

ADMINISTRATIVE AMENDMENT (PD) ADD2013-00019

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Wal-Mart Stores East, LP filed an application for administrative approval to a Mixed Use Planned Development on a project known as Wal-Mart 5347-00 (Estero Golf Resort MPD) for :

1. Relief from Land Development Code (LDC) §33-461(g) that requires the number of parking spaces provided for a big box project not exceed the required parking provisions within LDC §34-2020 to allow the proposed small product retail use with a total of 830 parking spaces;
2. Relief from LDC §33-461(g)(1)b that requires enhanced landscaping trees if the development of a big box will provide parking in excess of the required parking provisions within LDC §34-2020 to allow the proposed small product retail use with landscaping provided in accordance with Zoning Resolution Z-04-048;
3. Amend Condition 16 for the commercial portion of the MPD in section B.2 of Resolution Z-04-048 that requires the construction of five (5) foot sidewalks along US 41 and Estero Parkway to be located on the development side of the buffer to allow the sidewalks to be constructed and placed within the US 41 and Estero Parkway rights-of-way.

WHEREAS, the property is located at the northeast corner of the intersection of US 41 and Estero Parkway, described more particularly as:

LEGAL DESCRIPTION: In Section 21, Township 46 South, Range 25 East, Lee County, Florida:

See attached Legal Description, Exhibit A.

WHEREAS, the property was originally rezoned by Zoning Resolution Z-01-012a with subsequent amendments of the planned development in ADD2003-00014, ADD2004-00127, Zoning Resolution Z-04-048, ADD2004-00167, ADD2005-00153, and ADD2012-00078; and

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

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

WHEREAS, the commercial portion of the subject site was first designed as a future Wal-Mart store in 2004 with amendments in 2004, 2005, and 2012; and

WHEREAS, the Wal-Mart store was designed to meet the parking standards set forth in LDC §33-461 and §34-2020; and

WHEREAS, Lee County amended the parking standards within LDC §34-2020 on September 11, 2012 via Ordinance Number 12-20; and

WHEREAS, the amended parking standards lowered the required parking rate for small product retail uses from one parking space per 200 square feet to one parking space per 250 square feet; and

WHEREAS, the 192,151 square foot Wal-Mart facility was designed to accommodate 830 parking spaces and the new parking standards would require 769 parking spaces; and

WHEREAS, eliminating 61 parking spaces in order to comply with LDC §33-461 would require a complete redesign of the subject site; and

WHEREAS, the Applicant has proposed to utilize an increase in parking canopy tree heights and parking island landscaping through Zoning Resolution Z-04-048; and

WHEREAS, the Applicant held, in accordance with LDC §33-54, a public informational meeting on November 19, 2012 along with subsequent email correspondence to present the proposed changes to the Estero community; and

WHEREAS, US 41 is a State maintained roadway and Estero Parkway is a County maintained roadway; and

WHEREAS, the Florida Department of Transportation (FDOT) will not accept an easement for a sidewalk along US 41 that is on the Applicant's property and outside of the right-of-way; and

WHEREAS, the Lee County Department of Transportation (LCDOT) prefers sidewalks along its roadways to be within the right-of-way rather than in an easement on private property adjacent to the right-of-way; and

WHEREAS, the provision of sidewalks is a requirement of LDC §10-256 for new development within Lee County; and

WHEREAS, placement of the sidewalks along US 41 and Estero Parkway within the right-of-way rather than in an easement separated by the project buffer has no negative external impact; 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 subject application was reviewed by the Environmental Sciences & Development Services Divisions, and these Divisions indicated that they had no objection to the proposed amendments; 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:

1. Relief from Land Development Code (LDC) §33-461(g) that requires the number of parking spaces provided for a big box project not exceed the required parking provisions within LDC §34-2020 to allow the proposed small product retail use with a total of 830 parking spaces;
2. Relief from LDC §33-461(g)(1)b that requires enhanced landscaping trees if the development of a big box will provide parking in excess of the required parking provisions within LDC §34-2020 to allow the proposed small product retail use with landscaping provided in accordance with Zoning Resolution Z-04-048;
3. Amend Condition 16 for the commercial portion of the MPD in section B.2 of Resolution Z-04-048 that requires the construction of five (5) foot sidewalks along US 41 and Estero Parkway to be located on the development side of the buffer to allow the sidewalks to be constructed and placed within the US 41 and Estero Parkway rights-of-way;

is APPROVED, subject to the following conditions:

1. **Development must be in substantial compliance with the amended Master Concept Plan, stamped RECEIVED MAR 06 2013 COMMUNITY DEVELOPMENT (see reduced copy, Attachment A.)**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect, as amended.**
3. **The proposed 192,151 square foot small product retail store may be developed to consist of a maximum of 830 parking spaces.**
4. **Condition 16 in Resolution Z-04-048, Section B.2 is amended to read: “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. in accordance with LDC §10-256. 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 (MUTCD), advising customers that this is a pedestrian crossing.”

DULY SIGNED this 5th day of April, A.D., 2013.

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

Exhibits:
A-Legal Description

Attachment :
A – amended Master Concept Plan

Sketch and Description:

THIS IS NOT A SURVEY

EXHIBIT A

Legal Description:

A PORTION OF SCHULTE TAMiami PARK, RECORDED IN PLAT BOOK 5, PAGE 33 AND A TRACT OF LAND ALL LYING IN SECTIONS 21 AND 28, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE RUN NORTH 00°51'13" WEST, ALONG THE EAST LINE OF SAID SECTION 21, FOR A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF ESTERO PARKWAY FORMERLY KNOWN AS KORESHAN BOULEVARD (AS DESCRIBED IN ORB 2183, PAGES 3460-3464, INCLUSIVE), AND TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 11425.00 FEET AND A CHORD BEARING OF NORTH 87°38'50" WEST; THENCE RUN WESTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°46'21", FOR A DISTANCE OF 552.84 FEET; THENCE RUN NORTH 86°15'39" WEST, 2230.03 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 86°15'39" WEST, 246.10 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 1179.35 FEET; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 26°15'55" FOR AN ARC DISTANCE OF 540.63 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 1284.11 FEET; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15°59'33" FOR AN ARC DISTANCE OF 358.42 FEET; THENCE RUN SOUTH 51°30'44" WEST, 262.00 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 49.98 FEET; THENCE RUN WESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 91°22'44" FOR AN ARC DISTANCE OF 79.71 FEET; THENCE RUN NORTH 37°10'34" WEST, 955.65 FEET; THENCE RUN NORTH 37°41'05" WEST, 17.53 FEET; THENCE RUN NORTH 44°53'22" EAST, 1165.13 FEET; THENCE RUN SOUTH 45°06'23" EAST, 824.33 FEET; THENCE RUN SOUTH 23°09'48" WEST, 48.11 FEET; THENCE RUN SOUTH 18°05'53" EAST, 261.25 FEET; THENCE RUN SOUTH 41°49'02" EAST, 117.26 FEET; THENCE RUN SOUTH 56°32'09" EAST, 125.01 FEET; THENCE RUN SOUTH 86°11'52" EAST, 308.33 FEET; THENCE RUN SOUTH 06°17'52" WEST, 65.10 FEET; THENCE RUN SOUTH 03°48'08" WEST, 78.17 FEET TO THE POINT OF BEGINNING.

(CONTAINING 33.08 ACRES MORE OR LESS)

3-7-13

APPROVED

LEGAL

MA

RECEIVED
MAR 06 2013

COMMUNITY DEVELOPMENT

Abbreviation Legend: ADD 2013-00019

(A) - ACTUAL	A - DELTA	GOV'T - GOVERNMENT	PC - POINT OF CURVATURE	R25E - RANGE 25 EAST
APPROX - APPROXIMATE	(D) - DEED	IP - IRON PIPE	PCC - POINT OF COMPOUND CURVATURE	R - RADIUS
AVG - AVERAGE	(DE) - DEED EXCEPTION	IR - IRON ROD	PCP - PERMANENT CONTROL POINT	RAD - RADIAL
(BB) - BEARING BASIS	DEPT - DEPARTMENT	IR&C - IRON REBAR & CAP	PG - PAGE	REC - RECOVERED
BLDG - BUILDING	D/U - DRAINAGE AND UTILITY	L - ARC LENGTH	PGS - PAGES	REV - REVISION
BM - BENCH MARK	ELEV - ELEVATION	LB# - LICENSED BUSINESS NUMBER	PI - POINT OF INTERSECTION	RP - RADIUS POINT
(C) - CALCULATED	EOP - EDGE OF PAVEMENT	(M) - MEASURED	POB - POINT OF BEGINNING	R/W - RIGHT-OF-WAY
C - CHORD	ESMT - EASEMENT	N & D - NAIL AND DISK	POC - POINT OF COMMENCEMENT	SEC 21 - SECTION 21
CB - CHORD BEARING	FDOT - FLORIDA DEPARTMENT OF TRANSPORTATION	NR - NON-RADIAL	POL - POINT ON LINE	SEC 28 - SECTION 28
CCR # - CERTIFIED CORNER RECORD NUMBER	FF - FINISH FLOOR	NSI - NO SURVEYOR IDENTIFICATION	PRC - POINT OF REVERSE CURVATURE	SQ - SQUARE
C/L - CENTERLINE	FND - FOUND	NT - NON-TANGENT	PRM - PERMANENT REFERENCE MONUMENT	SQ FT - SQUARE FEET
CM - CONCRETE MONUMENT	FP&L - FLORIDA POWER AND LIGHT	OR - OFFICIAL RECORDS	PT - POINT OF TANGENCY	TB - TANGENT BEARING
CMC - CONCRETE	(G) - GRID (STATE PLANE)	ORB - OFFICIAL RECORDS BOOK	FEC - FLORIDA EAST COAST RAILWAY	T46S - TOWNSHIP 46 SOUTH
COR - CORNER		PB - PLAT BOOK		(TYP) - TYPICAL
				UE - UTILITY EASEMENT
				W/ - WITH

Surveyor's Notes:

- "SURVEY MAP AND REPORT OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."
- "ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES."
- BEARINGS SHOWN HEREON ARE RELATIVE TO ASSUMED DATUM AS BEING N00°51'13"W ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
- THE "LEGAL DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR PER THE CLIENT'S REQUEST.
- THIS SKETCH 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.
- THIS IS NOT A BOUNDARY SURVEY. THIS SKETCH AND DESCRIPTION WAS PREPARED FROM INFORMATION FURNISHED TO THE SURVEYOR, NO FIELD SURVEY WAS PREPARED TO DEFINE OWNERSHIP.

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 prepared under my direction on APRIL 11, 2012. I further certify that this "Sketch and Description" meets the minimum technical standards set forth in Rule Chapter 5J-17 of the Florida Administrative Code.

DEC - 3 2012

For the Firm By:

Thomas J. Galloway, PSM
Professional Surveyor and Mapper
Florida Registration No. 6549

TITLE BLOCK ABBREVIATIONS			
Eng. = ENGINEERING	L.B. = LICENSED BUSINESS		
C.O.A. = CERTIFICATE OF AUTHORIZATION	Arch. = ARCHITECTURAL		
Landscape = LANDSCAPE	N/A = NOT APPLICABLE	Lic. = LICENSED	
No. = NUMBER	P.O. = POST OFFICE	© = COPYRIGHT	

NOT VALID WITHOUT
SHEETS 1 THROUGH 3 OF 3.

Drawn by: TNL

Date: 04/11/12

Scale: N/A

Job No. W13303

W13303 SOD 10-15-12 CIVIL
3D.DWG



Engineers (C.O.A. No. 3215)
Architects (Lic. No. AA2600926)
Surveyors (L.B. No. 7143)
Landscape Arch. (Lic. No. LC0000298)
Planners
Environmental Scientists
Construction Management
Traffic/Transportation

500 West Fulton Street
Sanford, Florida 32771
P. O. Box 2808
Sanford, Florida
32772-2808
Phone 407 322-6841
Fax 407 330-0639



SECTIONS 21 & 28 - TOWNSHIP 46 SOUTH-
RANGE 25 EAST
LEE COUNTY, FLORIDA

SKETCH AND DESCRIPTION

Sheet

1

1 of 3

© 2012

Sketch and Description:

THIS IS NOT A SURVEY

RECEIVED
MAR 06 2013

COMMUNITY DEVELOPMENT

ADD 2013-0001

CONTAINING: 33.08 ± ACRES
PARCEL No. 21-46-25-00-00001.0010
OWNER: WAL-MART STORES EAST LP
ADDRESS: P.O. BOX 8050
BENTONVILLE, AR 72712

PORTION OF SCHULTE TAMiami PARK
PLAT BOOK 5, PAGE 33

U.S. 41 (TAMiami TRAIL)
OR BOOK 1771, PAGE 810

N 86°15'39" W
2230.03'

L11
L12
L13
L1

POB

S LINE SW 1/4, SEC 21, T46S, R25E
N LINE NW 1/4, SEC 28, T46S, R25E

Δ = 02°46'21"
R = 11425.00'
C = 552.79'
L = 552.84'
CB = N 87°38'50" W

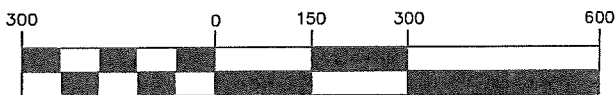
N 00°51'13" W
94.98' (BB)

POC
SOUTHEAST CORNER
OF SECTION 21,
TOWNSHIP 46 SOUTH,
RANGE 25 EAST

ESTERO PARKWAY

(FORMERLY KNOWN AS KORESHAN BOULEVARD)
150' PUBLIC RIGHT-OF-WAY
(ORB 2183, PAGE 3460)

GRAPHIC SCALE



(IN FEET)

1 inch = 300 ft.

NOT VALID WITHOUT
SHEETS 1 THROUGH 3 OF 3.

Date: 04/11/12 Job No. W13303
Scale: 1"=300' W13303 SOD 10-15-12 CIVIL
3D.DWG

Drawn by: TNL

TITLE BLOCK ABBREVIATIONS
Eng. = ENGINEERING L.B. = LICENSED BUSINESS
C.O.A. = CERTIFICATE OF AUTHORIZATION Archt. = ARCHITECTURAL
Landscape = LANDSCAPE N/A = NOT APPLICABLE Lic. = LICENSED
No. = NUMBER P.O. = POST OFFICE © = COPYRIGHT



Engineers (C.O.A. No. 3215)
Architects (Lic. No. AA2600926)
Surveyors (L.B. No. 7143)
Landscape Arch. (Lic. No. LC0000298)
Planners
Environmental Scientists
Construction Management
Traffic / Transportation

500 West Fulton Street
Sanford, Florida 32771
P. O. Box 2808
Sanford, Florida
32772-2808
Phone 407 322-6841
Fax 407 330-0639

Walmart
SECTIONS 21 & 28 - TOWNSHIP 46 SOUTH -
RANGE 25 EAST
LEE COUNTY, FLORIDA

SKETCH AND DESCRIPTION

Sheet
2
2 of 3
© 2012

Sketch and Description:

THIS IS NOT A SURVEY

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 86°15'39" W	246.10'
L2	S 51°30'44" W	262.00'
L3	N 37°10'34" W	955.65'
L4	N 37°41'05" W	17.53'
L5	N 44°53'22" E	1,165.13'
L6	S 45°06'23" E	824.33'
L7	S 23°09'48" W	48.11'
L8	S 18°05'53" E	261.25'
L9	S 41°49'02" E	117.26'
L10	S 56°32'09" E	125.01'
L11	S 86°11'52" E	308.33'
L12	S 06°17'52" W	65.10'
L13	S 03°48'08" W	78.17'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	540.63'	1,179.35'	26°15'55"	535.91'	S 80°36'23" W
C2	358.42'	1,284.11'	15°59'33"	357.26'	S 59°28'39" W
C3	79.71'	49.98'	91°22'44"	71.53'	N 82°47'54" W

RECEIVED
MAR 06 2013

COMMUNITY DEVELOPMENT

ADD 2013-00019

TITLE BLOCK ABBREVIATIONS
Eng. = ENGINEERING L.B. = LICENSED BUSINESS
C.O.A. = CERTIFICATE OF AUTHORIZATION Archt. = ARCHITECTURAL
Landscape = LANDSCAPE N/A = NOT APPLICABLE Lic. = LICENSED
No. = NUMBER P.O. = POST OFFICE © = COPYRIGHT

NOT VALID WITHOUT
SHEETS 1 THROUGH 3 OF 3.

Drawn by: TNL

Date: 04/11/12

Job No. W13303

Scale: N/A

W13303 SOD 10-15-12 CIVIL
3D.DWG



Engineers (C.O.A. No. 3215)
Architects (Lic. No. AA2600926)
Surveyors (L.B. No. 7143)
Landscape Arch. (Lic. No. LC0000298)
Planners
Environmental Scientists
Construction Management
Traffic / Transportation

500 West Fulton Street
Sanford, Florida 32771
P. O. Box 2808
Sanford, Florida
32772-2808
Phone 407 322-6841
Fax 407 330-0639



SECTIONS 21 & 28 -TOWNSHIP 46 SOUTH-
RANGE 25 EAST
LEE COUNTY, FLORIDA

SKETCH AND DESCRIPTION

Sheet

3

3 of 3

© 2012

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 EXCAVATED SOIL FROM THE SITE WILL BE RETAINED AND UTILIZED ON SITE.

CROSS ACCESS EASEMENTS

PUD
(THE VINES)
RESIDENTIAL COMMUNITY

MASTER PLAN INSET

NO MODIFICATION
PROPOSED TO THE
REMAINDER OF THE ESTERO
GOLF RESORT MPD.

AREA PROPOSED FOR
MODIFICATION (SEE ABOVE)

N.T.S.

AG-2
(VACANT RESIDENTIAL)

RS-1
(VACANT RESIDENTIAL)

RSC-1
(VACANT RESIDENTIAL)

APPROVED

Amendment to
Master Concept Plan

Subject to Case # **ADD2013-00019**

Date **4/5/13**

ADD 2013-00019

MPD
(VACANT RESIDENTIAL)

NO BUFFER REQUIRED

RESIDENTIAL
TRACT MPD - 5

EXCAVATED SOIL WILL BE
RETAINED ON SITE FOR FILL.
BLASTING IS NOT PROPOSED.

LAKE

RV-3
(CYPRESS BEND
RV RESORT)

LDC DEVIATIONS

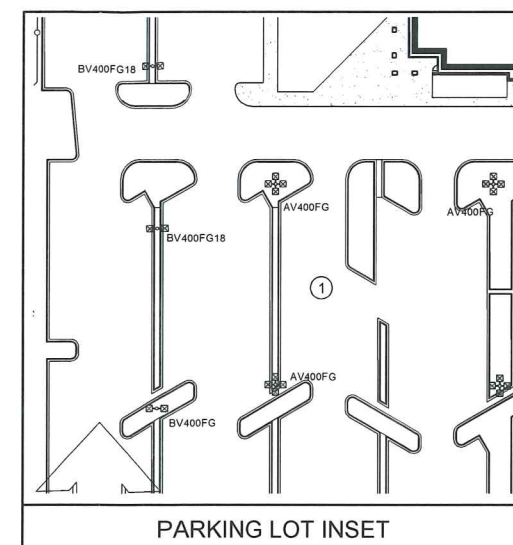
1. PARKING WITHIN COMMERCIAL TRACT MPD-1 WILL UTILIZE LINEAR CONCRETE ISLANDS IN LIEU OF WHEEL STOPS, AND COMBINE DIFFERENT ANGLES OF PARKING SPACES WITHIN ONE AND TWO WAY DRIVE AISLES TO MINIMIZE UNNECESSARY PAVEMENT (SEE INSET).
2. THE REDUCTION OF THE REQUIRED SETBACK TO 28.50 FT FOR EXCAVATIONS FROM 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)

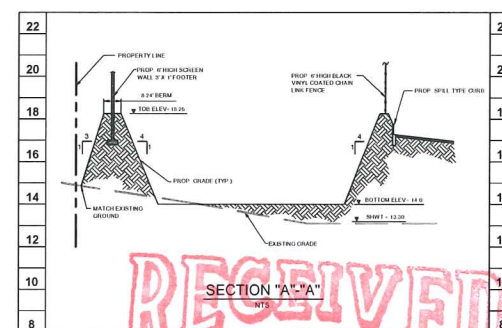
1. THE OFFICE TRACT MPD-2 AND COMMERCIAL TRACT MPD-4 SHOWN ON THE EXISTING APPROVED MASTER PLAN IS DELETED.
2. THE LOCATION OF THE INTERIOR ACCESS ROAD IS MODIFIED AS SHOWN FROM THE EXISTING APPROVED MASTER PLAN.
3. THE LOCATION OF THE DRIVEWAY CONNECTION TO U.S. 41 IS MODIFIED AS SHOWN, PER FDOT RECOMMENDATIONS, 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.
8. THE PROPOSED SIDEWALK IS TO BE LOCATED WITHIN THE US 41 AND ESTERO PARKWAY RIGHT-OF-WAY ON THE EXTERIOR OF THE PROPOSED BUFFER.

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 *LEETRA* 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.



PARKING LOT INSET



RECEIVED
MAR 06 2013
COMMUNITY DEVELOPMENT

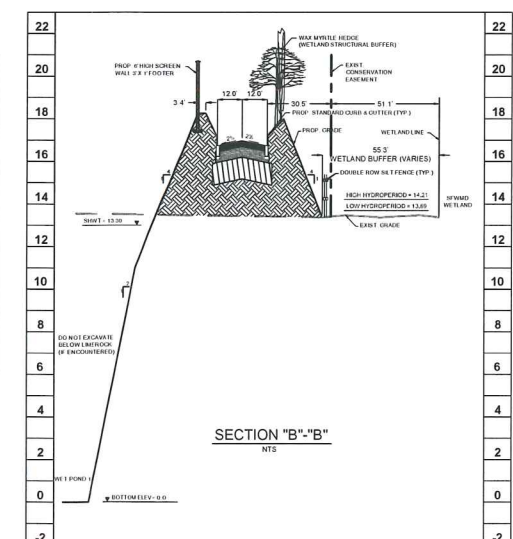


EXHIBIT IV-A-1

ESTERO GOLF RESORT
MASTER CONCEPT PLAN
"WAL-MART OPTION"

Sheet No.

C-2

Scale: 1" = 150'

Date: JULY 2003

Job No. W13303

File: MASTER-PLAN

Approved

Revision

Date

No.

Name

Date

Activity

Designed by: J.C.P.

Drawn by: T.W.E.

Checked by: J.C.P.

Approved by: J.C.P.

Certificate of Authorization No. 3215

Engineers
Planners
Landscape Architects
Construction Management
to the community
2311 Pick Street, Suite 200, Fort Myers, FL 33901
Phone: 238-332-5400 Fax: 238-332-5955

eph

BOARD OF COUNTY COMMISSIONERS

September 10, 2009

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

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.

U:\200907\DCI20090.002\6\ESTERO GOLF RESORT.WPD

- 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 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

COPY

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 set forth 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 the first residential 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: *Anna L. Pierce*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *[Signature]*
Chairman

Approved as to form by:

[Signature]
County Attorney's Office



RECEIVED
MINUTES OFFICE
or
2005 MAR 24 AM 10:12



**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

DCI 2003-00058

EXHIBIT
LEGAL DESCRIPTION
PARCEL "A"
ESTERO GOLF RESORT MPD

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 48 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 84.88 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN D.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 2555.79 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 21; THENCE N 00°53'22" W, A DISTANCE OF 2448.57 FEET TO THE NORTHEAST CORNER OF SAID SECTION 21; THENCE N 88°25'23" 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°53'15" E, ALONG SAID EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB, A DISTANCE OF 1317.99 FEET; THENCE S 4°54'53" W, A DISTANCE OF 2370.25 FEET; THENCE CONTINUE S 32°24'51" 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 S52.84 FEET ALONG THE ARC OF SAID CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 11,425.00 FEET, A CENTRAL ANGLE OF 02°48'21", A CHORD DISTANCE OF 852.79 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 22, TOWNSHIP 48 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 84.88 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN D.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 11,425.00 FEET, A CENTRAL ANGLE OF 02°48'21", A CHORD DISTANCE OF 852.79 FEET, AND A CHORD BEARING OF S 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 1184.17 FEET TO A POINT OF CURVATURE; THENCE 540.77 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 1178.00 FEET, A CENTRAL ANGLE OF 28°22'09", A CHORD DISTANCE OF 834.01 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 18°53'11", A CHORD DISTANCE OF 357.31 FEET, AND A CHORD BEARING OF S 81°28'40" W, TO A POINT OF TANGENCY; THENCE CONTINUE 79.88 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH, HAVING A RADIUS OF 80.00 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 853.60 FEET, THENCE CONTINUE N 27°45'31" W A DISTANCE OF 17.82 FEET; THENCE N 4°54'53" E FOR A LINE RAILROAD (AS RECORDED IN DEED BOOK 83, 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.

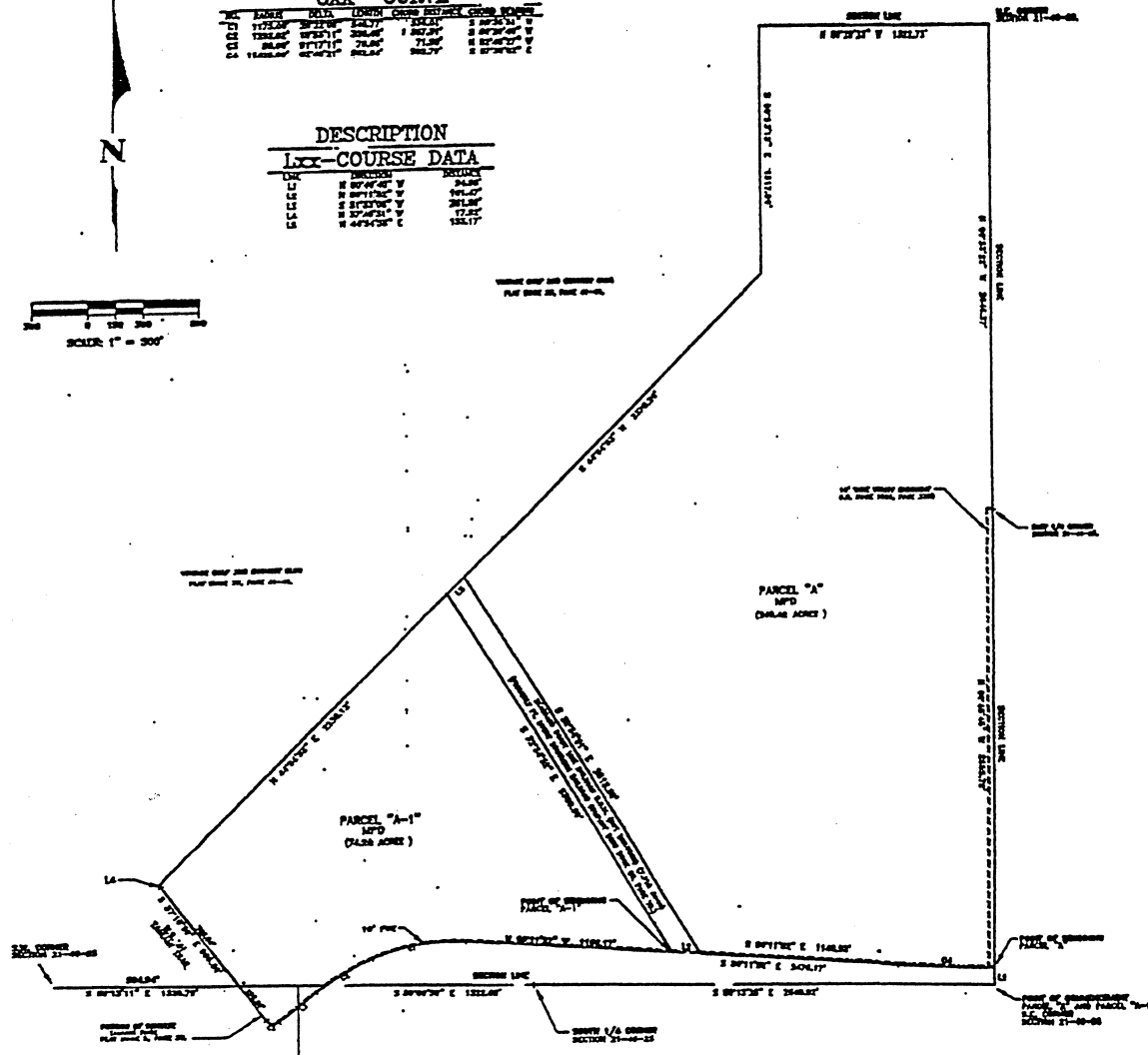
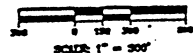
COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LC-2443
CARE L. WOLLEY
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 8451
NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL EMBOSSED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER
CEC FILE NO. 2003-00058
DATE SIGNED: 3/1/04

Applicant's Legal Checked

by [Signature] 3/09/2004.

DESCRIPTION					
CXX - CURVE					
NO.	LAGER	DATE	LENGTH	CHRG. DISTANCE	CHRG. POWER
01	1172.00	07/27/71	304.77	304.77	5.00000000 W
02	1172.00	07/27/71	304.66	1.00000000 W	5.00000000 W
03	1172.00	07/27/71	70.66	71.50	5.00000000 W
04	1172.00	07/27/71	304.66	304.77	5.00000000 C

DESCRIPTION		
LOCK-COURSE DATA		
LINE	DESCRIPTION	RELATIVE
L1	N 00°44'40" W	34.95'
L2	N 00°11'20" W	101.00'
L3	S 31°23'00" W	201.80'
L4	N 37°40'31" W	17.55'
L5	N 04°24'00" E	133.17'



THIS INSTRUMENT PREPARED BY:
DANA L. WOBLEY P.S.M.
PROFESSIONAL SURVEYOR AND MAPPER
CONSULTING ENGINEERING CONSULTANTS, INC.
PROFESSIONAL ENGINEERS AND LAND SURVEYORS
17300 S. DAWSON TR., STE #702
PHONE NO. (941) 980-8900 FAX NO. (941) 980-8900

NOT A BOUNDARY SURVEY

COURT
 LEGAL DESCRIPTION
 PARCEL "A"
 COUNTRY CLUB RESORT INC

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 48 SOUTH,
RANGE 28 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED
AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 21, THENCE ALONG
 THE EAST LINE OF SECTION 21, N 69°45'45" E, A DISTANCE OF 34.86 FEET TO
 THE NORTHEASTLY CORNER OF SAID LINE OF REMOVED BUILDINGS (AS RECORDED
 IN A.B. BOOK 2187, PAGES 243-244), THENCE S 89°45'45" E, A DISTANCE OF
 27.98 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 21, A
 DISTANCE OF 2386.70 FEET TO THE EAST QUARTER CORNER OF SAID SECTION
 21, THENCE N 87°52'21" E, A DISTANCE OF 3448.37 FEET TO THE NORTHEASTLY
 CORNER OF SAID SECTION 21, THENCE S 87°52'21" E, A DISTANCE OF 161.14 FEET TO
 THE EAST QUARTER CORNER OF SAID SECTION 21, THENCE S 87°52'21" E, A
 DISTANCE OF 122.93 FEET TO THE EAST LINE OF THE
 VERTICAL GULCH AND COUNTRY CLUB (AS RECORDED IN PLAT BOOK 37, PAGE 38
 OF THE PUBLIC RECORDS OF THE COUNTY OF FLORIDA, THENCE S 87°52'21" E,
 ALONG SAID VERTICAL GULCH AND COUNTRY CLUB, A DISTANCE OF 122.93 FEET
 TO THE EAST QUARTER CORNER OF SAID SECTION 21, THENCE S 87°52'21" E,
 ALONG SAID VERTICAL GULCH AND COUNTRY CLUB, A DISTANCE OF 2576.36 FEET,
 THENCE CONTINUE S 87°52'21" E, ALONG THE EXTERIOR BOUNDARY OF SAID LINE
 OF THE SEABOARD COAST LINE RAILROAD, A DISTANCE OF 2541.16 FEET,
 THENCE ALONG THE NORTHEASTLY BOUNDARY OF SAID LINE OF THE SEABOARD
 COAST LINE RAILROAD, A DISTANCE OF 119.55 FEET TO A POINT OF CURVATURE,
 THENCE CONTINUE 32.84 FEET ALONG THE ARC OF SAID CURVE CORRESPONDING TO
 THE NORTHEAST, MAKING A RADIIUS OF 11,422.00 FEET, A CENTRAL ANGLE OF 86°42'1",
 A CHORD DISTANCE OF 357.78 FEET, AND A CHORD BEARING OF S 87°52'21" E.

PARCEL CONTAINS 340.44 ACRES, MORE OR LESS.

SUBJECT TO EMBARGO, RESTRICTIONS AND REMOVALS OF RECORD.

AND THOSE LANDS FURTHER DESCRIBED AS FOLLOWS:

PARCEL 2-A-1
EXTENSIVE GOLF HIDEOUT 1400

A TRACT OR PARCEL OF LAND IN SECTION 21 AND 22, TOWNSHIP 46 SOUTH, RANGE 28 EAST, 1ST COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

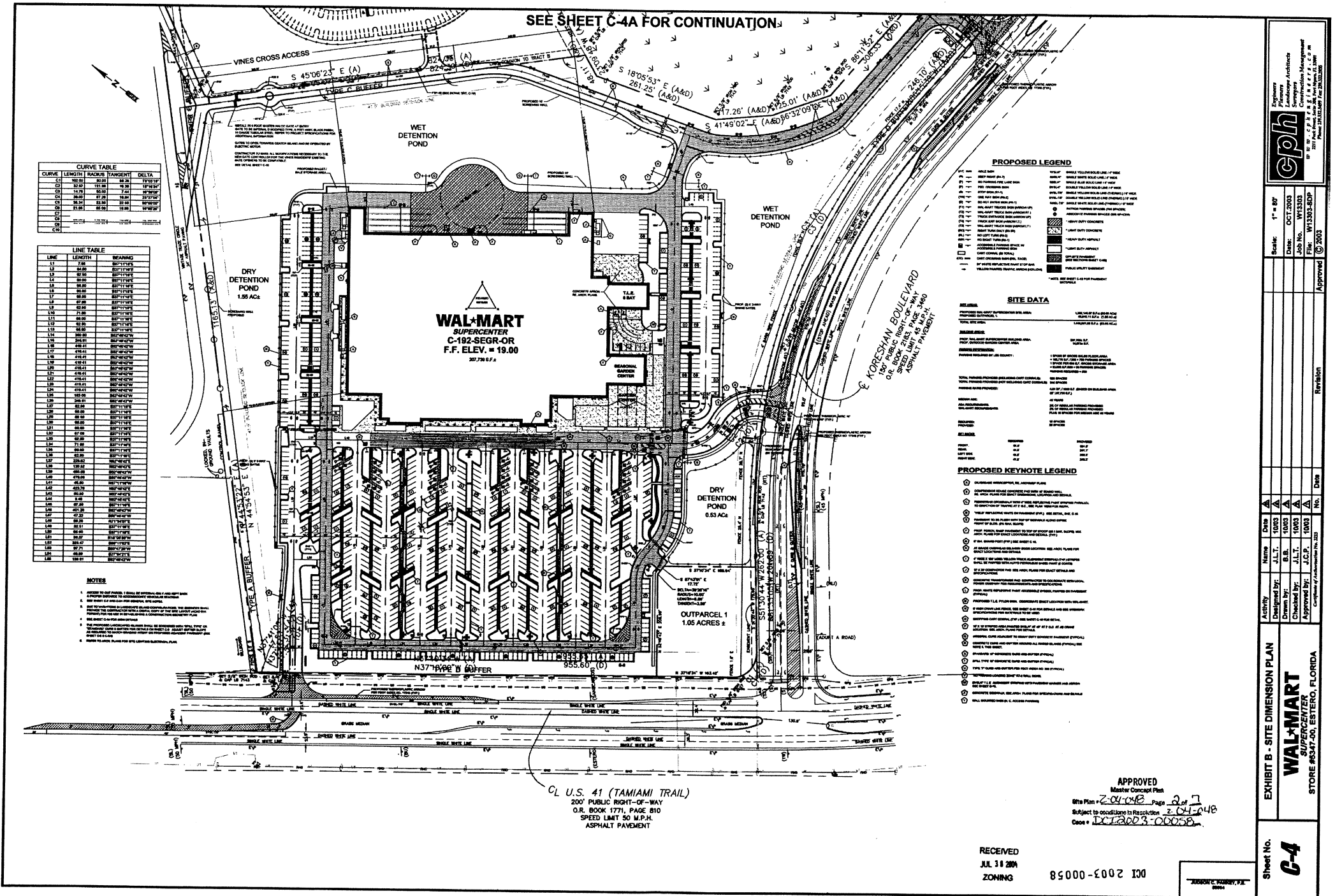
PARCEL CONTAINS 74.2 ACRES OF LAND MORE OR LESS.

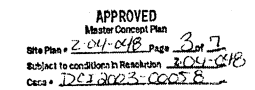
SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

[illegible]

RECEIVED
 MAY 22 1964
 JEFFERSON

[illegible][illegible]



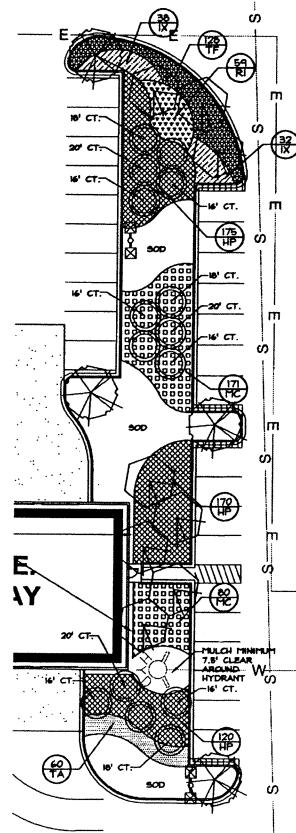


RECEIVED
JUL 30 2004
ZONING

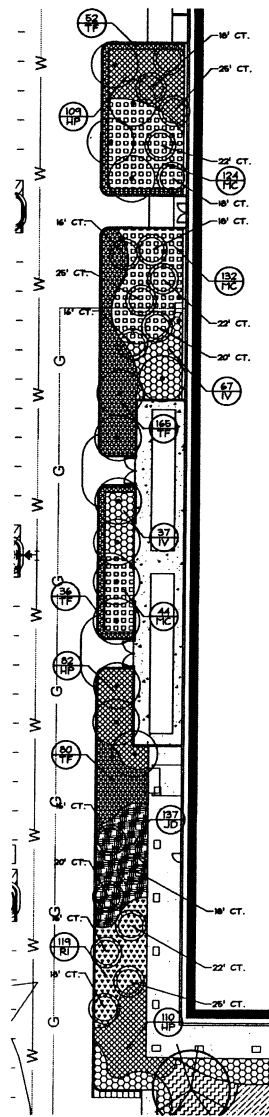
-  IV
 TA
 DV
 JD
 SB
 MC
 BAHIA
 SOD/SS

EXHIBIT D

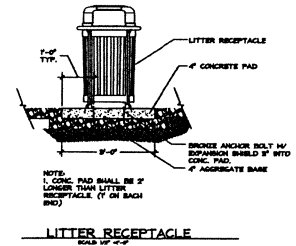
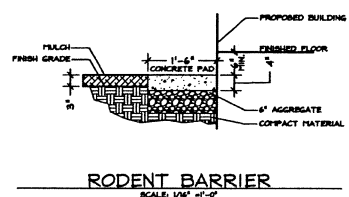
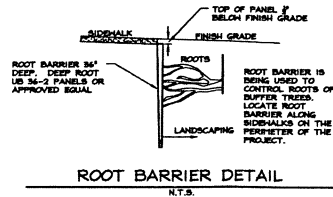
Control of invasive exotics to be achieved through initial hand, mechanical and chemical methods. A series of post emergent herbicide applications made by a certified landscape and/or pest control applicator are to be made until 100% control is achieved. Upon review a pre-emergent herbicide is to be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



ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'



2 ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'



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.

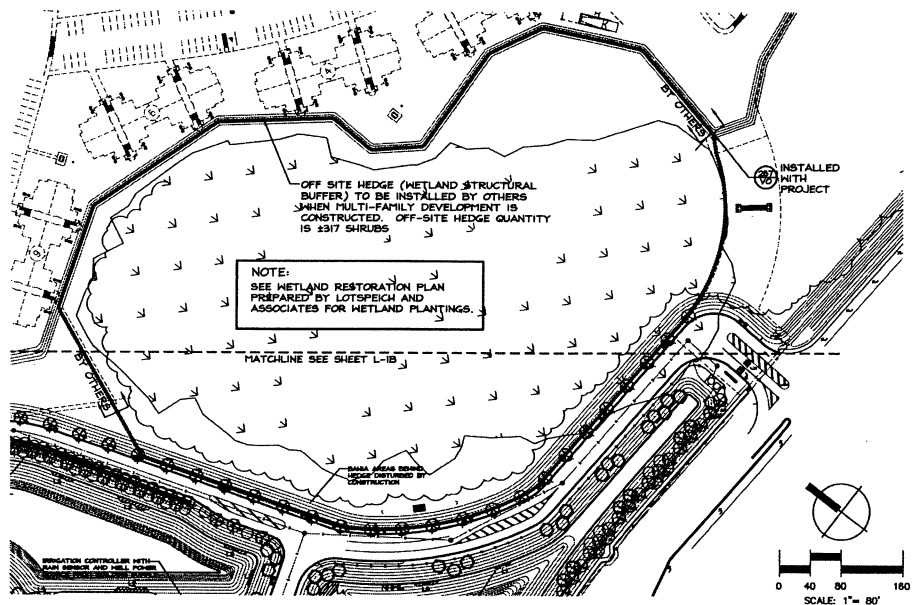
APPROVED

Master Concept Plan
Site Plan # 2-04-048 Page 4 of 4
Subject to conditions in Resolution 2-04-048
Case # DCI 2003-00058

RECEIVED
JUL 30 2004
ZONING

MICHAEL J. GONCHUK, PCA
0000878

DCI 2003-00058

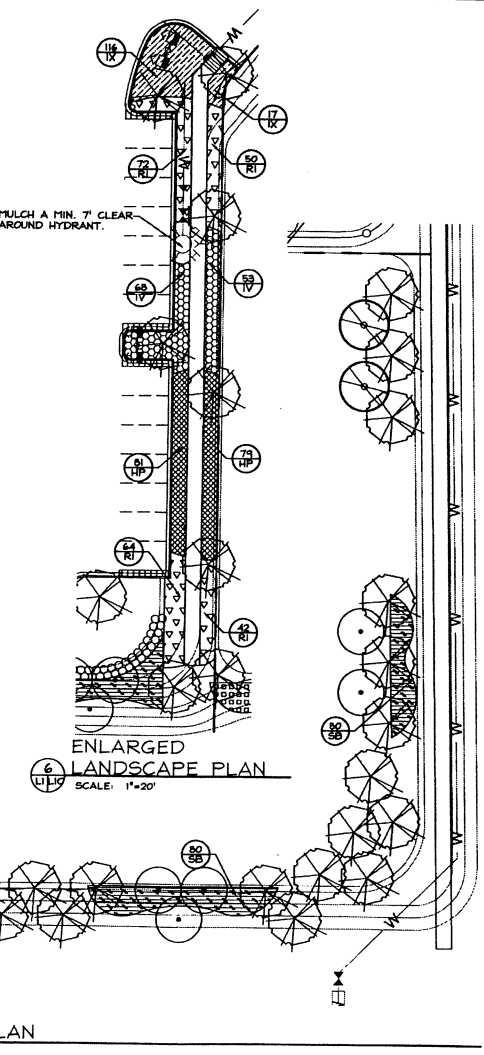
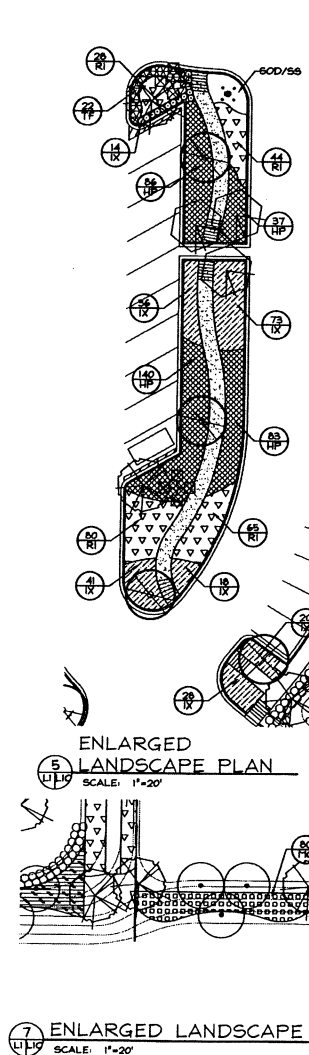
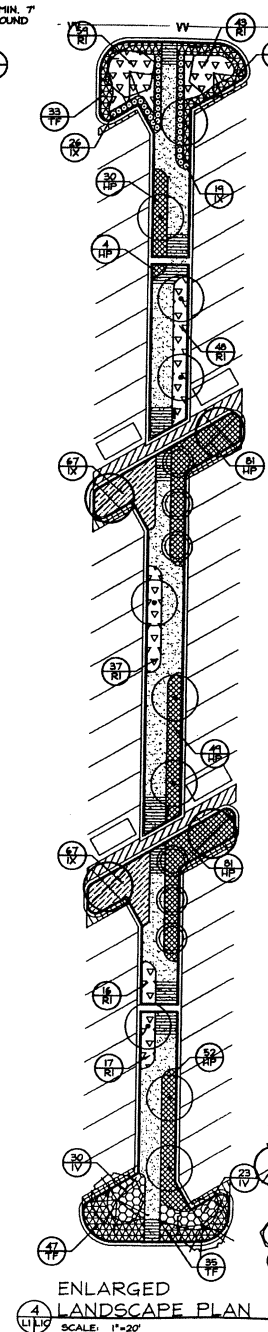
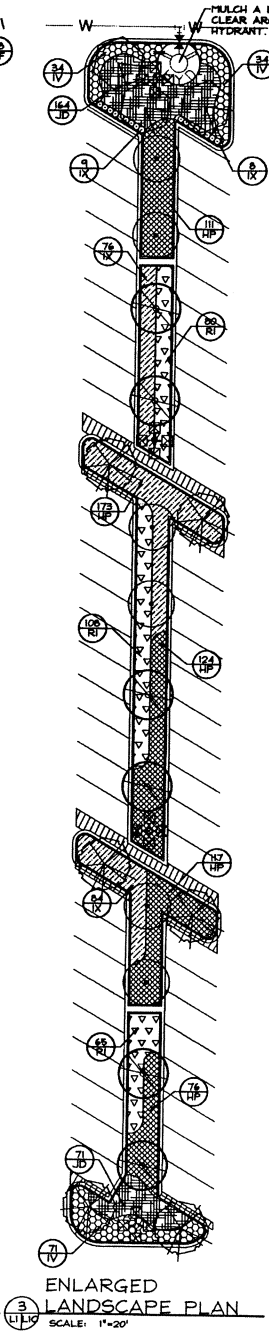
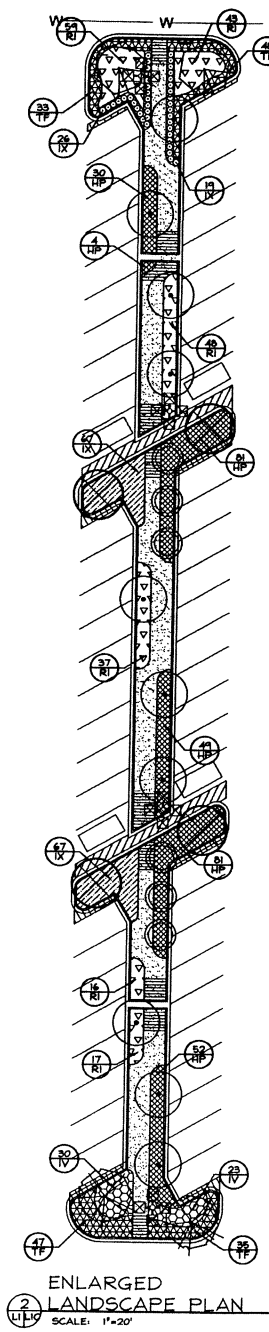
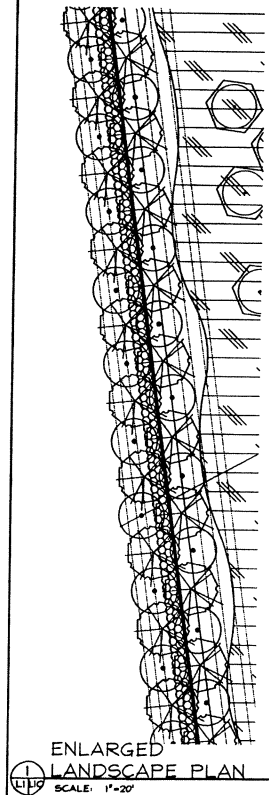


NOTE:
SEE WETLAND RESTORATION PLAN
PREPARED BY LOTSPEICH AND
ASSOCIATES FOR WETLAND PLANTINGS.

MATCHLINE SEE SHEET L-1B

BARNA AREAS DENIED
HEDGE DISTURBED BY
CONSTRUCTION

[illegible][illegible]



RECEIVED JUL 31 2004 ZONING

APPROVED Master Concept Plan

Site Plan: 2-04-048 Page 5 of 7
 Subject to conditions in Resolution 2-04-048
 Date: 02-20-03-00058

PLANT LEGEND		SHRUBS AND GROUND COVER	
SYM	COMMON NAME	SYM	COMMON NAME
TREES			
QV2	LIVE OAK (LG)	MF	SIMPSON'S STOPPER
QV3	LIVE OAK (S)	VO	WALTER'S VIBURNUM
LI	QUEEN CRAPPE MYRTLE	IX	IXORA
SP	SABAL PALM	CI	RED TIP COCOPLUM
SR	PIANGANY	IX	IXORA
TD	BALD CYPRESS	RI	INDIAN HAWTHORN
CO	SATINLEAF	HP	DWARF FIREBUSH
IC	DAHOON HOLLY	TF	FLORIDA GAFFIA GRASS
PR	SENEGAL PALM		
SHRUBS AND GROUND COVER			
IV	BAHIA	IV	DWARF YAUPOH HOLLY
TA	ASIATIC JASMINE	DY	AFRICAN IRIS
JD	'PARSONS' JUNIPER	SD	CORDGRASS
MC	MULLY GRASS	MC	ARGENTIN BAHIA SOD
	ST. AUGUSTINE GRASS		

gph

Engineers
Planners
Landscape Architects
Surveyors
Construction Management

301 West 1st Street, Suite 100
Fort Lauderdale, FL 33301
Phone: 954.333.0000 Fax: 954.333.0001

Scale: 1" = 20'

Date: AUG 2003

Job No: WY13303

File: LSP

Approved: [Signature]

Revision: [Table]

EXHIBIT B - LANDSCAPE PLAN

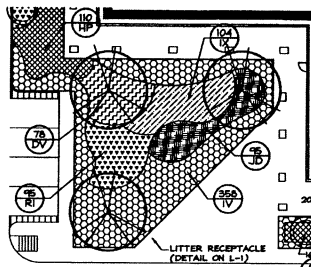
WAL-MART

SUPERCENTER

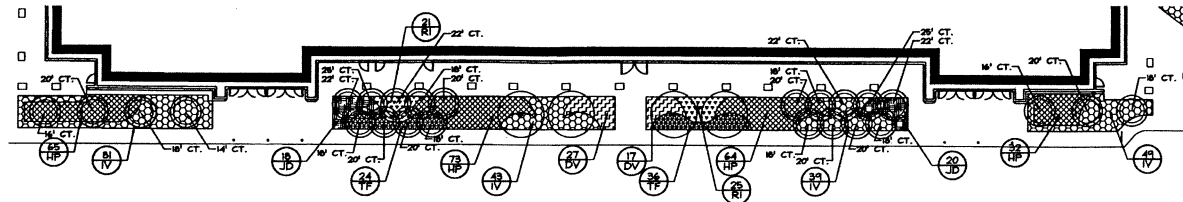
STORE #3347-00, ESTERO, FLORIDA

Sheet No.

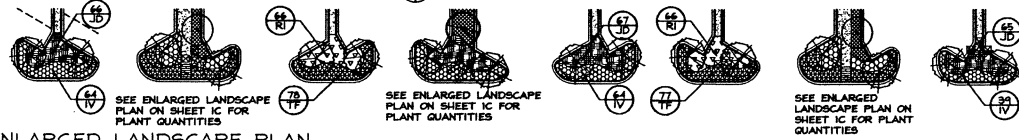
L-10



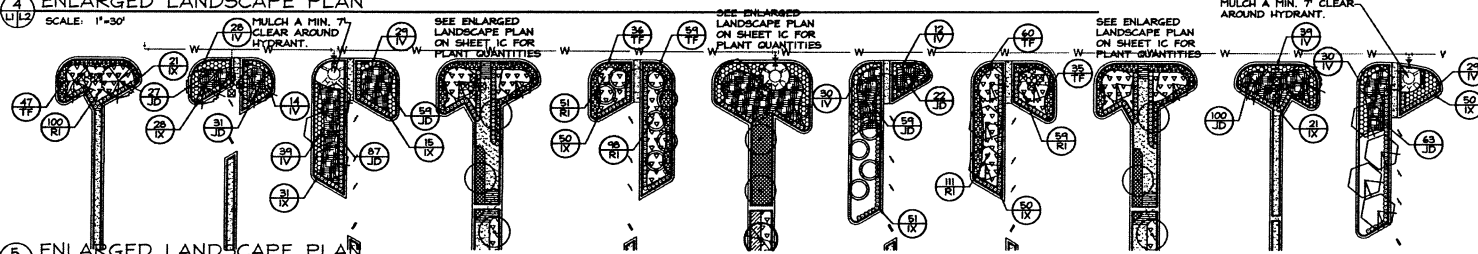
1 ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'



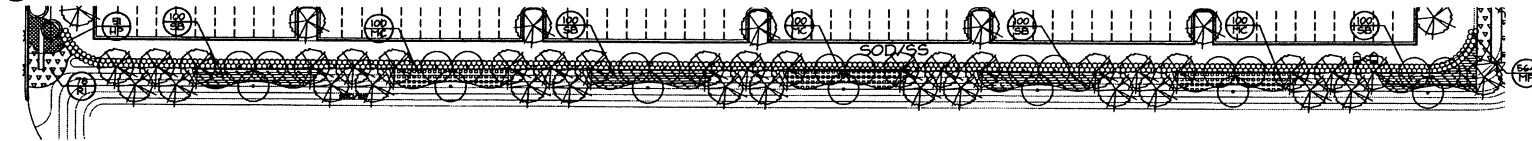
2 ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'



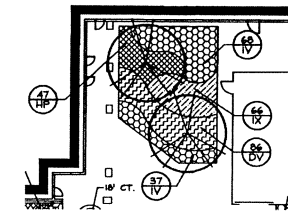
4 ENLARGED LANDSCAPE PLAN
SCALE: 1"=30'



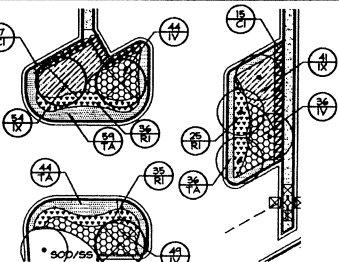
5 ENLARGED LANDSCAPE PLAN
SCALE: 1"=30'



6 ENLARGED LANDSCAPE PLAN
SCALE: 1"=30'

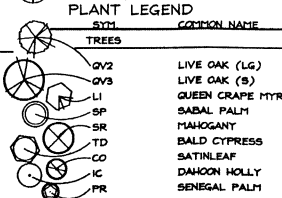


7 ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'

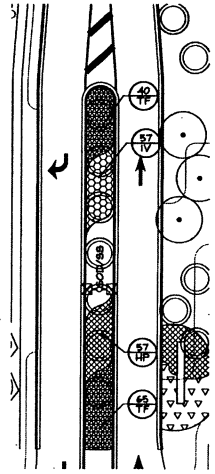
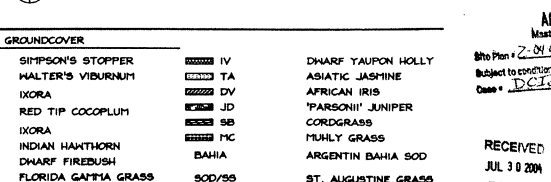


8 ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'

9 ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'



10 ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'



3 ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'

gph Engineers Landscape Architects Environmental Planners 201 West 7th Avenue, Suite 200 Fort Lauderdale, FL 33304 Phone: 772.466.1000 Fax: 772.466.1001					
Activity Design Drawn by Checked by Approved by Compliance of Submittal No. 225	Name MAJ KDL MAJ MAJ	Date 8/03 8/03 8/03 8/03	No. 803 803 803 803	Date 8/03 8/03 8/03 8/03	Approved 8/03 8/03 8/03 8/03
EXHIBIT B - LANDSCAPE PLAN WAL-MART SUPERCENTER STORE #5347-00, ESTERO, FLORIDA		Sheet No. L-2			

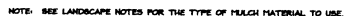
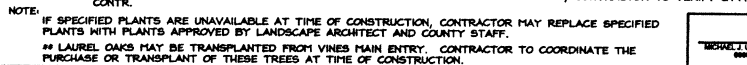
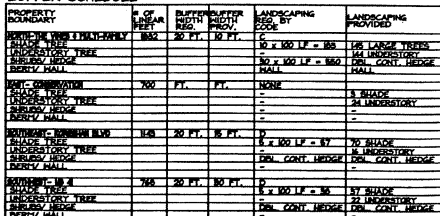
APPROVED
Master Control Plan
Site Plan # 2-04-018
Subject to conditions in Resolution 2-04-018
Case # DCI0003-00050

RECEIVED
JUL 30 2004
ZONING

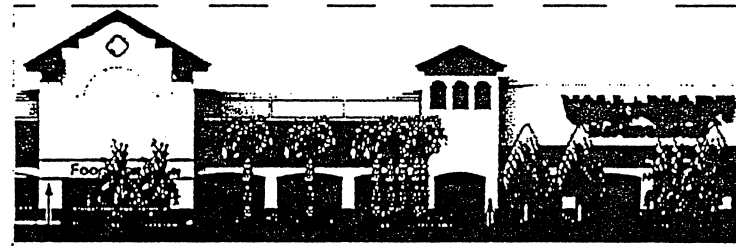
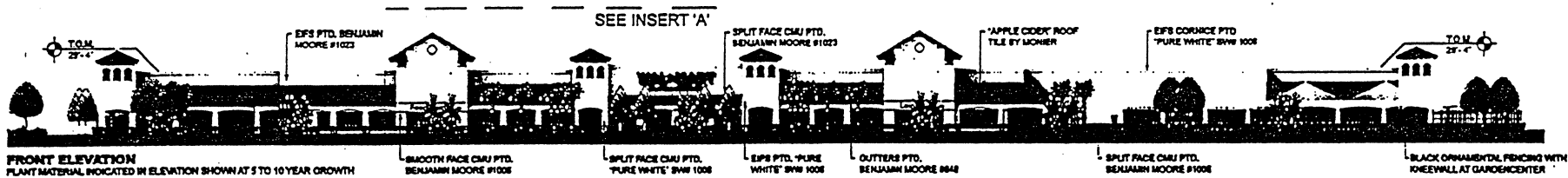
RECEIVED
JUL 30 2004
ZONING

[illegible]

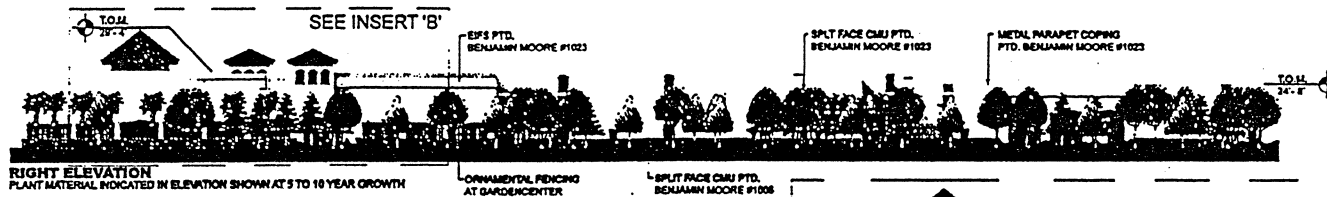
1. SITE SHALL BE 100% IRRIGATED.
2. SYSTEM SHALL BE CONTROLLED AND MONITORED WITH RAINBIRD ESP SITE CONTROLLER.
3. IRRIGATION SYSTEM WILL BE INSTALLED WITH A RAIN SENSOR.
4. FLORIDA IRRIGATION INDUSTRY STANDARDS WILL BE USED FOR DESIGN, PIPING, HEADS, NOZZLES, AND CONSTRUCTION.

**DESCRIPTION**

Sheet No. **L-3**



INSERT 'A'



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 visible variations in color, material or construction that may occur due to local material differences and final design detailing.

WAL★MART
SUPERCENTER

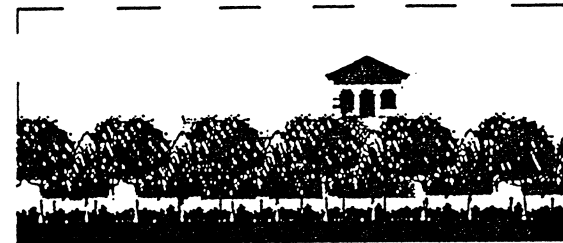
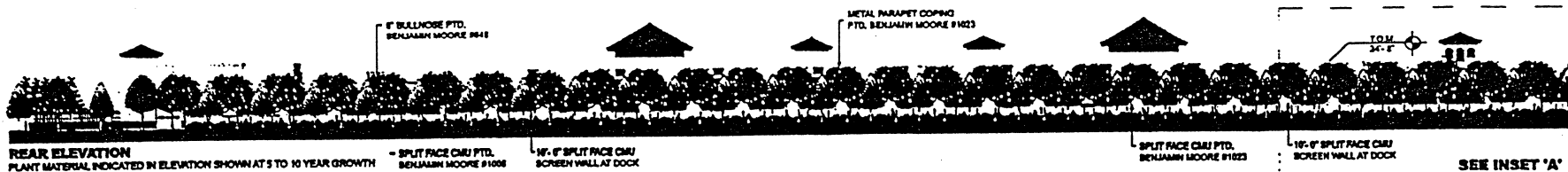
RECEIVED

JUL 30 2004

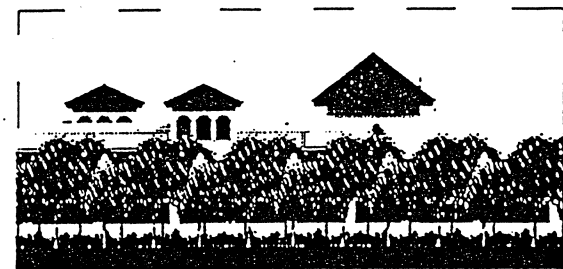
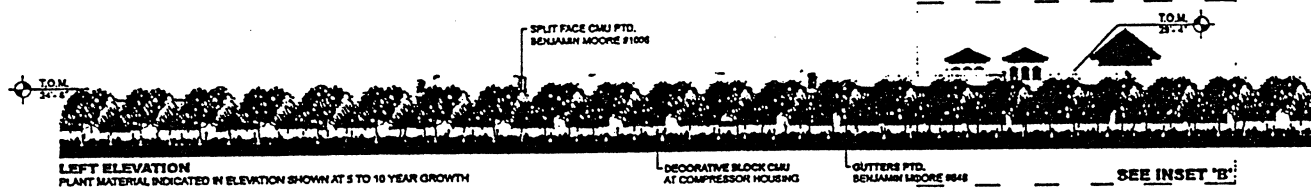
ZONING

eph

EXHIBIT "E"



INSET 'A'



INSET '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
specific materials or colors intended in construction that may occur
due to local material differences and final design detailing.

WAL★MART
SUPERCENTER

RECEIVED
JUL 30 2004
ZONING

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

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
 Specialty 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 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 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: *Charlie Green*
Deputy Clerk

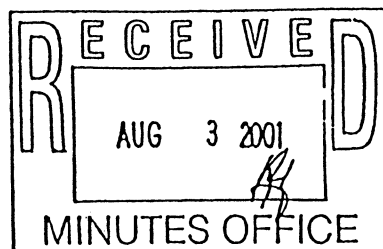
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *[Signature]*
Chairman

Approved as to form by:

[Signature]
County Attorney's Office

CASE NO:DCI2000-00032



Z-01-012a
Page 14 of 14

LAND USE SUMMARY

Land Use	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, roadscape and open space for the use.
 ** The developer retains the option of converting retail coverage to office at a ratio of 4 acres of commercial use to 3 acres of office use.

MASTER CONCEPT PLAN NOTES

1. WITHDRAWN

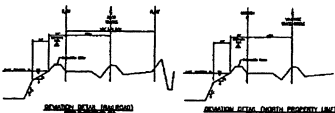
- The residential unit mix is preliminary and subject to change due to marketing and permitting considerations. Single and multi-family units may be converted on a 1:1 ratio.
- Multi-family units may be converted to a maximum of 100 Assisted Living Facility (ALF) units in accordance with LDC Section 94-1404.
- Access to public transit will be provided in accordance with LDC Section 10-42.
- Private covenants have not been developed for the project.
- Temporary administration offices and sales offices may utilize asphalt parking lots and/or existing lots. Permanent asphalt lots may be used for golf course maintenance.
- There are no structures on site.
- This property will be developed in one phase.
- The configuration of the "Conservation" areas and "Restored Wetlands" are approximate and subject to modification by the review agencies.

PARKING

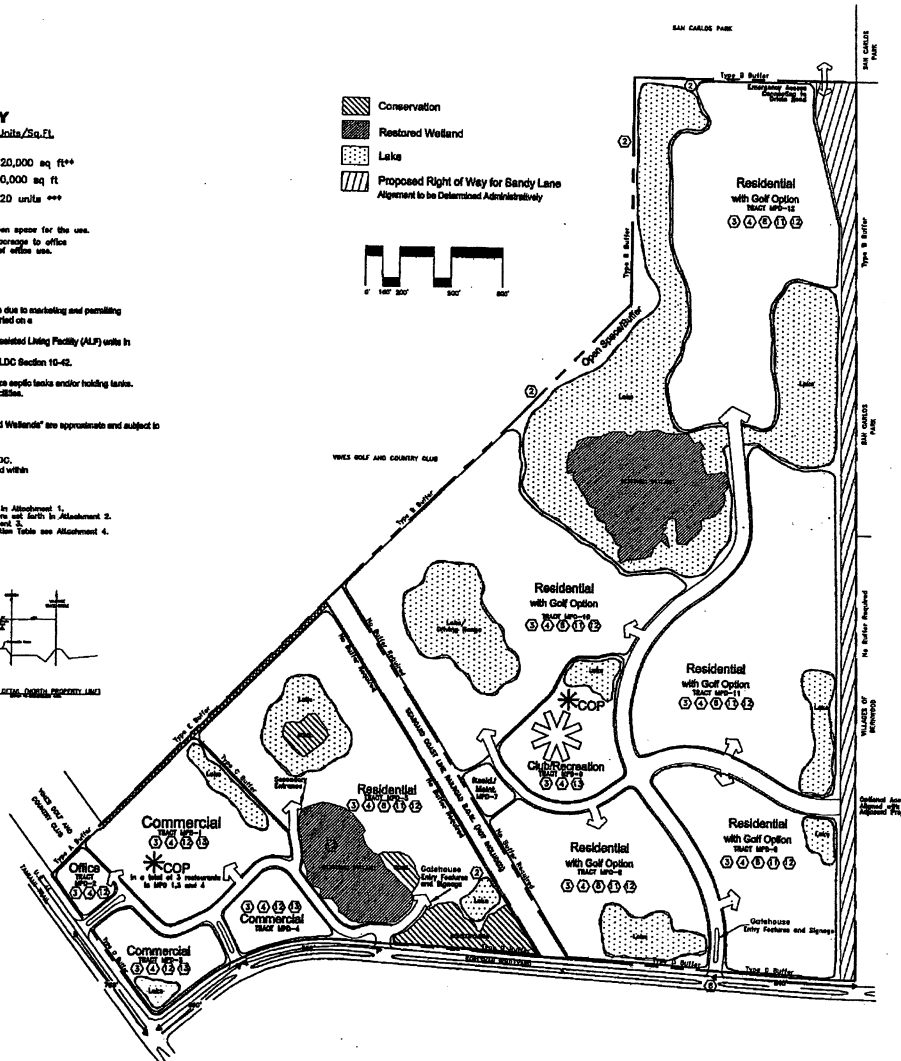
Estero Golf Resort will meet the parking requirements of the LDC.
 Parking will be calculated based on the specific uses developed within this project.

NOTES

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



- Conservation
- Restored Wetland
- Lake
- Proposed Right of Way for Sandy Lane
Alignment to be Determined Administratively



APPROVED
 Master Concept Plan
 Site Plan - 01-0125 Page 1 of 1
 Subject to conditions in Resolution 3-01-0125-d
 Case # 2000-00032

Survey and site information provided by:
COASTAL ENGINEERING CONSULTANTS, INC.
 COASTAL & URBAN ENGINEERING • PLANNING • SURVEYING • CONSTRUCTION
 1700 N. W. 10th Ave., Suite 100
 Fort Lauderdale, FL 33304
 PHONE NO.: (954) 582-8800 FAX NO.: (954) 582-8800

FLORIDA LAND PLANNING, INC.
 1850 Matthew Drive, Suite E - Midtown Professional Center
 Fort Worth, Florida 76107
 (941) 278-5222 - Fax (941) 278-4468

ESTERO GOLF RESORT Master Concept Plan

Date: 02/15/2001
 Rev: 02/15/2001
 Rev: 02/15/2001

REVISED BY: [Signature]



Scale: 1" = 300'

Sheet 1 of 1

DOI 2000-00032

ADMINISTRATIVE AMENDMENT (PD) ADD2003-00014

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) 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.

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 13 MAR 03 *[Signature]*

RECEIVED
MAR 12 2003

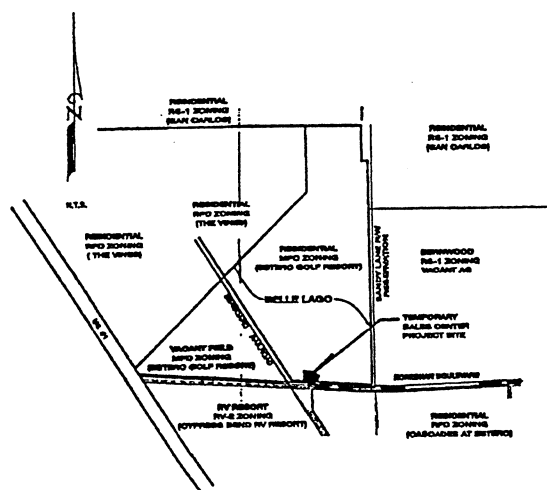
ZONING COUNTER

ADD 2003-00014

Master Plan\Legal\boundary-less-sales-desc.dwg, 11/25/2002 09.

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 Date: 10/23/02	Ck. SU Order No: TB2-ES SEC. 21, TWP. 46 S, RGE. 25 E LEE COUNTY, FLORIDA

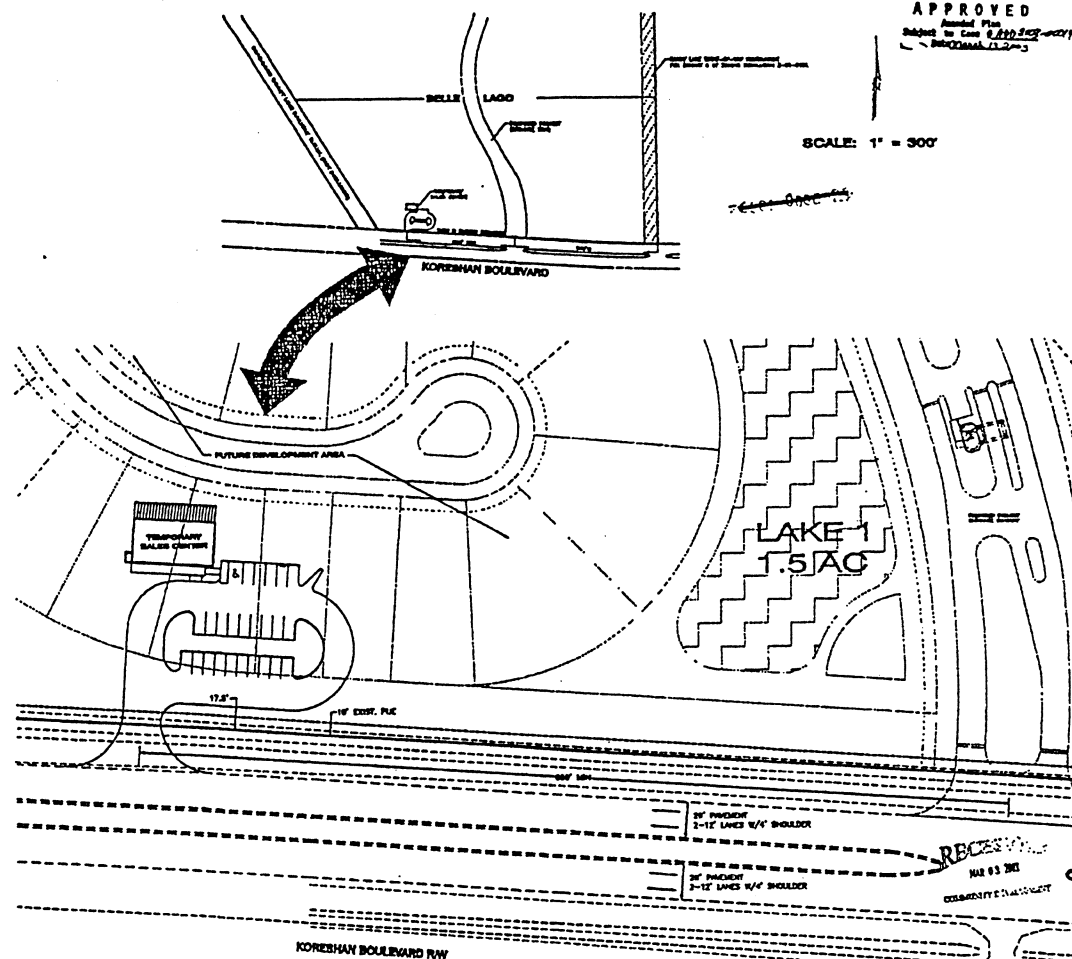
SCALE: 1" = 300'



LOCATION MAP

WATER CONCEPT YEAR REVIEW

1. THE TEMPORARY SALES CENTER AND SUBWAY CONNECTION TO KOREANMAN BOULEVARD SHALL BE REMOVED WITHIN 90 DAYS AFTER THE OPENING OF THE PERMANENT SALES FACILITY WITHIN THE COMMUNITY.



SCALE: 1" = 40'

	PERDUE & ASSOCIATES, Inc. 1000 E. First Street First Floor Office San Antonio, Tex. 78205 Phone: 548-0000 Telex: 548000	WELLS LAGO ADMINISTRATIVE AGREEMENT 1A ESTERO GOLF RESORT AMENDED MASTER CONCEPT PLAN FOR WELLS LAGO TEMPORARY SALES CENTER YOLI BROWERS
DATE DESCRIPTION	P. R. McCORMICK, P.E. P.L. GRIFFIN Professional Engineer Professional Architect	FILE NO. DATE BY 62-55-45 11-1-78 AL SHEET 1 OF 1 SHEET

ADMINISTRATIVE AMENDMENT (PD) ADD2003-00014A

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

CASE NO. ADD2003-00014A

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 (ECP) on October 17, 2002, to discuss the residential development, known as the Estero Golf Resort project; and

WHEREAS, the developer indicated to the ECP that approvals were being sought for the sales center, three residential pods and infrastructure for the entire residential site; and

WHEREAS, summary of the ECP 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 and sales 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 set forth 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 the first residential 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 48 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 *[Signature]*

RECEIVED
MAR 12 2003

ZONING COUNTER

ADD 2003-00014

Master Plan\Legal\boundary-less-sales-desc.dwg, 11/25/2002 09:12 AM

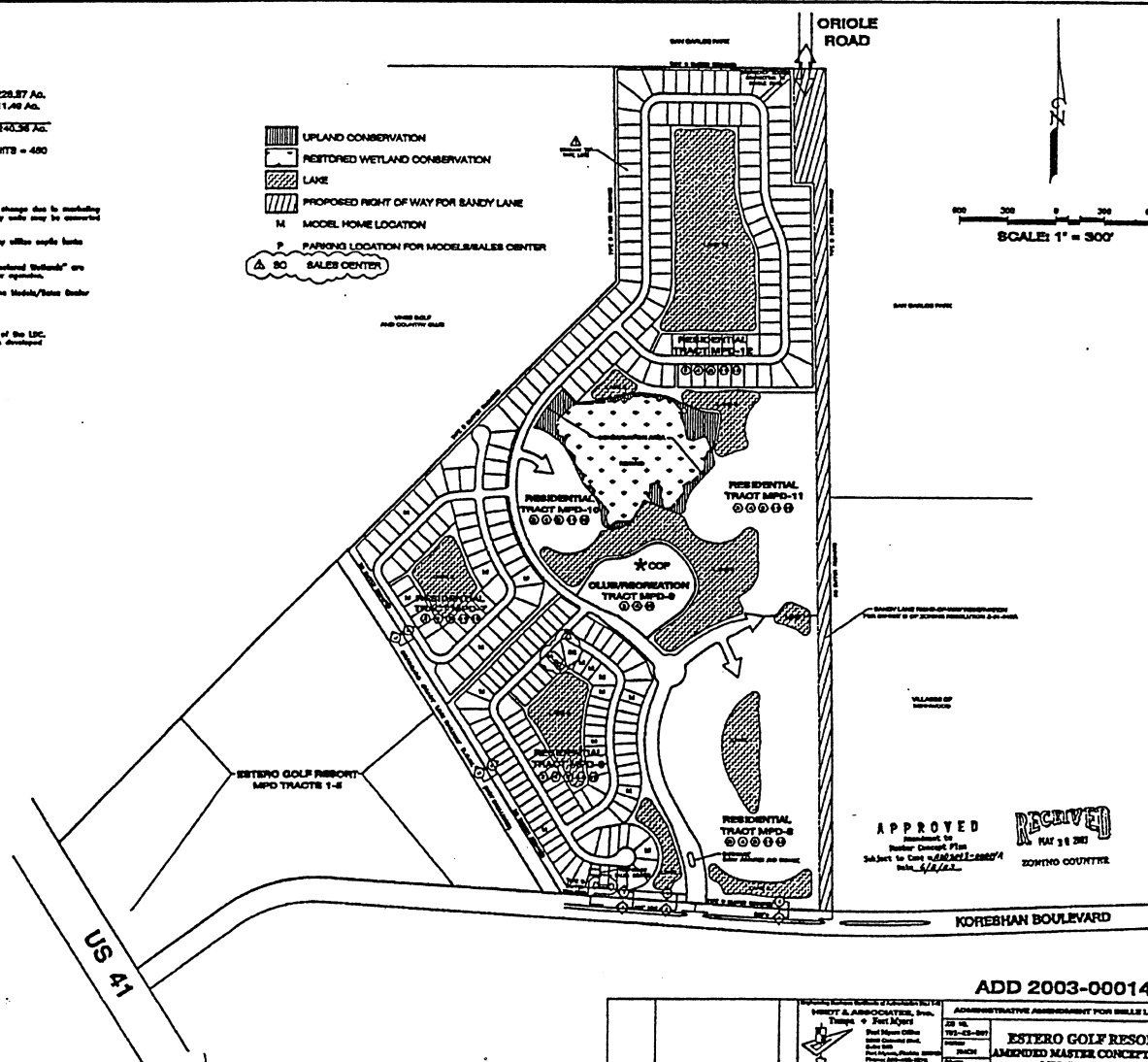
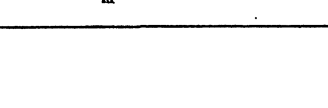
PREPARED BY: HEIDT & ASSOCIATES, Inc. Tampa + Fort Myers CIVIL ENGINEERING PLANNING SURVEYING ENVIRONMENTAL PERMITTING LANDSCAPE ARCHITECTURE Fort Myers Office 3800 Colonial Blvd Suite 200 Fort Myers, Florida 33912 Phone: 941-482-7273 FAX: 941-482-2103	LEGAL DESCRIPTION FOR BELLE LAGO										
	Prepared For: TOLL BROTHERS INC.										
	SHEET 1 OF 1	<table border="1"> <tr> <td>Own. SU</td> <td>Ck. SU</td> <td>DWG: BNDY-LESS-SALES</td> </tr> <tr> <td>Date: 10/23/02</td> <td colspan="2">Order No.: TB2-ES</td> </tr> <tr> <td colspan="3" style="text-align: center;">SEC. 21, TWP. 46 S, RGE. 25 E LEE COUNTY, FLORIDA</td> </tr> </table>	Own. 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		
	Own. 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											

TRACTS MPD-6 THRU MPD-12	228.87 Ac.
SANDY LANE FFW RESERVATION	11.48 Ac.
<u>TOTAL</u>	<u>240.35 Ac.</u>

MAXIMUM NUMBER OF RESIDENTIAL UNITS - 480

1. The residential unit rule is preliminary and subject to change due to monitoring and permitting considerations. Single and multi-family units may be converted to a 100 rule.
2. Temporary residential offices and sales offices may utilize mobile homes and/or holding tanks.
3. The configuration of the "Domesticated" areas and "Isolated Wetlands" are approximate and subject to modification by the review agencies.
4. The Temporary Sales Center shall be removed when the Mobile/Sales Center

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

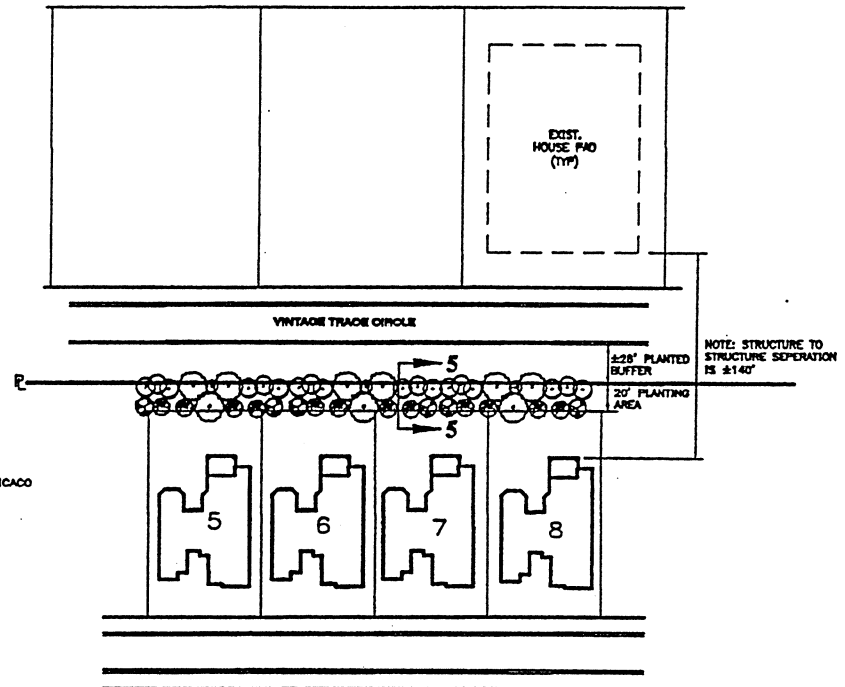
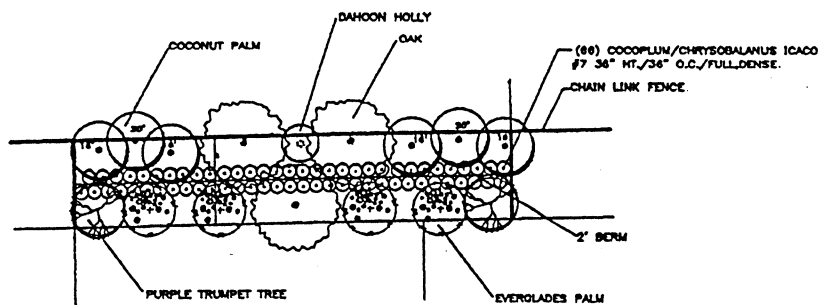
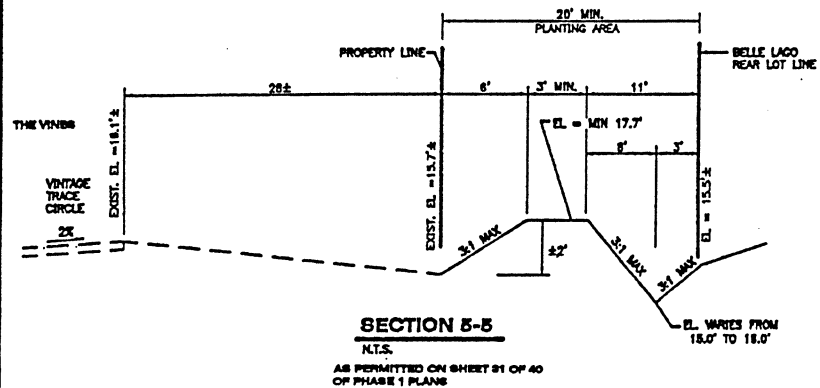


APPROVED
Memorandum to
Rear Admiral Concept Plan
Subject to Case # ~~61-1011~~-2000/A
Date: 6/18/83

RECEIVED
MAY 28 1983
ZOWING COUNTRY

ADD 2003-00014

[illegible]

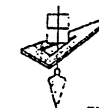


ADD 2003-00014

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/MECHANICAL
SURVEYING
PLANNING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL PLANNING
Tampa
Fort Myers

35-06-03 6:27PM HEIDT & ASSOC. MEAN8::P:\ESTERO TOLLMASTER PLAN\LANDPLANVINES EXHIBIT B 5-6-03.DWG

ADD 2003-00014

RECEIVED
MAY 16 2003

ZONING COUNTER

PROPERTY
LINE

400 200 0 200 400
SCALE: 1" = 200'

THE VINES HOA
25' BUFFER

BELLE LAGO
25'-25' TYPE "B"
BUFFER WITH
BERM AND HEDGE

WALL
120 LF

TYPICAL
75' OR 80'
WIDE x
140' MIN.
DEPTH LOT
(±10,500 SF)

F

BELLE LAGO AMENDMENT - PARCEL F
TYPICAL LOTS IN PARCEL F AND BUFFER ADJACENT TO THE VINES

1 PHOTOSTATION

HEIDT & ASSOCIATES, INC.
Professional Engineer
No. 10000
State of California
05-06-03 5:46PM HEIDT & ASSOC. TMEANS::PINEBRO TOLLMASTER PLANLANDPLANVINES 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 proposed for the upland buffer

Passarella and Associates, Inc. 02-115-5 #
 #00CEC553 Revised 1/31/03

ADD/REVISED SUBMITTAL
JAN 31 2003
IWC SERVICE CENTER

1 of 6

EXHIB. 1C

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	<i>Pinus elliotii</i>	Tree	4-6'	3 gallon	20'	440
				6-8'	3 gallon	20'	440
	Bald Cypress	<i>Taxodium distichum</i>	Tree	4-6'	3 gallon	20'	60
				6-8'	3 gallon	20'	60
	Dahoon Holly	<i>Ilex cassine</i>	Tree	4-6'	3 gallon	20'	100
				6-8'	3 gallon	20'	100
ADD/REVISED SUBMITTAL			ADDITIONAL SUBTOTAL				1,200

ADD/REVISED SUBMITTAL
JAN 3 1 2003
Passarella and Associates, Inc.
#00CEC553 Revised 12/11/01
LWC SERVICE CENTER

APPLICATION NUMBER

021115-5-#

2 of 6

EXHIBIT 105

Table 2. (Continued)

Target Habitat	Common Name	Scientific Name	Stratum	Minimum Height	Minimum Container	Spacing	Quantity
Pine/Cypress Wetland (Continued)	Wax-Myrtle	<i>Myrica cerifera</i>	Shrub	2'	1 gallon	10'	2,360
	Coco Plum	<i>Chrysobalanus icaco</i>	Shrub	2'	1 gallon	10'	2,360
	SUBTOTAL						4,720
	Sand Cordgrass	<i>Spartina bakeri</i>	Herb	N/A	2" liner	10'	4,720
	SUBTOTAL						4,720
Pine/Oak Upland Buffer	Live Oak	<i>Quercus virginianus</i>	Tree	4-6	3 gallon	20'	170
	Slash Pine	<i>Pinus elliotii</i>	Tree	4-6	3 gallon	20'	170
	SUBTOTAL						340
	Wax Myrtle	<i>Myrica cerifera</i>	Shrub	2'	1 gallon	10'	1,359
	SUBTOTAL						1,359
	Fakahatchee Grass	<i>Tripsacum floridanum</i>	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 nuisance 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

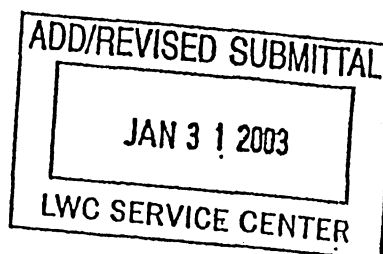
No off-site mitigation is proposed for the project.

ON-SITE MONITORING

Monitoring Methodology

APPLICATION NUMBER

021115-5 #



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. #00CEC-AN 3R-2003/31/03
IWC SERVICE CENTER

APPLICATION NUMBER

021115-5 #

4 of 6

EXHIBIT 100

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.

ADD/REVISED SUBMITTAL
Passarelli and Associates, Inc. #00CEC553 Revised 1/31/03
LWC SERVICE CENTER

APPLICATION NUMBER

021115-5 #

5 of 6

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.

ADD/REVISED SUBMITTAL
JAN 31 2003
Passarella and Associates, Inc. #0000000000 Revised 1/31/03 LWC SERVICE CENTER

APPLICATION NUMBER

021115-5 #

6 of 6

EXHIBIT 10F



SCALE: 1" = 500'

LEGEND:

-  WETLAND PRESERVE (0.96AC±)
-  UPLAND BUFFER (3.16AC±)
-  TRANSECT
-  10M X 10M TREE PLOT
-  1M X 1M HERB PLOT
-  PHOTO STATION
-  STAFF GAUGE

ADD/REVISED SUBMITTAL
JAN 3 12 2003
LWC SERVICE CENTER

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 1983).

WETLAND LINES HAVE BEEN REVIEWED AND APPROVED IN THE FIELD BY SPWMD ON 1/30/93 AND BY COE ON 1/9/93.

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.

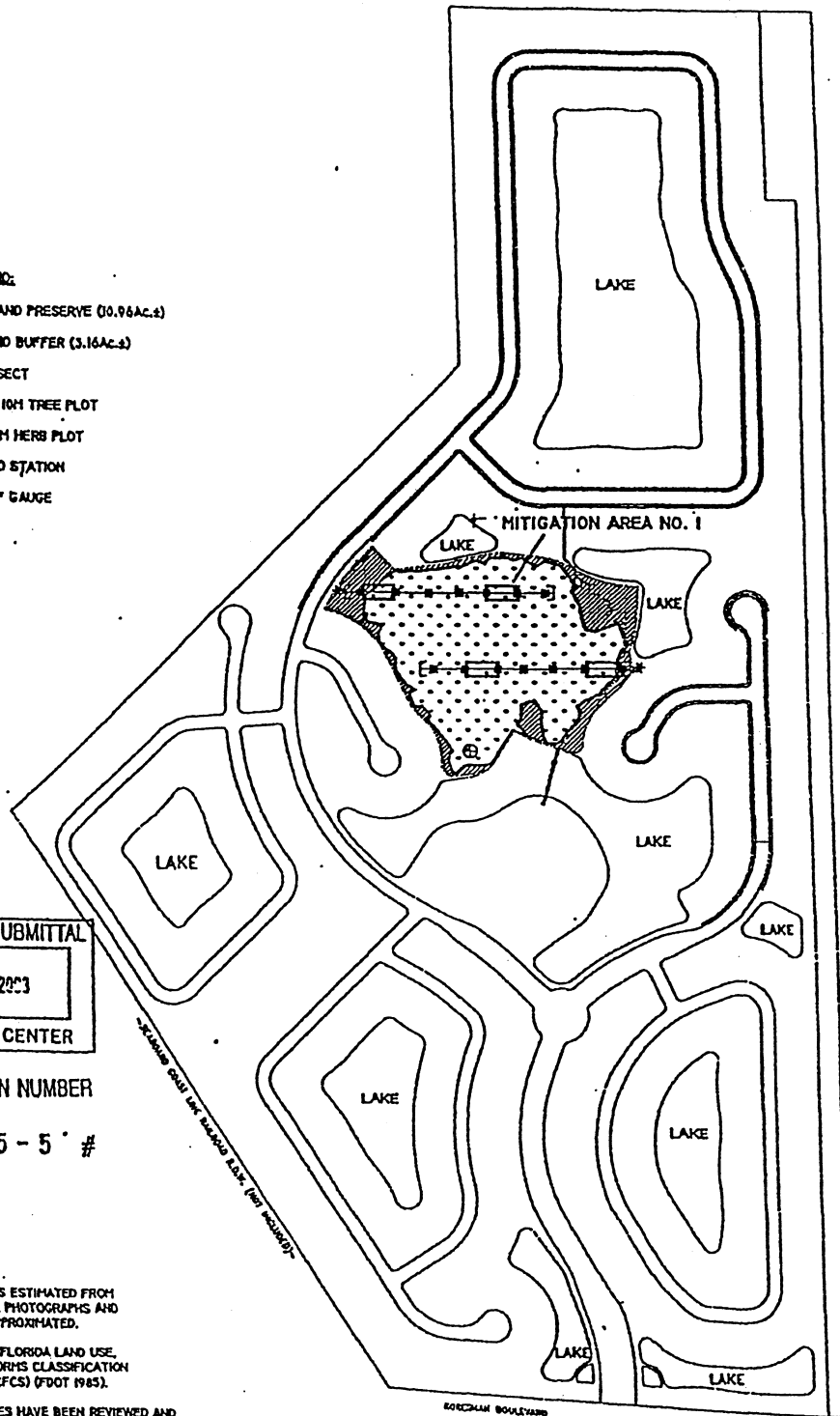


EXHIBIT II

FIGURE 2. MITIGATION AND MONITORING PLAN

PASSARELLA and ASSOCIATES, INC.
Consulting Ecologists

th Florida Water Management
Mitigation Monitoring Work Schedule

Application No : 021115-5

Page 1 of 1

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

ADMINISTRATIVE AMENDMENT (PD) ADD2004-00127

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 than 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

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.

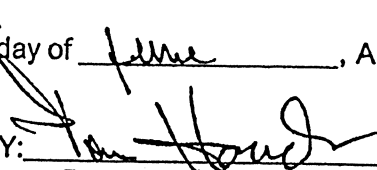
NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Mixed Use Planned Development to add Deviation #14, Resolution Z-01-012a, pursuant to Section 10-329(d)(4) of the Land Development Code, to allow a stacked bulkhead in each of Lakes 1 and 2 as 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 48 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 2846.37 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 AMY 26 MAY 04

RECEIVED
MAY 21 2004

COMMUNITY DEVELOPMENT

ADD 2004-00127

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		<table border="1"> <tr> <td>Own. SU</td> <td>Ck. SU</td> <td>DWG. BNDY-LESS-SALES</td> </tr> <tr> <td>Date: 10/23/02</td> <td colspan="2">Order No: TB2-ES</td> </tr> <tr> <td colspan="3"> SEC. 21, TWP. 48 S. RGE. 25 E LEE COUNTY, FLORIDA </td> </tr> </table>	Own. SU	Ck. SU	DWG. BNDY-LESS-SALES	Date: 10/23/02	Order No: TB2-ES		SEC. 21, TWP. 48 S. RGE. 25 E LEE COUNTY, FLORIDA		
	Own. SU	Ck. SU	DWG. BNDY-LESS-SALES									
Date: 10/23/02	Order No: TB2-ES											
SEC. 21, TWP. 48 S. RGE. 25 E LEE COUNTY, FLORIDA												

LAND USE SUMMARY

TRACTS MPD-8 THRU MPD-12	226.87 AC.
SANDY LAKE FWH PRESERVATION	11.49 AC.
TOTAL	240.36 AC.

MAXIMUM NUMBER OF RESIDENTIAL UNITS = 450

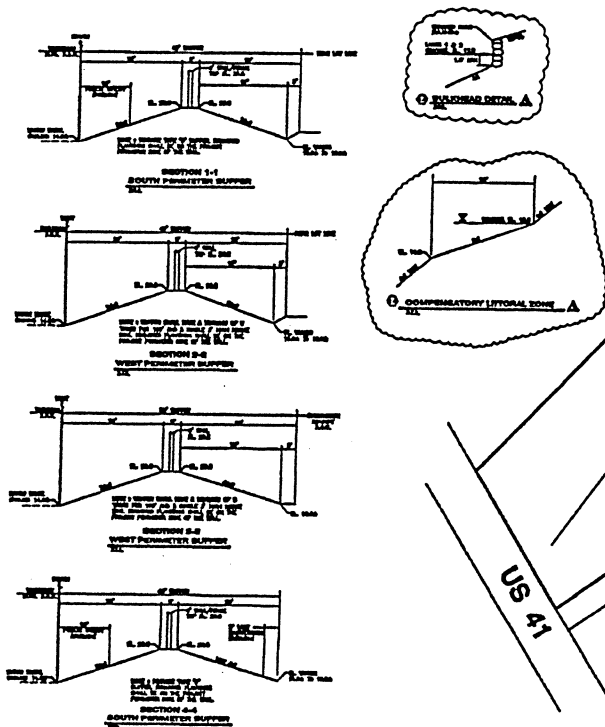
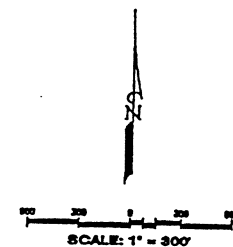
ENTER PROPERTY FROM NORTH

1. The published and site is preliminary and subject to change due to marketing and planning considerations. Single and multi-family units may be increased to 450 units.
2. Temporary administration offices and sales offices may utilize single beds and/or lodging beds.
3. The configuration of the "Conservation" area and "Recreational" area are approximate and subject to modification by the owner.
4. The Temporary Sales Center shall be removed when the Model/Sales Center is opened.

NOTES

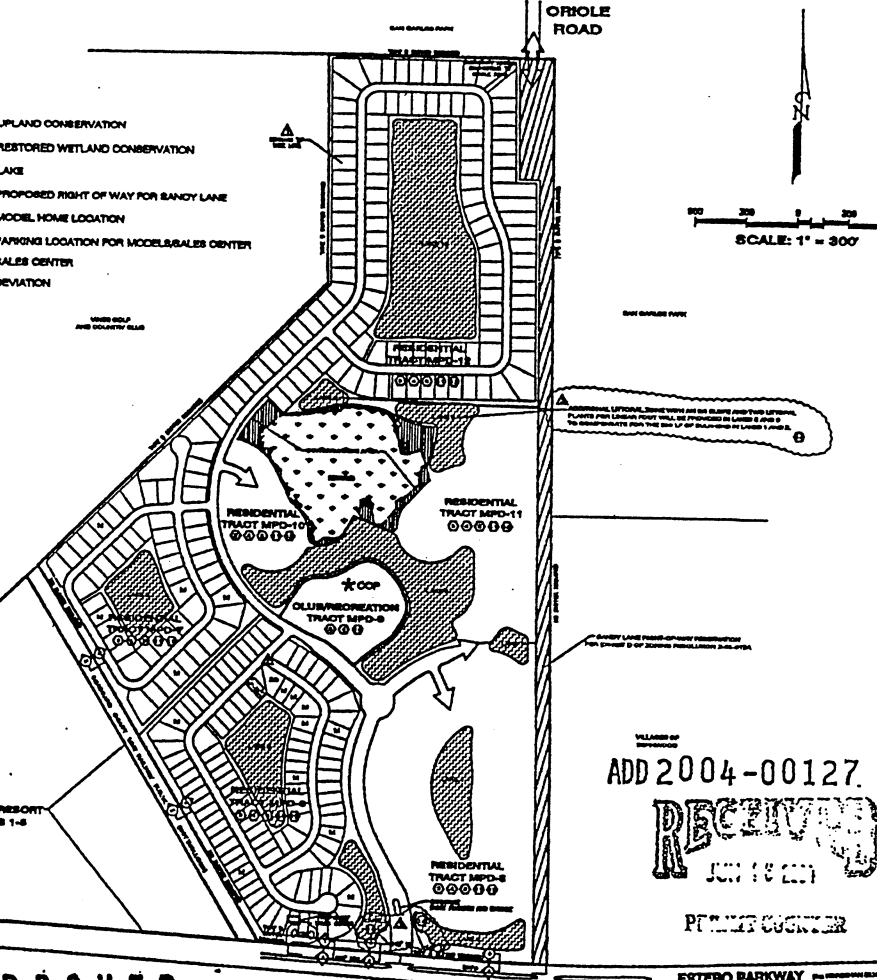
Before Staff Board will meet the parking requirements of the LDC. Parking will be calculated based on the specific uses developed within this project.

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



ESTERO GOLF RESORT
MPD TRACTS 1-6

APPROVED
Amendment to
Master Concept Plan
Subject to Case # ADD 2004-00127
Date 6/25/04



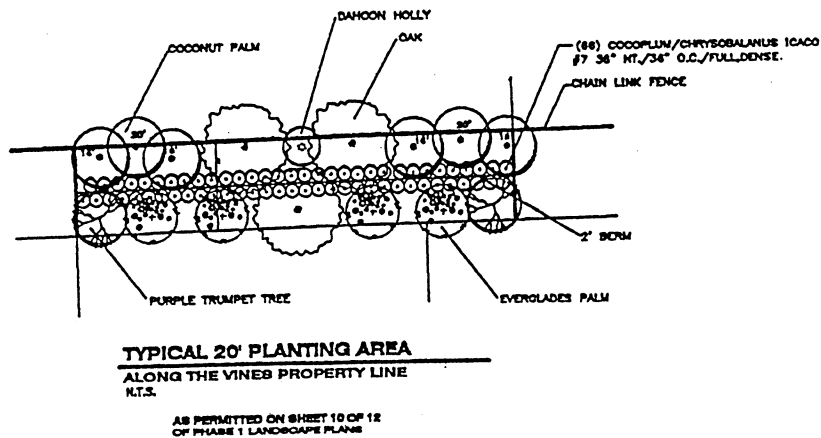
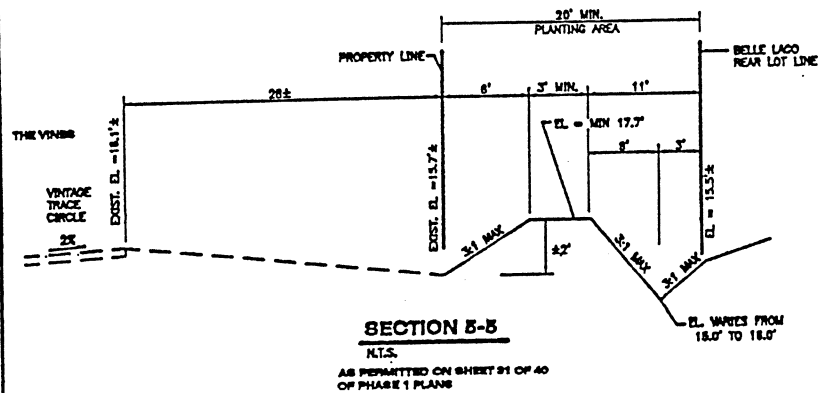
ADD 2004-00127

RECEIVED
JUN 18 2004

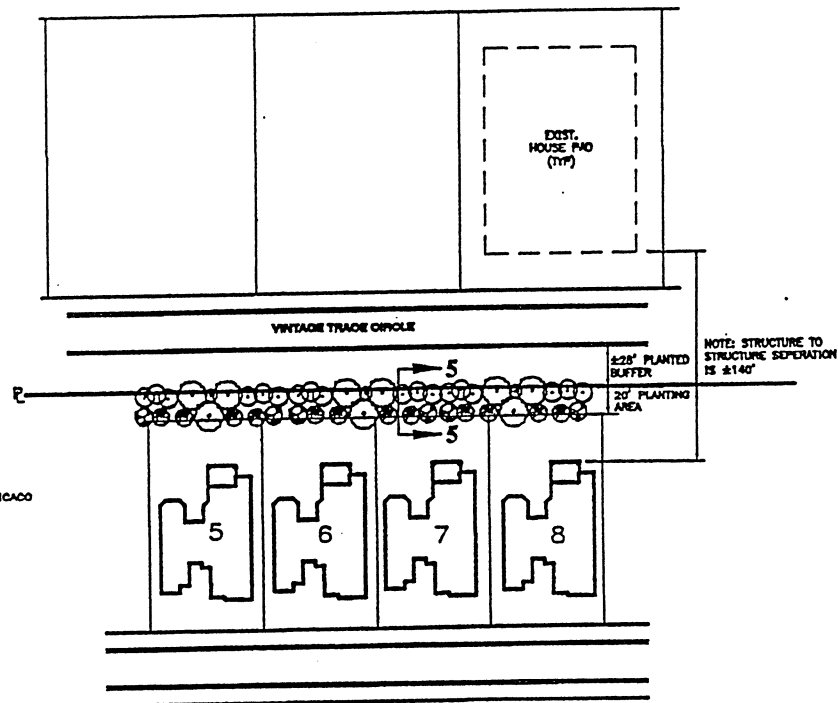
PERMIT CENTER

ESTERO PARKWAY

5-11-04 5-11-04 5-11-04	5-11-04 5-11-04 5-11-04	ADMINISTRATIVE AMENDMENT FOR BILLS LAGO ESTERO GOLF RESORT AMENDED MASTER CONCEPT PLAN MPD TRACTS 6-12 TOLL BROTHERS SHEET 1 OF 1 SHEETS
--	--	--

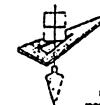


BELLE LAGO AMENDMENT - PARCEL F
CROSS-SECTION FOR PARCEL F AND BUFFER ADJACENT TO THE VINES



ADD 2003-00014

RECEIVED
MAY 16 2003
ZONING COUNTER



HEIDT & ASSOCIATES, INC.
CIVIL ENGINEERING
SURVEYING
PLANNING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL ENGINEERING
Tampa
Fort Myers

ADD 2003-00014

RECEIVED
MAY 16 2003

ZONING COUNTER

400 200 0 200 400
SCALE: 1" = 200'

PROPERTY
LINE

THE VINES HOA
25' BUFFER

BELLE LAGO
24'-35' TYPE "B"
BUFFER WITH
BERM AND HEDGE

WALL
120 LF

TYPICAL
75' OR 80'
WIDE x
140' MIN.
DEPTH LOT
(±10,500 SF)

F

BELLE LAGO AMENDMENT - PARCEL F
TYPICAL LOTS IN PARCEL F AND BUFFER ADJACENT TO THE VINES

PHOTOSTATION

HEIDT & ASSOCIATES, INC.

05-06-03 5:46PM HEIDT & ASSOC. TMEANS:PIESTERO TOLLMASTER PLANLANDPLANVINES 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 proposed for the upland buffer

APPLICATION NUMBER

021115-5 #

Passarella and Associates, Inc.
#00CEC553 Revised 1/31/03

ADD/REVISED SUBMITTAL

JAN 31 2003

IWC SERVICE CENTER

1 of 6

EXHIBIT "K"

41

MITIGATION ACTIVITY SCHEDULE

Month	Activity
1	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

2). 1989. Measurements for Terrestrial Vegetation. John Wiley and Sons, New York.

APPLICATION NUMBER

02 1 115 - 5 #

6 of 6

EXHIBIT 10F