

ADMINISTRATIVE AMENDMENT (PD) ADD2007-00152

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Morris Depew Associates Inc., filed an application for an administrative approval to a Commercial Planned Development (CPD) on a project known as Beachway Resort to **revise Pod #2 of the Master Concept Plan to:**

- **Eliminate two of the 5 hotel buildings by combining two hotel/motel buildings with the administrative office/amenity building, resulting in the development of four buildings in Pod #2, containing a maximum of 290 hotel/motel units, and maintaining the maximum building height of 95 feet.**
- **Enhance the buffer along Pine Ridge Road from a Type "D" buffer to an enhanced Type "D" buffer.**

The subject property is located at 17365 San Carlos Blvd., described more particularly as:

LEGAL DESCRIPTION: In Section 07, Township 46 South, Range 24 East, Lee County, Florida:

See Attached Exhibit A

WHEREAS, the property was originally rezoned in Resolution Number Z-04-072 (with subsequent amendments in resolution number Z-04-072A); and

• WHEREAS, the subject property is located in the Urban Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; 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, the requested changes to Pod #2 combine three buildings into one and enhancement of the buffer along Pine Ridge Road, and

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

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

1. The only changes approved as part of this administrative amendment are:
 - Eliminate two of the 5 hotel buildings in POD #2 by combining two hotel/motel buildings with the administrative office/amenity building, resulting in the development of four buildings in Pod #2, containing a maximum of 290 hotel/motel units, and maintaining the maximum building height of 95 feet.
 - Enhance the buffer along Pine Ridge Road from a Type "D" buffer to an enhanced Type "D" buffer consistent with Condition 3 below.

No other changes have been authorized as part of this amendment and development must remain in compliance with Resolutions Z-04-72 and Z-04-072A. The terms and conditions of the original zoning resolutions (as amended) remain in full force and effect, except as amended herein.

2. The Development must be in compliance with the amended 2-page Master Concept Plan, stamped received August 10, 2007. Master Concept Plan for ADD2007-00152 is hereby APPROVED and adopted. A reduced copy is attached hereto as Attachment A.
3. The enhanced Type "D" buffer along Pine Ridge Road must be no less than 15 feet in width with 10 foot planting area and must consist of a minimum of:

6.7 trees per 100 linear feet (total of 52)
97.4 shrubs per 100 linear feet (total 775), and
82.3 groundcovers , grasses, and littorals per 100 linear feet (total 638)

All plantings within this buffer must be 100% native species. Actual species and location of plantings will be worked out during local development order, as the changes within this amendment will require an amendment of the current local development order issued for this project.

The proposed plantings in this buffer must be sized in substantial compliance with the Materials Schedule as provided for on the draft Zoning Master Concept Plan - Enhanced Buffer drawing found as Attachment B to this action.

DULY SIGNED this 13th day of November, A.D., 2007.

BY: _____

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

DESCRIPTION:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SECTION 7, TOWNSHIP 46 SOUTH, RANGE 24 EAST, AND FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

STARTING AT AN IRON PIPE MARKING THE CENTER OF SAID SECTION, SAID POINT LYING 14.75 FEET WEST OF THE CENTERLINE OF SAN CARLOS BOULEVARD (S.R. 865 - 100 FEET WIDE), AS MONUMENTED; THENCE N01°15'06"W ALONG THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE1/4) OF SAID SECTION FOR 225.15 FEET TO AN INTERSECTION WITH THE PROLONGATION OF THE NORTHERLY RIGHT-OF-WAY LINE OF PINE RIDGE ROAD (100.00 FEET WIDE); THENCE N89°02'55"E ALONG SAID PROLONGATED LINE FOR 64.55 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID SAN CARLOS BOULEVARD; THENCE CONTINUE N89°02'55"E ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID PINE RIDGE ROAD FOR 200.00 FEET TO THE SOUTHEAST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1129 AT PAGE 807 OF THE PUBLIC RECORDS OF SAID LEE COUNTY AND THE POINT OF BEGINNING; THENCE CONTINUE N89°02'55"E ALONG SAID NORTHERLY LINE FOR 858.30 FEET TO THE SOUTHWEST CORNER OF THE VFW PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 542 PAGE 491 OF SAID PUBLIC RECORDS; THENCE N01°30'10"W (PARALLEL WITH THE EAST LINE OF THE WEST ONE-HALF (W1/2) OF THE NORTHEAST ONE QUARTER (NE1/4) OF SAID SECTION ALONG THE WEST LINE OF SAID VFW PARCEL, FOR 435.60 FEET TO THE NORTHWEST CORNER OF SAID VFW PARCEL; THENCE N89°02'55"E (PARALLEL WITH SAID PINE RIDGE ROAD) ALONG THE NORTH LINE OF SAID VFW PARCEL FOR 230.00 FEET TO THE EAST LINE OF SAID WEST ONE-HALF (W1/2); THENCE N01°30'10"W ALONG THE EAST LINE OF SAID FRACTION AND THE EASTERLY LINE OF A DRAINAGE EASEMENT (30.00 FEET WIDE) FOR 221.20 FEET TO THE SOUTHEAST CORNER OF THE "GULF AIR TRAILER PARK" PARCEL AS DESCRIBED IN OFFICIAL RECORDS BOOK 1081 AT PAGE 1284 OF SAID LEE COUNTY; THENCE S88°44'54"W ALONG THE SOUTH LINE OF SAID PARCEL FOR 1084.01 FEET TO THE EASTERLY LINE OF WALLACE PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 116 AT PAGE 64 OF SAID PUBLIC RECORDS; THENCE S01°57'05"E ALONG SAID EASTERLY LINE FOR 208.72 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL; THENCE S88°44'54"W (PARALLEL WITH THE SOUTH LINE OF SAID TRAILER PARK) ALONG SAID PARCEL FOR 208.72 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID SAN CARLOS BOULEVARD; THENCE S01°57'05"E ALONG SAID RIGHT-OF-WAY LINE FOR 241.36 FEET TO THE NORTHERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1129 AT PAGE 807 OF SAID PUBLIC RECORDS; THENCE N89°02'55"E (PARALLEL WITH SAID PINE RIDGE ROAD) ALONG SAID NORTHERLY LINE FOR 200.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL; THENCE S01°46'39"E ALONG THE EASTERLY LINE OF SAID PARCEL FOR 200.00 FEET TO THE POINT OF BEGINNING.

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AUG 10 2007

COMMUNITY DEVELOPMENT

NOTES:

1. THIS MAP IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS OR FREEDOM OF ENCUMBRANCES AND WAS PREPARED WITH BENEFIT OF ABSTRACT OF TITLE COMMITMENT - CF-1358593.
2. PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.
3. ORIENTATION AND COORDINATES SHOWN HEREON ARE BASED ON WEST LINE OF THE NORTHEAST QUARTER AS BEARING N01°14'59"W.
4. CERTIFICATE OF AUTHORIZATION LICENSE BUSINESS NO. 6891.
5. THIS IS NOT A SURVEY

ADD 2007-00152

LEGEND

R.O.W.	= RIGHT OF WAY
⊕	= CENTERLINE
---	= SECTIONAL LINE
---	= CENTERLINE
TWP.	= TOWNSHIP
RNG.	= RANGE
O.R.	= OFFICIAL RECORDS
P.O.B.	= POINT OF BEGINNING
P.O.C.	= POINT OF COMMENCEMENT
P.B.	= PLAT BOOK
PG.	= PAGE
(D)	= DEED
(M)	= MEASURED
LB	= LICENSED BUSINESS

DESCRIPTION DRAWING
A TRACT OR PARCEL OF LAND IN
SECTION 7, TOWNSHIP 46 SOUTH,
RANGE 24 EAST, LEE COUNTY, FLORIDA
DBA DEVELOPMENT, LLC
BEACHWAY RESORT

Applicant's Legal Checked
by CSG 8/15/07

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL
RAISED SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER.

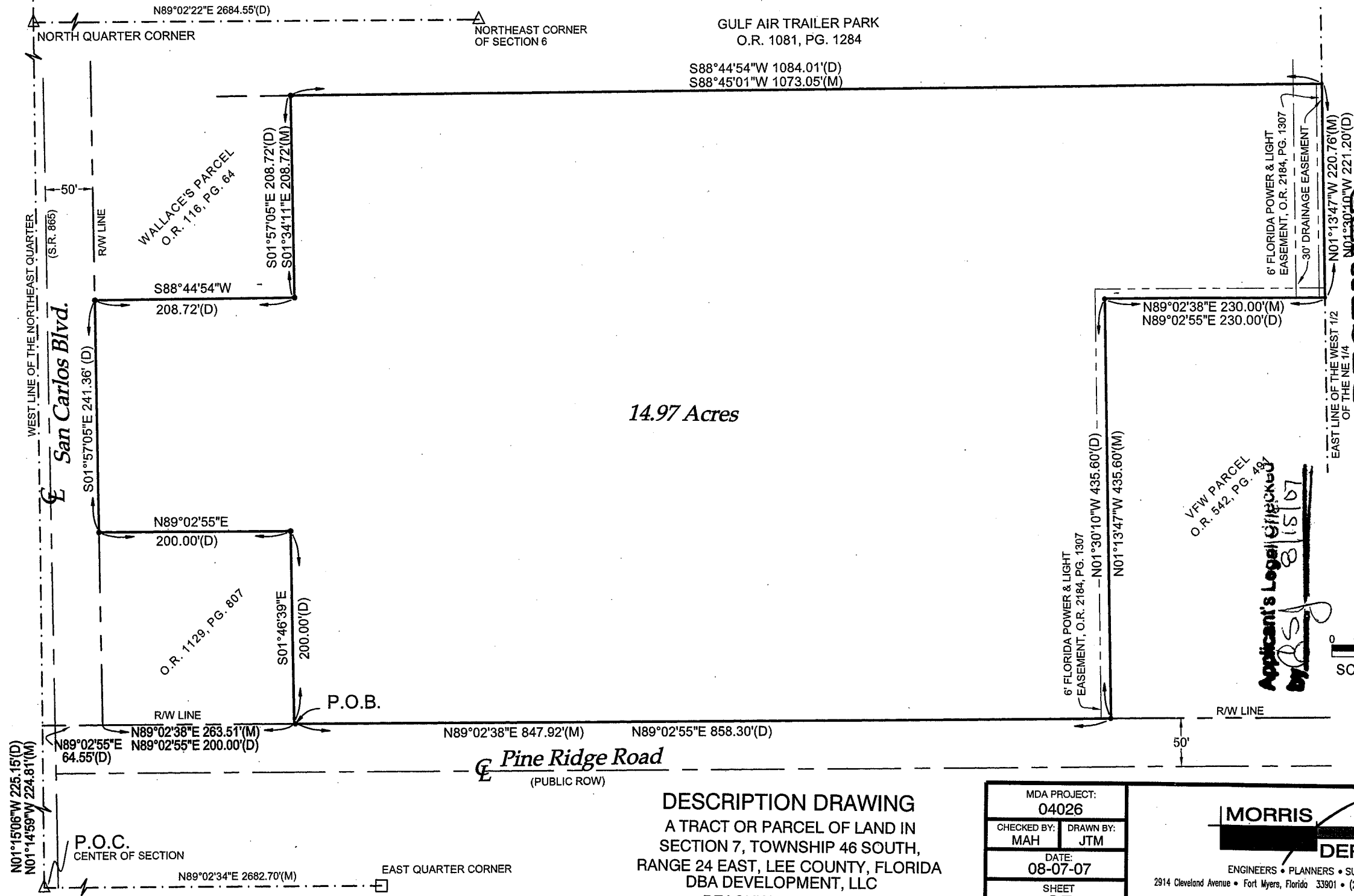
EXHIBIT A

MDA PROJECT: 04026	
CHECKED BY: MAH	DRAWN BY: JTM
DATE: 08-07-07	
SHEET 1 OF 2	

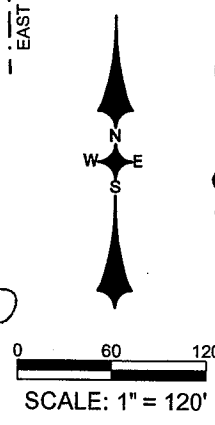
MORRIS
DEPEW

ENGINEERS • PLANNERS • SURVEYORS
2914 Cleveland Avenue • Fort Myers, Florida 33901 • (239) 337-3993 • (FAX) 337-3994
FLA. CERT. OF AUTH. NO. LB6891

MARK A. HATFIELD P.S.M. DATE
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 4155



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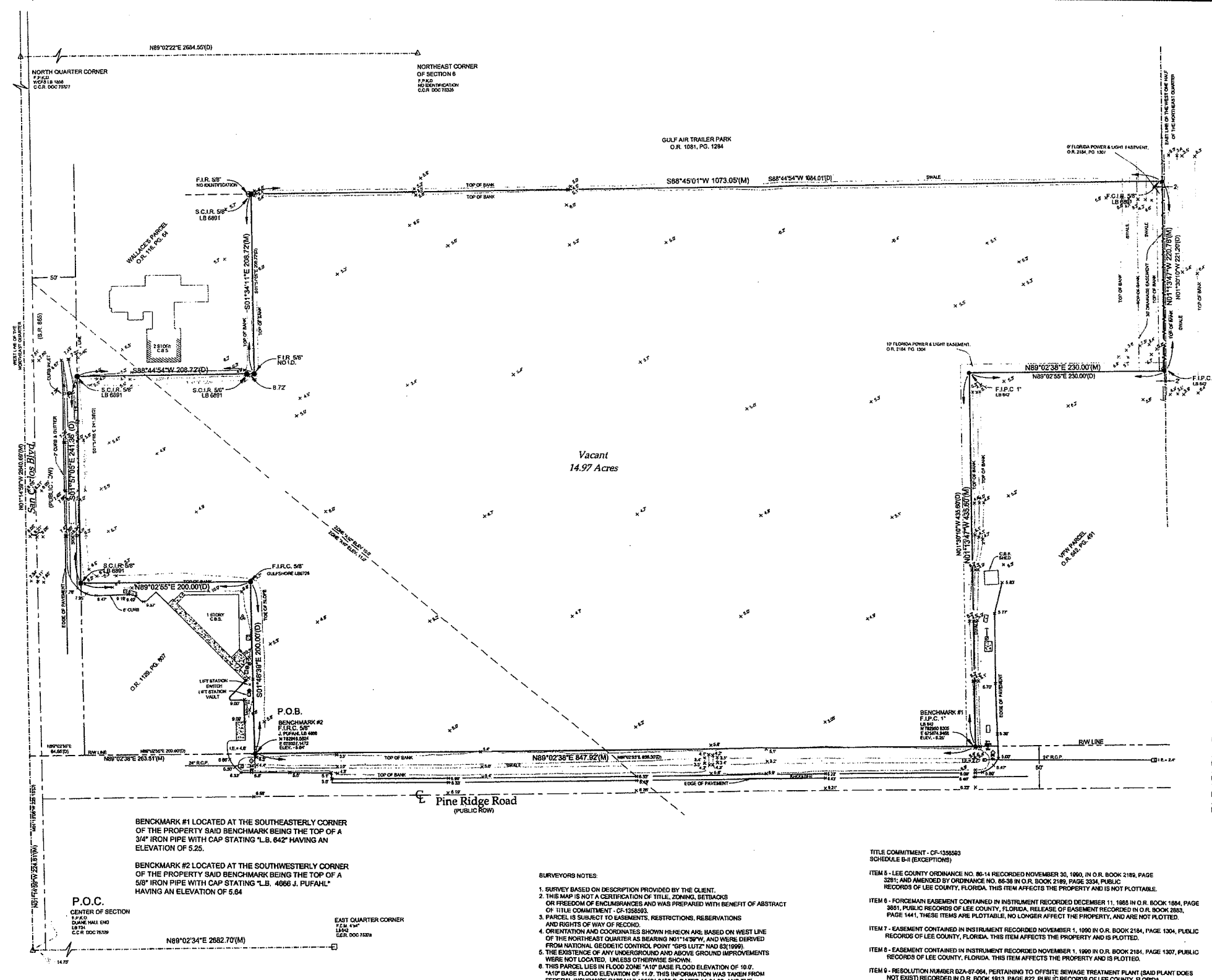
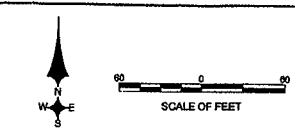


DESCRIPTION DRAWING
A TRACT OR PARCEL OF LAND IN
SECTION 7, TOWNSHIP 46 SOUTH,
RANGE 24 EAST, LEE COUNTY, FLORIDA
DBA DEVELOPMENT, LLC
BEACHWAY RESORT

MDA PROJECT: 04026	
CHECKED BY: MAH	DRAWN BY: JTM
DATE: 08-07-07	
SHEET 2 OF 2	

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FLA. CERT. OF AUTH. NO. LB6891

ADD 2007-00152
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- LEGEND**
- SET 3/8\"/>

DESCRIPTION:

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PART OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 7, TOWNSHIP 46 SOUTH, RANGE 24 EAST, AND FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

STARTING AT AN IRON PIPE MARKING THE CENTER OF SAID SECTION, SAID POINT LYING 14.75 FEET WEST OF THE CENTERLINE OF SAN CARLOS BOULEVARD (S.R. 965 - 100 FEET WIDE), AS MONUMENTED; THENCE N01°15'06\"/>

BENCHMARK #1 LOCATED AT THE SOUTHEASTERLY CORNER OF THE PROPERTY SAID BENCHMARK BEING THE TOP OF A 3/4\"/>

BENCHMARK #2 LOCATED AT THE SOUTHWESTERLY CORNER OF THE PROPERTY SAID BENCHMARK BEING THE TOP OF A 5/8\"/>

P.O.C.
CENTER OF SECTION
S 1/4
DANIEL WALL END
S 1/4
CCR DOC 16326

EAST QUARTER CORNER
F.C.M. 1\"/>

SURVEYOR'S NOTES:

1. SURVEY BASED ON DESCRIPTION PROVIDED BY THE CLIENT.
2. THIS MAP IS NOT A CERTIFICATION OF TITLE, ZONING, SETBACKS OR FREEDOM OF ENCUMBRANCES AND WAS PREPARED WITH BENEFIT OF ABSTRACT OF TITLE COMMITMENT - OF 1355593.
3. PARCEL IS SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS OF WAY OF RECORD.
4. ORIENTATION AND COORDINATES SHOWN HEREON ARE BASED ON WEST LINE OF THE NORTHEAST QUARTER AS BEARING N01°14'39\"/>
5. THE EXISTENCE OF ANY UNDERGROUND AND ABOVE GROUND IMPROVEMENTS WERE NOT LOCATED, UNLESS OTHERWISE SHOWN.
6. THIS PARCEL LIES IN FLOOD ZONE "A10" BASE FLOOD ELEVATION OF 10.0'. "A10" BASE FLOOD ELEVATION OF 11.0'. THIS INFORMATION WAS TAKEN FROM FEDERAL INSURANCE RATE MAP 126124 0427 C, DATED 11-04-92, AND THE APPROXIMATE LOCATION SHOWN ON THE SURVEY WAS SCALED FROM THE MAP.
7. CERTIFICATE OF AUTHORIZATION LICENSE BUSINESS NO. 6691.
8. ELEVATIONS SHOWN HEREON ARE BASED ON N.G.V.D. 29, AND WERE DERIVED FROM NATIONAL GEODETIC CONTROL POINT "825 5481 T.D.M." ELEVATION 3.86'.
9. DATE OF LAST FIELD WORK: 7-1-05 IN FIELD BOOK 0505 PAGE 56.

- TITLE COMMITMENT - OF 1355593**
SCHEDULE B-II (EXCEPTIONS)
- ITEM 5 - LEE COUNTY ORDINANCE NO. 86-14 RECORDED NOVEMBER 30, 1990, IN O.R. BOOK 2189, PAGE 3281; AND AMENDED BY ORDINANCE NO. 86-38 IN O.R. BOOK 2189, PAGE 3334, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. THIS ITEM AFFECTS THE PROPERTY AND IS NOT PLOTTABLE.
- ITEM 6 - FORECMAN EASEMENT CONTAINED IN INSTRUMENT RECORDED DECEMBER 11, 1985 IN O.R. BOOK 1884, PAGE 3601, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, RELEASE OF EASEMENT RECORDED IN O.R. BOOK 2883, PAGE 1441, THESE ITEMS ARE PLOTTABLE, NO LONGER AFFECT THE PROPERTY, AND ARE NOT PLOTTED.
- ITEM 7 - EASEMENT CONTAINED IN INSTRUMENT RECORDED NOVEMBER 1, 1990 IN O.R. BOOK 2184, PAGE 1304, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. THIS ITEM AFFECTS THE PROPERTY AND IS PLOTTED.
- ITEM 8 - EASEMENT CONTAINED IN INSTRUMENT RECORDED NOVEMBER 1, 1990 IN O.R. BOOK 2184, PAGE 1307, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. THIS ITEM AFFECTS THE PROPERTY AND IS PLOTTED.
- ITEM 9 - RESOLUTION NUMBER 02A-07-064, PERTAINING TO OFFSITE SEWAGE TREATMENT PLANT (SAID PLANT DOES NOT EXIST) RECORDED IN O.R. BOOK 1913, PAGE 822, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. THIS ITEM IS NOT PLOTTABLE DOES NOT AFFECT THE PROPERTY AND IS NOT PLOTTED.
- ITEM 10 - RESOLUTION RECORDED IN O.R. BOOK 1882, PAGE 2893, PUBLIC RECORDS OF LEE COUNTY, FLORIDA, PERTAINING TO OFFSITE SEWAGE TREATMENT PLANT (SAID PLANT DOES NOT EXIST), THIS ITEM IS NOT PLOTTABLE DOES NOT AFFECT THE PROPERTY AND IS NOT PLOTTED.
- ITEM 11 - THIRTY FOOT DRAINAGE EASEMENT OVER EASTERLY BOUNDARY REFERRED TO IN SCHEDULE A, LEGAL DESCRIPTION, THIS ITEM AFFECTS THE PROPERTY AND IS PLOTTED.
- ITEM 12 - RIGHT OF INGRESS AND EGRESS TO WELL, RECORDED IN DEED BOOK 189, PAGE 583, PUBLIC RECORDS OF LEE COUNTY, FLORIDA. THIS ITEM IS NOT PLOTTABLE DOES AFFECT THE PROPERTY AND IS NOT PLOTTED.

CERTIFIED TO THE FOLLOWING:

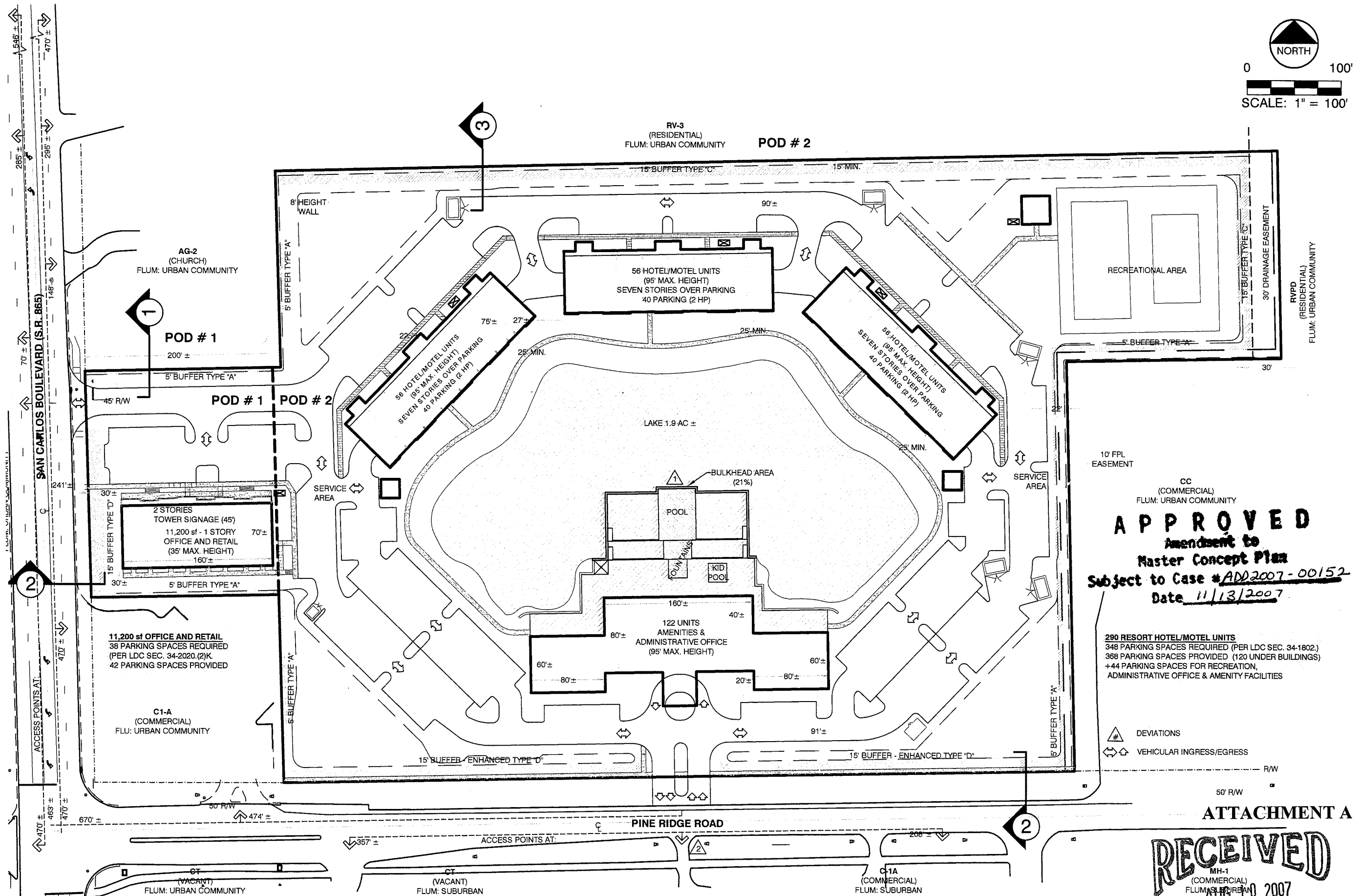
DBA Development, LLC, a Florida Limited Liability Company
Florida Community Bank, a Florida Banking Corporation
The Attorneys' Title Insurance Fund, Inc.
Paulich, Slack & Wolff, P.A.
Gordon H. Coffman, Attorney-At-Law

THIS SURVEY IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF THE LICENSED SURVEYOR AND MAPPER

[Signature]
MARK A. WATFIELD, P.E.
PROFESSIONAL SURVEYOR
FLORIDA CERTIFICATE NO. 1186

MORRIS - DEPEW ASSOCIATES, INC. ENGINEERS - PLANNERS - SURVEYORS & MAPPERS 2219 Alameda Avenue • Fort Myers, Florida 33901 • (941) 337-3993 • (FAX) 337-3994	
BOUNDARY & TOPOGRAPHIC SURVEY	
DBA DEVELOPMENT, LLC BEACHWAY RESORT Located in Sec. 7, Twp. 46 S., Rng. 24 E., Lee County, Florida	
HDA PROJ. ECT. 04026	CHECKED BY: MAH
DESIGNED BY: WBN	DATE: 7-6-05
SHEET 1 OF 1	

Applicant's Survey Checked
By: [Signature] 8/15/07



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MH-1
(COMMERCIAL)
FLUMASURBAN
AUG 10 2007

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ADD 2007-00152

ZONING MASTER CONCEPT PLAN

BEACHWAY RESORT
Section 07, T-46, R-24, Fort Myers Beach

- Fort Myers
- Tallahassee
- Gainesville

2914 Cleveland Avenue
Fort Myers, Florida 33901
(239) 337-3993
Fax: (239) 337-3994
Toll free: 866-337-7341



MORRIS
DEPEU
ENGINEERS • PLANNERS • SURVEYORS

MDA PROJECT:
04026

CHECKED BY: RS	DESIGNED BY: AZ
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DATE:
6/22/07

SHEET
112

G:\04026 - Beachway Resort\dwg\04026-2007-7-11- ZONING MASTER CONCEPT PLAN-New pool.dwg, 11x17 (2), 8/10/2007 2:23:34 PM, azambiano

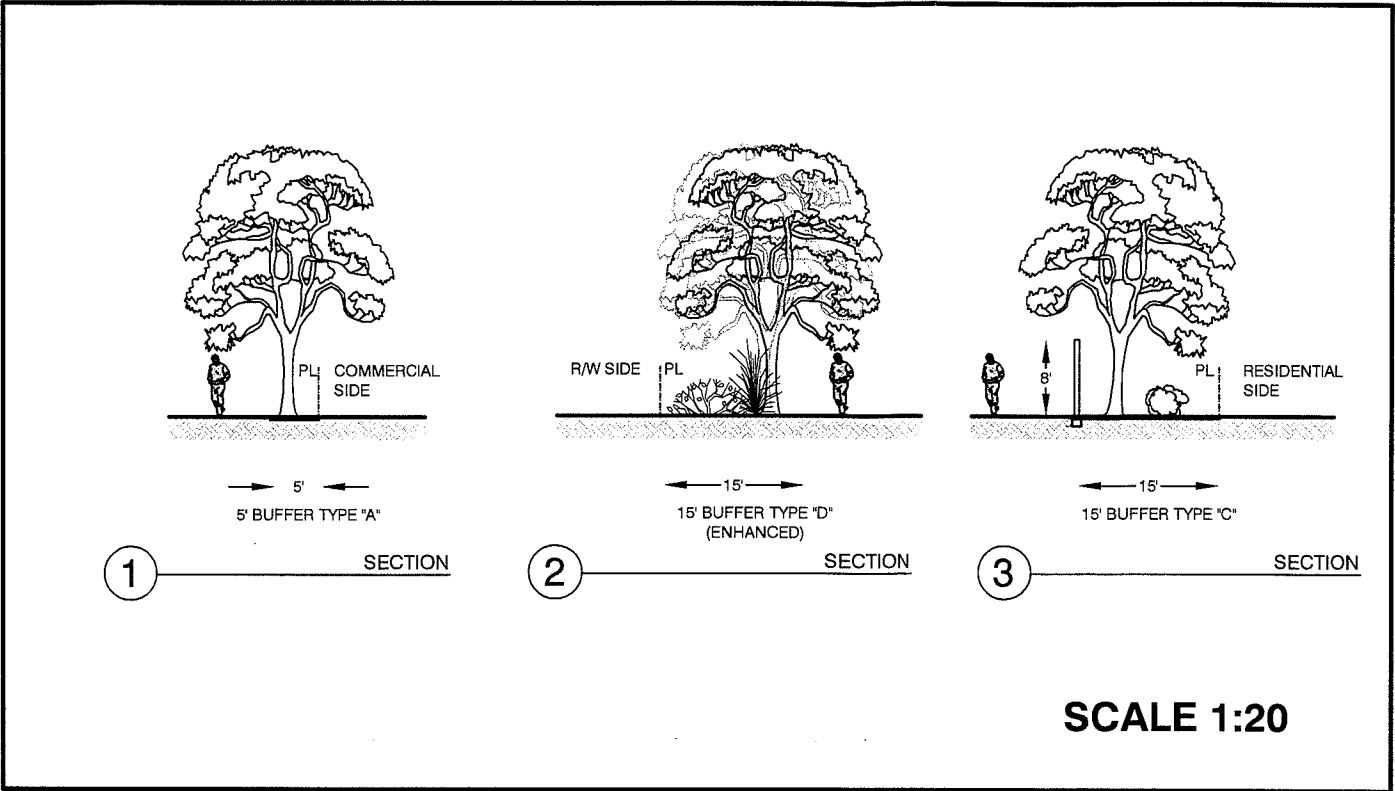
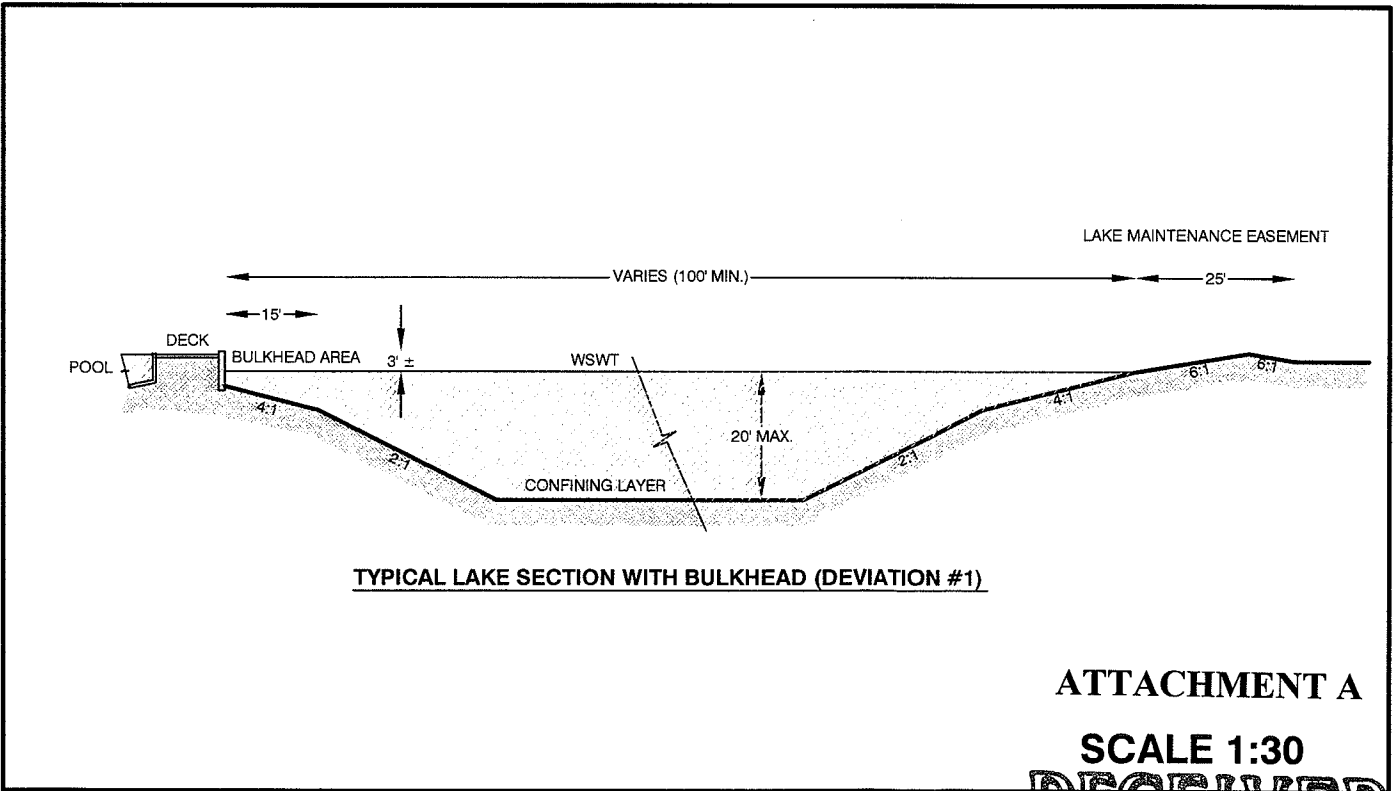
OPEN SPACE:

COMMERCIAL OPEN SPACE **REQUIRED:** 14.97± ACRES x 30% = 4.49 ACRES

COMMERCIAL OPEN SPACE **PROVIDED:** ± 5.51 ACRES (PER 10-415 a & d)
± 1.12 ACRES FROM LAKE (PER 10-415(d)(2)(c))
± 6.63 ACRES (44%) TOTAL OPEN SPACE

PER LDC SEC. 10-415, THE FOLLOWING USES MAY CONTRIBUTE TO THE OPEN SPACE REQUIREMENTS PROVIDED THE MINIMUM DIMENSIONS ARE MET:

- a) BUFFERS AND LANDSCAPED AREAS IN OFF-STREET PARKING AREAS;
- b) DRY DETENTION AREAS;
- c) EXISTING OR PROPOSED BODIES OF WATER, WHICH MAY BE USED UP TO 25% OF THE REQUIRED OPEN SPACE AREA;
- d) ACTIVE AND PASSIVE RECREATION AREAS
- e) PUBLIC USE AREAS SUCH AS PLAZAS, ATRIUMS, COURTYARDS, UP TO 20% OF THE REQUIRED OPEN SPACE.



ATTACHMENT A
SCALE 1:30
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ADD 2007-00152

REVISIONS
REVISED PER SUFFICIENCY COMMENTS, JUN. 7, 2004 (8-4-04)
REVISED PER SUFFICIENCY COMMENTS, AUG. 25, 2004 (8-7-04)
REVISED PER SUFFICIENCY COMMENTS, JULY 8, 2004 (8-10-07)

ZONING MASTER CONCEPT PLAN - NOTES -

BEACHWAY RESORT
Section 07, T-46, R-24, Fort Myers Beach, Lee County, Florida

• Fort Myers
• Tallahassee
• Gainesville
2914 Cleveland Avenue
Fort Myers, Florida 33901
(239) 337-3893
Fax: (239) 337-3894
Toll Free: 888-337-7341

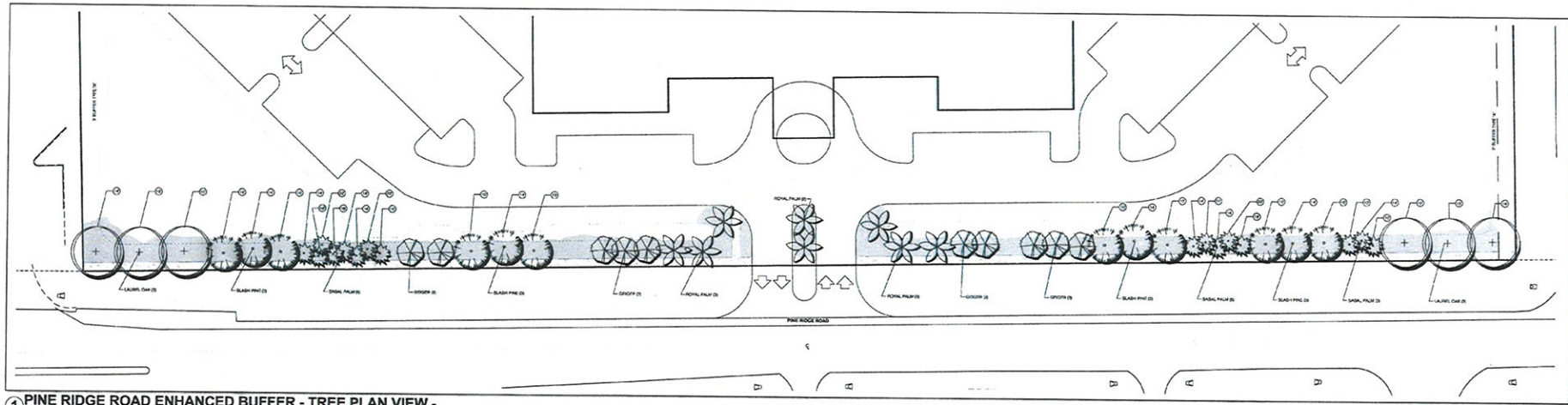
MORRIS DEPEW
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MDA PROJECT:
04026

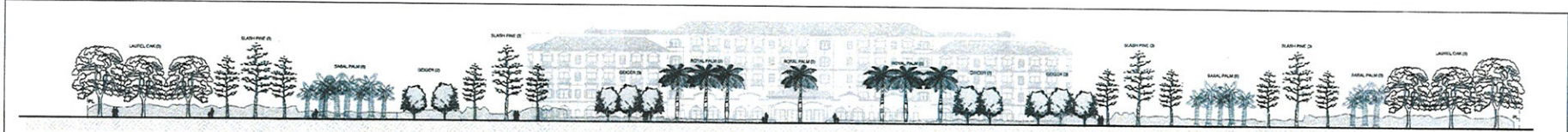
CHECKED BY: R5 DESIGNED BY: AZ

DATE:
6/22/07

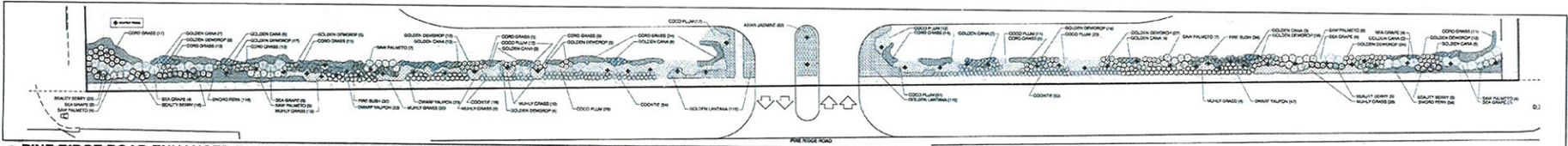
SHEET:
2/2



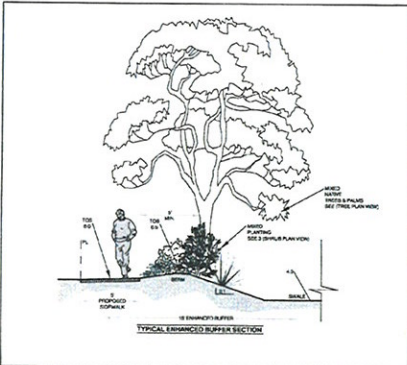
1 PINE RIDGE ROAD ENHANCED BUFFER - TREE PLAN VIEW -
SCALE 1"=20'



2 PINE RIDGE ROAD ENHANCED BUFFER - SOUTH ELEVATION -
SCALE 1"=20'



3 PINE RIDGE ROAD ENHANCED BUFFER - SHRUB PLAN VIEW -
SCALE 1"=20'



4 PINE RIDGE ROAD ENHANCED BUFFER - SECTION DETAIL -
SCALE 1"=20'

BUFFER REQUIREMENTS

- TYPE "A" BUFFER: 10' MINIMUM, 5 TREES PER 100 LINEAR FEET WITH A 24" (AT TIME OF INSTALLATION) HEDGE PLANTED IN DOUBLE ROWS AND MAINTAINED TO 40" TO 50" HIGH CONTINUOUS VISUAL SCREEN WITHIN ONE YEAR.
- TREES WITHIN THE R.O.W. BUFFER MUST BE APPROPRIATELY SIZED IN NATURE FORM SO THAT CONFLICTS WITH OVERHEAD UTILITIES, LIGHTING AND SIGNS ARE AVOIDED.

TYPE "A" BUFFER

ALONG PINE RIDGE RD 773 LINEAR FEET

5 TREES PER 100 LF

99 SHRUBS PER 100 LF

ENHANCED TYPE "A" BUFFER

ALONG PINE RIDGE RD 773 LINEAR FEET

15' WIDE

186 Shrub

91.44

82.3 ground cover per 100 LF

1444

155

1686 ground cover

1686 ground cover

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15' WIDE

186 Shrub

91.44

82.3 ground cover per 100 LF

1444

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1686 ground cover

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1686 ground cover

1686 ground cover

1686 ground cover

1686 ground cover

1686 ground cover

1686 ground cover

1686 ground cover

1686 ground cover

1686 ground cover

1686 ground cover

15' WIDE

186 Shrub

91.44

82.3 ground cover per 100 LF

1444

155

1686 ground cover

1686 ground cover

1686 ground cover

1686 ground cover

1686 ground cover

1686 ground cover

1686 ground cover

1686 ground cover

1686 ground cover

1686 ground cover

1686 ground cover

1686 ground cover