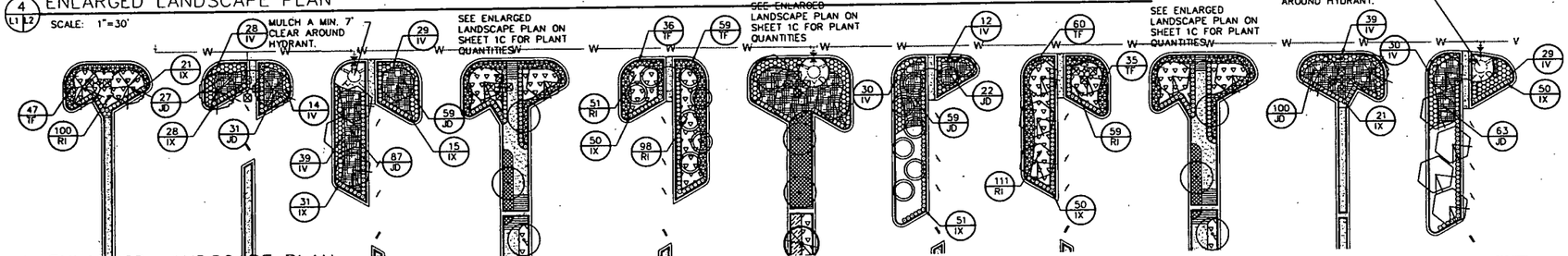


3 L1 L2 ENLARGED LANDSCAPE PLAN

SCALE: 1"=20'

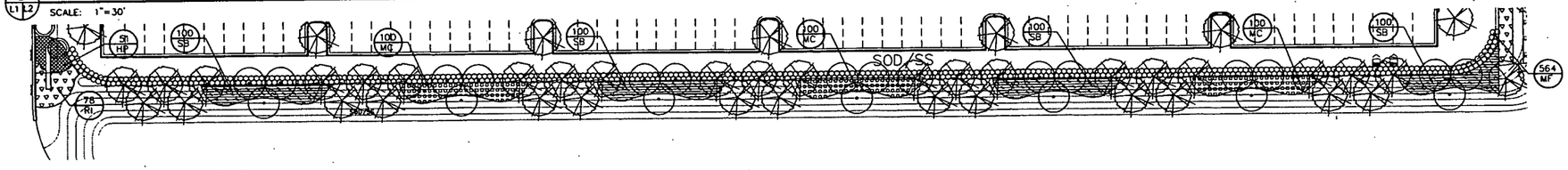
4 L1 L2 ENLARGED LANDSCAPE PLAN

SCALE: 1"=30'



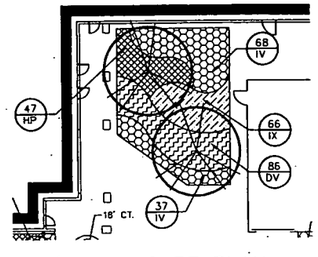
5 L1 L2 ENLARGED LANDSCAPE PLAN

SCALE: 1"=30'



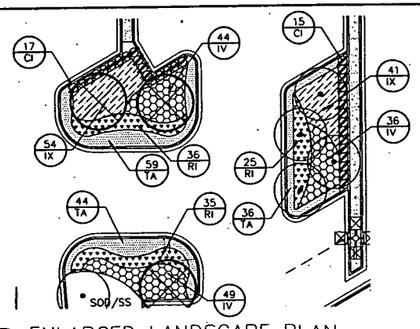
6 L1 L2 ENLARGED LANDSCAPE PLAN

SCALE: 1"=30'



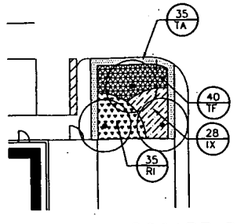
7 L1 L2 ENLARGED LANDSCAPE PLAN

SCALE: 1"=20'



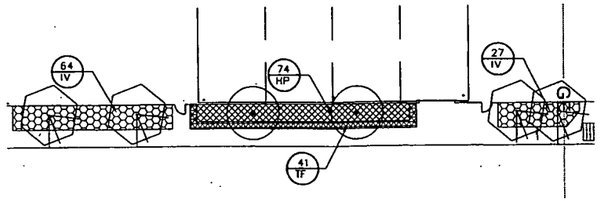
8 L1 L2 ENLARGED LANDSCAPE PLAN

SCALE: 1"=20'



9 L1 L2 ENLARGED LANDSCAPE PLAN

SCALE: 1"=20'



10 L1 L2 ENLARGED LANDSCAPE PLAN

SCALE: 1"=20'

PLANT LEGEND

SYM.	COMMON NAME
TREES	
QV2	LIVE OAK (LG)
QV3	LIVE OAK (S)
LI	QUEEN CRAPE MYRTLE
SP	SABAL PALM
SR	MAHOGANY
TD	BALD CYPRESS
CO	SATINLEAF
IC	DAHOON HOLLY
PR	SENEGAL PALM

SHRUBS AND GROUNDCOVER	
MF	SIMPSON'S STOPPER
VO	WALTER'S VIBURNUM
IX	IXORA
CI	RED TIP COCOPLUM
IX	IXORA
RI	INDIAN HAWTHORN
HP	DWARF FIREBUSH
TF	FLORIDA GAMMA GRASS
IV	DWARF YAUPON HOLLY
TA	ASIATIC JASMINE
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JD	'PARSONII' JUNIPER
SB	CORDGRASS
MC	MUHLY GRASS
BAHIA	ARGENTIN BAHIA SOD
SOD/SS	ST. AUGUSTINE GRASS

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MICHAEL J. URCHUK, FLA 6666675

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Scale: 1" = 20'
Date: AUG.2003
Job No. W13303
File: LSP
Approved
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No.	Date	Revision
1	8/03	
2	8/03	
3	8/03	
4	8/03	
5	8/03	

Activity	Name	Date
Designed by:	MJU	8/03
Drawn by:	KDL	8/03
Checked by:	MJU	8/03
Approved by:	MJU	8/03

Certificate of Authorization No. 3215

EXHIBIT B - LANDSCAPE PLAN

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STORE #5347-00, ESTERO, FLORIDA

Sheet No. L-2

LANDSCAPE NOTES:

1. The landscape Contractor shall be responsible for all materials and all work as called for on the Landscape Plans and in the Landscape Specifications. In the event of variation between quantities shown on plant list and the plans, the plans shall control. The Landscape Contractor shall verify all quantities and report any discrepancies at the time of bidding.
2. The Landscape Contractor shall review architectural/engineering plans and become thoroughly familiar with surface and subsurface utilities.
3. Every possible safeguard shall be taken to protect building surfaces, equipment and furnishings. The Landscape Contractor shall be responsible for any damage or injury to person or property which may occur as a result of negligence in the execution of the work.
4. The work shall be coordinated with other trades to prevent conflicts. Coordinate the planting with the irrigation work to assure availability and proper location of irrigation items and plants.
5. All planting shall be performed by personnel familiar with planting procedure and under the supervision of a qualified planting foreman.
6. All plant material shall be graded Florida No. 1 or better as outlined under Grades and Standards for Nursery Plants, Part I and II, published by the Florida Department of Agriculture and Consumer Services.
7. The Landscape Architect or Owner shall have the right, at any stage of the operations, to reject any and all work and materials which, in his opinion, do not meet with the requirements of these specifications.
8. Except as otherwise specified, the Landscape Contractor's work shall conform to accepted horticultural practices as used in the trade.
9. The minimum acceptable size of all plants, measured after pruning, with branches in normal positions, shall conform to the measurements specified on the plant list or as indicated on the landscape drawing. Height and spread dimensions refer to main body of the plant and not extreme branch tip to tip. The caliper of tree trunks is to be taken one foot above the ground level.
10. Plants shall be protected upon arrival at the site, by being thoroughly watered and properly maintained until planted.
11. All tree pits shall be excavated to size and depth in accordance with the USDA Standard for Nursery Stock 260.1, unless shown otherwise on the drawings, and backfilled with the specified planting soil. The Landscape Contractor shall test fill all tree pits with water before planting to assure proper drainage percolation is available.
12. The Landscape Contractor shall be responsible for proper watering of all plants. All plants shall be thoroughly watered at time of planting and kept adequately watered until time of acceptance. It shall be the Landscape Contractor's responsibility to assure that plants are not over watered.
13. It shall be the Landscape Contractor's responsibility to prevent plants from falling or being blown over, to restraighten and replant all plants which lean or fall and to replace all plants which are damaged due to lack of proper guying or staking. The Landscape Contractor shall be legally liable for any damage caused by instability of any plant material.
14. All trees and all palms shall be guyed or staked or braced. The Landscape Contractor shall determine which small or multi-trunk trees need to be guyed and staked to maintain plumb. Staking of trees and shrubs, if required, shall be done as per staking and guying detail prepared by the Landscape Architect. It shall be the responsibility of the Landscape Contractor to remove guys and stakes from the trees and job site after a period of 90 days.
15. Plants blown over by high winds, within the guaranteed period, shall not be cause for additional expense to the Owner, but shall be the responsibility of the Landscape Contractor. Damaged plants shall be replaced by the Landscape Contractor at no additional cost to the Owner.
16. Sod shall be certified to be free of the imported fire ant. Sod shall have a clean growth of acceptable grass, reasonably free of weeds with not less than 1 1/2" of soil firmly adhering to roots. It shall be the responsibility of the Landscape Contractor to measure and determine the exact amount required. This amount shall be verified with the Owner or Landscape Architect before installation.
17. The Landscape Contractor shall insure adequate vertical drainage in all plant beds, planters, and sod areas. Vertical drilling through any compacted fill to native soil shall be accomplished to insure drainage. If wet drained fill is necessary to assure positive drainage, this issue shall be brought up by the Landscape Contractor at time of bidding.
18. The Landscape Contractor shall insure that his work does not interrupt established or projected drainage patterns.
19. The Landscape Contractor shall prune, shape and remove dead foliage/limbs from existing plant material to remain. Confirm with the Landscape Architect or Owner the extent of work required at time of bidding.
20. Mulch - All plant beds shall be top dressed with 3" shredded hardwood mulch (or approved equal).
21. Transplanted Material - The Landscape Contractor shall be responsible for determining and evaluating which plant materials are suitable for transplanting and shall verify this with the Landscape Architect or Owner. The Landscape Contractor shall take all reasonable, horticulturally acceptable measures to assure the successful transplanting of determined plant materials. The Landscape Contractor shall be responsible for replacing any relocated plant materials which die if such measures are not taken, as determined by the Landscape Architect or Owner. Replacement plants shall be of identical species and size if required.
22. *MAINTENANCE PRIOR TO FINAL INSPECTION AND ACCEPTANCE:*

    Maintenance shall commence after each plant is planted and the maintenance period shall continue until the job or specific phase of the job is accepted by the Landscape Architect or Owner. Extreme care shall be taken to instruct the Owner or his representatives in general maintenance procedures.

    Plant maintenance shall include watering, pruning, weeding, cultivating, mulching, tightening, and repairing of guys, replacement of sick or dead plants, resetting plants to proper grades or upright positions and restoration of the planting saucer and all other care needed for proper growth of the plants.

    During the maintenance period and up to the date of final acceptance, the Landscape Contractor shall do all seasonal spraying and/or dusting of trees and shrubs. Upon completion of all planting, an inspection for acceptance of work will be held. The Landscape Contractor shall notify the Landscape Architect or Owner for scheduling of the inspection 10 days prior to the anticipated date.

    At the time of the inspection, if all of the materials are acceptable, a written notice will be given by the Landscape Architect or Owner to the Landscape Contractor Stating the date when the Maintenance Period ends.

    GUARANTEE AND REPLACEMENT:

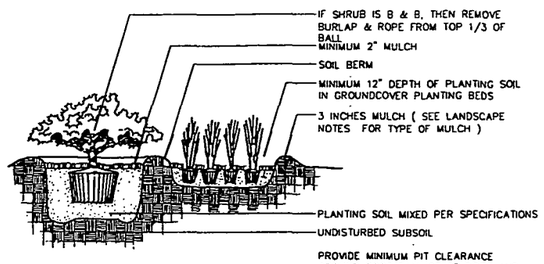
    All plant materials shall be guaranteed for one (1) year from the time of final inspection and interim acceptance shall be alive and in satisfactory growth for each specific kind of plant at the end of the guaranteed period.

    At the end of the guarantee period, any plant required under this contract that is dead or not in satisfactory growth, as determined by the Owner or the Landscape Architect, shall be removed and replaced. Replacement plants shall have an extended guarantee, as noted above, from time of replacement.

    All replacements shall be planted of the same kind and size as specified on the plant list. They shall be the responsibility of the Landscape Contractor.

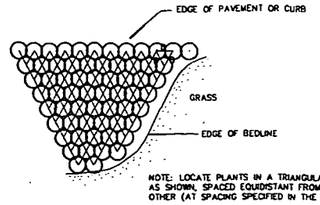
IRRIGATION NOTES:

1. SITE SHALL BE 100% IRRIGATED.
2. SYSTEM SHALL BE CONTROLLED AND MONITORED WITH RAINBIRD ESP SITE CONTROLLER.
3. IRRIGATION SYSTEM WILL BE INSTALLED WITH A RAIN SENSOR.
4. FLORIDA IRRIGATION INDUSTRY STANDARDS WILL BE USED FOR DESIGN, PIPING, HEADS, NOZZLES, AND CONSTRUCTION.



SHRUB AND GROUNDCOVER PLANTING DETAIL

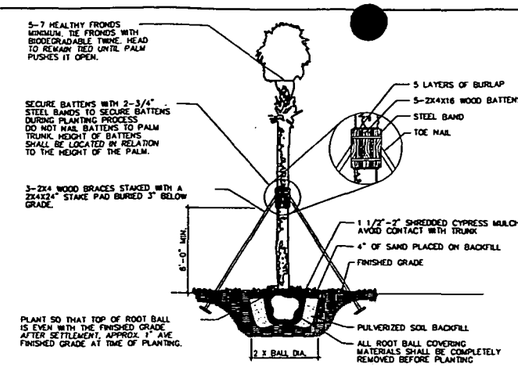
NTS



NOTE: LOCATE PLANTS IN A TRIANGULAR PATTERN AS SHOWN, SPACED EQUIDISTANT FROM EACH OTHER (AT SPACING SPECIFIED IN THE PLANT LIST).

SHRUB/GROUNDCOVER SPACING PLAN

N.T.S.

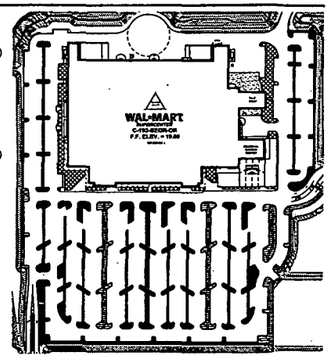


PALM STAKING DETAIL

N.T.S.

LANDSCAPE DATA

VEHICULAR USE AREA:	503,207 SF	
REQUIRED LANDSCAPE AREA:	50,321 SF (10%)	
PROPOSED LANDSCAPE:	50,863 SF (10.1%)	
ADDITIONAL BUILDING LANDSCAPING:		
REQUIRED LANDSCAPE AREA: (5% of VUA)	25,160 SF (5%)	
PROPOSED LANDSCAPE:	26,030 SF (5.2%)	
REQUIRED BUILDING LANDSCAPE: (bldg 207,739 GSF)	20,774 SF (10%)	
PROPOSED LANDSCAPE:	21,706 SF (10.4%)	
SITE AREA: (excludes outparcel & access road)	1,390,852 SF	
REQUIRED SITE TREES: (1/3,500 SF of development)	398	
PROPOSED TREES:	1039	
REQUIRED OPEN SPACE: (30.0%)	417,256 SF	
PROPOSED OPEN SPACE: (includes a portion of wet pond surface areas per code)	682,740 SF (49.1%)	



LITTORAL ZONE PLANT LIST

WET POND 1

TYPE	ZONES SHOWN	DESCRIPTION	TOTAL PLANT QTY
L1	3	50 PLANTS 18" O.C. - COW LILY	150
L2	4	200 PLANTS 18" O.C. - PICKEREL WEED & CANNA (MIXED)	800
L3	6	100 PLANTS 18" O.C. - WHITE WATER LILY	600
L4	2	400 PLANTS 18" O.C. - PICKEREL WEED & CANNA (MIXED)	800

REQUIRED LITTORAL PLANTS: 2,216 PLANTS (1 / 1 LF OF SHORELINE)

PROPOSED LITTORAL PLANTS: 2,350 PLANTS

WET POND 2

TYPE	ZONES SHOWN	DESCRIPTION	TOTAL PLANT QTY
L1	2	50 PLANTS 18" O.C. - COW LILY	100
L2	2	200 PLANTS 18" O.C. - PICKEREL WEED & CANNA (MIXED)	400
L3	2	100 PLANTS 18" O.C. - WHITE WATER LILY	200
L4	3	400 PLANTS 18" O.C. - PICKEREL WEED & CANNA (MIXED)	1200

REQUIRED LITTORAL PLANTS: 1,900 PLANTS (1 / 1 LF OF SHORELINE)

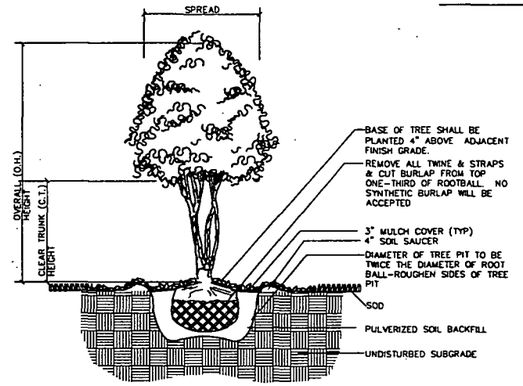
PROPOSED LITTORAL PLANTS: 1,900 PLANTS

TOTAL REQUIRED PLANTS: 4,250 PLANTS

TOTAL PROPOSED LITTORAL PLANTS: 4,250 PLANTS

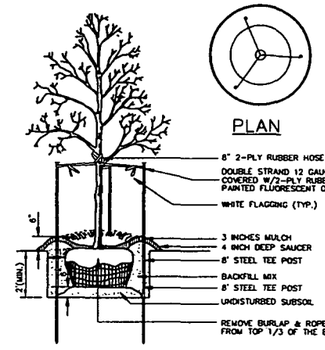
BUFFER SCHEDULE

PROPERTY BOUNDARY	# OF LINEAR FEET	BUFFER WIDTH REQ.	BUFFER WIDTH PROV.	LANDSCAPING REQ. BY CODE	LANDSCAPING PROVIDED
NORTH- THE VINES & MULTI-FAMILY	1832	20 FT.	10 FT.	C	
SHADE TREE				10 x 100 LF = 183	145 LARGE TREES
UNDERSTORY TREE				-	144 UNDERSTORY
SHRUBS / HEDGE				30 x 100 LF = 550	DBL. CONT. HEDGE
BERM / WALL				WALL	WALL
EAST- CONSERVATION	700	FT.	FT.	NONE	
SHADE TREE				-	3 SHADE
UNDERSTORY TREE				-	24 UNDERSTORY
SHRUBS / HEDGE				-	-
BERM / WALL				-	-
SOUTHEAST- CORESHAN BLVD	1143	20 FT.	15 FT.	D	
SHADE TREE				5 x 100 LF = 57	70 SHADE
UNDERSTORY TREE				-	16 UNDERSTORY
SHRUBS / HEDGE				DBL. CONT. HEDGE	DBL. CONT. HEDGE
BERM / WALL				-	-
SOUTHWEST- US 41	768	20 FT.	30 FT.	D	
SHADE TREE				5 x 100 LF = 38	37 SHADE
UNDERSTORY TREE				-	22 UNDERSTORY
SHRUBS / HEDGE				DBL. CONT. HEDGE	DBL. CONT. HEDGE
BERM / WALL				-	-



MULTI TRUNK TREE PLANTING DETAIL

NTS



NOTE: SEE LANDSCAPE NOTES FOR THE TYPE OF MULCH MATERIAL TO USE.

TREE PLANTING

N.T.S.

NATIVE TREE PERCENTAGE

NATIVE	871	
TOTAL	84.8%	
NON-NATIVE	156	
TOTAL	15.2%	

NATIVE SHRUB PERCENTAGE

NATIVE	20770	
TOTAL	77.3%	
NON-NATIVE	6106	
TOTAL	22.7%	

PLANT LIST

SYM.	QTY.	BOTANICAL NAME		COMMON NAME	DESCRIPTION
TREES					
QV2	385	QUERCUS VIRGINIANA	N	LIVE OAK (LG)	65 GAL., 3" MIN. CAL., 14'-16' HT.
QV3	5	QUERCUS VIRGINIANA	N	LIVE OAK (S)	7" CAL., MIN. 20' HT., MIN. 15' SPREAD
LS	35	LAGERSTROEMIA SPECIOSA	N	QUEEN CRAPE MYRTLE	25 GAL., 10' HT., MIN. 4' SPREAD
SP	128	SABAL PALMETTO	N	SABAL PALM	14' CT. MIN. UNLESS OTHERWISE NOTED
SR	43	SWIETENIA MAHAGONI	N	MAHOGANY	65 GAL., 3" MIN. CAL., 14'-16' HT., 6' SPREAD
TD	144	TAXODIUM DISTICHUM		BALD CYPRESS	2" CAL., 10' MIN. HT., 4' SPREAD
CO	30	CHRYSOPHYLLUM OLIVIFORME	N	SATINLEAF	2" CAL., 10' MIN. HT., 4' SPREAD
PR	1	PHOENIX RECLINATA		SENEGAL PALM	5 STEM MIN., 18' OA.
QL	9	QUERCUS LAURIFOLIA	N	LAUREL OAK	200 GAL., 20' HT., 12'-14' SPR.**
SS	6	SENNA SURRATTENSIS		GLAUCOUS CASSIA	30 GAL., 12' HT.
IC	241	ILEX CASSINE	N	DAHOON HOLLY	45 GAL., 3" CAL., 12'-14' HT., HOLLIES IN FRONT OF COMPRESSORS SHALL BE FULL TO THE GROUND.
SHRUBS AND GROUNDCOVER					
MF	2606	MYRCIANTHES FRAGRANS	N	SIMPSON'S STOPPER	3 GAL., 30" MIN. HT., 30" O.C.
VO	287	VIBURNIM OBOVATUM	N	WALTER'S VIBURNUM	7 GAL., 48" HT. MIN., 48" O.C.
IX	440	IXORA		IXORA	3 GAL., 24" HT. MIN., 24" O.C.
CI	32	CHRYSOBALANUS ICACO 'RED TIP'	N	RED TIP COCOPLUM	3 GAL., 24" HT. MIN., 30" O.C.
VS	52	VIBURNUM SUSPENSUM	N	SANDANKWA VIBURNUM	15 GAL., 48" HT., 48" O.C.
CC	69	CAPPARIS CYNOPHALLOPHORA		JAMAICAN CAPER	3 GAL., 18" HT., 36" O.C.
IX	1578	IXORA 'NORA GRANT'		NORA GRANT IXORA	3 GAL., 24" HT. MIN., 24" O.C.
RI	2297	RHAPHIOLEPIS INDICA		INDIAN HAWTHORN	3 GAL., 12"-15" HT MIN., 24" O.C.
HP	3131	HAMELIA PATENS 'COMPACTA'	N	DWARF FIREBUSH	3 GAL., 18" HT., 24" O.C.
TF	1447	TRIPSACUM FLORIDANA	N	FLORIDA GAMMA GRASS	1 GAL., FULL, 12" HT., 24" O.C.
IV	1839	ILEX VOMITORIA 'NANA'	N	DWARF YAUPON HOLLY	3 GAL., FULL, 12" HT., 30" O.C.
TA	301	TRACHELOSPERMUM ASIATICUM 'MIN.'		MINIMA ASIATIC JASMINE	1 GAL., FULL, 24" O.C.
DV	208	DIETES VEGETA		AFRICAN IRIS	1 GAL., FULL, 24" O.C.
JD	1213	JUNIPERUS DAVURICA		'PARSONII' JUNIPER	3 GAL., FULL, 24" O.C.
SB	10125	SPARTINA BAKERI	N	CORDGRASS	1 GAL., 18" HT., FULL, 36" O.C.
MC	1251	MUHLENBERGIA CAPILLARIS	N	MUHLY GRASS	1 GAL., 18" HT., FULL, 30" O.C.
BAHIA	BY CONTR.	PASPALUM NOTATUM 'ARGENTINE'		ARGENTIN BAHIA SOD	SOLID SOD, CONTRACTOR TO VERIFY QTY.
SOD/SS	BY CONTR.	STENOTAPHRUM SECUNDATUM		ST. AUGUSTINE GRASS	SOLID SOD, CONTRACTOR TO VERIFY QTY.

NOTE:
IF SPECIFIED PLANTS ARE UNAVAILABLE AT TIME OF CONSTRUCTION, CONTRACTOR MAY REPLACE SPECIFIED PLANTS WITH PLANTS APPROVED BY LANDSCAPE ARCHITECT AND COUNTY STAFF.

**LAUREL OAKS MAY BE TRANSPLANTED FROM VINES MAIN ENTRY. CONTRACTOR TO COORDINATE THE PURCHASE OR TRANSPLANT OF THESE TREES AT TIME OF CONSTRUCTION.

RECEIVED
JUL 30 2004
ZONING

MICHAEL J. URCHUK, R.L.A.
0666675

cph
Engineers
Planners
Landscape Architects
Surveyors
Construction Management
6991 Bay Colony Drive, Suite 202
Naples, FL 34108
2111 Park Street, Suite 306, Fort Myers, FL 33901
Phone: 239.337.3993 Fax: 239.337.3994

Scale:	N/A
Date:	AUG.2003
Job No.	W13303
File:	LSP
	Approved
	Revision
	Date

No.	Date
1	8/03
2	8/03
3	8/03
4	8/03
5	8/03

Activity	Name	Date
Designed by:	MJU	8/03
Drawn by:	KDL	8/03
Checked by:	MJU	8/03
Approved by:	MJU	8/03

Certificate of Authorization No. 3215

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LANDSCAPE DETAILS AND NOTES

WAL★MART
SUPERCENTER
STORE #5347-00, ESTERO, FLORIDA

Sheet No. L-3

Bernard Kinney & Associates

Environmental Noise Consultants

Transportation• Land Development•Construction•Expert Witness•Noise Monitoring Programs

May 27, 2003

Ms. Lisa M. Williams
CPH Engineers, Inc.
2310 First Street, Suite 204
Fort Myers, Florida 33901

RE: Wal-Mart Estero Koreshan Site Noise Impact Analysis
Estero, Florida

Dear Ms. Williams:

At your request, a comparative site noise impact analysis was conducted for the proposed Wal-Mart Super Store to be situated on the existing Koreshan Site located in Estero, Florida. The purpose of this analysis was to establish the existing ambient noise levels at specific locations adjacent to the perimeter of the proposed Wal-Mart Super Store to determine whether potential noise impacts may occur during the daytime and nighttime hours as a result of the facilities normal operating conditions. Similarly, the same level of analysis was conducted at the existing Wal-Mart Super Store located in Fort Myers, Florida in order to determine the resultant noise levels at the existing facilities property line. Further, both daytime and nighttime, field noise monitoring was conducted at specific locations adjacent to residential land uses for the proposed Wal-Mart Super Store. The results of the field noise monitoring will be compared to the maximum permissible noise levels contained within the Lee County Noise Ordinance (Chapter 24 Noise Control) to ensure that the noise levels associated with the proposed Wal-Mart Super Store to be situated on the existing Koreshan Site located in Estero, Florida, are within compliance with Lee County. Consequently, field noise monitoring was conducted on from May 19th through May 21st during the daytime (7am to 10 pm) and nighttime (10 pm to 7am) hours at both the proposed site and the existing comparative site.

The first phase of this evaluation consisted of conducting daytime (7 am to 10 pm) and nighttime (10 pm to 7 am) field noise monitoring at specific locations for both the proposed Wal-Mart Super Store to be located in Estero and at the existing comparative site Wal-Mart Super Store located in Fort Myers. Field noise monitoring was conducted at the proposed and existing property line of each of the facilities, during normal operating conditions, where potential noise impacts could occur. Field noise monitoring was also conducted at the adjacent residences for the proposed facility under study. The results of this phase of the analysis will establish the existing ambient noise levels for both the existing and proposed facilities during normal operating conditions and will determine where potential noise impacts occur, if any, from the facility under study. The field noise monitoring was conducted utilizing multiple Quest 2900 Type II Integrating / Logging Sound Level Meters.

The second phase of this evaluation consisted of comparing the existing ambient noise levels to that of the Lee County Noise Ordinance (Chapter 24 Noise Control) to ensure that the noise levels associated with the proposed Wal-Mart Super Store meet the criteria established by Lee County. In situations where the established noise level criterion is exceeded, potential noise abatement measures will be recommended.

9767 Erica Court Boca Raton, Florida 33496
(561) 483-9129 (Office) (305) 609-7504 (Mobile) Email BernardKinney @ AOL.COM

Noise Analysis Results

For the purposes of this analysis, Receptors R- ESTERO-1 through R-ESTERO-4 represent the noise monitoring locations associated with the Proposed Wal-Mart Koreshan Site located in Estero, Florida. The following table depicts the results of the on-site field noise monitoring associated with these receptors at the Proposed Wal-Mart Koreshan Site. Field noise monitoring was conducted over a three day period during the Daytime (7 am to 10 pm) hours and the Nighttime (10pm to 7 am) hours to establish the existing ambient noise levels.

Table 1.0 Existing Daytime Ambient Noise Levels for the Proposed Wal-Mart Koreshan Site Estero Florida

Receptor #	Date	Location and Ambient Noise Level Range (dBA) *	Average Noise Level (dBA) *	Comments
R-ESTERO-1		Koreshan Site @ US - 41		Local Traffic Volumes Along
100 Ft From US 41	5/20/03	62.6 – 64.9	63.7	US – 41
	5/20/03	64.2 – 64.5	64.4	
	5/21/03	61.7 – 66.8	63.0	
	5/21/03	63.2 – 64.2	63.8	
		(Daytime 7 am to 10 pm)		(Ambient Background)
R-ESTERO-2		Koreshan Site @ US - 41		Local Traffic Volumes Along
200 Ft From US 41	5/20/03	55.0 – 57.1	56.2	US – 41
	5/20/03	57.1 – 57.5	57.3	
	5/21/03	54.2 – 59.5	56.4	
	5/21/03	55.8 – 56.3	56.1	
		(Daytime 7 am to 10 pm)		(Ambient Background)
R-ESTERO-3		Koreshan Site @ US - 41		Local Traffic Volumes Along
300 Ft From US 41	5/20/03	52.2 – 55.2	53.6	US – 41
	5/20/03	54.4 – 55.5	54.8	
	5/21/03	50.9 – 56.0	53.5	
	5/21/03	52.4 – 52.8	52.6	
		(Daytime 7 am to 10 pm)		(Ambient Background)
R-ESTERO-4		Koreshan Site @ US - 41		Local Traffic Volumes Along
450 Ft From US 41	5/20/03	48.2– 51.5	49.9	US – 41
	5/20/03	48.6 – 50.8	49.7	Local Residential Traffic
	5/21/03	46.8 – 50.6	49.2	(Vines Residential)
	5/21/03	47.1 – 47.9	47.4	
		(Daytime 7 am to 10 pm)		(Ambient Background)

* Defined as the LAeq Noise Descriptor which is defined as the Level (A- weighted) equivalent steady-state sound level which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same time period

Noise Analysis Results

For the purposes of this analysis, Receptors R- ESTERO-1 through R-ESTERO-4 represent the noise monitoring locations associated with the Proposed Wal-Mart Koreshan Site located in Estero, Florida. The following table depicts the results of the on-site field noise monitoring associated with these receptors at the Proposed Wal-Mart Koreshan Site. Field noise monitoring was conducted over a three day period during the Daytime (7 am to 10 pm) hours and the Nighttime (10pm to 7 am) hours to establish the existing ambient noise levels.

Table 2.0 Existing Nighttime Ambient Noise Levels for the Proposed Wal-Mart Koreshan Site Estero Florida

Receptor #	Date	Location and Ambient Noise Level Range (dBA) *	Average Noise Level (dBA) *	Comments
R-ESTERO-1		Koreshan Site @ US - 41		
100 Ft From US 41	5/19/03	57.7 – 60.4	59.2	Local Traffic Volumes Along
	5/20/03	57.4 – 60.1	58.5	US – 41
	5/21/03	56.6 – 58.2	57.4	
		(Nighttime 10 pm to 7 am)		(Ambient Background)
R-ESTERO-2		Koreshan Site @ US - 41		
200 Ft From US 41	5/19/03	51.9 – 54.2	53.0	Local Traffic Volumes Along
	5/20/03	51.3 – 53.7	52.1	US – 41
	5/21/03	50.7 – 52.1	51.5	
		(Nighttime 10 pm to 7 am)		(Ambient Background)
R-ESTERO-3		Koreshan Site @ US - 41		
300 Ft From US 41	5/19/03	50.7 – 52.2	51.4	Local Traffic Volumes Along
	5/20/03	50.9 – 52.5	51.4	US – 41
	5/21/03	50.7 – 51.6	51.1	
		(Nighttime 10 pm to 7 am)		(Ambient Background)
R-ESTERO-4		Koreshan Site @ US - 41		
450 Ft From US 41	5/19/03	56.0 – 57.6	56.7	Local Traffic Volumes Along
	5/20/03	57.6– 58.5	58.2	US – 41
	5/21/03	58.0 – 58.4	58.2	(Crickets)
		(Nighttime 10 pm to 7 am)		(Ambient Background)

* Defined as the LAeq Noise Descriptor which is defined as the Level (A- weighted) equivalent steady-state sound level which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same time period

Noise Analysis Results

For the purposes of this analysis, Receptors R- WMSS-1 through R-WMSS-4 represent the noise monitoring locations associated with the Existing Wal-Mart Super Store located in Fort Myers, Florida. The following table depicts the results of the on-site field noise monitoring associated with these receptors at the Existing Wal-Mart Super Store. Field noise monitoring was conducted over a three day period during the Daytime (7 am to 10 pm) hours and the Nighttime (10pm to 7 am) hours to establish the existing ambient noise levels.

Table 3.0 Existing Daytime Ambient Noise Levels for the Wal-Mart Superstore Fort Myers Florida

Receptor #	Date	Location and Ambient Noise Level Range (dBA) *	Average Noise Level (dBA) *	Comments
R-WMSS-1		WMSS Front of Store		
	5/20/03	59.9– 61.4	60.6	Normal Daytime Store Activities
	5/20/03	60.5 – 62.7	61.6	
	5/21/03	67.1 – 67.9	67.5	Normal Parking Lot Activities
	5/21/03	60.0 – 61.9	61.3	
		(Daytime 7 am to 10 pm)		(Ambient Background)
R-WMSS-2		WMSS South Side of Store		
	5/20/03	59.1 – 62.9	61.5	Roof Top AC Units Running
	5/20/03	62.6 – 67.1	64.8	
	5/21/03	60.0 – 65.0	62.5	Tire Center Operations/ Loading Bay
	5/21/03	56.6 – 58.9	57.8	
		(Daytime 7 am to 10 pm)		(Ambient Background)
R-WMSS-3		WMSS Back Side of Store		
	5/20/03	51.4 – 65.3	59.9	Roof Top AC Units Running
	5/20/03	66.6 – 68.6	67.9	
	5/21/03	55.9 – 67.7	62.6	Forklift + Trailer Truck Activity
	5/21/03	51.5 – 57.8	54.7	
		(Daytime 7 am to 10 pm)		(Ambient Background)
R-WMSS-4		WMSS North Side of Store		
	5/20/03	52.1– 53.4	52.8	Roof Top AC Units Running
	5/20/03	61.0 – 63.6	62.3	
	5/21/03	52.1 – 56.4	54.3	Trailer Truck Loading / Forklift
	5/21/03	49.1 – 50.0	49.6	
		(Daytime 7 am to 10 pm)		(Ambient Background)

* Defined as the LAeq Noise Descriptor which is defined as the Level (A- weighted) equivalent steady-state sound level which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same time period

Noise Analysis Results

For the purposes of this analysis, Receptors R- WMSS-1 through R-WMSS-4 represent the noise monitoring locations associated with the Existing Wal-Mart Super Store located in Fort Myers, Florida. The following table depicts the results of the on-site field noise monitoring associated with these receptors at the Existing Wal-Mart Super Store. Field noise monitoring was conducted over a three day period during the Daytime (7 am to 10 pm) hours and the Nighttime (10pm to 7 am) hours to establish the existing ambient noise levels.

Table 4.0 Existing Nighttime Ambient Noise Levels for the Wal-Mart Super Store Fort Myers Florida

Receptor #	Date	Location and Ambient Noise Level Range (dBA) *	Average Noise Level (dBA) *	Comments
R-WMSS-1		WMSS Front of Store		
	5/19/03	54.6 – 56.0	55.3	Normal Nighttime Store Activities
	5/20/03	53.5 – 59.3	56.8	Normal Parking Lot Activities
	5/21/03	58.0 – 59.9	59.0	
		(Nighttime 10 pm to 7 am)		(Ambient Background)
R-WMSS-2		WMSS South Side of Store		
	5/19/03	51.3 – 53.2	52.3	Roof Top AC Units Running
	5/20/03	53.5 – 54.2	53.9	Tire Center Operations/ Loading Bay
	5/21/03	50.3 – 60.6	55.5	
		(Nighttime 10 pm to 7 am)		(Ambient Background)
R-WMSS-3		WMSS Back Side of Store		
	5/19/03	51.5 – 53.4	52.3	Roof Top AC Units Running
	5/20/03	48.4 – 55.0	51.9	Forklift + Trailer Truck Activity
	5/21/03	48.1 – 48.2	48.2	
		(Nighttime 10 pm to 7 am		(Ambient Background)
R-WMSS-4		WMSS North Side of Store		
	5/19/03	58.4 – 59.5	58.8	Roof Top AC Units Running
	5/20/03	51.9 – 53.8	52.7	Trailer Truck Loading / Forklift
	5/21/03	50.0 – 52.2	51.1	
		(Nighttime 10 pm to 7 am)		(Ambient Background)

* Defined as the LAeq Noise Descriptor which is defined as the Level (A- weighted) equivalent steady-state sound level which in a stated period of time contains the same acoustic energy as the time-varying sound level during the same time period

Noise Analysis Conclusions (Proposed Wal-Mart Super Store Estero)

The results of this analysis indicate that the existing ambient noise levels associated with the Koreshan Site (Vacant Land) where the proposed Wal-Mart Super Store will be constructed meets the daytime (7am to 10 pm) noise level limit set forth in the Lee County Noise Ordinance (Chapter 24 Noise Control) at all four of the monitoring locations under analysis. During the daytime hours the maximum permissible noise level limit is 66 dBA when measured at or within the property line of the receiving land use. During the nighttime (10 pm to 7am) hours, the existing ambient noise levels associated with the Koreshan Site (Vacant Land) where the proposed Wal-Mart Super Store will be constructed meets the noise level limit set forth in the Lee County Noise Ordinance (Chapter 24 Noise Control) at two of the four noise monitoring locations under analysis. The two remaining noise monitoring locations (R-ESTERO-1 and R-ESTERO-4) currently exceed the maximum permissible noise level during the nighttime time hours due to both the close proximity of Highway US-41 (R-ESTERO-1) and the natural ambient noise associated with crickets (R-ESTERO-4). During the nighttime hours, the maximum permissible noise level limit is 55 dBA when measured at or within the property line of the receiving land use. It is important to note that Receptor R-ESTERO-1 is located approximately 100 feet from Highway US-41 and, as such, the existing traffic volumes account for the existing nighttime ambient noise levels at this location. Further, Receptor R-ESTERO-4 is located at the existing residential property line of the Vines Residential Community and the existing nighttime ambient noise level at this location is influenced by crickets and other natural nighttime noises.

For the purposes of this analysis, a total of four noise monitoring locations were selected within the boundary of the Koreshan Site (Vacant Land) where the proposed Wal-Mart Super Store will be constructed. The first noise monitoring location (R-ESTERO-1) is located at a distance of 100 feet from the edge of pavement from Highway US-41 and adjacent to the proposed Wal-Mart facility. At this location the existing average ambient noise levels ranged from 63.0 dBA to 64.4 dBA over a two day period during the daytime (7am to 10 pm) hours. Similarly during the nighttime hours (10 pm to 7am), the existing average ambient noise levels ranged from 57.4 dBA to 59.2 dBA. At this location the existing ambient noise level was influenced by the local traffic volumes and traffic patterns along Highway US-41. The second noise monitoring location (R-ESTERO-2) is located at a distance of 200 feet from the edge of pavement from Highway US-41 and adjacent to the proposed Wal-Mart facility. At this location the existing average ambient noise levels ranged from 56.1 dBA to 57.3 dBA over a two day period during the daytime (7am to 10 pm) hours. Similarly during the nighttime hours (10 pm to 7am), the existing average ambient noise levels ranged from 51.5 dBA to 53.0 dBA. At this location the existing ambient noise level was influenced by the local traffic volumes and traffic patterns along Highway US-41. The third noise monitoring location (R-ESTERO-3) is located at a distance of 300 feet from the edge of pavement from Highway US-41 and adjacent to the proposed Wal-Mart facility. At this location the existing average ambient noise levels ranged from 52.6 dBA to 54.8 dBA over a two day period during the daytime (7am to 10 pm) hours. Similarly during the nighttime hours (10 pm to 7am), the existing average ambient noise levels ranged from 51.1 dBA to 51.4 dBA. At this location the existing ambient noise level was influenced by the local traffic volumes and traffic patterns along Highway US-41. The forth noise monitoring location (R-ESTERO-4) is located at a distance of 450 feet from the edge of pavement from Highway US-41 and adjacent to the proposed Wal-Mart facility. At this location the existing average ambient noise levels ranged from 47.4 dBA to 49.9 dBA over a two day period during the daytime (7am to 10 pm) hours. Similarly during the nighttime hours (10 pm to 7am), the existing average ambient noise levels ranged from 56.7 dBA to 58.2 dBA. At this location the existing ambient noise level was influenced by local traffic volumes from the Vines Residential Community during the daytime hours and from crickets and other natural nighttime noises during the nighttime hours.

Noise Analysis Conclusions (Existing Wal-Mart Super Store Fort Myers)

The results of this phase of the analysis indicates that the existing ambient noise levels associated with the Wal-Mart Super Store located in Fort Myers meets the daytime (7am to 10 pm) noise level limit set forth in the Lee County Noise Ordinance (Chapter 24 Noise Control) at all four noise monitoring locations under analysis with the exception of two single measurement periods associated with Receptors R-WMSS-1 and WMSS-3. It is important to note that the magnitude of the noise level increase is minimal at both of these locations. Further, based upon the proposed distance relationships to the existing and future planned residential communities, the anticipated noise levels associated with the proposed Wal-Mart Super Store should not only meet the criterion set forth in the Lee County Noise Ordinance but will not adversely impact the adjacent residential communities. Further, the existing daytime ambient noise levels associated with the comparative site Wal-Mart Super Store located in Fort Myers will most likely be at or similar to the existing ambient noise levels associated with the proposed Wal-Mart Super Store to be located in Estero. During the daytime hours the maximum permissible noise level limit is 66 dBA when measured at or within real property line of the receiving land use. During the nighttime (10 pm to 7am) hours, the existing ambient noise levels associated with the Wal-Mart Super Store located in Fort Myers meets the noise level limit set forth in the Lee County Noise Ordinance (Chapter 24 Noise Control) at all four noise monitoring locations under analysis with the exception of four single measurement periods associated with Receptors R-WMSS-1, R-WMSS-2 and WMSS-4. It is important to note that the magnitude of the noise level increase is minimal at these locations. Further, based upon the proposed distance relationships to the existing and future planned residential communities, the anticipated noise levels associated with the proposed Wal-Mart Super Store should not only meet the criterion set forth in the Lee County Noise Ordinance but will not adversely impact the adjacent residential communities. Further, the existing nighttime ambient noise levels associated with the comparative site Wal-Mart Super Store located in Fort Myers will most likely be at or similar to the existing ambient noise levels associated with the proposed Wal-Mart Super Store to be located in Estero. During the nighttime hours, the maximum permissible noise level limit is 55 dBA when measured at or within the property line for the receiving land use. It is important to note that the anticipated distance relationships for the proposed Wal-Mart Super Store to be located in Estero will be approximately 240 feet to 320 feet to the closest adjacent residential property line. Based upon these distance relationships, the comparative site noise analysis conducted at the Wal-Mart Super Store in Fort Myers demonstrates that at the above distances, the resultant noise levels from the proposed Wal-Mart Super Store will be similar to the character of the existing ambient noise levels at the proposed Wal-Mart Super Store to be located in Estero. Further, the projected resultant noise levels should meet the criterion set forth in the Lee County Noise Ordinance.

Noise Analysis Conclusions (Existing Wal-Mart Super Store Fort Myers)

For the purposes of this analysis, a total of four noise monitoring locations were selected within the boundary of the Wal-Mart Super Store located in Fort Myers. The first noise monitoring location (R-WMSS-1) is located at the front of the Wal-Mart Super Store. At this location the existing average ambient noise levels ranged from 60.6 dBA to 67.5 dBA over a two day period during the daytime (7am to 10 pm) hours. Similarly during the nighttime hours (10 pm to 7am), the existing average ambient noise level ranged from 55.3 dBA to 59.0 dBA. At this location the existing ambient noise level was influenced by the normal store activities and the associated parking lot activities. The second noise monitoring location (R-WMSS-2) is located at the south side of the Wal-Mart Super Store adjacent to the loading bays, the compactor area, and the Tire Center. At this location the existing average ambient noise levels ranged from 57.8 dBA to 64.8 dBA over a two day period during the daytime (7am to 10 pm) hours. Similarly during the nighttime hours (10 pm to 7am), the existing average ambient noise level ranged from 52.3 dBA to 55.5 dBA. At this location the existing ambient noise level was influenced by the roof top air conditioning units, loading bay operations and Tire Center operations.

Noise Analysis Conclusions (Existing Wal-Mart Super Store Fort Myers) (Continued)

The third noise monitoring location (R-WMSS-3) is located along the back side of the Wal-Mart Super Store. At this location the existing average ambient noise levels ranged from 54.7 dBA to 67.9 dBA over a two day period during the daytime (7am to 10 pm) hours. Similarly during the nighttime hours (10 pm to 7am), the existing average ambient noise level ranged from 48.2 dBA to 52.3 dBA. At this location the existing ambient noise level was influenced by the roof top air conditioning units, truck traffic, and forklift operations which lasted for approximately thirty minutes. The forth noise monitoring location (R-WMSS-4) is located along the north side of the Wal-Mart Super Store adjacent to both the loading bays and the compactor area. At this location the existing average ambient noise levels ranged from 49.6 dBA to 62.3 dBA over a two day period during the daytime (7am to 10 pm) hours. Similarly during the nighttime hours (10 pm to 7am), the existing average ambient noise level ranged from 51.1 dBA to 58.8 dBA. At this location the existing ambient noise level was influenced by the roof top air conditioning units, trailer truck loading, and fork lift operations.

The results of this analysis has demonstrated that the average existing ambient field noise level over a two to three day monitoring period during the daytime (7am to 10 pm) hours is approximately 49.1 dBA when measured at the closest residential property line (The Vines Residential Community) adjacent to the proposed Wal-Mart Super Store. During the daytime hours the maximum permissible noise level limit is 66 dBA when measured at or within real property line of the receiving land use. Similarly, at the front of the comparative site Wal-Mart Super Store at a distance 67 feet, the average existing ambient field noise level over a two to three day monitoring period during the daytime (7am to 10 pm) hours is approximately 62.8 dBA. Along the south side of the comparative site Wal-Mart Super Store at a distance 82 feet from the loading bay and 46 feet from the tire center, the average existing ambient field noise level over a two to three day monitoring period during the daytime (7am to 10 pm) hours is approximately 61.7 dBA. Along the back side of the of the comparative site Wal-Mart Super Store at a distance 36 feet, the average existing ambient field noise level over a two to three day monitoring period during the daytime (7am to 10 pm) hours is approximately 61.3 dBA. Along the north side of the comparative site Wal-Mart Super Store at a distance 180 feet, the average existing ambient field noise level over a two to three day monitoring period during the daytime (7am to 10 pm) hours is approximately 54.8 dBA. The average resultant field noise levels associated with the proposed Wal-Mart Super Store are not only below the criterion set forth in the Lee County Noise Ordinance but based upon the distance relationships to both the existing and future proposed residential communities (approximately 250 feet to 310 from the Vines Community and 240 feet to 320 feet from the future multi-family development) there will be no noticeable adverse impact the adjacent residential communities.

May 27, 2003

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Page 9

Noise Analysis Conclusions (Existing Wal-Mart Super Store Fort Myers) (Continued)

The results of this analysis has demonstrated that the average existing ambient field noise level over a two to three day monitoring period during the nighttime (10 pm to 7 am) hours is approximately 57.7 dBA when measured at the closest residential property line (The Vines Residential Community) adjacent to the proposed Wal-Mart Super Store. During the nighttime hours the maximum permissible noise level limit is 55 dBA when measured at or within real property line of the receiving land use. Similarly, at the front of the comparative site Wal-Mart Super Store at a distance 67 feet, the average existing ambient field noise level over a two to three day monitoring period during the nighttime (10 pm to 7 am) hours is approximately 57.0 dBA. Along the south side of the comparative site Wal-Mart Super Store at a distance 82 feet from the loading bay and 46 feet from the tire center, the average existing ambient field noise level over a two to three day monitoring period during the nighttime (10 pm to 7 am) hours is approximately 53.9 dBA. Along the back side of the of the comparative site Wal-Mart Super Store at a distance 36 feet, the average existing ambient field noise level over a two to three day monitoring period during the nighttime (10 pm to 7 am) hours is approximately 50.8 dBA. Along the north side of the comparative site Wal-Mart Super Store at a distance 180 feet, the average existing ambient field noise level over a two to three day monitoring period during the nighttime (10 pm to 7 am) hours is approximately 54.2 dBA. The average resultant field noise levels associated with the proposed Wal-Mart Super Store (with the exception of the front of the store which faces US Highway 41) are not only below the criterion set forth in the Lee County Noise Ordinance but based upon the distance relationships to both the existing and future proposed residential communities (approximately 250 feet to 310 from the Vines Community and 240 feet to 320 feet from the future multi-family development) there will be no noticeable adverse impact the adjacent residential communities. The existing nighttime (10 pm to 7 am) ambient field noise levels at the Vines Residential Property Line currently exceed the criterion set forth in the Lee County Noise Ordinance and currently exceeds the comparative site field noise levels associated with the proposed Wal-Mart Super Store.

Based upon the results of this analysis, it appears that the proposed Wal-Mart Super Store to be located in Estero, Florida will most likely meet the criterion set forth in the Lee County Noise Ordinance. Further, the results of this analysis indicates that based upon the proposed distance relationships to the closest existing and future planned residential communities, the anticipated noise levels from the proposed Wal-Mart Super Store will be similar to the character of the existing ambient noise levels at the proposed Koreshan Site located in Estero, Florida and, as such, no adverse noise impacts are anticipated with the proposed Wal-Mart Super Store.

It has been a pleasure serving you on this project. Please feel free to contact our office should you have any questions.

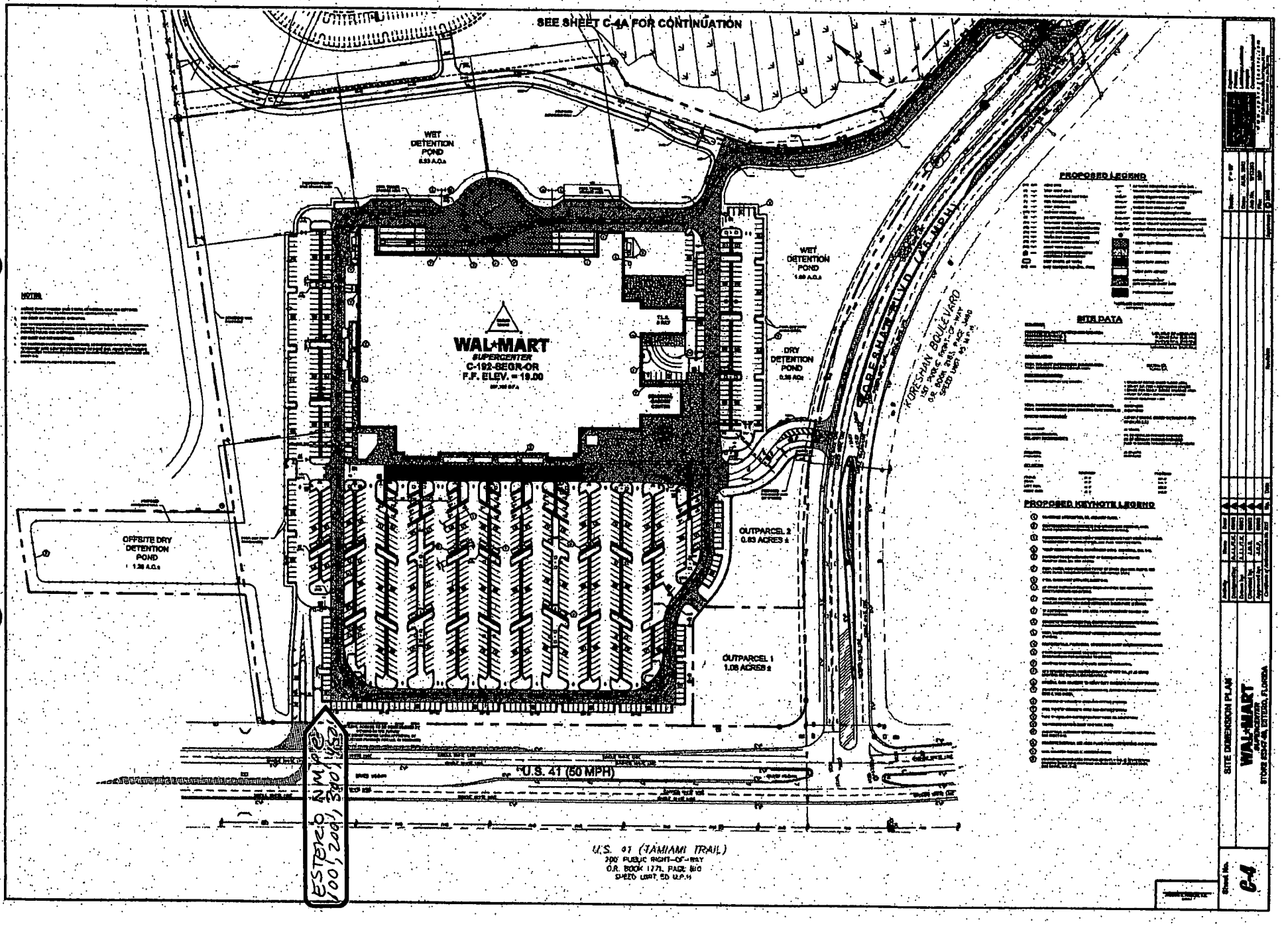
Sincerely,

Bernard Kinney & Associates

Bernard Kinney Jr., INCE

APPENDIX

Proposed Wal-Mart Super Center
Site Plan


SEE SHEET C-4A FOR CONTINUATION
WET DETENTION POND
WAL*MART
SUPERCENTER
C-192-SEGR-OR
F.F. ELEV. = 19.00
WET DETENTION POND
DRY DETENTION POND
OFFSITE DRY DETENTION POND
OUTPARCEL 2
0.83 ACRES ±
OUTPARCEL 1
1.08 ACRES ±
U.S. 41 (50 MPH)
U.S. 41 (TAMIAMI TRAIL)
100' PUBLIC RIGHT-OF-WAY
O.R. BOOK 1171, PAGE 810
SPEED LIMIT: 50 M.P.H.
KORESHAN BOULEVARD
SCREAMER BLVD. (45 MPH)
PROPOSED LEGEND
SITE DATA
PROPOSED KEYNOTE LEGEND
SITE DIMENSION PLAN
WAL*MART
SUPERCENTER
STORE #2414, ESTERO, FLORIDA
C-4
ESTERO, FLORIDA
10012003

Noise Monitoring Data Sheets

Proposed Wal-Mart Koreshan Site Estero, Florida

Noise Monitoring Data Sheets

Existing Wal-Mart Super Store Site Fort Myers, Florida

Quest Technologies
2900 Integrating/Logging Sound Level Meter

Unit Version Number: 02.4
Serial Number: CDA120044
Name: CPH Naples / Wal-Mart Estero Site

Work Area: Wal-Mart Estero Site / Existing Wal-Mart

Comments: Establishment of Daytime / Nighttime Ambient Field Noise Levels @ Proposed Wal-Mart Estero (Koreshan Site) at 100 Feet From US 41. @ Existing Wal-Mart Super Store Fort Myers Facility Perimeter

Meter Calibration: 114.1dB, 5/19/03 @ 5:24:45 PM

Calibrator Serial Number:

Calibration Date:

Study 1

DL 1-6 → 57.7-60.4 (59.2 dBA) NT 100' FROM US-41

Measuring Parameters

Range: 30 - 90 dB
Weighting: A
Time Constant: Slow
Threshold: Off
Exchange Rate: 3dB
Peak Weighting: A

Study Started: 5/19/03 @ 10:04:46 PM
Study Stopped: 5/19/03 @ 10:15:10 PM
Run Time: 0:10:24
Peak Level: 80.9dB, 5/19/03 @ 10:14:52 PM
Max Level: 68.1dB, 5/19/03 @ 10:14:53 PM
Min Level: 40.8dB, 5/19/03 @ 10:12:15 PM
Overload: 0.00%

LEQ: 59.1dB	SEL(3):87.1dB	TWA: 42.5dB	TAKM3: 61.0dB
LDN: 69.1dB	CNEL: 69.1dB	Pa2Sec: 0.2	
L1: 67.1dB	L10: 64.2dB	L50: 53.9dB	L90: 43.9dB

EXISTING WALMART SUPERSTORE

FRONT SIDE (NT)
DL 7-9 54.6-56.0 (55.3 dBA) NT

SOUTH SIDE (NT)
DL 10-12 51.3-53.2 (52.3 dBA) NT

BACKSIDE (NT)
DL 13-15 51.5-53.4 (52.3 dBA) NT

NORTHSIDE (NT)
DL 16-18 58.4-59.5 (58.8 dBA) NT

Study 2

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/19/03 @ 10:15:13 PM
Study Stopped: 5/19/03 @ 10:25:30 PM
Run Time: 0:10:17
Peak Level: 82.0dB, 5/19/03 @ 10:18:18 PM
Max Level: 68.7dB, 5/19/03 @ 10:18:11 PM
Min Level: 42.7dB, 5/19/03 @ 10:20:41 PM
Overload: 0.00%

LEQ: 59.8dB	SEL(3):87.7dB	TWA: 43.1dB	TAKM3: 61.6dB
LDN: 69.8dB	CNEL: 69.8dB	Pa2Sec: 0.2	
L1: 67.4dB	L10: 64.4dB	L50: 55.8dB	L90: 45.8dB

Study 3

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/19/03 @ 10:25:36 PM
Study Stopped: 5/19/03 @ 10:38:15 PM
Run Time: 0:12:39
Peak Level: 85.7dB, 5/19/03 @ 10:35:48 PM
Max Level: 74.6dB, 5/19/03 @ 10:35:48 PM
Min Level: 41.9dB, 5/19/03 @ 10:25:47 PM
Overload: 0.00%

LEQ: 60.4dB	SEL(3):89.2dB	TWA: 44.6dB	TAKM3: 62.4dB
LDN: 70.4dB	CNEL: 70.4dB	Pa2Sec: 0.3	
L1: 69.6dB	L10: 64.6dB	L50: 55.6dB	L90: 45.7dB

Study 4

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/19/03 @ 10:38:17 PM
Study Stopped: 5/19/03 @ 10:48:35 PM
Run Time: 0:10:18
Peak Level: 84.5dB, 5/19/03 @ 10:38:31 PM
Max Level: 70.3dB, 5/19/03 @ 10:38:31 PM
Min Level: 41.5dB, 5/19/03 @ 10:46:33 PM
Overload: 0.00%

LEQ: 59.6dB	SEL(3):87.5dB	TWA: 43.0dB	TAKM3: 61.4dB
LDN: 69.6dB	CNEL: 69.6dB	Pa2Sec: 0.2	
L1: 68.7dB	L10: 64.5dB	L50: 54.4dB	L90: 44.5dB

Study 5

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/19/03 @ 10:48:39 PM
Study Stopped: 5/19/03 @ 10:58:59 PM
Run Time: 0:10:19
Peak Level: 81.8dB, 5/19/03 @ 10:58:17 PM
Max Level: 68.7dB, 5/19/03 @ 10:58:16 PM
Min Level: 41.4dB, 5/19/03 @ 10:51:00 PM
Overload: 0.00%

LEQ: 58.5dB	SEL(3):86.4dB	TWA: 41.8dB	TAKM3: 60.4dB
LDN: 68.5dB	CNEL: 68.5dB	Pa2Sec: 0.2	
L1: 67.3dB	L10: 63.3dB	L50: 53.2dB	L90: 45.3dB

Study 6

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/19/03 @ 10:59:04 PM
Study Stopped: 5/19/03 @ 11:09:23 PM
Run Time: 0:10:19
Peak Level: 82.1dB, 5/19/03 @ 10:59:46 PM
Max Level: 69.0dB, 5/19/03 @ 10:59:48 PM
Min Level: 40.9dB, 5/19/03 @ 11:04:51 PM
Overload: 0.00%

LEQ: 57.7dB	SEL(3):85.6dB	TWA: 41.0dB	TAKM3: 59.7dB
LDN: 67.7dB	CNEL: 67.7dB	Pa2Sec: 0.1	
L1: 67.2dB	L10: 62.7dB	L50: 52.3dB	L90: 42.3dB

Study 7

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/19/03 @ 11:34:56 PM
Study Stopped: 5/19/03 @ 11:45:16 PM
Run Time: 0:10:19
Peak Level: 83.7dB, 5/19/03 @ 11:38:44 PM
Max Level: 63.6dB, 5/19/03 @ 11:41:51 PM
Min Level: 48.5dB, 5/19/03 @ 11:43:39 PM
Overload: 0.00%

LEQ: 55.4dB	SEL(3):83.3dB	TWA: 38.7dB	TAKM3: 56.5dB
LDN: 65.4dB	CNEL: 65.4dB	Pa2Sec: 0.1	
L1: 62.3dB	L10: 58.1dB	L50: 54.0dB	L90: 51.0dB

Study 8

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/19/03 @ 11:45:19 PM
Study Stopped: 5/19/03 @ 11:55:57 PM
Run Time: 0:10:38
Peak Level: 92.0dB, 5/19/03 @ 11:48:41 PM
Max Level: 64.3dB, 5/19/03 @ 11:54:54 PM
Min Level: 48.9dB, 5/19/03 @ 11:50:53 PM
Overload: 0.00%

LEQ: 54.6dB	SEL(3):82.6dB	TWA: 38.0dB	TAKM3: 55.9dB
LDN: 64.6dB	CNEL: 64.6dB	Pa2Sec: 0.1	
L1: 61.3dB	L10: 57.6dB	L50: 52.9dB	L90: 50.5dB

Study 9

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/19/03 @ 11:55:59 PM
Study Stopped: 5/20/03 @ 12:06:17 AM
Run Time: 0:10:17
Peak Level: 92.0dB, 5/20/03 @ 12:02:46 AM
Max Level: 70.5dB, 5/20/03 @ 12:02:46 AM
Min Level: 48.5dB, 5/20/03 @ 12:04:22 AM
Overload: 0.02%

LEQ: 56.0dB	SEL(3):83.9dB	TWA: 39.3dB	TAKM3: 58.0dB
LDN: 66.0dB	CNEL: 66.0dB	Pa2Sec: 0.1	
L1: 65.0dB	L10: 59.0dB	L50: 53.3dB	L90: 50.6dB

Study 10

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 12:09:48 AM
Study Stopped: 5/20/03 @ 12:20:07 AM
Run Time: 0:10:19
Peak Level: 79.6dB, 5/20/03 @ 12:14:54 AM
Max Level: 56.8dB, 5/20/03 @ 12:16:19 AM
Min Level: 48.8dB, 5/20/03 @ 12:16:38 AM
Overload: 0.00%

LEQ: 51.3dB	SEL(3):79.3dB	TWA: 34.7dB	TAKM3: 52.1dB
LDN: 61.3dB	CNEL: 61.3dB	Pa2Sec: 0.0	
L1: 55.8dB	L10: 53.3dB	L50: 50.6dB	L90: 49.5dB

Study 11

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 12:20:11 AM
Study Stopped: 5/20/03 @ 12:31:03 AM
Run Time: 0:10:52
Peak Level: 80.3dB, 5/20/03 @ 12:29:03 AM
Max Level: 62.1dB, 5/20/03 @ 12:30:23 AM
Min Level: 48.8dB, 5/20/03 @ 12:21:58 AM
Overload: 0.00%

LEQ: 52.5dB	SEL(3):80.6dB	TWA: 36.0dB	TAKM3: 53.4dB
LDN: 62.5dB	CNEL: 62.5dB	Pa2Sec: 0.0	
L1: 59.3dB	L10: 54.7dB	L50: 51.1dB	L90: 49.4dB

Study 12

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 12:31:05 AM
Study Stopped: 5/20/03 @ 12:41:23 AM
Run Time: 0:10:17
Peak Level: 87.1dB, 5/20/03 @ 12:33:08 AM
Max Level: 64.5dB, 5/20/03 @ 12:34:57 AM
Min Level: 48.4dB, 5/20/03 @ 12:40:51 AM
Overload: 0.00%

LEQ: 53.2dB	SEL(3):81.1dB	TWA: 36.5dB	TAKM3: 54.1dB
LDN: 63.2dB	CNEL: 63.2dB	Pa2Sec: 0.1	
L1: 61.5dB	L10: 55.6dB	L50: 50.9dB	L90: 49.5dB

Study 13

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 12:43:45 AM
Study Stopped: 5/20/03 @ 12:54:04 AM
Run Time: 0:10:18
Peak Level: 80.3dB, 5/20/03 @ 12:53:07 AM
Max Level: 57.7dB, 5/20/03 @ 12:50:59 AM
Min Level: 51.4dB, 5/20/03 @ 12:51:56 AM
Overload: 0.03%

LEQ: 53.4dB	SEL(3):81.4dB	TWA: 36.8dB	TAKM3: 53.9dB
LDN: 63.4dB	CNEL: 63.4dB	Pa2Sec: 0.1	
L1: 56.4dB	L10: 54.4dB	L50: 53.6dB	L90: 51.9dB

Study 14

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off

Weighting: A
Exchange Rate: 3dB

Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 12:54:12 AM
Study Stopped: 5/20/03 @ 1:04:29 AM
Run Time: 0:10:17
Peak Level: 82.9dB, 5/20/03 @ 1:03:24 AM
Max Level: 59.6dB, 5/20/03 @ 1:03:23 AM
Min Level: 50.8dB, 5/20/03 @ 1:02:10 AM
Overload: 0.01%

LEQ: 51.9dB	SEL(3):79.8dB	TWA: 35.2dB	TAKM3: 52.5dB
LDN: 61.9dB	CNEL: 61.9dB	Pa2Sec: 0.0	
L1: 54.1dB	L10: 52.4dB	L50: 51.7dB	L90: 51.4dB

Study 15

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 1:04:36 AM
Study Stopped: 5/20/03 @ 1:14:53 AM
Run Time: 0:10:16
Peak Level: 86.1dB, 5/20/03 @ 1:04:50 AM
Max Level: 56.0dB, 5/20/03 @ 1:04:49 AM
Min Level: 50.6dB, 5/20/03 @ 1:10:43 AM
Overload: 0.00%

LEQ: 51.5dB	SEL(3):79.4dB	TWA: 34.8dB	TAKM3: 51.8dB
LDN: 61.4dB	CNEL: 61.4dB	Pa2Sec: 0.0	
L1: 52.5dB	L10: 51.8dB	L50: 51.4dB	L90: 51.1dB

Study 16

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 1:17:41 AM
Study Stopped: 5/20/03 @ 1:27:45 AM
Run Time: 0:10:03
Peak Level: 85.0dB, 5/20/03 @ 1:25:15 AM
Max Level: 65.1dB, 5/20/03 @ 1:25:10 AM
Min Level: 50.7dB, 5/20/03 @ 1:27:40 AM
Overload: 0.00%

LEQ: 58.4dB	SEL(3):86.2dB	TWA: 41.6dB	TAKM3: 59.7dB
LDN: 68.4dB	CNEL: 68.4dB	Pa2Sec: 0.2	
L1: 63.7dB	L10: 60.1dB	L50: 58.3dB	L90: 54.5dB

Study 17

Measuring Parameters

Range: 30 - 90 dB
Weighting: A
Time Constant: Slow
Threshold: Off
Exchange Rate: 3dB
Peak Weighting: A

Study Started: 5/20/03 @ 1:27:48 AM
Study Stopped: 5/20/03 @ 1:38:07 AM
Run Time: 0:10:18
Peak Level: 85.7dB, 5/20/03 @ 1:29:51 AM
Max Level: 65.6dB, 5/20/03 @ 1:29:17 AM
Min Level: 51.3dB, 5/20/03 @ 1:29:00 AM
Overload: 0.00%

LEQ: 59.5dB	SEL(3):87.4dB	TWA: 42.8dB	TAKM3: 60.7dB
LDN: 69.5dB	CNEL: 69.5dB	Pa2Sec: 0.2	
L1: 64.4dB	L10: 61.7dB	L50: 59.1dB	L90: 55.9dB

Study 18

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 1:38:13 AM
Study Stopped: 5/20/03 @ 1:48:19 AM
Run Time: 0:10:05
Peak Level: 83.0dB, 5/20/03 @ 1:41:21 AM
Max Level: 63.5dB, 5/20/03 @ 1:42:39 AM
Min Level: 49.4dB, 5/20/03 @ 1:47:42 AM
Overload: 0.00%

LEQ: 58.4dB	SEL(3):86.3dB	TWA: 41.7dB	TAKM3: 59.7dB
LDN: 68.4dB	CNEL: 68.4dB	Pa2Sec: 0.2	
L1: 62.3dB	L10: 60.8dB	L50: 58.4dB	L90: 53.8dB

Quest Technologies
2900 Integrating/Logging Sound Level Meter

Unit Version Number: 02.4 Serial Number: CD120045
Name: CPH Naples / Wal-Mart Estero Site

Work Area: Wal-Mart Estero Site

Comments: Establishment of Daytime / Nighttime Ambient Field Noise Levels @ Proposed Wal-Mart Estero (Koreshan Site) at 200 Feet From US 41

Meter Calibration: 114.0dB, 5/19/03 @ 5:26:19 PM

Calibrator Serial Number:

Calibration Date:

Study 1

DL 1-6 → 51.9-54.2 (53.0 dBA) NT @ 200' FROM US41

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/19/03 @ 10:05:04 PM
Study Stopped: 5/19/03 @ 10:15:41 PM
Run Time: 0:10:36
Peak Level: 72.4dB, 5/19/03 @ 10:14:33 PM
Max Level: 60.3dB, 5/19/03 @ 10:14:32 PM
Min Level: 41.9dB, 5/19/03 @ 10:11:51 PM
Overload: 0.00%

LEQ: 52.7dB	SEL(3):80.7dB	TWA: 36.2dB	TAKM3: 53.9dB
LDN: 62.7dB	CNEL: 62.7dB	Pa2Sec: 0.0	
L1: 59.2dB	L10: 56.9dB	L50: 49.9dB	L90: 43.5dB

Study 2

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/19/03 @ 10:16:03 PM
Study Stopped: 5/19/03 @ 10:26:20 PM
Run Time: 0:10:17
Peak Level: 76.2dB, 5/19/03 @ 10:26:04 PM
Max Level: 65.8dB, 5/19/03 @ 10:26:04 PM
Min Level: 41.4dB, 5/19/03 @ 10:25:39 PM
Overload: 0.00%

LEQ: 54.2dB	SEL(3):82.1dB	TWA: 37.5dB	TAKM3: 55.3dB
LDN: 64.2dB	CNEL: 64.2dB	Pa2Sec: 0.1	
L1: 61.6dB	L10: 57.6dB	L50: 51.5dB	L90: 43.9dB

Study 3

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/19/03 @ 10:26:25 PM
Study Stopped: 5/19/03 @ 10:38:29 PM
Run Time: 0:12:03
Peak Level: 76.4dB, 5/19/03 @ 10:26:35 PM
Max Level: 67.4dB, 5/19/03 @ 10:35:26 PM
Min Level: 42.2dB, 5/19/03 @ 10:37:09 PM
Overload: 0.00%

LEQ: 54.2dB	SEL(3):82.8dB	TWA: 38.2dB	TAKM3: 55.5dB
LDN: 64.2dB	CNEL: 64.2dB	Pa2Sec: 0.1	
L1: 62.2dB	L10: 57.6dB	L50: 51.4dB	L90: 46.0dB

Study 4

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/19/03 @ 10:38:31 PM
Study Stopped: 5/19/03 @ 10:49:33 PM
Run Time: 0:11:02
Peak Level: 74.0dB, 5/19/03 @ 10:44:25 PM
Max Level: 62.3dB, 5/19/03 @ 10:44:25 PM
Min Level: 42.0dB, 5/19/03 @ 10:46:56 PM
Overload: 0.00%

LEQ: 52.6dB	SEL(3):80.8dB	TWA: 36.2dB	TAKM3: 53.8dB
LDN: 62.6dB	CNEL: 62.6dB	Pa2Sec: 0.0	
L1: 60.9dB	L10: 56.1dB	L50: 50.3dB	L90: 43.7dB

Study 5

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/19/03 @ 10:49:35 PM
Study Stopped: 5/19/03 @ 10:59:53 PM
Run Time: 0:10:17
Peak Level: 74.6dB, 5/19/03 @ 10:59:26 PM
Max Level: 60.8dB, 5/19/03 @ 10:52:46 PM
Min Level: 41.9dB, 5/19/03 @ 10:50:35 PM
Overload: 0.00%

LEQ: 52.5dB	SEL(3):80.4dB	TWA: 35.8dB	TAKM3: 53.8dB
LDN: 62.5dB	CNEL: 62.5dB	Pa2Sec: 0.0	
L1: 60.0dB	L10: 56.6dB	L50: 49.6dB	L90: 44.6dB

Study 6

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/19/03 @ 10:59:56 PM
Study Stopped: 5/19/03 @ 11:10:14 PM
Run Time: 0:10:18
Peak Level: 75.9dB, 5/19/03 @ 11:03:10 PM
Max Level: 61.5dB, 5/19/03 @ 11:08:59 PM
Min Level: 41.5dB, 5/19/03 @ 11:00:34 PM
Overload: 0.00%

LEQ: 51.9dB	SEL(3):79.8dB	TWA: 35.2dB	TAKM3: 53.2dB
LDN: 61.9dB	CNEL: 61.9dB	Pa2Sec: 0.0	
L1: 59.5dB	L10: 55.9dB	L50: 49.3dB	L90: 42.5dB

Quest Technologies
2900 Integrating/Logging Sound Level Meter

Unit Version Number: 02.4
Name: CPH Naples / Wal-Mart Estero Site

Serial Number: CD7120018

Work Area: Wal-Mart Estero Site

Comments: Establishment of Daytime / Nighttime Ambient Field Noise Levels @ Proposed Wal-Mart Estero (Koreshan Site) at 300 Feet From US 41

Meter Calibration: 114.1dB, 5/19/03 @ 5:28:07 PM

Calibrator Serial Number:

Calibration Date:

Study 1

DL1-6 → 50.7-52.2 (51.4 dBA) NT 300' from US-41

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off

Weighting: A
Exchange Rate: 3dB

Time Constant: Slow
Peak Weighting: A

Study Started: 5/19/03 @ 10:05:39 PM
Study Stopped: 5/19/03 @ 10:17:07 PM
Run Time: 0:11:28
Peak Level: 81.0dB, 5/19/03 @ 10:05:40 PM
Max Level: 57.1dB, 5/19/03 @ 10:14:34 PM
Min Level: 45.8dB, 5/19/03 @ 10:11:57 PM
Overload: 0.00%

LEQ: 51.5dB	SEL(3):79.9dB	TWA: 35.3dB	TAKM3: 52.3dB
LDN: 61.5dB	CNEL: 61.5dB	Pa2Sec: 0.0	
L1: 56.4dB	L10: 54.7dB	L50: 50.1dB	L90: 47.0dB

Study 2

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/19/03 @ 10:17:16 PM
Study Stopped: 5/19/03 @ 10:27:33 PM
Run Time: 0:10:17
Peak Level: 73.6dB, 5/19/03 @ 10:26:06 PM
Max Level: 61.9dB, 5/19/03 @ 10:26:06 PM
Min Level: 45.1dB, 5/19/03 @ 10:25:23 PM
Overload: 0.00%

LEQ: 52.0dB	SEL(3):79.9dB	TWA: 35.3dB	TAKM3: 52.8dB
LDN: 62.0dB	CNEL: 62.0dB	Pa2Sec: 0.0	
L1: 58.6dB	L10: 54.8dB	L50: 50.5dB	L90: 46.7dB

Study 3

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/19/03 @ 10:27:37 PM
Study Stopped: 5/19/03 @ 10:39:08 PM
Run Time: 0:11:30
Peak Level: 73.2dB, 5/19/03 @ 10:35:27 PM
Max Level: 63.2dB, 5/19/03 @ 10:35:27 PM
Min Level: 45.5dB, 5/19/03 @ 10:37:08 PM
Overload: 0.00%

LEQ: 52.2dB	SEL(3):80.6dB	TWA: 36.0dB	TAKM3: 53.1dB
LDN: 62.2dB	CNEL: 62.2dB	Pa2Sec: 0.0	
L1: 59.1dB	L10: 55.0dB	L50: 50.5dB	L90: 47.2dB

Study 4

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/19/03 @ 10:39:10 PM
Study Stopped: 5/19/03 @ 10:50:18 PM
Run Time: 0:11:08
Peak Level: 72.4dB, 5/19/03 @ 10:44:31 PM
Max Level: 59.4dB, 5/19/03 @ 10:44:27 PM
Min Level: 45.7dB, 5/19/03 @ 10:46:58 PM
Overload: 0.00%

LEQ: 51.1dB	SEL(3):79.4dB	TWA: 34.8dB	TAKM3: 51.9dB
LDN: 61.1dB	CNEL: 61.1dB	Pa2Sec: 0.0	
L1: 58.2dB	L10: 53.6dB	L50: 50.0dB	L90: 47.0dB

Study 5

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/19/03 @ 10:50:20 PM
Study Stopped: 5/19/03 @ 11:00:39 PM
Run Time: 0:10:18
Peak Level: 71.4dB, 5/19/03 @ 10:58:04 PM
Max Level: 57.4dB, 5/19/03 @ 10:59:29 PM
Min Level: 45.4dB, 5/19/03 @ 10:58:50 PM
Overload: 0.00%

LEQ: 50.8dB	SEL(3):78.7dB	TWA: 34.1dB	TAKM3: 51.7dB
LDN: 60.8dB	CNEL: 60.8dB	Pa2Sec: 0.0	
L1: 56.7dB	L10: 54.1dB	L50: 49.4dB	L90: 46.5dB

Study 6

Measuring Parameters

Range: 30 - 90 dB
Weighting: A
Time Constant: Slow
Threshold: Off
Exchange Rate: 3dB
Peak Weighting: A

Study Started: 5/19/03 @ 11:00:41 PM
Study Stopped: 5/19/03 @ 11:10:59 PM
Run Time: 0:10:18
Peak Level: 88.2dB, 5/19/03 @ 11:10:57 PM
Max Level: 59.4dB, 5/19/03 @ 11:09:00 PM
Min Level: 45.7dB, 5/19/03 @ 11:00:42 PM
Overload: 0.00%

LEQ: 50.7dB	SEL(3):78.6dB	TWA: 34.1dB	TAKM3: 51.6dB
LDN: 60.7dB	CNEL: 60.7dB	Pa2Sec: 0.0	
L1: 57.0dB	L10: 53.7dB	L50: 49.3dB	L90: 46.5dB

Quest Technologies
2900 Integrating/Logging Sound Level Meter

Unit Version Number: 02.4 Serial Number: CD7120020
Name: CPH Naples / Wal-Mart Estero Site

Work Area: Wal-Mart Estero Site

Comments: Establishment of Daytime / Nighttime Ambient Field Noise Levels @ Proposed Wal-Mart Estero (Koreshan Site) at 450 Feet From US 41

Meter Calibration: 114.0dB, 5/19/03 @ 5:29:53 PM

Calibrator Serial Number:

Calibration Date:

Study 1

DL1-6 → 56.0-57.6 (56.7 dBA) NT 450' From US-41

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/19/03 @ 10:06:38 PM
Study Stopped: 5/19/03 @ 10:18:14 PM
Run Time: 0:11:35
Peak Level: 73.1dB, 5/19/03 @ 10:18:11 PM
Max Level: 58.9dB, 5/19/03 @ 10:18:04 PM
Min Level: 55.9dB, 5/19/03 @ 10:12:33 PM
Overload: 0.00%

LEQ: 57.6dB	SEL(3):86.0dB	TWA: 41.4dB	TAKM3: 57.9dB
LDN: 67.5dB	CNEL: 67.5dB	Pa2Sec: 0.2	
L1: 58.4dB	L10: 58.1dB	L50: 57.6dB	L90: 57.0dB

Study 2

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/19/03 @ 10:18:33 PM
Study Stopped: 5/19/03 @ 10:28:57 PM
Run Time: 0:10:23
Peak Level: 74.7dB, 5/19/03 @ 10:28:35 PM
Max Level: 58.9dB, 5/19/03 @ 10:20:04 PM
Min Level: 54.8dB, 5/19/03 @ 10:28:16 PM
Overload: 0.00%

LEQ: 57.3dB	SEL(3):85.2dB	TWA: 40.6dB	TAKM3: 57.6dB
LDN: 67.2dB	CNEL: 67.2dB	Pa2Sec: 0.1	
L1: 58.6dB	L10: 58.2dB	L50: 57.3dB	L90: 56.0dB

Study 3

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/19/03 @ 10:28:59 PM
Study Stopped: 5/19/03 @ 10:40:11 PM
Run Time: 0:11:11
Peak Level: 72.0dB, 5/19/03 @ 10:32:47 PM
Max Level: 58.6dB, 5/19/03 @ 10:29:55 PM
Min Level: 54.0dB, 5/19/03 @ 10:36:07 PM
Overload: 0.00%

LEQ: 56.4dB	SEL(3):84.7dB	TWA: 40.1dB	TAKM3: 56.8dB
LDN: 66.4dB	CNEL: 66.4dB	Pa2Sec: 0.1	
L1: 58.2dB	L10: 57.5dB	L50: 56.4dB	L90: 55.1dB

Study 4

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/19/03 @ 10:40:16 PM
Study Stopped: 5/19/03 @ 10:51:19 PM
Run Time: 0:11:03
Peak Level: 71.2dB, 5/19/03 @ 10:47:34 PM
Max Level: 58.0dB, 5/19/03 @ 10:44:51 PM
Min Level: 53.8dB, 5/19/03 @ 10:43:09 PM
Overload: 0.00%

LEQ: 56.0dB	SEL(3):84.2dB	TWA: 39.6dB	TAKM3: 56.4dB
LDN: 66.0dB	CNEL: 66.0dB	Pa2Sec: 0.1	
L1: 57.5dB	L10: 56.9dB	L50: 56.0dB	L90: 54.7dB

Study 5

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/19/03 @ 10:51:23 PM
Study Stopped: 5/19/03 @ 11:01:52 PM
Run Time: 0:10:29
Peak Level: 77.1dB, 5/19/03 @ 11:01:06 PM
Max Level: 57.9dB, 5/19/03 @ 10:56:14 PM
Min Level: 54.7dB, 5/19/03 @ 11:00:25 PM
Overload: 0.00%

LEQ: 56.4dB	SEL(3):84.4dB	TWA: 39.8dB	TAKM3: 56.8dB
LDN: 66.4dB	CNEL: 66.4dB	Pa2Sec: 0.1	
L1: 57.6dB	L10: 57.2dB	L50: 56.3dB	L90: 55.8dB

Study 6

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/19/03 @ 11:01:55 PM
Study Stopped: 5/19/03 @ 11:12:14 PM
Run Time: 0:10:19
Peak Level: 83.0dB, 5/19/03 @ 11:12:11 PM
Max Level: 58.9dB, 5/19/03 @ 11:09:04 PM
Min Level: 55.2dB, 5/19/03 @ 11:11:29 PM
Overload: 0.00%

LEQ: 56.6dB	SEL(3):84.5dB	TWA: 39.9dB	TAKM3: 57.0dB
LDN: 66.6dB	CNEL: 66.6dB	Pa2Sec: 0.1	
L1: 57.8dB	L10: 57.1dB	L50: 56.6dB	L90: 56.0dB

Quest Technologies
2900 Integrating/Logging Sound Level Meter

Unit Version Number: 02.4 Serial Number: CDA120044
Name: CPH Naples / Wal-Mart Estero Site

Work Area: Wal-Mart Estero Site / Existing Wal-Mart

Comments: Establishment of Daytime / Nighttime Ambient Field Noise Levels @ Proposed Wal-Mart Estero (Koreshan Site) at 100 Feet From US 41. @ Existing Wal-Mart Super Store Fort Myers at Facility Perimeter

Meter Calibration: 114.0dB, 5/20/03 @ 10:01:30 AM

Calibrator Serial Number:

Calibration Date:

Study 1

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:15:45 AM
Study Stopped: 5/20/03 @ 10:28:04 AM
Run Time: 0:12:18
Peak Level: 88.8dB, 5/20/03 @ 10:26:45 AM
Max Level: 75.1dB, 5/20/03 @ 10:26:45 AM
Min Level: 45.7dB, 5/20/03 @ 10:15:57 AM
Overload: 0.00%

LEQ: 64.4dB	SEL(3):93.1dB	TWA: 48.5dB	TAKM3: 66.0dB
LDN: 64.4dB	CNEL: 64.4dB	Pa2Sec: 0.8	
L1: 72.1dB	L10: 68.2dB	L50: 61.9dB	L90: 53.6dB

100 Ft. From US-41

DL 1-9 DT 62.6-64.9 (63.7dBA) DT AM
DL 22-24 DT 64.2-64.5 (64.4dBA) DT PM
DL 36-41 NT 57.4-60.1 (58.5dBA) NT PM

Study 2

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:28:05 AM
Study Stopped: 5/20/03 @ 10:43:55 AM
Run Time: 0:15:49
Peak Level: 93.9dB, 5/20/03 @ 10:32:38 AM
Max Level: 75.9dB, 5/20/03 @ 10:32:37 AM
Min Level: 48.7dB, 5/20/03 @ 10:29:37 AM
Overload: 0.00%

LEQ: 64.2dB	SEL(3):94.0dB	TWA: 49.4dB	TAKM3: 65.7dB
LDN: 64.2dB	CNEL: 64.2dB	Pa2Sec: 1.0	
L1: 72.0dB	L10: 67.5dB	L50: 62.6dB	L90: 55.0dB

FRONT WM (EXISTING)

DL 10-12 DT (60.6) 59.9 - 61.4 AM
DL 25-27 DT (61.6) 60.5 - 62.7 PM
DL 42-44 NT (56.8) 53.5 - 59.3 PM/AM

SOUTHSIDE WM (EXISTING)

DL 13-15 DT (61.5) 59.1 - 62.9 AM
DL 28-30 DT (64.8) 62.6 - 67.1 PM
DL 45-47 NT (53.9) 53.5 - 54.2 PM/AM

BACKSIDE WM (EXISTING)

DL 16-18 DT (59.9) 51.4 - 65.3
DL 31-33 DT (67.9) 66.6 - 68.6
DL 48-50 NT (51.9) 48.4 - 55.0

NORTHSIDE WM (EXISTING)

DL 19-21 DT (52.8) 52.1 - 53.4
DL 34-35 DT (62.3) 61.0 - 63.6
DL 51-53 NT (52.7) 51.9 - 53.8

Study 3

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:43:57 AM
Study Stopped: 5/20/03 @ 10:54:17 AM
Run Time: 0:10:20
Peak Level: 90.8dB, 5/20/03 @ 10:53:54 AM
Max Level: 76.4dB, 5/20/03 @ 10:53:53 AM
Min Level: 46.0dB, 5/20/03 @ 10:47:32 AM
Overload: 0.00%

LEQ: 64.9dB	SEL(3):92.8dB	TWA: 48.2dB	TAKM3: 66.5dB
LDN: 64.9dB	CNEL: 64.9dB	Pa2Sec: 0.8	
L1: 73.6dB	L10: 68.0dB	L50: 63.0dB	L90: 54.8dB

Study 4

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:54:18 AM
Study Stopped: 5/20/03 @ 11:05:48 AM
Run Time: 0:11:29
Peak Level: 85.7dB, 5/20/03 @ 10:56:43 AM
Max Level: 73.6dB, 5/20/03 @ 10:56:23 AM
Min Level: 44.8dB, 5/20/03 @ 11:01:04 AM
Overload: 0.00%

LEQ: 63.5dB	SEL(3):91.9dB	TWA: 47.3dB	TAKM3: 65.1dB
LDN: 63.5dB	CNEL: 63.5dB	Pa2Sec: 0.6	
L1: 70.2dB	L10: 66.9dB	L50: 62.2dB	L90: 54.6dB

Study 5

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 11:05:50 AM
Study Stopped: 5/20/03 @ 11:17:17 AM
Run Time: 0:11:27
Peak Level: 86.7dB, 5/20/03 @ 11:10:28 AM
Max Level: 73.3dB, 5/20/03 @ 11:10:28 AM
Min Level: 46.5dB, 5/20/03 @ 11:11:33 AM
Overload: 0.00%

LEQ: 62.9dB	SEL(3):91.3dB	TWA: 46.7dB	TAKM3: 64.4dB
LDN: 62.9dB	CNEL: 62.9dB	Pa2Sec: 0.5	
L1: 70.2dB	L10: 66.6dB	L50: 60.9dB	L90: 53.7dB

Study 6

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 11:17:19 AM
Study Stopped: 5/20/03 @ 11:27:42 AM
Run Time: 0:10:22
Peak Level: 87.1dB, 5/20/03 @ 11:20:47 AM
Max Level: 72.2dB, 5/20/03 @ 11:20:46 AM
Min Level: 45.6dB, 5/20/03 @ 11:19:50 AM
Overload: 0.00%

LEQ: 63.7dB	SEL(3):91.6dB	TWA: 47.0dB	TAKM3: 65.2dB
LDN: 63.7dB	CNEL: 63.7dB	Pa2Sec: 0.6	
L1: 70.5dB	L10: 67.0dB	L50: 62.4dB	L90: 54.4dB

Study 7

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 11:27:44 AM
Study Stopped: 5/20/03 @ 11:40:44 AM
Run Time: 0:12:59
Peak Level: 88.3dB, 5/20/03 @ 11:31:55 AM
Max Level: 74.2dB, 5/20/03 @ 11:31:55 AM
Min Level: 46.5dB, 5/20/03 @ 11:31:10 AM
Overload: 0.00%

LEQ: 63.6dB	SEL(3):92.5dB	TWA: 47.9dB	TAKM3: 65.0dB
LDN: 63.6dB	CNEL: 63.6dB	Pa2Sec: 0.7	
L1: 70.4dB	L10: 67.1dB	L50: 61.7dB	L90: 54.2dB

Study 8

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off

Weighting: A
Exchange Rate: 3dB

Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 11:40:45 AM
Study Stopped: 5/20/03 @ 11:50:53 AM
Run Time: 0:10:07
Peak Level: 85.3dB, 5/20/03 @ 11:43:59 AM
Max Level: 71.0dB, 5/20/03 @ 11:45:28 AM
Min Level: 48.4dB, 5/20/03 @ 11:47:26 AM
Overload: 0.00%

LEQ: 62.6dB	SEL(3):90.4dB	TWA: 45.9dB	TAKM3: 64.0dB
LDN: 62.6dB	CNEL: 62.6dB	Pa2Sec: 0.4	
L1: 68.8dB	L10: 66.2dB	L50: 61.0dB	L90: 54.7dB

Study 9

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 11:50:55 AM
Study Stopped: 5/20/03 @ 12:01:20 PM
Run Time: 0:10:25
Peak Level: 91.1dB, 5/20/03 @ 11:55:39 AM
Max Level: 75.3dB, 5/20/03 @ 11:55:39 AM
Min Level: 45.1dB, 5/20/03 @ 11:57:52 AM
Overload: 0.00%

LEQ: 63.7dB	SEL(3):91.7dB	TWA: 47.1dB	TAKM3: 65.5dB
LDN: 63.7dB	CNEL: 63.7dB	Pa2Sec: 0.6	
L1: 71.1dB	L10: 67.0dB	L50: 62.3dB	L90: 54.5dB

Study 10

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 12:32:33 PM
Study Stopped: 5/20/03 @ 12:42:40 PM
Run Time: 0:10:06
Peak Level: 97.8dB, 5/20/03 @ 12:38:38 PM
Max Level: 75.3dB, 5/20/03 @ 12:35:59 PM
Min Level: 53.4dB, 5/20/03 @ 12:33:55 PM
Overload: 0.00%

LEQ: 61.4dB	SEL(3):89.2dB	TWA: 44.6dB	TAKM3: 62.9dB
LDN: 61.4dB	CNEL: 61.4dB	Pa2Sec: 0.3	
L1: 71.3dB	L10: 63.1dB	L50: 59.7dB	L90: 56.4dB

Study 11

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 12:42:44 PM
Study Stopped: 5/20/03 @ 12:52:48 PM
Run Time: 0:10:03
Peak Level: 98.1dB, 5/20/03 @ 12:44:46 PM
Max Level: 71.0dB, 5/20/03 @ 12:51:19 PM
Min Level: 52.7dB, 5/20/03 @ 12:52:47 PM
Overload: 0.00%

LEQ: 60.4dB	SEL(3):88.2dB	TWA: 43.6dB	TAKM3: 61.9dB
LDN: 60.4dB	CNEL: 60.4dB	Pa2Sec: 0.3	
L1: 68.6dB	L10: 62.4dB	L50: 59.4dB	L90: 56.0dB

Study 12

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 12:52:54 PM
Study Stopped: 5/20/03 @ 1:02:58 PM
Run Time: 0:10:04
Peak Level: 85.2dB, 5/20/03 @ 1:00:46 PM
Max Level: 71.4dB, 5/20/03 @ 12:59:53 PM
Min Level: 50.6dB, 5/20/03 @ 12:53:00 PM
Overload: 0.00%

LEQ: 59.9dB	SEL(3):87.7dB	TWA: 43.1dB	TAKM3: 61.0dB
LDN: 59.9dB	CNEL: 59.9dB	Pa2Sec: 0.2	
L1: 66.3dB	L10: 62.7dB	L50: 58.7dB	L90: 55.1dB

Study 13

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 1:07:27 PM
Study Stopped: 5/20/03 @ 1:17:31 PM
Run Time: 0:10:04
Peak Level: 88.4dB, 5/20/03 @ 1:08:36 PM
Max Level: 69.7dB, 5/20/03 @ 1:08:35 PM
Min Level: 52.4dB, 5/20/03 @ 1:12:05 PM
Overload: 0.00%

LEQ: 59.1dB	SEL(3):86.9dB	TWA: 42.3dB	TAKM3: 61.1dB
LDN: 59.1dB	CNEL: 59.1dB	Pa2Sec: 0.2	
L1: 67.1dB	L10: 62.2dB	L50: 57.1dB	L90: 54.3dB

Study 14

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 1:17:33 PM
Study Stopped: 5/20/03 @ 1:27:43 PM
Run Time: 0:10:09
Peak Level: 105.3dB, 5/20/03 @ 1:27:26 PM
Max Level: 79.7dB, 5/20/03 @ 1:22:55 PM
Min Level: 54.1dB, 5/20/03 @ 1:19:00 PM
Overload: 0.00%

LEQ: 62.4dB	SEL(3):90.3dB	TWA: 45.7dB	TAKM3: 65.0dB
LDN: 62.4dB	CNEL: 62.4dB	Pa2Sec: 0.4	
L1: 71.6dB	L10: 65.4dB	L50: 59.0dB	L90: 56.1dB

Study 15

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 1:27:44 PM
Study Stopped: 5/20/03 @ 1:37:47 PM
Run Time: 0:10:02
Peak Level: 99.8dB, 5/20/03 @ 1:33:30 PM
Max Level: 82.8dB, 5/20/03 @ 1:33:35 PM
Min Level: 52.1dB, 5/20/03 @ 1:34:17 PM
Overload: 0.00%

LEQ: 62.9dB	SEL(3):90.7dB	TWA: 46.1dB	TAKM3: 65.4dB
LDN: 62.9dB	CNEL: 62.9dB	Pa2Sec: 0.5	
L1: 76.1dB	L10: 60.3dB	L50: 56.5dB	L90: 54.0dB

Study 16

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 1:40:25 PM
Study Stopped: 5/20/03 @ 1:50:46 PM
Run Time: 0:10:21
Peak Level: 114.0dB, 5/20/03 @ 1:45:19 PM
Max Level: 85.6dB, 5/20/03 @ 1:45:18 PM
Min Level: 50.1dB, 5/20/03 @ 1:44:30 PM
Overload: 0.05%

LEQ: 65.3dB	SEL(3):93.2dB	TWA: 48.7dB	TAKM3: 69.0dB
LDN: 65.3dB	CNEL: 65.3dB	Pa2Sec: 0.8	
L1: 78.0dB	L10: 68.0dB	L50: 53.6dB	L90: 51.0dB

Study 17

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off

Weighting: A
Exchange Rate: 3dB

Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 1:50:49 PM
Study Stopped: 5/20/03 @ 2:01:02 PM
Run Time: 0:10:12
Peak Level: 75.4dB, 5/20/03 @ 1:50:57 PM
Max Level: 57.1dB, 5/20/03 @ 1:50:50 PM
Min Level: 49.7dB, 5/20/03 @ 1:56:57 PM
Overload: 0.00%

LEQ: 51.4dB	SEL(3):79.2dB	TWA: 34.6dB	TAKM3: 51.8dB
LDN: 51.4dB	CNEL: 51.4dB	Pa2Sec: 0.0	
L1: 53.3dB	L10: 52.3dB	L50: 51.2dB	L90: 50.5dB

Study 18

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 2:01:03 PM
Study Stopped: 5/20/03 @ 2:11:19 PM
Run Time: 0:10:15
Peak Level: 99.7dB, 5/20/03 @ 2:08:07 PM
Max Level: 86.6dB, 5/20/03 @ 2:08:06 PM
Min Level: 49.4dB, 5/20/03 @ 2:04:36 PM
Overload: 0.26%

LEQ: 63.0dB	SEL(3):90.9dB	TWA: 46.3dB	TAKM3: 65.9dB
LDN: 63.0dB	CNEL: 63.0dB	Pa2Sec: 0.5	
L1: 75.1dB	L10: 54.8dB	L50: 50.8dB	L90: 50.1dB

Study 19

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 2:13:38 PM
Study Stopped: 5/20/03 @ 2:25:10 PM
Run Time: 0:11:31
Peak Level: 80.2dB, 5/20/03 @ 2:19:37 PM
Max Level: 65.8dB, 5/20/03 @ 2:19:37 PM
Min Level: 46.0dB, 5/20/03 @ 2:24:43 PM
Overload: 0.00%

LEQ: 53.4dB	SEL(3):81.8dB	TWA: 37.2dB	TAKM3: 54.4dB
LDN: 53.4dB	CNEL: 53.4dB	Pa2Sec: 0.1	
L1: 60.8dB	L10: 55.2dB	L50: 52.3dB	L90: 49.1dB

Study 20

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 2:25:12 PM
Study Stopped: 5/20/03 @ 2:35:14 PM
Run Time: 0:10:02
Peak Level: 81.2dB, 5/20/03 @ 2:28:13 PM
Max Level: 57.5dB, 5/20/03 @ 2:34:19 PM
Min Level: 46.1dB, 5/20/03 @ 2:26:50 PM
Overload: 0.00%

LEQ: 52.1dB	SEL(3):79.9dB	TWA: 35.3dB	TAKM3: 52.7dB
LDN: 52.1dB	CNEL: 52.1dB	Pa2Sec: 0.0	
L1: 56.1dB	L10: 54.5dB	L50: 51.7dB	L90: 48.1dB

Study 21

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 2:35:16 PM
Study Stopped: 5/20/03 @ 2:45:19 PM
Run Time: 0:10:02
Peak Level: 88.1dB, 5/20/03 @ 2:42:51 PM
Max Level: 56.6dB, 5/20/03 @ 2:42:50 PM
Min Level: 48.9dB, 5/20/03 @ 2:44:53 PM
Overload: 0.00%

EEQ: 52.8dB	SEL(3):80.6dB	TWA: 36.0dB	TAKM3: 53.3dB
LDN: 52.8dB	CNEL: 52.8dB	Pa2Sec: 0.0	
L1: 55.6dB	L10: 54.6dB	L50: 52.5dB	L90: 50.8dB

Study 22

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 4:22:32 PM
Study Stopped: 5/20/03 @ 4:33:48 PM
Run Time: 0:11:15
Peak Level: 91.2dB, 5/20/03 @ 4:23:54 PM
Max Level: 73.8dB, 5/20/03 @ 4:23:53 PM
Min Level: 45.6dB, 5/20/03 @ 4:29:31 PM
Overload: 0.00%

LEQ: 64.3dB	SEL(3):92.6dB	TWA: 48.0dB	TAKM3: 65.6dB
LDN: 64.3dB	CNEL: 64.3dB	Pa2Sec: 0.7	
L1: 71.1dB	L10: 67.8dB	L50: 63.0dB	L90: 52.7dB

Study 23

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 4:33:53 PM
Study Stopped: 5/20/03 @ 4:43:59 PM
Run Time: 0:10:05
Peak Level: 87.6dB, 5/20/03 @ 4:41:30 PM
Max Level: 73.8dB, 5/20/03 @ 4:41:31 PM
Min Level: 48.0dB, 5/20/03 @ 4:40:18 PM
Overload: 0.00%

LEQ: 64.5dB	SEL(3):92.3dB	TWA: 47.7dB	TAKM3: 65.9dB
LDN: 64.5dB	CNEL: 64.5dB	Pa2Sec: 0.7	
L1: 71.2dB	L10: 67.5dB	L50: 63.4dB	L90: 56.7dB

Study 24

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 4:44:00 PM
Study Stopped: 5/20/03 @ 4:54:18 PM
Run Time: 0:10:17
Peak Level: 87.1dB, 5/20/03 @ 4:44:09 PM
Max Level: 73.5dB, 5/20/03 @ 4:52:01 PM
Min Level: 51.7dB, 5/20/03 @ 4:48:57 PM
Overload: 0.01%

LEQ: 64.2dB	SEL(3):92.2dB	TWA: 47.6dB	TAKM3: 65.6dB
LDN: 64.2dB	CNEL: 64.2dB	Pa2Sec: 0.7	
L1: 71.4dB	L10: 67.0dB	L50: 63.3dB	L90: 56.5dB

Study 25

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 5:31:05 PM
Study Stopped: 5/20/03 @ 5:41:23 PM
Run Time: 0:10:17
Peak Level: 96.0dB, 5/20/03 @ 5:40:59 PM
Max Level: 68.8dB, 5/20/03 @ 5:38:01 PM
Min Level: 53.3dB, 5/20/03 @ 5:35:47 PM
Overload: 0.05%

LEQ: 60.5dB	SEL(3):88.4dB	TWA: 43.8dB	TAKM3: 61.5dB
LDN: 60.5dB	CNEL: 60.5dB	Pa2Sec: 0.3	
L1: 65.2dB	L10: 62.5dB	L50: 59.9dB	L90: 57.4dB

Study 26

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 5:42:37 PM
Study Stopped: 5/20/03 @ 5:52:54 PM
Run Time: 0:10:17
Peak Level: 89.9dB, 5/20/03 @ 5:48:32 PM
Max Level: 75.8dB, 5/20/03 @ 5:44:28 PM
Min Level: 54.8dB, 5/20/03 @ 5:52:07 PM
Overload: 0.04%

LEQ: 62.7dB	SEL(3):90.6dB	TWA: 46.0dB	TAKM3: 64.2dB
LDN: 62.7dB	CNEL: 62.7dB	Pa2Sec: 0.5	
L1: 70.4dB	L10: 65.9dB	L50: 60.4dB	L90: 57.7dB

Study 27

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off

Weighting: A
Exchange Rate: 3dB

Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 5:53:24 PM
Study Stopped: 5/20/03 @ 6:03:27 PM
Run Time: 0:10:03
Peak Level: 91.4dB, 5/20/03 @ 5:54:23 PM
Max Level: 75.3dB, 5/20/03 @ 5:56:03 PM
Min Level: 54.9dB, 5/20/03 @ 5:54:46 PM
Overload: 0.04%

LEQ: 61.6dB	SEL(3):89.4dB	TWA: 44.8dB	TAKM3: 62.8dB
LDN: 61.6dB	CNEL: 61.6dB	Pa2Sec: 0.3	
L1: 68.3dB	L10: 63.4dB	L50: 60.7dB	L90: 58.5dB

Study 28

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 6:06:54 PM
Study Stopped: 5/20/03 @ 6:17:12 PM
Run Time: 0:10:17
Peak Level: 103.3dB, 5/20/03 @ 6:16:41 PM
Max Level: 84.8dB, 5/20/03 @ 6:14:45 PM
Min Level: 53.3dB, 5/20/03 @ 6:09:04 PM
Overload: 0.09%

LEQ: 67.1dB	SEL(3):95.0dB	TWA: 50.4dB	TAKM3: 70.0dB
LDN: 67.1dB	CNEL: 67.1dB	Pa2Sec: 1.2	
L1: 80.3dB	L10: 69.0dB	L50: 61.3dB	L90: 56.2dB

Study 29

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 6:17:14 PM
Study Stopped: 5/20/03 @ 6:27:21 PM
Run Time: 0:10:06
Peak Level: 98.6dB, 5/20/03 @ 6:21:04 PM
Max Level: 81.4dB, 5/20/03 @ 6:21:05 PM
Min Level: 53.1dB, 5/20/03 @ 6:18:58 PM
Overload: 0.05%

LEQ: 62.6dB	SEL(3):90.5dB	TWA: 45.9dB	TAKM3: 65.4dB
LDN: 62.6dB	CNEL: 62.6dB	Pa2Sec: 0.4	
L1: 74.3dB	L10: 62.3dB	L50: 57.0dB	L90: 54.1dB

Study 30

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 6:27:23 PM
Study Stopped: 5/20/03 @ 6:38:19 PM
Run Time: 0:10:55
Peak Level: 101.8dB, 5/20/03 @ 6:27:41 PM
Max Level: 84.6dB, 5/20/03 @ 6:27:41 PM
Min Level: 53.2dB, 5/20/03 @ 6:29:03 PM
Overload: 0.10%

LEQ: 64.8dB	SEL(3):93.0dB	TWA: 48.4dB	TAKM3: 67.8dB
LDN: 64.8dB	CNEL: 64.8dB	Pa2Sec: 0.8	
L1: 79.1dB	L10: 62.4dB	L50: 58.1dB	L90: 55.2dB

Study 31

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 6:40:19 PM
Study Stopped: 5/20/03 @ 6:50:22 PM
Run Time: 0:10:03
Peak Level: 96.1dB, 5/20/03 @ 6:45:57 PM
Max Level: 82.8dB, 5/20/03 @ 6:45:56 PM
Min Level: 51.0dB, 5/20/03 @ 6:50:04 PM
Overload: 0.00%

LEQ: 68.6dB	SEL(3):96.4dB	TWA: 51.9dB	TAKM3: 70.1dB
LDN: 68.6dB	CNEL: 68.6dB	Pa2Sec: 1.8	
L1: 81.5dB	L10: 71.6dB	L50: 58.1dB	L90: 52.9dB

Study 32

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 6:50:26 PM
Study Stopped: 5/20/03 @ 7:00:37 PM
Run Time: 0:10:11
Peak Level: 99.0dB, 5/20/03 @ 6:56:23 PM
Max Level: 85.5dB, 5/20/03 @ 6:56:22 PM
Min Level: 50.0dB, 5/20/03 @ 6:51:58 PM
Overload: 0.08%

LEQ: 68.6dB	SEL(3):96.4dB	TWA: 51.9dB	TAKM3: 70.6dB
LDN: 68.6dB	CNEL: 69.1dB	Pa2Sec: 1.8	
L1: 82.7dB	L10: 70.0dB	L50: 52.9dB	L90: 50.8dB

Study 33

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 7:00:39 PM
Study Stopped: 5/20/03 @ 7:10:42 PM
Run Time: 0:10:02
Peak Level: 95.7dB, 5/20/03 @ 7:01:24 PM
Max Level: 82.7dB, 5/20/03 @ 7:02:58 PM
Min Level: 51.3dB, 5/20/03 @ 7:09:30 PM
Overload: 0.00%

LEQ: 66.6dB	SEL(3):94.4dB	TWA: 49.8dB	TAKM3: 68.0dB
LDN: 66.6dB	CNEL: 71.6dB	Pa2Sec: 1.1	
L1: 80.6dB	L10: 67.3dB	L50: 54.1dB	L90: 52.4dB

Study 34

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 7:12:18 PM
Study Stopped: 5/20/03 @ 7:22:36 PM
Run Time: 0:10:17
Peak Level: 89.4dB, 5/20/03 @ 7:12:31 PM
Max Level: 65.8dB, 5/20/03 @ 7:12:30 PM
Min Level: 59.5dB, 5/20/03 @ 7:18:39 PM
Overload: 0.00%

LEQ: 61.0dB	SEL(3):88.9dB	TWA: 44.3dB	TAKM3: 61.3dB
LDN: 61.0dB	CNEL: 65.9dB	Pa2Sec: 0.3	
L1: 62.6dB	L10: 61.5dB	L50: 60.9dB	L90: 60.3dB

Study 35

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 7:22:38 PM
Study Stopped: 5/20/03 @ 7:32:43 PM
Run Time: 0:10:04
Peak Level: 95.5dB, 5/20/03 @ 7:32:08 PM
Max Level: 81.3dB, 5/20/03 @ 7:32:08 PM
Min Level: 53.6dB, 5/20/03 @ 7:32:42 PM
Overload: 0.00%

LEQ: 63.6dB	SEL(3):91.4dB	TWA: 46.8dB	TAKM3: 64.9dB
LDN: 63.6dB	CNEL: 68.5dB	Pa2Sec: 0.5	
L1: 74.4dB	L10: 62.2dB	L50: 60.9dB	L90: 60.4dB

Study 36

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:05:11 PM
Study Stopped: 5/20/03 @ 10:18:20 PM
Run Time: 0:13:09
Peak Level: 91.9dB, 5/20/03 @ 10:08:37 PM
Max Level: 79.1dB, 5/20/03 @ 10:08:36 PM
Min Level: 41.6dB, 5/20/03 @ 10:12:39 PM
Overload: 0.16%

LEQ: 60.1dB	SEL(3):89.1dB	TWA: 44.5dB	TAKM3: 62.3dB
LDN: 70.1dB	CNEL: 70.1dB	Pa2Sec: 0.3	
L1: 71.0dB	L10: 63.1dB	L50: 54.0dB	L90: 46.4dB

Study 37

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 10:18:42 PM
Study Stopped: 5/20/03 @ 10:29:07 PM
Run Time: 0:10:25
Peak Level: 80.9dB, 5/20/03 @ 10:19:31 PM
Max Level: 68.1dB, 5/20/03 @ 10:19:43 PM
Min Level: 41.5dB, 5/20/03 @ 10:27:52 PM
Overload: 0.00%

LEQ: 58.5dB	SEL(3):86.5dB	TWA: 41.9dB	TAKM3: 60.2dB
LDN: 68.5dB	CNEL: 68.5dB	Pa2Sec: 0.2	
L1: 66.7dB	L10: 63.7dB	L50: 53.7dB	L90: 43.3dB

Study 38

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:29:09 PM
Study Stopped: 5/20/03 @ 10:40:54 PM
Run Time: 0:11:45
Peak Level: 82.5dB, 5/20/03 @ 10:39:56 PM
Max Level: 70.3dB, 5/20/03 @ 10:39:56 PM
Min Level: 40.4dB, 5/20/03 @ 10:30:37 PM
Overload: 0.00%

LEQ: 58.8dB	SEL(3):87.2dB	TWA: 42.7dB	TAKM3: 60.7dB
LDN: 68.8dB	CNEL: 68.8dB	Pa2Sec: 0.2	
L1: 67.8dB	L10: 63.5dB	L50: 52.1dB	L90: 44.1dB

Study 39

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:41:14 PM
Study Stopped: 5/20/03 @ 10:51:25 PM
Run Time: 0:10:10
Peak Level: 82.1dB, 5/20/03 @ 10:46:17 PM
Max Level: 68.8dB, 5/20/03 @ 10:46:18 PM
Min Level: 41.7dB, 5/20/03 @ 10:42:02 PM
Overload: 0.00%

LEQ: 58.3dB	SEL(3):86.2dB	TWA: 41.6dB	TAKM3: 60.0dB
LDN: 68.3dB	CNEL: 68.3dB	Pa2Sec: 0.2	
L1: 66.6dB	L10: 63.2dB	L50: 53.4dB	L90: 44.4dB

Study 40

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 10:51:27 PM
Study Stopped: 5/20/03 @ 11:01:29 PM
Run Time: 0:10:02
Peak Level: 84.6dB, 5/20/03 @ 10:56:47 PM
Max Level: 70.7dB, 5/20/03 @ 10:56:47 PM
Min Level: 41.5dB, 5/20/03 @ 11:00:51 PM
Overload: 0.00%

LEQ: 57.6dB	SEL(3):85.4dB	TWA: 40.8dB	TAKM3: 59.6dB
LDN: 67.6dB	CNEL: 67.6dB	Pa2Sec: 0.1	
L1: 68.0dB	L10: 62.4dB	L50: 50.5dB	L90: 42.9dB

Study 41

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 11:01:32 PM
Study Stopped: 5/20/03 @ 11:11:35 PM
Run Time: 0:10:02
Peak Level: 85.1dB, 5/20/03 @ 11:09:53 PM
Max Level: 73.9dB, 5/20/03 @ 11:09:52 PM
Min Level: 41.7dB, 5/20/03 @ 11:02:46 PM
Overload: 0.00%

LEQ: 57.4dB	SEL(3):85.2dB	TWA: 40.6dB	TAKM3: 59.7dB
LDN: 67.4dB	CNEL: 67.4dB	Pa2Sec: 0.1	
L1: 66.9dB	L10: 61.8dB	L50: 50.3dB	L90: 43.0dB

Study 42

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 11:38:36 PM
Study Stopped: 5/20/03 @ 11:48:54 PM
Run Time: 0:10:18
Peak Level: 92.3dB, 5/20/03 @ 11:48:31 PM
Max Level: 71.3dB, 5/20/03 @ 11:40:51 PM
Min Level: 47.8dB, 5/20/03 @ 11:47:48 PM
Overload: 0.07%

LEQ: 57.5dB	SEL(3):85.4dB	TWA: 40.8dB	TAKM3: 59.1dB
LDN: 67.5dB	CNEL: 67.5dB	Pa2Sec: 0.1	
L1: 67.7dB	L10: 60.0dB	L50: 53.7dB	L90: 49.9dB

Study 43

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 11:49:06 PM
Study Stopped: 5/21/03 @ 12:00:01 AM
Run Time: 0:10:55
Peak Level: 103.7dB, 5/20/03 @ 11:51:29 PM
Max Level: 80.6dB, 5/20/03 @ 11:51:29 PM
Min Level: 47.8dB, 5/20/03 @ 11:59:37 PM
Overload: 0.43%

LEQ: 59.3dB	SEL(3):87.5dB	TWA: 42.9dB	TAKM3: 61.7dB
LDN: 69.3dB	CNEL: 69.3dB	Pa2Sec: 0.2	
L1: 69.3dB	L10: 58.8dB	L50: 53.1dB	L90: 50.3dB

Study 44

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 12:00:14 AM
Study Stopped: 5/21/03 @ 12:10:35 AM
Run Time: 0:10:20
Peak Level: 84.6dB, 5/21/03 @ 12:06:30 AM
Max Level: 63.8dB, 5/21/03 @ 12:00:15 AM
Min Level: 47.6dB, 5/21/03 @ 12:07:23 AM
Overload: 0.00%

LEQ: 53.5dB	SEL(3):81.5dB	TWA: 36.9dB	TAKM3: 54.5dB
LDN: 63.5dB	CNEL: 63.5dB	Pa2Sec: 0.1	
L1: 60.4dB	L10: 56.2dB	L50: 52.1dB	L90: 49.6dB

Study 45

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 12:14:55 AM
Study Stopped: 5/21/03 @ 12:25:54 AM
Run Time: 0:10:58
Peak Level: 76.9dB, 5/21/03 @ 12:15:20 AM
Max Level: 62.1dB, 5/21/03 @ 12:18:29 AM
Min Level: 51.8dB, 5/21/03 @ 12:23:44 AM
Overload: 0.00%

LEQ: 54.1dB	SEL(3):82.3dB	TWA: 37.7dB	TAKM3: 54.7dB
LDN: 64.1dB	CNEL: 64.1dB	Pa2Sec: 0.1	
L1: 58.9dB	L10: 55.2dB	L50: 53.6dB	L90: 52.8dB

Study 46

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 12:25:56 AM
Study Stopped: 5/21/03 @ 12:36:14 AM
Run Time: 0:10:18
Peak Level: 86.6dB, 5/21/03 @ 12:36:11 AM
Max Level: 63.5dB, 5/21/03 @ 12:27:00 AM
Min Level: 51.9dB, 5/21/03 @ 12:36:14 AM
Overload: 0.00%

LEQ: 54.2dB	SEL(3):82.1dB	TWA: 37.5dB	TAKM3: 55.0dB
LDN: 64.2dB	CNEL: 64.2dB	Pa2Sec: 0.1	
L1: 58.9dB	L10: 55.4dB	L50: 53.7dB	L90: 52.9dB

Study 47

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 12:36:18 AM
Study Stopped: 5/21/03 @ 12:46:32 AM
Run Time: 0:10:13
Peak Level: 80.3dB, 5/21/03 @ 12:46:31 AM
Max Level: 56.7dB, 5/21/03 @ 12:41:55 AM
Min Level: 52.0dB, 5/21/03 @ 12:36:20 AM
Overload: 0.00%

LEQ: 53.5dB	SEL(3):81.4dB	TWA: 36.8dB	TAKM3: 53.9dB
LDN: 63.6dB	CNEL: 63.6dB	Pa2Sec: 0.1	
L1: 55.3dB	L10: 54.4dB	L50: 53.4dB	L90: 52.8dB

Study 48

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 12:49:37 AM
Study Stopped: 5/21/03 @ 1:00:07 AM
Run Time: 0:10:30
Peak Level: 87.5dB, 5/21/03 @ 12:50:50 AM
Max Level: 60.0dB, 5/21/03 @ 12:50:50 AM
Min Level: 48.3dB, 5/21/03 @ 12:58:41 AM
Overload: 0.00%

LEQ: 55.0dB	SEL(3):82.9dB	TWA: 38.4dB	TAKM3: 55.3dB
LDN: 64.9dB	CNEL: 64.9dB	Pa2Sec: 0.1	
L1: 56.7dB	L10: 56.1dB	L50: 55.7dB	L90: 52.1dB

Study 49

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 1:00:09 AM
Study Stopped: 5/21/03 @ 1:10:13 AM
Run Time: 0:10:04
Peak Level: 84.4dB, 5/21/03 @ 1:07:12 AM
Max Level: 64.2dB, 5/21/03 @ 1:07:00 AM
Min Level: 47.3dB, 5/21/03 @ 1:07:51 AM
Overload: 0.00%

LEQ: 52.3dB	SEL(3):80.1dB	TWA: 35.5dB	TAKM3: 53.0dB
LDN: 62.3dB	CNEL: 62.3dB	Pa2Sec: 0.0	
L1: 61.9dB	L10: 54.1dB	L50: 51.3dB	L90: 48.1dB

Study 50

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/21/03 @ 1:10:16 AM
Study Stopped: 5/21/03 @ 1:20:18 AM
Run Time: 0:10:02
Peak Level: 78.7dB, 5/21/03 @ 1:18:50 AM
Max Level: 55.6dB, 5/21/03 @ 1:18:49 AM
Min Level: 47.1dB, 5/21/03 @ 1:19:18 AM
Overload: 0.00%

LEQ: 48.4dB	SEL(3):76.2dB	TWA: 31.6dB	TAKM3: 48.8dB
LDN: 58.4dB	CNEL: 58.4dB	Pa2Sec: 0.0	
L1: 49.8dB	L10: 49.1dB	L50: 48.3dB	L90: 47.8dB

Study 51

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 1:22:44 AM
Study Stopped: 5/21/03 @ 1:32:58 AM
Run Time: 0:10:14
Peak Level: 84.4dB, 5/21/03 @ 1:32:30 AM
Max Level: 61.9dB, 5/21/03 @ 1:27:39 AM
Min Level: 47.3dB, 5/21/03 @ 1:30:17 AM
Overload: 0.00%

LEQ: 52.5dB	SEL(3):80.4dB	TWA: 35.8dB	TAKM3: 53.4dB
LDN: 62.5dB	CNEL: 62.5dB	Pa2Sec: 0.0	
L1: 60.0dB	L10: 53.5dB	L50: 51.2dB	L90: 49.5dB

Study 52

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/21/03 @ 1:33:00 AM
Study Stopped: 5/21/03 @ 1:43:03 AM
Run Time: 0:10:02
Peak Level: 84.4dB, 5/21/03 @ 1:41:52 AM
Max Level: 61.4dB, 5/21/03 @ 1:35:02 AM
Min Level: 47.1dB, 5/21/03 @ 1:37:41 AM
Overload: 0.00%

LEQ: 51.9dB	SEL(3):79.7dB	TWA: 35.1dB	TAKM3: 52.9dB
LDN: 61.9dB	CNEL: 61.9dB	Pa2Sec: 0.0	
L1: 58.9dB	L10: 52.9dB	L50: 51.1dB	L90: 49.1dB

Study 53

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 1:43:18 AM
Study Stopped: 5/21/03 @ 1:53:21 AM
Run Time: 0:10:02
Peak Level: 84.9dB, 5/21/03 @ 1:52:15 AM
Max Level: 61.8dB, 5/21/03 @ 1:46:53 AM
Min Level: 47.5dB, 5/21/03 @ 1:48:20 AM
Overload: 0.00%

LEQ: 53.8dB	SEL(3):81.6dB	TWA: 37.0dB	TAKM3: 54.9dB
LDN: 63.8dB	CNEL: 63.8dB	Pa2Sec: 0.1	
L1: 60.4dB	L10: 57.6dB	L50: 51.9dB	L90: 50.3dB

Quest Technologies
2900 Integrating/Logging Sound Level Meter

Unit Version Number: 02.4 Serial Number: CD120045
Name: CPH Naples / Wal-Mart Estero Site

Work Area: Wal-Mart Estero Site

Comments: Establishment of Daytime / Nighttime Ambient Field Noise Levels @ Proposed Wal-Mart Estero (Koreshan Site) at 200 Feet From US 41

Meter Calibration: 114.0dB, 5/20/03 @ 10:00:29 AM

Calibrator Serial Number:

Calibration Date:

Study 1

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:14:54 AM
Study Stopped: 5/20/03 @ 10:27:07 AM
Run Time: 0:12:13
Peak Level: 82.6dB, 5/20/03 @ 10:26:25 AM
Max Level: 67.6dB, 5/20/03 @ 10:26:24 AM
Min Level: 43.0dB, 5/20/03 @ 10:15:36 AM
Overload: 0.00%

LEQ: 57.1dB	SEL(3):85.8dB	TWA: 41.2dB	TAKM3: 58.2dB
LDN: 57.1dB	CNEL: 57.1dB	Pa2Sec: 0.2	
L1: 64.3dB	L10: 60.4dB	L50: 55.2dB	L90: 49.4dB

200Ft. From US-41

DL 1-9 DT 55.0-57.1 (56.2 dBA) DT AM

DL 10-12 DT 57.1-57.5 (57.3 dBA) DT PM

DL 13-18 NT 51.3-53.7 (52.1 dBA) NT PM

Study 2

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:27:09 AM
Study Stopped: 5/20/03 @ 10:43:03 AM
Run Time: 0:15:53
Peak Level: 84.7dB, 5/20/03 @ 10:32:15 AM
Max Level: 69.0dB, 5/20/03 @ 10:39:54 AM
Min Level: 45.9dB, 5/20/03 @ 10:37:38 AM
Overload: 0.00%

LEQ: 57.0dB	SEL(3):86.8dB	TWA: 42.2dB	TAKM3: 58.1dB
LDN: 57.0dB	CNEL: 57.0dB	Pa2Sec: 0.2	
L1: 66.0dB	L10: 59.9dB	L50: 55.2dB	L90: 50.2dB

Study 3

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:43:05 AM
Study Stopped: 5/20/03 @ 10:53:20 AM
Run Time: 0:10:15
Peak Level: 84.9dB, 5/20/03 @ 10:46:41 AM
Max Level: 68.6dB, 5/20/03 @ 10:46:41 AM
Min Level: 43.9dB, 5/20/03 @ 10:47:10 AM
Overload: 0.00%

LEQ: 57.0dB	SEL(3):84.9dB	TWA: 40.3dB	TAKM3: 58.1dB
LDN: 57.0dB	CNEL: 57.0dB	Pa2Sec: 0.1	
L1: 64.6dB	L10: 59.6dB	L50: 55.7dB	L90: 50.3dB

Study 4

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:53:23 AM
Study Stopped: 5/20/03 @ 11:04:44 AM
Run Time: 0:11:21
Peak Level: 83.9dB, 5/20/03 @ 10:53:34 AM
Max Level: 67.9dB, 5/20/03 @ 10:53:31 AM
Min Level: 42.6dB, 5/20/03 @ 11:00:41 AM
Overload: 0.00%

LEQ: 56.4dB	SEL(3):84.8dB	TWA: 40.2dB	TAKM3: 57.6dB
LDN: 56.4dB	CNEL: 56.4dB	Pa2Sec: 0.1	
L1: 65.1dB	L10: 59.3dB	L50: 54.7dB	L90: 49.7dB

Study 5

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 11:04:46 AM
Study Stopped: 5/20/03 @ 11:16:17 AM
Run Time: 0:11:31
Peak Level: 77.6dB, 5/20/03 @ 11:10:06 AM
Max Level: 63.8dB, 5/20/03 @ 11:10:05 AM
Min Level: 43.5dB, 5/20/03 @ 11:12:33 AM
Overload: 0.00%

LEQ: 55.1dB	SEL(3):83.5dB	TWA: 38.9dB	TAKM3: 56.1dB
LDN: 55.1dB	CNEL: 55.1dB	Pa2Sec: 0.1	
L1: 61.6dB	L10: 58.2dB	L50: 53.8dB	L90: 48.6dB

Study 6

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 11:16:19 AM
Study Stopped: 5/20/03 @ 11:26:45 AM
Run Time: 0:10:26
Peak Level: 80.2dB, 5/20/03 @ 11:22:54 AM
Max Level: 64.1dB, 5/20/03 @ 11:20:25 AM
Min Level: 43.8dB, 5/20/03 @ 11:24:15 AM
Overload: 0.00%

LEQ: 55.7dB	SEL(3):83.7dB	TWA: 39.1dB	TAKM3: 56.8dB
LDN: 55.7dB	CNEL: 55.7dB	Pa2Sec: 0.1	
L1: 62.3dB	L10: 58.2dB	L50: 55.0dB	L90: 49.3dB

Study 7

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 11:26:47 AM
Study Stopped: 5/20/03 @ 11:39:43 AM
Run Time: 0:12:56
Peak Level: 79.5dB, 5/20/03 @ 11:31:35 AM
Max Level: 65.4dB, 5/20/03 @ 11:31:33 AM
Min Level: 44.9dB, 5/20/03 @ 11:30:50 AM
Overload: 0.00%

LEQ: 55.4dB	SEL(3):84.3dB	TWA: 39.7dB	TAKM3: 56.4dB
LDN: 55.4dB	CNEL: 55.4dB	Pa2Sec: 0.1	
L1: 61.1dB	L10: 58.3dB	L50: 54.1dB	L90: 49.4dB

Study 8

Measuring Parameters

Range: 40 - 100 dB
Weighting: A
Time Constant: Slow
Threshold: Off
Exchange Rate: 3dB
Peak Weighting: A

Study Started: 5/20/03 @ 11:39:44 AM
Study Stopped: 5/20/03 @ 11:49:55 AM
Run Time: 0:10:10
Peak Level: 76.1dB, 5/20/03 @ 11:45:06 AM
Max Level: 61.3dB, 5/20/03 @ 11:45:05 AM
Min Level: 45.6dB, 5/20/03 @ 11:40:32 AM
Overload: 0.00%

LEQ: 55.0dB	SEL(3):82.8dB	TWA: 38.2dB	TAKM3: 55.8dB
LDN: 55.0dB	CNEL: 55.0dB	Pa2Sec: 0.1	
L1: 60.6dB	L10: 58.0dB	L50: 53.9dB	L90: 49.5dB

Study 9

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 11:49:56 AM
Study Stopped: 5/20/03 @ 12:00:31 PM
Run Time: 0:10:34
Peak Level: 85.8dB, 5/20/03 @ 11:57:59 AM
Max Level: 72.0dB, 5/20/03 @ 11:57:58 AM
Min Level: 43.3dB, 5/20/03 @ 11:57:25 AM
Overload: 0.00%

LEQ: 56.7dB	SEL(3):84.7dB	TWA: 40.1dB	TAKM3: 58.5dB
LDN: 56.7dB	CNEL: 56.7dB	Pa2Sec: 0.1	
L1: 65.7dB	L10: 58.9dB	L50: 55.0dB	L90: 49.5dB

Study 10

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 4:22:38 PM
Study Stopped: 5/20/03 @ 4:34:01 PM
Run Time: 0:11:22
Peak Level: 86.7dB, 5/20/03 @ 4:23:32 PM
Max Level: 68.4dB, 5/20/03 @ 4:23:32 PM
Min Level: 43.3dB, 5/20/03 @ 4:29:09 PM
Overload: 0.00%

LEQ: 57.2dB	SEL(3):85.5dB	TWA: 41.0dB	TAKM3: 58.2dB
LDN: 57.2dB	CNEL: 57.2dB	Pa2Sec: 0.1	
L1: 64.0dB	L10: 60.1dB	L50: 56.2dB	L90: 48.0dB

Study 11

Measuring Parameters

Range: 40 - 100 dB
Weighting: A
Time Constant: Slow
Threshold: Off
Exchange Rate: 3dB
Peak Weighting: A

Study Started: 5/20/03 @ 4:34:02 PM
Study Stopped: 5/20/03 @ 4:44:12 PM
Run Time: 0:10:09
Peak Level: 81.7dB, 5/20/03 @ 4:40:57 PM
Max Level: 66.2dB, 5/20/03 @ 4:41:08 PM
Min Level: 45.8dB, 5/20/03 @ 4:39:55 PM
Overload: 0.00%

LEQ: 57.1dB	SEL(3):85.0dB	TWA: 40.4dB	TAKM3: 58.1dB
LDN: 57.1dB	CNEL: 57.1dB	Pa2Sec: 0.1	
L1: 64.5dB	L10: 59.6dB	L50: 56.0dB	L90: 51.8dB

Study 12

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 4:44:14 PM
Study Stopped: 5/20/03 @ 4:54:31 PM
Run Time: 0:10:17
Peak Level: 80.6dB, 5/20/03 @ 4:47:04 PM
Max Level: 65.3dB, 5/20/03 @ 4:47:03 PM
Min Level: 49.1dB, 5/20/03 @ 4:46:03 PM
Overload: 0.04%

LEQ: 57.5dB	SEL(3):85.4dB	TWA: 40.8dB	TAKM3: 58.3dB
LDN: 57.5dB	CNEL: 57.5dB	Pa2Sec: 0.1	
L1: 63.6dB	L10: 60.0dB	L50: 56.5dB	L90: 52.5dB

Study 13

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 10:05:20 PM
Study Stopped: 5/20/03 @ 10:19:22 PM
Run Time: 0:14:02
Peak Level: 83.2dB, 5/20/03 @ 10:08:15 PM
Max Level: 70.9dB, 5/20/03 @ 10:08:14 PM
Min Level: 42.9dB, 5/20/03 @ 10:12:16 PM
Overload: 0.00%

LEQ: 53.7dB	SEL(3):83.0dB	TWA: 38.4dB	TAKM3: 55.1dB
LDN: 63.7dB	CNEL: 63.7dB	Pa2Sec: 0.1	
L1: 64.4dB	L10: 56.0dB	L50: 50.1dB	L90: 45.1dB

Study 14

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:19:24 PM
Study Stopped: 5/20/03 @ 10:29:36 PM
Run Time: 0:10:11
Peak Level: 74.1dB, 5/20/03 @ 10:20:49 PM
Max Level: 61.0dB, 5/20/03 @ 10:29:32 PM
Min Level: 42.4dB, 5/20/03 @ 10:20:09 PM
Overload: 0.00%

LEQ: 52.2dB	SEL(3):80.1dB	TWA: 35.5dB	TAKM3: 53.2dB
LDN: 62.2dB	CNEL: 62.2dB	Pa2Sec: 0.0	
L1: 59.1dB	L10: 56.1dB	L50: 49.9dB	L90: 43.9dB

Study 15

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:29:38 PM
Study Stopped: 5/20/03 @ 10:41:25 PM
Run Time: 0:11:47
Peak Level: 84.5dB, 5/20/03 @ 10:32:40 PM
Max Level: 64.7dB, 5/20/03 @ 10:39:35 PM
Min Level: 41.5dB, 5/20/03 @ 10:30:15 PM
Overload: 0.00%

LEQ: 52.4dB	SEL(3):80.9dB	TWA: 36.3dB	TAKM3: 53.7dB
LDN: 62.4dB	CNEL: 62.4dB	Pa2Sec: 0.0	
L1: 60.4dB	L10: 56.4dB	L50: 48.8dB	L90: 43.4dB

Study 16

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:41:27 PM
Study Stopped: 5/20/03 @ 10:51:42 PM
Run Time: 0:10:15
Peak Level: 74.7dB, 5/20/03 @ 10:45:57 PM
Max Level: 61.7dB, 5/20/03 @ 10:45:57 PM
Min Level: 42.8dB, 5/20/03 @ 10:43:32 PM
Overload: 0.00%

LEQ: 51.6dB	SEL(3):79.5dB	TWA: 34.9dB	TAKM3: 52.8dB
LDN: 61.6dB	CNEL: 61.6dB	Pa2Sec: 0.0	
L1: 58.7dB	L10: 55.4dB	L50: 49.1dB	L90: 44.2dB

Study 17

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:51:43 PM
Study Stopped: 5/20/03 @ 11:01:52 PM
Run Time: 0:10:08
Peak Level: 74.8dB, 5/20/03 @ 10:56:26 PM
Max Level: 61.7dB, 5/20/03 @ 10:56:25 PM
Min Level: 42.3dB, 5/20/03 @ 11:00:32 PM
Overload: 0.00%

LEQ: 51.3dB	SEL(3):79.1dB	TWA: 34.5dB	TAKM3: 52.5dB
LDN: 61.3dB	CNEL: 61.3dB	Pa2Sec: 0.0	
L1: 60.2dB	L10: 55.0dB	L50: 47.6dB	L90: 43.5dB

Study 18

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 11:01:53 PM
Study Stopped: 5/20/03 @ 11:11:55 PM
Run Time: 0:10:02
Peak Level: 76.9dB, 5/20/03 @ 11:09:31 PM
Max Level: 67.0dB, 5/20/03 @ 11:09:31 PM
Min Level: 41.9dB, 5/20/03 @ 11:02:29 PM
Overload: 0.00%

LEQ: 51.4dB	SEL(3):79.2dB	TWA: 34.6dB	TAKM3: 52.9dB
LDN: 61.4dB	CNEL: 61.4dB	Pa2Sec: 0.0	
L1: 60.8dB	L10: 54.3dB	L50: 47.9dB	L90: 43.3dB

Quest Technologies
2900 Integrating/Logging Sound Level Meter

Unit Version Number: 02.4
Serial Number: CD7120018
Name: CPH Naples / Wal-Mart Estero Site

Work Area: Wal-Mart Estero Site

Comments: Establishment of Daytime / Nighttime Ambient Field Noise Levels @ Proposed Wal-Mart Estero (Koreshan Site) at 300 Feet From US 41

Meter Calibration: 114.0dB, 5/20/03 @ 10:02:19 AM

Calibrator Serial Number:

Calibration Date:

Study 1

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:14:24 AM
Study Stopped: 5/20/03 @ 10:26:28 AM
Run Time: 0:12:03
Peak Level: 81.8dB, 5/20/03 @ 10:26:27 AM
Max Level: 65.3dB, 5/20/03 @ 10:26:25 AM
Min Level: 44.5dB, 5/20/03 @ 10:15:36 AM
Overload: 0.03%

LEQ: 54.5dB	SEL(3):83.0dB	TWA: 38.5dB	TAKM3: 55.3dB
LDN: 54.5dB	CNEL: 54.5dB	Pa2Sec: 0.1	
L1: 60.3dB	L10: 57.5dB	L50: 53.2dB	L90: 48.4dB

300' Ft. From US 41

DL 1-9 DT 52.2-55.2 (53.6 dBA) DT AM

DL 10-12 DT 54.4-55.5 (54.8 dBA) DT PM

DL 14-19 NT 50.9-52.5 (51.4 dBA) NT PM

Study 2

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:26:38 AM
Study Stopped: 5/20/03 @ 10:42:31 AM
Run Time: 0:15:53
Peak Level: 80.4dB, 5/20/03 @ 10:32:18 AM
Max Level: 64.9dB, 5/20/03 @ 10:32:18 AM
Min Level: 45.0dB, 5/20/03 @ 10:37:38 AM
Overload: 0.00%

LEQ: 54.3dB	SEL(3):84.1dB	TWA: 39.5dB	TAKM3: 55.2dB
LDN: 54.3dB	CNEL: 54.3dB	Pa2Sec: 0.1	
L1: 62.9dB	L10: 56.9dB	L50: 52.7dB	L90: 49.0dB

Study 3

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:42:33 AM
Study Stopped: 5/20/03 @ 10:52:48 AM
Run Time: 0:10:14
Peak Level: 80.3dB, 5/20/03 @ 10:46:42 AM
Max Level: 64.8dB, 5/20/03 @ 10:46:42 AM
Min Level: 43.7dB, 5/20/03 @ 10:47:12 AM
Overload: 0.00%

LEQ: 54.1dB	SEL(3):82.0dB	TWA: 37.4dB	TAKM3: 54.9dB
LDN: 54.1dB	CNEL: 54.1dB	Pa2Sec: 0.1	
L1: 61.9dB	L10: 56.5dB	L50: 52.9dB	L90: 49.0dB

Study 4

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 10:52:49 AM
Study Stopped: 5/20/03 @ 11:04:07 AM
Run Time: 0:11:17
Peak Level: 77.4dB, 5/20/03 @ 10:53:32 AM
Max Level: 63.8dB, 5/20/03 @ 10:53:32 AM
Min Level: 43.0dB, 5/20/03 @ 11:00:42 AM
Overload: 0.00%

LEQ: 53.8dB	SEL(3):82.2dB	TWA: 37.6dB	TAKM3: 54.7dB
LDN: 53.8dB	CNEL: 53.8dB	Pa2Sec: 0.1	
L1: 61.7dB	L10: 56.7dB	L50: 52.7dB	L90: 48.3dB

Study 5

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 11:04:09 AM
Study Stopped: 5/20/03 @ 11:15:42 AM
Run Time: 0:11:33
Peak Level: 77.3dB, 5/20/03 @ 11:15:42 AM
Max Level: 59.1dB, 5/20/03 @ 11:14:52 AM
Min Level: 43.9dB, 5/20/03 @ 11:07:22 AM
Overload: 0.00%

LEQ: 52.5dB	SEL(3):80.9dB	TWA: 36.3dB	TAKM3: 53.3dB
LDN: 52.5dB	CNEL: 52.5dB	Pa2Sec: 0.0	
L1: 58.1dB	L10: 55.6dB	L50: 51.5dB	L90: 47.4dB

Study 6

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 11:15:44 AM
Study Stopped: 5/20/03 @ 11:26:10 AM
Run Time: 0:10:25
Peak Level: 77.3dB, 5/20/03 @ 11:22:55 AM
Max Level: 61.5dB, 5/20/03 @ 11:22:55 AM
Min Level: 44.0dB, 5/20/03 @ 11:19:30 AM
Overload: 0.01%

LEQ: 53.0dB	SEL(3):81.0dB	TWA: 36.4dB	TAKM3: 53.8dB
LDN: 53.0dB	CNEL: 53.0dB	Pa2Sec: 0.0	
L1: 58.4dB	L10: 55.4dB	L50: 52.3dB	L90: 48.1dB

Study 7

Measuring Parameters

Range: 30 - 90 dB
Weighting: A
Time Constant: Slow
Threshold: Off
Exchange Rate: 3dB
Peak Weighting: A

Study Started: 5/20/03 @ 11:26:13 AM
Study Stopped: 5/20/03 @ 11:39:11 AM
Run Time: 0:12:58
Peak Level: 76.2dB, 5/20/03 @ 11:31:35 AM
Max Level: 61.5dB, 5/20/03 @ 11:31:36 AM
Min Level: 44.6dB, 5/20/03 @ 11:30:50 AM
Overload: 0.00%

LEQ: 52.8dB	SEL(3):81.7dB	TWA: 37.1dB	TAKM3: 53.6dB
LDN: 52.8dB	CNEL: 52.8dB	Pa2Sec: 0.1	
L1: 57.8dB	L10: 55.4dB	L50: 51.9dB	L90: 48.2dB

Study 8

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 11:39:12 AM
Study Stopped: 5/20/03 @ 11:49:19 AM
Run Time: 0:10:07
Peak Level: 76.6dB, 5/20/03 @ 11:43:38 AM
Max Level: 58.1dB, 5/20/03 @ 11:45:07 AM
Min Level: 44.9dB, 5/20/03 @ 11:40:34 AM
Overload: 0.01%

LEQ: 52.2dB	SEL(3):80.0dB	TWA: 35.4dB	TAKM3: 52.8dB
LDN: 52.2dB	CNEL: 52.2dB	Pa2Sec: 0.0	
L1: 56.8dB	L10: 54.7dB	L50: 51.5dB	L90: 48.1dB

Study 9

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 11:49:21 AM
Study Stopped: 5/20/03 @ 11:59:27 AM
Run Time: 0:10:05
Peak Level: 85.9dB, 5/20/03 @ 11:58:01 AM
Max Level: 73.6dB, 5/20/03 @ 11:58:00 AM
Min Level: 43.5dB, 5/20/03 @ 11:57:28 AM
Overload: 0.00%

LEQ: 55.2dB	SEL(3):83.0dB	TWA: 38.4dB	TAKM3: 57.1dB
LDN: 55.2dB	CNEL: 55.2dB	Pa2Sec: 0.1	
L1: 66.1dB	L10: 55.9dB	L50: 52.1dB	L90: 48.2dB

Study 7

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 11:25:18 AM
Study Stopped: 5/20/03 @ 11:38:27 AM
Run Time: 0:13:08
Peak Level: 73.5dB, 5/20/03 @ 11:25:29 AM
Max Level: 54.5dB, 5/20/03 @ 11:31:40 AM
Min Level: 41.8dB, 5/20/03 @ 11:30:55 AM
Overload: 0.01%

LEQ: 48.2dB	SEL(3):77.2dB	TWA: 32.6dB	TAKM3: 49.0dB
LDN: 48.2dB	CNEL: 48.2dB	Pa2Sec: 0.0	
L1: 53.3dB	L10: 50.6dB	L50: 47.4dB	L90: 44.6dB

Study 8

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 11:38:29 AM
Study Stopped: 5/20/03 @ 11:48:31 AM
Run Time: 0:10:02
Peak Level: 78.2dB, 5/20/03 @ 11:46:16 AM
Max Level: 58.5dB, 5/20/03 @ 11:43:58 AM
Min Level: 41.7dB, 5/20/03 @ 11:47:11 AM
Overload: 0.00%

LEQ: 48.2dB	SEL(3):76.0dB	TWA: 31.4dB	TAKM3: 49.0dB
LDN: 48.2dB	CNEL: 48.2dB	Pa2Sec: 0.0	
L1: 54.2dB	L10: 50.1dB	L50: 47.6dB	L90: 44.2dB

Study 9

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off

Weighting: A
Exchange Rate: 3dB

Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 11:48:33 AM
Study Stopped: 5/20/03 @ 11:58:37 AM
Run Time: 0:10:03
Peak Level: 83.0dB, 5/20/03 @ 11:58:02 AM
Max Level: 69.9dB, 5/20/03 @ 11:58:01 AM
Min Level: 42.2dB, 5/20/03 @ 11:50:54 AM
Overload: 0.03%

LEQ: 51.0dB	SEL(3):78.8dB	TWA: 34.2dB	TAKM3: 53.2dB
LDN: 51.0dB	CNEL: 51.0dB	Pa2Sec: 0.0	
L1: 62.1dB	L10: 51.9dB	L50: 47.9dB	L90: 45.0dB

Study 10

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 4:24:06 PM
Study Stopped: 5/20/03 @ 4:35:19 PM
Run Time: 0:11:12
Peak Level: 101.8dB, 5/20/03 @ 4:24:15 PM
Max Level: 63.4dB, 5/20/03 @ 4:24:14 PM
Min Level: 40.6dB, 5/20/03 @ 4:28:51 PM
Overload: 0.01%

LEQ: 48.6dB	SEL(3):76.8dB	TWA: 32.3dB	TAKM3: 50.0dB
LDN: 48.6dB	CNEL: 48.6dB	Pa2Sec: 0.0	
L1: 53.5dB	L10: 51.1dB	L50: 47.9dB	L90: 43.1dB

Study 11

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 4:35:24 PM
Study Stopped: 5/20/03 @ 4:45:45 PM
Run Time: 0:10:21
Peak Level: 76.9dB, 5/20/03 @ 4:41:02 PM
Max Level: 63.5dB, 5/20/03 @ 4:42:25 PM
Min Level: 43.3dB, 5/20/03 @ 4:37:19 PM
Overload: 0.02%

LEQ: 50.8dB	SEL(3):78.7dB	TWA: 34.1dB	TAKM3: 51.8dB
LDN: 50.8dB	CNEL: 50.8dB	Pa2Sec: 0.0	
L1: 55.9dB	L10: 53.5dB	L50: 49.9dB	L90: 45.4dB

Study 12

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off

Weighting: A
Exchange Rate: 3dB

Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 4:45:46 PM
Study Stopped: 5/20/03 @ 4:56:04 PM
Run Time: 0:10:17
Peak Level: 76.0dB, 5/20/03 @ 4:50:58 PM
Max Level: 63.3dB, 5/20/03 @ 4:49:55 PM
Min Level: 47.1dB, 5/20/03 @ 4:47:47 PM
Overload: 0.91%*

LEQ: 54.3dB VOID
LDN: 54.3dB
L1: 60.1dB

SEL(3):82.2dB
CNEL: 54.3dB
L10: 57.3dB

TWA: 37.6dB
Pa2Sec: 0.1
L50: 52.9dB

TAKM3: 55.1dB

L90: 49.7dB

Study 13

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:07:58 PM
Study Stopped: 5/20/03 @ 10:21:01 PM
Run Time: 0:13:02
Peak Level: 74.9dB, 5/20/03 @ 10:14:31 PM
Max Level: 61.3dB, 5/20/03 @ 10:14:31 PM
Min Level: 53.0dB, 5/20/03 @ 10:20:11 PM
Overload: 0.00%

LEQ: 58.2dB	SEL(3):87.2dB	TWA: 42.6dB	TAKM3: 58.7dB
LDN: 68.3dB	CNEL: 68.3dB	Pa2Sec: 0.2	
L1: 60.4dB	L10: 59.5dB	L50: 58.3dB	L90: 56.4dB

Study 14

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:21:03 PM
Study Stopped: 5/20/03 @ 10:31:18 PM
Run Time: 0:10:15
Peak Level: 79.0dB, 5/20/03 @ 10:31:14 PM
Max Level: 61.1dB, 5/20/03 @ 10:25:37 PM
Min Level: 51.2dB, 5/20/03 @ 10:25:55 PM
Overload: 0.00%

LEQ: 57.6dB	SEL(3):85.5dB	TWA: 40.9dB	TAKM3: 58.1dB
LDN: 67.6dB	CNEL: 67.6dB	Pa2Sec: 0.1	
L1: 60.8dB	L10: 60.0dB	L50: 57.4dB	L90: 53.8dB

Study 15

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:31:19 PM
Study Stopped: 5/20/03 @ 10:42:57 PM
Run Time: 0:11:37
Peak Level: 79.0dB, 5/20/03 @ 10:31:25 PM
Max Level: 61.4dB, 5/20/03 @ 10:35:06 PM
Min Level: 52.4dB, 5/20/03 @ 10:41:48 PM
Overload: 0.00%

LEQ: 58.5dB	SEL(3):87.0dB	TWA: 42.4dB	TAKM3: 59.1dB
LDN: 68.5dB	CNEL: 68.5dB	Pa2Sec: 0.2	
L1: 61.0dB	L10: 60.4dB	L50: 58.4dB	L90: 55.8dB

Study 16

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:42:59 PM
Study Stopped: 5/20/03 @ 10:53:17 PM
Run Time: 0:10:18
Peak Level: 74.6dB, 5/20/03 @ 10:50:27 PM
Max Level: 61.4dB, 5/20/03 @ 10:47:43 PM
Min Level: 52.0dB, 5/20/03 @ 10:44:19 PM
Overload: 0.00%

LEQ: 58.2dB	SEL(3):86.1dB	TWA: 41.6dB	TAKM3: 58.8dB
LDN: 68.2dB	CNEL: 68.2dB	Pa2Sec: 0.2	
L1: 60.9dB	L10: 60.0dB	L50: 58.3dB	L90: 55.2dB

Study 17

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:53:18 PM
Study Stopped: 5/20/03 @ 11:03:30 PM
Run Time: 0:10:12
Peak Level: 81.4dB, 5/20/03 @ 10:53:42 PM
Max Level: 61.5dB, 5/20/03 @ 10:56:35 PM
Min Level: 49.7dB, 5/20/03 @ 10:59:15 PM
Overload: 0.01%

LEQ: 58.2dB	SEL(3):86.0dB	TWA: 41.5dB	TAKM3: 58.7dB
LDN: 68.2dB	CNEL: 68.2dB	Pa2Sec: 0.2	
L1: 61.0dB	L10: 60.0dB	L50: 58.3dB	L90: 53.9dB

Study 18

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 11:03:34 PM
Study Stopped: 5/20/03 @ 11:13:40 PM
Run Time: 0:10:05
Peak Level: 82.7dB, 5/20/03 @ 11:03:47 PM
Max Level: 60.6dB, 5/20/03 @ 11:10:07 PM
Min Level: 53.5dB, 5/20/03 @ 11:09:13 PM
Overload: 0.00%

LEQ: 58.5dB	SEL(3):86.3dB	TWA: 41.7dB	TAKM3: 58.9dB
LDN: 68.5dB	CNEL: 68.5dB	Pa2Sec: 0.2	
L1: 60.2dB	L10: 59.8dB	L50: 58.4dB	L90: 56.7dB

Quest Technologies
2900 Integrating/Logging Sound Level Meter

Unit Version Number: 02.4 Serial Number: CDA120044
Name: CPH Naples / Wal-Mart Estero Site

Work Area: Wal-Mart Estero Site / Existing Wal-Mart

Comments: Establishment of Daytime / Nighttime Ambient Field Noise Levels @ Proposed Wal-Mart Estero (Koreshan Site) at 100 Feet From US 41. @ Existing Wal-Mart Super Store Fort Myers at Facility Perimeter

Meter Calibration: 114.0dB, 5/21/03 @ 9:57:17 AM

Calibrator Serial Number:

Calibration Date:

Study 1

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/21/03 @ 10:41:54 AM
Study Stopped: 5/21/03 @ 10:54:24 AM
Run Time: 0:12:29
Peak Level: 83.6dB, 5/21/03 @ 10:50:11 AM
Max Level: 69.5dB, 5/21/03 @ 10:50:12 AM
Min Level: 46.2dB, 5/21/03 @ 10:48:04 AM
Overload: 0.00%

LEQ: 61.9dB	SEL(3):90.7dB	TWA: 46.1dB	TAKM3: 63.5dB
LDN: 61.9dB	CNEL: 61.9dB	Pa2Sec: 0.5	
L1: 68.2dB	L10: 65.3dB	L50: 60.7dB	L90: 53.0dB

100' From US-41

DL 1-7 DT 61.7 - 66.8 (63.0 dBA) DT AM

DL 19-21 DT 63.2 - ~~64.4~~ 64.2 (63.8 dBA) DT PM

DL 30-32 NT 56.6 - 58.2 (57.4 dBA) NT PM

Study 2

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/21/03 @ 10:54:26 AM
Study Stopped: 5/21/03 @ 11:06:59 AM
Run Time: 0:12:32
Peak Level: 89.5dB, 5/21/03 @ 11:05:11 AM
Max Level: 74.7dB, 5/21/03 @ 11:05:12 AM
Min Level: 47.6dB, 5/21/03 @ 11:01:17 AM
Overload: 0.00%

LEQ: 62.8dB	SEL(3):91.6dB	TWA: 47.0dB	TAKM3: 64.5dB
LDN: 62.8dB	CNEL: 62.8dB	Pa2Sec: 0.6	
L1: 71.6dB	L10: 65.9dB	L50: 60.8dB	L90: 53.3dB

FRONT WALMART (EXISTING)

DL 8-10 DT (67.5) 67.1-67.9

DL 22-23 DT (61.3) 60.6-61.9

DL 33-34 NT (59.0) 58.0-59.9

SOUTHSIDE WALMART (EXISTING)

DL 11-13 DT (62.5) 60.0-65.0

DL 24-25 DT (57.8) 56.6-58.9

DL 35-36 NT (55.5) 50.3-60.6

BACKSIDE WALMART (EXISTING)

DL 14-16 DT (62.6) 55.9-67.7

DL 26-27 DT (54.7) 51.5-57.8

DL 37-38 NT (48.2) 48.1-48.2

NORTHSIDE WALMART (EXISTING)

DL 17-18 DT (54.3) 52.1-56.4

DL 28-29 DT (49.6) 49.1-50.0

DL 39-40 NT (51.1) 50.0-52.2

Study 3

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 11:07:10 AM
Study Stopped: 5/21/03 @ 11:19:40 AM
Run Time: 0:12:29
Peak Level: 92.1dB, 5/21/03 @ 11:19:07 AM
Max Level: 75.6dB, 5/21/03 @ 11:19:06 AM
Min Level: 40.9dB, 5/21/03 @ 11:17:35 AM
Overload: 0.00%

LEQ: 62.6dB	SEL(3):91.3dB	TWA: 46.7dB	TAKM3: 64.3dB
LDN: 62.6dB	CNEL: 62.6dB	Pa2Sec: 0.5	
L1: 72.6dB	L10: 65.3dB	L50: 59.8dB	L90: 50.2dB

Study 4

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 11:19:42 AM
Study Stopped: 5/21/03 @ 11:32:37 AM
Run Time: 0:12:55
Peak Level: 91.2dB, 5/21/03 @ 11:20:43 AM
Max Level: 75.4dB, 5/21/03 @ 11:20:43 AM
Min Level: 46.1dB, 5/21/03 @ 11:31:28 AM
Overload: 0.00%

LEQ: 61.9dB	SEL(3):90.8dB	TWA: 46.2dB	TAKM3: 63.6dB
LDN: 61.9dB	CNEL: 61.9dB	Pa2Sec: 0.5	
L1: 69.6dB	L10: 65.3dB	L50: 59.8dB	L90: 51.6dB

Study 5

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 11:32:39 AM
Study Stopped: 5/21/03 @ 11:32:41 AM
Run Time: 0:00:02
Peak Level: 75.1dB, 5/21/03 @ 11:32:40 AM
Max Level: 64.7dB, 5/21/03 @ 11:32:40 AM
Min Level: 62.0dB, 5/21/03 @ 11:32:41 AM
Overload: 0.00%

LEQ: 63.3dB (ABORT)	SEL(3):67.4dB	TWA: 22.8dB	TAKM3: 0.0dB
LDN: 63.3dB	CNEL: 63.3dB	Pa2Sec: 0.0	
L1: 64.6dB	L10: 64.4dB	L50: 63.1dB	L90: 62.2dB

Study 6

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 11:32:45 AM
Study Stopped: 5/21/03 @ 11:44:28 AM
Run Time: 0:11:43
Peak Level: 101.6dB, 5/21/03 @ 11:32:51 AM
Max Level: 84.3dB, 5/21/03 @ 11:32:51 AM
Min Level: 42.4dB, 5/21/03 @ 11:35:46 AM
Overload: 0.00%

LEQ: 66.8dB	SEL(3):95.3dB	TWA: 50.7dB	TAKM3: 68.9dB
LDN: 66.8dB	CNEL: 66.8dB	Pa2Sec: 1.3	
L1: 81.6dB	L10: 66.3dB	L50: 60.1dB	L90: 51.9dB

Study 7

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 11:44:30 AM
Study Stopped: 5/21/03 @ 11:54:59 AM
Run Time: 0:10:29
Peak Level: 84.4dB, 5/21/03 @ 11:53:40 AM
Max Level: 70.2dB, 5/21/03 @ 11:53:40 AM
Min Level: 44.7dB, 5/21/03 @ 11:46:03 AM
Overload: 0.00%

LEQ: 61.7dB	SEL(3):89.7dB	TWA: 45.1dB	TAKM3: 63.3dB
LDN: 61.7dB	CNEL: 61.7dB	Pa2Sec: 0.4	
L1: 67.5dB	L10: 65.5dB	L50: 60.2dB	L90: 52.8dB

Study 8

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 12:27:55 PM
Study Stopped: 5/21/03 @ 12:38:13 PM
Run Time: 0:10:17
Peak Level: 93.2dB, 5/21/03 @ 12:29:18 PM
Max Level: 70.1dB, 5/21/03 @ 12:29:33 PM
Min Level: 62.8dB, 5/21/03 @ 12:31:28 PM
Overload: 0.00%

LEQ: 67.1dB	SEL(3):95.0dB	TWA: 50.4dB	TAKM3: 67.6dB
LDN: 67.1dB	CNEL: 67.1dB	Pa2Sec: 1.3	
L1: 69.3dB	L10: 68.2dB	L50: 66.9dB	L90: 66.0dB

Study 9

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 12:38:17 PM
Study Stopped: 5/21/03 @ 12:48:36 PM
Run Time: 0:10:19
Peak Level: 90.8dB, 5/21/03 @ 12:48:16 PM
Max Level: 70.5dB, 5/21/03 @ 12:46:42 PM
Min Level: 63.1dB, 5/21/03 @ 12:42:01 PM
Overload: 0.02%

LEQ: 67.4dB	SEL(3):95.3dB	TWA: 50.7dB	TAKM3: 68.0dB
LDN: 67.4dB	CNEL: 67.4dB	Pa2Sec: 1.4	
L1: 69.4dB	L10: 68.7dB	L50: 67.3dB	L90: 66.0dB

Study 10

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 12:48:42 PM
Study Stopped: 5/21/03 @ 12:59:09 PM
Run Time: 0:10:27
Peak Level: 92.4dB, 5/21/03 @ 12:51:30 PM
Max Level: 78.4dB, 5/21/03 @ 12:48:56 PM
Min Level: 62.4dB, 5/21/03 @ 12:52:11 PM
Overload: 0.00%

LEQ: 67.9dB	SEL(3):95.9dB	TWA: 51.3dB	TAKM3: 68.9dB
LDN: 67.9dB	CNEL: 67.9dB	Pa2Sec: 1.5	
L1: 74.0dB	L10: 69.4dB	L50: 67.2dB	L90: 65.2dB

Study 10

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 4:23:21 PM
Study Stopped: 5/20/03 @ 4:34:27 PM
Run Time: 0:11:06
Peak Level: 84.8dB, 5/20/03 @ 4:23:35 PM
Max Level: 67.0dB, 5/20/03 @ 4:23:35 PM
Min Level: 43.4dB, 5/20/03 @ 4:28:30 PM
Overload: 0.00%

LEQ: 54.5dB	SEL(3):82.8dB	TWA: 38.2dB	TAKM3: 55.5dB
LDN: 54.5dB	CNEL: 54.5dB	Pa2Sec: 0.1	
L1: 62.0dB	L10: 57.2dB	L50: 53.5dB	L90: 47.0dB

Study 11

Measuring Parameters

Range: 30 - 90 dB
Weighting: A
Time Constant: Slow
Threshold: Off
Exchange Rate: 3dB
Peak Weighting: A

Study Started: 5/20/03 @ 4:34:33 PM
Study Stopped: 5/20/03 @ 4:44:52 PM
Run Time: 0:10:18
Peak Level: 77.0dB, 5/20/03 @ 4:40:57 PM
Max Level: 61.8dB, 5/20/03 @ 4:43:48 PM
Min Level: 45.8dB, 5/20/03 @ 4:39:56 PM
Overload: 0.15%

LEQ: 54.4dB	SEL(3):82.4dB	TWA: 37.8dB	TAKM3: 55.3dB
LDN: 54.4dB	CNEL: 54.4dB	Pa2Sec: 0.1	
L1: 60.9dB	L10: 56.9dB	L50: 53.5dB	L90: 50.1dB

Study 12

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 4:44:53 PM
Study Stopped: 5/20/03 @ 4:55:11 PM
Run Time: 0:10:17
Peak Level: 76.4dB, 5/20/03 @ 4:49:27 PM
Max Level: 61.3dB, 5/20/03 @ 4:51:43 PM
Min Level: 49.0dB, 5/20/03 @ 4:46:04 PM
Overload: 0.71%

LEQ: 55.5dB	SEL(3):83.5dB	TWA: 38.9dB	TAKM3: 56.1dB
LDN: 55.5dB	CNEL: 55.5dB	Pa2Sec: 0.1	
L1: 60.6dB	L10: 58.2dB	L50: 54.9dB	L90: 51.4dB

Study 13 (ABORT)

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 10:02:04 PM
Study Stopped: 5/20/03 @ 10:06:39 PM
Run Time: 0:04:34
Peak Level: 101.7dB, 5/20/03 @ 10:03:28 PM
Max Level: 68.2dB, 5/20/03 @ 10:03:27 PM
Min Level: 48.6dB, 5/20/03 @ 10:03:59 PM
Overload: 0.09%

LEQ: 55.2dB	SEL(3):79.6dB	TWA: 35.0dB	TAKM3: 57.4dB
LDN: 65.2dB	CNEL: 65.2dB	Pa2Sec: 0.0	
L1: 63.8dB	L10: 57.6dB	L50: 53.6dB	L90: 50.0dB

Study 14

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:06:49 PM
Study Stopped: 5/20/03 @ 10:20:05 PM
Run Time: 0:13:15
Peak Level: 78.6dB, 5/20/03 @ 10:08:16 PM
Max Level: 66.4dB, 5/20/03 @ 10:08:16 PM
Min Level: 46.9dB, 5/20/03 @ 10:18:51 PM
Overload: 0.00%

LEQ: 52.5dB	SEL(3):81.5dB	TWA: 36.9dB	TAKM3: 53.4dB
LDN: 62.5dB	CNEL: 62.5dB	Pa2Sec: 0.1	
L1: 61.7dB	L10: 54.4dB	L50: 50.5dB	L90: 48.7dB

Study 15

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 10:20:06 PM
Study Stopped: 5/20/03 @ 10:30:18 PM
Run Time: 0:10:11
Peak Level: 71.7dB, 5/20/03 @ 10:29:34 PM
Max Level: 58.2dB, 5/20/03 @ 10:29:34 PM
Min Level: 45.8dB, 5/20/03 @ 10:30:07 PM
Overload: 0.00%

LEQ: 51.2dB	SEL(3):79.1dB	TWA: 34.5dB	TAKM3: 51.9dB
LDN: 61.2dB	CNEL: 61.2dB	Pa2Sec: 0.0	
L1: 56.5dB	L10: 54.1dB	L50: 50.1dB	L90: 47.4dB

Study 16

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 10:30:20 PM
Study Stopped: 5/20/03 @ 10:42:01 PM
Run Time: 0:11:41
Peak Level: 73.2dB, 5/20/03 @ 10:39:37 PM
Max Level: 61.4dB, 5/20/03 @ 10:39:36 PM
Min Level: 46.7dB, 5/20/03 @ 10:30:23 PM
Overload: 0.00%

LEQ: 51.6dB	SEL(3):80.0dB	TWA: 35.4dB	TAKM3: 52.3dB
LDN: 61.6dB	CNEL: 61.6dB	Pa2Sec: 0.0	
L1: 58.3dB	L10: 54.5dB	L50: 49.9dB	L90: 48.1dB

Study 17

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:42:03 PM
Study Stopped: 5/20/03 @ 10:52:21 PM
Run Time: 0:10:18
Peak Level: 71.7dB, 5/20/03 @ 10:45:59 PM
Max Level: 58.8dB, 5/20/03 @ 10:45:58 PM
Min Level: 47.0dB, 5/20/03 @ 10:43:30 PM
Overload: 0.00%

LEQ: 51.1dB	SEL(3):79.0dB	TWA: 34.4dB	TAKM3: 51.8dB
LDN: 61.1dB	CNEL: 61.1dB	Pa2Sec: 0.0	
L1: 56.3dB	L10: 53.5dB	L50: 49.9dB	L90: 48.3dB

Study 18

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:52:23 PM
Study Stopped: 5/20/03 @ 11:02:32 PM
Run Time: 0:10:09
Peak Level: 71.7dB, 5/20/03 @ 10:54:23 PM
Max Level: 58.7dB, 5/20/03 @ 10:56:25 PM
Min Level: 46.3dB, 5/20/03 @ 11:02:30 PM
Overload: 0.00%

LEQ: 50.9dB	SEL(3):78.8dB	TWA: 34.2dB	TAKM3: 51.6dB
LDN: 60.9dB	CNEL: 60.9dB	Pa2Sec: 0.0	
L1: 57.3dB	L10: 53.0dB	L50: 49.6dB	L90: 48.1dB

Study 19

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 11:02:34 PM
Study Stopped: 5/20/03 @ 11:12:48 PM
Run Time: 0:10:13
Peak Level: 76.2dB, 5/20/03 @ 11:12:24 PM
Max Level: 62.7dB, 5/20/03 @ 11:09:31 PM
Min Level: 46.8dB, 5/20/03 @ 11:02:36 PM
Overload: 0.00%

LEQ: 51.3dB	SEL(3):79.2dB	TWA: 34.6dB	TAKM3: 52.0dB
LDN: 61.3dB	CNEL: 61.3dB	Pa2Sec: 0.0	
L1: 58.7dB	L10: 53.3dB	L50: 49.9dB	L90: 48.3dB

Quest Technologies
2900 Integrating/Logging Sound Level Meter

Unit Version Number: 02.4 Serial Number: CD7120020
Name: CPH Naples / Wal-Mart Estero Site

Work Area: Wal-Mart Estero Site

Comments: Establishment of Daytime / Nighttime Ambient Field Noise Levels @ Proposed Wal-Mart Estero (Koreshan Site) at 450 Feet From US-41

Meter Calibration: 114.0dB, 5/20/03 @ 10:03:35 AM

Calibrator Serial Number:

Calibration Date:

Study 1

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:13:38 AM
Study Stopped: 5/20/03 @ 10:25:32 AM
Run Time: 0:11:53
Peak Level: 84.0dB, 5/20/03 @ 10:17:43 AM
Max Level: 57.5dB, 5/20/03 @ 10:17:42 AM
Min Level: 41.5dB, 5/20/03 @ 10:15:41 AM
Overload: 0.01%

LEQ: 49.6dB	SEL(3):78.1dB	TWA: 33.5dB	TAKM3: 50.4dB
LDN: 49.6dB	CNEL: 49.6dB	Pa2Sec: 0.0	
L1: 55.3dB	L10: 52.3dB	L50: 48.7dB	L90: 44.7dB

450 Ft. From US-41

DL 1-9 DT 48.2-57.5 (49.9 dBA) DT AM

DL 10-12 DT 48.6-50.8 (49.7 dBA) DT PM

DL 13-18 NT 57.6-58.5 (58.2 dBA) NT PM

Study 2

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:25:45 AM
Study Stopped: 5/20/03 @ 10:41:49 AM
Run Time: 0:16:03
Peak Level: 79.5dB, 5/20/03 @ 10:35:24 AM
Max Level: 61.0dB, 5/20/03 @ 10:31:46 AM
Min Level: 41.8dB, 5/20/03 @ 10:28:46 AM
Overload: 0.00%

LEQ: 50.2dB	SEL(3):80.1dB	TWA: 35.5dB	TAKM3: 51.3dB
LDN: 50.2dB	CNEL: 50.2dB	Pa2Sec: 0.0	
L1: 58.1dB	L10: 52.8dB	L50: 48.8dB	L90: 45.1dB

Study 3

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/20/03 @ 10:41:53 AM
Study Stopped: 5/20/03 @ 10:52:03 AM
Run Time: 0:10:09
Peak Level: 74.6dB, 5/20/03 @ 10:46:46 AM
Max Level: 58.9dB, 5/20/03 @ 10:46:47 AM
Min Level: 42.5dB, 5/20/03 @ 10:47:17 AM
Overload: 0.00%

LEQ: 49.4dB	SEL(3):77.2dB	TWA: 32.7dB	TAKM3: 50.2dB
LDN: 49.4dB	CNEL: 49.4dB	Pa2Sec: 0.0	
L1: 55.6dB	L10: 51.6dB	L50: 48.5dB	L90: 45.9dB

Study 4

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 10:52:06 AM
Study Stopped: 5/20/03 @ 11:03:11 AM
Run Time: 0:11:05
Peak Level: 77.7dB, 5/20/03 @ 11:02:31 AM
Max Level: 64.2dB, 5/20/03 @ 11:02:32 AM
Min Level: 42.1dB, 5/20/03 @ 10:52:33 AM
Overload: 0.04%

LEQ: 50.8dB	SEL(3):79.0dB	TWA: 34.4dB	TAKM3: 51.9dB
LDN: 50.8dB	CNEL: 50.8dB	Pa2Sec: 0.0	
L1: 61.7dB	L10: 52.6dB	L50: 48.4dB	L90: 44.7dB

Study 5

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 11:03:22 AM
Study Stopped: 5/20/03 @ 11:14:54 AM
Run Time: 0:11:32
Peak Level: 80.8dB, 5/20/03 @ 11:06:01 AM
Max Level: 66.8dB, 5/20/03 @ 11:06:02 AM
Min Level: 41.4dB, 5/20/03 @ 11:07:26 AM
Overload: 0.00%

LEQ: 50.6dB	SEL(3):79.0dB	TWA: 34.4dB	TAKM3: 51.7dB
LDN: 50.6dB	CNEL: 50.6dB	Pa2Sec: 0.0	
L1: 61.9dB	L10: 51.5dB	L50: 47.4dB	L90: 44.3dB

Study 6

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/20/03 @ 11:14:56 AM
Study Stopped: 5/20/03 @ 11:25:13 AM
Run Time: 0:10:17
Peak Level: 80.4dB, 5/20/03 @ 11:24:31 AM
Max Level: 67.3dB, 5/20/03 @ 11:24:30 AM
Min Level: 42.4dB, 5/20/03 @ 11:19:35 AM
Overload: 0.00%

LEQ: 51.5dB	SEL(3):79.4dB	TWA: 34.9dB	TAKM3: 52.9dB
LDN: 51.5dB	CNEL: 51.5dB	Pa2Sec: 0.0	
L1: 63.7dB	L10: 52.7dB	L50: 48.5dB	L90: 45.2dB

Study 11

Measuring Parameters

Range: 40 - 100 dB
Weighting: A
Time Constant: Slow
Threshold: Off
Exchange Rate: 3dB
Peak Weighting: A

Study Started: 5/21/03 @ 1:03:02 PM
Study Stopped: 5/21/03 @ 1:13:21 PM
Run Time: 0:10:19
Peak Level: 104.0dB, 5/21/03 @ 1:03:04 PM
Max Level: 81.4dB, 5/21/03 @ 1:03:50 PM
Min Level: 52.9dB, 5/21/03 @ 1:08:08 PM
Overload: 0.00%

LEQ: 65.0dB	SEL(3):92.9dB	TWA: 48.3dB	TAKM3: 67.3dB
LDN: 65.0dB	CNEL: 65.0dB	Pa2Sec: 0.8	
L1: 76.0dB	L10: 68.3dB	L50: 59.5dB	L90: 55.0dB

Study 12

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/21/03 @ 1:13:25 PM
Study Stopped: 5/21/03 @ 1:24:30 PM
Run Time: 0:11:04
Peak Level: 99.6dB, 5/21/03 @ 1:14:48 PM
Max Level: 84.7dB, 5/21/03 @ 1:14:47 PM
Min Level: 53.2dB, 5/21/03 @ 1:21:38 PM
Overload: 0.00%

LEQ: 62.6dB	SEL(3):90.8dB	TWA: 46.2dB	TAKM3: 65.7dB
LDN: 62.6dB	CNEL: 62.6dB	Pa2Sec: 0.5	
L1: 70.7dB	L10: 64.9dB	L50: 58.4dB	L90: 55.7dB

Study 13

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/21/03 @ 1:24:31 PM
Study Stopped: 5/21/03 @ 1:34:35 PM
Run Time: 0:10:04
Peak Level: 94.1dB, 5/21/03 @ 1:31:55 PM
Max Level: 76.6dB, 5/21/03 @ 1:31:55 PM
Min Level: 52.0dB, 5/21/03 @ 1:28:52 PM
Overload: 0.00%

LEQ: 60.0dB	SEL(3):87.8dB	TWA: 43.2dB	TAKM3: 62.6dB
LDN: 60.0dB	CNEL: 60.0dB	Pa2Sec: 0.2	
L1: 71.2dB	L10: 62.4dB	L50: 56.1dB	L90: 53.4dB

Study 14

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 1:37:33 PM
Study Stopped: 5/21/03 @ 1:47:36 PM
Run Time: 0:10:03
Peak Level: 95.7dB, 5/21/03 @ 1:45:58 PM
Max Level: 82.9dB, 5/21/03 @ 1:41:23 PM
Min Level: 49.6dB, 5/21/03 @ 1:44:17 PM
Overload: 0.02%

LEQ: 67.7dB	SEL(3):95.5dB	TWA: 50.9dB	TAKM3: 69.4dB
LDN: 67.7dB	CNEL: 67.7dB	Pa2Sec: 1.4	
L1: 81.0dB	L10: 69.4dB	L50: 52.1dB	L90: 50.5dB

Study 15

Measuring Parameters

Range: 40 - 100 dB
Weighting: A
Time Constant: Slow
Threshold: Off
Exchange Rate: 3dB
Peak Weighting: A

Study Started: 5/21/03 @ 1:47:38 PM
Study Stopped: 5/21/03 @ 1:57:40 PM
Run Time: 0:10:02
Peak Level: 98.5dB, 5/21/03 @ 1:53:59 PM
Max Level: 73.4dB, 5/21/03 @ 1:50:18 PM
Min Level: 50.3dB, 5/21/03 @ 1:48:47 PM
Overload: 0.00%

LEQ: 55.9dB	SEL(3):83.7dB	TWA: 39.1dB	TAKM3: 57.6dB
LDN: 55.9dB	CNEL: 55.9dB	Pa2Sec: 0.1	
L1: 65.3dB	L10: 55.9dB	L50: 54.9dB	L90: 51.3dB

Study 16

Measuring Parameters

Range: 40 - 100 dB
Weighting: A
Time Constant: Slow
Threshold: Off
Exchange Rate: 3dB
Peak Weighting: A

Study Started: 5/21/03 @ 1:57:44 PM
Study Stopped: 5/21/03 @ 2:10:07 PM
Run Time: 0:12:23
Peak Level: 100.4dB, 5/21/03 @ 2:03:33 PM
Max Level: 85.5dB, 5/21/03 @ 2:03:34 PM
Min Level: 49.9dB, 5/21/03 @ 2:06:49 PM
Overload: 0.00%

LEQ: 64.2dB	SEL(3):92.9dB	TWA: 48.3dB	TAKM3: 66.2dB
LDN: 64.2dB	CNEL: 64.2dB	Pa2Sec: 0.8	
L1: 78.0dB	L10: 56.0dB	L50: 54.4dB	L90: 51.3dB

Study 17

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 2:13:07 PM
Study Stopped: 5/21/03 @ 2:23:40 PM
Run Time: 0:10:33
Peak Level: 86.1dB, 5/21/03 @ 2:13:10 PM
Max Level: 64.6dB, 5/21/03 @ 2:13:10 PM
Min Level: 46.7dB, 5/21/03 @ 2:15:05 PM
Overload: 0.00%

LEQ: 52.1dB	SEL(3):80.2dB	TWA: 35.6dB	TAKM3: 53.6dB
LDN: 52.1dB	CNEL: 52.1dB	Pa2Sec: 0.0	
L1: 58.6dB	L10: 54.7dB	L50: 50.8dB	L90: 48.5dB

Study 18

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/21/03 @ 2:23:42 PM
Study Stopped: 5/21/03 @ 2:34:00 PM
Run Time: 0:10:17
Peak Level: 88.2dB, 5/21/03 @ 2:26:40 PM
Max Level: 70.4dB, 5/21/03 @ 2:26:39 PM
Min Level: 46.3dB, 5/21/03 @ 2:29:44 PM
Overload: 0.00%

LEQ: 56.4dB	SEL(3):84.3dB	TWA: 39.7dB	TAKM3: 57.6dB
LDN: 56.4dB	CNEL: 56.4dB	Pa2Sec: 0.1	
L1: 67.8dB	L10: 59.5dB	L50: 50.0dB	L90: 47.5dB

Study 19

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/21/03 @ 4:34:35 PM
Study Stopped: 5/21/03 @ 4:46:25 PM
Run Time: 0:11:50
Peak Level: 95.9dB, 5/21/03 @ 4:35:59 PM
Max Level: 82.2dB, 5/21/03 @ 4:35:59 PM
Min Level: 45.9dB, 5/21/03 @ 4:44:37 PM
Overload: 0.00%

LEQ: 64.2dB	SEL(3):92.7dB	TWA: 48.1dB	TAKM3: 66.2dB
LDN: 64.2dB	CNEL: 64.2dB	Pa2Sec: 0.7	
L1: 69.9dB	L10: 66.4dB	L50: 62.0dB	L90: 54.7dB

Study 20

Measuring Parameters

Range: 40 - 100 dB
Weighting: A
Time Constant: Slow
Threshold: Off
Exchange Rate: 3dB
Peak Weighting: A

Study Started: 5/21/03 @ 4:46:28 PM
Study Stopped: 5/21/03 @ 4:57:03 PM
Run Time: 0:10:35
Peak Level: 86.3dB, 5/21/03 @ 4:51:56 PM
Max Level: 72.4dB, 5/21/03 @ 4:54:21 PM
Min Level: 43.9dB, 5/21/03 @ 4:51:00 PM
Overload: 0.00%

LEQ: 64.1dB	SEL(3):92.1dB	TWA: 47.5dB	TAKM3: 65.4dB
LDN: 64.1dB	CNEL: 64.1dB	Pa2Sec: 0.6	
L1: 71.0dB	L10: 67.6dB	L50: 62.4dB	L90: 53.9dB

Study 21

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/21/03 @ 4:57:12 PM
Study Stopped: 5/21/03 @ 5:08:49 PM
Run Time: 0:11:37
Peak Level: 89.8dB, 5/21/03 @ 5:08:49 PM
Max Level: 70.4dB, 5/21/03 @ 5:08:49 PM
Min Level: 41.9dB, 5/21/03 @ 4:57:34 PM
Overload: 0.00%

LEQ: 63.2dB	SEL(3):91.6dB	TWA: 47.0dB	TAKM3: 64.6dB
LDN: 63.2dB	CNEL: 63.2dB	Pa2Sec: 0.6	
L1: 68.6dB	L10: 66.3dB	L50: 62.4dB	L90: 54.9dB

Study 22

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/21/03 @ 5:46:14 PM
Study Stopped: 5/21/03 @ 5:56:33 PM
Run Time: 0:10:18
Peak Level: 93.3dB, 5/21/03 @ 5:56:29 PM
Max Level: 71.3dB, 5/21/03 @ 5:54:39 PM
Min Level: 53.0dB, 5/21/03 @ 5:52:49 PM
Overload: 0.00%

LEQ: 60.6dB	SEL(3):88.5dB	TWA: 43.9dB	TAKM3: 61.9dB
LDN: 60.6dB	CNEL: 60.6dB	Pa2Sec: 0.3	
L1: 68.2dB	L10: 63.9dB	L50: 58.6dB	L90: 55.3dB

Study 23

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 5:56:38 PM
Study Stopped: 5/21/03 @ 6:06:56 PM
Run Time: 0:10:17
Peak Level: 92.6dB, 5/21/03 @ 6:00:38 PM
Max Level: 75.1dB, 5/21/03 @ 6:03:12 PM
Min Level: 55.9dB, 5/21/03 @ 5:59:59 PM
Overload: 0.00%

LEQ: 61.9dB	SEL(3):89.8dB	TWA: 45.2dB	TAKM3: 63.4dB
LDN: 61.9dB	CNEL: 61.9dB	Pa2Sec: 0.4	
L1: 69.6dB	L10: 64.3dB	L50: 60.3dB	L90: 57.7dB

Study 24

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 6:10:37 PM
Study Stopped: 5/21/03 @ 6:20:55 PM
Run Time: 0:10:18
Peak Level: 87.0dB, 5/21/03 @ 6:11:16 PM
Max Level: 70.2dB, 5/21/03 @ 6:14:51 PM
Min Level: 52.0dB, 5/21/03 @ 6:18:34 PM
Overload: 0.03%

LEQ: 58.9dB	SEL(3):86.8dB	TWA: 42.2dB	TAKM3: 60.6dB
LDN: 58.9dB	CNEL: 58.9dB	Pa2Sec: 0.2	
L1: 66.6dB	L10: 61.0dB	L50: 57.4dB	L90: 54.8dB

Study 25

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/21/03 @ 6:20:58 PM
Study Stopped: 5/21/03 @ 6:31:17 PM
Run Time: 0:10:18
Peak Level: 92.4dB, 5/21/03 @ 6:21:47 PM
Max Level: 71.3dB, 5/21/03 @ 6:21:46 PM
Min Level: 51.6dB, 5/21/03 @ 6:29:07 PM
Overload: 0.00%

LEQ: 56.6dB	SEL(3):84.6dB	TWA: 40.0dB	TAKM3: 58.1dB
LDN: 56.6dB	CNEL: 56.6dB	Pa2Sec: 0.1	
L1: 61.8dB	L10: 59.0dB	L50: 55.1dB	L90: 53.3dB

Study 26

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 6:33:23 PM
Study Stopped: 5/21/03 @ 6:43:40 PM
Run Time: 0:10:17
Peak Level: 83.9dB, 5/21/03 @ 6:41:04 PM
Max Level: 63.6dB, 5/21/03 @ 6:41:04 PM
Min Level: 48.9dB, 5/21/03 @ 6:39:12 PM
Overload: 0.00%

LEQ: 51.5dB	SEL(3):79.4dB	TWA: 34.8dB	TAKM3: 52.7dB
LDN: 51.5dB	CNEL: 51.5dB	Pa2Sec: 0.0	
L1: 59.2dB	L10: 52.2dB	L50: 50.7dB	L90: 49.8dB

Study 27

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 6:43:43 PM
Study Stopped: 5/21/03 @ 6:54:26 PM
Run Time: 0:10:42
Peak Level: 93.2dB, 5/21/03 @ 6:52:34 PM
Max Level: 77.5dB, 5/21/03 @ 6:52:34 PM
Min Level: 48.9dB, 5/21/03 @ 6:47:15 PM
Overload: 0.00%

LEQ: 57.8dB	SEL(3):85.9dB	TWA: 41.3dB	TAKM3: 60.2dB
LDN: 57.8dB	CNEL: 57.8dB	Pa2Sec: 0.2	
L1: 67.8dB	L10: 59.1dB	L50: 51.1dB	L90: 50.0dB

Study 28

Measuring Parameters

Range: 40 - 100 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/21/03 @ 6:56:00 PM
Study Stopped: 5/21/03 @ 7:06:25 PM
Run Time: 0:10:24
Peak Level: 86.6dB, 5/21/03 @ 6:56:13 PM
Max Level: 62.7dB, 5/21/03 @ 6:56:13 PM
Min Level: 44.2dB, 5/21/03 @ 7:05:12 PM
Overload: 0.00%

LEQ: 50.0dB	SEL(3):77.9dB	TWA: 33.3dB	TAKM3: 50.9dB
LDN: 50.0dB	CNEL: 53.3dB	Pa2Sec: 0.0	
L1: 53.8dB	L10: 52.3dB	L50: 49.3dB	L90: 46.5dB

Study 29

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 7:06:26 PM
Study Stopped: 5/21/03 @ 7:16:46 PM
Run Time: 0:10:19
Peak Level: 83.9dB, 5/21/03 @ 7:16:21 PM
Max Level: 56.9dB, 5/21/03 @ 7:08:09 PM
Min Level: 44.1dB, 5/21/03 @ 7:13:33 PM
Overload: 0.00%

LEQ: 49.1dB	SEL(3):77.0dB	TWA: 32.4dB	TAKM3: 49.9dB
LDN: 49.1dB	CNEL: 54.1dB	Pa2Sec: 0.0	
L1: 53.3dB	L10: 51.3dB	L50: 48.2dB	L90: 46.3dB

Study 30

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 10:16:25 PM
Study Stopped: 5/21/03 @ 10:28:16 PM
Run Time: 0:11:50
Peak Level: 83.7dB, 5/21/03 @ 10:19:39 PM
Max Level: 67.9dB, 5/21/03 @ 10:19:38 PM
Min Level: 39.9dB, 5/21/03 @ 10:25:20 PM
Overload: 0.00%

LEQ: 58.2dB	SEL(3):86.7dB	TWA: 42.1dB	TAKM3: 60.0dB
LDN: 68.2dB	CNEL: 68.2dB	Pa2Sec: 0.2	
L1: 65.7dB	L10: 63.1dB	L50: 54.0dB	L90: 41.7dB

Study 31

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 10:28:24 PM
Study Stopped: 5/21/03 @ 10:40:29 PM
Run Time: 0:12:04
Peak Level: 83.9dB, 5/21/03 @ 10:38:38 PM
Max Level: 70.1dB, 5/21/03 @ 10:38:13 PM
Min Level: 42.9dB, 5/21/03 @ 10:36:32 PM
Overload: 0.00%

LEQ: 57.4dB	SEL(3):86.0dB	TWA: 41.4dB	TAKM3: 59.3dB
LDN: 67.4dB	CNEL: 67.4dB	Pa2Sec: 0.2	
L1: 67.6dB	L10: 62.0dB	L50: 51.3dB	L90: 45.0dB

Study 32

Measuring Parameters

Range: 40 - 100 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 10:40:33 PM
Study Stopped: 5/21/03 @ 10:50:51 PM
Run Time: 0:10:18
Peak Level: 79.8dB, 5/21/03 @ 10:45:01 PM
Max Level: 66.7dB, 5/21/03 @ 10:45:00 PM
Min Level: 43.2dB, 5/21/03 @ 10:49:07 PM
Overload: 0.00%

LEQ: 56.6dB	SEL(3):84.5dB	TWA: 39.9dB	TAKM3: 58.3dB
LDN: 66.6dB	CNEL: 66.6dB	Pa2Sec: 0.1	
L1: 65.1dB	L10: 61.7dB	L50: 51.0dB	L90: 44.8dB

Study 33

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 11:18:03 PM
Study Stopped: 5/21/03 @ 11:28:34 PM
Run Time: 0:10:31
Peak Level: 103.6dB, 5/21/03 @ 11:27:41 PM
Max Level: 76.1dB, 5/21/03 @ 11:27:41 PM
Min Level: 48.0dB, 5/21/03 @ 11:22:23 PM
Overload: 0.30%

LEQ: 59.9dB	SEL(3):87.9dB	TWA: 43.3dB	TAKM3: 62.8dB
LDN: 69.9dB	CNEL: 69.9dB	Pa2Sec: 0.2	
L1: 72.0dB	L10: 62.2dB	L50: 54.9dB	L90: 50.1dB

Study 34

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 11:28:39 PM
Study Stopped: 5/21/03 @ 11:39:00 PM
Run Time: 0:10:21
Peak Level: 93.9dB, 5/21/03 @ 11:29:32 PM
Max Level: 68.5dB, 5/21/03 @ 11:29:00 PM
Min Level: 48.9dB, 5/21/03 @ 11:30:43 PM
Overload: 0.02%

LEQ: 58.0dB	SEL(3):86.0dB	TWA: 41.4dB	TAKM3: 59.7dB
LDN: 68.0dB	CNEL: 68.0dB	Pa2Sec: 0.2	
L1: 65.8dB	L10: 61.0dB	L50: 56.2dB	L90: 53.5dB

Study 35

Measuring Parameters

Range: 30 - 90 dB
Weighting: A
Time Constant: Slow
Threshold: Off
Exchange Rate: 3dB
Peak Weighting: A

Study Started: 5/21/03 @ 11:41:55 PM
Study Stopped: 5/21/03 @ 11:52:15 PM
Run Time: 0:10:20
Peak Level: 91.2dB, 5/21/03 @ 11:48:20 PM
Max Level: 75.4dB, 5/21/03 @ 11:48:47 PM
Min Level: 45.9dB, 5/21/03 @ 11:42:12 PM
Overload: 0.00%

LEQ: 60.6dB	SEL(3):88.5dB	TWA: 44.0dB	TAKM3: 62.0dB
LDN: 70.6dB	CNEL: 70.6dB	Pa2Sec: 0.3	
L1: 73.5dB	L10: 63.5dB	L50: 51.0dB	L90: 47.8dB

Study 36

Measuring Parameters

Range: 30 - 90 dB
Weighting: A
Time Constant: Slow
Threshold: Off
Exchange Rate: 3dB
Peak Weighting: A

Study Started: 5/21/03 @ 11:52:16 PM
Study Stopped: 5/22/03 @ 12:02:38 AM
Run Time: 0:10:21
Peak Level: 82.2dB, 5/21/03 @ 11:59:09 PM
Max Level: 61.4dB, 5/21/03 @ 11:55:56 PM
Min Level: 45.9dB, 5/21/03 @ 11:59:16 PM
Overload: 0.00%

LEQ: 50.3dB	SEL(3):78.2dB	TWA: 33.6dB	TAKM3: 51.5dB
LDN: 60.3dB	CNEL: 60.3dB	Pa2Sec: 0.0	
L1: 59.1dB	L10: 52.4dB	L50: 48.7dB	L90: 46.7dB

Study 37

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/22/03 @ 12:04:45 AM
Study Stopped: 5/22/03 @ 12:15:11 AM
Run Time: 0:10:25
Peak Level: 82.7dB, 5/22/03 @ 12:07:37 AM
Max Level: 57.7dB, 5/22/03 @ 12:07:36 AM
Min Level: 46.9dB, 5/22/03 @ 12:09:43 AM
Overload: 0.02%

LEQ: 48.2dB	SEL(3):76.1dB	TWA: 31.5dB	TAKM3: 48.7dB
LDN: 58.1dB	CNEL: 58.1dB	Pa2Sec: 0.0	
L1: 50.2dB	L10: 48.5dB	L50: 48.0dB	L90: 47.6dB

Study 38

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/22/03 @ 12:15:13 AM
Study Stopped: 5/22/03 @ 12:25:31 AM
Run Time: 0:10:17
Peak Level: 75.8dB, 5/22/03 @ 12:23:13 AM
Max Level: 49.7dB, 5/22/03 @ 12:23:13 AM
Min Level: 46.7dB, 5/22/03 @ 12:25:06 AM
Overload: 0.00%

LEQ: 48.1dB	SEL(3):76.0dB	TWA: 31.4dB	TAKM3: 48.4dB
LDN: 58.0dB	CNEL: 58.0dB	Pa2Sec: 0.0	
L1: 49.1dB	L10: 48.6dB	L50: 48.0dB	L90: 47.5dB

Study 39

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/22/03 @ 12:27:33 AM
Study Stopped: 5/22/03 @ 12:38:43 AM
Run Time: 0:11:10
Peak Level: 75.7dB, 5/22/03 @ 12:34:49 AM
Max Level: 55.9dB, 5/22/03 @ 12:28:06 AM
Min Level: 43.1dB, 5/22/03 @ 12:30:29 AM
Overload: 0.00%

LEQ: 50.0dB	SEL(3):78.2dB	TWA: 33.6dB	TAKM3: 50.5dB
LDN: 60.0dB	CNEL: 60.0dB	Pa2Sec: 0.0	
L1: 53.8dB	L10: 53.0dB	L50: 48.3dB	L90: 43.9dB

Study 40

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/22/03 @ 12:38:49 AM
Study Stopped: 5/22/03 @ 12:49:06 AM
Run Time: 0:10:17
Peak Level: 79.3dB, 5/22/03 @ 12:48:48 AM
Max Level: 58.5dB, 5/22/03 @ 12:39:02 AM
Min Level: 48.5dB, 5/22/03 @ 12:42:23 AM
Overload: 0.00%

LEQ: 52.2dB	SEL(3):80.1dB	TWA: 35.5dB	TAKM3: 52.7dB
LDN: 62.2dB	CNEL: 62.2dB	Pa2Sec: 0.0	
L1: 57.1dB	L10: 53.2dB	L50: 51.9dB	L90: 50.6dB

Quest Technologies
[redacted]00 Integrating/Logging Sound Level Me[redacted]

Unit Version Number: 02.4
Serial Number: CD120045
Name: CPH Naples / Wal-Mart Estero Site

Work Area: Wal-Mart Estero Site

Comments: Establishment of Daytime / Nighttime Ambient Field Noise Levels @ Proposed Wal-Mart Estero (Koreshan Site) at 200 Feet From US 41

Meter Calibration: 114.1dB, 5/21/03 @ 9:55:00 AM

Calibrator Serial Number:

Calibration Date:

Study 1

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 10:42:15 AM
Study Stopped: 5/21/03 @ 10:54:44 AM
Run Time: 0:12:28
Peak Level: 75.7dB, 5/21/03 @ 10:51:39 AM
Max Level: 62.6dB, 5/21/03 @ 10:49:51 AM
Min Level: 44.9dB, 5/21/03 @ 10:44:15 AM
Overload: 0.04%

LEQ: 54.5dB	SEL(3):83.2dB	TWA: 38.6dB	TAKM3: 55.5dB
LDN: 54.5dB	CNEL: 54.5dB	Pa2Sec: 0.1	
L1: 60.4dB	L10: 57.4dB	L50: 53.5dB	L90: 48.0dB

200' FROM US-41

DL 1-6 DT 54.2-59.5 (56.4dBA) DT AM

DL 7-9 DT 55.8-56.3 (56.1dBA) DT PM

DL 10-12 NT 50.7-52.1 (51.5dBA) NT PM

Study 2

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 10:54:45 AM
Study Stopped: 5/21/03 @ 11:07:21 AM
Run Time: 0:12:36
Peak Level: 79.8dB, 5/21/03 @ 11:03:23 AM
Max Level: 64.5dB, 5/21/03 @ 10:56:00 AM
Min Level: 46.2dB, 5/21/03 @ 10:57:31 AM
Overload: 0.00%

LEQ: 55.7dB	SEL(3):84.5dB	TWA: 39.9dB	TAKM3: 56.8dB
LDN: 55.7dB	CNEL: 55.7dB	Pa2Sec: 0.1	
L1: 63.2dB	L10: 58.3dB	L50: 54.4dB	L90: 50.5dB

Study 3

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 11:07:23 AM
Study Stopped: 5/21/03 @ 11:19:54 AM
Run Time: 0:12:31
Peak Level: 84.0dB, 5/21/03 @ 11:18:46 AM
Max Level: 67.6dB, 5/21/03 @ 11:18:45 AM
Min Level: 39.3dB, 5/21/03 @ 11:17:14 AM
Overload: 0.04%

LEQ: 55.2dB	SEL(3):83.9dB	TWA: 39.3dB	TAKM3: 56.3dB
LDN: 55.2dB	CNEL: 55.2dB	Pa2Sec: 0.1	
L1: 64.7dB	L10: 57.7dB	L50: 53.1dB	L90: 46.2dB

Study 4

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 11:20:01 AM
Study Stopped: 5/21/03 @ 11:32:57 AM
Run Time: 0:12:55
Peak Level: 99.5dB, 5/21/03 @ 11:32:30 AM
Max Level: 79.4dB, 5/21/03 @ 11:32:29 AM
Min Level: 44.1dB, 5/21/03 @ 11:31:05 AM
Overload: 0.07%

LEQ: 59.1dB	SEL(3):88.0dB	TWA: 43.4dB	TAKM3: 61.0dB
LDN: 59.1dB	CNEL: 59.1dB	Pa2Sec: 0.3	
L1: 71.4dB	L10: 57.9dB	L50: 53.2dB	L90: 47.9dB

Study 5

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 11:33:04 AM
Study Stopped: 5/21/03 @ 11:44:43 AM
Run Time: 0:11:38
Peak Level: 96.0dB, 5/21/03 @ 11:41:47 AM
Max Level: 79.2dB, 5/21/03 @ 11:41:48 AM
Min Level: 41.2dB, 5/21/03 @ 11:35:23 AM
Overload: 0.35%

LEQ: 59.5dB	SEL(3):87.9dB	TWA: 43.4dB	TAKM3: 61.3dB
LDN: 59.5dB	CNEL: 59.5dB	Pa2Sec: 0.2	
L1: 72.8dB	L10: 58.4dB	L50: 52.7dB	L90: 47.6dB

Study 6

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/21/03 @ 11:44:44 AM
Study Stopped: 5/21/03 @ 11:55:11 AM
Run Time: 0:10:27
Peak Level: 74.2dB, 5/21/03 @ 11:48:20 AM
Max Level: 60.6dB, 5/21/03 @ 11:53:18 AM
Min Level: 42.6dB, 5/21/03 @ 11:47:16 AM
Overload: 0.12%

LEQ: 54.2dB	SEL(3):82.2dB	TWA: 37.6dB	TAKM3: 55.2dB
LDN: 54.2dB	CNEL: 54.2dB	Pa2Sec: 0.1	
L1: 59.2dB	L10: 57.5dB	L50: 53.0dB	L90: 48.4dB

Study 7

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 4:34:51 PM
Study Stopped: 5/21/03 @ 4:46:37 PM
Run Time: 0:11:46
Peak Level: 86.5dB, 5/21/03 @ 4:35:38 PM
Max Level: 73.8dB, 5/21/03 @ 4:35:37 PM
Min Level: 43.3dB, 5/21/03 @ 4:44:16 PM
Overload: 0.06%

LEQ: 56.3dB	SEL(3):84.8dB	TWA: 40.2dB	TAKM3: 57.6dB
LDN: 56.3dB	CNEL: 56.3dB	Pa2Sec: 0.1	
L1: 65.0dB	L10: 58.2dB	L50: 54.2dB	L90: 49.7dB

Study 8

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 4:46:45 PM
Study Stopped: 5/21/03 @ 4:57:22 PM
Run Time: 0:10:37
Peak Level: 79.4dB, 5/21/03 @ 4:53:55 PM
Max Level: 66.3dB, 5/21/03 @ 4:53:54 PM
Min Level: 40.5dB, 5/21/03 @ 4:57:11 PM
Overload: 0.00%

LEQ: 56.3dB	SEL(3):84.4dB	TWA: 39.8dB	TAKM3: 57.3dB
LDN: 56.3dB	CNEL: 56.3dB	Pa2Sec: 0.1	
L1: 63.0dB	L10: 59.7dB	L50: 54.9dB	L90: 47.7dB

Study 9

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 4:57:24 PM
Study Stopped: 5/21/03 @ 5:09:10 PM
Run Time: 0:11:45
Peak Level: 89.4dB, 5/21/03 @ 5:09:09 PM
Max Level: 68.8dB, 5/21/03 @ 5:09:08 PM
Min Level: 45.3dB, 5/21/03 @ 5:03:10 PM
Overload: 0.00%

LEQ: 55.8dB	SEL(3):84.3dB	TWA: 39.7dB	TAKM3: 56.9dB
LDN: 55.8dB	CNEL: 55.8dB	Pa2Sec: 0.1	
L1: 62.1dB	L10: 58.2dB	L50: 55.1dB	L90: 50.8dB

Study 10

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 10:16:40 PM
Study Stopped: 5/21/03 @ 10:28:37 PM
Run Time: 0:11:56
Peak Level: 75.0dB, 5/21/03 @ 10:28:34 PM
Max Level: 59.5dB, 5/21/03 @ 10:21:16 PM
Min Level: 41.4dB, 5/21/03 @ 10:25:01 PM
Overload: 0.00%

LEQ: 52.1dB	SEL(3):80.7dB	TWA: 36.1dB	TAKM3: 53.2dB
LDN: 62.1dB	CNEL: 62.1dB	Pa2Sec: 0.0	
L1: 58.2dB	L10: 56.2dB	L50: 50.1dB	L90: 42.9dB

Study 11

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 10:28:42 PM
Study Stopped: 5/21/03 @ 10:40:43 PM
Run Time: 0:12:00
Peak Level: 79.1dB, 5/21/03 @ 10:38:17 PM
Max Level: 62.9dB, 5/21/03 @ 10:38:16 PM
Min Level: 41.9dB, 5/21/03 @ 10:30:50 PM
Overload: 0.00%

LEQ: 51.6dB	SEL(3):80.2dB	TWA: 35.6dB	TAKM3: 52.9dB
LDN: 61.6dB	CNEL: 61.6dB	Pa2Sec: 0.0	
L1: 61.6dB	L10: 55.5dB	L50: 48.0dB	L90: 43.2dB

Study 12

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/21/03 @ 10:40:44 PM
Study Stopped: 5/21/03 @ 10:51:05 PM
Run Time: 0:10:20
Peak Level: 77.4dB, 5/21/03 @ 10:51:03 PM
Max Level: 58.5dB, 5/21/03 @ 10:42:47 PM
Min Level: 41.8dB, 5/21/03 @ 10:48:40 PM
Overload: 0.00%

LEQ: 50.7dB	SEL(3):78.6dB	TWA: 34.0dB	TAKM3: 51.7dB
LDN: 60.7dB	CNEL: 60.7dB	Pa2Sec: 0.0	
L1: 57.5dB	L10: 55.0dB	L50: 47.8dB	L90: 43.3dB

Quest Technologies
2900 Integrating/Logging Sound Level Meter

Unit Version Number: 02.4 Serial Number: CD7120018
Name: CPH Naples / Wal-Mart Estero Site

Work Area: Wal-Mart Estero Site

Comments: Establishment of Daytime / Nighttime Ambient Field Noise Levels @ Proposed Wal-Mart Estero (Koreshan Site) at 300 Feet From US 41

Meter Calibration: 114.0dB, 5/21/03 @ 9:53:53 AM

Calibrator Serial Number:

Calibration Date:

Study 1

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 10:43:06 AM
Study Stopped: 5/21/03 @ 10:55:31 AM
Run Time: 0:12:25
Peak Level: 74.4dB, 5/21/03 @ 10:55:14 AM
Max Level: 60.8dB, 5/21/03 @ 10:55:17 AM
Min Level: 44.0dB, 5/21/03 @ 10:49:02 AM
Overload: 0.01%

LEQ: 52.2dB	SEL(3):80.9dB	TWA: 36.3dB	TAKM3: 52.9dB
LDN: 52.2dB	CNEL: 52.2dB	Pa2Sec: 0.0	
L1: 58.4dB	L10: 55.0dB	L50: 51.1dB	L90: 46.6dB

300' From US-41

DL 1-6 DT 50.9-56.0 (53.5dBA) DT AM

DL 7-9 DT 52.4-52.8 (52.6dBA) DT PM

DL 10-12 NT 50.7-51.6 (51.1dBA) NT PM

Study 2

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 10:55:33 AM
Study Stopped: 5/21/03 @ 11:07:54 AM
Run Time: 0:12:21
Peak Level: 78.1dB, 5/21/03 @ 11:00:18 AM
Max Level: 61.1dB, 5/21/03 @ 11:03:24 AM
Min Level: 46.1dB, 5/21/03 @ 10:57:21 AM
Overload: 0.03%

LEQ: 53.5dB	SEL(3):82.2dB	TWA: 37.6dB	TAKM3: 54.3dB
LDN: 53.5dB	CNEL: 53.5dB	Pa2Sec: 0.1	
L1: 59.8dB	L10: 56.4dB	L50: 52.4dB	L90: 48.8dB

Study 3

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/21/03 @ 11:07:56 AM
Study Stopped: 5/21/03 @ 11:20:34 AM
Run Time: 0:12:38
Peak Level: 81.5dB, 5/21/03 @ 11:20:23 AM
Max Level: 64.9dB, 5/21/03 @ 11:20:22 AM
Min Level: 39.6dB, 5/21/03 @ 11:17:15 AM
Overload: 0.13%

LEQ: 52.8dB	SEL(3):81.6dB	TWA: 37.0dB	TAKM3: 53.9dB
LDN: 52.8dB	CNEL: 52.8dB	Pa2Sec: 0.1	
L1: 62.5dB	L10: 55.2dB	L50: 51.0dB	L90: 45.6dB

Study 4

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 11:20:43 AM
Study Stopped: 5/21/03 @ 11:33:35 AM
Run Time: 0:12:52
Peak Level: 99.1dB, 5/21/03 @ 11:32:31 AM
Max Level: 76.3dB, 5/21/03 @ 11:32:30 AM
Min Level: 43.5dB, 5/21/03 @ 11:31:06 AM
Overload: 0.02%

LEQ: 55.8dB	SEL(3):84.7dB	TWA: 40.1dB	TAKM3: 58.1dB
LDN: 55.8dB	CNEL: 55.8dB	Pa2Sec: 0.1	
L1: 68.5dB	L10: 54.3dB	L50: 50.9dB	L90: 46.7dB

Study 5

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 11:33:40 AM
Study Stopped: 5/21/03 @ 11:45:22 AM
Run Time: 0:11:41
Peak Level: 91.4dB, 5/21/03 @ 11:41:49 AM
Max Level: 75.8dB, 5/21/03 @ 11:41:50 AM
Min Level: 41.2dB, 5/21/03 @ 11:35:24 AM
Overload: 0.05%

LEQ: 56.0dB	SEL(3):84.4dB	TWA: 39.8dB	TAKM3: 57.8dB
LDN: 56.0dB	CNEL: 56.0dB	Pa2Sec: 0.1	
L1: 70.1dB	L10: 55.8dB	L50: 50.5dB	L90: 46.2dB

Study 6

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 11:45:23 AM
Study Stopped: 5/21/03 @ 11:55:43 AM
Run Time: 0:10:19
Peak Level: 85.2dB, 5/21/03 @ 11:45:33 AM
Max Level: 59.3dB, 5/21/03 @ 11:45:32 AM
Min Level: 42.7dB, 5/21/03 @ 11:47:17 AM
Overload: 0.00%

LEQ: 50.9dB	SEL(3):78.8dB	TWA: 34.2dB	TAKM3: 51.6dB
LDN: 50.9dB	CNEL: 50.9dB	Pa2Sec: 0.0	
L1: 55.4dB	L10: 53.7dB	L50: 50.0dB	L90: 46.6dB

Study 7

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 4:35:44 PM
Study Stopped: 5/21/03 @ 4:47:21 PM
Run Time: 0:11:36
Peak Level: 74.3dB, 5/21/03 @ 4:47:16 PM
Max Level: 59.4dB, 5/21/03 @ 4:47:15 PM
Min Level: 42.8dB, 5/21/03 @ 4:44:17 PM
Overload: 0.01%

LEQ: 52.4dB	SEL(3):80.8dB	TWA: 36.2dB	TAKM3: 53.1dB
LDN: 52.4dB	CNEL: 52.4dB	Pa2Sec: 0.0	
L1: 57.5dB	L10: 55.1dB	L50: 51.7dB	L90: 47.8dB

Study 8

Measuring Parameters

Range: 30 - 90 dB
Weighting: A
Time Constant: Slow
Threshold: Off
Exchange Rate: 3dB
Peak Weighting: A

Study Started: 5/21/03 @ 4:47:30 PM
Study Stopped: 5/21/03 @ 4:57:57 PM
Run Time: 0:10:27
Peak Level: 77.8dB, 5/21/03 @ 4:53:56 PM
Max Level: 62.5dB, 5/21/03 @ 4:53:55 PM
Min Level: 40.6dB, 5/21/03 @ 4:57:10 PM
Overload: 0.00%

LEQ: 52.6dB	SEL(3):80.6dB	TWA: 36.0dB	TAKM3: 53.5dB
LDN: 52.6dB	CNEL: 52.6dB	Pa2Sec: 0.0	
L1: 58.3dB	L10: 55.7dB	L50: 51.6dB	L90: 45.7dB

Study 9

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 4:57:59 PM
Study Stopped: 5/21/03 @ 5:10:07 PM
Run Time: 0:12:08
Peak Level: 77.6dB, 5/21/03 @ 5:06:08 PM
Max Level: 62.4dB, 5/21/03 @ 5:09:58 PM
Min Level: 44.8dB, 5/21/03 @ 5:03:12 PM
Overload: 0.00%

LEQ: 52.8dB	SEL(3):81.4dB	TWA: 36.8dB	TAKM3: 53.6dB
LDN: 52.8dB	CNEL: 52.8dB	Pa2Sec: 0.1	
L1: 59.8dB	L10: 55.0dB	L50: 52.0dB	L90: 48.4dB

Study 10

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 10:17:38 PM
Study Stopped: 5/21/03 @ 10:29:20 PM
Run Time: 0:11:41
Peak Level: 70.0dB, 5/21/03 @ 10:17:44 PM
Max Level: 57.7dB, 5/21/03 @ 10:21:17 PM
Min Level: 46.7dB, 5/21/03 @ 10:25:00 PM
Overload: 0.00%

LEQ: 51.6dB	SEL(3):80.1dB	TWA: 35.5dB	TAKM3: 52.3dB
LDN: 61.6dB	CNEL: 61.6dB	Pa2Sec: 0.0	
L1: 56.1dB	L10: 54.4dB	L50: 50.8dB	L90: 48.0dB

Study 11

Measuring Parameters

Range: 30 - 90 dB
Weighting: A
Time Constant: Slow
Threshold: Off
Exchange Rate: 3dB
Peak Weighting: A

Study Started: 5/21/03 @ 10:29:25 PM
Study Stopped: 5/21/03 @ 10:41:17 PM
Run Time: 0:11:51
Peak Level: 75.2dB, 5/21/03 @ 10:38:15 PM
Max Level: 59.8dB, 5/21/03 @ 10:37:51 PM
Min Level: 46.8dB, 5/21/03 @ 10:38:41 PM
Overload: 0.00%

LEQ: 51.1dB	SEL(3):79.6dB	TWA: 35.0dB	TAKM3: 51.8dB
LDN: 61.1dB	CNEL: 61.1dB	Pa2Sec: 0.0	
L1: 58.9dB	L10: 53.4dB	L50: 49.5dB	L90: 47.8dB

Study 12

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 10:41:18 PM
Study Stopped: 5/21/03 @ 10:51:40 PM
Run Time: 0:10:21
Peak Level: 73.1dB, 5/21/03 @ 10:41:33 PM
Max Level: 56.7dB, 5/21/03 @ 10:51:16 PM
Min Level: 46.4dB, 5/21/03 @ 10:41:55 PM
Overload: 0.00%

LEQ: 50.7dB	SEL(3):78.6dB	TWA: 34.0dB	TAKM3: 51.3dB
LDN: 60.7dB	CNEL: 60.7dB	Pa2Sec: 0.0	
L1: 56.0dB	L10: 53.4dB	L50: 49.5dB	L90: 47.6dB

Quest Technologies
[redacted]00 Integrating/Logging Sound Level Me[redacted]

Unit Version Number: 02.4 Serial Number: CD7120020
Name: CPH Naples / Wal-Mart Estero Site

Work Area: Wal-Mart Estero Site

Comments: Establishment of Daytime / Nighttime Ambient Field Noise Levels @ Proposed Wal-Mart Estero (Koreshan Site) at 450 Feet From US 41

Meter Calibration: 114.1dB, 5/21/03 @ 9:52:21 AM

Calibrator Serial Number:

Calibration Date:

Study 1

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 10:43:53 AM
Study Stopped: 5/21/03 @ 10:56:28 AM
Run Time: 0:12:34
Peak Level: 83.3dB, 5/21/03 @ 10:55:48 AM
Max Level: 61.9dB, 5/21/03 @ 10:55:02 AM
Min Level: 42.1dB, 5/21/03 @ 10:44:19 AM
Overload: 0.01%

LEQ: 49.6dB	SEL(3):78.4dB	TWA: 33.8dB	TAKM3: 50.8dB
LDN: 49.6dB	CNEL: 49.6dB	Pa2Sec: 0.0	
L1: 58.5dB	L10: 52.7dB	L50: 47.6dB	L90: 44.3dB

450' FROM US-41

DL 1-6 DT 46.8-50.6 (49.2 dBA) DT AM

DL 7-9 DT 47.1-47.9 (47.4 dBA) DT PM

DL 10-12 NT 58.0-58.4 (58.2 dBA) NT PM

Study 2

Measuring Parameters

Range: 30 - 90 dB
Weighting: A
Time Constant: Slow
Threshold: Off
Exchange Rate: 3dB
Peak Weighting: A

Study Started: 5/21/03 @ 10:56:29 AM
Study Stopped: 5/21/03 @ 11:08:47 AM
Run Time: 0:12:17
Peak Level: 82.5dB, 5/21/03 @ 10:58:57 AM
Max Level: 70.3dB, 5/21/03 @ 10:58:55 AM
Min Level: 44.7dB, 5/21/03 @ 11:07:28 AM
Overload: 0.00%

LEQ: 55.6dB (VOID)	SEL(3):84.3dB	TWA: 39.7dB	TAKM3: 56.8dB
LDN: 55.6dB	CNEL: 55.6dB	Pa2Sec: 0.1	
L1: 68.2dB	L10: 56.6dB	L50: 50.5dB	L90: 47.1dB

Study 3

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 11:08:51 AM
Study Stopped: 5/21/03 @ 11:21:35 AM
Run Time: 0:12:43
Peak Level: 73.2dB, 5/21/03 @ 11:08:57 AM
Max Level: 60.7dB, 5/21/03 @ 11:08:52 AM
Min Level: 37.9dB, 5/21/03 @ 11:17:18 AM
Overload: 0.00%

LEQ: 48.8dB	SEL(3):77.6dB	TWA: 33.0dB	TAKM3: 49.7dB
LDN: 48.8dB	CNEL: 48.8dB	Pa2Sec: 0.0	
L1: 57.3dB	L10: 51.4dB	L50: 46.8dB	L90: 42.3dB

Study 4

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 11:21:37 AM
Study Stopped: 5/21/03 @ 11:34:32 AM
Run Time: 0:12:55
Peak Level: 86.6dB, 5/21/03 @ 11:32:36 AM
Max Level: 68.6dB, 5/21/03 @ 11:32:36 AM
Min Level: 40.8dB, 5/21/03 @ 11:22:04 AM
Overload: 0.00%

LEQ: 50.0dB	SEL(3):78.9dB	TWA: 34.3dB	TAKM3: 51.5dB
LDN: 50.0dB	CNEL: 50.0dB	Pa2Sec: 0.0	
L1: 59.8dB	L10: 50.9dB	L50: 47.4dB	L90: 44.4dB

Study 5

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 11:34:34 AM
Study Stopped: 5/21/03 @ 11:46:30 AM
Run Time: 0:11:56
Peak Level: 87.8dB, 5/21/03 @ 11:41:54 AM
Max Level: 69.3dB, 5/21/03 @ 11:41:53 AM
Min Level: 40.3dB, 5/21/03 @ 11:45:44 AM
Overload: 0.00%

LEQ: 50.6dB	SEL(3):79.2dB	TWA: 34.6dB	TAKM3: 52.2dB
LDN: 50.6dB	CNEL: 50.6dB	Pa2Sec: 0.0	
L1: 63.0dB	L10: 51.3dB	L50: 47.3dB	L90: 43.1dB

Study 6

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 11:46:32 AM
Study Stopped: 5/21/03 @ 11:56:34 AM
Run Time: 0:10:02
Peak Level: 66.4dB, 5/21/03 @ 11:48:22 AM
Max Level: 52.4dB, 5/21/03 @ 11:53:08 AM
Min Level: 39.5dB, 5/21/03 @ 11:55:51 AM
Overload: 0.00%

LEQ: 46.8dB	SEL(3):74.6dB	TWA: 30.0dB	TAKM3: 47.4dB
LDN: 46.8dB	CNEL: 46.8dB	Pa2Sec: 0.0	
L1: 50.7dB	L10: 49.1dB	L50: 46.4dB	L90: 43.3dB

Study 7

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/21/03 @ 4:36:29 PM
Study Stopped: 5/21/03 @ 4:48:23 PM
Run Time: 0:11:53
Peak Level: 72.8dB, 5/21/03 @ 4:48:20 PM
Max Level: 52.4dB, 5/21/03 @ 4:47:36 PM
Min Level: 40.2dB, 5/21/03 @ 4:44:21 PM
Overload: 0.00%

LEQ: 47.2dB	SEL(3):75.8dB	TWA: 31.2dB	TAKM3: 48.0dB
LDN: 47.2dB	CNEL: 47.2dB	Pa2Sec: 0.0	
L1: 51.5dB	L10: 49.8dB	L50: 46.7dB	L90: 42.9dB

Study 8

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 4:48:24 PM
Study Stopped: 5/21/03 @ 4:58:47 PM
Run Time: 0:10:22
Peak Level: 74.2dB, 5/21/03 @ 4:48:26 PM
Max Level: 53.2dB, 5/21/03 @ 4:53:59 PM
Min Level: 37.5dB, 5/21/03 @ 4:57:14 PM
Overload: 0.00%

LEQ: 47.1dB	SEL(3):75.0dB	TWA: 30.4dB	TAKM3: 47.8dB
LDN: 47.1dB	CNEL: 47.1dB	Pa2Sec: 0.0	
L1: 51.9dB	L10: 49.8dB	L50: 46.5dB	L90: 42.1dB

Study 9

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 4:58:50 PM
Study Stopped: 5/21/03 @ 5:11:05 PM
Run Time: 0:12:14
Peak Level: 74.3dB, 5/21/03 @ 5:11:03 PM
Max Level: 56.2dB, 5/21/03 @ 5:09:04 PM
Min Level: 40.9dB, 5/21/03 @ 5:09:33 PM
Overload: 0.01%

LEQ: 47.9dB	SEL(3):76.5dB	TWA: 31.9dB	TAKM3: 48.7dB
LDN: 47.9dB	CNEL: 47.9dB	Pa2Sec: 0.0	
L1: 54.5dB	L10: 50.4dB	L50: 46.9dB	L90: 43.5dB

Study 10

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 10:18:33 PM
Study Stopped: 5/21/03 @ 10:30:17 PM
Run Time: 0:11:43
Peak Level: 79.3dB, 5/21/03 @ 10:30:16 PM
Max Level: 60.0dB, 5/21/03 @ 10:21:18 PM
Min Level: 53.4dB, 5/21/03 @ 10:27:11 PM
Overload: 0.00%

LEQ: 58.0dB	SEL(3):86.5dB	TWA: 41.9dB	TAKM3: 58.4dB
LDN: 68.1dB	CNEL: 68.1dB	Pa2Sec: 0.2	
L1: 59.6dB	L10: 59.1dB	L50: 58.2dB	L90: 56.3dB

Study 11

Measuring Parameters

Range: 30 - 90 dB	Weighting: A	Time Constant: Slow
Threshold: Off	Exchange Rate: 3dB	Peak Weighting: A

Study Started: 5/21/03 @ 10:30:21 PM
Study Stopped: 5/21/03 @ 10:42:13 PM
Run Time: 0:11:51
Peak Level: 75.0dB, 5/21/03 @ 10:30:29 PM
Max Level: 60.2dB, 5/21/03 @ 10:39:37 PM
Min Level: 55.1dB, 5/21/03 @ 10:40:31 PM
Overload: 0.00%

LEQ: 58.3dB	SEL(3):86.8dB	TWA: 42.2dB	TAKM3: 58.6dB
LDN: 68.3dB	CNEL: 68.3dB	Pa2Sec: 0.2	
L1: 59.8dB	L10: 59.2dB	L50: 58.4dB	L90: 57.0dB

Study 12

Measuring Parameters

Range: 30 - 90 dB
Threshold: Off
Weighting: A
Exchange Rate: 3dB
Time Constant: Slow
Peak Weighting: A

Study Started: 5/21/03 @ 10:42:14 PM
Study Stopped: 5/21/03 @ 10:52:36 PM
Run Time: 0:10:22
Peak Level: 74.8dB, 5/21/03 @ 10:43:52 PM
Max Level: 59.7dB, 5/21/03 @ 10:42:59 PM
Min Level: 56.4dB, 5/21/03 @ 10:50:38 PM
Overload: 0.00%

LEQ: 58.4dB	SEL(3):86.4dB	TWA: 41.8dB	TAKM3: 58.8dB
LDN: 68.5dB	CNEL: 68.5dB	Pa2Sec: 0.2	
L1: 59.4dB	L10: 59.0dB	L50: 58.5dB	L90: 57.8dB

Lee County Noise Ordinance

Chapter 24 1/4 NOISE CONTROL*

*Editor's note: Ord. No. 93-15, § 13, adopted April 21, 1993, repealed Ord. No. 82-32, adopted Aug. 4, 1982, from which the former provisions of Ch. 24 1/4 were initially derived. Ord. No. 82-32 was, in the past, amended by Ord. No. 83-22, § 2, adopted July 20, 1983; and Ord. No. 88-47, § 3, adopted Sept. 28, 1988. Sections 1–11 of Ord. No. 93-15 have been set out herein as a new Ch. 24 1/4, §§ 24 1/4-1–24 1/4-11.

Sec. 24 1/4-1. Short title.

This chapter may be known and cited as the "Lee County Noise Control Ordinance."

(Ord. No. 93-15, § 1, 4-21-93)

Search

Advanced Search

Document
Previous Document
Next Document
Previous Document Match
Next Document Match

Contents
Where am I?

Search Results
Clear Search

Options
Frames

Printable Format
Help

Previous Doc | Next Doc

Sec. 24 1/4-2. Declaration of necessity.

It is found and declared that:

(1) The making and creation of excessive, unnecessary or unusually loud noises within the unincorporated area of Lee County is a condition which has existed for some time and the amount and intensity of such noises is increasing.

(2) The making, creation or maintenance of such excessive unnecessary, unnatural or unusually loud noises which are prolonged, unusual and unnatural in their time, place and use effect are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of Lee County.

(3) The necessity in the public interest for the provisions and prohibitions hereinafter contained and enacted is declared as a matter of legislative determination and public policy, and it is further declared that the provisions and prohibitions hereinafter contained and enacted are in pursuance of and for the purpose of securing and promoting the public health, comfort, safety, welfare and repose of Lee County and its inhabitants.

(Ord. No. 93-15, § 2, 4-21-93)

Search

Advanced Search

Document
Previous Document
Next Document
Previous Document Match
Next Document Match

Contents
Where am I?

Search Results
Clear Search

Options
Frames

Printable Format
Help

Previous Doc | Next Doc

Search

Advanced Search

Document

Previous Document

Next Document

Previous Document Match

Next Document Match

Contents

Where am I?

Search Results

Clear Search

Options

Frames

Printable Format

Help

Sec. 24 1/4-3. Definitions.

The words and phrases used in this chapter are defined as follows:

A-weighted level (dBA): The total broadband sound level of the noise spectrum as measured using the "A-weighted network" of a sound level meter. The unit of measurement is the dBA. Sound level meter settings shall be for slow response.

Ambient noise: The all-encompassing noise associated with a given environment, being usually a composite of sound from many sources near and far.

Commercial zone: Any geographic area designated for commercial or professional activities by the zoning authority having jurisdiction over such area.

Continuous noise: A noise which remains essentially constant in level during the period of observation.

Decibel (dB): A division of a logarithmic scale used to express the ratio of two (2) like quantities proportional to power or energy. The ratio is expressed in decibels by multiplying its common logarithm by 10.

Emergency: An occurrence or set of circumstances involving actual or imminent physical trauma or property damage threatened or caused by an emergency.

Emergency work: Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Industrial zone: Any geographic area designated for industrial or manufacturing activities by the zoning authority having jurisdiction over such area.

Impulsive sound: A sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms.

Intermittent noise: A noise whose sound pressure level exceeds the ambient noise level at either regular or irregular intervals.

Noise: Any sound which annoys or disturbs humans or causes or tends to cause an adverse psychological effect on humans.

Noise disturbance: One or a group of loud, harsh, nonharmonious sounds or vibrations that are unpleasant and irritating to the ear which is or may be harmful or injurious to the health or welfare of a reasonable person with normal sensitivities or unreasonably interferes with the enjoyment of life, property or outdoor recreation.

Noise level: As referenced in this chapter, the noise level is the sound pressure level as measured in dBA unless otherwise specified. A measurement of noise must be at least five (5) dB above the ambient noise level.

Person: Any individual, natural person, public or private corporation, firm, association, joint venture, partnership, or any other entity whatsoever or any combination of such, jointly and severally.

Pure tone: Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, a pure tone shall exist if the one-third octave band sound pressure level in the band with the tone exceeds arithmetic value of the sound pressure levels of the two (2) contiguous one-third octave bands by five (5) dB for center frequencies of 500 Hz and above and by eight (8) dB for center frequencies between 160 and 400 Hz and by fifteen (15) dB for center frequencies less than or equal to 125 Hz.

Real property line: An imaginary line along the group surface, and its vertical plane extension, which separates the real property owned, rented or leased by one person from that owned, rented or leased by another person, excluding intrabuilding real property divisions.

Residential zone: Any geographic area designated for single- or multifamily dwellings by the zoning authority having jurisdiction over such area.

RMS sound pressure: The square root of the time averaged square of the sound pressure, denoted Prms.

Sheriff's department: The designated authority charged with administration and enforcement of the Lee County Noise Control Ordinance.

Sound level meter: An instrument to measure the sound pressure level of relatively continuous and broadband noises. The sound level meter used to determine compliance with this chapter shall meet or exceed the requirements for type 2 sound level meter in accordance with ANSI Standard S1.4.

Sound pressure level: Twenty (20) times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micropascals (20×10^{-6} N/m^2). The sound pressure level is denoted Lp or SPL and is expressed in decibels.

Previous Doc | Next Doc

(Ord. No. 93-15, § 3, 4-21-93)

Sec. 24 1/4-4. Noise disturbance prohibited.

No person shall make, continue or cause to be made or continued any noise disturbance in accordance with the terms set forth in this chapter.

(Ord. No. 93-15, § 4, 4-21-93)

Search

Advanced Search

Document
Previous Document
Next Document
Previous Document Match
Next Document Match

Contents
Where am I?

Search Results
Clear Search

Options
Frames

Printable Format
Help

Previous Doc | Next Doc

Search

Advanced Search

Document

Previous Document

Next Document

Previous Document Match

Next Document Match

Contents

Where am I?

Search Results

Clear Search

Options

Frames

Printable Format

Help

Sec. 24 1/4-5. Sound levels by receiving land use.

(a) *Maximum permissible sound levels by receiving land use.* No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in Table 1 when measured at or within the property line of the receiving land use, as specified in Lee County Code of Noise Enforcement Practices, which establish uniform guidelines for measuring and recording sound levels for the enforcement of this chapter. These standards shall be established and become a part of the Lee County Administrative Code.

Table 1

SOUND LEVELS BY RECEIVING LAND USE

TABLE INSET:

Land Use Category	Time	Sound Level Limit dBA
~~Residential~~, public space, agricultural or institutional	~~7:00 a.m.–10:00 p.m.~~ ~~10:00 p.m.– 7:00 a.m.~~	~~66~~ ~~55~~
Commercial or business	7:00 a.m.–10:00 p.m. 10:00 p.m.– 7:00 a.m.	72 65
Manufacturing or industrial	At all times	75

(b) *Correction for character of sound:*

(1) For any source of sound which emits a pure tone, the maximum sound level limits set forth in Table 1 shall be reduced by five (5) dBA.

(2) For any source of impulsive sound which is of short duration with an abrupt onset, the maximum sound level limits set forth in Table 1 shall be increased by ten (10) dBA from 7:00 a.m. to 10:00 p.m.

(c) *Specific prohibitions.* In addition to the general prohibitions set out above in Table 1, the following specific acts are declared to be in violation of this chapter:

(1) *Multifamily dwellings.* In the case of multifamily dwelling units, it shall be unlawful to create or permit to be created any noise that exceeds fifty (50) dBA during the hours between 7:00 a.m. to 10:00 p.m. or forty-five (45) dBA during the hours between 10:00 p.m. and 7:00 a.m. daily, measured from a neighbor's dwelling within such multifamily dwelling unit.

(2) *Construction noise.* No person shall operate or permit to be operated any power-driven construction equipment without a muffler or other noise-reduction device at least as effective as that recommended by the manufacturer or provided as original equipment. Construction equipment that must be operated near a residentially zoned area on a 24-hour-per-day basis (i.e., pumps, well tips, generators, etc.) shall be shielded by a barrier to reduce the noise during the hours of 6:00 p.m. to 7:00 a.m. unless the unshielded noise level is less than fifty-five (55) dBA, measured at the closest adjacent residentially zoned property line.

(3) *Radios, television sets, exterior loudspeakers and similar devices.* In the case of any radio receiving set, musical instrument, television, phonograph, drum, exterior loudspeaker or other device for the production or reproduction of sound, it shall be unlawful to create or permit to be created any noise that exceeds:

a. Sixty (60) dBA during the hours between 10:00 a.m. to 10:00 p.m. from the property line of the noise source.

b. Fifty-five (55) dBA during the hours between 10:00 p.m. to 12:00 a.m. from the property line of the noise source.

Operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph, drum, exterior loudspeaker or other device for the production or reproduction of sound in such a manner as to cause noise disturbance so as to disturb the peace, quiet and comfort of the neighborhood and vicinity thereof; operating any such device between the hours of 12:01 a.m. and the following 10:00 a.m. in such a manner as to be plainly audible across property boundaries or through partitions common to two (2) parties within a building or plainly audible at fifty (50) feet from such device when operated within a public space within a motorboat.

(4) For purpose of subsection (3) above, the term "plainly audible" shall mean any sound produced, including sound produced by a portable soundmaking device, that can be clearly heard by a person using his or her normal hearing faculties at a distance of fifty (50) feet or more from the source. Any law enforcement personnel or citizen who hears a sound that is plainly audible, as defined herein, shall be entitled to measure the sound according to the following standards:

a. The primary means of detection shall be any means of the complainant's ordinary auditory senses, so long as their hearing is not enhanced by any mechanical device, such as a microphone or hearing aid.

b. The complainant must have a direct line of sight and hearing to the source producing the sound so that he or she can readily identify the offending source and the distance involved.

c. The complainant need not determine the particular words or phrases being produced or the name of any song or artist producing the sound. The detection of a rhythmic bass reverberating type sound is sufficient to constitute a plainly audible sound.

(d) *Waivers.* An exception to the noise levels listed in Table 1 may be permitted by the granting of a waiver under circumstances in which the activity creating the noise is of such importance to the public welfare, health or safety that the activity cannot be shut down, even though its noise levels exceed those given in Table 1. Responsibility for the granting of such waivers shall lie with the Lee County Board of County Commissioners, or its designee, when the activity creating such noise is located within the

unincorporated area of Lee County.

(e) *Authority to cite for breach of peace.* Nothing in this chapter shall prohibit the sheriff's department from charging persons responsible for acts which affect the peace and quiet of persons who may witness them for breach of the peace or disorderly conduct under Florida Statutes section 877.03, as may be amended from time to time.

Previous Doc | Next Doc

(Ord. No. 93-15, § 5, 4-21-93; Ord. No. 94-17, § 2, 7-6-94)

Sec. 24 1/4-6. Exceptions.

The following shall be permitted:

(1) An exception to the noise levels listed in section 24 1/4-5, Table 1 shall be permitted in instances where an industry or commercial business had in prior years established its place of business in an area away from a residential development, or rezoning, now finds itself adjoining a residential zone. In instances of this latter nature, the noise ordinance pertaining to industrial-commercial boundaries shall govern and the business shall not be required to meet those noise levels pertaining to residential boundaries.

(2) The operation of warning or emergency signal devices such as sirens, horns and bells when utilized for their intended purpose.

(3) Noises resulting from equipment or operations incidental to the installation, maintenance or repair of facilities or restoration of services, such as public utilities or other emergency activities in the public interest.

(4) Ordinary noise created by the operation of railways and shipping lanes.

(5) Any noise created by the operation of all Lee County Airports.

(6) Noises consistent with cultural, sporting, historical or traditional observances, holidays and ceremonies, parades and concerts; provided, that any event being operated for profit shall obtain a noise permit prior to such event from the Lee County Board of County Commissioners, or its designee, and any other applicable permit to operate such event as required by this county.

(7) Operation of equipment or conduct of activities normal to residential or agricultural communities such as lawn care, soil cultivation, domestic power tools, lawn mowers, maintenance of trees, hedges, gardens, saws and tractors, street sweepers, mosquito fogging, tree trimming and limb chipping and other normal community operations, between the hours of 7:00 a.m. to 10:00 p.m. operation of equipment for solid waste and recycling collection in or adjacent to residential uses between the hours of 6:00 a.m. and 6:00 p.m. and operation of equipment for solid waste collection in nonresidential locations between the hours of 4:00 a.m. and 10:00 p.m.

(8) The lowing of cattle, clucking of fowl, the neighing of horses, the baying of hounds and other normal sounds of reasonably cared for domestic animals.

(Ord. No. 93-15, § 6, 4-21-93; Ord. No. 96-13, § 2, 7-31-96)

Cross references: Outdoor concerts and special events, Ch. 25.

Search

Advanced Search

Document
Previous Document
Next Document
Previous Document Match
Next Document Match

Contents
Where am I?

Search Results
Clear Search

Options
Frames

Printable Format
Help

Previous Doc | Next Doc

Search

Advanced Search

Document
Previous Document
Next Document
Previous Document Match
Next Document Match

Contents
Where am I?

Search Results
Clear Search

Options
Frames

Printable Format
Help

Previous Doc | Next Doc

Sec. 24 1/4-7. Waivers.

(a) Applications for a waiver for relief from the maximum allowable noise level limits designated in this chapter shall be made in writing. Such applications for waivers shall be made to the board of county commissioners or its designee when the activity creating such noise is located within the unincorporated area of Lee County. Any waiver granted by the board, or its designee, must be in writing and shall contain all conditions upon which such permit shall be effective. The board, or its designee, may grant the waiver as applied for under the following conditions:

(1) The board of county commissioners, or its designee, in granting a permit may prescribe any reasonable conditions or requirements they deem necessary to minimize adverse effects upon the community or the surrounding neighborhood.

(2) Waivers from maximum allowable noise level limits may be granted for noises created within an industrial or commercial zone by operations which were in existence on the effective date of this chapter.

(3) Waivers may be issued for no longer than one hundred eighty (180) days, renewable by further application to the board of county commissioners, or its designee.

(b) Any party feeling aggrieved by the denial of its application for waiver by the board, or its designee, may appeal such denial to the board of county commissioners of Lee County, Florida, such appeal to be filed within thirty (30) days from the date of denial.

(Ord. No. 93-15, § 7, 4-21-93)

Sec. 24 1/4-8. Enforcement.

The Lee County Sheriff is empowered to investigate any situation where a person is alleged to be violating this chapter. If the sheriff encounters a circumstance which reasonably indicates that a person is violating this chapter, he shall administer a sound level pressure test with a sound level meter and ascertain whether a breach of the peace has occurred. If the results of the sound test indicate a violation of this chapter is occurring or has occurred in the presence of the sheriff, the sheriff is thereupon authorized to issue a notice to appear to or arrest the person producing, causing to be produced or allowing to be produced, the sound.

(Ord. No. 93-15, § 8, 4-21-93)

Search

Advanced Search

Document
Previous Document
Next Document
Previous Document Match
Next Document Match

Contents
Where am I?

Search Results
Clear Search

Options
Frames

Printable Format
Help

Previous Doc | Next Doc

Sec. 24 1/4-9. Penalties.

Any person or persons, firm or corporation, or any agent thereof who violates any of the provisions of this chapter shall upon conviction be guilty of a second degree misdemeanor and subject to a fine not exceeding the sum of five hundred dollars ($500.00) or imprisonment in the county jail for a period not exceeding sixty (60) days, or by both such fine and imprisonment. Each separate occurrence of a violation of this chapter shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. No. 93-15, § 9, 4-21-93)

Search

Advanced Search

Document
Previous Document
Next Document
Previous Document Match
Next Document Match

Contents
Where am I?

Search Results
Clear Search

Options
Frames

Printable Format
Help

Previous Doc | Next Doc

Sec. 24 1/4-10. Civil remedies.

In addition to the criminal penalties provided in section 24 1/4-9 of this chapter, the board of county commissioners is hereby authorized to institute any appropriate action or proceeding including suit for injunctive relief in order to prevent or abate violations of this chapter.

(Ord. No. 93-15, § 10, 4-21-93)

Search

Advanced Search

Document
Previous Document
Next Document
Previous Document Match
Next Document Match

Contents
Where am I?

Search Results
Clear Search

Options
Frames

Printable Format
Help

Previous Doc | Next Doc

Sec. 24 1/4-11. Areas embraced.

All territory located within the unincorporated area of Lee County, Florida, shall be embraced by the provisions of this chapter.

(Ord. No. 93-15, § 11, 4-21-93)

Search

Advanced Search

Document
Previous Document
Next Document
Previous Document Match
Next Document Match

Contents
Where am I?

Search Results
Clear Search

Options
Frames

Printable Format
Help

Previous Doc | Next Doc

Professional Resume / Qualifications

Bernard Kinney Jr., INCE
Principal Acoustical Engineer



Professional Credentials

Bachelor of Science Oceanographic Technology FIT-1986

FDOT Noise Task Team Member Appointed1994

Full Member of the Institute of Noise Control Engineering

Basis for Team Selection

12 Years of Experience in the Field of Environmental Acoustics Specializing in Transportation and Construction Noise and Vibration.

Qualified Expert Witness in Transportation Noise and Vibration for the FDOT, the OOCEA and the JTA.

Significant knowledge of the PD&E process related to Transportation Noise and Vibration

Extensive Public and Community Involvement experience

Located in Boca Raton, Florida

Experience

Mr. Kinney has over 12 years of experience in the field of environmental acoustics. Mr. Kinney has been responsible for the successful completion of numerous large-scale transportation and construction noise monitoring projects for the Florida Department of Transportation. Mr. Kinney has also served as an expert witness in the field of transportation and construction noise for the Florida Department of Transportation District IV, the Orlando Orange County Expressway Authority and the Jacksonville Transportation Authority. Mr. Kinney is a current member of the Florida Department of Transportation Noise Task Team and is a Full Member of the Institute of Noise Control Engineering.

- **2003**- St. Johns Bluff Construction Noise Impact Analysis / Florida Department of Transportation District II Construction. This analysis focused on a real time octave band distance relationship noise impact analysis in order to establish compliance with the City of Jacksonville Noise Ordinance. This study established worst case potential noise impacts at distances of 50 feet to 450 feet from the study corridor in order to determine the appropriate noise abatement measures. The placement of an Acoustical Blanket provided a significant noise reduction and allowed the construction project to proceed as scheduled. Client: FDOT District II / Hal Jones Contractor, Project Manager: Tom Woods

- **2003**- Jacksonville Transportation Authority (JTA) / Wonderwood Connector Eminent Domain Right of Way Taking Expert Witness Analysis. This analysis focused on a real time distance relationship noise impact analysis along various segments of the Wonderwood Connector in Jacksonville, Florida. This study established worst case potential noise impacts at distances of 50 feet to 200 feet from the study corridor in order to determine if future noise impacts would warrant potential noise barrier placement. A future comparative analysis was also conducted at similar distances along San Jose Boulevard in Jacksonville, Florida. The results of this analysis will be utilized for Jury Trial Proceedings. Client: JTA/ Lewis, Longman and Walker, Project Manager: W.O. Birchfield

- **2003**- SR 807 / Congress Avenue PD&E Corridor Analysis / Florida Department of Transportation District IV. The results of this analysis will be utilized to determine if potential noise abatement measures such as concrete noise barriers will be necessary as a result of a capacity expansion of the project corridor. Both field measured noise levels and Computer Modeled (TNM Version2.0) noise levels will be utilized to determine if potential noise abatement measures are both reasonable and feasible. Client: FDOT District IV/ Carter Burgess, Project Manager: Karl Peterson

- **2003**- SR 438 / Dillard Street to Clark Road PD&E Re-Evaluation Corridor Analysis / Florida Department of Transportation District V. The results of this analysis will be utilized to determine if potential noise abatement measures such as concrete noise barriers will be necessary as a result of a capacity expansion of the project corridor. Both field measured noise levels and Computer Modeled (TNM Version2.0) noise levels will be utilized to determine if potential noise abatement measures are both reasonable and feasible. Client: FDOT District V / E Sciences, Project Manager: James Bassett

- **2002**- Orlando Orange County Expressway Authority (OOCEA) / SR 417 Eminent Domain Right of Way Taking Expert Witness Analysis. This analysis focused on a real time distance relationship noise impact analysis along various segments of SR 417 in Orange County. This study established worst case potential noise impacts at distances of 50 feet to 600 feet from the study corridor in order to determine if future noise impacts would warrant potential noise barrier placement. The results of this analysis will be utilized for Jury Trial Proceedings. Client: OOCEA/ Broad and Cassel, Project Manager: Richard Millian

- **2001**- I-95 HOV Lanes Re Evaluation Noise Impact Analysis, Palm Beach County, Florida/ Florida Department of Transportation District IV. Project Engineer for the $35M construction project to re evaluate previous commitments related to noise barrier placement associated with the new High Occupancy Vehicle (HOV) lanes for I-95 in southern and northern Palm Beach County. The study included an extensive field insertion loss (noise reduction) analysis and a vertical array noise impact analysis along the southern corridor of I-95. Client: FDOT District IV, Project Manager: Dr. Ken Campbell

- **2001**- Noise and Vibration Study for Cypress Bend Condominiums, Broward County, Florida / Florida Department of Transportation District IV. Responsible for conducting nighttime simultaneous real time octave band analysis and ground borne vibration analysis to establish the potential impact associated with the CSX Freight Train Movement adjacent to the Cypress Bend Condominiums. The results of the study were utilized to determine if the Florida Department of Transportation would be required to provide potential noise abatement to this residential community adjacent to the rail corridor. Client: FDOT District IV and Panamerican Consultants. Project Manager: Richard Estabrook

- **2000**- JEB v. The Florida Department of Transportation, St. Lucie County, Florida. Responsible for serving as an Expert Witness in the field of transportation/construction noise and vibration for the District IV General Counsels Office. The law suit or claim was seeking one million dollars for business damages and equipment damages to the Jacksonville Educators Broadcasting Facility as a result of the construction of SR 615. The claim was also seeking damages associated with the future traffic noise impacts along the SR 615 corridor. The claim proved to be frivolous and was settled for $ 125,000. Client: FDOT District IV General Counsel Office, Project Manager: Stephen King

- **1999**- FAU / FDOT District IV Pile Driver Noise Impact and Insertion Loss Analysis Florida Atlantic University, Boca Raton, Florida. Project Engineer for the joint FAU/FDOT research project associated with reasonable and feasible noise abatement measures associated with steel and concrete pile driving operations located directly adjacent to noise sensitive residential communities. The analysis utilized a two-leg array of sound level meters at specific heights as well as real time octave band analysis to evaluate various types of pile driver acoustical blankets. Client: FAU / FDOT District IV, Project Manager: Dr. Ken Campbell

- **1998**- Chaval Communities Construction Noise Impact Analysis, Hillsborough County, Florida / Florida Department of Transportation Turnpike District. Responsible for the evaluation of nighttime construction noise impacts associated with the construction of the Sunshine State Parkway. Due to the magnitude of the construction noise impacts, the Hillsborough County Environmental Protection Commission was prepared to implement a cease and desist order against the contractor and the Turnpike District. The results of the nighttime construction noise impacts indicated that certain operations could only take place during the daytime hours. Client: FDOT Turnpike District, Project Manager: Parsons Brinckerhoff Construction Services

- **1997**- The 17th Street Causeway Construction Noise Monitoring Program/ Florida Department of Transportation District IV. Project (Acoustical) Engineer for the 17th Street Causeway Construction Noise Monitoring Program. Responsible for the development and implementation of this extensive five-year construction noise monitoring program. The construction noise-monitoring program focused on both manned and unmanned continuous noise monitoring of the construction noise impacts for the duration of the bridge construction. The construction noise-monitoring program also contained a public involvement component in which the Acoustical Engineer was responsible for responding to the noise related complaints. Client: FDOT D4. Project Manager: Dr. Ken Campbell

- **1993**- Interstate 95 (I-95) Noise Impact Inventory Report, PD&E Study, Dade County, Florida / Florida Department of Transportation District VI. Project Manager and Project Engineer for this extensive four year Highway Traffic Noise Impact Analysis for the eighteen mile I-95 Study Corridor located in Dade County, Florida. This analysis included the placement of noise barriers along both the existing right-of-way and on existing bridge structures. The results of this analysis recommended an 18 million-dollar noise abatement program for the placement of 48 noise barriers along the study corridor. The public involvement program consisted of four public workshops that were conducted in both English and Spanish. Client: FDOT District VI , Project Manager: Barbara Culhane

Bernard Kinney Associates, Inc.

Environmental Noise Consultants

Transportation• Land Development•Construction•Expert Witness•Noise Monitoring Programs

February 23, 2004

Ms. Lisa M. Williams
CPH Engineers, Inc.
2211 Peck Street, Suite 300
Fort Myers, Florida 33901

RE: Wal-Mart Supercenter Estero Sound Control Plan Commitments
Estero, Florida

Dear Ms. Williams:

Below follows the proposed Sound Control Plan Commitments / Stipulations associated with the proposed Wal-Mart Supercenter to be located in Estero, Florida. The Sound Control Plan Commitments / Stipulations have been developed to ensure compliance with the Lee County Noise Ordinance (Chapter 24 Noise Control). Further it is anticipated that there will be no adverse noise impacts to the surrounding community as a result of the proposed Wal-Mart Supercenter.

1. Sound Control Plan A Incorporates a 10 Ft. High Pre Cast Concrete Noise Barrier approximately 1,000 feet in length along the back side of the facility (including the turning circle area) and along the vendor loading area and will and will have an STC 44 Rating.

2. Sound Control Plan B Incorporates a 16 Ft. High Pre Cast Concrete Noise Barrier approximately 88 feet in length at each of the two rear loading bays and will have an STC 44 Rating.

3. Sound Control Plan C Incorporates a 10 Ft. High Pre Cast Concrete Noise Barrier approximately 100 feet in length along the trash compactor adjacent to the vendor loading area and will have an STC 44 Rating.

4. Sound Control Plan D Incorporates an 18 Ft. High Pre Cast Concrete Noise Barrier approximately 150 feet in length around each of Hill Phoenix Chiller Units adjacent to the vendor loading area and will have an STC 44 Rating. The Hill Phoenix Chillers will be modified with low speed fans and equipment which will further reduce the sound Levels and will eliminate any potential tonal qualities.

It has been a pleasure serving you on this project. Please feel free to contact our office should you have any questions.

Sincerely,

Bernard Kinney Associates, Inc.

Bernard Kinney Jr., INCE

9767 Erica Court Boca Raton, Florida 33496
(561) 483-9129 (Office) (305) 609-7504 (Mobile) Email BernardKinney @ aol.com

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SOUND CONTROL PLAN A (PLANNED MULTI FAMILY RESIDENCES ADJACENT TO PROPOSED FACILITY)

PROPOSED 10 FT. HIGH PRE CAST CONCRETE NOISE BARRIER AT PROPERTY LINE (TURNING CIRCLE ANALYSIS)

The following summary has been prepared to demonstrate the existing pre development and proposed site development noise levels associated with the proposed Wal-Mart Supercenter. Sound Control Plan A reflects the Proposed Noise Abatement Measures which will be implemented in order to provide the appropriate noise abatement for the proposed multi family residences which will be located approximately 340 feet from the proposed Wal-Mart Supercenter property line (Adjacent to the Proposed Turning Circle). At the time of the development of Sound Control Plan A, the residential development has been platted; however, the homes have not yet been constructed.

CONDITION – 1 (18 Wheeler Refrigerated Trailer Truck Running in the Turning Circle @ 25.5 Ft. from P/L)

Existing Ambient Field Noise Level Associated with an 18 Wheeler Refrigerated Trailer Truck Running in the Turning Circle @ 25.5 Ft. from the Facility Property Line.

Existing Ambient Noise Level at the Trailer Truck Under Analysis

78.1 dBA – 82.0 dBA (Turning Circle Movement)

84.3 dBA – 87.1 dBA (Turning Circle Movement w/ Air Brake Release)

CONDITION – 2 (18 Wheeler Refrigerated Trailer Truck Running in the Turning Circle @ 25.5 Ft. from P/L)

Existing Ambient Field Noise Level Associated with an 18 Wheeler Refrigerated Trailer Truck Running in the Turning Circle @ 25.5 Ft. from the Facility Property Line. **(Directly Behind 10 Ft High Pre Cast Concrete Noise Barrier)**

Existing Ambient Noise Level at the Trailer Truck Under Analysis

57.7 dBA – 61.0 dBA (Turning Circle Movement)

58.7 dBA – 62.1 dBA (Turning Circle Movement w/ Air Brake Release)

Field Measured Insertion Loss behind the 10 Ft High Noise Barrier

20.4 dBA – 21.0 dBA (Turning Circle Movement)

25.0 dBA – 25.6 dBA (Turning Circle Movement w/ Air Brake Release)

SOUND CONTROL PLAN A (PLANNED MULTI FAMILY RESIDENCES ADJACENT TO PROPOSED FACILITY)

PROPOSED 10 FT. HIGH PRE CAST CONCRETE NOISE BARRIER AT PROPERTY LINE
(TURNING CIRCLE ANALYSIS)

CONDITION – 3 (18 Wheeler Refrigerated Trailer Truck Running in the Turning Circle @ 25.5 Ft. from P/L)

Existing ambient field noise level associated with an 18 Wheeler Refrigerated Trailer Truck Running in the Turning Circle @ 25.5 Ft. from the Facility Property Line. **(60 Feet from 10 Ft High Pre Cast Concrete Noise Barrier) Closest Proposed Adjacent Residence from the Proposed Facility is 340 Feet from the Property Line**

Existing Ambient Noise Level at the Trailer Truck Under Analysis

54.8 dBA – 59.2 dBA (Turning Circle Movement)

58.8 dBA – 61.8 dBA (Turning Circle Movement w/ Air Brake Release)

Field Measured Insertion Loss behind the 10 Ft High Noise Barrier @ 60 Ft.

22.8 dBA – 23.3 dBA (Turning Circle Movement)

25.3 dBA – 25.5 dBA (Turning Circle Movement w/ Air Brake Release)

The Lee County Noise Ordinance has established a Maximum Permissible Daytime Noise Level Limit of 66 dBA during the Daytime Hours (7 am to 10 pm) and a Maximum Permissible Nighttime Noise Level Limit of 55 dBA during the Nighttime Hours (10 pm to 7 am). The proposed Wal-Mart Supercenter has limited the delivery operations to 4 am to 8 pm at the proposed facility. These activities include loading bay operations and deliveries from 18 Wheeler Trailer Trucks and Vendor Trucks.

The additional separation distance of 340 feet from the proposed truck turning circle to the closest proposed multifamily residences will further assist in reducing the anticipated noise levels associated with the truck turning movements within the truck turning circle. It is anticipated that the resultant noise reduction associated with the 10 Ft. high pre cast noise barrier at the truck turning circle and the total separation distance of 340 Ft. between the Wal-Mart Supercenter property line and the closest proposed multi family residences will result in noise levels which not only meet the requirements of the Lee County Noise Ordinance but will not adversely impact the existing ambient field measured noise levels characteristic of the pre development site.

The Lee County Noise Ordinance has established a Maximum Permissible Daytime Noise Level Limit of 66 dBA during the Daytime Hours (7 am to 10 pm) and 55 dBA during the Nighttime Hours (10 pm to 7 am) when measured at or within the property line of the receiving land use. Note the existing daytime (7am to 10 pm) ambient field noise levels are approximately 47.4 dBA to 49.9 dBA. Similarly, the nighttime (10 pm to 7 am) ambient field noise levels are approximately 56.7 dBA to 58.2 dBA.

**** Note: The proposed 10 Ft. High Pre Cast Concrete Noise Barrier will have an STC 44 Rating.**

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Bernard Kinney Associates, Inc.

Environmental Noise Consultants

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SOUND CONTROL PLAN B (PLANNED MULTI FAMILY RESIDENCES ADJACENT TO PROPOSED FACILITY)

PROPOSED 16 FT. HIGH PRE CAST / CONCRETE BLOCK NOISE BARRIER AT LOADING BAYS

PROPOSED 10 FT. HIGH PRE CAST CONCRETE NOISE BARRIER AT BACK SIDE PROPERTY LINE

The following summary has been prepared to demonstrate the existing pre development and proposed site development noise levels associated with the proposed Wal-Mart Supercenter. Sound Control Plan B reflects the Proposed Noise Abatement Measures which will be implemented in order to provide the appropriate noise abatement for the proposed multi family residences which will be located approximately 340 feet from the proposed Wal-Mart Supercenter property line. At the time of the development of Sound Control Plan B, the residential development has been platted; however, the homes have not yet been constructed.

CONDITION – 1 (18 Wheeler Refrigerated Trailer Truck Running Full Idle @ Loading Bay)

Existing ambient field noise level associated with an 18 Wheeler Refrigerated Trailer Truck Running Full Idle at an existing loading bay with a 16 ft high concrete block noise barrier.

Existing Ambient Noise Level at Approximately 10 Feet from the Trailer Truck under Analysis

82.6 dBA – 83.3 dBA

CONDITION – 2 (18 Wheeler Refrigerated Trailer Truck Running Full Idle @ Loading Bay)

Existing ambient field noise level associated with an 18 Wheeler Refrigerated Trailer Truck Running Full Idle at an existing loading bay with a 16 ft high concrete block noise barrier.

Existing Ambient Noise Level at the Immediate Back Side of the 16 Ft High Concrete Block Noise Barrier

58.8 dBA – 61.3 dBA

Field measured Insertion Loss behind the 16 ft high noise barrier

22.0 dBA – 23.8 dBA

SOUND CONTROL PLAN B (PLANNED MULTI FAMILY RESIDENCES ADJACENT TO PROPOSED FACILITY)

PROPOSED 16 FT. HIGH PRE CAST / CONCRETE BLOCK NOISE BARRIER AT LOADING BAYS

PROPOSED 10 FT. HIGH PRE CAST CONCRETE NOISE BARRIER AT BACK SIDE PROPERTY LINE

CONDITION – 3 (18 Wheeler Refrigerated Trailer Truck Running Full Idle @ Loading Bay)

Existing ambient field noise level associated with an 18 Wheeler Refrigerated Trailer Truck Running Full Idle at an existing loading bay with a 16 foot high concrete block noise barrier.

Existing Ambient Noise Level at 75 feet from the Back Side of the 16 Ft High Concrete Block Noise Barrier

56.3 dBA – 59.8 dBA

Field measured Insertion Loss at 75 feet from the 16 foot high noise barrier

23.5 dBA – 26.3 dBA

CONDITION – 4 (18 Wheeler Refrigerated Trailer Truck Running Full Idle @ Loading Bay)

Existing Ambient Field Noise Level Associated with an 18 Wheeler Refrigerated Trailer Truck Running Full Idle at an Existing Loading Bay with a 16 Foot High Concrete Block Noise Barrier.

Existing Ambient Noise Level at 75 feet from the Back Side of the 16 Ft High Concrete Block Noise Barrier

66.3 dBA (Air Brake Release Outside of Loading Bay)

72.1 dBA (18 Wheeler Trailer Truck Pass By Outside of Loading Bay)

Field measured Insertion Loss from the 10 ft high noise barrier

25.0 dBA – 25.6 dBA (Air Brake Release)
20.4 dBA – 21.0 dBA (Trailer Truck Pass By)

58.7 – 62.1 dBA (Air Brake Release Outside of Loading Bay)

57.7 – 61.0 dBA (18 Wheeler Trailer Truck Pass By Outside of Loading Bay)

CONDITION – 5(18 Wheeler Refrigerated Trailer Truck Running Full Idle @ Loading Bay)

Existing Ambient Field Noise Level Associated with an 18 Wheeler Refrigerated Trailer Truck Running Full Idle at an Existing Loading Bay with a 16 Ft High Concrete Block Noise Barrier.

Existing Ambient Noise Level Directly Behind the Proposed 10 Ft High Pre Cast Concrete Noise Barrier

47.4 dBA – 49.9 dBA

Field measured Insertion Loss behind the 10 ft high noise barrier

8.9 dBA – 9.9 dBA

SOUND CONTROL PLAN B (PLANNED MULTI FAMILY RESIDENCES ADJACENT TO PROPOSED FACILITY)

PROPOSED 16 FT. HIGH PRE CAST / CONCRETE BLOCK NOISE BARRIER AT LOADING BAYS

PROPOSED 10 FT. HIGH PRE CAST CONCRETE NOISE BARRIER AT BACK SIDE PROPERTY LINE

CONDITION – 6(18 Wheeler Refrigerated Trailer Truck Running Full Idle @ Loading Bay)

Existing Ambient Field Noise Level Associated with an 18 Wheeler Refrigerated Trailer Truck Running Full Idle at an Existing Loading Bay with a 16 Ft High Concrete Block Noise Barrier.

Existing Ambient Noise Level at a Distance of 60 Feet from the Proposed 10 Ft High Pre Cast Concrete Noise Barrier

47.4 dBA – 49.9 dBA

Field measured Insertion Loss behind the 10 ft high noise barrier

8.9 dBA – 9.9 dBA

*** The existing pre development noise levels along the north perimeter of the proposed Wal-Mart Supercenter was approximately 47.4 dBA to 49.9 dBA and, as such, the proposed 10 Ft high pre cast concrete noise barrier cannot provide a resultant insertion loss that would result in an existing ambient noise level below the established pre development site ambient noise level.**

The Lee County Noise Ordinance has established a Maximum Permissible Daytime Noise Level Limit of 66 dBA during the Daytime Hours (7 am to 10 pm) and a Maximum Permissible Nighttime Noise Level Limit of 55 dBA during the Nighttime Hours (10 pm to 7 am). The proposed Wal-Mart Supercenter has limited the delivery operations to 4 am to 8 pm at the proposed facility. These activities include loading bay operations and deliveries from 18 Wheeler Trailer Trucks and Vendor Trucks.

The additional separation distance of 390 – 400 feet from the proposed truck loading bays to the closest proposed multifamily residences will further assist in reducing the anticipated noise levels associated with the truck loading bays. It is anticipated that the resultant noise reduction associated with the 10 Ft. high pre cast noise barrier at the truck turning circle and the total separation distance of 340 Ft. between the Wal-Mart Supercenter property line and the closest proposed multi family residences will result in noise levels which not only meet the requirements of the Lee County Noise Ordinance but will not adversely impact the existing ambient field measured noise levels characteristic of the pre development site.

The Lee County Noise Ordinance has established a Maximum Permissible Daytime Noise Level Limit of 66 dBA during the Daytime Hours (7 am to 10 pm) and 55 dBA during the Nighttime Hours (10 pm to 7 am) when measured at or within the property line of the receiving land use. Note the existing daytime (7am to 10 pm) ambient field noise levels are approximately 47.4 dBA to 49.9 dBA. Similarly, the nighttime (10 pm to 7 am) ambient field noise levels are approximately 56.7 dBA to 58.2 dBA.

**** Note: The proposed 16 Ft. and 10 Ft. High Pre Cast Concrete Noise Barriers will have an STC 44 Rating.**

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SOUND CONTROL PLAN C (VINES RESIDENTIAL ADJACENT TO THE PROPOSED FACILITY)

SEPARATION DISTANCE FROM THE PROPOSED LOADING BAYS AND TRUCK TURNING CIRCLE

The following summary has been prepared to demonstrate the existing pre development and proposed site development noise levels associated with the proposed Wal-Mart Supercenter. Sound Control Plan C reflects the separation distance proposed from the turning circle adjacent to the loading bays which will be proposed in order to provide the appropriate noise abatement for the existing single family residences which will be located approximately 665 feet from the proposed Wal-Mart Supercenter turning circle area. (Note: The separation distance from the truck turning circle to the Wal-Mart Property Line is approximately 565 Feet).

CONDITION – 1 (18 Wheeler Refrigerated Trailer Truck Running Idle at Loading Bay)

Existing Ambient Field Noise Level Associated with an 18 Wheeler Refrigerated Trailer Truck Running @ Loading Bays and at the Truck Turning Circle.
Existing Ambient Noise Level at the Trailer Truck Under Analysis

82.6 dBA – 83.3 dBA (Loading Bay Operations)
75.7 dBA (Merchandise Trailer Truck Loading Bay Operations)

78.1 dBA – 82.0 dBA (Turning Circle Movement)
84.3 dBA – 87.1 dBA (Turning Circle Movement w/ Air Brake Release)

66.3 dBA – 70.4 dBA (Single Vendor Truck Running at Loading Bay)
69.4 dBA – 74.7 dBA (Multiple Vendor Trucks Running at Loading Bay)

CONDITION – 2 (18 Wheeler Refrigerated Trailer Truck Running Idle at Loading Bay @ 300 Ft. from P/L) *

Existing Ambient Field Noise Level Associated with an 18 Wheeler Refrigerated Trailer Truck Running @ 300 Ft. from the Loading Bays and Truck Turning Circle
Existing Ambient Noise Level at the Trailer Truck Under Analysis

53.7 dBA – 56.7 dBA (Loading Bay Operations) *

55.3 dBA (Loading Bay Operations w/ Air Brake Release) *

CONDITION – 3 (18 Wheeler Merchandise Trailer Truck Running Idle at Loading Bay @ 300 Ft. from P/L)

Existing Ambient Field Noise Level Associated with an 18 Wheeler Merchandise Trailer Truck Running @ 300 Ft. from the Loading Bays and Truck Turning Circle
Existing Ambient Noise Level at the Trailer Truck Under Analysis

49.7 dBA – 52.7 dBA (Loading Bay Operations)
51.3 dBA (Loading Bay Operations w/ Air Brake Release)

SOUND CONTROL PLAN C (VINES RESIDENTIAL ADJACENT TO THE PROPOSED FACILITY)

SEPARATION DISTANCE FROM THE PROPOSED LOADING BAYS AND TRUCK TURNING CIRCLE

CONDITION – 4 (18 Wheeler Refrigerated Trailer Truck Running with Backup Alarm @ Loading Bay)

Existing Ambient Field Noise Level Associated with an 18 Wheeler Merchandise Trailer Truck Running with Backup Alarm at Loading Bay at 25.5 Ft. and 300 Ft.

75.7 dBA (Trailer Truck Running w/ Backup Alarm)

53.7 dBA – 56.7 dBA (Same Condition @ 300 Ft. from the Facility)

CONDITION – 5 (Fork Lift with Backup Alarm at Facility)

Existing Ambient Field Noise Level Associated with a Fork Lift with Backup Alarm Running During Normal Operations @ 25.5 Ft. and 300 Ft.

64.8 dBA (Fork Lift Running w/ Backup Alarm)

49.7 dBA – 52.7 dBA (Same Condition @ 300 Ft. from the Facility)

Note: Both the Merchandise Trailer Truck Running with the Backup Alarm On and the Forklift Running with the Backup Alarm On have Source Noise Levels at or Below the Merchandise Truck Analysis (See Condition # 1). Therefore the Noise Reduction Results Presented in Condition # 3 Would Apply.

CONDITION – 6 (Trash Compactor Running at Facility)

Existing Ambient Field Noise Level Associated with the Facility Trash Compactor Behind an 8 Ft. High Concrete Block Wall @ 288 Ft. from the Facility (Proposed Separation Distance from the Facility).

71.2 dBA – 74.2 dBA (Trash Compactor Running @ 5 Ft.)

53.2 dBA – 53.8 dBA (Same Condition Behind 11 Ft. High Concrete Block Wall)

49.7 dBA – 52.7 dBA (Same Condition @ 300 Ft. from the Facility)

Note: The Existing Sound Control Plan includes a 10 Ft. High Concrete Block Wall around the Trash Compactor. The Sound Control Plan associated with the Merchandise Trailer Truck indicated that at a Separation Distance of 300 Ft., Potential Noise Abatement Measures were not Necessary. The Trash Compactor has a Separation Distance of 288 Ft. from the Facilities Property Line and therefore Potential Noise Abatement Measures would not be required. However an 8 Ft. High Concrete Block Wall has been Included on the Current Site Plan.

SOUND CONTROL PLAN C (VINES RESIDENTIAL ADJACENT TO THE PROPOSED FACILITY)

SEPARATION DISTANCE FROM THE PROPOSED LOADING BAYS AND TRUCK TURNING CIRCLE

The Lee County Noise Ordinance has established a Maximum Permissible Daytime Noise Level Limit of 66 dBA during the Daytime Hours (7 am to 10 pm) and a Maximum Permissible Nighttime Noise Level Limit of 55 dBA during the Nighttime Hours (10 pm to 7 am). The proposed Wal-Mart Supercenter has limited the delivery operations to 4 am to 8 pm at the proposed facility. These activities include loading bay operations and deliveries from 18 Wheeler Trailer Trucks and Vendor Trucks.

The additional separation distance of 665 feet from the proposed truck turning circle to the closest existing single family residences will further assist in reducing the anticipated noise levels associated with the truck turning movements within the truck turning circle. It is anticipated that the resultant noise reduction associated with this separation distance from the truck turning circle and the total separation distance of 565 Ft. between the Wal-Mart Supercenter property line and the truck turning circle will result in noise levels which not only meet the requirements of the Lee County Noise Ordinance but will not adversely impact the existing ambient field measured noise levels characteristic of the pre development site. Further, the separation distance from the vendor truck loading area to the proposed Wal-Mart Supercenter property line is 257 feet and the total separation distance to the closest existing single family residence is 345 feet. It is important to note that the vendor trucks do not leave the trucks running during deliveries and, as such, there will be no adverse impacts to the closest existing residence. The existing noise levels from multiple vendor trucks are similar in nature to a merchandise trailer truck running.

The Lee County Noise Ordinance has established a Maximum Permissible Daytime Noise Level Limit of 66 dBA during the Daytime Hours (7 am to 10 pm) and 55 dBA during the Nighttime Hours (10 pm to 7 am) when measured at or within the property line of the receiving land use. Note the existing daytime (7am to 10 pm) ambient field noise levels are approximately 47.4 dBA to 49.9 dBA. Similarly, the nighttime (10 pm to 7 am) ambient field noise levels are approximately 56.7 dBA to 58.2 dBA.

**** Note: The proposed 10 Ft. High Pre Cast Concrete Noise Barrier will have an STC 44 Rating.**

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SOUND CONTROL PLAN D (VINES RESIDENTIAL ADJACENT TO PROPOSED FACILITY)

PROPOSED 18 FT. HIGH PRE CAST CONCRETE NOISE BARRIER AT HILL PHOENIX CHILLERS

The following summary has been prepared to demonstrate the existing pre development and proposed site development noise levels associated with the proposed Wal-Mart Supercenter. Sound Control Plan D reflects the Proposed Noise Abatement Measures which will be implemented in order to provide the appropriate noise abatement for the existing Vines Residential Community which will be located approximately 88 Ft. from the proposed Wal-Mart Supercenter property line. Note: (1) Proposed Wal-Mart Supercenter to the Vines Residential Development is approximately 350-360 Ft. (2) Proposed Wal-Mart Supercenter to Wal-Mart Property Line is approximately 262-272 Ft.

CONDITION – 1 (Hill Phoenix Chillers Running at approximately 5 Ft.)

Existing Ambient Field Noise Level Associated with the Hill Phoenix Chillers at approximately 5Ft.

78.5 dBA (Daytime 7am to 10 pm)

77.0 dBA – 77.5 dBA (Nighttime 10 pm to 7am) (77.3 dBA Average)

CONDITION – 2 (Hill Phoenix Chillers Running at approximately 60 Ft.)

Existing Ambient Field Noise Level Associated with the Hill Phoenix Chillers at approximately 60Ft.

64.8 dBA (Daytime 7am to 10 pm)

63.8 dBA – 64.1 dBA (Nighttime 10 pm to 7 am) (64.0 dBA Average)

CONDITION – 3 (Hill Phoenix Chillers Running at approximately 90 Ft.)

Existing Ambient Field Noise Level Associated with the Hill Phoenix Chillers at approximately 90Ft.

62.8 dBA (Daytime 7am to 10 pm)

60.8 dBA – 61.5 dBA (Nighttime 10 pm to 7 am) (61.2 dBA Average)

SOUND CONTROL PLAN D (VINES RESIDENTIAL ADJACENT TO PROPOSED FACILITY)

PROPOSED 18 FT. HIGH PRE CAST CONCRETE NOISE BARRIER AT HILL PHOENIX CHILLERS

CONDITION – 4 (Existing Ambient Noise Level @ the Vines Residential Property Line)

Existing Ambient Field Noise Level @ the Vines Residential Property Line. (Proposed Separation Distance from the Wal-Mart Property Line is approximately 88 Ft.

47.4 dBA – 49.9 dBA (Daytime 7am to 10 pm)

56.7 dBA – 58.2 dBA (Nighttime 10 pm to 7 am)

ANTICIPATED NOISE REDUCTION ASSOCIATED WITH THE HILL PHOENIX CHILLERS

Based upon the results of the distance relationship noise reduction analysis performed upon an existing Hill Phoenix Chiller System located at an existing Wal-Mart Supercenter located in Orlando, Florida, the following resultant noise levels have been derived based upon the actual noise reduction as a function of distance.

Hill Phoenix Chiller System during normal operating conditions during the daytime (7am to 10 pm) hours.

At 5 Ft. from Source – 78.5 dBA

At 60 Ft. from Source – 64.8 dBA

At 90 Ft. from Source – 62.8 dBA

At 180 Ft. from Source – 55.8 dBA* (WMSC to P/L Approximately 262-272 Feet)

At 360 Ft. from Source – 52.3 dBA* (WMSC to Closest Vines Residence approximately 350-360 Feet)

Hill Phoenix Chiller System during normal operating conditions during the nighttime (10 pm to 7 am) hours.

At 5 Ft. from Source – 77.3 dBA

At 60 Ft. from Source – 64.0 dBA

At 90 Ft. from Source – 61.2 dBA

At 180 Ft. from Source – 53.2 dBA* (WMSC to P/L Approximately 262-272 Feet)

At 360 Ft. from Source – 49.2 dBA* (WMSC to Closest Vines Residence approximately 350-360 Feet)

*** Interpolated results based upon the noise reduction as a function of distance relationships**

The Lee County Noise Ordinance has established a Maximum Permissible Daytime Noise Level Limit of 66 dBA during the Daytime Hours (7 am to 10 pm) and 55 dBA during the Nighttime Hours (10 pm to 7 am) when measured at or within the property line of the receiving land use. Note the existing daytime (7am to 10 pm) ambient field noise levels are approximately 47.4 dBA to 49.9 dBA. Similarly, the nighttime (10 pm to 7 am) ambient field noise levels are approximately 56.7 dBA to 58.2 dBA.

**** Note: The proposed 18 Ft. High Pre Cast Concrete Noise Barrier will have an STC 44 Rating.**

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PAVESE, HAVERFIELD, DALTON, HARRISON & JENSEN, L.L.P.
A FLORIDA LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AND COUNSELORS AT LAW

http://paveselaw.com

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PUB. WRKS. CNTR.
SECOND FLOOR

Neale Montgomery
(239) 336-6235
E-Mail: nealemontgomery@paveselaw.com

PLEASE REPLY TO
FORT MYERS OFFICE

March 2, 2004

(VIA EMAIL murphyge@leegov.com AND REGULAR MAIL)

Gerald Murphy
Department of Community Development
Zoning Division
1500 Monroe Street
Fort Myers, FL 33901

RE: Wal-Mart, Estero, FL, Project #99150, Lawpack #063845
Our File No.: 67956.001

Dear Gerry:

Pursuant to our conversation, please find attached hereto recommended conditions for inclusion in the staff report and ultimately the zoning resolution. These conditions crystallize the agreements with the community. Some of the conditions reconfirm some items that are already included in the master concept plan, but I thought the community would be comforted by seeing some of the provisions in writing.

Sincerely,

Neale Montgomery

NM:jam
Enc.
cc: Judson C. Pankey, P.E. (via email)
Peter T. Klein (via email)
Clint Connel (via email)

Wpdata/nm/clients/walmart/gmurphy 3-2-04 conditions letter

LEE COUNTY
SOUTHWEST FLORIDA

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District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

June 30, 2004

CPH Engineers, Inc.
Judson C. Pankey, P.E.
2211 Peck Street #300
Fort Myers, FL 33901

Re: Agenda Schedule for Estero Golf Resort MPD
Case No. DCI2003-00058

Dear Mr. Pankey:

Your zoning request has been scheduled before the Hearing Examiner on August 4 & 5, 2004, at 9:00 The hearing will be conducted in the Hearing Examiner Meeting Room, 1500 Monroe St., Ft. Myers, FL.

Be advised all exhibits presented to Hearing Examiner will be retained for the records. The Hearing Examiner encourages the applicant to provide reduced copies of these exhibits for the record as an alternative to a full size copy.

Your zoning sign will be ready for pickup any time after July 9, 2004, at the drive-thru window at 1500 Monroe St., Ft. Myers, FL. This sign must be posted in accordance with Department procedures no later than July 20, 2004, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Mrs. Jessica M Smith

Jessica M. Smith
Administrative Assistant

cc: Walmart Stores East, LP
Estero Land Holdings, LLC
Neale Montgomery
Mr. Jerry Murphy, Planner
Mr. Chip Block, AICP Principal Planner
Zoning File

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Roland Ottolini, Natural Resources
Luis Machado, Zoning

FROM: M. Gerald Murphy, AICP

DATE: 06/24/2004

PROJECT NAME: ESTERO GOLF RESORT MPD

CASE #: DCI2003-00058

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 07/04/2004

Additional Comments:

cc: DCI planner/working file
DCI Zone File

Distributed by: Jessica M Smith

Date: 06/24/2004

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District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

Writer's Direct Dial Number: 239-479-8372

June 24, 2004

JUDSON C. PANKEY
CPH ENGINEERS, INC
2211 PECK STREET
#300
FT MYERS, FL 33901

Re: ESTERO GOLF RESORT MPD
DCI2003-00058 - PDL Application (Major PD)

Dear JUDSON C. PANKEY :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

> Amend the Planned Development for Estero Golf Resort to revise the Master Concept Plan to accommodate development of a WalMart Super Center, adjust the location of the access to U.S. 41, add to the list of permitted uses, and eliminate certain conditions of the previous approval.
>
> NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

Please review this language carefully, and notify me in writing by July 8, 2004 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on August 4, 2004. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Gerald Murphy, AICP
Planner

copy w/o attachments
Pamela Houck, Division Director
Joan Henry, Assistant County Attorney
DS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Billie Jacoby, DCD Admin
DCI Zoning File
DCI Working File

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

FROM: Gerald Murphy, AICP DATE: 06/24/2004

O: Distribution
Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Roland Ottolini, Natural Resources
Luis Machado, Zoning
Donna Marie Collins, Asst. County Attorney

PROJECT NAME: ESTERO GOLF RESORT MPD CASE #: DCI2003-00058

INFORMATION SUMMARY:

To update your file
_X_ Review and forward substantive comments **ASAP**. !!!

RESPONSE REQUIRED BY: 07/04/2004

Additional Comments:
Staff Report due to director 6/29/04!!!

cc: DCI planner/working file
DCI Zone File

Distributed by: Jodi M Payne Date: 06/25/2004

MEMORANDUM

From The
Department Of
Community Development
Zoning Division

Date: October 5, 2004

To: DCI2003-00058

From: Billie Jacoby

RE: Notice of Public Hearing - October 18, 2004 BCC
Lee County Board of County Commissioners Meeting

I, Billie Jacoby, Administrative Assistant, Zoning Division, do hereby certify that I have mailed **notices to the participants** in regard to the above referenced meeting, in the attached style, pursuant to the list marked and attached hereto and made a part of the certification.

NOTICE TO PARTICIPANT

CASE NUMBER:	DCI2003-00058
NAME:	Estero Golf Resort MPD
REQUEST:	Request is to amend the Planned Development for Estero Golf Resort to revise the Master Concept Plan to accommodate development of a Wal-Mart Supercenter, adjust the location of the access to U.S. 41, add to the list of permitted uses, and eliminate certain conditions of the previous approval.
LOCATION:	The subject property is located at the northeast corner of US 41 and Koreshan Blvd., in S21, T46S, R25E, Lee County, FL.
PROPERTY OWNER'S REPRESENTATIVE:	CPH Engineers, Inc. Judson C. Pankey, P.E. 239-332-5499

Notice is hereby given that the Lee County Board of Commissioners will hold a public hearing at 9:30 a.m. on October 18, 2004, to review the written recommendation made by the Hearing Examiner and make a final decision in the above-referenced case. This hearing will be held in the Commissioners' Meeting Room, 2120 Main St., Ft. Myers, FL.

The law states that, as a participant, you have the right to appear and address the Board on this case. However, the law strictly limits all testimony before the Board to statements challenging the correctness of findings and conclusions contained in the record, or statements alleging the discovery of relevant new evidence which was not known by the speaker at the time of the Hearing Examiner's hearing and not otherwise disclosed in the record. Statements will be limited to five (5) minutes or as the Board may otherwise allow.

Additional copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Division, 1500 Monroe St., Ft. Myers, FL. Call 479-8585 additional information.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Billie Jacoby at 479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

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DCI2003-00058

Walmart Stores East, LP
2001 S.E. 10th Street
Bentonville, AR 72716-0550

Estero Land Holdings, LLC
24860 Burnt Pine Drive
Bonita Springs, FL 34134

Neale Montgomery
Pavese, Haverfield, Dalton, Harrison, & Jensen, LLP
Po Box 1507
Fort Myers, FL 33902-1507

CPH Engineers, Inc.
Judson C. Pankey
2211 Peck Street #300
Fort Myers, FL 33901

George R. Bradley
19203 Vintage Trace Cr.
Fort Myers, Florida 33912

Bonnie J. Brandt
3420 Coralberry Lane
Estero, Florida 33928

Nancy B. Cohen
4730 Via Napoli
Bonita Springs, Florida 34134

Donald F. Eslick
23650 Via Veneto, #604
Bonita Springs, Florida 34134

Ronald D. Greenlee
19482 Lost Creek Drive
Fort Myers, Florida 33912

Bryan Hallam
20048 Serene Meadow
Estero, Florida 33928

Tony Jirsa
8421 Southbridge Drive #1
Fort Myers, Florida 33912

Sam Levy
23051 Whispering Ridge
Bonita Springs, Florida 34135

Neal Noethlich
20225 Wildcat Run Drive
Estero, Florida 33928

Frank Pecka
10748 Yellow Rail Circle
Estero, Florida 33928

Bob Perry
19049 Vintage Trace Circle
Fort Myers, Florida 33912

Bill Prysi
2149 McGregor Blvd. Suite 2
Fort Myers, Florida 33901

Wayne Robinson
27617 Suffridge Drive
Bonita Springs, Florida 34135

Arnold Rosenthal
20981 Anderson Place
Estero, Florida 33928

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Gregory F. Toth
12651 McGregor Blvd. #4-403
Fort Myers, Florida 33919

Robert Trewhella
19705 Vintage Trace Cr.
Fort Myers, Florida 33912

Matthew D. Uhle
1625 Hendry Street
Fort Myers, Florida 33901

Frances R. Wagner
10712 Red Cardinal Cr.
Estero, Florida 33928

Tom Williams
19354 Silver Oak Drive
Fort Myers, Florida 33912

Natalie Andreucci
19163 Vintage Trace Cr.
Fort Myers, Florida 33912

Mary Beal
19859 Vintage Trace Cr.
Fort Myers, Florida 33912

Gladys Beron
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Fort Myers, Florida 33912

Joseph Beausoleil
9007 Springview Loop
Estero, Florida 33928

Sandra Geoffroy
20191 Castlemaine Ave.
Estero, Florida 33928

Larry Hickman
19591 Vintage Trail, #C-I
Fort Myers, Florida 33912

Meg Judge
c/o Estero Chamber of Commerce
P. O. Box 588
Estero, Florida 33928

Marilyn Setum
9001 Springview Loop
Estero, Florida 33928

Joan Stanford
8836 Cascades Isles
Estero, Florida 33928

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Letter Of Transmittal

2211 Peck Street, Suite 300
Fort Myers, Florida 33901
Phone: 239.332.5499
Fax: 239.332.2955
www.cphengineers.com

Date: June 25, 2004

To: Jessica Smith
Lee County Dept. of Community Development
Division of Zoning
P.O. Box 398
1500 Monroe Street
Fort Myers, FL 33902-0398

Re: Wal-Mart #5347-00 Estero, FL – Koreshan Site
CPH Job No. W13303

Via Hand Delivery

WE ARE SENDING YOU THE ATTACHED ITEM(S):

NO. OF COPIES	DESCRIPTION
1	Variance Report and Mailing Labels for Estero Golf Resort MPD

THESE ITEMS ARE TRANSMITTED AS INDICATED BELOW:

X	For Your Use	_____	For Review and Comment
X	As Requested	_____	For Bids Due

REMARKS:

COPY TO: File

SIGNED: Lisa M. Williams

If enclosures are not as noted, kindly notify us at once.

THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

04 JUL -7 AM 8:59

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STEVEN K. TEUBER
DISTRICT 4

JAMES W. BROWDER, ED.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

July 6, 2004

Mr. Gerald Murphy, AICP
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Estero Golf Resort MPD, DCI Substantive Review, Case #DCI2003-00058

Dear Mr. Murphy:

Thank you for the opportunity to review Estero Golf Resort MPD for substantive comments with regard to educational impacts. This proposed development is in the South Choice Zone of the District, off Estero Parkway in the Estero Planning Area. This letter is in response to your requests, both dated June 24, 2004.

Although the project appears to be going forward as a Wal-Mart Supercenter, I have not received a definitive statement indicating that the initial proposal for 820 residential dwelling units has been withdrawn. To further confuse the matter, Sheet No. C-1 of Exhibit IV-A-1 indicates that the maximum number of residential units is 450, while still referencing the initial proposal of 820 residential units.

Therefore, the School District of Lee County must assume that residential dwelling units will be constructed. Based on the proposed maximum total of 820 single family residential dwelling units, the Lee County School District is estimating that the proposal could generate up to 289 additional school-aged children. This uses a generation rate of 0.352 students per unit generated in the South Choice Zone of Lee County for single family uses. This would create the need for approximately 13 new classrooms in the system, as well as additional staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated.

However, based on a proposed maximum total of 450 single family residential dwelling units, the Lee County School District is estimating that the proposal could generate up to 158 additional school-aged children. This uses a generation rate of 0.352 students per unit generated in the South Choice Zone of Lee County for single family uses. This would create the need for approximately 7 new classrooms in the system, as well as additional staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the Estero Golf Resort MPD developers will be expected to pay the impact fee at the appropriate time.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

Writer's Direct Dial Number: 239-479-8372

June 24, 2004

JUDSON C. PANKEY
CPH ENGINEERS, INC
2211 PECK STREET
#300
FT MYERS, FL 33901

Re: ESTERO GOLF RESORT MPD
DCI2003-00058 - PDL Application (Major PD)

Dear JUDSON C. PANKEY :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

> Amend the Planned Development for Estero Golf Resort to revise the Master Concept Plan to accommodate development of a WalMart Super Center, adjust the location of the access to U.S. 41, add to the list of permitted uses, and eliminate certain conditions of the previous approval.
>
> NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

Please review this language carefully, and notify me in writing by July 8, 2004 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on August 4, 2004. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Gerald Murphy, AICP
Planner

copy w/o attachments
Pamela Houck, Division Director
Joan Henry, Assistant County Attorney
DS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Billie Jacoby, DCD Admin
[redacted]
DCI Working File

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: July 20, 2004

TO: FILE

FROM: Jessie Smith
DCD Administration

RE: Notice of Public Hearing - **August 4th & 5th, 2004 HEX**

I, Jessica Smith, Secretary, Internal Services, Development Services Division, do hereby certify that I have mailed **notices to the adjacent property owners** on the above referenced date, in the attached style, pursuant to the list marked and attached hereto and made a part of this certification.

NOTICE TO PROPERTY OWNERS WITHIN 500 FEET

CASE NUMBER: DCI2003-00058

CASE NAME: ESTERO GOLF RESORT MPD

REQUEST: Amend the Planned Development for Estero Golf Resort to revise the Master Concept Plan to accommodate development of a WalMart Super Center, adjust the location of the access to U.S. 41, add to the list of permitted uses, and eliminate certain conditions of the previous approval.

LOCATION: The subject property is located at the northeast corner of US 41 nd Koreshan Blvd., in **S**21 (Section)-**T**46 (Township)**S-R**25 (Range)**E**, Lee County, Florida.

SIZE OF PROPERTY: 34.10 Acres ±

STAFF REPORT: Direct inquiries to Alvin Block, AICP, Principal Planner, at 239-479-8371, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNER'S REPRESENTATIVE: JUDSON C PANKEY
CPH ENGINEERS, INC
239-332-5499

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 9:00 a.m. on August 04, 2004, on the above case. The public hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

You must appear in person, or through counsel, or an authorized agent and provide testimony, legal argument or other evidence at the hearing to become a participant with the right to address the Board of County Commissioners.

After the Hearing Examiner has made a written recommendation, the case will be scheduled for a public hearing before the Board of County Commissioners who will review the recommendation and make a final decision.

If you do not appear before the Hearing Examiner, by law, you will not be allowed to appear before the Board of County Commissioners at the final hearing in this case.

Copies of the staff report will be available two weeks prior to the hearing. The file may be reviewed at the Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Jessica M Smith at 239/479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

20-46-25-00-00012.027B
SKINNER KAREN A TR
P O BOX 880
FT MYERS, FL 33902

21-46-25-00-00001.2000
CONSULTORA GRETTER S A ETAL
C/O PREUSS REALTY CO
25 SE 2ND AVE STE 710
MIAMI, FL 33131

21-46-25-00-00001.4000
LEE THIC JOCK + PING LEE
4805 SHERRY LN RT 5
FT MYERS, FL 33908

21-46-25-00-00002.0000
ACL RR CO

21-46-25-01-00000.0010
RICCISNI RICHARD TR +
1227 SE 9TH TER
CAPE CORAL, FL 33990

21-46-25-01-00000.0020
MASHIONE JOSEPH F + CATHERINE
19299 VINTAGE TRACE CIR
FT MYERS, FL 33912

21-46-25-01-00000.0030
LINDSAY JACK + NICOLE
19291 VINTAGE TRACE CIR
FORT MYERS, FL 33912

21-46-25-01-00000.0040
GORHAM JEFFREY + MARCIA
19283 VINTAGE TRACE CIR
FT MYERS, FL 33912

21-46-25-01-00000.0050
DEANGELIS GEORGE P
19275 VINTAGE TRACE CIR
FORT MYERS, FL 33912

21-46-25-01-00000.0060
GETTERZ ROBERT A
19267 VINTAGE TRACE CIR
FORT MYERS, FL 33912

21-46-25-01-00000.0070
EDGAR WALLACE E + SANDRA K
6508 TURTLE WALK
CLARKSTON, MI 48346

21-46-25-01-00000.0080
DOYLE WAYNE G +
19251 VINTAGE TRACE CIR
FORT MYERS, FL 33912

21-46-25-01-00000.0090
ATKINS JAMES H JR
19243 VINTAGE TRACE CIR
FT MYERS, FL 33912

21-46-25-01-00000.0100
VOCAIRE ANTHONY M + JOAN M
19227 VINTAGE TRACE CIR
FORT MYERS, FL 33912

21-46-25-01-00000.0110
SAYLOR JAMES E + FRANCES K
19219 VINTAGE TRACE CIR
FT MYERS, FL 33912

21-46-25-01-0000A.00CE
VINES COMMUNITY ASSN
PEGASUS PROPERTY MGMT INC
17595 S TAMIAMI TRAIL #200-2
FORT MYERS, FL 33908

21-46-25-01-0000C.0000
VINES COUNTRY CLUB INC
19501 VINTAGE TRACE CIR
FT MYERS, FL 33912

21-46-25-01-0000E.0000
KINSEY JAMES E JR TR
P O BOX 1662
FT MYERS, FL 33902

21-46-25-01-0000E.0010
HITHERSAY STEVEN E TR
C/O ERIN MARTIN
309 COUNTRY VIEW CT
LAKE MARY, FL 32746

21-46-25-01-0000E.0020
FOCAL POINT INTERIORS INC
10231 METRO PKWY STE 105
FORT MYERS, FL 33912

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CLAPP LEROY W + JOY D
19666 LOST CREEK DR
FORT MYERS, FL 33912

21-46-25-02-00000.0290
LAZAROFF JANET I TR
3024 WARWICK RD
JACKSON, MI 49203

21-46-25-02-00000.0300
ILLUM JAMES M + SARA J
19663 LOST CREEK DR #B-2
FORT MYERS, FL 33912

21-46-25-02-00000.0310
BECK MORTIMER
19661 LOST CREEK DR
FT MYERS, FL 33912

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KANT ROBERT R + LORNA
19659 LOST CREEK DR
FORT MYERS, FL 33912

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BONITA SPRINGS, FL 34134

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BELLE LAGO HOME OWNERS ASSN
28341 S TAMIAMI TRL STE 4
BONITA SPRINGS, FL 34134

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BELLE LAGO HOME OWNERS ASSN
28341 S TAMIAMI TRL STE 4
BONITA SPRINGS, FL 34134

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TOLL ESTERO L P
BELLE LAGO HOME OWNERS ASSN
28341 S TAMIAMI TRL STE 4
BONITA SPRINGS, FL 34134

21-46-25-08-0000H.00CE
TOLL ESTERO L P
BELLE LAGO HOME OWNERS ASSN
28341 S TAMIAMI TRL STE 4
BONITA SPRINGS, FL 34134

21-46-25-08-0000I.00CE
TOLL ESTERO L P
BELLE LAGO HOME OWNERS ASSN
28341 S TAMIAMI TRL STE 4
BONITA SPRINGS, FL 34134

28-46-25-00-00001.0030
HERMES INVESTMENT CO INC
C/O WILLIAM KEYES
P O DRAWER 790
FORT MYERS, FL 33902

28-46-25-00-00001.0040
DRIFTWOOD GARDEN CENTER
20071 S TAMIAMI TRL
FT MYERS, FL 33928

28-46-25-00-00001.004A
BEASLEY GEORGE G
%AT+T BROADBAND ATTN:PROP TX
3033 RIVIERA DRIVE
SUITE 200
NAPLES, FL 34103

28-46-25-00-00001.004B
GULF COAST CENTER LLC
4851 TAMIAMI TRAIL N STE 300
NAPLES, FL 34103

28-46-25-00-00001.0090
SIMPSON HARRY D JR
45 WOODFORD AVE
OWENSBORO, KY 42301

28-46-25-00-00001.0100
HERMES INVESTMENT CO INC
C/O WILLIAM KEYES
P O DRAWER 790
FORT MYERS, FL 33902

28-46-25-00-00S00.00CE
CYPRESS BEND R V RESORT
PO BOX 1338
ESTERO, FL 33928

28-46-25-01-00001.0020
BAIRD DWIGHT S JR TR
P O BOX 62302
FORT MYERS, FL 33906

28-46-25-01-00001.0030
BAIRD DWIGHT S JR TR
P O BOX 62302
FORT MYERS, FL 33906

28-46-25-07-0000H.0040
MILLWARD MICHAEL H + JEAN E
529 WEST 2540 NORTH
LEHI, UT 84043

28-46-25-07-0000H.0050
BERNOCCO WILLIAM + SONIA
20133 PLUM TREE LN
ESTERO, FL 33928

28-46-25-07-0000H.0060
MOULTON CONSTANCE S TR
20129 PLUM TREE LANE
ESTERO, FL 33928

28-46-25-07-0000H.0070
JACKSON JOHN H + BERYL R
404 MASSACHUSETTS AVE
WEST SPRINGFIELD, MA 01089

28-46-25-07-0000H.0080
MOULTON THOMAS O + CONSTANCE S
24 ADAMS ST
DANVERS, MA 01923

28-46-25-07-0000H.0090
BENNETT REID L + MARY ELLEN
3260 ORANGEVILLE RD
SHARPSVILLE, PA 16150

28-46-25-07-0000I.0060
HAYES SHERMAN L + HELEN M
20140 PLUM TREE LN
ESTERO, FL 33928

28-46-25-07-0000I.0070
FISCHER JAMES G + BETTY J
20136 PLUM TREE LN
ESTERO, FL 33928

28-46-25-07-0000I.0080
BOWMAN PAUL R + H JANE
311 WHITE CHURCH RD
BLOOMSBURG, PA 17815

28-46-25-07-0000I.0090
HOFFMANN JAMES M + ROSALIND J
4907 THREADNEEDLE RD
WILMINGTON, DE 19807

28-46-25-07-0000I.0100
WELLS CHARLES + ANNA K
20124 PLUM TREE LN
ESTERO, FL 33928

28-46-25-07-0000I.0110
MINER LEANORE R TR
20120 PLUM TREE LN
ESTERO, FL 33928

28-46-25-07-000J0.0010
LACHIOMA EDWARD R + ELIZABETH
20000 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-07-000J0.0020
DOESCHER J FRED + VIRGINIA C
20004 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-07-000J0.0030
LEPSCH WILLIAM E TR
20008 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-07-000J0.0040
FORADORI LOUIS J + MARTHA L
208 N MARIAN ST
EBENSBURG, PA 15931

All data is current at time of printing and subject to change without notice.

28-46-25-07-000J0.0050
KING DAVID J + MAXINE E
20016 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-07-000J0.0060
HARBER JAMES J
8672 PEPPERWOOD DR
ESTERO, FL 33928

28-46-25-07-000J0.0070
PILL ARTHUR H +
RR #1
MORPETH, ON N0P 1X0
CANADA

28-46-25-07-000J0.0080
BARR DAVID + GRACE +
RR 4
SHELBURNE, ON L0N 1S8
CANADA

28-46-25-07-000J0.0090
GERMANN JOHN ANTHONY TR
20032 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-07-000J0.0100
GERMANN JEAN M TR
20032 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-07-000Q0.00CE
CYPRESS BEND R V RESORT U-3
CONDO ASSN INC
,

28-46-25-08-0000I.0120
FULLER ROY F + ARLINE A TR
20121 CHERRY TREE LN
ESTERO, FL 33928

28-46-25-08-0000I.0130
WALKER HERBERT A + JANICE L
8952 HUNTERS CIR
WOODBURY, MN 55125

28-46-25-08-0000I.0140
BENSON DAVID A + SHARON
1852 E VIERLING DR
SHAKOPEE, MN 55379

28-46-25-08-0000I.0150
FREELAND WILLIAM G + GLADYS S
2191 COLLEY RD
GRAY COURT, SC 29645

28-46-25-08-0000I.0160
SCHULTZ MICHAEL R +
20990 RIVERS FORD
ESTERO, FL 33928

28-46-25-08-000J0.0110
LOCKE BERNARD G + IRMA J
20040 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-08-000J0.0120
BEILSTEIN CLAIR + JUDITH A
20044 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-08-000J0.0130
CHASE JACK D +
PO BOX 343
KAWKAWLIN, MI 48631

28-46-25-08-000J0.0140
DEAN DONALD E + PATSY J
818 CHERRY ST
MT CARMEL, IL 62863

28-46-25-08-000J0.0150
COMBS JOHN W JR + JACQUELINE G
14 BLUE SPRUCE DR
COVENTRY, RI 02816

28-46-25-08-000J0.0160
PIERCE JOHN G + KAREL ANN
674 MORAND ST
WINDSOR, ON N9G 1H9
CANADA

28-46-25-08-000J0.0170
JEFFERS RICHARD B + MARY E +
614 LOVEVILLE RD #C2G
HOCKESSIN, DE 19707

28-46-25-08-000K0.0100
MASON KENNETH H + CAROLYN S
924 GENERAL GEORGE PATTON RD
NASHVILLE, TN 37221

All data is current at time of printing and subject to change without notice.

28-46-25-08-000K0.0110
JACKSON LOUIS G + MARTHA
20136 CHERRY TREE LN
ESTERO, FL 33928

28-46-25-08-000K0.0120
GERVAIS ARTHUR A TR
20132 CHERRY TREE LN
ESTERO, FL 33928

28-46-25-08-000K0.0130
VANVELKINBURGH CHARLES W+RUTH
4536 GRASSO AVE
ST LOUIS, MO 63123

28-46-25-08-000K0.0140
HEDGER WILLIAM F + JOANN +
20124 CHERRY TREE LN
ESTERO, FL 33928

28-46-25-08-000K0.0150
BEAM DANIEL R + DOROTHY J
20125 LIMETREE LN
ESTERO, FL 33928

28-46-25-08-000K0.0160
BOURGEOIS VICTOR G + BARBARA
25 LINDA LN
WATERFORD, NY 12188

28-46-25-08-000K0.0170
HARLOW PAUL J + SHEILA P
20133 LIME TREE LN
ESTERO, FL 33928

28-46-25-08-000K0.0180
SENSENEY JAMES E + ELIZABETH M
250 EASTLAND DR
CHARLES TOWN, WV 25414

28-46-25-08-000K0.0190
PHILLIPS WENDELL E EST
104 WESTOVER PKWY
LOCUST GROVE, VA 22508

28-46-25-08-000R0.00CE
CYPRESS BEND R V RESORT U-4
CONDO ASSN INC
,

28-46-25-09-000J0.0180
RICHARDSON WILLIAM J + DOLORES
1503 SNDPIPER LN
CHAMPAIGN, IL 61821

28-46-25-09-000J0.0190
RIEBE OLIVER P + CAROLMAE F
20072 ORANGETREE LN
ESTERO, FL 33928

28-46-25-09-000J0.0200
HUFFMAN MERLE S +CHARLENE S TR
20076 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-09-000J0.0210
IGNE ELPIDIO G + NELLIE G
20080 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-09-000J0.0220
GREEN WILLIAM + DORIS
20084 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-09-000J0.0230
COMBS JOHN W + JACQUELINE G +
14 BLUE SPRUCE DR
COVENTRY, RI 02816

28-46-25-09-000J0.0240
JOHNSTON RAYMOND L + EDITH FAY
20108 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-09-000J0.0250
JOHNSON RICHARD E SR
20116 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-09-000J0.0260
MOREHEAD BETTY J
20128 ORANGE TREE LANE
Estero, FL 33928

28-46-25-09-000J0.0270
WALL LEO + NELLIE FRANCES
31 RHODES AV RR 2
SEAGRAVE, ON L0C 1G0
CANADA

All data is current at time of printing and subject to change without notice.

28-46-25-09-000J0.0280
PUFFENBARGER RONALD + MARY
20136 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-09-000J0.0290
BROWN DOREEN M
20140 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-09-000L0.0140
COLLIER LUTHER F + MARGRETTE
20140 LIMETREE LN
ESTERO, FL 33928

28-46-25-09-000L0.0150
RHODES PAUL D + DEBORAH K
20136 LIME TREE LN
ESTERO, FL 33928

28-46-25-09-000L0.0160
CARTER DAVID E + RUTH D TR
20132 LIME TREE LN
ESTERO, FL 33928

28-46-25-09-000L0.0170
GOBEIL CLAUDE J + HUGUETTE I
20128 LIME TREE LN LOT 17
ESTERO, FL 33928

28-46-25-09-000L0.0180
JOHNSON CARL G + AUDREY C
502 DAHLIA DR
BRENTWOOD, TN 37027

28-46-25-09-000L0.0190
PATTERSON WAYNE + FAYE D
631 SPRING CREEK RD
WAVERLY, TN 37185

28-46-25-09-000L0.0200
WOOD W J + LOUISE
20133 APPLE TREE LN
ESTERO, FL 33928

28-46-25-09-000L0.0210
YADEN DONNIE R + SHIRLEY J
20137 APPLE TREE LN
ESTERO, FL 33928

28-46-25-09-000L0.0220
PROCELL DOROTHY E +
20141 APPLE TREE LN
ESTERO, FL 33928

28-46-25-09-000L0.0230
ISAACS EUGENE + PAT
9049 SAXTON DR
WEST CHESTER, OH 45069

28-46-25-09-000M0.0180
BOYLE WILLIAM C + ESTHER J
11901 SAGINAW
CONNEAUT, PA 16316

28-46-25-09-000M0.0190
WASSIS FRANK J + CAROL J
37 KELLER AV
WAUKEGAN, IL 60085

28-46-25-09-000M0.0200
WORLEY WILLIAM R TR
20132 APPLE TREE LN
ESTERO, FL 33928

28-46-25-09-000M0.0210
PENNINGTON NOEL R + SHIRLEY A
20128 APPLE TREE LN
ESTERO, FL 33928

28-46-25-09-000M0.0220
URQUHART MELVIN F + RITA E
20133 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-09-000M0.0230
ZUBER BARBARA H
22637 WESTBRIDGE CT
ESTERO, FL 33928

28-46-25-09-000M0.0240
BREWER GARY + CHERYL
20141 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-09-000M0.0250
ROOT JAMES R + BARBARA A
RR 1 BOX 49
BONE GAP, IL 32815

All data is current at time of printing and subject to change without notice.

AVERY® Address Labels Laser 5160®

Hermes Investment Co. Inc.
C/o William Keyes
PO Box Drawer 790
Fort Myers, FL 33902 (owner)

Judson C. Pankey (Agent)
2211 Peck Street #300
Fort Myers, FL 33901

Walmart Stores East (applicant)
2001 SE 10th Street
Bentonville, AR 72716-0550

Chief Dennis Merrifield
Estero Fire Rescue
19850 Breckenridge Drive, Suite A
Estero, FL 33928

Ray Glowaz, Vice President
Coconut Shores Homeowner's
23214 Coconut Shores
Bonita Springs, FL 34134

Smooth Feed Sheets™ Use template for 5160®

Keystone Communities LLC

July 7, 2004

Department of Community Development
Zoning Division
P. O. Box 398
Fort Myers, FL 33902-0398

RE: Agenda Schedule for Estero Golf Resort, MPD
Case No. DC 12003-00058

To Whom It May Concern:

Please be advised that we have relocated our offices. Since the forwarding service will expire soon, it is imperative that you update your files with the new information as follows:

Estero Land Holdings, LLC
5405 Taylor Road, Suite 4
Naples, FL 34109-1895

Phone: (239) 593-5470
Fax: (239) 593-7073

If possible to identify any of our other accounts (i.e., Keystone Custom Homes, etc.) with the 24860 Burnt Pine Drive, Bonita Springs, FL 34134-1956 address and change to the Taylor Road address, it will assist in more efficient mailings.

Thank you for your assistance in correcting this information.

Sincerely,

Deborah Alkire

Deborah Alkire
Administrative Assistant

LEE COUNTY
SOUTHWEST FLORIDA

479-8585

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number:_____

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

September 30, 2004

CPH Engineers, Inc.
Judson C. Pankey
2211 Peck Street #300
Fort Myers, FL 33901

Re: Agenda Schedule for Estero Golf Resort MPD
Case No. DCI2003-00058

Dear Mr. Pankey:

Your zoning request has been scheduled before the Board of County Commissioners to take final action after reviewing the Hearing Examiner's recommendation.

DATE & TIME: October 18, 2004, Meeting commences at 9:30 a.m.

LOCATION: Commissioners' Meeting Room
2120 Main Street
Ft. Myers, Florida

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Billie Jacoby

Billie Jacoby
Administrative Assistant

cc: Walmart Stores East, LP
Estero Land Holdings, LLC
Neale Montgomery
Mr. Chip Block, Principal Planner
Zoning File

U:\200409\DCI20030.005\8\APPLICANT LETTER BCC.WPD

PAVESE[illegible]AVERFIELD, DALTON, HARRISON & J[illegible]SEN, L.L.P.
A FLORIDA LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AND COUNSELORS AT LAW
POST OFFICE DRAWER 1507
FORT MYERS, FLORIDA 33902-1507

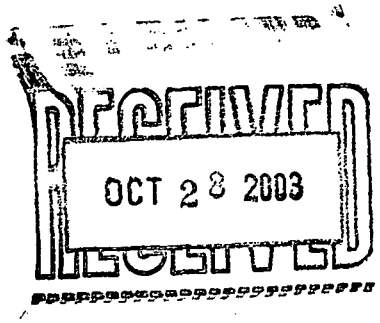
(239) 334-2195
FAX (239) 332-2243
http://paveselaw.com

STREET ADDRESS:
1833 HENDRY STREET
FORT MYERS, FLORIDA 33901

PLEASE REPLY TO:
FORT MYERS OFFICE

Neale Montgomery
(239) 336-6235
E-Mail: nealemontgomery@paveselaw.com

October 23, 2003



Ms. Pamela Houck
Director of Zoning Division
Lee County Community Development
1500 Monroe Street
Fort Myers, FL 33901

RE: Estero Golf Resort MPD/DCI 2003-00058
Our Client File Number: 67956.001

Dear Ms. Houck:

The applicant is in receipt of the sufficiency comments for the minor amendments to the Estero Golf Resort MPD, Resolution Number Z-01-012a, approved July of 2001. Section 34-341(b)(2), LDC, provides that, Applications for amendments to an approved major master concept plan or its attendant documentation will be treated procedurally as a minor planned development. The applicant is only required to submit as much information as deemed necessary by the director to describe the changes requested, and to specify the incremental change in impacts expected from the amendment. There are numerous questions regarding uses, open space, indigenous and property development regulations which do not appear to be necessary or appropriate. Pages 2 through 4 of the resolution set forth the list of permitted uses. Exhibit C to the resolution sets forth the open space and indigenous vegetation. The property development regulations for the site are set forth in Exhibit B to the resolution.

The amendment to the approved MPD is fairly limited. The first request is to eliminate an office parcel, this should not require the extensive list of questions on the September 19, 2003 sufficiency letter.

The second request is to modify the location of the internal access road. None of the sufficiency questions appear to relate directly or indirectly to this request.

The third request is to modify the location of the access to US 41, which has been required by FDOT and which is a public health, safety and welfare requirement. None of the questions appear related to this change. This type of change is normally handled administratively, and the only information required is the fact that FDOT found it to be necessary.

The request includes an amendment to the number and location of stormwater ponds, beca

the number and location were not consistent with the District criteria, and the addition of a commercially zoned parcel of property that is going to be used for stormwater retention and open space. One or two of the questions are arguably related to this change. If the environmental, topography and soils questions were related to the additional parcel, those questions would appear consistent with the regulations. Again, this change is being made in furtherance of the public health, safety and welfare.

The ability to conduct two uses (hardware/auto parts) is being clarified. These uses will be located within the area previously identified for commercial. The two requests that have sparked the public's attention appear to have no relationship to the long list of questions, and those changes are the elimination of the hours of delivery and the elimination on the hours of operation on tract 1.

I was advised that once the applicant submitted for an amendment to the existing MPD that everything is fair game, and it is like a total new review. This is not correct under the County's regulations, and it is not legally correct. The review should be limited to consideration of the amendments requested, and the impacts of those amendments. The review should not treat this case as a whole new application where everything is purportedly on the table. This applicant should not be treated differently than any other applicant seeking an amendment to a recently approved planned development for a few items. It appears that this applicant is being treated differently than other applicants making minor amendments to a recently approved MPD which includes a request to convert CC and C-1 zoned property, with a fairly long list of uses subject only to adopted County standards, to open space and a retention pond.

The sufficiency dated September 19, 2003 from the Lee County staff indicates that the application is not being properly reviewed. For example, the applicant is proposing to decrease the amount of square footage which results in a reduction of 4,220 trips on a daily basis. Due to the reduction in square footage, there should be no transportation information required beyond the comparison of trips between the original proposal and the reduced proposal. If the trips that could be generated by the CC/C-1 zoned parcels was included, the reduction in trips would be even more significant. A zoning TIS should not be required for an amendment that reduces the square footage. The applicant would respectfully request a waiver of the TIS requirement. Changing the hours of operation does not increase the intensity or the number of trips.

One of the sufficiency questions noted that the applicant failed to identify the transit routes. The location of the transit routes does not appear to be related to the proposed amendment. The routes have not changed.

Another sufficiency request is for property development regulations. No property development regulations were provided because Exhibit B to the resolution contains the list of approved property development regulations. The setbacks and building separations are identified. Building heights were raised as an issue, and the heights are also identified on the approved property development regulations.

The sufficiency checklist inquires about parks, recreation, and open space. The applicant is not proposing any reduction in the amount of approved parks, recreation or open space approved on the original MPD. The property that is being added is presently zoned for commercial uses, thus the use

of the commercially zoned property for lakes and open space increases that amount of open space.

The environmental features of the site have not changed since the MPD was approved. The applicant is not proposing any new alteration of the wetlands, or environmental areas.

Since there is a reduction in the square footage on the site, there does not appear to be any basis for a reexamination of the run-off characteristics, water table elevations, and predevelopment flows.

None of the changes would necessitate resubmitting the soils, vegetation and ground cover, protected species, and open space information.

The miscellaneous issue regarding landscaping may be a valid discussion, after sufficiency. A landscaping plan was approved for the site, when it had a larger square footage. As you know, the applicant has been meeting with the adjacent property owners and the community leaders. The applicant will be proposing increased landscaping. This is not a sufficiency item, and is a substantive issue. Clearly the existing landscaping meets the County regulations, and sufficiency is only to ensure compliance with the County regulations. After sufficiency it is appropriate to discuss those matters that relate to the request at hand.

The applicant would respectfully plead with you to review the list of sufficiency questions, and eliminate those questions that are not consistent with Section 34-341(b)(2), Lee County LDC. This section requires the Director to make a determination as to what information is appropriate in the submittal, and admittedly it would have probably been a good idea to have this discussion prior to the initial filing. The applicant would appreciate being able to meet with you to discuss this matter, if you think that would provide assistance in making your determination as to what is or is not consistent with the minor planned development requirements and what is or is not necessary for the changes being requested.

Your consideration of this matter is greatly appreciated.

Sincerely,

Neale Montgomery

NM:tlb
cc: Jerry Murphy
Jeff Satfield
Judson Pankey
Peter Klein
Shannon Letts
Daphne Moore
F:\WPDATA\NM\Clients\walmart\koreshanwpd.wpd

RECEIVED
NOV 05 2003
PERMIT COUNTER

DCI 2003-00058

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Stephanie Keyes, Lee County School District
Roland Ottolini, Natural Resources

FROM: Gerald Murphy

DATE: 09/10/2003

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: ESTERO GOLF RESORT MPD

CASE #: DCI2003-00058

INFORMATION SUMMARY:

RESUBMITTAL

___ To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 09/24/2003

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Billie Jacoby

Date: 09/10/2003

2211 Peck Street, Suite 300
Fort Myers, Florida 33901
Phone: 239.332.5499
Fax: 239.332.2955
www.cphengineers.com

Letter Of Transmittal

Date: September 9, 2003

To: Lee County Community Development
1500 Monroe St.
Fort Myers, FL 33901

Re: Estero Golf Resort MPD Amendment DCI2003-00058
CPH Job No. W13303

WE ARE SENDING YOU THE ATTACHED ITEM(S):

NO. OF COPIES	DESCRIPTION
1	Estero Community Planning Panel (ECPP) Schedule
1	Estero Development Report referencing the Wal-Mart July 14th formal presentation.
1	ECPP "Wal-Mart Issues Raised by Community" dated July 12, 2003
1	Additional copy of response to ECPP comments and e-mail acknowledgement by Mr. Don Eslick.

THESE ITEMS ARE TRANSMITTED AS INDICATED BELOW:

____ For Your Use ____ For Review and Comment
____ As Requested ____ For Bids Due

REMARKS:

CPH Representatives made two presentations to the ECPP, informal on June 9, 2003 and formal on July 14, 2003.

COPY TO: Judson Pankey, P.E., CPH

SIGNED: Lisa M. Williams

If enclosures are not as noted, kindly notify us at once.

DCI 2003-00058

RECEIVED
SEP 10 2003
ZONING COUNTER

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

FROM: Gerald Murphy

DATE: 08/28/2003

Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Susan Hollingsworth
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Stephanie Keyes, Lee County School District
Roland Ottolini, Natural Resources
Neal Noethlich, ECPP

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: ESTERO GOLF RESORT MPD

CASE #: DCI2003-00058

INFORMATION SUMMARY:

NEW SUBMITTAL

___ To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 09/11/2003

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Becky Tatlock

Date: 08/29/2003

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-479-8372

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing Examiner

September 19, 2003

JUDSON C. PANKEY
CPH ENGINEERS, INC
2310 FIRST ST
#204
FT MYERS, FL 33901

Re: ESTERO GOLF RESORT MPD
DCI2003-00058 - PDL Application (Major PD)

Dear JUDSON C. PANKEY :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Gerald Murphy
Planner

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Joan Henry, Assistant County Attorney
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Billie Jacoby, DCD Admin
Bob Rentz, Development Review
DCI Zoning File
DCI Working File

1) Except for Condominiums, Timeshare Condominiums, or Subdivisions; where there is more than one owner, either legal or equitable, all such owners must jointly initiate the application or petition. [34-201(a)(1)a.]

Please refer to Planned Development Checklist.

6a) Legal description. The request must include a legal description of the property upon which the action is to be initiated. [34-202(a)(1)]

See below.

6a1) The legal description must be sufficiently detailed so as to locate the property on county maps or section aerial photographs. [34-202(a)(1)]

Please refer to the following:

6a3) If the application includes multiple abutting parcels or consists of other than one or more undivided platted lots, the legal description must specifically describe the perimeter of the total property, by metes & bounds with accurate bearings and distances for every line, but need not describe each individual parcel. [34-202(a)(1)]

After reviewing the property described in the submitted Boundary Survey and its property descriptions (per Title Commitment & Surveyor), The following is needed: A Legal Description on an 8.5 by 11 page, that specifically describes the perimeter boundary of the total property to be developed by metes and bounds with accurate bearings and distances for every line, but not each individual parcels.Please modify boundary description on Survey.

6b) Certified sketch of description. A certified sketch of description as set out in chapter 61G 17-6.006, Florida Administrative Code, must be provided unless the subject property consists of one or more undivided platted lots in a subdivision recorded in the Official County Plat Books. [34-202(a)(2)]

The project proposes an amendment to an approved MPD. A boundary description and certified sketch of description for the perimeter bounday of the entire MPD is required, while the boundary survey requirement may be limited to the extents of the area affected by the amendment. Please see below.

6c) Boundary Survey. A boundary survey meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, FAC, is required for property encompassing 10 or more acres and for all Planned Development applications. [34-202(a)(2)]

Please refer to the following:

6c1) The perimeter boundary must be clearly marked on the survey with a heavy line and must include the entire area to be developed. [34-202(a)(2)]

The Boundary Survey must clearly mark the perimeter boundary with a heavy line and must include the entire area affected by the proposed amendment, not just a portion of it. The Survey must be tied to the State Plane Coordinate System for the Florida West Zone with coordinates displayed on two opposing corners on property. It must show all existing conditions and be signed and sealed by a Florida Certified Surveyor and Mapper.

6c3) If the property encompasses 10 or more acres the survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment). [34-202(a)(2)]

7) Miscellaneous Items.

Sufficiency or non-applicability of legal requirements subject to change upon review of subsecuent resubmittals.

8) Contact. The Planner may be contacted regarding any questions on this Checklist.

Luis G. Machado @ (239)479-8485

Development Review Checklist

2) Deviations. The application and Master Concept Plan include a schedule of deviations including detail drawings and written justifications. [34-412(a)]

It appears that the Master Concept Plan, as proposed, will require additional deviations.

3) Zoning Traffic Impact Statement. A zoning TIS is required. [34-373(a)(7)]

5) Contact. The reviewer may be contacted regarding questions on the Development Review Sufficiency Checklist.

Contact Bob Rentz @ 479-8587 X12

T.I.S. Checklist

2) Trip End Rates or Equations. The TIS must contain the equations or the average trip end generation rates for each type of use proposed and the name of the document from which this information was obtained (i.e. ITE TRIP GENERATION, current edition).

The trip generation should include the two commercial tracts, MPD-3 and MPD-4.

4) Background Traffic. The TIS must contain 100th highest hour traffic for the current year and for the year following the year in which the project is expected to be completed.

The background traffic should include traffic from the approved residential tract MPD-5.

7) Level of Service Analysis. The TIS for projects generating more than 100 net new trips during the A.M. or P.M. peak hour of the adjacent street must contain an analysis of the Level of Service for all links within the area of influence.

1. The Lee County D.O.T. link-specific service volumes should be used, instead of the generalized volumes.
2. Table 2A: The K100 factor and D factor for PCS No. 10 and 15 are incorrect.

The 2002 Traffic Count Report has year 2002 data for Koreshan Blvd. Using this data and 5 years of growth, the CGR would be higher than shown.

Utilizing the link-specific service volumes, the LOS on Three Oaks Pkwy will be different than shown.

8) Arterial Analysis. The TIS for projects generating more than 300 trips during the A.M. or P.M. peak hour of the adjacent street must contain an analysis of the arterial road accessed or impacted in the area of influence of the project following the methods established in the most current edition of the HIGHWAY CAPACITY MANUAL for an urban or suburban road.

See above comments.

11) Contact. The reviewer may be contacted with any questions relative to this TIS Sufficiency Checklist.

Contact Bob Rentz @ 479-8587 X12

LCDOT Sufficiency Checklist

1) Sufficiency Comments.

1) The site traffic assignment numbers in Figure 4 do not add up in some instances. The number of vehicles departing the eastern driveway on Koreshan Boulevard proceeding westbound do not match the number approaching the western driveway in the PM peak hour. Similarly, the vehicles departing the western driveway do not equal the number approaching the U.S 41 intersection. This inconsistency occurs in both the AM and PM traffic distribution. Figure 4 and any dependent intersection analyses should be revised.
2) The most recent link-specific service volumes may be more appropriate for use in Table 1A if the project buildout is less than five years.
3) Table 2A should be revised to use data from the 2002 Lee County Traffic Count Report. The reported AADT, K and D factors for 2002 should be used to calculate the base year peak hour, peak season, peak direction volume. The approximately 350 AADT increase in background traffic on Koreshan Boulevard appears to be simply based on historic growth rates. The increase does not appear to include added traffic from approved development or the roadway extension east to Ben Hill Griffin Parkway.
4) It may be more appropriate to add a segment for analysis in Table 1A and 2A on U.S. 41 from Koreshan Boulevard to the project entrance.
5) The directional split on U.S. 41 in Figures 2 and 7 appear to be based on the one day traffic counts taken May 9, 2003 rather than on the D factor calculated from the nearest permanent count station 25 on U.S. 41 south of San Carlos Boulevard.
6) The SYNCHRO intersection analysis of the intersection with U.S. 41 reflects U.S. 41 in the six-laning condition, not the existing four-lanes. A HCS unsignalized intersection analysis should be submitted. The TIS does not discuss the status of the proposed southbound left at the U.S. 41 driveway in the Florida Department of Transportation design plans.

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.

Andy Getch @479-8510

1c) The fee owner is a corporation, and a duly authorized corporate official initiated the application. [34-201(a)(1)a.3.]

Property owner directly adjacent to north-west not included.

1c1) The names of all parties having interest in the subject property including the names of all stockholders and the names of beneficiaries of trusts must be provided. [34-201(a)(1)a.3. & 34-202(b)(1)a]

The names of all parties having interest in the subject property including the names of stockholders and beneficiaries of trusts must be provided.

1d) The fee owner is a partnership and a general partner initiated the application. [34-201(a)(1)a.4.]

Per county attorney's comments, the disclosure of interest form must disclose the beneficiaries of any trusts and stockholders of corporations. Koreshan Conservation Area, Inc. not included on disclosure form.

1d1) The names of all parties having interest in the subject property including the names of all stockholders and the names of beneficiaries of trusts must be provided. [34-201(b)(2)a. & 34-202(a)(1)a.4.]

Per county attorney's comments, the disclosure of interest form must disclose the beneficiaries of any trusts and stockholders of corporations.

6g) Surrounding property owners list. A complete list, and two (2) sets of mailing labels, of all property owners, and their mailing addresses, for all property within 500 feet of the perimeter of the subject parcel or the portion thereof that is the subject of the request. [34-202(a)(6)]*

Mailing labels were not included with the application.

9c) Zoning and Land Use Map. A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet. [34-373(a)(4)c.]

Exhibit IV-A-2 does not include entire area of MPD.

9e6) Lee Tran Map. A map or other depiction of the property in relation to existing and proposed public transit routes, as well as to bus stops, if located within the Lee Tran public transit service area. [34-373(a)(4)g.]

Existing and proposed transit routes should be shown. Site is located within the Lee Tran service area. Transit benches at front of store are not clearly associated with a Lee Tran route.

11) Master Concept Plan. All applications must be accompanied by a graphic illustration (Master Concept Plan) of the proposed development. [34-373(a)(6)]

Master concept plan does not show boundaries of entire planned development.

12) Scale of Plans/Required Information. The Master Concept Plan must be clearly legible and drawn at a scale sufficient to adequately show and identify the following information: [34-373(a)(6)]

Please see the following.

12b) Vehicular Access. The exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development. [34-373(a)(6)b.]

Unclear from plan if access will accomodated through neighboring parcels (the Vines).

12c) Streets. If it is a subdivision, the plan must also show the general location of all proposed internal street rights-of-way or easements, and the general location of all points of vehicular ingress and egress from the proposed internal rights-of-way or easements into multiple-family, commercial or industrial use lots. [34-373(a)(6)b.]

Master concept plan does not indicate proposed ROW lines and other easements.

12d) Other Master Concept Plan Parcel Requirements. Where the subject property is to be divided into lots or parcels, the Master Concept Plan must indicate the following: [34-373(a)(6)c.]

Property development regulations and a specific schedule of uses with total floor areas for each use has not been provided.

12d2) Lot Coverage. The lot coverage for each lot or parcel (including outparcels). [34-373(a)(6)c.]

Proposed lot/site coverage is not indicated on plan.

12d3) Setbacks. The minimum proposed setbacks for principal structures on each lot or parcel (including outparcels). [34-373(a)(6)c.]

Setbacks have not been indicated.

12d4) Uses. The proposed use of each lot or parcel (including outparcels) keyed to the list of proposed uses submitted with the application. If the property development regulations for a specific zoning district will be used, reference to the specific district will be sufficient. [34-373(a)(6)c.]

Specefic uses proposed are not indicated.

12e) Development Areas. Individual development areas (I.e. residential, retail, office, manufacturing, mixed use-listed, etc.) must be identified with detail showing the following: [34-373(a)(6)d.]

Proposed building heights and individual development areas have not been provided.

12e2) Height. The maximum height, in feet and number of habitable stories, of any proposed buildings or structures. If parking under the buildings is proposed, the number of stories proposed for parking must be indicated and included in the total maximum height of the buildings. [34-373(a)(6)d.ii.]

Maximum building heights have not been indicated.

12e6) Commercial/Industrial. If commercial or industrial is proposed, the type(s) and the total floor area of each type. [34-373(a)(6)d.vi.]

Is this proposed for only these tracts, or will commercial floor area be considered in other parts of this MPD?

12f) Service Areas. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions. [34-373(a)(6)e.]

Service areas for loading and unloading, circulation patterns and proposed buffering have not been indicated.

12g) Parks/Recreation/Indigenous Areas. The general location of all proposed parks and recreation areas and facilities, as well as indigenous areas to be preserved. [34-373(a)(6)f.]

There are no parks or recreation facilities indicated on the Master Concept Plan.

12h) Open space design plan delineating the indigenous preserves and/or native tree preservation areas as required per LDC Section 10-415(b) . [34-373(a)(6)g.]

Open space and indigenous preserves have not been indicated on the Master Concept Plan.

12i) Open Space. The percentage of open space, unless the proposed development consists solely of conventional single family dwelling units on lots of no less than 6,500 square feet. For commercial or industrial developments, the percentage of open space within each lot or outparcel must be per 34-414c. [34-373(a)h.]

Open space not designated on Master Concept Plan.

12j) Buffers. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses, if the types of proposed uses requires buffer separations. References to types of buffers as described in chapter 10 are acceptable. [34-373(a)(6)i.]

Buffers are interupted by water retension areas. Buffers should be located on commercial zoning lot and maintained by property owner. Section details of buffers have not been provided.

12k) Public Transit. Proposed access and facilities for public transit, in accordance with sections 34-411(e) and 10-442. [34-373(a)(6)j.]

Please provide additional information with regard to coordinating public transportation services to/from proposed development.

12l) Excavations. The general location of excavations for on-site fill and wet retention. [34-373(a)(6)k.]

Add note that all cut soil excavated will be retained for on-site fill. Please indicate whether or not blasting is proposed.

12l2) Flow Ways. If the development is within a floodplain or flow way, it is the applicant's responsibility at the time of local development order or SFWMD permitting to compensate for impacts to flood storage capacity or flow ways due to filling of the site. [34-373(a)(6)k.]

USGS (Estero) quad map indicates isolated wetlands on site.

14c) Open Space Percentage. The proposed percentage of open space for the entire site. [34-373(a)(8)iii.]

Indicate percentages of areas designated as open space for each development tract on Master Concept Plan.

16a1) Runoff Characteristics. The runoff characteristics of the property in its existing state. [34-373(b)(1)a.]

Predevelopment flows have not been quantified.

16a3) Retention Features. The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance. [34-373(b)(1)c.]

Proposed stormwater system instrument of dedication has not been indicated.

16a4) Water Table/Natural Features. How existing natural features will be preserved including an estimate of the ranges of existing and post development water table elevations, where appropriate. [34-373(b)(1)d.]

Pre-development water table elevations have not been identified. Post-development controls intended to preserve pre-existing conditions have not been identified.

Environmental Sciences Planned Development Sufficiency Checklist

1) Description of Existing Conditions, Soils, Vegetation Fluccs, Topography. The application for a Planned Development must be accompanied by the following: [34-373(a)(4)]

1b) Maps. Maps drawn to the same scale as the Master Concept Plan marked or overprinted to show: [34-373(a)(4)e]

Please submit a FLUCCS and soils map at the same scale as the MCP.

1b1) Soils. Soils, classified in accordance with the USDA/SCS System. [34-373(a)(4)e.i.]

1b2) Vegetation/Ground Cover. Vegetation and ground cover classified in accordance with the Florida Land Use and Cover Classification System. [34-373(a)(4)e.i.]

2) Protected Species Survey. A Protected Species Survey as required by LDC Section 10-473 must be provided for large projects (as defined in LDC Chapter 10) and Major Planned Developments . [34-373(b)(2)]

Please submit a protected species survey of Lee County listed species meeting the requirements of Land Development Code Section 10-473.

3) Protected Species Management Plan. Protected species preserve areas must be indicated on the Master Concept Plan; a final management plan as required by LDC Section 10-474 is not required until time of local development order. [10-474]

Pending submittal of protected species survey, and ES staff field verification. Additionally, Lee County listed species or signs thereof were observed during the original planned development analysis. Please clarify if there are any changes proposed to the conditions 3(b)-(f) setforth in zoning resolution Z-01-01a.

5) Open Space. The percentage of open space must be clearly stated on the Master Concept Plan unless the proposed development consists solely of conventional single family dwelling units on lots of no less than 6,500 square feet. [34-373(a)(6)f.; 34-373(a)(8)iii.]

The acreage for the project and open space vary throughout the submittal. The application states 6.26 acres of wetland + 5.04 acres of upland conservation totaling 11.3 acres of preservation with a total site area of 62.9 acres. The surface water management system discussion states the project size as 74.2 acres plus 1.51 acres of off-site detention for a total site area of 75.71 acres, and states 59.79 acres will be improved, resulting in 15.92 acres of preservation. The MCP states a total site area of 74.2 acres with 13.14 acres of preservation. Please clarify the total site area and preservation acreage, and revise submittal to be consistent.

6) Parks, Recreation Areas and Indigenous Areas. The general location of proposed parks, recreation areas and facilities as well as indigenous areas to be preserved must be shown on the Master Concept Plan. [34-373(a)(6)e]

Pending clarification of indigenous preservation acreage and total site acreage.

8) Design Standards: Environmentally Sensitive Areas. Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural features of the site, particularly mature native trees and threatened or endangered native vegetation. [34-411(g)]

The original planned development included lakes adjacent to the the upland preserve and around the smaller wetland preserve within the multifamily tract. The lake configuration has been altered. The original approval was partly based upon the lake configuration being complementary to the indigenous preserves, thus improving the preserve quality. Please explain why these changes are necessary.

12) Miscellaneous Items.

Will any more details regarding the landscaping be submitted, such as a detailed landscape plan or landscaping conditions, to address the issues raised by citizens during the ECPP meeting?

13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.

Kim Trebatoski, Principal Environmental Planner
#239-479-8183; e-mail: trebatkm@leegov.com

LEE COUNTY
SOUTHWEST FLORIDA

COURTESY NOTICE
OF RECEIPT OF ZONING APPLICATION

Date:	September 19, 2003
Case Number:	DCI2003-00058
Case Name:	ESTERO GOLF RESORT MPD
Request:	Amend the Planned Development for Estero Golf Resort to revise the Master Concept Plan, adjust the location of the access to U.S. 41, incorporate additional property for stormwater management, add to the list of permitted uses and eliminate certain conditions of the previous approval.
Location:	The subject property is located on the northeast corner of US 41 and Koreshan Blvd.
Location Map:	SEE REVERSE
PROPERTY OWNER'S REPRESENTATIVE:	JUDSON C PANKEY CPH ENGINEERS, INC 239-332-5499
Lee County Planner:	Gerald Murphy 239-479-8372

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.

RAT

21-46-25-00-00001.0010
ESTERO LAND HOLDINGS LLC
24860 BURNT PINE DR
BONITA SPRINGS, FL 34134

21-46-25-00-00001.0020
OSPREY COVE OF LEE CO LTD
20725 SW 46TH AV
NEWBERRY, FL 32669

20-46-25-00-00012.027B
SKINNER KAREN A TR
P O BOX 880
FT MYERS, FL 33902

21-46-25-00-00001.0000
TOLL ESTERO LMTD PNTSHP
3103 PHILMONT AV
HUNTINGDON VALLEY, PA 19006

21-46-25-00-00001.0030
KORESHAN CONSERVATION AREA INC
24860 BURNT PINE DR
BONITA SPRINGS, FL 34134

21-46-25-00-00001.2000
CONSULTORA GRETTER S A ETAL
C/O PREUSS REALTY CO
25 SE 2ND AVE STE 710
MIAMI, FL 33131

21-46-25-00-00001.4000
LEE THIC JOCK + PING LEE
4805 SHERRY LN RT 5
FT MYERS, FL 33908

21-46-25-00-00002.0000
ACL RR CO

21-46-25-01-00000.0010
RICCISNI RICHARD TR +
1227 SE 9TH TER
CAPE CORAL, FL 33990

21-46-25-01-00000.0020
MASHIONE JOSEPH F + CATHERINE
19299 VINTAGE TRACE CIR
FT MYERS, FL 33912

21-46-25-01-00000.0030
CATTRELL ROBERT L + JANET G
19291 VINTAGE TRACE CIR
FT MYERS, FL 33912

21-46-25-01-00000.0040
GORHAM JEFFREY + MARCIA
19283 VINTAGE TRACE CIR
FT MYERS, FL 33912

21-46-25-01-00000.0050
DEANGELIS GEORGE P
19275 VINTAGE TRACE CIR
FORT MYERS, FL 33912

21-46-25-01-00000.0060
GETTERZ ROBERT A + DELORES V
19267 VINTAGE TRACE CIR
FORT MYERS, FL 33912

21-46-25-01-00000.0070
EDGAR WALLACE E + SANDRA K
6508 TURTLE WALK
CLARKSTON, MI 48346

21-46-25-01-00000.0080
DOYLE WAYNE G +
19251 VINTAGE TRACE CIR
FORT MYERS, FL 33912

21-46-25-01-00000.0090
ATKINS JAMES H JR
19243 VINTAGE TRACE CIR
FT MYERS, FL 33912

21-46-25-01-00000.0100
VOCAIRE ANTHONY M + JOAN M
4590 SILVER CREEK
BRECKSVILLE, OH 44141

21-46-25-01-00000.0110
SAYLOR JAMES E + FRANCES K
19219 VINTAGE TRACE CIR
FT MYERS, FL 33912

21-46-25-01-0000A.0000
PHH ASSET MANAGEMENT
STE 1070
400 EAST LAS COLINAS BLVD
IRVING, TX 75039

All data is current at time of printing and subject to change without notice.

21-46-25-01-0000C.0000
VINES COUNTRY CLUB INC
19501 VINTAGE TRACE CIR
FT MYERS, FL 33912

21-46-25-01-0000E.0000
KINSEY JAMES E JR TR
P O BOX 1662
FT MYERS, FL 33902

21-46-25-01-0000E.0010
HITHERSAY STEVEN E TR
309 COUNTRY VIEW CT
LAKE MARY, FL 32746

21-46-25-01-0000E.0020
FOCAL POINT INTERIORS INC
10231 METRO PKWY STE 105
FORT MYERS, FL 33912

21-46-25-02-00000.0280
PEGORARO ROBERT + CYNTHIA
5440 WINDING CREEK DR
ROCKFORD, IL 61114

21-46-25-02-00000.0290
LAZAROFF JANET I TR
3024 WARWICK RD
JACKSON, MI 49203

21-46-25-02-00000.0300
ILLUM JAMES M + SARA J
19663 LOST CREEK DR #B-2
FORT MYERS, FL 33912

21-46-25-02-00000.0310
BECK MORTIMER
19661 LOST CREEK DR
FT MYERS, FL 33912

21-46-25-02-00000.0320
GORHAM JEFFREY J
19283 VINTAGE TRACE CIR
FORT MYERS, FL 33912

28-46-25-00-00001.0030
HERMES INVESTMENT CO INC
C/O WILLIAM KEYES
P O DRAWER 790
FORT MYERS, FL 33902

28-46-25-00-00001.0040
DRIFTWOOD GARDEN CENTER
20071 S TAMIAMI TRL
FT MYERS, FL 33928

28-46-25-00-00001.004A
BEASLEY GEORGE G
%AT+T BROADBAND ATTN:PROP TX
3033 RIVIERA DRIVE
SUITE 200
NAPLES, FL 34103

28-46-25-00-00001.004B
GULF COAST CENTER LLC
4851 TAMIAMI TRAIL N STE 300
NAPLES, FL 34103

28-46-25-00-00001.0090
SIMPSON HARRY D JR
45 WOODFORD AVE
OWENSBORO, KY 42301

28-46-25-00-00001.0100
HERMES INVESTMENT CO INC
C/O WILLIAM KEYES
P O DRAWER 790
FORT MYERS, FL 33902

28-46-25-01-00001.0020
BAIRD DWIGHT S JR TR
6309 CORPORATE CT STE 100
FORT MYERS, FL 33919

28-46-25-01-00001.0030
BAIRD DWIGHT S JR TR
6309 CORPORATE CT STE 100
FORT MYERS, FL 33919

28-46-25-07-0000I.0110
MINER LEANORE R TR
20120 PLUM TREE LN
ESTERO, FL 33928

28-46-25-07-000J0.0090
GERMANN JOHN ANTHONY TR
20032 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-07-000J0.0100
GERMANN JEAN M TR
20032 ORANGE TREE LN
ESTERO, FL 33928

All data is current at time of printing and subject to change without notice.

28-46-25-07-000Q0.00CE
CYPRESS BEND R V RESORT U-3
CONDO ASSN INC

28-46-25-08-0000I.0120
FULLER ROY F + ARLINE A TR
20121 CHERRY TREE LN
ESTERO, FL 33928

28-46-25-08-0000I.0130
WALKER HERBERT A + JANICE L
8952 HUNTERS CIR
WOODBURY, MN 55125

28-46-25-08-000J0.0110
LOCKE BERNARD G + IRMA J
20040 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-08-000J0.0120
BEILSTEIN CLAIR + JUDITH A
20044 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-08-000J0.0130
CHASE JACK D +
PO BOX 343
KAWKAWLIN, MI 48631

28-46-25-08-000J0.0140
DEAN DONALD E + PATSY J
818 CHERRY ST
MT CARMEL, IL 62863

28-46-25-08-000J0.0150
COMBS JOHN W JR + JACQUELINE G
14 BLUE SPRUCE DR
COVENTRY, RI 02816

28-46-25-08-000J0.0160
PIERCE JOHN G + KAREL ANN
674 MORAND ST
WINDSOR, ON N9G 1H9
CANADA

28-46-25-08-000J0.0170
MOREHEAD BETTY J
5260 GRANNY WHITE PIKE
NASHVILLE, TN 37220

28-46-25-08-000K0.0130
VANVELKINBURGH CHARLES W+RUTH
4536 GRASSO AVE
ST LOUIS, MO 63123

28-46-25-08-000K0.0140
SCHAFER CAROL A
288 COUNTRY CLUB DR
COLDWATER, MI 49036

28-46-25-08-000K0.0150
BEAM DANIEL R + DOROTHY J
20125 LIMETREE LN
ESTERO, FL 33928

28-46-25-08-000K0.0160
BOURGEOIS VICTOR G + BARBARA
25 LINDA LN
WATERFORD, NY 12188

28-46-25-08-000K0.0170
HARLOW PAUL J + SHEILA P
20133 LIME TREE LN
ESTERO, FL 33928

28-46-25-08-000R0.00CE
CYPRESS BEND R V RESORT U-4
CONDO ASSN INC

28-46-25-09-000J0.0180
RICHARDSON WILLIAM J + DOLORES
1503 SNDPIPER LN
CHAMPAIGN, IL 61821

28-46-25-09-000J0.0190
RIEBE OLIVER P + CAROLMAE F
20072 ORANGETREE LN
ESTERO, FL 33928

28-46-25-09-000J0.0200
HUFFMAN MERLE S +CHARLENE S TR
20076 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-09-000J0.0210
IGNE ELPIDIO G + NELLIE G
20080 ORANGE TREE LN
ESTERO, FL 33928

All data is current at time of printing and subject to change without notice.

28-46-25-09-000J0.0220
GREEN WILLIAM + DORIS
20084 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-09-000J0.0230
COMBS JOHN W + JACQUELINE G +
14 BLUE SPRUCE DR
COVENTRY, RI 02816

28-46-25-09-000J0.0240
JOHNSTON RAYMOND L + EDITH FAY
20108 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-09-000J0.0250
JOHNSON RICHARD E SR
20116 ORANGE TREE LN
ESTERI, FL 33928

28-46-25-09-000J0.0260
PUFFENBARGER RONALD F +
20128 ORANGE TREE LN
Estero, FL 33928

28-46-25-09-000J0.0270
WALL LEO + NELLIE FRANCES
31 RHODES AV RR 2
SEAGRAVE, ON L0C 1G0
CANADA

28-46-25-09-000J0.0280
PUFFENBARGER RONALD + MARY
20136 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-09-000L0.0170
GOBEIL CLAUDE J + HUGUETTE I
20128 LIME TREE LN LOT 17
ESTERO, FL 33928

28-46-25-09-000L0.0180
JOHNSON CARL G + AUDREY C
20124 LIME TREE LN
ESTERO, FL 33928

28-46-25-09-000L0.0190
PATTERSON WAYNE + FAYE D
631 SPRING CREEK RD
WAVERLY, TN 37185

28-46-25-09-000L0.0200
WOOD W J + LOUISE
20133 APPLE TREE LN
ESTERO, FL 33928

28-46-25-09-000M0.0210
PENNINGTON NOEL R + SHIRLEY A
20128 APPLE TREE LN
ESTERO, FL 33928

28-46-25-09-000M0.0220
URQUHART MELVIN F + RITA E
20133 ORANGE TREE LN
ESTERO, FL 33928

28-46-25-09-00S00.00CE
CYPRESS BEND R V RESORT 5
CONDO ASSN INC

Wal-Mart Stores East, LP **(*Applicant)**
2001 S.E. 10th Street
Bentonville, AR 72716-0550

Estero Land Holdings, LLC **(*Owner)**
24860 Burnt Pine Drive
Bonita Springs, FL 34134

Judson C. Pankey, P.E. **(*Agent)**
CPH Engineers, Inc.
2211 Peck Street #300
Ft. Myers, FL 33901

Neale Montgomery **(*Agent)**
Pavese Law Firm
PO Box 1507
Ft. Myers, FL 33902-1507

Chief Dennis Merrifield **(*Estero)**
Estero Fire Rescue
19850 Breckenridge Drive, Suite A
Estero, FL 33928

74 LABELS PRINTED

All data is current at time of printing and subject to change without notice.

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution

Joan Henry, Asst. County Attorney
DS & TIS Reviewer- Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch-LCDOT
Roland Ottolini, Natural Resources
Jerry Murphy, Zoning
Neal Noethlich, ECCO

FROM: Gerald Murphy

DATE: 11/05/2003

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: ESTERO GOLF RESORT MPD

CASE #: DCI2003-00058

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 11/19/2003

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jessica M Smith

Date: 11/05/2003

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

Writer's Direct Dial Number: 239-479-8372

November 26, 2003

JUDSON C. PANKEY
CPH ENGINEERS, INC
2211 PECK STREET
#300
FT MYERS, FL 33901

Re: ESTERO GOLF RESORT MPD
DCI2003-00058 - PDL Application (Major PD)

Dear JUDSON C. PANKEY :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Gerald Murphy
Planner

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Joan Henry, Assistant County Attorney
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Billie Jacoby, DCD Admin
Bob Rentz, Development Review
DCI Zoning File
DCI Working File

Legal Requirements Sufficiency Checklist

6) All applications requiring a public hearing must include the following: [34-202(a)]

Please refer to 6a)

6a) Legal description. The request must include a legal description of the property upon which the action is to be initiated. [34-202(a)(1)]

The project proposes an amendment to an approved MPD. A Legal description and certified sketch of description for the perimeter boundary of the entire MPD is required, but it cannot be a previously stamped copy of the original MPD application. (See 6a1 for more details).

6a1) The legal description must be sufficiently detailed so as to locate the property on county maps or section aerial photographs. [34-202(a)(1)]

Please refer to the following:

6a3) If the application includes multiple abutting parcels or consists of other than one or more undivided platted lots, the legal description must specifically describe the perimeter of the total property, by metes & bounds with accurate bearings and distances for every line, but need not describe each individual parcel. [34-202(a)(1)]

The application proposes to amend an existing MPD. The metes and bounds description(s) for the boundaries of the entire MPD are required. These should be printed on 8.5 x 11 sheets in a clearly legible manner suitable for recording and accompanied by a certified sketch or survey for verification of agreement and accuracy.

7) Miscellaneous Items.

Sufficiency or non-applicability of legal requirements subject to change upon review of subsecuent resubmittals.

8) Contact. The Planner may be contacted regarding any questions on this Checklist.

Luis G. Machado @ (239)479-8485

Development Review Checklist

2) Deviations. The application and Master Concept Plan include a schedule of deviations including detail drawings and written justifications. [34-412(a)]

It appears that the Master Concept Plan, as proposed, will require additional deviations, such as:
1) Excavation setback from property line and from road right-of-way.
2. Deviation to place water management facility off-site.

3) Zoning Traffic Impact Statement. A zoning TIS is required. [34-373(a)(7)]

5) Contact. The reviewer may be contacted regarding questions on the Development Review Sufficiency Checklist.

Contact Bob Rentz @ 479-8587 X12

T.I.S. Checklist

2) Trip End Rates or Equations. The TIS must contain the equations or the average trip end generation rates for each type of use proposed and the name of the document from which this information was obtained (i.e. ITE TRIP GENERATION, current edition).

The trip generation should include the two commercial tracts, MPD-3 and MPD-4.

4) Background Traffic. The TIS must contain 100th highest hour traffic for the current year and for the year following the year in which the project is expected to be completed.

The background traffic should include traffic from the approved residential tract MPD-5.

7) Level of Service Analysis. The TIS for projects generating more than 100 net new trips during the A.M. or P.M. peak hour of the adjacent street must contain an analysis of the Level of Service for all links within the area of influence.

1. The Lee County D.O.T. link-specific service volumes should be used, instead of the generalized volumes.
2. Table 2A: The K100 factor and D factor for PCS No. 10 and 15 are incorrect.

The 2002 Traffic Count Report has year 2002 data for Koreshan Blvd. Using this data and 5 years of growth, the CGR would be higher than shown.

Utilizing the link-specific service volumes, the LOS on Three Oaks Pkwy will be different than shown.

8) Arterial Analysis. The TIS for projects generating more than 300 trips during the A.M. or P.M. peak hour of the adjacent street must contain an analysis of the arterial road accessed or impacted in the area of influence of the project following the methods established in the most current edition of the HIGHWAY CAPACITY MANUAL for an urban or suburban road.

See above comments.

11) Contact. The reviewer may be contacted with any questions relative to this TIS Sufficiency Checklist.

Contact Bob Rentz @ 479-8587 X12

LCDOT Sufficiency Checklist

1) Sufficiency Comments.

1) The site traffic assignment numbers in Figure 4 do not add up in some instances. The number of vehicles departing the eastern driveway on Koreshan Boulevard proceeding westbound do not match the number approaching the western driveway in the PM peak hour. Similarly, the vehicles departing the western driveway do not equal the number approaching the U.S 41 intersection. This inconsistency occurs in both the AM and PM traffic distribution. Figure 4 and any dependent intersection analyses should be revised.
2) The most recent link-specific service volumes may be more appropriate for use in Table 1A if the project buildout is less than five years.
3) Table 2A should be revised to use data from the 2002 Lee County Traffic Count Report. The reported AADT, K and D factors for 2002 should be used to calculate the base year peak hour, peak season, peak direction volume. The approximately 350 AADT increase in background traffic on Koreshan Boulevard appears to be simply based on historic growth rates. The increase does not appear to include added traffic from approved development or the roadway extension east to Ben Hill Griffin Parkway.
4) It may be more appropriate to add a segment for analysis in Table 1A and 2A on U.S. 41 from Koreshan Boulevard to the project entrance.
5) The directional split on U.S. 41 in Figures 2 and 7 appear to be based on the one day traffic counts taken May 9, 2003 rather than on the D factor calculated from the nearest permanent count station 25 on U.S. 41 south of San Carlos Boulevard.
6) The SYNCHRO intersection analysis of the intersection with U.S. 41 reflects U.S. 41 in the six-laning condition, not the existing four-lanes. A HCS unsignalized intersection analysis should be submitted. The TIS does not discuss the status of the proposed southbound left at the U.S. 41 driveway in the Florida Department of Transportation design plans.

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.

Andy Getch @479-8510

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

9c) Zoning and Land Use Map. A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet. [34-373(a)(4)c.]

Exhibit IV-A-2 does not include entire area of MPD.

11) Master Concept Plan. All applications must be accompanied by a graphic illustration (Master Concept Plan) of the proposed development. [34-373(a)(6)]

Master concept plan does not show boundaries of entire planned development. If no changes are proposed in the remaining portions of the MCP, then those areas should be indicated as approved in previous resolution, unless otherwise amended. See ADD 2003-00014.

12) Scale of Plans/Required Information. The Master Concept Plan must be clearly legible and drawn at a scale sufficient to adequately show and identify the following information: [34-373(a)(6)]

Please see the following.

12b) Vehicular Access. The exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development. [34-373(a)(6)b.]

Access to areas should be consistently indicated by arrows. Unclear from 11/05/03 response which access to multi-family tract will be for emergency vehicles only..

12c) Streets. If it is a subdivision, the plan must also show the general location of all proposed internal street rights-of-way or easements, and the general location of all points of vehicular ingress and egress from the proposed internal rights-of-way or easements into multiple-family, commercial or industrial use lots. [34-373(a)(6)b.]

Master concept plan does not indicate proposed ROW lines and other easements.

12d) Other Master Concept Plan Parcel Requirements. Where the subject property is to be divided into lots or parcels, the Master Concept Plan must indicate the following: [34-373(a)(6)c.]

Property development regulations and a specific schedule of uses with total floor areas for each use has not been provided.

12d2) Lot Coverage. The lot coverage for each lot or parcel (including outparcels). [34-373(a)(6)c.]

Proposed lot/site coverage is not indicated on plan.

12d3) Setbacks. The minimum proposed setbacks for principal structures on each lot or parcel (including outparcels). [34-373(a)(6)c.]

Setbacks have not been indicated.

12d4) Uses. The proposed use of each lot or parcel (including outparcels) keyed to the list of proposed uses submitted with the application. If the property development regulations for a specific zoning district will be used, reference to the specific district will be sufficient. [34-373(a)(6)c.]

Specefic uses proposed are not indicated.

12e) Development Areas. Individual development areas (I.e. residential, retail, office, manufacturing, mixed use-listed, etc.) must be identified with detail showing the following: [34-373(a)(6)d.]

Proposed building heights and individual development areas have not been provided.

12e2) Height. The maximum height, in feet and number of habitable stories, of any proposed buildings or structures. If parking under the buildings is proposed, the number of stories proposed for parking must be indicated and included in the total maximum height of the buildings. [34-373(a)(6)d.ii.]

Maximum building heights have not been indicated.

12e6) Commercial/Industrial. If commercial or industrial is proposed, the type(s) and the total floor area of each type. [34-373(a)(6)d.vi.]

Is this proposed for only these tracts, or will commercial floor area be considered in other parts of this MPD?

12f) Service Areas. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions. [34-373(a)(6)e.]

Service areas for loading and unloading, circulation patterns and proposed buffering have not been indicated.

12h) Open space design plan delineating the indigenous preserves and/or native tree preservation areas as required per LDC Section 10-415(b) . [34-373(a)(6)g.]

Open space and indigenous preserves have not been indicated on the Master Concept Plan.

12i) Open Space. The percentage of open space, unless the proposed development consists solely of conventional single family dwelling units on lots of no less than 6,500 square feet. For commercial or industrial developments, the percentage of open space within each lot or outparcel must be per 34-414c. [34-373(a)h.]

Open space not designated on Master Concept Plan.

12l) Excavations. The general location of excavations for on-site fill and wet retention. [34-373(a)(6)k.]

Add note that all cut soil excavated will be retained for on-site fill. MCP currently indicates such with regard to the lakes.

12l1) Removal From The Property. If the applicant proposes to remove excavated material from the property a Planned development for mining and a general mining permit may be required. See 34-329(f)(7). [34-373(a)(6)k.]

see 12l.

12l2) Flow Ways. If the development is within a floodplain or flow way, it is the applicant's responsibility at the time of local development order or SFWMD permitting to compensate for impacts to flood storage capacity or flow ways due to filling of the site. [34-373(a)(6)k.]

USGS (Estero) quad map indicates isolated wetlands on site.

12l2a) Flow ways are to be reviewed by the Division of Natural Resources. [10-253(1),(2),&(3).]

Please provide supporting documentation from reviewing authority.

14b) Units by Uses. The number of units (gross square feet for commercial/industrial uses, number of units for residential or motel/hotel uses, number of beds for institutional type uses, etc.) for each proposed use. [34-373(a)(8)ii]

Please provide the (jmaximum) gross square feet for all commercial uses listed in the schedule for each development area.

16) Major Planned Developments. The following information is required for all Major Planned Development Zoning applications except PRFPDs. [34-373(b)]

See below

16a) Surface Water Management System Description. A written description of the proposed surface water management system that includes: [34-373(b)(1)]

See below.

16a1) Runoff Characteristics. The runoff characteristics of the property in its existing state. [34-373(b)(1)a.]

Please provide copies of the information included with the Development Order application.

16a3) Retention Features. The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance. [34-373(b)(1)c.]

Proposed stormwater system instrument of dedication has not been received as indicated in sufficiency response of November 5, 2003..

16a4) Water Table/Natural Features. How existing natural features will be preserved including an estimate of the ranges of existing and post development water table elevations, where appropriate. [34-373(b)(1)d.]

See above.

19) If project is located in the Estero Planning Community, applicant must submit a meeting summary document that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. [Lee Plan Policy 19.5.3.]

Please provide the list of attendees.

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

Jerry Murphy, 479 - 8372
Tyler Frazier, 479 - 8322

Environmental Sciences Planned Development Sufficiency Checklist

2) Protected Species Survey. A Protected Species Survey as required by LDC Section 10-473 must be provided for large projects (as defined in LDC Chapter 10) and Major Planned Developments . [34-373(b)(2)]

Please submit a protected species survey of Lee County listed species meeting the requirements of Land Development Code Section 10-473. The previously submitted EIS does not meet the LDC requirements.

3) Protected Species Management Plan. Protected species preserve areas must be indicated on the Master Concept Plan; a final management plan as required by LDC Section 10-474 is not required until time of local development order. [10-474]

Pending submittal of protected species survey, and ES staff field verification.

6) Parks, Recreation Areas and Indigenous Areas. The general location of proposed parks, recreation areas and facilities as well as indigenous areas to be preserved must be shown on the Master Concept Plan. [34-373(a)(6)e]

The cross hatched area within Tract MPD-5 was previously shown as a preservation area. It is now labeled 'Lake' Please explain or revise the MCP to reflect this area as a indigenous preserve.

12) Miscellaneous Items.

13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.

Kim Trebatoski, Principal Environmental Planner
#239-479-8183; e-mail: trebatkm@leegov.com

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT

Roland Ottolini, Natural Resources
Jerry Murphy, Zoning

FROM: Gerald Murphy, AICP

DATE: 12/17/2003

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: ESTERO GOLF RESORT MPD

CASE #: DCI2003-00058

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 12/31/2003

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Becky Tatlock

Date: 12/19/2003

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SECOND FLOOR

cph

2211 Peck Street
Suite 300
Fort Myers, Florida 33901
Phone: 239.332.5499
Fax: 239.332.2955
www.cphengineers.com

February 5, 2004

DCI2003-00058

VIA CERTIFIED U.S. MAIL

Toll Estero LP
28341 S. Tamiami Trail, Suite 4
Bonita Springs, FL 34134

RE: Lee County Requested Notification of Proposed Amendment to The Estero Golf Resort MPD

To Whom It May Concern:

Pursuant to the request of Jerry Murphy of the Lee County Planning Department, please accept this letter as notice that Wal-Mart Stores East, LP, Estero Land Holdings and Osprey Cove of Lee County are proposing to amend the Estero Golf Resort MPD. The changes requested under the amendment are only proposed for the parcels located west of the railroad right-of-way and will not affect properties owned by Toll Estero LP.

We have enclosed for your information a set of plans containing the existing Master Concept Plan (as previously amended) as Sheet C-1, the proposed changes to the Master Concept Plan as Sheet C-2, and miscellaneous supporting information as Sheet C-3. .

Thank you and please contact us at 239.332.5499 if you have any questions or if you would like to discuss the enclosed.

Sincerely,
CPH ENGINEERS, INC.

Judson C. Pankey, P.E.
Project Manager

cc: Jerry Murphy, Lee County Planning
Neale Montgomery, Pavese Law
JT, LW

THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

JEANNE S. DOZIER
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DISTRICT 3

STEVEN K. TEUBER
DISTRICT 4

JAMES W. BROWDER, ED.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

February 24, 2004

Mr. Gerald Murphy
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Estero Golf Resort, DCI Substantive Review, Case #DCI2003-00058
CORRECTED STUDENT GENERATION RATES

Dear Mr. Murphy:

The purpose of this letter is to correct the student generation rates provided in our response to your request for substantive comments on the above-referenced project. Our correspondence to you was dated February 4, 2004, and is also in response to your recent request for substantive comments dated February 17, 2004.

Based on the correct student generation rates and the proposed maximum total of 820 multifamily residential dwelling units, the School District of Lee County is estimating that this project could generate up to 89 additional school-aged children. This uses a generation rate of 0.109 students per unit generated in the South region of Lee County for multifamily units. This would create the need for 4 new classrooms in the system at approximately 22 students per classroom, as well as additional staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the Estero Golf Resort MPD developers will be expected to pay the impact fee at the appropriate time.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

Keith Martin
Lee County School District Attorney

LEE COUNTY
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THE SCHOOL DISTRICT OF LEE COUNTY

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DISTRICT 4

JAMES W. BROWDER, ED.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

February 23, 2004

Mr. Gerald Murphy
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Allport Commerce Center, DCI Substantive Review, Case #DCI2001-00022
CORRECTED STUDENT GENERATION RATES

Dear Mr. Murphy:

The purpose of this letter is to correct the student generation rates provided in our response to your request for substantive comments on the above-referenced project. Our correspondence to you was dated January 31, 2002.

Our copy of the correspondence does not indicate the breakdown between single family and multifamily residential dwelling units. However, the correct student generation rate for single family units is 0.352 students per unit and the correct student generation rate for multifamily units is 0.109 students per unit.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the Allport Commerce Center developers will be expected to pay the impact fee at the appropriate time.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

Keith Martin
Lee County School District Attorney

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THE SCHOOL DISTRICT OF LEE COUNTY

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JEANNE S. DOZIER
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DISTRICT 4

JAMES W. BROWDER, ED.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

February 23, 2004

Mr. Gerald Murphy
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Portofino, DCI Substantive Review, Case #DCI2001-00022
CORRECTED STUDENT GENERATION RATES

Dear Mr. Murphy:

The purpose of this letter is to correct the student generation rates provided in our response to your request for substantive comments on the above-referenced project. Our correspondence to you was dated August 28, 2002.

Our copy of the correspondence does not provide a breakdown between single family and multifamily units. However, the correct student generation rate for single family units is 0.352 students per unit and the correct student generation rate for multifamily units is 0.109 students per unit.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the Portofino developers will be expected to pay the impact fee at the appropriate time.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

Keith Martin
Lee County School District Attorney

LEE COUNTY
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04 FEB 24 AM 9:10
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ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
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Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Badcock, Lee County School District
Roland Ottolini, Natural Resources
Jerry Murphy, Zoning
Don Eslick, Estero

FROM: Gerald Murphy, AICP

DATE: 01/28/2004

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: ESTERO GOLF RESORT MPD

CASE #: DCI2003-00058

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: February 1, 2004

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jodi M Payne

Date: 01/28/2004

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing
Examiner

Writer's Direct Dial Number: 239-479-8372

January 14, 2004

JUDSON C. PANKEY
CPH ENGINEERS, INC
2211 PECK STREET
#300
FT MYERS, FL 33901

Re: ESTERO GOLF RESORT MPD
DCI2003-00058 - PDL Application (Major PD)

Dear JUDSON C. PANKEY :

The Zoning Division has reviewed the information provided for the above zoning application. The Land Development Code requires additional information for the application to be sufficient. Please respond to each requirement not satisfied on the attached sufficiency checklists. For your assistance, we have enclosed any additional memoranda from the various Lee County reviewing agencies.

If you do not provide the requested supplements or corrections within 60 calendar days of this letter, the Code requires that this application be considered withdrawn. Please feel free to contact me or the staff reviewers if you have any questions.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Gerald Murphy, AICP
Planner

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Joan Henry, Assistant County Attorney
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Billie Jacoby, DCD Admin
Bob Rentz, Development Review
DCI Zoning File
DCI Working File

Development Review Checklist

2) Deviations. The application and Master Concept Plan include a schedule of deviations including detail drawings and written justifications. [34-412(a)]

It appears that the Master Concept Plan, as proposed, will require an additional deviation for: Excavation setback from property line and from road right-of-way.

5) Contact. The reviewer may be contacted regarding questions on the Development Review Sufficiency Checklist.

Contact Bob Rentz @ 479-8587 X12

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

9c) Zoning and Land Use Map. A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet. [34-373(a)(4)c.]

Exhibit IV-A-2 does not include entire area of MPD. See below 11.

11) Master Concept Plan. All applications must be accompanied by a graphic illustration (Master Concept Plan) of the proposed development. [34-373(a)(6)]

Indication that "No modification proposed to the remainder of Estero Golf Resort MPD" in inset to proposed MCP does not track directions at December 5, 2003 meeting. The MCP should indicate the layout for the remainder of the project which is not proposed for change except as previously amended by existing approvals.

Master concept plan does not show boundaries of entire planned development. If no changes are proposed in the remaining portions of the MCP, then those areas should be indicated as approved in previous resolution, unless otherwise amended. See ADD 2003-00014.

12) Scale of Plans/Required Information. The Master Concept Plan must be clearly legible and drawn at a scale sufficient to adequately show and identify the following information: [34-373(a)(6)]

Please see the following.

12b) Vehicular Access. The exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development. [34-373(a)(6)b.]

Still need an arrow for the "existing cross access easement".

Access to areas should be consistently indicated by arrows. Unclear from 11/05/03 response which access to multi-family tract will be for emergency vehicles only..

12d) Other Master Concept Plan Parcel Requirements. Where the subject property is to be divided into lots or parcels, the Master Concept Plan must indicate the following: [34-373(a)(6)c.]

See below, 12e.

Property development regulations and a specific schedule of uses with total floor areas for each use has not been provided.

12d2) Lot Coverage. The lot coverage for each lot or parcel (including outparcels). [34-373(a)(6)c.]

See below, 12e.

Proposed lot/site coverage is not indicated on plan.

12d3) Setbacks. The minimum proposed setbacks for principal structures on each lot or parcel (including outparcels). [34-373(a)(6)c.]

See below, 12e.

Setbacks have not been indicated.

12e) Development Areas. Individual development areas (I.e. residential, retail, office, manufacturing, mixed use-listed, etc.) must be identified with detail showing the following: [34-373(a)(6)d.]

The Property Development Regulations table for the Wal-Mart option refers to "Commercial MPD 1-4". The MCP indicates only Tracts MPD-1 and MPD-3. This is confusing and should be revised to number the Wal-Mart option tracts consecutively with the Property Development Regulations reflecting this distinction.

12e2) Height. The maximum height, in feet and number of habitable stories, of any proposed buildings or structures. If parking under the buildings is proposed, the number of stories proposed for parking must be indicated and included in the total maximum height of the buildings. [34-373(a)(6)d.ii.]

See above. Maximum building heights have not been indicated.

12e6) Commercial/Industrial. If commercial or industrial is proposed, the type(s) and the total floor area of each type. [34-373(a)(6)d.vi.]

There is no Comment No. 11 in the LCDOT sufficiency checklist. Comment 11 in the Planned Development checklist is discussed further above. Is this proposed for only these tracts, or will commercial floor area be considered in other parts of this MPD?

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

Jerry Murphy, 479 - 8372
Tyler Frazier, 479 - 8322

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Badcock, Lee County School District
Roland Ottolini, Natural Resources
Jerry Murphy, Zoning

FROM: Gerald Murphy, AICP

DATE: 02/17/2004

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: ESTERO GOLF RESORT MPD

CASE #: DCI2003-00058

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 03/02/2004

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jessica M Smith

Date: 02/17/2004

cph
2211 Peck Street
Suite 300
Fort Myers, Florida 33901
Phone: 239.332.5499
Fax: 239.332.2955
www.cphengineers.com

RECEIVED
FEB 16 2004
ZONING COUNTER

February 16, 2004

Gerald Murphy
Department of Community Development
Zoning Division
P.O. Box 398
Fort Myers, Florida 33902-0398

RE: Wal-Mart #5347-00, Estero
DCI2003-00058 – PDL Application (Major PD)
CPH PN: W13303

Dear Jerry:

We have included below a list of the changes to the Estero Golf Resort MPD, as amended, and deviations from the Lee County Land Development Code for the Estero Golf Resort MPD, Wal-Mart Option.

As you recall, no changes are proposed to the Estero Golf Resort MPD, Existing Option.

Changes to Estero Golf Resort MPD (as amended) for the Wal-Mart Option

1. The office tract MPD-2 and commercial tract MPD-4 are deleted.
2. The location of the interior access road is modified as shown on the Master Concept Plan, Wal-Mart Option.
3. The location of the driveway connection to U.S. 41 is modified per FDOT recommendations, as shown on the Master Concept Plan, Wal-Mart Option.
4. The schedule of uses for commercial tract MPD-1 is modified to include drug sales (pharmacy), hardware store, auto parts store, and automobile repair and service.
5. Commercial tracts MPD-1 and MPD-3 have no restrictions on hours of operations.
6. Commercial tracts MPD-1 and MPD-3 have no restrictions on hours of deliveries.
7. The location and number of dry detention ponds and lakes (wet detention ponds) are modified as shown on the Master Concept Plan, Wal-Mart Option.

Deviations from Lee County LDC for the Wal-Mart Option

1. A deviation from Section 34-2016(2)a.2 which requires parking spaces that do not abut a curb, fence, wall or other structure to be provided with a parking block, to permit the use of linear concrete islands within commercial tract MPD-1.

2. A deviation from Section 10-610 (a) which requires parking to be developed throughout the site using the same degree of angle, to permit a mixture of different angles of parking spaces within one and two way drive aisles.
3. A deviation from Section 10-329(d)(1)a.2. which requires an excavation for water retention/detention to be set back 50 feet from a street right of way to 28.50 feet along Koreshan Boulevard. Please note that protection for wayward vehicles will be provided through the use of berms and swales.
4. A deviation from Section 10-329(d)(1)a.3. which requires an excavation for water retention/detention to be setback 50 feet from the private property line under separate ownership to 46.25 feet.

Please do not hesitate to contact us should you require any further clarifications.

Sincerely,
CPH Engineers, Inc.

Judson C. Pankey, P.E.

xc: Neale Montgomery, Pavese, et.al.
Estero Land Holdings
Osprey Cove of Lee County
Strickland Smith, Heidt and Associates
JT, LW

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Roland Ottolini, Natural Resources

FROM: Gerald Murphy, AICP

DATE: 05/11/2004

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: ESTERO GOLF RESORT MPD

CASE #: DCI2003-00058

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 05/25/2004

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Adella Ahmadi

Date: 05/11/2004

Letter Of Transmittal

CPH Engineers, Inc.
2211 Peck Street
Suite 300
Fort Myers, Florida 33901
Phone: 239-332-5499
Fax: 239-332-2955
www.cphengineers.com

Date: May 7, 2004

To: Gerald Murphy
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

Re: Wal-Mart Store #5347-00, Estero, FL
CPH Job No. W13303 ***Via FedEx Delivery***

WE ARE SENDING YOU THE ATTACHED ITEM(S):

NO. OF COPIES	DESCRIPTION
1	Response Letter
12	Site Plan
12	Set of Landscape Plans

THESE ITEMS ARE TRANSMITTED AS INDICATED BELOW:

X For Your Use
X As Requested
___ For Review and Comment
___ For Bids Due

REMARKS:

COPY TO: All Wal-Mart Committee Members - w/enclosures:
Cas Bied
Bonnie Brandt
Bob DiMaio
Jane Gates
Byron Hallem
Al LaFerte
Jim Merritt
Bob Perry
John Ruehl
Guy Saunders
Fran Wagner

RECEIVED
MAY 11 2004
PERMIT COUNTER

DCI2003-00058

Signed: Jason L. Toole, E.I.

If enclosures are not as noted, kindly notify us at once.

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Roland Ottolini, Natural Resources
Jerry Murphy, Zoning

FROM: Gerald Murphy, AICP

DATE: 03/23/2004

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: ESTERO GOLF RESORT MPD

CASE #: DCI2003-00058

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 04/06/2004

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jessica M Smith

Date: 03/23/2004

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Kathy Babcock, Lee County School District
Roland Ottolini, Natural Resources
Jerry Murphy, Zoning

FROM: Gerald Murphy, AICP

DATE: 04/09/2004

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: ESTERO GOLF RESORT MPD

CASE #: DCI2003-00058

INFORMATION SUMMARY:

RESUBMITTAL

To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 04/23/2004

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Becky Tatlock

Date: 04/14/2004

fxm

DCI 2003-00058

Copy to Community Dev/Billy
7/3/03
MA

To Ms. Diana Parker
Re: Building Walmart at 42 and Koreshan

Dear Ms. Parker,

The positioning of Walmart at this corner will result in impossible traffic problems. That narrow stretch of 42 will not allow the congestion that will result from a retail establishment of that square footage requiring so much parking.

Koreshan is primarily residential, as is Lords Way to Island Park. Walmart would destroy the residential character of that area.

Please insist on Walmart conforming to existing zoning laws and building in a commercial area.

Sincerely,
Colleen Brever

Jack & Colleen Brever
8241-3 Grand Palm Dr.
Ft. Myers FL 33912



Ms Diana Parker
P.O. Box 398
Ft. Myers FL 33902-0398

LEE COUNTY
HEARING EXAMINER
03 JUL -3 AM 9:36

33902+0398

January 27, 2004

2211 Peck Street
Suite 300
Fort Myers, Florida 33901
Phone: 239.332.5499
Fax: 239.332.2955
www.cphengineers.com

Gerald Murphy
Department of Community Development
Zoning Division
P.O. Box 398
Fort Myers, Florida 33902-0398

RE: Wal-Mart #5347-00, Estero
DCI2003-00058 – PDL Application (Major PD)
CPH PN: W13303

Dear Mr. Murphy:

We are in receipt of your comments dated January 14, 2004, for the above referenced project. We appreciate your meeting with us on Thursday, January 22, 2004, to discuss your comments. We offer the following responses or additional information as detailed below in boldface type.

Development Review Checklist

2) Deviations. The application and Master Concept Plan include a schedule of deviation including detail drawings and written justifications. [34-412(a)]

It appears that the Master Concept Plan, as proposed, will require an additional deviation for: Excavation setback from property line and from road right-of-way.

The proposed Amendments to the Master Concept Plan (Wal-Mart Option) have been modified to show a requested deviation for (1) setbacks from arterial road rights of way to 28.50 feet (i.e., a reduction of 21.50 feet from the 50 feet required in LDC Section 10-329) for the lake and dry detention pond located adjacent to Koreshan Boulevard, and (2) setbacks from the eastern property line to 46.25 feet (i.e., a reduction of 3.75 feet from the 50 feet required in LDC Section 10-329) for the lake located adjacent to it. The setback from the north property line was reduced to 25 feet as part of the original approval for the Estero Golf Resort Master Concept Plan – the Wal-Mart option will retain this reduction in the required setback.

Please note that the above deviations have been requested for, not only the wet detention ponds (i.e., lakes), but also the dry detention ponds. The Lee County LDC appears to classify excavations as those ponds which have a proposed bottom elevation below existing grade; the proposed dry detention ponds have pond bottoms which are above existing grade. In an abundance of caution, the applicant has included the setbacks for the dry detention ponds in their deviation requests.

5) Contact. The reviewer may be contacted regarding questions on the Development Review Sufficiency Checklist.

Contact Bob Rentz @ 479-8587 X12

RECEIVED
JAN 28 2004
ZONING COUNTER

DCI 2003-00058

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

9c) Zoning and Land Use Map. A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet [34-373(a)(4)c.]

Exhibit IV-A-2 does not include entire area of MPD. See below 11.

Per your directive at our January 22, 2004 meeting, we have compiled a Sheet C-1 which consists of the approved Estero Golf Resort Master Concept Plan with modifications approved under the ADD 2003-00014. All information shown on Sheet C-1 was obtained from Lee County files.

11) Master Concept Plan. All applications must be accompanied by a graphic illustration (Master Concept Plan) of the proposed development. [34-373(a)(6)]

Indication that "No modification proposed to the remainder of Estero Golf Resort MPD" in inset to proposed MCP does not track directions at December 5, 2003 meeting. The MCP should indicate the layout for the remainder of the project which is not proposed for change except as previously amended by existing approvals.

While the previous submittal did meet the directions at the aforementioned meeting, we have revised it further based on our January 22, 2004 meeting to include the unchanged portions of the original master concept plan in the inset on Sheet C-2.

Master Concept Plan does not show boundaries of entire planned development. If no changes are proposed in the remaining portions of the MCP, then those areas should be indicated as approved in previous resolution, unless otherwise amended. See ADD 2003-00014.

Please refer to the response to Comments No. 9c and 11, above.

12) Scale of Plans/Required Information. The Master Concept Plan must be clearly legible and drawn at a scale sufficient to adequately show and identify the following information. [34-373(a)(6)]

Please see the following:

12b) Vehicular Access. The exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development. [34-373(a)(6)b]

Still need an arrow for the "existing cross access easement".

Per our meeting on January 22, 2004, we have revised Sheet C-2 to show an arrow towards the multi-family tract.

RECEIVED
JAN 28 2004
COMMUNITY DEVELOPMENT

Access to areas should be consistently indicated by arrows. Unclear from 11/05/03 response which access to multi-family tract will be for emergency vehicles only.

Per our meeting on January 22, 2004, we understand the comment was issued in error.

12d) Other Master Concept Plan Parcel Requirements. Where the subject property is to be divided into lots or parcels, the Master Concept Plan must indicate the following: [34-373(a)(6)c]

See below, 12e.

Property development regulations and a specific schedule of uses with total floor areas for each use has not been provided.

Per our meeting on January 22, 2004, we have attached a revised Property Development Regulations Table for the Wal-Mart option – the previous notation for 'MPD 1-4' has been changed to 'MPD 1 & 3'.

Per previous meetings between the applicant, applicant's legal counsel, and the County Zoning Director, we understand that the previously-approved schedule of uses for the Estero Golf Resort, which is proposed to be retained for the Wal-Mart Option, is acceptable.

12d2) Lot Coverage. The lot coverage for each lot or parcel (including outparcels). [34-373(a)(6)c]

See below, 12e.

Proposed lot/site coverage is not indicated on plan.

Per our meeting on January 22, 2004, we have changed the column heading on the table shown in Exhibit IV-I-1 from 'FAR' to 'Lot Coverage'. As requested, the aforementioned table has been removed from the Master Concept Plan and placed on a separate 8.5"x11" sheet, see attached.

12d3) Setbacks. The minimum proposed setbacks for principal structures on each lot or parcel (including outparcels). [34-373(a)(6)c]

See below, 12e.

Setbacks have not been indicated.

Per our meeting on January 22, 2004, we understand this comment was issued in error as the information is shown on the previously-submitted Property Development Regulations table, Wal-Mart Option, see attached.

RECEIVED
JAN 28 2004
COMMUNITY DEVELOPMENT

12e) Development Areas. Individual development areas (i.e. residential, retail, office, manufacturing, mixed use-listed, etc.) must be identified with detail showing the following: [34-373(a)(6)d.]

The Property Development Regulations table for the Wal-Mart option refers to "Commercial MPD 1-4". The MCP indicates only Tracts MPD-1 and MPD-3. This is confusing and should be revised to number the Wal-Mart option tracts consecutively with the Property Development Regulations reflecting this distinction.

Please refer to the first response under Comment No. 12d, above.

12e2) Height. The maximum height, in feet and number of habitable stories, of any proposed buildings or structures. If parking under the buildings is proposed, the number of stories proposed for parking must be indicated and included in the total maximum height of the buildings. [34-373(a)(6)d.ii.]

See above. Maximum building heights have not been indicated.

Per our meeting on January 22, 2004, we understand this comment was issued in error as the information is shown on the previously-submitted Property Development Regulations table, Wal-Mart Option, see attached.

12e6) Commercial/Industrial. If commercial or industrial is proposed, the type(s) and the total floor area of each type. [34-373(a)(6)d.vi.]

There is no Comment No. 11 in the LCDOT sufficiency checklist. Comment 11 in the Planned Development checklist is discussed further above. Is this proposed for only these tracts, or will commercial floor area be considered in other parts of this MPD?

Please refer to the response to Comment No. 11, above. Commercial floor area is only being proposed for Tracts MPD 1 and 3 in the Wal-Mart Option.

20) Contact. The zoning planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

Jerry Murphy, 479-8372
Tyler Frazier, 479-8322

RECEIVED
JAN 28 2004
COMMUNITY DEVELOPMENT

In support of our final resubmittal, please find enclosed:

1. **Twelve sets of MPD Master Plans, Sheets C-1, C-2, and C-3.**
2. **Twelve copies of the revised Property Development Regulations table for the Wal-Mart option.**
3. **Twelve 8.5"x11" copies of Exhibit IV-I-1.**
4. **One copy of the notice letter to Toll Brothers on the applicant's proposed changes to the MPD will be forwarded to you shortly.**

Sincerely,

CPH ENGINEERS, INC.

Judson C. Pankey, P.E.
Sr. Project Manager

cc: Neale Montgomery, Pavese, Haverfield, Dalton, Harrison & Jensen, LLP
Dave Farmer, P.E., Estero Land Holdings
Dave Stockman, Osprey Cove of Lee County
LW, JT
File

DCI 2003-00058
RECEIVED
JAN 28 2004
ZONING COUNTER

LAND USE SUMMARY (EXHIBIT IV - I - 1)

TRACTS	AREA	USES	UNITS / SQ. FT.	OPEN SPACE MIN. %	OPEN SPACE LOT COVERAGE	OPEN SPACE REQUIRED	OPEN SPACE PROVIDED	INDIGENOUS REQUIRED	INDIGENOUS PROVIDED
MPD 1 AND 3	34.06± ACRES	RETAIL	225,000 S.F.	30	55	10.22± ACRES	5.00± ACRES	5.11± ACRES	0 ACRES
MPD 5	40.14± ACRES	RESIDENTIAL (MF)	370 UNITS	40	40	16.06± ACRES	16.06± ACRES	8.03± ACRES	13.98± ACRES**
							5.22± ACRES*		
TOTAL	74.20± ACRES	74.20± ACRES				26.28± ACRES	26.28± ACRES	13.14± ACRES	13.98± ACRES

* BALANCE FROM TRACTS MPD 1 AND 3

** INCLUDING RESTORED WETLAND

DCI 2003-00058

RECEIVED
JAN 28 2004
ZONING COUNTER

PROPERTY DEVELOPMENT REGULATIONS
(Wal-Mart Option)

LAND USES	Minimum Lot			Minimum Setback (ft)								Max Height (ft)[2]	Min Bldg Separation (ft)[2]	Max Lot Coverage (%)	
					Rear (ft)				Front (ft)						
	Area (sq ft)	Min Width (ft)	Min Depth (ft)	Side[1] Incl. Corner Lots (ft)	Lots	Wetland	Golf	Acc.	Front Entry Garage	Bldg or Side Entry Garage	Water Body (ft)			East of railroad with Golf Option	East of Railroad without Golf Option
Single Family Detached	5,000	50	100	5	20	20	0	5	20	12	25	35 or 2 stories	10	65	40
Zero Lot Line	5,000	50	100	0 or 7½	20	20	0	5	20	12	25	35 or 2 stories	10	65	40
Two Family Attached	3750	37½	100	0 or 10	20	20	0	5	20	12	25	35 or 2 stories	10	65	40
Townhouse	2,000	22	80	0 or 10	20	20	0	5	20	15	25	35 or 2 stories	½ bldg height but not less than 20	n/a	n/a
Multi-Family	10,000	100	100	10	20	20	0	5	20	20	25	55 or 4 stories	½ bldg height but not less than 20	70	40
Clubhouse	20,000	80	100	10	20	20	0	5	n/a	20	25	55 or 4 stories	½ bldg height but not less than 20	55	n/a
Commercial (MPD 1&3)	20,000	80	100	0 or 15[3]	25[4]	20	n/a	5	per LDC	per LDC	25	55 or 4 stories	½ bldg height but not less than 20	55	

1 Applies to lots of all widths and to corner lots.

2 Building height is limited to 35 feet or 2 stories within 200 feet of The Vines and San Carlos Park. Buildings exceeding 35 ft in height must maintain additional building separation or additional building setbacks consistent with LDC Section 34-2174(a) and LDC Section 935(e)4.

3 Should the subject property be subdivided, a 0' setback to any internal lot lines will be required.

4 Structures in MPD Tract 1 must maintain a 100 ft setback from the Tract 5 property line.

THE SCHOOL DISTRICT OF LEE COUNTY

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VICE CHAIRMAN · DISTRICT 5

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DISTRICT 1

JANE E. KUCKEL, PH.D.
DISTRICT 3

STEVEN K. TEUBER
DISTRICT 4

JAMES W. BROWDER, ED.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

February 17, 2004

Mr. Gerald Murphy, AICP
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Estero Golf Resort MPD, DCI Substantive Review, Case #DCI2003-00058
CORRECTED STUDENT GENERATION RATES

Dear Mr. Murphy:

The purpose of this letter is to correct the student generation rates provided in our response to your request for substantive comments on the above-referenced project. Our correspondence to you was dated February 4, 2004.

Based on the correct student generation rates and the proposed maximum total of 820 multifamily residential dwelling units, the School District of Lee County is estimating that this project could generate up to 89 additional school-aged children. This uses a generation rate of 0.109 students generated in the South region of Lee County for multifamily units. This would create the need for four new classrooms in the system at approximately 22 students per classroom, as well as additional staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the Estero Golf Resort MPD developers will be expected to pay the impact fee at the appropriate time.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

Keith Martin
Lee County School District Attorney

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March 19, 2004

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Mr. Don Eslick
Estero Council of Community Leaders
23650 Via Veneto, Unit 604
Bonita Springs, FL 34135

RE: ECCL, its Wal-Mart Committee, Position Statement on
The Koreshan Road Wal-Mart Supercenter
CPH Project No. W13303

Dear Don:

We appreciate your presenting the community's concerns to us at the March 8, 2004 meeting. Per our discussions, we have revised the master concept plan (rezoning) and the landscape plan which serves as an attachment to it.

Please find below written responses to the comments discussed at the meeting. Please note that our responses are shown in bold typeface.

Response to
Koreshan Wal-Mart Position Statement
Of the Estero Council of Community Leaders

The Estero Council of Community Leaders (ECCL) will support Wal-Mart's:

- application for rezoning the commercial part of the Estero Golf Resort property, and
- immediate commencement of construction once a Development Order (DO) and Concurrency Certificate have been issued,

...if the following conditions are satisfied:

1. All of the provisions of the "Wal-Mart at Koreshan Road" power point document presented to ECCL's Wal-Mart Committee on February 12, 2004 are incorporated into the zoning by amendments to the Master Concept Plan (MCP) or as conditions that must be satisfied in order for the zoning to be implemented by Wal-Mart.

   Understood. The attached Master Concept Plan, Wal-Mart Option, includes all of the plan-specific items committed to by Wal-Mart in the referenced presentation. Please note that some of the items in the presentation will be included as conditions in the zoning resolution that will be compiled by Lee County staff.

2. The following conditions agreed upon at the February 12th meeting:

   - There shall be no truck deliveries between the hours of 8 p.m. and 4 a.m.

     Agreed. This item is shown under the Master Concept Plan changes.

- The only truck deliveries allowable between 4 a.m. and 6 a.m. are one bread truck on 6 days per week and one milk truck on 4 days per week because Wal-Mart has assured us that these trucks can be unloaded without disturbing adjacent homes and no backing up is required.

  Agreed. This item will be included as a condition in the Hearing Examiner's draft resolution for consideration by the BOCC. This condition was previously provided to Gerald Murphy for his use in preparing his report to the Hearing Examiner.

- The outlot shall be buffered in the same way and at the same time as the balance of the perimeter of the property along US 41 and Koreshan Boulevard.

  The outlot has been buffered in the same way as the perimeter of the property. This buffer will be installed at the same time as the buffer along Koreshan Boulevard and US 41. Refer to Sheets L-1 – L-3 which will be an exhibit to the zoning resolution.

- The delivery area 10 foot wall is extended around the north side of the building so that it buffers the noise from trucks that deliver goods to the north side of the building.

  Agreed. The 10' high wall is depicted on Sheets L-1 through L-3 which will be an exhibit to the zoning resolution.

- Install the berm, wall and landscaping along The Vines property line and along the perimeter of the property that fronts on US 41 and Koreshan Boulevard as soon as possible.

  Agreed. This item will be included as a condition in the Hearing Examiner's draft resolution for consideration by the BOCC. This condition was previously provided to Gerald Murphy for his use in preparing his report to the Hearing Examiner.

3. The following conditions:

- A detailed agreement between the parties that would assure the community that:
  i. The store will always be in compliance with all Lee County Codes,
  ii. The store, its parking lots and all other areas of the property are operated and maintained at a high level of cleanliness,
  iii. The store property is cleaned-up at least once every 6 hours and more often as required to maintain high appearance standards and an effective cart control system is adopted and implemented.
  iv. The security system is effective and responsive to community concerns.

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v. The landscaping must be maintained in order to achieve a high level of appearance. This will require joint monthly inspections plus additional joint inspections within 48 hours when requested by the community.

The agreement shall provide one or more community representatives with direct access to a Wal-Mart store official with the authority to resolve any problems and deficiencies. A maintenance bond, or other source of funding, must be available to pay the cost of remedying any deficiencies that are not addressed in a reasonable time by Wal-Mart. The agreement shall also provide for quarterly inspections by Lee County Code Enforcement staff. The details of this agreement must be agreed to by the parties before the Zoning is considered by the BOCC, so that the BOCC may add the agreement to the zoning.

As discussed in our March 8, 2004 meeting, Wal-Mart is agreeable to entering into an agreement with another legal entity regarding the above concerns. In addition, they are willing to provide an assurance (letter of credit, maintenance bond, etc.) to support their obligations under the agreement.

The most effective means of ensuring that the store operates consistent with the commitments made during the permitting process is for the community to meet with the store manager, once assigned, before the store opens. We will facilitate such a meeting in order to provide the foundation for a long-term relationship between the manager and the community.

- Prohibit temporary signs in the parking lots and throughout the property.

  Agreed. This item will be included as a condition in the Hearing Examiner's draft resolution for consideration by the BOCC.

- Insofar as possible work with FDOT and the community to further accelerate the widening of US 41 from Corkscrew Road to San Carlos Park.

  Agreed. Once Wal-Mart's rezoning request has been approved by the BOCC, it will actively reengage the County, FDOT, and the community on its willingness to help accelerate the widening of US 41.

- Work with the community and FDOT to prevent right-turns-on-red for west-bound traffic on Koreshan Boulevard at US 41.

  Agreed. Wal-Mart's traffic engineer will coordinate with Lee County DOT on placing a no-turn-on-red restriction on the westbound Koreshan right turn lane as part of the signal design, once warranted. It will ultimately be FDOT and Lee County DOT's decision to allow the restriction.

- Limit dumpster pick up and delivery hours to 8 a.m. to 4 p.m.

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Agreed. The limitation on retrieval of compactor containers will be included as a condition in the Hearing Examiner's draft resolution for consideration by the BOCC.

- Work with Florida Gulf Coast University (FGCU) and the community to install a "gateway" feature directly on the northeast corner of US 41 and Koreshan noting that this intersection is the western gateway to the University.

  As discussed in our meeting, Wal-Mart will require the future buyer of the outparcel to coordinate with the community on a reasonable gateway feature at the referenced location.

- Replace the Sabal Palms and the Dahoon Hollys in the seating area at the northwest corner of the store with 3 Live Oaks with a minimum 7 inch caliper, 20 to 25 feet in height and at least a 15 foot spread.

  The Sabal Palms and the Dahoon Hollys in the seating area at the northwest corner of the store have been replaced with 3 Live Oaks with a minimum 7" caliper, 20 to 25 feet in height and at least a 15' spread. Refer to Sheets L-1 – L-3.

- Replace the Sabal Palms and the Dahoon Hollys in the space between the store and the garden center with 2 Live Oaks with a minimum 7 inch caliper, 20 to 25 feet in height and at least a 15 foot spread.

  The Sabal Palms and the Dahoon Hollys in the space between the store and the garden center have been replaced with 2 Live Oaks with a minimum 7" caliper, 20 to 25 feet in height and at least a 15' spread. Refer to Sheets L-1 – L-3.

- Increase the depth of the four planting areas immediately in front of the store from 5 feet to a minimum of 8 feet. Any loss of space in the parking lot may be overcome by reducing the depth of the parking lot end-cap planting areas nearest US 41 or by expanding the planting areas toward the parking lot curb.

  The depth of the four planting areas immediately in front of the store has been increased to approximately 12 feet. Please refer to Sheets L-1 – L-3.

- Replace the proposed trees in the northern and southern planting areas immediately in front of the store with 9 Sabal Palms (3 with 15 foot clear trunks (ct); 3 with 20 foot ct and 3 with 25 foot ct) in each planting area.

  The trees in the northern and southern planting areas immediately in front of the store have been replaced with 9 Sabal Palms as requested. Refer to Sheets L-1 – L-3.

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- Increase the height of the Dahoon Hollys in the two center planting areas immediately in front of the store to 15 feet.

  Please refer down 2 comments to Item iii.

- Increase the width of the perimeter buffers along US 41 and Koreshan Boulevard, including any outlots, to 30 feet including a berm that is at least 2 foot higher than the top of the curb in the adjacent parking lot.

  The buffer along US 41 has been revised to include a berm that is 2 foot higher than the adjacent roadway. As discussed in our meeting, we appreciate your considering allowing us to retain the 25 foot wide buffer with upgraded landscaping along US 41. The buffer along Koreshan Boulevard exceeds 30 feet in width.

- Amend the table in Sheet L-3 of the proposed plans in the following ways:
  i. Delete the Live Oaks QV classification and replace all these trees with Live Oaks of the QV2 classification.

     Based on our March 8, 2004 meeting, we understand the ECCL is currently evaluating our request to avoid upgrading these trees, or upgrading them only in the buffer areas, since they are located in areas which do not provide the most significant impact for the community.

  ii. Replace the Crepe Myrtals with Tree Form "Rhapiolepis Index" majestic beauty trees or "Queen's Crepe Myrtals".

     Based on our March 8, 2004 meeting, we understand the ECCL is currently evaluating our request to avoid replacing these trees since they are located in areas which do not provide the most significant impact for the community.

  iii. Upgrade the Mahogany and Dahoon Hollys to 45 gallon, 3 inch caliper, 12 - 14 foot high trees with minimum spread of 6 - 7 feet.

     The Dahoon Hollys have been upgraded to 45 gallon, 3" caliper trees with a height of 12-14 feet and a spread of 6-7 feet. The palms in the area of the building have also been upgraded. The Mahogany were not upgraded based on our meeting on March 8, 2004 where it was agreed that we would replace the trees which would provide the greatest impact for the community.

     Also, please note that the Dahoon Hollys were upgraded to a height of 12-14 feet as requested in this comment which conflicts with the request of 15 feet 2 comments above.

  iv. Replace the 'Blue Pacific" Junipers with "Parsonii" Junipers.

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The "Blue Pacific" Junipers have been replaced with "Parsonii" Junipers.

v. To help pay for some of these increases reduce the Cordgrass and Muhly Grass to the 1 gallon size.

The Cordgrass and Muhly Grass have been reduced to the 1 gallon size.

- Plant three clusters of minimum 10 foot high Cypress trees in the dry detention area adjacent to Koreshan Boulevard with one group consisting of 7 trees and two groups with 5 trees each.

  Cypress trees have been provided in the dry detention area adjacent to Koreshan Boulevard. Refer to Sheets L-1 – L-3.

- Plant nine clusters of minimum 10 foot high Cypress trees in the dry detention area adjacent to The Vines with 3 groups consisting of 7 trees and 6 groups with 5 trees each.

  Cypress trees have been provided in the dry detention area adjacent to The Vines. Refer to Sheets L-1 – L-3.

- Configure the parking lots with landscaping and sidewalks that are equivalent to the design contained in the Master Site Plan and Site Plan prepared by Kimley-Horn & Associates, Inc. for Wal-Mart Store Number 2963-00 in Coral Springs, Florida dated 6/29/00. This design includes wide landscape buffers every third parking lot row with serpentine walkways extending from the store to the outer edges of the parking lot. This standard has been incorporated into Estero's proposed "big box" standards for "Big Boxes" that are not buffered by rows of outlots. The revised parking lot plans and the landscaping included therein must be approved by the community prior to BOCC approval of the rezoning of the project.

  Sidewalks with landscaping have been added to the 3 large landscape islands in the parking lot. Please refer to Sheets L-1 – L-3.

- Fully satisfy the "comments and suggestions contained in the "Memorandum From Department of Community Development Division of Environmental Sciences" to Jerry Murphy from Kim Trebatoski regarding "Estero Golf Resort MPD" dated February 24, 2004.

  See separate response below.

- Wal-Mart continues to work with all the neighboring communities, our expanded Wal-Mart committee and other Estero institutions to resolve all community issues regarding the proposed Coconut Road store as you have on the Koreshan store.

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We are currently working with the community to address concerns on the Coconut Road store.

Ms. Trebatoski:

1. Littoral plants do not meet the minimum one herbaceous plant per linear foot of shoreline (Pond 1 has 2,350 1f with only 1,175 plants; Pond 2 has 1,900 1f with only 950 plants).

   The plans have been revised to meet the requirement. Please refer to Sheets L-1 – L-3.

2. The Buffer Schedule does not properly list the required Estero Community buffers per LDC Section 34-1004 or domestic compliance with these requirements. The buffer between commercial and multifamily must be a minimum 20 feet wide with 10 trees and 30 shrubs per 100 1f. The right-of-way buffers must be a minimum 20 feet wide.

   The attached plans will be revised to show the correct buffer requirement of 10 trees per 100 lf, however, please note that the number of trees provided on Sheet L-3 exceed 10 trees per 100 lf.

3. The right-of-way buffer detailed along Koreshan Blvd. does not include a double staggered hedge.

   The double staggered hedge has been provided along the back of curb for enhanced screening.

4. Is the quantity of understory plants proposed along Koreshan Blvd. and US 41 a total for the length of the buffer or the amount per 100 1f?

   The calculations for the understory plants represent the quantity required for the length of the buffer.

5. The building perimeter planting requirements is not met. Plan states 20,307 sf required with only 16,874 sf provided.

   The plan has been revised to meet the building perimeter planting requirement. Please refer to Sheets L-1 – L-3.

6. The plan does not address the required enlarged building perimeter planting requirement per LDC Section 10-416(b).

   The plan has been revised to meet the enlarged building perimeter planting requirement. Please refer to Sheets L-1 – L-3.

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7. The increased height of trees is from 10-foot to 13-foot. ES staff recommend the use of 16-foot 4-inch caliper trees if the plan is trying to provide larger than LDC required trees.

   The Dahoon Holly's, Palms, and Live Oaks have been upgraded beyond Lee County requirements in response to specific requests from the community.

8. ES staff encourage the incorporation of more native shrubs and groundcover plants.

   The native shrub and groundcover plants have been increased to 68.1%. Please refer to Sheet L-3.

9. It is unclear if there are overhead power lines along US 41 or Koreshan Blvd. The presence of overhead power lines would necessitate the use of trees with a maximum mature height of 20-30 feet.

   There are overhead power lines located along Koreshan Blvd., however, there is a minimum offset of 10 feet from the lines to the nearest tree.

10. ES staff prefer to have conditions and/or exhibits that detail how the landscaping will exceed the LDC requirements than to approve an overall landscape plan through the planned development. An adopted landscape plan in conjunction with the planned development zoning limits the ability to adjust the plant species or locations at time of local development order review.

    The applicant currently has engineering and landscape plans under review with Lee County as part of its DO application – a response to the 2nd RAI for the DO application was resubmitted concurrently with the Supplementary MPD (rezoning) submittal. The applicant requests that the reviewer indicate, as part of the DO application review, if any of the plant species or locations need adjusting.

Please do not hesitate to contact us if you require additional information, or if you have any questions on the enclosed.

Sincerely,
CPH ENGINEERS, INC.

Judson C. Pankey, P.E.
Associate Vice President/Branch Manager

cc: Neale Montgomery, Pavese, et.al.
Jason Toole, CPH
Lisa Williams, CPH
File

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cph
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March 19, 2004

Gerald Murphy
Department of Community Development
Zoning Division
P.O. Box 398
Fort Myers, Florida 33902-0398

RE: Wal-Mart #5347-00, Estero
DCI2003-00058 – PDL Application (Major PD)
CPH PN: W13303

Dear Gerry:

We are pleased to let you know that the Estero Community has issued a Position Paper which supports the rezoning request for the above project with conditions. Nearly all of the conditions, with the exception of a few landscape issues, have been agreed to by Wal-Mart (see attached response). We understand the Wal-Mart Committee of the Estero Council of Community Leaders is currently evaluating our request for cooperation on the aforementioned landscape issues.

We had previously provided to you a list of conditions and changes/deviations. Some of the conditions and changes need to be modified per recent meetings with the community, as outlined below:

1. Condition No. 16(a)(iii) of the Proposed Conditions that were transmitted to you by Neale Montgomery, Esq., on March 2, 2004 should be modified to show *three* daily Wal-Mart general merchandise trucks instead of one. The time of the deliveries remains unchanged.
2. Change No. 6 of our February 16, 2004 letter to you listing the changes and deviations to the Estero Golf Resort MPD for the 'Wal-Mart Option' should be modified to read, 'Commercial tracts MPD-1 and MPD-3 shall be restricted from having deliveries between 8 PM and 4 AM.' As you are aware, the applicant had previously requested no restrictions on hours of deliveries.

In support of your preparation of the project for the Hearing Examiner, please find enclosed:

1. Twelve (12) sets of 24"x36" MPD Amendment Plans, including Sheets C-1 through C-3 revised per our February 16, 2004 letter defining the changes to the MPD and deviations from the LDC (as modified above), and the commitments made by the applicant to the Estero community. The plan is consistent with the list of conditions (as modified above) previously provided to you by Neale Montgomery, Esq.

2. Twelve (12) sets of signed and sealed landscape plans, revised in response to the *draft* Position Statement from the Wal-Mart Committee of the Estero Council of Community Leaders, labeled as Exhibit "B", for the Wal-Mart Option.
3. Twelve (12) sets of colored, 11"x17" architectural elevations labeled as Exhibit "A" for the Wal-Mart option.
4. Twelve (12) copies of the written response to the draft Position Statement by the Wal-Mart Committee of the Estero Council of Community Leaders. Kim Trebatoski's memo to you, dated February 24, 2004, was included by reference in the Position Statement, so the applicant's written response also includes a response to Ms. Trebatoski's comments.

We respectfully request written notification of the date on which the MPD Amendment application will appear before the Hearing Examiner. Previously you indicated that April 1, 2004 would be the date, however, we would appreciate your confirmation of this date.

We appreciate your continued cooperation on this project and look forward to appearing before the Hearing Examiner in the near future. Please do not hesitate to contact us should you require any additional information.

Sincerely,
CPH ENGINEERS, INC.

Judson C. Pankey, P.E.
Vice President

xc: Neale Montgomery, Pavese, et.al. (w/attachments)
Estero Land Holdings (w/attachments)
Osprey Cove of Lee County (w/attachments)
Estero Council of Comm. Leaders, its Wal-Mart Comm. (w/attachments)
JT, LW

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May 7, 2004

Gerald Murphy
Department of Community Development
Zoning Division
P.O. Box 398
Fort Myers, Florida 33902-0398

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RE: Wal-Mart #5347-00, Estero
DCI2003-00058 – PDL Application (Major PD)
CPH PN: W13303

Dear Jerry,
Please review the responses below to the memorandum provided to us by Don Eslick, dated April 16, 2004. Please note that our responses are shown in bold.

- Increase the width of the US 41 berm in order to permit the larger trees they have agreed to plant there the room they need to grow and thrive and to be consistent with the other major developments along US 41, Coconut Point and North Point.

  The US 41 berm has been increased to the requested 30'.

- Provide three, appropriately spaced, full-length landscaped sidewalk medians in the main parking lot as was provided in Coral Springs and is called for by our proposed "big box standards".

  Per the meeting on April 27th with the ECCL Committee Members, there are now two full length landscaped sidewalk medians, 1 full length landscaped median, and 1 shorter landscaped sidewalk median.

- Limit the use of the outlot to a bank, a high-end restaurant or an office building built in an architectural style that is consistent with the Mediterranean architecture of the Wal-Mart store.

  Wal-Mart has agreed to this condition.

- Expeditiously draft an agreeable contract between the community, The Vines (as surrogate for the Estero Community), Wal-Mart and Lee County incorporating bond provisions that back up requirements that will ensure that Wal-Mart will continuously operate the store in a secure, noise free, clean, well landscaped, environmentally appropriate and code compliant manner. The agreement will provide for an adequate bond, periodic

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inspections, manager orientation meetings with the community and neighbors and effective enforcement provisions.

The draft of the contract has been completed. Neale Montgomery and Matt Uhle are currently working out the minor details and language.

- Replace the bahia sod in all the dry detention areas on the property with spartina grass. This will cost more at installation but is less expensive to maintain and is more attractive.

  The bahia sod has been replaced with spartina grass.

- Correct the notations on Sheet L-1 that incorrectly labels Enlarged Landscape Plan areas 1A and 1B.

  Sheet L-1 has been revised.

- In Enlarged Landscape Plan 3 on page L-1C we recommend that Wal-Mart apply the use of "mass plantings" that would incorporate the trees within their beds as opposed to the stringy application of hedgerows along the walkways and parking islands. The island areas also should be massed instead of lined with plants. This application will not only look better and ultimately function better, it will also be far easier to maintain. Thereby ultimately costing less in the long run.

  The landscape plans have been revised to use "mass plantings".

- Replace Drake Elm trees with Pigeon Plum, Satin Leaf, Paradise Tree or Tabeois Trees inasmuch as Drake Elms do not do well in Southwest Florida.

  The Drake Elm trees have been replaced with Satin Leaf.

- Replace Wax Myrtle with Florida Privet or Walter's Viburnum.

  The Wax Myrtle have been replaced with Walter's Viburnum.

- Replace Nandina with a comparable plant that does well in Southwest Florida.

  The Nandina has been replaced.

- Replace the Variegated Liriope with Natal Plum or dwarf Youpon Holly.

  The Variegated Liriope has been replaced with Yaupon Holly.

- On page L-2, Enlarged Landscape Plan 2 fails to specify the clear trunk height of the four Sabal Palms on the left hand side of the plan.

  Sheet L-2 has been revised to specify the clear trunk height.

- On page L-2, Enlarged Landscape Plan 6 use Cocoplum on the outside perimeter hedge rather than Wax Myrtle.

  Muhly Grass was called out not Wax Myrtle. The plan has not been changed, there was a duplicate abbreviation for wax myrtle and Muhly Grass, the call out for wax myrtle has been revised.

- On page L-3 our landscape people indicate that the typical Live Oak with a 3 inch minimum caliper is typically 14 to 16 feet in height, not 13 feet; Mahogany trees with a 3 inch minimum caliper are typically 14 to 16 feet in height, not 12 feet; and Dolly Mahoon trees with a 3 inch caliper are typically 14 to 16 feet in height, not 12 to 14 feet.

  The plant heights for the Live Oak and Mahogony have been modified, as per our meeting the Holly trees will remain at 12'-14' height.

In support of our resubmittal, please find enclosed:

1. Twelve (12) copies of the revised Site Plan.
2. Twelve (12) copies of the revised Landscape Plans.

Please do not hesitate to contact us if you would like to discuss the above or enclosed.

Sincerely,

Jason Toole

Jason Toole, E.I.
CPH ENGINEERS, INC.

xc: Lisa Williams, CPH
Judson C. Pankey, P.E., CPH
Neale Montgomery, Esquire
Peter Klein, MeLandCo

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THE SCHOOL DISTRICT OF LEE COUNTY

2055 CENTRAL AVENUE • FORT MYERS, FLORIDA 33901-3916 • (239) 334-1102 • TTD/TTY (239) 335-1512

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DISTRICT 3

STEVEN K. TEUBER
DISTRICT 4

JAMES W. BROWDER, ED.D.
SUPERINTENDENT

KEITH B. MARTIN
BOARD ATTORNEY

April 20, 2004

Mr. Gerald Murphy, AICP
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

Re: Estero Golf Resort MPD, DCI Substantive Review, Case #DCI2003-00058

Dear Mr. Murphy:

Thank you for the opportunity to review the Estero Golf Resort MPD for substantive comments with regard to educational impacts. This proposed development is in the South Choice Zone of the District, on Estero Parkway (fka Koreshan Boulevard) in the Estero Planning Area. This letter is in response to your request dated April 9, 2004.

Although this project appears to be going forward as a Wal-Mart Supercenter, a Master Concept Plan labeled "Existing Option" was submitted. Note #1 on this Plan states "Withdrawn"; however, it is unclear whether the note refers to a separate, unnamed item or to the Master Concept Plan itself. Note #2 on the Plan states that there are 820 residential units, and notes that single and multifamily units may be converted on a 1:1 ratio. Given the somewhat conflicting information, the Lee County School has calculated the student generation rate based on the maximum number of single family units and the maximum number of multifamily units.

Based on the proposed maximum total of 820 single family residential dwelling units, the Lee County School District is estimating that the proposal could generate up to 289 additional school-aged children. This uses a generation rate of 0.352 students per unit generated in the South Choice Zone of Lee County for single family uses. This would create the need for approximately 13 new classrooms in the system, as well as additional staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated.

Based on the proposed maximum total of 820 multifamily residential dwelling units, the Lee County School District is estimating that the proposal could generate up to 89 additional school-aged children. This uses a generation rate of 0.109 students per unit generated in the South region of Lee County for multifamily uses. This would create the need for approximately 4 new classrooms in the system, as well as additional staff and core facilities. Using the new small classroom legislative guidelines, additional classrooms may be generated.

The Lee County Board of County Commissioners adopted a School Impact Fee Ordinance on November 27, 2001, effective at this time. As such, the Estero Golf Resort MPD developers will be expected to pay the impact fee at the appropriate time.

Thank you for your attention to this issue. If I may be of further assistance, please give me a call at (239) 479-4205.

Sincerely,

Kathy Babcock

Kathy Babcock, Long Range Planner
Department of Construction and Planning

Cc: William G. Moore, Jr.
Executive Director, School Support

2211 Peck Street, Suite 300
Fort Myers, Florida 33901
Phone: 239.332.5499
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www.cphengineers.com

April 8, 2004

Gerald Murphy
Department of Community Development
Zoning Division
P.O. Box 398
Fort Myers, Florida 33902-0398

APR 09 2004

RE: Wal-Mart #5347-00, Estero
DCI2003-00058 – PDL Application (Major PD)
CPH PN: W13303

Dear Jerry,
Please review the responses below to the memorandum provided to us by Don Eslick, dated March 31, 2004. Please note that our responses are shown in bold, italic type.

- Ask Wal-Mart to provide "Enlarged Landscape Plans" such as are included in L1-B and L2 for the following areas: a) the buffer area around the outlot; b) the buffer area immediately adjacent to The Vines; c) one of the two sidewalk/landscape areas in the parking lot and d) the short sidewalk/landscape area at the south end of the main parking lot.

  The additional plan details have been included. Please refer to the attached Landscape Plans.

- Ask Wal-Mart again to move the handicapped parking from the two sidewalk/landscape areas to adjacent parking rows.

  The handicapped parking spaces have been relocated from the two sidewalk/landscape areas.

- Ask Wal-Mart to limit deliveries before 7 a.m. to one bakery truck and one dairy truck daily.

  Deliveries before 7 a.m. will be limited to one bakery truck and one dairy truck daily.

- The Council of Community Leaders continue to support the following positions it presented to Wal-Mart at our meeting on March 8th:

- Increase the width of the perimeter buffers along US 41 and Koreshan Boulevard, including any outlots, to 30 feet including a berm that is at least 2 foot higher than the top of the curb in the adjacent parking lot. This is the standard that we have established with Oakbrook Properties and the Simon Group and want all Estero developers to be treated equally in this regard, but especially those with large parking lots immediately behind those buffers.

  The buffer along Koreshan Boulevard is already a minimum of 30 feet wide. The buffer along US 41 is proposed to remain 25 feet wide in order to meet Wal-Mart minimum parking requirements. We have added a berm that is 2 foot higher than the adjacent roadway at both locations.

- Delete the Live Oaks QV classification and replace all these trees with Live Oaks of the QV2 classification. The committee believes that 2 inch caliper, 10 foot trees with 4 to 5 foot spreads are too small for either shielding the roadway buffer areas or for the visually breaking up the parking lots.

  The QV classification has been replaced with the QV2 classification.

- Replace the Crepe Myrtals with Tree Form "Rhapiolepis Index" majestic beauty trees or "Queen's Crepe Myrtals". The Committee believes that Crepe Myrtals are not sufficiently attractive or visually effective buffers during the "season".

  The Crepe Myrtals have been replaced with Queen's Crepe Myrtals.

- Upgrade the Mahogany and Dahoon Hollys to 45 gallon, 3 inch caliper, 12 - 14 foot high trees with minimum spread of 6 - 7 feet.

  The Mahogany and Dahoon Hollys have been upgraded to 45 gallon, 3 inch caliper, 12 –14 foot high trees with a minimum spread of 6 –7 feet.

In support of our resubmittal, please find enclosed:

1. Twelve (12) copies of the revised Site Plan.
2. Twelve (12) copies of the revised Master Plan Sheets C-1 – C-3.
3. Twelve (12) sets of revised Landscape Plans.

Please do not hesitate to contact us if you would like to discuss the above or enclosed.

Sincerely,

Jason Toole, E.I.
CPH ENGINEERS, INC.

xc: Lisa Williams, CPH
Judson C. Pankey, P.E., CPH

2211 Peck Street
Suite 300
Fort Myers, Florida 33901
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December 17, 2003

Gerald Murphy
Department of Community Development
Zoning Division
P.O. Box 398
Fort Myers, Florida 33902-0398

RECEIVED
DEC 17 2003
ZONING COUNTER

RE: Wal-Mart #5347-00, Estero
DCI2003-00058 – PDL Application (Major PD)
CPH PN: W13303

Dear Jerry:

We appreciate your meeting with us on Friday, December 5, 2003, to discuss the insufficiency comments, dated November 26, 2003, on the above project.

As we discussed in our meeting, it is necessary for Wal-Mart to preserve the existing zoning entitlements for the current owner of the property while proceeding to amend the same entitlements for an alternate plan for a Wal-Mart shopping center. Therefore, we would like to modify our application to amend the existing Master Concept Plan to be the 'Wal-Mart Option' and would like to retain the existing entitlements approved by Resolution Z-01-012a and administratively amended by ADD 2003-00014 as the 'Existing Option'. The Amendments to the Master Concept Plan has been labeled Wal-Mart Option and the original resolution and administrative amendment have been enclosed as the exhibit for the Existing Option.

We offer the following responses or additional information as detailed below in boldface type.

6) All applications requiring a public hearing must include the following: [34-202(a)]

Please refer to 6a)

6a) Legal description. The request must include a legal description of the property upon which the action is to be initiated. [34-202(a)(1)]

This project proposes an amendment to an approved MPD. A legal description and certified sketch of description for the perimeter boundary of the entire MPD is required, but it cannot be a previously stamped copy of the original MPD application. (See 6a1 for more details).

Please find attached signed and sealed 11 x 17 copies of the sketch and legal description for the entire 314.6 acre Estero Golf Resort MPD.

6a1) The legal description must be sufficiently detailed so as to locate the property on county maps or section aerial photographs. [34-202-(a)(1)]

Please refer to the following:

6a3) If the application includes multiple abutting parcels or consists of other than one or more undivided platted lots, the legal description must specifically describe the perimeter of

the total property, by metes & bounds with accurate bearings and distances for every line, but need not describe each individual parcel. [34-202(a)(1)]

The application proposes to amend an existing MPD. The metes and bounds description(s) for the boundaries of the entire MPD are required. These should be printed on 8.5 x 11 sheets in a clearly legible manner suitable for recording and accompanied by a certified sketch or survey for verification of agreement and accuracy.

Please find attached 8.5 x 11 copies of the sketch and legal description for the entire 314.6 acre Estero Golf Resort MPD.

7) Miscellaneous Items.

Sufficiency or non-applicability of legal requirements subject to change upon review of subsequent resubmittals.

Understood.

8) Contact. The planner may be contacted regarding any questions on this Checklist.

Luis G. Machado @ (239) 479-8485

Development Review Checklist

2) Deviations. The application and Master Concept Plan include a schedule of deviation including detail drawings and written justifications. [34-412(a)]

It appears that the Master Concept Plan, as proposed, will require additional deviations such as:
1) Excavation setback from property line and from road right-of-way.
2) Deviation to place water management facility off-site.

As discussed in our meeting on Friday, December 5, we have modified the list of deviations shown on the Amendments to the Master Concept Plan (Wal-Mart Option) to include reducing the stormwater pond setbacks from property lines and road rights-of-way to that shown on the plan. The off-site water management facility has been deleted.

3) Zoning Traffic Impact Statement. A zoning TIS is required. [34-373(a)(7)]

Per our meeting on Friday, December 5, a zoning TIS for the Wal-Mart Option is attached for your review.

5) Contact. The reviewer may be contacted regarding questions on the Development Review Sufficiency Checklist.

Contact Bob Rentz @ 479-8587 X12

T.I.S. Checklist

2) Trip End Rates or Equations. The TIS must contain the equations or the average trip end generation rates for each type of use proposed and the name of the document from which this information was obtained (i.e. ITE TRIP GENERATION, current edition).

The trip generation should include the two commercial tracts, MPD-3 and MPD-4.

Tract MPD-2 and MPD-4 have been eliminated from the Master Concept Plan. The remaining tracts have all been included within the attached revised TIS.

4) Background Traffic. The TIS must contain 100th highest traffic hour traffic for the current year and for the year following the year in which the project is expected to be completed.

The background traffic should include traffic from the approved residential tract MPD-5

The residential tract has been included within the attached revised TIS.

7) Level of Service Analysis. The TIS for projects generating more that 100 net new trips during the A.M. or P.M. peak hour of the adjacent street must contain an analysis of the Level of Service for all links within the area of influence.

1. The Lee County D.O.T. link-specific service volumes should be used, instead of the generalized volumes.
2. Table 2-A: The K100 factor and D factor for PCS no. 10 and 15 are incorrect.

The 2002 Traffic Count Report has year 2002 data for Koreshan Blvd. Using this data and 5 years growth, the CGR would be higher than shown.
Utilizing the link-specific service volumes, the LOS on Three Oaks Pkwy will be different than shown.

These items have been corrected. Please refer to the revised TIS for the revisions.

8) Arterial Analysis. The TIS for projects generation more than 300 trips during the A.M. or P.M. peak hour of the adjacent street must contain an analysis of the arterial road accessed or impacted in the area of influenced of the project following the methods established in the most current edition of the HIGHWAY CAPACITY MANUAL for an urban or suburban road.

See above comments.

See revised report.

11) Contact. The reviewer may be contacted with any questions relative to this TIS Sufficiency Checklist.

Contact Bob Rentz @ 479-8587 X12

LCDOT Sufficiency Checklist

1) The site traffic assignment numbers in Figure 4 do not add up in some instances. The number of vehicles departing the eastern driveway on Koreshan Boulevard proceeding westbound do not match the number approaching the western driveway in the PM peak hour. Similarly, the vehicles departing the western driveway do not equal the number approaching the U.S. 41 intersection. This inconsistency occurs in both the AM and PM traffic distribution. Figure 4 and any dependent intersection analyses should be revised.

Figure 4 has been revised as a part of this response. See the revised TIS.

2) The most recent link-specific service volumes may be more appropriate for use in Table 1A if the project build out is les than five years.

See the revised TIS.

3) Table 2A should be revised to use data from the 2002 Lee County Traffic Count Report. The reported ASKT, K and D factors for 2002 should be used to calculate the base year peak hour, peak season, peak direction volume. The approximately 350 AADT increase in background traffic on Koreshan Boulevard appears to be simply based on historic growth rates. The increase does not appear to include added traffic from approved development of the roadway extension east to Ben Hill Griffin Parkway.

Based on the capacity for a four-lane Koreshan Boulevard (2,770 veh), there will be plenty of available capacity on this roadway when the Wal-Mart development is completed. A 10% annual growth rate was applied to Koreshan Boulevard to account for additional developments on Koreshan Boulevard.

4) It may be more appropriate to add a segment for analysis in Table 1A and 2A on U.S. 41 from Koreshan Boulevard to the project entrance.

See the revised Tables 1A and 2A.

5) The directional split on U.S. 41 in Figures 2 and 7 appear to be based on calculated from the nearest permanent count station 25 on U.S. 41 south of San Carlos Boulevard.

Figures 2 and 7 are based upon turning movement counts performed by Metro in December, 2003.

6) The SYNCHRO intersection analysis of the intersection with U.S. 41 reflects U.S. 41 in the six-laning condition, not the existing four-lanes. A HCS unsignalized intersection analysis should be submitted. The TIS does not discuss the status of the proposed southbound left at the U.S. 41 driveway in the Florida Department of Transportation design plans.

The site entrance to U.S. 41 has been analyzed based on both four-lane conditions of U.S. 41 and the future six-lane conditions of U.S. 41. Please see the attached revised TIS.

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.

Andy Getch @ 479-8510

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

9c) Zoning and Land Use Map. A map or other depiction of the existing zoning and current land uses (i.e. single family residence, multiple-family building, retail commercial, office building, etc.) surrounding the tract or parcel to a distance of 500 feet [34-373(a)(4)c.]

Exhibit IV-A-2 does not include entire area of MPD.

Please find enclosed *Exhibit III-A-2* showing the existing land uses and zoning for the parcels within 500 feet of the entire MPD.

11) Master Concept Plan. All applications must be accompanied by a graphic illustration (Master Concept Plan) of the proposed development. [34-373(a)(6)]

Master Concept Plan does not show boundaries of entire planned development. If no changes are proposed in the remaining portions of the MCP, then those areas should be indicated as approved in previous resolution, unless otherwise amended. See ADD 2003-00014.

Please find attached a revised Amendments to the Master Concept Plan (Wal-Mart Option) which includes an inset of the entire existing Estero Golf Resort MPD with the remaining portions of the MCP shown as being unmodified.

Please refer to Exhibit F of Resolution Z-01-012a for the Master Concept Plan for the Existing Option.

12) Scale of Plans/Required Information. The Master Concept Plan must be clearly legible and drawn at a scale sufficient to adequately show and identify the following information. [34-373(a)(6)]

Please see the following:

12b) Vehicular Access. The exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development. [34-373(a)(6)b]

Access to areas should be consistently indicated by arrows. Unclear from 11/05/03 response which access to multi-family tract will be for emergency vehicles only.

The Amendments to the Master Concept Plan (Wal-Mart Option) has been revised to more clearly show access points to the multi-family parcel, the Vines, and possible future cross access to the existing commercial tract located north of the applicant's site and adjacent to U.S. 41. The access to the multi-family tract for use by emergency vehicles only has been clearly labeled.

With regards to the possible future cross access to the existing commercial tract located north of the applicant's site in front of The Vines development, we have met with The Vines regarding this interconnection and the residents clearly stated they did not favor this interconnection. The applicant recognizes the LDC favors interconnection of commercial parcels to help maintain capacity on the main thoroughfare. However, the applicant wants it to be clear that the interconnection, if provided, will be provided only at the direction of Lee County and/or FDOT since The Vines do not support the interconnection.

12c) Streets. If it is a subdivision, the plan must also show the general location of all proposed internal street rights-of-way or easements, and the general location of all points of vehicular ingress and egress from the proposed internal rights-of-way or easements into multiple-family, commercial or industrial use lots. [34-373(a)(6)b]

Master Concept Plan does not indicate proposed ROW lines and other easements.

As you indicated in our December 5 meeting, we understand that FDOT has indicated to Lee County their intent to request that we provide a cross access easement to the existing commercial tract located north of our site and adjacent to U.S. 41. This cross access easement has been shown as requested on the Amendments to the Master Concept Plan (Wal-Mart Option).

12d) Other Master Concept Plan Parcel Requirements. Where the subject property is to be divided into lots or parcels, the Master Concept Plan must indicate the following: [34-373(a)(6)c]

Property development regulations and a specific schedule of uses with total floor areas for each use has not been provided.

At the December 5, 2003 meeting with the staff, the issue of identifying a floor area for each use was discussed. The applicant noted that this is an approved MPD, and the list of uses was approved without the inclusion of the total floor area for each use. The changes being requested by the applicant are not of a nature that would prompt the need to include the total floor area. The applicant is proposing two alternatives, the "existing option" is not changing, and the "Wal-Mart option" would end up being a reduction in square footage. The Director, Ms. Houck, after careful consideration of the debate on this issue, agreed with the applicant that the applicant did not have to provide square footages or floor area for each use.

12d2) Lot Coverage. The lot coverage for each lot or parcel (including outparcels). [34-373(a)(6)c]

Proposed lot/site coverage is not indicated on plan.

We have verified that the proposed Wal-Mart parcel will have a 18.97 Acres +/- (56.8%) of imperviousness (including 80% impervious on the out parcel) and the multi-family parcel will have 11.00 Acres +/- of imperviousness (43.6%) for a total imperviousness of 29.97 Acres +/- (51.1%).

12d3) Setbacks. The minimum proposed setbacks for principal structures on each lot or parcel (including outparcels). [34-373(a)(6)c]

Setbacks have not been indicated.

As discussed in our meeting on December 5, we have attached a Property Development Regulations table showing the proposed setbacks for the parcel proposed to be changed by the Amendments to the Master Concept Plan (Wal-Mart Option). Please note the enclosed Property Development Regulations table includes the same requirements as the table labeled as Exhibit B in Resolution Z-01-012a covering the Existing Option.

12d4) Uses. The proposed use of each lot or parcel (including outparcels) keyed to the list of proposed uses submitted with the application. If the property development regulations for a specific zoning district will be used, reference to the specific district will be sufficient. [34-373(a)(6)c.]

Specific uses proposed are not indicated.

Please refer to the response for 12d, above.

12e) Development Areas. Individual development areas (i.e. residential, retail, office, manufacturing, mixed use-listed, etc.) must be identified with detail showing the following: [34-373(a)(6)d]

Proposed building heights and individual development areas have not been provided.

The enclosed Property Development Regulations table for the Wal-Mart option includes the maximum building heights of the proposed development areas.

12e2) Height. The maximum height, in feet and number of habitable stories, of any proposed buildings or structures. If parking under the buildings is proposed, the number of stories proposed for parking must be indicated and included in the total maximum height of the buildings. [34-373(a)(6)d.ii.]

Maximum building heights have not been indicated.

Please refer to the response to 12e, above.

12e6) Commercial/Industrial. If commercial or industrial is proposed, the type(s) and the total floor area of each type. [34-373(a)(6)d.vi.]

Is this proposed for only these tracts, or will commercial floor area be considered in other parts of this MPD?

Please refer to the revised Amendments to the Master Concept Plan (Wal-Mart Option) and our response to Comment No. 11 of the *LCDOT Sufficiency Checklist* section, above.

12f) Service Areas. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions. [34-373(a)(6)e]

Service areas for loading and unloading, circulation patterns and proposed buffering have not been indicated.

As discussed in our meeting of December 5, the service areas for loading and unloading have been indicated on the revised Amendments to the Master Concept Plan (Wal-Mart Option). The circulation patterns were addressed under Comment No. 12b under the *LCDOT Sufficiency Checklist* section, above. The proposed buffering has been more clearly depicted on Cross Sections B-B and E-E shown on the revised Amendments to the Master Concept Plan (Wal-Mart Option). As requested, the Landscape Plan for the Wal-Mart parcel currently under review by the County as DOS2003-00222 is being provided as an exhibit in support of the Wal-Mart Option.

12h) Open space design plan delineating the indigenous preserves and/or native tree reservation areas as required per LDC Section 10-415(b). [34-373(a)(6)g.]

Open space and indigenous preserves have not been indicated on the Master Concept Plan.

Per our meeting, the two conservation areas have been appropriately labeled as open space and indigenous area on the revised Amendments to the Master Concept Plan (Wal-Mart Option). The minimum open space requirements are not proposed to be modified as part of the Wal-Mart Option, hence, they are the same as the requirements shown in the Existing Option.

12i) Open Space. The percentage of open space, unless the proposed development consists solely of conventional single gamily dwelling unit on lots of no less thank 6,500 square feet. For commercial or industrial developments, the percentage of open space within each lot or outparcel must be per 34-414c. [34-373(a)h.]

Open space not designated on the Master Concept Plan.

Please refer to the response to 12h, above.

12j) Excavations. The general location of excavations for on-site fill and wet retention. [34-373(a)(6)k.]

Add note that all cut soil excavated will be retained for on-site fill. MCP currently indicates such with regard to the lakes.

Per your request, the note on the Amendments to the Master Concept Plan (Wal-Mart Option) has been revised to state that all excavated soil will be retained on site for fill.

12l1) Removal From The Property. If the applicant proposes to remove excavated material from the property a Planned development for mining and a general mining permit may be required. See 34-329(f)(7). [34-373(a)(6)k.]

See 12l.

Understood. No removal of excavated material is proposed.

12l2) Flow Ways. If the development is within a floodplain or flow way, it is the applicant's responsibility at the time of local development order or SFWMD permitting to compensate for impacts to flood storage capacity or flow ways due to filling of the site. [34-373(a)(6)k.]

USGS (Estero) quad map indicates isolated wetlands on site.

A total of 36.06 acres of wetland impact are proposed in association with the development of this project site. A combination of on-site and off-site mitigation is proposed to offset these impacts. The proposed on-site mitigation includes the restoration of 8.66 acres of wetlands and 3.7 acres of uplands. The off-site mitigation will be the purchase of 5.8 credits from the Panther Island Mitigation Bank. Please refer to the attached Mitigation Plan prepared by Lotspeich & Associates and submitted to the SFWMD.

14b) Units by Uses. The number of units (gross square feet for commercial/industrial uses, number of units for residential or motel/hotel uses, number of \beds for institutional type uses, etc.) for each proposed use. [34-373(a)(8)ii]

Please provide the (maximum) gross square feet for all commercial uses listed in the schedule for each development area.

Please refer to the response under Comment No. 12d of the *Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning* section.

16) Major planned developments. The following information is required for all Major Planned Development Zoning applications except PRFPDs. [34-373(b)]

See below.

16a) Surface Water Management System Description. A written description of the proposed surface water management system that includes: [34-373(b)(1)]

See below.

16a1) Runoff Characteristics. The runoff characteristics of the property in is existing state. [34-373(b)(1)a.]

Please provide copies of the information included with the Development Order application.

As requested, a signed and sealed copy of the Stormwater Design Calculations for the Wal-Mart option have been included for your information. The runoff generated by the site in the existing condition remains unchanged from the Existing Option.

16a3) Retention Features. The retention features (including existing natural features) that will be incorporated into the drainage system and the legal mechanism which will guarantee their maintenance. [34-373(b)(1)c.]

Proposed stormwater system instrument of dedication has not been received as indicted in sufficiency response of November 5, 2003.

Please find enclosed a draft copy of the Declaration of Covenants for the Master Stormwater System for your review. The document will be executed and recorded prior to the building permit being pulled.

16a4) Water Table/Natural Features. How existing natural features will be preserved including an estimate of the ranges of existing and post development water table elevations, where appropriate. [34-373(b)(1)d.]

See above.

Please refer to the response to 16a1, above.

19) If project is located in Estero Planning Community, applicant must submit a meeting summary document that contains the following information: the date, time and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues that were raised. [Lee Plan Policy 19.5.5.]

Please provide the list of attendees.

Please find attached a list of attendees to the July 14, 2003 ECPP meeting.

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

Jerry Murphy, 479-8372
Tyler Frazier, 479-8322

Environmental Sciences Planned Development Sufficiency Checklist

2) Protected Species Survey. A Protected Species Survey as required by LDC Section 10-473 must be provided for large projects (as defined by LDC Chapter 10) and Major Planned Developments. [34-373(b)(2)]

Please submit a protected species survey of Lee County listed Species meeting the requirements of Land Development Code Section 10-473. The previously submitted EIS does not meet the LDC requirements

Please find attached a protected species report prepared by Lotspeich and Associates. The attached report shows that no Big Cypress Fox Squirrels were located on the site and that there are very few gopher tortoises. In addition, invasive, exotic plants have increased in density and coverage since the time the survey was completed for the Existing Option.

3) Protected Species Management Plan. Protected species preserve areas must be indicated on the Master Concept Plan; a final management plan as required by LDC Section 10-474 is not required until time of local development order. [10-474]

Pending submittal of protected species survey, and ES staff filed verification.

Please refer to the response to Comment No. 2, above.

6) Parks, Recreation Areas and Indigenous Areas. The general location of proposed parks, recreation areas and facilities as well s indigenous areas to be preserved must be shown on the Master Concept Plan. [34-373(a)(6)e.]

The cross hatched area within Tract MPD-5 was previously shown as a preservation area. It is now labeled 'Lake'. Please explain or revise the MCP to reflect this area as a indigenous preserve.

The cross-hatched area in Tract MPD-5 has been labeled as Indigenous Area/Open Space.

12) Miscellaneous Items.

13) Contact. The environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.

Kim Trebatoski, Principal Environmental Planner
#239-479-8183; e-mail: trebatkm@leegov.com

Please do not hesitate to contact us if you would like to discuss any of our responses above or documents enclosed in greater detail, or if you require additional information.

In support of our resubmittal, please find enclosed:

1. Twelve (12) signed and sealed 11x17 copies of the sketch and legal description for the entire 314.6 acre MPD.
2. Twelve (12) 8.5x11 copies of the sketch and legal description as described above.
3. Twelve (12) copies each of the revised Amendments to the Master Concept Plan labeled as the Wal-Mart Option (Sheets C-1 & C-2), full-size and 11x 17, folded.
4. Twelve (12) copies of the landscape plans currently under review by Lee County for the Wal-Mart development, full-size folded.
5. Twelve (12) copies of the Protected Species Report and Mitigation Plan prepared by Lotspeich and Associates.
6. Twelve (12) copies of the zoning Traffic Impact Study prepared by Metro Transportation for the Wal-Mart option.
7. Twelve (12) copies of Exhibit III-A-2, Existing Zoning & Current Use for the entire 314.6 MPD.
8. Twelve (12) copies of Resolution Z-01-012a and the administrative amendment made to it labeled as the Existing Option.
9. Twelve (12) copies of the Property Development Regulations table for the Wal-Mart option.
10. Twelve (12) copies of the sign-in sheet for the July 14, 2003 ECPP meeting.
11. Twelve (12) copies of the Draft Declaration of Covenants for the Master Stormwater System.
12. Two (2) copies of the Stormwater Design Calculations for the Wal-Mart option.

Sincerely,

CPH ENGINEERS, INC.

Judson C. Pankey, P.E.
Sr. Project Manager

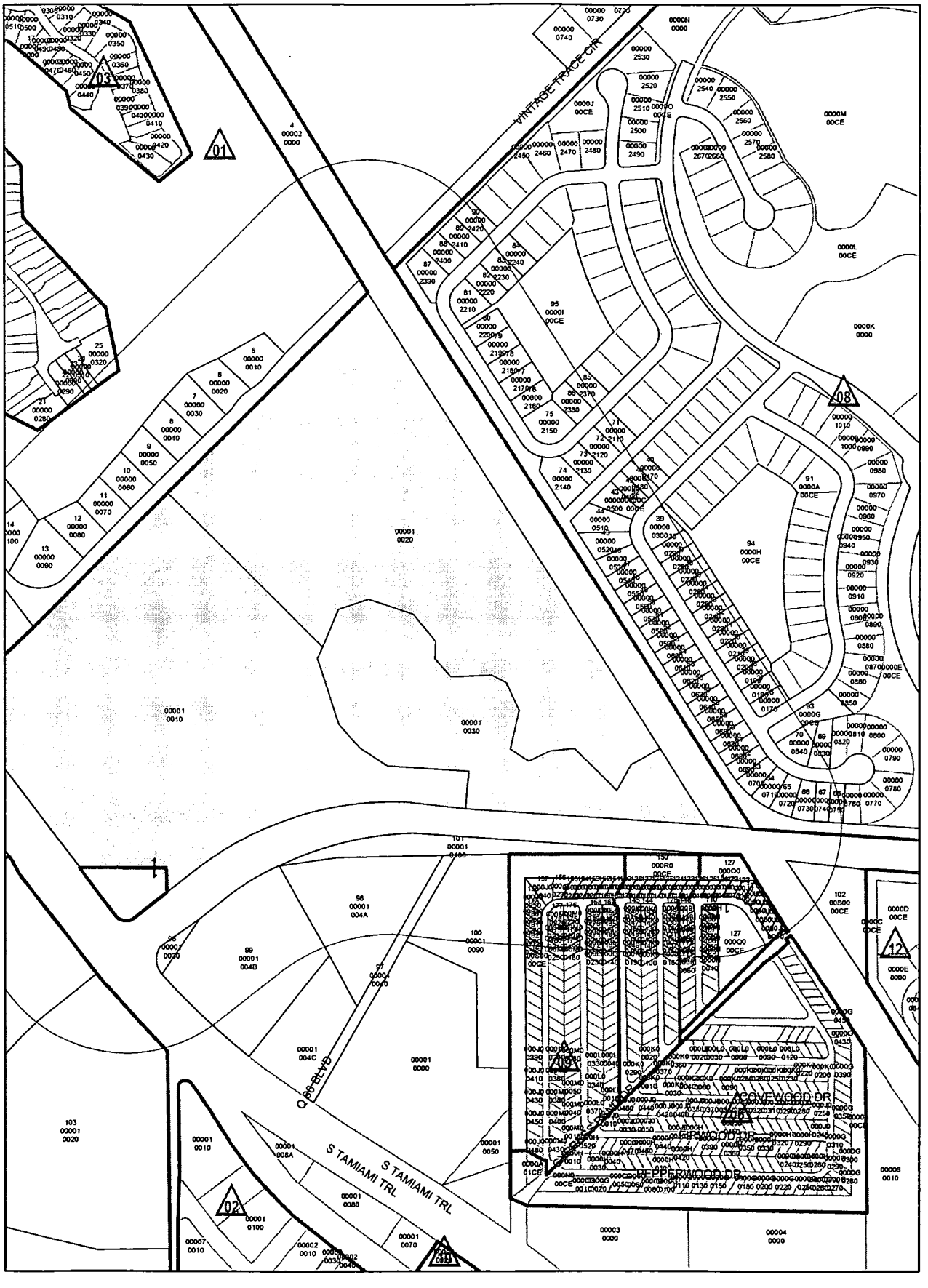
cc: Neale Montgomery, Pavese, Haverfield, Dalton, Harrison & Jensen, LLP
Ted Treesh, Metro
Lotspeich and Associates, Inc.
Osprey Cove of Lee County, Ltd.
Estero Land Holdings, LLC
JLT, SP
File

RECEIVED
DEC 17 2003
ZONING COUNTER
DCI 2003-00058
DCI 2003-00058

VARIANCE REPORT

6/25/2004

Subject Parcels : 3 Affected Parcels : 181 Buffer Distance : 500 ft



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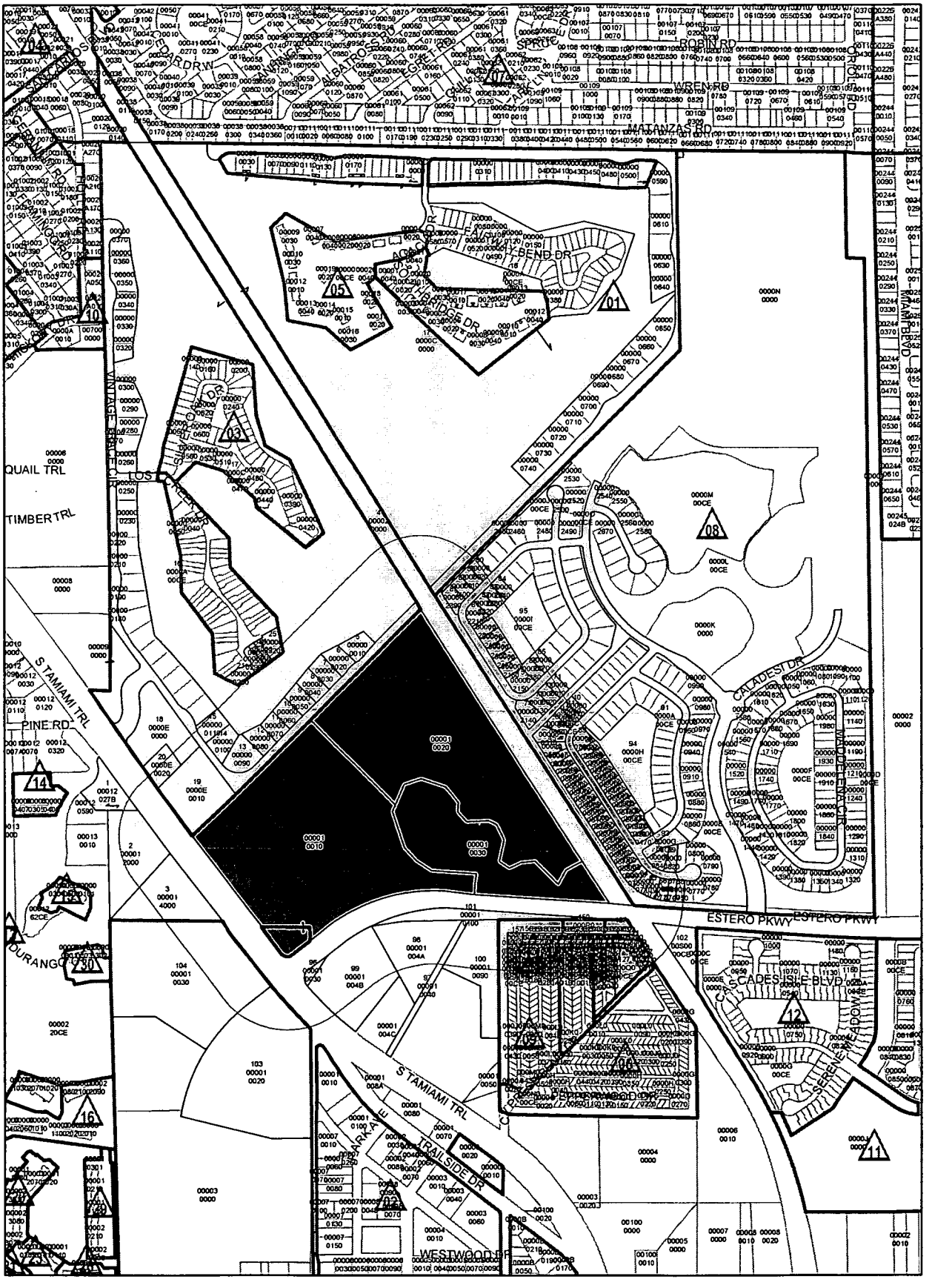
21-46-25-00-00001.0010 et al.

590 295 0 590 Feet

VARIANCE REPORT

6/25/2004

Subject Parcels : 3 Affected Parcels : 181 Buffer Distance : 500 ft



21-46-25-00-00001.0010 et al.

1,100 550 0 1,100 Feet

Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

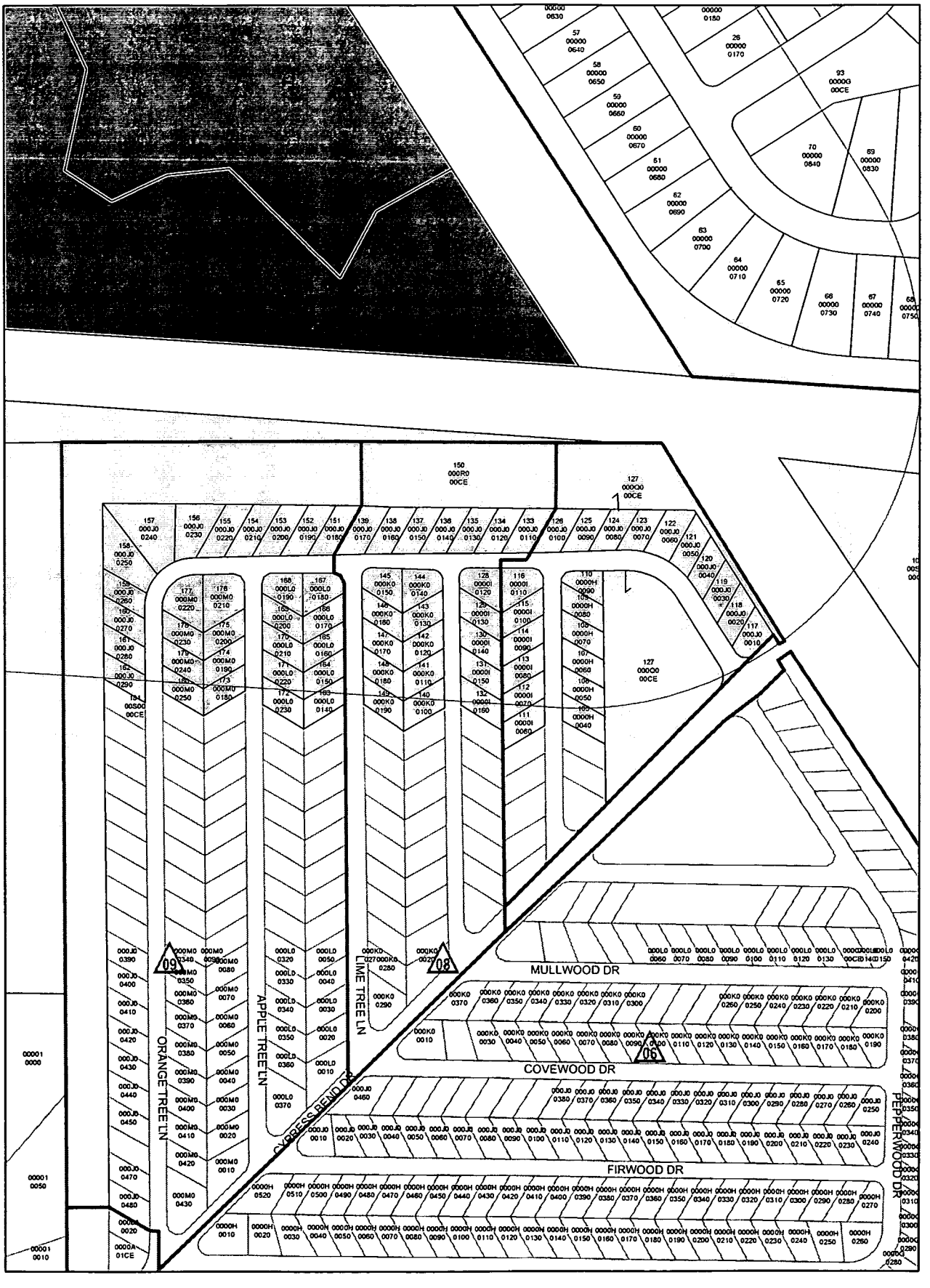
Date of Report: June 25, 2004
Buffer Distance: 500 ft
Parcels Affected: 181
Subject Parcel: 21-46-25-00-00001.0010, 21-46-25-00-00001.0020, 21-46-25-00-00001.0030

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
SKINNER KAREN A TR P O BOX 880 FT MYERS FL 33902	**20-46-25-00-00012.027B** 19910 S TAMIAMI TRL FT MYERS FL 33908	PAR IN MULTI SECS 20 + 21 FR SE COR SEC 20 N733FT TO P O B DESC OR2593 PG3068	1
CONSULTORA GRETTER S A ETAL C/O PREUSS REALTY CO 25 SE 2ND AVE STE 710 MIAMI FL 33131	**21-46-25-00-00001.2000** 19950 S TAMIAMI TRL FT MYERS FL 33908	PARL IN SEC 21 AS DESC IN OR 1322 PG 262 LESS 1.300 + VINTAGE GOLF CC	2
LEE THIC JOCK + PING LEE 4805 SHERRY LN RT 5 FT MYERS FL 33908	**21-46-25-00-00001.4000** 19976 S TAMIAMI TRL FORT MYERS FL 33908	PAR IN SW 1/4 DES IN OR 2053 PG 0608	3
ACL RR CO	**21-46-25-00-00002.0000** 0 RAILROAD R/W FORT MYERS FL 33908	STRIP OF LAND RR R/W RUNNING SELY ACROSS SEC.	4
RICCISNI RICHARD TR + 1227 SE 9TH TER CAPE CORAL FL 33990	**21-46-25-01-00000.0010** 19307 VINTAGE TRACE CIR FORT MYERS FL 33912	VINTAGE GOLF + COUNTRY CLUB PB 37 PG 44 LOT 1	5
MASHIONE JOSEPH F + CATHERINE 19299 VINTAGE TRACE CIR FT MYERS FL 33912	**21-46-25-01-00000.0020** 19299 VINTAGE TRACE CIR FORT MYERS FL 33912	VINTAGE GOLF + COUNTRY CLUB PB 37 PG 44 LOT 2	6
LINDSAY JACK + NICOLE 19291 VINTAGE TRACE CIR FORT MYERS FL 33912	**21-46-25-01-00000.0030** 19291 VINTAGE TRACE CIR FORT MYERS FL 33912	VINTAGE GOLF + COUNTRY CLUB PB 37 PG 44 LOT 3	7
GORHAM JEFFREY + MARCIA 19283 VINTAGE TRACE CIR FT MYERS FL 33912	**21-46-25-01-00000.0040** 19283 VINTAGE TRACE CIR FORT MYERS FL 33912	VINTAGE GOLF + COUNTRY CLUB PB 37 PG 44 LOT 4	8
DEANGELIS GEORGE P 19275 VINTAGE TRACE CIR FORT MYERS FL 33912	**21-46-25-01-00000.0050** 19275 VINTAGE TRACE CIR FORT MYERS FL 33912	VINTAGE GOLF + COUNTRY CLUB PB 37 PG 44 LOT 5	9
GETTERZ ROBERT A 19267 VINTAGE TRACE CIR FORT MYERS FL 33912	**21-46-25-01-00000.0060** 19267 VINTAGE TRACE CIR FORT MYERS FL 33912	VINTAGE GOLF + COUNTRY CLUB PB 37 PG 44 LOT 6	10
EDGAR WALLACE E + SANDRA K 6508 TURTLE WALK CLARKSTON MI 48346	**21-46-25-01-00000.0070** 19259 VINTAGE TRACE CIR FORT MYERS FL 33912	VINTAGE GOLF + COUNTRY CLUB PB 37 PG 44 LOT 7	11
DOYLE WAYNE G + 19251 VINTAGE TRACE CIR FORT MYERS FL 33912	**21-46-25-01-00000.0080** 19251 VINTAGE TRACE CIR FORT MYERS FL 33912	VINTAGE GOLF + COUNTRY CLUB PB 37 PG 44 LOT 8	12
ATKINS JAMES H JR 19243 VINTAGE TRACE CIR FT MYERS FL 33912	**21-46-25-01-00000.0090** 19243 VINTAGE TRACE CIR FORT MYERS FL 33912	VINTAGE GOLF + COUNTRY CLUB PB 37 PG 44 LOT 9	13

●VARIANCE REPOR●

6/25/2004

Subject Parcels : 3 Affected Parcels : 181 Buffer Distance : 500 ft



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W E
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21-46-25-00-00001.0010 et al.

240 120 0 240 Feet

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
VOCAIRE ANTHONY M + JOAN M 19227 VINTAGE TRACE CIR FORT MYERS FL 33912	**21-46-25-01-00000.0100** 19227 VINTAGE TRACE CIR FORT MYERS FL 33912	VINTAGE GOLF + COUNTRY CLUB PB 37 PG 44 LOT 10	14
SAYLOR JAMES E + FRANCES K 19219 VINTAGE TRACE CIR FT MYERS FL 33912	**21-46-25-01-00000.0110** 19219 VINTAGE TRACE CIR FORT MYERS FL 33912	VINTAGE GOLF + COUNTRY CLUB PB 37 PG 44 LOT 11	15
VINES COMMUNITY ASSN PEGASUS PROPERTY MGMT INC 17595 S TAMIAMI TRAIL #200-2 FORT MYERS FL 33908	**21-46-25-01-0000A.00CE** 0 RESERVED FORT MYERS FL 33912	VINTAGE GOLF + COUNTRY CLUB PB 37 PGS 44 THRU 48 TRACTS A + B	16
VINES COUNTRY CLUB INC 19501 VINTAGE TRACE CIR FT MYERS FL 33912	**21-46-25-01-0000C.0000** 19501 VINTAGE TRACE CIR FORT MYERS FL 33912	VINTAGE GOLF + COUNTRY CLUB PB 37 PGS 44 -50 TRS C H I+J GOLF COURSE + CLUB	17
KINSEY JAMES E JR TR P O BOX 1662 FT MYERS FL 33902	**21-46-25-01-0000E.0000** 8000-8012 VINTAGE PKWY FORT MYERS FL 33912	VINTAGE GOLF + COUNTRY CLUB PB 37 PG 43 TRACT E LES OR2566/3825 + LESS OR 3396 PG 433	18
HITHERSAY STEVEN E TR C/O ERIN MARTIN 309 COUNTRY VIEW CT LAKE MARY FL 32746	**21-46-25-01-0000E.0010** 19226 VINTAGE TRACE CIR FORT MYERS FL 33912	VINTAGE GOLF + COUNTRY CLUB PB 37 PG 43 PT TR E OR 2566 PG 3825	19
FOCAL POINT INTERIORS INC 10231 METRO PKWY STE 105 FORT MYERS FL 33912	**21-46-25-01-0000E.0020** NEED SITE PLAN FORT MYERS FL 33912	VINTAGE GOLF + COUNTRY CLUB PB 37 PG 43 PORT OF TRACT E AS DESC IN OR 3396 PG 433	20
CLAPP LEROY W + JOY D 19666 LOST CREEK DR FORT MYERS FL 33912	**21-46-25-02-00000.0280** 19666 LOST CREEK DR FORT MYERS FL 33912	LOST CREEK VILLAGE AT THE VINTAGE PB 38 PG 20 LOT 28 BLDG 7 UNIT A-1	21
LAZAROFF JANET I TR 3024 WARWICK RD JACKSON MI 49203	**21-46-25-02-00000.0290** 19665 LOST CREEK DR FORT MYERS FL 33912	LOST CREEK VILLAGE AT THE VINTAGE PB 38 PG 20 LOT 29 BLDG 8 UNIT A-2	22
ILLUM JAMES M + SARA J 19663 LOST CREEK DR #B-2 FORT MYERS FL 33912	**21-46-25-02-00000.0300** 19663 LOST CREEK DR FORT MYERS FL 33912	LOST CREEK VILLAGE AT THE VINTAGE PB 38 PG 20 LOT 30 BLDG 8 UNIT B-2	23
BECK MORTIMER 19661 LOST CREEK DR FT MYERS FL 33912	**21-46-25-02-00000.0310** 19661 LOST CREEK DR FORT MYERS FL 33912	LOST CREEK VILLAGE AT THE VINTAGE PB 38 PG 20 LOT 31 BLDG 8 UNIT B-2	24
KANT ROBERT R + LORNA 19659 LOST CREEK DR FORT MYERS FL 33912	**21-46-25-02-00000.0320** 19659 LOST CREEK DR FORT MYERS FL 33912	LOST CREEK VILLAGE AT THE VINTAGE PB 38 PG 20 LOT 32 BLDG 8 UNIT A-1	25
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0170** 19833 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 17	26
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0180** 19825 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 18	27
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0190** 19817 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 19	28
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0200** 19809 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 20	29
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0210** 19801 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 21	30
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0220** 19793 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 22	31

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0230** 19785 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 23	32
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0240** 19777 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 24	33
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0250** 19769 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 25	34
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0260** 19761 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 26	35
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0270** 19753 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 27	36
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0280** 19745 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 28	37
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0290** 19737 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 29	38
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0300** 19711 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 30	39
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0470** 19680 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 47	40
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0480** 19688 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 48	41
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0490** 19696 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 49	42
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0500** 19704 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 50	43
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0510** 19712 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 51	44
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0520** 19720 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 52	45
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0530** 19728 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 53	46
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0540** 19736 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 54	47
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0550** 19744 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 55	48
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0560** 19752 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 56	49

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0570** 19760 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 57	50
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0580** 19768 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 58	51
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0590** 19776 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 59	52
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0600** 19784 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 60	53
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0610** 19792 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 61	54
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0620** 19800 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 62	55
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0630** 19808 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 63	56
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0640** 19816 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 64	57
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0650** 19824 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 65	58
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0660** 19832 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 66	59
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0670** 19840 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 67	60
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0680** 19848 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 68	61
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0690** 19856 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 69	62
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0700** 19864 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 70	63
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0710** 19872 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 71	64
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0720** 19880 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 72	65
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0730** 19888 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 73	66
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0740** 19896 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 74	67
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0750** 19904 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 75	68

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0830** 19889 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 83	69
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.0840** 19871 CASA VERDE WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 84	70
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.2110** 8455 SEDONIA CIR FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 211	71
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.2120** 8459 SEDONIA CIR FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 212	72
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.2130** 8463 SEDONIA CIR FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 213	73
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.2140** 8467 SEDONIA CIR FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 214	74
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.2150** 8468 SEDONIA CIR FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 215	75
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.2160** 8478 SEDONIA CIR FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 216	76
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.2170** 8482 SEDONIA CIR FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 217	77
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.2180** 8486 SEDONIA CIR FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 218	78
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.2190** 8490 SEDONIA CIR FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 219	79
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.2200** 8496 SEDONIA CIR FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 220	80
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.2210** 8500 SEDONIA CIR FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 221	81
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.2220** 8506 SEDONIA CIR FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 222	82
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.2230** 8510 SEDONIA CIR FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 223	83
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.2240** 8514 SEDONIA CIR FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 224	84
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.2370** 8454 SEDONIA CIR FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 237	85
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.2380** 8458 SEDONIA CIR FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 238	86

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.2390** 8501 SEDONIA CIR FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 239	87
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.2400** 8505 SEDONIA CIR FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 240	88
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.2410** 8509 SEDONIA CIR FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 241	89
TOLL ESTERO L P 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-00000.2420** 8513 SEDONIA CIR FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 LOT 242	90
TOLL ESTERO L P BELLE LAGO HOME OWNERS ASSN 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-0000A.00CE** RIGHT OF WAY FT MYERS FL 33912	BELLE LAGO PB 76 PGS 16-21 TRACT A	91
TOLL ESTERO L P BELLE LAGO HOME OWNERS ASSN 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-0000C.00CE** COMMON ELEMENT FL	BELLE LAGO PB 76 PGS 16-21 TRACT C	92
TOLL ESTERO L P BELLE LAGO HOME OWNERS ASSN 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-0000G.00CE** COMMON ELEMENT FL	BELLE LAGO PB 76 PGS 16-21 TRACT G	93
TOLL ESTERO L P BELLE LAGO HOME OWNERS ASSN 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-0000H.00CE** COMMON ELEMENT FL	BELLE LAGO PB 76 PGS 16-21 TRACT H	94
TOLL ESTERO L P BELLE LAGO HOME OWNERS ASSN 28341 S TAMIAMI TRL STE 4 BONITA SPRINGS FL 34134	**21-46-25-08-0000I.00CE** COMMON ELEMENT FL	BELLE LAGO PB 76 PGS 16-21 TRACT I	95
HERMES INVESTMENT CO INC C/O WILLIAM KEYES P O DRAWER 790 FORT MYERS FL 33902	**28-46-25-00-00001.0030** ACCESS UNDETERMINED ESTERO FL 33928	PR DESC OR 359/117 + PT BK D SCHULTES TAM + OR 1967/2844 LESS RD R/W	96
DRIFTWOOD GARDEN CENTER 20071 S TAMIAMI TRL FT MYERS FL 33928	**28-46-25-00-00001.0040** RIGHT OF WAY ESTERO FL 33928	R/W IN N W 1/4 AS DESC IN OR 1190 PG 1677	97
BEASLEY GEORGE G %AT+T BROADBAND ATTN:PROP TX 3033 RIVIERA DRIVE SUITE 200 NAPLES FL 34103	**28-46-25-00-00001.004A** 20125 S TAMIAMI TRL ESTERO FL 33928	PARC IN SEC 28 TWP 46 R 25 DESC IN OR 1238 PG 1902	98
GULF COAST CENTER LLC 4851 TAMIAMI TRAIL N STE 300 NAPLES FL 34103	**28-46-25-00-00001.004B** ESTERO PKWY FT MYERS FL 33912	PARIN E1/2 OF NW1/4 AS DESC OR1431/769 LES R/W OR2183/3499+OR2793 PG2350	99
SIMPSON HARRY D JR 45 WOODFORD AVE OWENSBORO KY 42301	**28-46-25-00-00001.0090** ESTERO PKWY FT MYERS FL 33912	PARL IN NW 1/4 NELY OF U S 41 AS DESC OR 2012/135	100
HERMES INVESTMENT CO INC C/O WILLIAM KEYES P O DRAWER 790 FORT MYERS FL 33902	**28-46-25-00-00001.0100** ESTERO PKWY FT MYERS FL 33912	PAR LYING IN THE N 1/2 OF SECT SOUTH OF KORESHAN BLVD	101
CYPRESS BEND R V RESORT PO BOX 1338 ESTERO FL 33928	**28-46-25-00-00S00.00CE** ESTERO PKWY FT MYERS FL 33912	CYPRESS BEND RV CONDO TRACT S REC CONDO PLAT PB 7 PG 173 C/E	102

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
BAIRD DWIGHT S JR TR P O BOX 62302 FORT MYERS FL 33906	**28-46-25-01-00001.0020** ACCESS UNDETERMINED ESTERO FL 33928	SCHULTES TAMIAMI PARK PB5 PG33 LOT F+PT OF LTS C E G H+K L + M	103
BAIRD DWIGHT S JR TR P O BOX 62302 FORT MYERS FL 33906	**28-46-25-01-00001.0030** ACCESS UNDETERMINED ESTERO FL 33928	PARL LOC IN THE NW 1/4 OF THE NW 1/4 AS DESC IN OR 2809/1987	104
MILLWARD MICHAEL H + JEAN E 529 WEST 2540 NORTH LEHI UT 84043	**28-46-25-07-0000H.0040** 20137 PLUM TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT UNIT III BLK H PB 39 PG 18 LOT 4	105
BERNOCCO WILLIAM + SONIA 20133 PLUM TREE LN ESTERO FL 33928	**28-46-25-07-0000H.0050** 20133 PLUM TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT UNIT III BLK H PB 39 PG 18 LOT 5	106
MOULTON CONSTANCE S TR 20129 PLUM TREE LANE ESTERO FL 33928	**28-46-25-07-0000H.0060** 20129 PLUM TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT UNIT III BLK H PB 39 PG 18 LOT 6	107
JACKSON JOHN H + BERYL R 404 MASSACHUSETTS AVE WEST SPRINGFIELD MA 01089	**28-46-25-07-0000H.0070** 20125 PLUM TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT UNIT III BLK H PB 39 PG 18 LOT 7	108
MOULTON THOMAS O + CONSTANCE S 24 ADAMS ST DANVERS MA 01923	**28-46-25-07-0000H.0080** 20121 PLUM TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT UNIT III BLK H PB 39 PG 18 LOT 8	109
BENNETT REID L + MARY ELLEN 3260 ORANGEVILLE RD SHARPSVILLE PA 16150	**28-46-25-07-0000H.0090** 20117 PLUM TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT UNIT III BLK H PB 39 PG 18 LOT 9	110
HAYES SHERMAN L + HELEN M 20140 PLUM TREE LN ESTERO FL 33928	**28-46-25-07-0000I.0060** 20140 PLUM TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT UNIT III BLK I PB 39 PG 18 LOT 6	111
FISCHER JAMES G + BETTY J 20136 PLUM TREE LN ESTERO FL 33928	**28-46-25-07-0000I.0070** 20136 PLUM TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT UNIT III BLK I PB 39 PG 18 LOT 7	112
BOWMAN PAUL R + H JANE 311 WHITE CHURCH RD BLOOMSBURG PA 17815	**28-46-25-07-0000I.0080** 20132 PLUM TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT UNIT III BLK I PB 39 PG 18 LOT 8	113
HOFFMANN JAMES M + ROSALIND J 4907 THREADNEEDLE RD WILMINGTON DE 19807	**28-46-25-07-0000I.0090** 20128 PLUM TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT UNIT III BLK I PB 39 PG 18 LOT 9	114
WELLS CHARLES + ANNA K 20124 PLUM TREE LN ESTERO FL 33928	**28-46-25-07-0000I.0100** 20124 PLUM TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT UNIT III BLK I PB 39 PG 18 LOT 10	115
MINER LEANORE R TR 20120 PLUM TREE LN ESTERO FL 33928	**28-46-25-07-0000I.0110** 20120 PLUM TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT UNIT III BLK I PB 39 PG 18 LOT 11	116
LACHIOMA EDWARD R + ELIZABETH 20000 ORANGE TREE LN ESTERO FL 33928	**28-46-25-07-000J0.0010** 20000 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT UNIT III BLK J PB 39 PG 18 LOT 1	117
DOESCHER J FRED + VIRGINIA C 20004 ORANGE TREE LN ESTERO FL 33928	**28-46-25-07-000J0.0020** 20004 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT UNIT III BLK J PB 39 PG 18 LOT 2	118
LEPSCH WILLIAM E TR 20008 ORANGE TREE LN ESTERO FL 33928	**28-46-25-07-000J0.0030** 20008 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT UNIT III BLK J PB 39 PG 18 LOT 3	119
FORADORI LOUIS J + MARTHA L 208 N MARIAN ST EBENSBURG PA 15931	**28-46-25-07-000J0.0040** 20012 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT UNIT III BLK J PB 39 PG 18 LOT 4	120

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
KING DAVID J + MAXINE E 20016 ORANGE TREE LN ESTERO FL 33928	**28-46-25-07-000J0.0050** 20016 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT UNIT III BLK J PB 39 PG 18 LOT 5	121
HARBER JAMES J 8672 PEPPERWOOD DR ESTERO FL 33928	**28-46-25-07-000J0.0060** 20020 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT UNIT III BLK J PB 39 PG 18 LOT 6	122
PILL ARTHUR H + RR #1 MORPETH ON N0P 1X0 CANADA	**28-46-25-07-000J0.0070** 20024 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT UNIT III BLK J PB 39 PG 18 LOT 7	123
BARR DAVID + GRACE + RR 4 SHELBURNE ON L0N 1S8 CANADA	**28-46-25-07-000J0.0080** 20028 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT UNIT III BLK J PB 39 PG 18 LOT 8	124
GERMANN JOHN ANTHONY TR 20032 ORANGE TREE LN ESTERO FL 33928	**28-46-25-07-000J0.0090** 20032 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT UNIT III BLK J PB 39 PG 18 LOT 9	125
GERMANN JEAN M TR 20032 ORANGE TREE LN ESTERO FL 33928	**28-46-25-07-000J0.0100** 20036 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT UNIT III BLK J PB 39 PG 18 LOT 10	126
CYPRESS BEND R V RESORT U-3 CONDO ASSN INC	**28-46-25-07-000Q0.00CE** 0 COMMON ELEMENTS ESTERO FL 33928	CYPRESS BEND R V RESORT UT 3 PB 39 PG 18 TRS Q + R COMMON ELEMENT	127
FULLER ROY F + ARLINE A TR 20121 CHERRY TREE LN ESTERO FL 33928	**28-46-25-08-0000I.0120** 20121 CHERRY TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK I PB 44 PG 54 LOT 12	128
WALKER HERBERT A + JANICE L 8952 HUNTERS CIR WOODBURY MN 55125	**28-46-25-08-0000I.0130** 20125 CHERRY TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK I PB 44 PG 54 LOT 13	129
BENSON DAVID A + SHARON 1852 E VIERLING DR SHAKOPEE MN 55379	**28-46-25-08-0000I.0140** 20129 CHERRY TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK I PB 44 PG 54 LOT 14	130
FREELAND WILLIAM G + GLADYS S 2191 COLLEY RD GRAY COURT SC 29645	**28-46-25-08-0000I.0150** 20133 CHERRY TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK I PB 44 PG 54 LOT 15	131
SCHULTZ MICHAEL R + 20990 RIVERS FORD ESTERO FL 33928	**28-46-25-08-0000I.0160** 20137 CHERRY TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK I PB 44 PG 54 LOT 16	132
LOCKE BERNARD G + IRMA J 20040 ORANGE TREE LN ESTERO FL 33928	**28-46-25-08-000J0.0110** 20040 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK J PB 44 PG 54 LOT 11	133
BEILSTEIN CLAIR + JUDITH A 20044 ORANGE TREE LN ESTERO FL 33928	**28-46-25-08-000J0.0120** 20044 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK J PB 44 PG 54 LOT 12	134
CHASE JACK D + PO BOX 343 KAWKAWLIN MI 48631	**28-46-25-08-000J0.0130** 20048 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK J PB 44 PG 54 LOT 13	135
DEAN DONALD E + PATSY J 818 CHERRY ST MT CARMEL IL 62863	**28-46-25-08-000J0.0140** 20052 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK J PB 44 PG 54 LOT 14	136
COMBS JOHN W JR + JACQUELINE G 14 BLUE SPRUCE DR COVENTRY RI 02816	**28-46-25-08-000J0.0150** 20056 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK J PB 44 PG 54 LOT 15	137
PIERCE JOHN G + KAREL ANN 674 MORAND ST WINDSOR ON N9G 1H9 CANADA	**28-46-25-08-000J0.0160** 20060 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK J PB 44 PG 54 LOT 16	138
JEFFERS RICHARD B + MARY E + 614 LOVEVILLE RD #C2G HOCKESSIN DE 19707	**28-46-25-08-000J0.0170** 20064 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK J PB 44 PG 54 LOT 17	139

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
MASON KENNETH H + CAROLYN S 924 GENERAL GEORGE PATTON RD NASHVILLE TN 37221	**28-46-25-08-000K0.0100** 20140 CHERRY TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK K PB 44 PG 54 LOT 10	140
JACKSON LOUIS G + MARTHA 20136 CHERRY TREE LN ESTERO FL 33928	**28-46-25-08-000K0.0110** 20136 CHERRY TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK K PB 44 PG 54 LOT 11	141
GERVAIS ARTHUR A TR 20132 CHERRY TREE LN ESTERO FL 33928	**28-46-25-08-000K0.0120** 20132 CHERRY TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK K PB 44 PG 54 LOT 12 AKA D-12	142
VANVELKINBURGH CHARLES W+RUTH 4536 GRASSO AVE ST LOUIS MO 63123	**28-46-25-08-000K0.0130** 20128 CHERRY TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK K PB 44 PG 54 LOT 13	143
HEDGER WILLIAM F + JOANN + 20124 CHERRY TREE LN ESTERO FL 33928	**28-46-25-08-000K0.0140** 20124 CHERRY TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK K PB 44 PG 54 LOT 14	144
BEAM DANIEL R + DOROTHY J 20125 LIMETREE LN ESTERO FL 33928	**28-46-25-08-000K0.0150** 20125 LIME TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK K PB 44 PG 54 LOT 15	145
BOURGEOIS VICTOR G + BARBARA 25 LINDA LN WATERFORD NY 12188	**28-46-25-08-000K0.0160** 20129 LIME TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK K PB 44 PG 54 LOT 16	146
HARLOW PAUL J + SHEILA P 20133 LIME TREE LN ESTERO FL 33928	**28-46-25-08-000K0.0170** 20133 LIME TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK K PB 44 PG 54 LOT 17	147
SENSENEY JAMES E + ELIZABETH M 250 EASTLAND DR CHARLES TOWN WV 25414	**28-46-25-08-000K0.0180** 20137 LIME TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK K PB 44 PG 54 LOT 18	148
PHILLIPS WENDELL E EST 104 WESTOVER PKWY LOCUST GROVE VA 22508	**28-46-25-08-000K0.0190** 20141 LIME TREE LN ESTERO FL 33928	CYPRESS BEND RV RESORT U-4 BLK K PB 44 PG 54 LOT 19	149
CYPRESS BEND R V RESORT U-4 CONDO ASSN INC	**28-46-25-08-000R0.00CE** 0 COMMON ELEMENTS ESTERO FL 33928	CYPRESS BEND RV RESORT UT 4 PB 44 PG 54 TR R GREEN AREA C/E	150
RICHARDSON WILLIAM J + DOLORES 1503 SNDPIPER LN CHAMPAIGN IL 61821	**28-46-25-09-000J0.0180** 20068 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK J PB 48 PG 40 LOT 18	151
RIEBE OLIVER P + CAROLMAE F 20072 ORANGETREE LN ESTERO FL 33928	**28-46-25-09-000J0.0190** 20072 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK J PB 48 PG 40 LOT 19	152
HUFFMAN MERLE S +CHARLENE S TR 20076 ORANGE TREE LN ESTERO FL 33928	**28-46-25-09-000J0.0200** 20076 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK J PB 48 PG 40 LOT 20	153
IGNE ELPIDIO G + NELLIE G 20080 ORANGE TREE LN ESTERO FL 33928	**28-46-25-09-000J0.0210** 20080 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK J PB 48 PG 40 LOT 21	154
GREEN WILLIAM + DORIS 20084 ORANGE TREE LN ESTERO FL 33928	**28-46-25-09-000J0.0220** 20084 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK J PB 48 PG 40 LOT 22	155
COMBS JOHN W + JACQUELINE G + 14 BLUE SPRUCE DR COVENTRY RI 02816	**28-46-25-09-000J0.0230** 20096 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK J PB 48 PG 40 LOT 23	156
JOHNSTON RAYMOND L + EDITH FAY 20108 ORANGE TREE LN ESTERO FL 33928	**28-46-25-09-000J0.0240** 20108 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK J PB 48 PG 40 LOT 24	157

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
JOHNSON RICHARD E SR 20116 ORANGE TREE LN ESTERO FL 33928	**28-46-25-09-000J0.0250** 20116 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK J PB 48 PG 40 LOT 25	158
MOREHEAD BETTY J 20128 ORANGE TREE LANE ESTERO FL 33928	**28-46-25-09-000J0.0260** 20128 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK J PB 48 PG 40 LOT 26	159
WALL LEO + NELLIE FRANCES 31 RHODES AV RR 2 SEAGRAVE ON L0C 1G0 CANADA	**28-46-25-09-000J0.0270** 20132 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK J PB 48 PG 40 LOT 27	160
PUFFENBARGER RONALD + MARY 20136 ORANGE TREE LN ESTERO FL 33928	**28-46-25-09-000J0.0280** 20136 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK J PB 48 PG 40 LOT 28	161
BROWN DOREEN M 20140 ORANGE TREE LN ESTERO FL 33928	**28-46-25-09-000J0.0290** 20140 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK J PB 48 PG 40 LOT 29	162
COLLIER LUTHER F + MARGRETTE 20140 LIMETREE LN ESTERO FL 33928	**28-46-25-09-000L0.0140** 20140 LIME TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK L PB 48 PG 40 LOT 14	163
RHODES PAUL D + DEBORAH K 20136 LIME TREE LN ESTERO FL 33928	**28-46-25-09-000L0.0150** 20136 LIME TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK L PB 48 PG 40 LOT 15	164
CARTER DAVID E + RUTH D TR 20132 LIME TREE LN ESTERO FL 33928	**28-46-25-09-000L0.0160** 20132 LIME TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK L PB 48 PG 40 LOT 16	165
GOBEIL CLAUDE J + HUGUETTE I 20128 LIME TREE LN LOT 17 ESTERO FL 33928	**28-46-25-09-000L0.0170** 20128 LIME TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK L PB 48 PG 40 LOT 17	166
JOHNSON CARL G + AUDREY C 502 DAHLIA DR BRENTWOOD TN 37027	**28-46-25-09-000L0.0180** 20124 LIME TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK L PB 48 PG 40 LOT 18	167
PATTERSON WAYNE + FAYE D 631 SPRING CREEK RD WAVERLY TN 37185	**28-46-25-09-000L0.0190** 20129 APPLE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK L PB 48 PG 40 LOT 19	168
WOOD W J + LOUISE 20133 APPLE TREE LN ESTERO FL 33928	**28-46-25-09-000L0.0200** 20133 APPLE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK L PB 48 PG 40 LOT 20	169
YADEN DONNIE R + SHIRLEY J 20137 APPLE TREE LN ESTERO FL 33928	**28-46-25-09-000L0.0210** 20137 APPLE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK L PB 48 PG 40 LOT 21	170
PROCELL DOROTHY E + 20141 APPLE TREE LN ESTERO FL 33928	**28-46-25-09-000L0.0220** 20141 APPLE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK L PB 48 PG 40 LOT 22	171
ISAACS EUGENE + PAT 9049 SAXTON DR WEST CHESTER OH 45069	**28-46-25-09-000L0.0230** 20145 APPLE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK L PB 48 PG 40 LOT 23	172
BOYLE WILLIAM C + ESTHER J 11901 SAGINAW CONNEAUT PA 16316	**28-46-25-09-000M0.0180** 20140 APPLE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK M PB 48 PG 40 LOT 18	173
WASSIS FRANK J + CAROL J 37 KELLER AV WAUKEGAN IL 60085	**28-46-25-09-000M0.0190** 20136 APPLE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK M PB 48 PG 40 LOT 19	174
WORLEY WILLIAM R TR 20132 APPLE TREE LN ESTERO FL 33928	**28-46-25-09-000M0.0200** 20132 APPLE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK M PB 48 PG 40 LOT 20	175
PENNINGTON NOEL R + SHIRLEY A 20128 APPLE TREE LN ESTERO FL 33928	**28-46-25-09-000M0.0210** 20128 APPLE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK M PB 48 PG 40 LOT 21	176

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
URQUHART MELVIN F + RITA E 20133 ORANGE TREE LN ESTERO FL 33928	**28-46-25-09-000M0.0220** 20133 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK M PB 48 PG 40 LOT 22	177
ZUBER BARBARA H 22637 WESTBRIDGE CT ESTERO FL 33928	**28-46-25-09-000M0.0230** 20137 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK M PB 48 PG 40 LOT 23	178
BREWER GARY + CHERYL 20141 ORANGE TREE LN ESTERO FL 33928	**28-46-25-09-000M0.0240** 20141 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK M PB 48 PG 40 LOT 24	179
ROOT JAMES R + BARBARA A RR 1 BOX 49 BONE GAP IL 32815	**28-46-25-09-000M0.0250** 20145 ORANGE TREE LN ESTERO FL 33928	CYPRESS BEND R V RESORT U-5 BLK M PB 48 PG 40 LOT 25	180
CYPRESS BEND R V RESORT U-5 CONDO ASSN INC	**28-46-25-09-00S00.00CE** 0 COMMON ELEMENTS ESTERO FL 33928	CYPRESS BEND R V RESORT UT 5 PB 48 PG 40 TR S GREEN AREA C/E	181

181 RECORDS PRINTED