LEE COUNTY
SOUTHWEST FLORIDA

APPLICATION FOR ADMINISTRATIVE ACTION FOR UNINCORPORATED AREAS ONLY

Applicant's Name: Wal-Mart Stores East, LP
Project Name: Wal-Mart 5347-00 (Estero Golf Resort MPD)
STRAP Number(s): 21-46-25-00-00001.0010

- ☐ Administrative Variance **(attach Supplement A)**
- ☐ Commercial Lot Split **(attach Supplement B)**
- ☐ Consumption On Premises **(attach Supplement C)**
- ☐ Minimum Use Determination **(attach Supplement D)**
- ☐ LCLDC, Zoning District Boundaries, or Ordinance Interpretation **(attach Supplement E)**
- ☐ Relief for Designated Historic Resources **(attach Supplement F)**
- ☐ Relief for Easement Encroachment **(attach Supplement G)**
- ☒ Administrative Amendment to PUD or PD **(attach Supplement H)**
- ☐ Final Plan Approval for PD per Resolution: # _____ **(attach Supplement H)**
- ☐ Administrative Deviation from LCLDC Chapter 10, Section 10-104 **(attach Supplement I)**
- ☐ Placement of Model Home/Unit or Model Display Center **(attach Supplement J)**
- ☐ Dock & Shoreline Structures **(attach Supplement K)**
- ☐ Determination of TDR Units that may be created from Wetlands per LCLDC Sec. 2-147(a) **(attach Supplement L)**
- ☐ Wireless Communication Facility Shared Use Plan Agreement **(attach Supplement M)**
- ☐ Community Gardens **(attach Supplement N)**
- ☐ Modification of Existing 86-36 MH/RV Park Site Plan **(attach Supplement O)**
- ☐ Administrative Approval of Compact Community for a Mixed Use Community in Southeast Lee County (DR/GR) **(attach Supplement P)**
- ☐ Administrative Action for Elimination or Modification of Duration Limitations on Certain Existing Mines {Section 12-121(k)} **(attach Supplement Q)**
- ☐ Administrative Action for a Planned Development or Live-Work Units in the Page Park Planning Community {Section 33-1202(b)} **(attach Supplement R)**
- ☐ Administrative Extension of a Master Concept Plan per LCLDC Sec. 34-381(c) **(attach Supplement S)**

Is this project located in the Boca Grande, Caloosahatchee Shores, Captiva, North Captiva, Estero, Page Park, Palm Beach Boulevard, Buckingham, Pine Island or Lehigh Acres Community Plan areas? ☒ **YES** ☐ **NO**
**If YES, please note that the applicant may be required to conduct one public informational session where the agent will provide a general overview of the project for any interested citizens (see PART 3-E, below). See also individual Supplement forms for specific Planning Community requirements.*

STAFF USE ONLY

Case Number: ADD2012-00078
Current Zoning: MPD
Land Use Classification: Urban Community
Planning Community: Estero
Commission District: 3
Fee Amount: $1,500.00
Intake by: AYH

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LEE COUNTY
COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET)
FORT MYERS, FL 33902
PHONE (239) 533-8585

PART 1
APPLICANT/AGENT INFORMATION

A. Name of Applicant: Wal-Mart Stores East, LP
Address: 2001 SE 10th Street
City, State, Zip: Bentonville, Arkansas 72716-0550
Phone Number: 479-273-4000 Fax Number: 479-273-4107
E-mail Address:

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

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

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

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

☒ **Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.1.** (for an individual) or **Exhibit AA-1.B.2** (for Corporation, etc.). (Please select the appropriate Affidavit Form {A1 or A2} from the suggested forms in Part 1 Exhibits attached hereto.) See Guide and Explanatory Notes for PART 1 below. **[34-202(b)(1)c.]**

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

☐ **Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.1.** (for an individual) or **Exhibit AA-1.B.2.** (for Corporation, etc.). (Please select the appropriate Affidavit Form {A-1 or A-2} from the suggested forms in Part 1 Exhibits attached hereto.) See Guide and Explanatory Notes for PART 1 below. **[34-202(b)(1)c.]**

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

1. Company Name: CPH Engineers, Inc.
Contact Person: Jeffrey Satfield, P.E.
Address: 2216 Altamont Avenue
City, State, Zip: Fort Myers, Florida
Phone Number: 239-332-5499 Fax Number: 239-332-2955
E-mail address: jsatfield@cphengineers.com

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

PART 2
PROPERTY OWNERSHIP

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

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

1. Name:
Address:
City, State, Zip:
Phone Number: Fax Number:
E-mail address:

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

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

C. Multiple parcels:

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

D. Date property was acquired by present owner(s): _____

PART 3
PROPERTY INFORMATION

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

A. STRAP Number(s): [34-204(a)(2) 21-46-25-00-00001.0010

B. Street Address of Property: Address Undetermined, Fort Myers, Florida 33967
(Northeast quadrant at US 41 and Estero Parkway)

C. Legal Description:

☒ **Legal description** (on 8½" x 11" paper) is attached as **Exhibit AA-3.C.1. [34-204(a)(1)]**
☒ **Sealed sketch** of the legal description is attached as **Exhibit AA-3.C.2. [34-204(a)(1)]**

D. Boundary Survey:

☐ A Boundary survey, tied to the state plane coordinate system, is attached as **Exhibit AA-3.D.1.**
WAIVER **[34-202(a)(2); 34-204(a)(5)] [SEE ATTACHED WAIVER]**
☐ The property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records (or Plat Books) of Lee County. A copy of the applicable plat is attached as **Exhibit AA-3.D.2. [34-202(a)(2); 34-204(a)(5)]**

E. Planning Community/Community Plan Area: Estero

If the application is for administrative action within the **Page Park Planning Community**, an informational session must be conducted within the Page Park Community and a meeting summary document must be submitted. {See Explanatory Notes below.} Attach meeting summary document labelled as **Exhibit AA-3.E.**

If the application is for administrative action within certain other Planning Communities/Community Planning Areas, see the individual Supplements for meeting requirements applicable to the specific application. **[34-204(a)(6); 33-1203(a)(5); & 33-1203(b)]**

F. General Location of Property:

1. ☒ Area location map is attached as **Exhibit AA-3.F. [34-202(a)(4); 34-204(a)(5)]**
2. **Directions to property: [34-204(a)(5)]**
Northeast corner of U.S. 41 and Estero Parkway

G. Current Zoning of Property: [34-204(a)(5)] MPD

H. Current use(s) of the property [34-204(a)(4) & (5)]

1. ☒ Current uses of the property are:
Vacant commercial, multi-family residential, conservation easement-acreage not AG classified

2. ☐ If buildings or structures exist on the property, an affidavit is required stating whether the buildings & structures will be removed or retained and specific details regarding any structures proposed to be retained. Attach as **Exhibit AA-3.H.2.** and entitle **"Structure Affidavit".** [34-204(a)(4)]

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

1. Width (average if irregular parcel):	1776.6	Feet		
2. Depth (average if irregular parcel):	2231.5	Feet		
3. Total area:	74.2	Acres or square feet		
4. Frontage on road or street:	1065	Feet on	U.S. 41	Street
2nd Frontage on road or street:	2449.5	Feet on	Estero Pkwy	Street

J. Property Restrictions. Are there deed restrictions or other types of covenants or restrictions currently applicable to this parcel? ☒ **NO** ☐ **YES.** If the answer is **YES**, please address the following items.

1. A copy of the deed restrictions or covenants currently applicable to this parcel is attached as **Exhibit AA-3.J.1. [34-204(a)(3)].**
2. A statement explaining how the deed restrictions or other types of covenants or restrictions may affect the requested action is attached as **Exhibit AA-3.J.2. [34-204(a)(3)]**

PART 4
ACTION REQUESTED

A. Type Of Request (please check one):

- ☐ Administrative Variance **(requires Supplement A)**
- ☐ Commercial Lot Split **(requires Supplement B)**
- ☐ Consumption On Premises **(requires Supplement C)**
- ☐ Minimum Use Determination **(requires Supplement D)**
- ☐ LCLDC, Zoning District Boundaries, or Ordinance Interpretation **(requires Supplement E)**
- ☐ Relief for Designated Historic Resources **(requires Supplement F)**
- ☐ Relief for Easement Encroachment **(requires Supplement G)**
- ☒ Administrative Amendment to PUD or PD **(requires Supplement H)**
- ☐ Final Plan Approval for PD per Resolution: # _____ **(requires Supplement H)**
- ☐ Administrative Deviation from LCLDC Chapter 10, Section 10-104 **(requires Supplement I)**
- ☐ Placement of Model Home/Unit or Model Display Center **(requires Supplement J)**
- ☐ Dock & Shoreline Structures **(requires Supplement K)**
- ☐ Determination of TDR Units that may be created from Wetlands per LCLDC Sec. 2-147(a) **(requires Supplement L)**
- ☐ Wireless Communication Facility Shared Use Plan Agreement **(requires Supplement M)**
- ☐ Community Gardens **(requires Supplement N)**
- ☐ Modification of Existing 86-36 MH/RV Park Site Plan **(requires Supplement O)**
- ☐ Administrative Approval of Compact Community for a Mixed Use Community in Southeast Lee County (DR/GR) **(requires Supplement P)**
- ☐ Administrative Action for Elimination or Modification of Duration Limitations on Certain Existing Mines {Section 12-121(k)} **(requires Supplement Q)**
- ☐ Administrative Action for a Planned Development or Live-Work Units in the Page Park Planning Community {Section 33-1202(b)} **(requires Supplement R)**
- ☐ Administrative Extension of a Master Concept Plan per LCLDC Sec. 34-381(c) **(attach Supplement S)**

B. Nature Of Request:

Amend the master concept plan sheets #1 and #2 and amend Exhibit "E", the elevation.

PART 5 – SUBMITTAL REQUIREMENTS

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

Copies Required*	SUP/Exhibit Number	SUBMITTAL ITEMS
3		Completed application for Administrative Action
1		Filing Fee - [34-202(a)(9)]
		SUPPLEMENTAL FORMS (select applicable request/form)
3	SUP A	Administrative Variance request
3	SUP B	Commercial Lot Split request
3	SUP C	Consumption On Premises request
3	SUP D	Minimum Use Determination request
3	SUP E	Ordinance Interpretation request
3	SUP F	Relief for Designated Historic Resources request
3	SUP G	Easement Encroachment request
3	SUP H	Administrative Amendment to a PUD or Planned Development request
3	SUP H	Final Plan Approval for a Planned Development request
3	SUP I	Administrative Deviation from Chapter 10 of the LDC request
3	SUP J	Placement of Model Home/Unit or Model Display Center request
3	SUP K	Dock & Shoreline Structure request
3	SUP L	Determination of TDR Units that may be created from Wetlands
3	SUP M	Wireless Communication Facility Shared Use Plan Agreement request
3	SUP N	Community Gardens request
3	SUP O	Modification of Existing MH/RV Park site plan
7	SUP P	Administrative Approval of Compact Community for a Mixed-Use Community in Southeast Lee County (DR/GR)
3	SUP Q	Administrative Action for Elimination or Modification of Duration Limitations on Certain Existing Mines
15	SUP R	Administrative Action for a Planned Development or Live-Work Units in the Page Park Planning Community
3	SUP S	Administrative Extension of a Master Concept Plan
		ADDITIONAL SUBMITTAL ITEMS
3	AA-1.B.2	Notarized Affidavit of Authorization Form [34-202(b)(1)c]
3	AA-1.C.2	Additional Agents [34-202(b)(1)c.]
3	AA-2.B.1	Disclosure of Interest Form [34-201(b)(2)a]
3	AA-2.C.1	Subject property owners list (if applicable) [34-202(a)(5)]
3	AA-2.C.2	Subject Property Owners map (if applicable) [34-202(a)(5)]
3	AA-3.A.1	List of STRAP Numbers (if additional sheet is required) [34-204(a)(2)]
3	AA-3.C.1	Legal Description **(2 originals required)** [34-204(a)(1)]
3	AA-3.C.2	Sealed Sketch of the Legal Description **(2 originals required)** [34-204(a)(1)]
3	AA-3.D.1	Boundary Survey (tied to State Plane Coordinate System) [34-202(a)(2)] {NOTE: This is a required submittal for all Planned Development Applications and for all properties of 10 acres or more **(2 originals required)** [34-373(a)(4)a.]}
3	AA-3.D.2	Copy of Plat (if applicable) [34-204(a)(1)]
3	AA-3.E	Page Park Planning Community Meeting Summary Document (if application is located in the Page Park Planning Community) [34-204(a)(6); 33-1203(b)]
3	AA-3.F	Area Location Map on 8-1/2" by 11" paper pursuant to LCLDC Section 34-202(a)(4).
3	AA-3.H.2	Structure Affidavit (if applicable) [34-204(a)(4)]
3	AA-3.J.1	Copy of deed restrictions or covenants or other restrictions applicable to the parcel (required if answered YES to Part 3.J). [34-204(a)(3)]
3	AA-3.J.2	Explanation as to how the the restrictions may affect the requested action (required if answered YES to Part 3.J). [34-204(a)(3)]

*** At least one copy must be an original.**

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

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

I, STEVEN L. MITCHAEL (name), as Director of Design of Wal-Mart Stores East, LP, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

I, STEVEN L. MITCHAEL as Director of Design of Wal-Mart Stores East, LP, swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

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

Wal-Mart Stores East, LP
*Name of Entity (corporation, partnership, LLP, LC, etc.)

ADD 2012-00078

Signature

STEVEN L. MITCHAEL
(Typed or printed name)

Director of Design
(title of signatory)

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STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on MAY 17, 2012 (date) by STEVEN L. MITCHAEL (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Signature of person taking oath or affirmation

KELLY ZUBLICK
Name typed, printed or stamped

Title or rank

Notary Public State of Florida
Kelly Zublick
My Commission EE146865
Expires 12/30/2015

Serial number, if any

Notes:

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

EXHIBIT AA-1.C.2
ADDITIONAL AGENTS

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Company Name: Pavese Law Firm
Contact Person: Neale Montgomery, Esq.
Address: 1833 Hendry Street
City, State, Zip: Fort Myers, Florida 33901
Phone Number: 239-336-6235 Fax Number: 239-332-2243
Email: _____

Company Name: _____
Contact Person: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ Fax Number: _____
Email: _____

Company Name: _____
Contact Person: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ Fax Number: _____
Email: _____

Company Name: _____
Contact Person: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ Fax Number: _____
Email: _____

Company Name: _____
Contact Person: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ Fax Number: _____
Email: _____

Company Name: _____
Contact Person: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ Fax Number: _____
Email: _____

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

STRAP NO. 21-46-25-00-00001.0010 **CASE NO.** ADD 2012-00078

1. Please identify the owners of the property subject to the application. The list must include all individuals, corporations, companies, trusts, or partnerships who have an interest in the property (fee simple, tenancy by the entirety, tenancy in common, or joint tenancy). Also, indicate the percentage of ownership that each owner or entity has in the property. This Disclosure must fully identify the individual persons who have an interest in the property or the legal entities that have an ownership in the property. For additional space, you may attach a separate breakdown of the structures of all legal entities that have an ownership interest in the property owner. See Example given at the bottom of this Disclosure form.

Name and Address	Percentage of Ownership

2. For each property owner listed under paragraph 1 above that is a CORPORATION of LIMITED LIABILITY COMPANY, list the officers, managers, managing members and stockholders for each corporation or company and the percentage of stock or membership interest owned by each shareholder or member. If that corporation is owned by another corporation, then you must list the officers and stockholders for each corporation that has an ownership interest in the corporation and the percentage of stock owned by each shareholder of that corporation. Listing the officers, directors, or managers is not sufficient. Providing a list of individuals and legal entities holding an ownership interest in a publicly traded company is not required.

Name and Address	Percentage of Stock

3. For each property owner listed under paragraph 1 above that is a TRUSTEE, list the trustee and primary beneficiaries of the trust with percentage of interest. If a beneficiary of the trust is another trust, the individual trustee, and beneficiaries and percentage of interest for that trust must also be provided. A list of contingent beneficiaries is not required.

Name and Address	Percentage of Interest

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4. For each property owner listed under paragraph 1 above that is a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners. If the general or limited partners are not individuals, but are corporations, companies, trusts, partnerships, or limited partnerships, you must further identify the ownership of those entities as provided in each section of this Disclosure.

Name and Address	Percentage of Ownership
Wal-Mart Stores East, LP	Publicly Owned and Traded Company
P.O. Box 8050	See attached Officers Listing
Bentonville, AR 72712	

5. If there is a CONTRACT FOR PURCHASE for the subject property, whether contingent on this application or not, list the names of the contract purchasers below, including all individuals and legal entities that are the contract purchasers, including all officers, managers, members, stockholders, beneficiaries, or partners as required in each section above.

Name and Address	Percentage of Stock

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals and legal entities subject to that contingency clause or contract, including all officers, managers, members, stockholders, beneficiaries, as required in each section above.

Name and Address	Percentage of Stock

Example:
The property is owned by John Doe and ABC Corporation. Each have a 50% interest. The officers, directors and ownership interests of ABC Corporation must also be identified. If ABC Corporation was owned by Betty Smith, Barney Doe, and the John Doe, Trust. In addition to Betty and Barney, the Disclosure must also include the individual trustee and primary beneficiaries of the John Doe trust. This identification must continue to occur until the complete ownership structure of all legal entities has been broken down into all individual persons having an ownership interest in each legal entity.

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

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

Signature

Steven L. Mitchael
(Typed or printed name)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on MAY 17, 2012 (date) by STEVEN L. MITCHAEL (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Signature of Notary Public

Notary Public State of Florida
Kelly Zublick
My Commission EE146865
Expires 12/30/2015

KELLY ZUBLICK
Printed Name of Notary Public

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CONSENT TO ACTION BY THE GENERAL PARTNER OF WAL-MART STORES EAST, LP

The undersigned, being a duly appointed and authorized representative of the general partner of Wal-Mart Stores East, LP, a Delaware limited partnership (the "Partnership"), does hereby consent to the adoption of the following resolutions without a meeting of the partners in accordance with Del. Code Ann. tit. VI § 17-403(c), Del. Code Ann. tit. VI § 17-405(d), and the Partnership Agreement of the Partnership;

WHEREAS, the Company has recently completed its fiscal year ending January 31, 2010, and the General Partner desires to appoint officers for the ensuing year;

NOW THEREFORE BE IT RESOLVED that effective February 1, 2010 the following persons shall be elected to the offices set opposite their respective names and shall hold such offices until their successors shall be duly elected or their earlier resignation and removal, and any previous officer serving in any of the capacities listed below shall be deemed to have been removed without cause:

William S. Simon.....President and Chief Executive Officer
Johnnie C. Dobbs, Jr. .....Executive Vice President
John E. Fleming .....Executive Vice President
Thomas A. Mars.....Executive Vice President
Stephen F. Quinn .....Executive Vice President
Jack L. Sinclair.....Executive Vice President
John T. Westling.....Executive Vice President
Eric S. Zorn.....Executive Vice President
John O. Agwunobi .....Senior Vice President
Claire L. Babineaux-Fontenot.....Senior Vice President
James A. Barron.....Senior Vice President
Paul E. Beahm.....Senior Vice President
Stephen B. Bratspies .....Senior Vice President
J. Robert Bray .....Senior Vice President
Jeffrey A. Davis .....Senior Vice President
Rosalind G. Brewer.....Senior Vice President
Carey L. Cuddeback.....Senior Vice President
Donald E. Frieson .....Senior Vice President
Anthony L. Fuller.....Senior Vice President
Scott D. Huff.....Senior Vice President
Pamela K. Kohn .....Senior Vice President
Michael J. Lewis .....Senior Vice President
Lawrence Mahoney.....Senior Vice President
Dorothy H. Mattison .....Senior Vice President
R. Jeff McAllister.....Senior Vice President
C. Scott McCall.....Senior Vice President
Michael S. Moore.....Senior Vice President
Hank J. Mullany.....Senior Vice President
Julie J. Murphy.....Senior Vice President
Scott A. Pleiman .....Senior Vice President
Leta D. ("Dede") Priest.....Senior Vice President
David P. Reiff .....Senior Vice President

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Karen L. Roberts.....Senior Vice President
Santiago Roces.....Senior Vice President
Gisel Ruiz.....Senior Vice President
Gary J. Severson.....Senior Vice President
Karen M. Stuckey.....Senior Vice President
Chris T. Sultemeier.....Senior Vice President
Celia M. Swanson.....Senior Vice President
Andrea B. Thomas.....Senior Vice President
Jane J. Thompson.....Senior Vice President
Raul Vazquez.....Senior Vice President
Richard E. Webb.....Senior Vice President
Steven P. Whaley.....Senior Vice President and Controller
Kelly R. Abney.....Vice President
Ronnie Acosta.....Vice President
Gary M. Adams.....Vice President
Gordon Y. Allison.....Vice President and Secretary
John F. Amaya.....Vice President
Dennis T. Anderson.....Vice President
Joel D. Anderson.....Vice President
Rebecca J. Anderson.....Vice President
Robert W. Arvin.....Vice President
Robert J. Atencio.....Vice President
Dennis Atnip.....Vice President
Timothy M. Austin.....Vice President
Deanah L. Baker.....Vice President
Janet S. Bareis.....Vice President
Theresa F. Barrera.....Vice President
Carmen R. Bauza.....Vice President
Daria E. Beckom.....Vice President
Karl L. Bedwell.....Vice President
Michael J. Bender.....Vice President
Vince M. Biondo.....Vice President
Bryan A. Boudreaux.....Vice President
Rick W. Brazile.....Vice President
Steven J. Breen.....Vice President
Paul D. Busby.....Vice President
John F. Butler.....Vice President
David F. Carmon.....Vice President
Ronald J. Chomiuk.....Vice President
John E. Clarke.....Vice President
Lance de la Rosa.....Vice President
Alberto L. Dominguez.....Vice President
David N. Domingues.....Vice President
Thomas S. Dougherty.....Vice President
Stephen F. Dozier.....Vice President
Frederick S. Draper.....Vice President
Robert Duron.....Vice President
Harry M. Eng.....Vice President
Martin J. Esarte.....Vice President
Jeffrey H. Evans.....Vice President
Jeffrey J. Fackler.....Vice President
Mary Fox.....Vice President

Gregory A. Franks ..... Vice President
Michael E. Gardner ..... Vice President
Lina D. George ..... Vice President
Michelle J. Gloeckler ..... Vice President
Michele J. Glocker ..... Vice President
Joe E. Grady ..... Vice President
Jeffery F. Gruener ..... Vice President
T. Jonathan Hall ..... Vice President
Greg L. Hall ..... Vice President
Patrick J. Hamilton ..... Vice President
William J. Hammonds ..... Vice President
Robert J. Haney ..... Vice President
Sherry L. Harriman ..... Vice President
Phyllis P. Harris ..... Vice President
Micah A. Hawk ..... Vice President
Ronny L. Hayes ..... Vice President
Mark P. Henneberger ..... Vice President
David Heartquist ..... Vice President
Deborah Kimrey-Hodges ..... Vice President
David A. Holz ..... Vice President
David J. Hoodis ..... Vice President
Brian E. Hooper ..... Vice President
H. Carol Johnston ..... Vice President
Kevin Jones ..... Vice President
Henry D. Jordan ..... Vice President
T. Rajan Kamalanathan ..... Vice President
Anne Marie Kehoe ..... Vice President
Julianna M. King ..... Vice President
Richard O. Kinnard ..... Vice President
Sandra K. Kinsey ..... Vice President
Mark R. Larsen ..... Vice President
J. Councill Leak ..... Vice President
Shannon E. Letts ..... Vice President
Paul R. Ley ..... Vice President
Joel D. Marpe ..... Vice President
Jennifer May-Brust ..... Vice President
Michael McLemore ..... Vice President
William C. McRaith ..... Vice President
Kevin D. Miller ..... Vice President
Jay S. Mitchael ..... Vice President
Luis Moreno-Sanchez ..... Vice President
Carl R. Muller ..... Vice President
Monica L. Mullins ..... Vice President
John E. Murphy ..... Vice President
Christopher S. Nagelson ..... Vice President
Steve H. Nave ..... Vice President
J. Scott Neal ..... Vice President
William F. Noble ..... Vice President
David K. Norman ..... Vice President
Kevin J. O'Connor ..... Vice President
Lesa K. Olsen ..... Vice President
James E. Olsson ..... Vice President

Mariana B. Parkman ..... Vice President
Darryl E. Phillips ..... Vice President
Laura S. Phillips ..... Vice President
Jody D. Pinson ..... Vice President
Scott A. Poole ..... Vice President
David M. Redfield ..... Vice President
Rolando B. Rodriguez ..... Vice President
William A. ("Tony") Rogers ..... Vice President
Tracy L. Rosser ..... Vice President
Richard J. Rothamel ..... Vice President
Douglas J. Rozenboom ..... Vice President
Andrew K. Ruben ..... Vice President
Mark Samuels ..... Vice President
Cathryn Santoro ..... Vice President and Treasurer
Kimberly K. Saylors-Laster ..... Vice President
David K. Scogin ..... Vice President
Lisa A. Schimmelpfennig ..... Vice President
Beth A. Schommer ..... Vice President
Kimberly C. Sentovich ..... Vice President
Michael R. Shaddix ..... Vice President
Taylor C. Smith ..... Vice President
Tonia L. Smith ..... Vice President
Patricia S. Snyder ..... Vice President
Jerry D. Spencer ..... Vice President
Jean R. Srour ..... Vice President
Terrence F. Srsen ..... Vice President
Zoe C. Strickland ..... Vice President
Greg J. Sullivan ..... Vice President
Lisa M. Surella ..... Vice President
Anne Thomas ..... Vice President
Alexander L. Tomey ..... Vice President
Justen D. Traweek ..... Vice President
James E. ("Eddie") Tutt ..... Vice President
Elise E. Vasquez-Warner ..... Vice President
P. Joe Venezia ..... Vice President
Frank A. Washburn ..... Vice President
John A. Welling ..... Vice President
Pamela S. Whiteside ..... Vice President
Eugene E. Wojciechowski ..... Vice President
Frank Yiannas ..... Vice President
Chad M. Allen ..... Assistant Secretary
George J. Bacso, III ..... Assistant Secretary
James A. Cole ..... Assistant Secretary
Lori L. Cottrell ..... Assistant Secretary
Heather Clark ..... Assistant Secretary
Geoffery W. Edwards ..... Assistant Secretary
Donald R. Etheredge ..... Assistant Secretary
Tim J. Farrar ..... Assistant Secretary
Nicholas S. Goodner ..... Assistant Secretary
Susanne Hiland ..... Assistant Secretary
Mary M. Kendall ..... Assistant Secretary

Judith S. Kim .....Assistant Secretary
Sheri K. Goodwin .....Assistant Secretary
Adele E. Lucas .....Assistant Secretary
Richard H. Martin .....Assistant Secretary
Michelle M. McCall .....Assistant Secretary
John T. Okwubanego .....Assistant Secretary
Matthew R. Powers .....Assistant Secretary
Sybil Richard .....Assistant Secretary
Brad T. Rogers .....Assistant Secretary
Jennifer M. Rudolph .....Assistant Secretary
Erron W. Smith .....Assistant Secretary
Jennifer L. Smith .....Assistant Secretary
J. Jeremy Snell .....Assistant Secretary
Elvin J. Sutton, Jr. .....Assistant Secretary
Gregory L. Tesoro .....Assistant Secretary
Amy Y. Thrasher .....Assistant Secretary
Kathy E. Tobey .....Assistant Secretary
Barri L. Tulgetske .....Assistant Secretary
Sonya L. Webster .....Assistant Secretary
Romona L. West .....Assistant Secretary
Bruce E. Wickline .....Assistant Secretary
Elizabeth A. Woodcock .....Assistant Secretary

FURTHER RESOLVED, that the Company hereby ratifies, approves, and confirms all such acts and things that the officers have done or may do in connection with any of the matters described in these resolutions.

Dated this 27th day of April, 2010.

WSE Management, LLC – General Partner

Gordon Y. Allison

Gordon Y. Allison
Senior Vice President and Secretary

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500 West Fulton Street
Sanford, Florida 32771

P.O. Box 2808
Sanford, Florida 32772-2808

Phone: 407.322.6841
Fax: 407.330.0639

www.cphengineers.com

PARCEL 1:

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, BEING MORE PARTICULARLY 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 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)

Dated this the 12th day of April, 2012.

For the Firm CPH Engineers, Inc.
LB# 7143

By: _____
Print: Thomas J. Galloway, PSM
Title: VP, Director of Surveying and Mapping
Florida Registration Number: 6549

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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 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)

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Abbreviation Legend:

(A)	– ACTUAL	Δ	– 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 EASEMENT	L	– ARC LENGTH	PGS	– PAGES	REV	– REVISION
BM	– BENCH MARK			LB#	– LICENSED BUSINESS NUMBER	PI	– POINT OF INTERSECTION	RP	– RADIUS POINT
(C)	– CALCULATED	ELEV	– ELEVATION	(M)	– MEASURED	POB	– POINT OF BEGINNING	R/W	– RIGHT-OF-WAY
C	– CHORD	EOP	– EDGE OF PAVEMENT	N & D	– NAIL AND DISK	POC	– POINT OF COMMENCEMENT	SEC 21	– SECTION 21
CB	– CHORD BEARING	ESMT	– EASEMENT	NR	– NON-RADIAL	POL	– POINT ON LINE	SEC 28	– SECTION 28
CCR #	– CERTIFIED CORNER RECORD NUMBER	FDOT	– FLORIDA DEPARTMENT OF TRANSPORTATION	NSI	– NO SURVEYOR IDENTIFICATION	PRC	– POINT OF REVERSE CURVATURE	SQ	– SQUARE
				NT	– NON-TANGENT	PRM	– PERMANENT REFERENCE MONUMENT	SQ FT	– SQUARE FEET
C/L	– CENTERLINE	FF	– FINISH FLOOR	OR	– OFFICIAL RECORDS	PT	– POINT OF TANGENCY	TB	– TANGENT BEARING
CM	– CONCRETE MONUMENT	FND	– FOUND	ORB	– OFFICIAL RECORDS BOOK	FEC	– FLORIDA EAST COAST RAILWAY	T46S	– TOWNSHIP 46 SOUTH
CONC	– CONCRETE	FP&L	– FLORIDA POWER AND LIGHT	(P)	– PLAT			(TYP)	– TYPICAL
COR	– CORNER	(G)	– GRID (STATE PLANE)	PB	– PLAT BOOK			UE	– UTILITY EASEMENT
								W/	– WITH

Surveyor's Notes:

1. "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."
2. "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."
3. BEARINGS SHOWN HEREON ARE RELATIVE TO ASSUMED DATUM AS BEING N00°51'13"W ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 46 SOUTH, RANGE 25 EAST OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.
4. THE "LEGAL DESCRIPTION" HEREON WAS PREPARED BY THE SURVEYOR PER THE CLIENT'S REQUEST.
5. 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.
6. 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.

MAY 15 2012

For the Firm By: _____

Thomas J. Calloway, 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
Landscp. = 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 4-11-12.DWG	

cph

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 1
1 of 3

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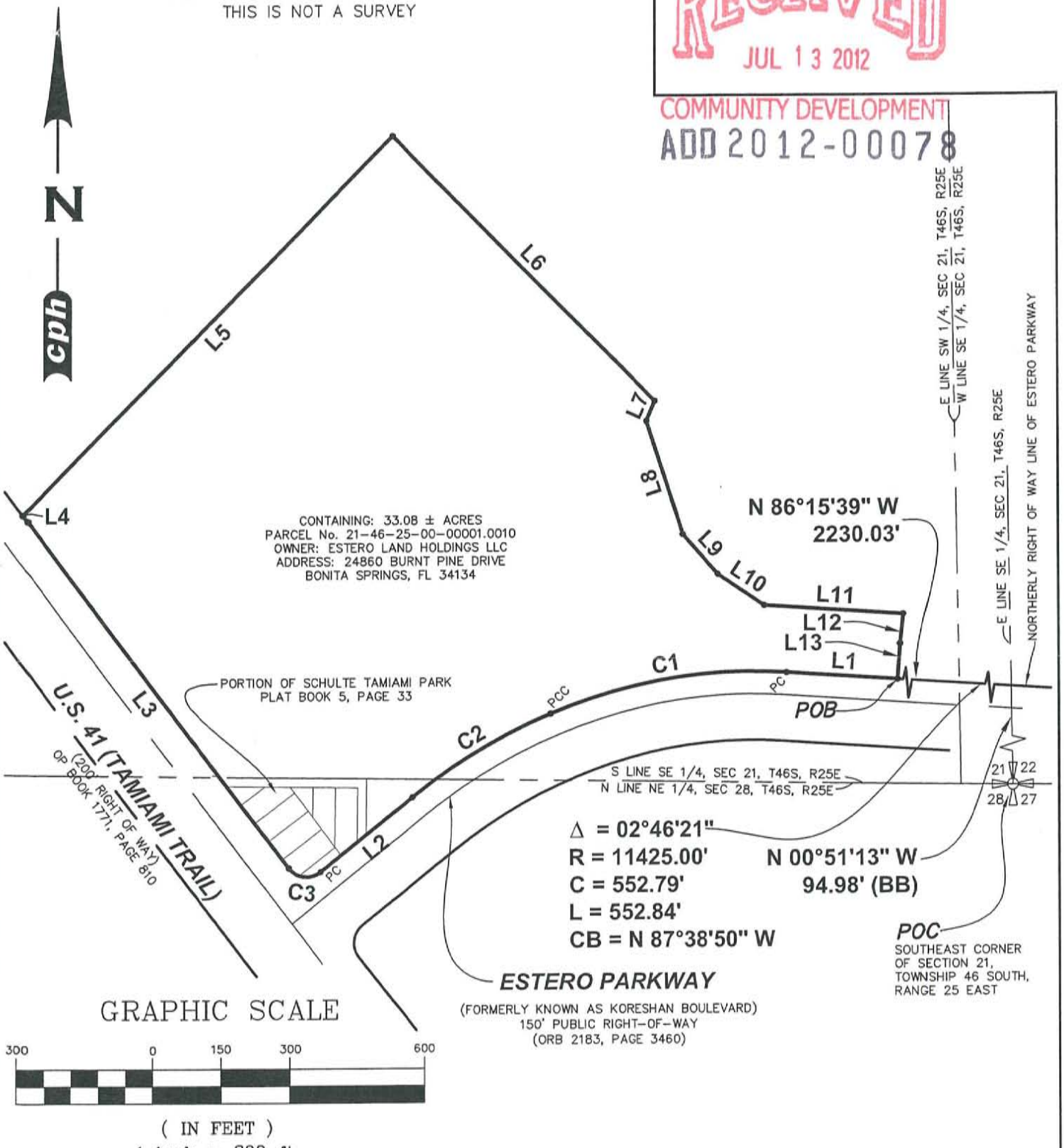

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SKETCH AND DESCRIPTION

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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

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Drawn by: TNL | Date: 04/11/12 | Scale: N/A | Job No. W13303 | W13303 SOD 4-11-12.DWG

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

SKETCH AND DESCRIPTION

Sheet 3
3 of 3

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LEE COUNTY
SOUTHWEST FLORIDA

REQUEST FOR PUBLIC HEARING SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

Upon written request, the Director may modify the submittal requirements for Public Hearings (and other administrative applications) where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS
(indicate the appropriate application type)

- ☐ Public Hearing - General Requirements **(34-202)**
- ☐ Public Hearing - Mining Excavation Planned Development **(12-110)**
- ☐ Public Hearing - Additional Requirements for:
  - ☐ Development of Regional Impact **(34-203(a))**
  - ☐ Planned Developments **(34-203(b))**
  - ☐ Master Concept Plan Extension **(34-381(c))**
  - ☐ Master Concept Plan Reinstatement **(34-381(d))**
  - ☐ Rezonings other than Planned Developments **(34-203 (c))**
  - ☐ Mobile Home Park **(34-203(d))**
  - ☐ Special Exception **(34-203(e))**
  - ☐ Variances **(34-203(f))**
- ☒ Administrative Action Requirements

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PRE 2012-00093

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PLEASE PRINT OR TYPE:

STRAP Number: 21-46-25-00-00001.0010
Name of Project: Wal-Mart #5347-00 (Estero Golf Resort MPD)

Name of Agent: Neale Montgomery, Esq. / Pavese Law Firm
Street Address: 1833 Hendry Street
City, State, Zip: Fort Myers, FL 33901
Phone Number: 239-336-6235 Fax Number: 239-332-2243
Email Address: nealemontgomery@paveselaw.com

Name of Applicant*: Wal-Mart Stores East, L.P.
Street Address: 2001 S.E. 10th Street
City, State, Zip: Bentonville, AR 72716-0550
Phone Number: 479-273-4000 Fax Number: 479-273-4107
Email Address:

***If applicant is not the owner, a letter of authorization from the owner must be submitted.**

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

PRE 2012-00093

APR 2 3 2012

COMMUNITY DEVELOPMENT

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

	Section Number	Requirement
#1	34-202(a)(2)	Boundary Survey
#2		
#3		
#4		
#5		
#6		
#7		
#8		
#9		

B. SCOPE OF PROJECT AND REASON(s) FOR REQUEST:

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

The boundary has not changed since the initial approval and a legal description and sketch will be provided. The request is to alter the building elevation. There have been no changes in the boundary and the applicant is seeking to avoid the expense of resurveying the property.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Signature of Applicant - Neale Montgomery, Esq., as Agent for Applicant

4/18/12
Date

FOR STAFF USE ONLY

DIRECTOR'S DECISION: ☑ **Request Approved** ☐ **Request Denied**

Comments:

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Director Signature

4.23.12
Date

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

2216 Altamont Ave.
Fort Myers,
Florida 33901
Phone 239 332-5499
Fax 239 332-2955

Date: 12/10
Job No. W13303.1
Scale: N.T.S.
File: EXH.TOPO. MAP
© 2010

AREA LOCATION MAP

Walmart

STORE # 5347-00 ESTERO, FLORIDA

EXHIBIT
PH-3.F

LEE COUNTY
SOUTHWEST FLORIDA

ADMINISTRATIVE ACTION REQUEST SUPPLEMENT H FOR UNINCORPORATED AREAS ONLY

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

Case Number: ADD 2012-00078

Project Name: Wal-Mart 5347-00 (Estero Golf Resort MPD)

Applicant's Name: Wal-Mart Stores East, LP

STRAP Number(s): 21-46-25-00-00001.0010

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Indicate whether REQUEST is for:

☒ **ADMINISTRATIVE AMENDMENT** (please complete PART 1, PART 2., & PART 3.)

☐ **FINAL PLAN APPROVAL** (please complete PART 1, PART 2, & PART 4.)

***Planning Community/Community Plan Area:** Estero

**If located within the Estero, Caloosahatchee Shores, Page Park, Palm Beach Boulevard, Buckingham, Greater Pine Island, or Lehigh Acres Planning Community or Community Plan area and the request includes administrative deviations amending the Master Concept Plan or other provisions of the applicable zoning resolution, please conduct an informational meeting in the applicable community and provide a meeting summary document (see PART 2.C.). See LCLDC Section 33 and The Lee Plan.*

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

PART 1
APPLICATION INFORMATION

A. **ORIGINAL PROJECT NAME** (if different than Project Name currently used):

B. **ORIGINAL REZONING RESOLUTION NUMBER**: Z-01-012a, superceded by Z-04-048

C. **SUBSEQUENT ZONING ACTION RESOLUTION/CASE NUMBERS** (if any): Please list all previous zoning and administrative actions (approvals and denials) on this project subsequent to original rezoning including Resolution Numbers and Case Numbers (provide added sheets, if necessary; label as **Exhibit H-1.C.**).

DCI2009-00007 (PD amendment withdrawn)
DCI2009-00026 (SB360 extension request)

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

PART 2
REQUESTED ACTION

A. **WRITTEN NARRATIVE**: Please provide a written narrative statement explaining exactly what is proposed. Label as **Exhibit H-2.A.**

B. **RELIEF/DEVIATIONS**: Is any relief requested from the provisions of the Lee County Land Development Code?

☒ **NO**

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

Also provide three (3) sets of drawings detailing any proposed deviations or changes to the MASTER CONCEPT PLAN (MCP) in 11" X 17" size (two originals required) and one (1) 24" x 36" size. All deviation requests must be specifically keyed to the location on the MCP. Label deviation drawing(s) as **Exhibit H-2.B.2.**

C. Is the property located within the Estero Planning Community, Caloosahatchee Shores Community Plan area, Page Park Community Plan area, Palm Beach Boulevard Community Plan area, Buckingham Community Plan area, Greater Pine Island Community Plan area, or Lehigh Acres Community Plan area and does the request include administrative deviations amending the Master Concept Plan or other provisions of the applicable zoning resolution?

☐ **NO**

☒ **YES** – If **YES**, submit a copy of the Community Meeting Summary Document (see Explanations, PART 2. Below). Label **Exhibit H-2.C. [11/22/10 ECPP Minutes as Exhibit H-2.C.; EDRC 6/13/12 Minutes are pending]**

PART 3
ADDITIONAL SUBMITTAL REQUIREMENTS FOR ADMINISTRATIVE AMENDMENT APPLICATIONS

Please submit the following for all Administrative Amendment Applications:

A. **AREA LOCATION MAP**: **An Area Location Map** (on 8.5" by 11" paper) must be provided. The map must be marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. Label as **Exhibit H-3.A. [34-204(a)(5); 34-373(a)(4)b.]**

B. **APPROVED MASTER CONCEPT PLAN**: Provide one (1) APPROVED MASTER CONCEPT PLAN (MCP) and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED at a size of 24" X 36". **Label as Exhibit H-3.B. [34-204(a)(5); 34-373(a)(6)]**

C. **REDUCED SIZE MASTER CONCEPT PLAN:** Provide three (3) copies of the MASTER CONCEPT PLAN REDUCED to a maximum size of 11" x 17" (two originals required). Label as **Exhibit H-3.C. [34-204(a)(5)]**

D. **ZONING RESOLUTIONS/ZONING DOCUMENTS:** Please attach three (3) copies of any zoning resolutions or documents that are still valid. Include the original rezoning resolution, final plan approval letters, Administrative Approval letters, and any other documentation granting relevant approvals. Label as **Exhibit H-3.D. [34-204(a)(5)] [RESOLUTION Z-04-048 attached as Exhibit H-3.D.]**

PART 4
ADDITIONAL SUBMITTAL REQUIREMENTS FOR FINAL PLAN APPROVAL APPLICATIONS

Please submit the following for all Final Plan Approval Applications:

A. **AREA LOCATION MAP**: **An Area Location Map** (on 8.5" by 11" paper) must be provided. The map must be marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. Label as **Exhibit H-4.A. [34-204(a)(5); 34-373(a)(4)b.]**

B. **APPROVED MASTER CONCEPT PLAN**: Provide one (1) APPROVED MASTER CONCEPT PLAN (MCP) and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED. Label as **Exhibit H-4.B. [34-204(a)(5); 34-373(a)(6)]**

C. **PROPOSED FINAL PLAN**: Please submit three (3) copies of the proposed Final Plan consistent with the approved Master Concept Plan and the approved Zoning Resolution. This proposed Final Plan must show any DEVIATION(s) keyed on the plan to identify the location of the specific deviation. Label as **Exhibit H-4.C. [34-204(a)(5)]**

D. **REDUCED SIZE COPY OF THE PROPOSED FINAL PLAN:** Please submit three (3) copies of the proposed Final Plan REDUCED to a maximum size of 11" x 17" (two originals required). Label as **Exhibit H-4.D. [34-204(a)(5)]**

E. **ZONING RESOLUTIONS/ZONING DOCUMENTS:** Please attach three (3) copies of any zoning resolutions or documents that are still valid. Include the original rezoning resolution, final plan approval letters, Administrative Approval letters, and any other documentation granting relevant approvals. Label as **Exhibit H-4.E**. **[34-204(a)(5)]**

PART 5
SUBMITTAL REQUIREMENTS

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

Copies Required*	Exhibit Number	SUBMITTAL ITEMS
		FOR ADMINISTRATIVE AMENDMENT APPLICATIONS and FOR FINAL PLAN APPROVAL APPLICATIONS
3		Completed Application for Administrative Action Form [34-204(a)]
1		Filing Fee - [34-204(a)(8)]
3	SUP H	Administrative Amendment to a PUD or Planned Development request Supplement Form [34-204(a)(5)]
3	H-1.C	Subsequent Zoning Action Resolution/Case Numbers (if any and if added sheet is necessary) [34-204(a)(5)]
3	H-1.D	Development Order Numbers for the Project (if any and if added sheets are necessary) [34-204(a)(5)]
3	H-2.A	Written Narrative explaining what, exactly, is proposed [34-204(a)(5)]
3	H-2.B.1	Schedule of Deviations and Justification Statement for each requested deviation (if YES was answered to Item # 2.B.) [34-204(a)(5)]
1	H-2.B.2	Site plan (24" X 36" size) detailing each requested deviation (if YES was answered to Item # 2.B.) [34-204(a)(5)]
3	H-2.B.2	Reduced site plans (11" X 17" size) detailing each requested deviation (if YES was answered to Item # 2.B.) - **two originals required** [34-204(a)(5)]
1	H-2.C	Community Meeting Summary Document (if answered YES to Item 2.C.) [34-204(a)(5); 33-3]
		ADDITIONAL SUBMITTAL ITEMS FOR ADMINISTRATIVE AMENDMENT APPLICATIONS
3	H-3.A	Area Location Map (8 ½' X 11" size) [34-204(a)(5)]
1	H-3.B	Approved Master Concept Plan and detailed drawings of any proposed deviations (24" X 36" size) [34-204(a)(5)]
3	H-3.C	Master Concept Plan (11" X 17" maximum size) including detailed drawings of any proposed deviations - **two originals required** [34-204(a)(5)]
3	H-3.D	Zoning Resolutions/Zoning Documents [34-204(a)(5)]
		ADDITIONAL SUBMITTAL REQUIREMENTS FOR FINAL PLAN APPROVAL APPLICATIONS
3	H-4.A	Area Location Map (8 ½' X 11" size) [34-204(a)(5)]
3	H-4.B	Approved Master Concept Plan and detailed drawings of any proposed deviations (24" X 36" size) [34-204(a)(5)]
1	H-4.C	Proposed Final Plan including Deviations keyed to the plan (24" X 36" size) [34-204(a)(5)]
3	H-4.D	Proposed Final Plan (11" X 17" maximum size) - **two originals required** [34-204(a)(5)]
3	H-4.E	Zoning Resolutions/Zoning Documents [34-204(a)(5)]

*** At least one copy must be an original**

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EXHIBIT H-2.A
Narrative

ADD 2012-00078

Wal-Mart continues to update its stores and its prototypes in an effort to address the needs of the community and the patrons. The store that was approved in the master concept plan was very specific and accommodated the exact store that was planned to be built at the time. The plans were tabled during the recession and in the interim, Wal-Mart continued to refine its stores in an effort to meet the changing demands of the consumer. They have continued to refine the appearance of the store in an effort to allay prior concerns about the alleged utilitarian look of the prototype and the lack of architectural features.

When Wal-Mart determined that the store footprint was going to change representatives for Wal-Mart met with the Estero Planning Panel. The meeting was November 22, 2010. One of the items that was discussed with the panel was the desire to bring in some of the new branding elements to the store. The panel was initially concerned about making any changes to the elevation approved as part of the zoning for the store. The store is approved in Resolution Z-04-048 for 228,000 square feet. Wal-Mart no longer builds the previously approved prototype and began exploring the option to use one of its current building types.

It became clear that if the footprint of the building and the size of the store were going to change, it would have an impact on the elevation. When the panel looked at the approved elevation it seemed prudent to everyone to try and achieve something better. The ECPP appointed representatives from the planning panel and the design review committee to work with Wal-Mart's architect and representatives on revisions to the elevation. The committee reviewed all of the details of the elevation in an effort to create a pleasing elevation. At the end of the process the community and Wal-Mart felt like the end result was an improvement over the original elevation.

When Wal-Mart met with the ECPP in 2010 the intent was to investigate alternate building sizes and site layout options including the potential for additional outparcels. It was determined through meetings with the staff that this would require a public hearing. Wal-Mart wants to proceed with the store in the near term and has opted not to amend the master concept plan to include additional outparcels. Wal-Mart has continued to work internally to determine the appropriate size for the store. It has been determined that the store will be 186,000 +/- sq feet.

Resolution Z-04-048 permits a drive-through on the approved outparcel. Wal-Mart would like to amend the resolution to shift the drive-through from the outparcel to the Wal-Mart building. The drive-through will be for the pharmacy. The drive-through for the pharmacy is depicted on the attached site plan.

Representatives of Wal-Mart made a presentation to the Estero Design Review Committee on June 13, 2012. The meeting was very well attended. The meeting was attended by residents from the Estero area. There was some confusion because many of the people in attendance thought the size of the store was increasing when it is in fact decreasing. Many of the people in the room were not familiar with the conditions that are already in place in the resolution. They were informed about the existing conditions and they were assured that there would not be a request to change the existing conditions. Some residents expressed concern about lighting. Condition 5 requires the applicant to submit a lighting plan to meet the terms and conditions of the LDC. The lighting condition allayed the resident concerns.

The tire and lube portion of the Wal-Mart will be eliminated with the new site plan. Condition 6 will remain, but it is anticipated that it will have no effect if there is no tire and lube facility.

Condition 10 is the condition that attached Exhibit E which is the approved elevation. The document that is attached as Exhibit E will change to include the new elevation.

There were concerns about outdoor display and the residents were advised that Condition 11 prohibits outdoor display. Some residents raised the issue of overnight recreational vehicles. They were pleased to learn that there is a condition, number 13, which prohibits overnight stays. They wanted to know if the rules are actually enforced and Jeff Satfield relayed a story about a Wal-Mart where the RV was towed or it was about to be towed while occupied.

The location of the building has not changed; it is in the approved location where it enjoys a significant separation from the nearby residential areas. The site plan was approved without liner buildings and no liner buildings are proposed. Wal-Mart would appreciate the opportunity to frame US 41 with out parcels, but the site plan only includes the one approved outparcel. The Design Review Committee and the planning panel expressed concerns about what uses would be on the out parcels if new out parcels were added. There is no need to explore that issue since no outparcels are being added.

Condition 16 provides for sidewalks and there was a lot of discussion about the sidewalks at the Design Review Committee meeting. CPH explained how the approved pedestrian system will work. Condition 17 requires walls, and there were several questions about where the walls are located and whether or not they will remain.

There were questions about deliveries and the residents were pleased to learn that the BOCC opted to regulate deliveries in Condition 18. The residents were also pleased to learn that the access to the building in the late evening hours would be limited by Condition 20.

There were a lot of questions about the landscaping. The landscape architect was present to discuss the plans that were approved by Condition 3.h. The zoning resolution includes 5 pages of landscape requirements that will remain.

It is herein submitted that there are two changes for consideration. One change is the change in the size of the store and the commensurate adjustment to the elevation (Exhibit E) for the new store. The other change is the shifting of the drive-through from the out parcel to the Wal-Mart. Wal-Mart plans to go back to the Estero Planning Panel in July to address any lingering concerns there may be and to explain the fact that the new plans propose to shift the location of the drive-through.

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ESTERO COMMUNITY PLANNING PANEL

Minutes of Public Meeting #123– November 22, 2010

Estero Community Park, Estero, Florida

Panel Members Present: Jack Lienesch, Civic Association, Chairman; Dan DeLisi, Estero development community; Greg Toth, Founding Member; Ned Dewhirst, Estero development community; Erik Dickens, ECCL; Jeff Maas, Estero Chamber of Commerce; Neal Noethlich, Emeritus Member.; Bev MacNellis, Treasurer, ECCL and Bill Brown, Recording Secretary, ECCL. Absent: John Goodrich, ECCL

Public Notice: Brown reported that the meeting notice appeared in a story in the News-Press and the News –Press online calendar, the Century – Link Estero Events Calendar and Esterofl.org websites. The notice was posted at the South County Regional Library, Realty World of Estero, and the BB&T and the Fifth Third Banks.

Secretary's Report: Brown distributed minutes of the September October 18th meeting. Maas: Motion to accept minutes. Noethlich: Seconded. Accepted unanimously.

Treasurer's Report: MacNellis reported a balance of $1,000.72 as of October 29th, 2010. Report accepted.

PRESENTATIONS: Wal-Mart rezoning - Jeff Satfield of CPH Engineers assisted by Jim Winter and Theresa Murphy presented the revised Wal-Mart plans. He said Wal-Mart seeks to rezone its 33-acre site at the northeast corner of U.S. 41 and Estero Parkway to allow a 155,000 square-foot-store, down from 225,000, and to increase the number of outlots on U.S. 41 from one to four. The 24-hour store would have groceries, general merchandise, a pharmacy and garden center but no Tire & Lube facilities.

Panel Comments: Toth commended the team on the building, stating that he thought it looked fabulous, but noted that he would rather see an office or a bank than a high-traffic generator, such as a fast food restaurant, on the out-parcels. He requested a list of uses for the out-parcels. Noethlich indicated he is satisfied with the building design, but also wants input on the out-parcels uses. Dickens said he likes the green space, but he would like bike paths. Satfield replied that bike paths could be added to the walkways by widening them to 10 feet. Dewhirst asked about the interconnects to the north and east, the accesses on US41 and Estero Parkway, signage, outparcel internal access from Estero Parkway, and roof noise reduction. Satfield replied the two entrances on the Estero Parkway are requested to be full in-and-out while the US41 would right-in right out, but left in only. Dewhirst noted that the middle entrance off Estero Parkway may be too short a distance from US 41 (660') to operate safely as a full access. This same type of access just east of US 41 on Coconut Road ended up being a problem. There will be monument signs at the entrances. Adding berms and walls and refrigeration compressors on the roof should provide noise reduction. DeLisi commented that uniform sign requirements would be good.

Audience suggestions – Chris Smith, who lives at the Vines, said they were strongly opposed to any interconnection that routed traffic to the Vines entrance. Jane McNew, who lives in Belle Lago on Estero Parkway, said she doesn't want the area around the store to get trashy and she is opposed to fast-food in the out-parcels.

Feedback from November 13 Workshop – Erik Dickens. Erik had organized the notes from the workshop into an 11-page handout. He noted a few comments on the four topic areas: **MOBILITY** -- add Light Rail, dedicated RH-turn lane from Three Oaks to Corkscrew so people don't go through gas station, get bike paths off of the streets, crossing major roads on bikes is dangerous and need large scale improvement, RR bed conversion to bike path/trail. **SENSE OF PLACE:** Diversify local economy with some employment centers other than retail, non-retail should be sought after, improve Year Round employment by creating mixed use are more public access to river and bay, create parks near major waterways, need an Arts District, more integration with Florida Gulf Coast University. **ARCHITECTURE AND LANDSCAPING:** More architectural variety needed, do not reduce design standards. Once something is built ugly it stays ugly. Promote patterns in Architecture Themes, integrate older structures into new developments, manage "transition between different uses". See Coconut Pt near Hyatt as example of poor transition, make harmonious with neighbors, do not legislate "style" (for example "Mediterranean"), instead enforce quality of design, encourage communities with mixed use; incorporate bike paths into developments., need better code enforcement of signage, strip malls, RR, and vacant properties, buildings are too close to road on Corkscrew. **SIGNAGE:** Street signs should have address numbers on them. Estero Gateway signs: "Welcome to Estero". Place on N/S entrances on 41 and on Corkscrew. Noethlich said we need to provide opportunities for continued input. Lienesch said DeLisi and Ebaugh will sort-out between Land Development Code and the Comprehensive Plan. DeLisi said we need a special meeting on this before Christmas. We need to get comments to Lienesch before December 3.

Proposal for tourist transportation connections by Calusa Blueways Outfitters-Bill Odrey told the panel that he had paddle boats and trolleys which he wants to use to connect Fort Myers to South Lee County. He asked for the Panel assistance and suggestions.

Sunshine Law Panel Redux – Lienesch said, based on a letter from County Attorney David Owen, our sunshine policy for the ECPP remains as follows: when we are doing PLANNING (planning workshops, zoning/administration amendment recommendations, etc.) these are always done in a noticed public meeting. Unlike a sanctioned, funded advisory committee, however, we reserve the right to meet at any time, with one or more of our panel members present, to discuss with anyone whatever issues might impact the Estero community in the future. Only when these discussions will lead to recommendations to the county on zoning matters affecting Estero properties, do we insist that they are held at an open, noticed public meeting.

<u>Miromar Outlets</u> LED Directional Signs– Neale Montgomery and Jeff Staner told the panel that the signs would be inside the entrance off Corkscrew to show retail stores to 5 PM and then change to restaurants. Montgomery and DeLisi took the position that the present language of Section 33-57 permits the Panel to agree to Deviations and Variances to allow such signs that are prohibited by Section 33-383, but the County feels some amendment to the language may be needed. The Panel agreed to go along with

whatever is needed to install the proposed signs and Lienesch will send an e-mail to the County to that effect.

Coconut Point South Village Signage – Dewhirst explained that the Coconut Point South Village Association had approved a request to relocate the DOPPCO (Tract 3A-3_3) tenant sign to the Pelican Colony Blvd. median at US 41. A presentation was made at the last EDRC meeting for this request and Lee County will be reviewing for this change.

Panel was adjourned at 8:00 PM.

NEXT REGULAR MEETING: December 20, 6:00 PM, Estero Community Park

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cph	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	2216 Altamont Ave. Fort Myers, Florida 33901 Phone 239 332-5499 Fax 239 332-2955	Date: 12/10 Job No. W13303.1 Scale: N.T.S. File: EXH.TOPO. MAP © 2010	AREA LOCATION MAP Walmart STORE # 5347-00 ESTERO, FLORIDA	EXHIBIT PH-3.F

ADD 2012-00078

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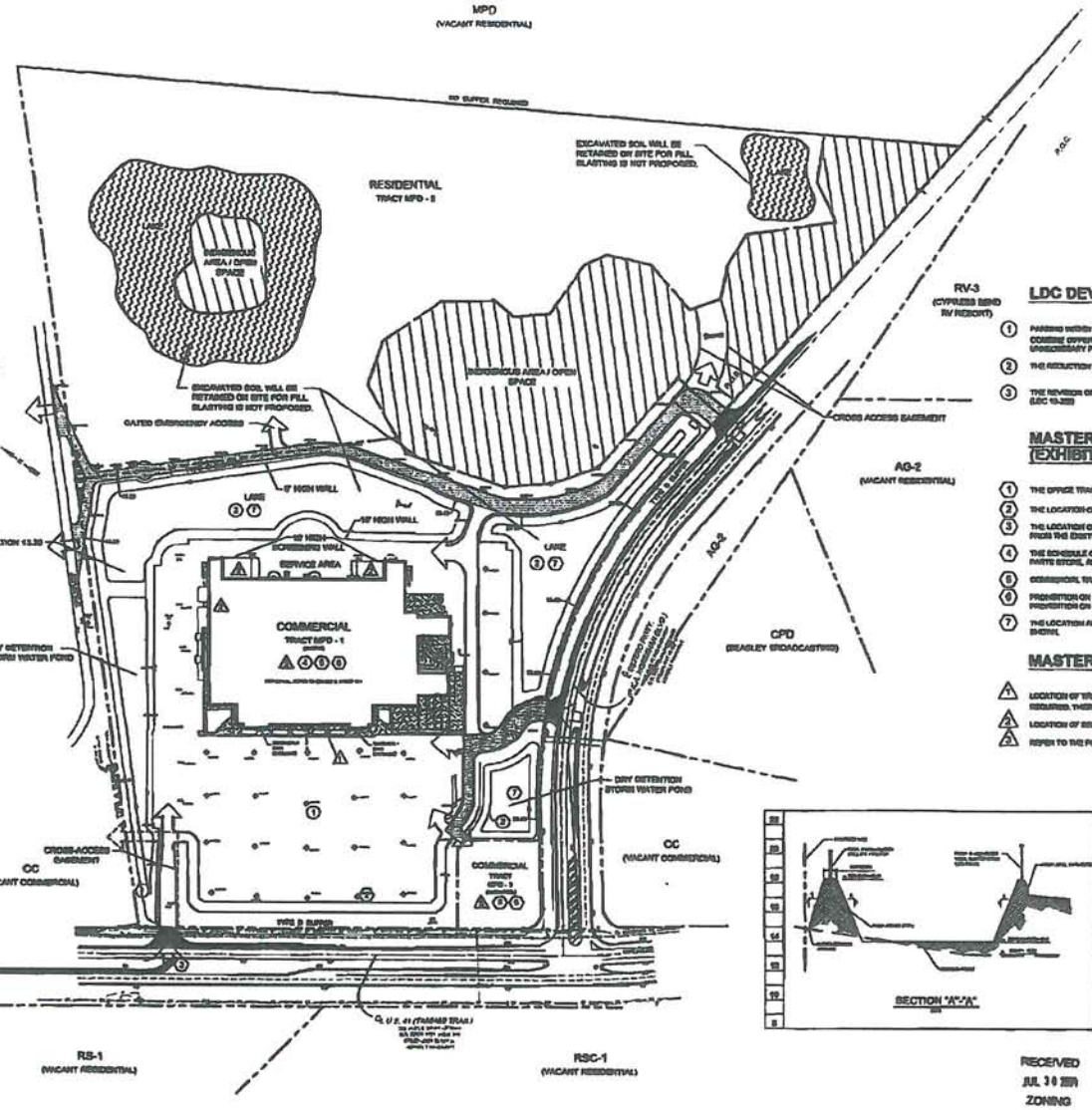
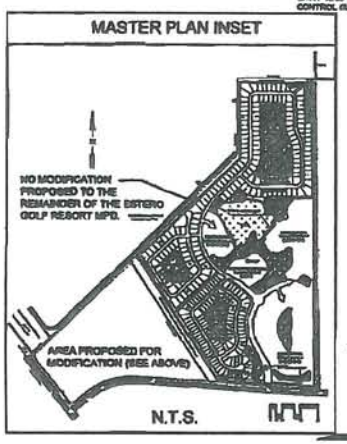
EXHIBITS
- A - 1 EXISTING EASEMENTS & R.O.W.
- A - 2 EXISTING ZONING & LAND USE (ARE REFLECTED ON THIS MCP)

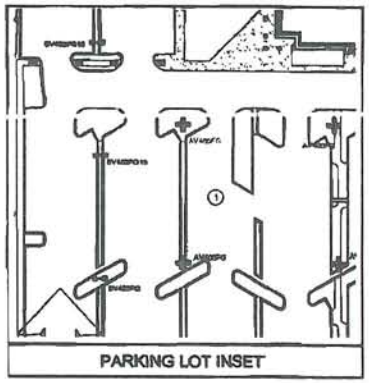
NOTES:
I. DIRECT LEE TRANS SERVICE IS NOT AVAILABLE FOR THIS AREA; ONLY CALL AHEAD IS AVAILABLE SERVICE
II. ALL EXCAVTED SOIL FROM THE SITE WILL BE RETAINED AND UTILIZED ON SITE.

CROSS ACCESS EASEMENTS



MASTER PLAN INSET





LDC DEVIATIONS

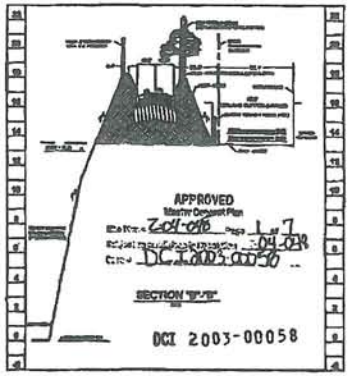
1. PARKING WITHIN COMMERCIAL TRACT MPD-1 WILL UTILIZE URBAN CONCRETE ISLANDS IN LIEU OF WHEEL STOPS, AND COMBINE DIFFERENT ANGLES OF PARKING SPACES WITH ONE AND TWO WAY DRIVE AISLES TO MINIMIZE UNNECESSARY PAVEMENT (SEE SHEET).
2. THE REDUCTION OF THE REQUIRED SETBACK TO 23.83 FT FOR EXCAVATIONS FROM ROAD RIGHT OF WAY TO LAKES (LDC 10-329)
3. THE REVISION OF THE REQUIRED SETBACK TO 41.83 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 DRIVEWAYS BETWEEN 6 PM AND 8 AM ON COMMERCIAL TRACTS MPD-1 AND MPD-3 ARE MODIFIED TO PROHIBITION ON DRIVEWAYS BETWEEN 8 PM AND 4 AM.
7. THE LOCATION AND NUMBER OF DRY DETENTION POND AND LAKES (WET DETENTION POND) ARE MODIFIED AS SHOWN.

MASTER CONCEPT PLAN AMENDMENT NOTES

A. LOCATION OF TRANSIT BUS BERTHS. RELOCATION OF THE BUS BERTHS ALONG THE FRONT OF THE STORE MAY BE REQUIRED. THERE ARE NO DESIGNATED LEE TRAN ROUTE STOPS CURRENTLY AVAILABLE WITHIN THIS PROJECT AREA.
B. LOCATION OF SERVICE LOADING AND UNLOADING.
C. REFER TO THE PROPERTY DEVELOPMENT REGULATIONS TABLE FOR THE MAXIMUM BUILDING HEIGHT.



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ZONING

Revision	Date	No.
	07/03	A
	07/03	A
	07/03	A
	07/03	A
	07/03	A

Author: J.C.P. Drawn by: T.M.E. Checked by: J.C.P. Approved by: J.C.P.

Scale: 1" = 100'
Date: JULY 2003
Job No. V11E203
File: GATEWAY-LA
Approved © 2003

cph
Planners
Architects
Landscape Architects
Engineers
Surveyors
Environmental Consultants
Planning & Zoning Consultants
Fort Myers, Florida 33901
Phone: 239.332.2540 Fax: 239.332.2594

EXHIBIT IV-A-1

ESTERO GOLF RESORT
MASTER CONCEPT PLAN
"WALMART OPTION"

Sheet No. C-2

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ADD2012-00078

RESOLUTION NUMBER Z-04-048

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

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

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

WHEREAS, a second public hearing was advertised and held on October 18, 2004, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to amend the Planned Development for Estero Golf Resort to revise the Master Concept Plan to accommodate development of a Wal-Mart SuperCenter, adjust the location of the access to U.S. 41, add to the list of permitted uses, and eliminate certain conditions of the previous approval. The property is located in the Urban Land Use Category and is legally described in attached Exhibit A. The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION C. DEVIATIONS- RESIDENTIAL PORTION:

1. Deviation 1 - WITHDRAWN BY APPLICANT.

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

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

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

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

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

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

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

5. Deviation 5.a - WITHDRAWN BY APPLICANT.

   Deviation 5.b - WITHDRAWN BY APPLICANT.

6. Deviation 6 - WITHDRAWN BY APPLICANT.

7. Deviation 7 - WITHDRAWN BY APPLICANT.

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

9. Deviation 9 - WITHDRAWN BY APPLICANT.

10. Deviation 10 - WITHDRAWN BY APPLICANT.

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

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

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

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

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

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

SECTION B. 2. CONDITIONS OF THE COMMERCIAL PORTION:

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

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

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

a. <u>Schedule of Uses</u>

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

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

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

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

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

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

b. SITE DEVELOPMENT REGULATIONS

Property Development Regulations / **Commercial Portion:**

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

(2) Outdoor Seating for COP uses:

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

(3) Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract parcel or outparcel.

PROPERTY DEVELOPMENT REGULATIONS TABLE /ENTIRE MPD

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11. Outdoor display and sales is prohibited.

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

13. Overnight Recreational Vehicle parking is prohibited.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22. a. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order. Approval of this rezoning does not give the Developer an undeniable right to receive local development order approval.

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

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

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

SECTION E. DEVIATIONS FOR THE COMMERCIAL PORTION:

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

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

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

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

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

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

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

SECTION F. EXHIBITS AND STRAP NUMBER:

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

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

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

SECTION G. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

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

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

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

d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

a. the proposed use or mix of uses is appropriate at the subject location; and

b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

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

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

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

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

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

Approved as to form by:

_____
County Attorney's Office

RECEIVED
MINUTES OFFICE
2005 MAR 24 AM 10: 12

COASTAL ENGINEERING CONSULTANTS INC

A CECI GROUP COMPANY

RECEIVED
MAR 0 9 2004
ZONING

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

DCI2003-00058

EXHIBIT
LEGAL DESCRIPTION
PARCEL "A"
ESTERO GOLF RESORT MPD

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

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21, THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45" W, A DISTANCE OF 84.98 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 2648.57 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 1317.93 FEET; THENCE S 44°54'53" W, A DISTANCE OF 2370.36 FEET; THENCE CONTINUE S 32°34'52" E, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COAST LINE RAILROAD A DISTANCE OF 2513.30 FEET; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD CONTINUE S 86°11'52" E A DISTANCE OF 1148.53 FEET TO A POINT OF CURVATURE, THENCE CONTINUE 552.84 FEET ALONG THE ARC OF SAID CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 11,425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF S 87°35'02" E; TO SAID POINT OF BEGINNING.

PARCEL CONTAINS 240.4± ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

AND THOSE LANDS FURTHER DESCRIBED AS FOLLOWS:

PARCEL "A-1"
ESTERO GOLF RESORT MPD

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

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE ALONG THE EAST LINE OF SECTION 21, N 00°46'45"W, A DISTANCE OF 84.98 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461-3462); THENCE CONTINUE ALONG THE NORTHERLY RIGHT-OF-WAY OF KORESHAN BOULEVARD 552.84 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST; HAVING A RADIUS OF 11425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF N 87°35'02" W TO A POINT OF TANGENCY; THENCE N 86°11'52" W, FOR A DISTANCE OF 1310.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 86°11'52" W A DISTANCE OF 1164.17 FEET TO A POINT OF CURVATURE; THENCE 540.77 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 1175.00 FEET, A CENTRAL ANGLE OF 26°22'09" A CHORD DISTANCE OF 536.01 FEET, AND A CHORD BEARING OF S 80°36'51" W TO A POINT OF COMPOUND CURVATURE, THENCE CONTINUE 356.46' ALONG THE ARC OF CURVE CONCAVE TO THE SOUTHWEST; HAVING A RADIUS OF 1292.82 FEET, A CENTRAL ANGLE OF 15°53'11", A CHORD DISTANCE OF 357.31 FEET, AND A CHORD BEARING OF S 59°29'40" W, TO A POINT OF TANGENCY; THENCE S 51°33'05" W FOR A DISTANCE OF 261.89 FEET TO A POINT OF CURVATURE; THENCE CONTINUE 79.88 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTH; HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 91°17'11", A CHORD DISTANCE OF 71.50 FEET, AND A CHORD BEARING OF N 82°48'27" W, TO A POINT OF TANGENCY; THENCE CONTINUE N 37°10'00" W A DISTANCE OF 953.60 FEET, THENCE CONTINUE N 37°45'51" W A DISTANCE OF 17.52 FEET; THENCE N 44°54'53" E FOR A DISTANCE OF 2235.13 FEET TO THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD (AS RECORDED IN DEED BOOK 68, PAGE 78); THENCE CONTINUE ALONG THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD S 32°34'52" E FOR A DISTANCE OF 2388.69 FEET TO POINT OF BEGINNING.

PARCEL CONTAINS 74.2± ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

COASTAL ENGINEERING CONSULTANTS, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB-2483
CARL L. WORLEY
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5451
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
CEO FILE NO. 99-09-11-11
DATE SIGNED 03-04-04

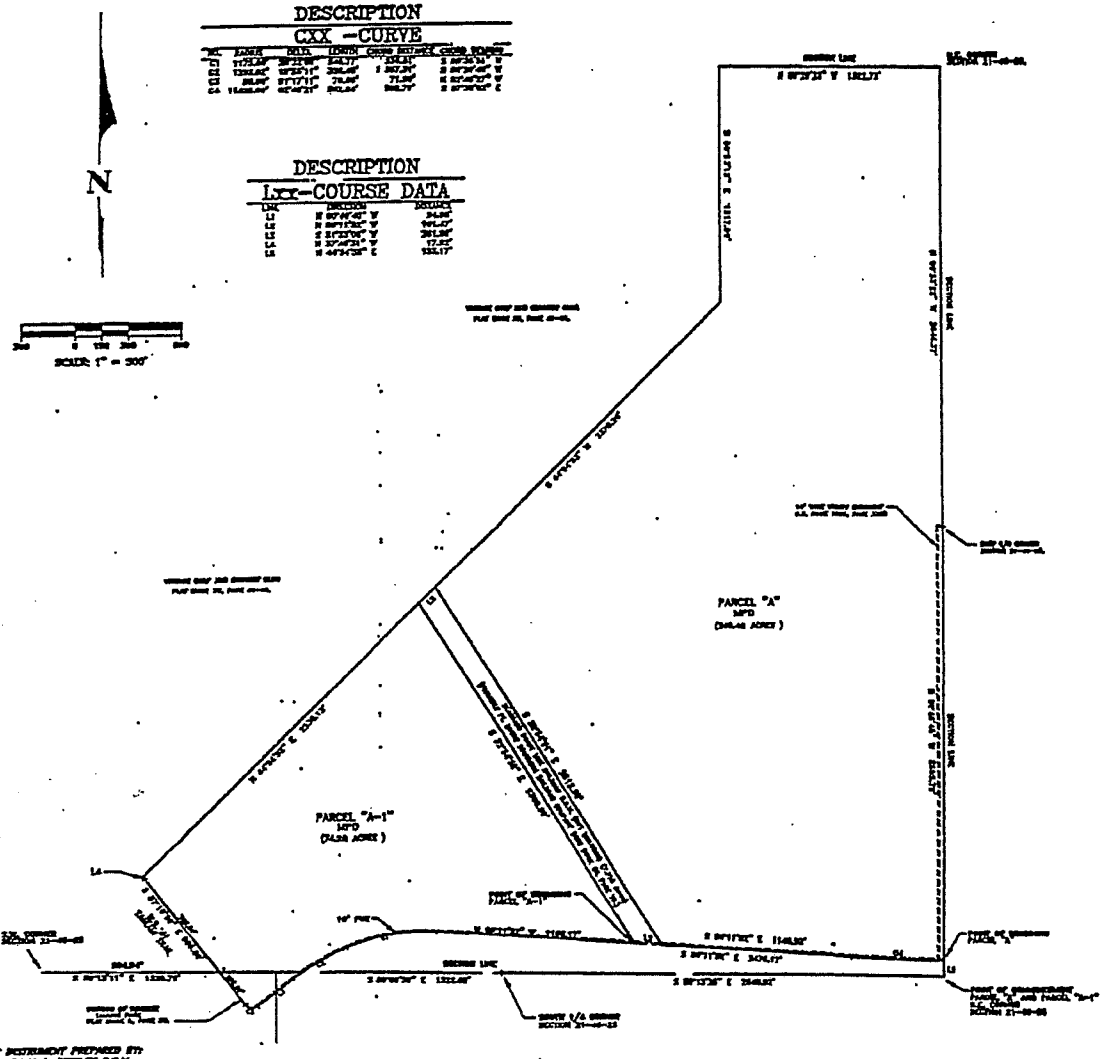
Applicant's Legal Checked
by 3/09/2004.

DESCRIPTION
CXX -CURVE

NO.	ARC	DELTA	LENGTH	CHORD BEARING	CHORD DISTANCE
C1	1125.00'	38°23'00"	840.71'	330.41'	S 88°38'54" W
C2	1250.00'	90°25'11"	2000.00'	1 707.29'	N 88°38'48" W
C3	30.00'	57°17'11"	29.99'	71.80'	N 82°40'22" W
C4	1140.00'	62°40'21"	1000.00'	1000.17'	N 87°38'02" E

DESCRIPTION
LXX-COURSE DATA

LINE	DIRECTION	DISTANCE
L1	N 00°00'00" W	24.00'
L2	N 89°17'32" W	365.00'
L3	N 87°38'00" W	201.00'
L4	N 37°10'00" W	17.00'
L5	N 44°34'32" E	1000.17'


N
SCALE: 1" = 300'
PARCEL "A"
MPD
(340.46 ACRES)
PARCEL "A-1"
MPD
(24.00 ACRES)
S 00°00'00" E 1320.00'
N 00°00'00" E 1320.00'

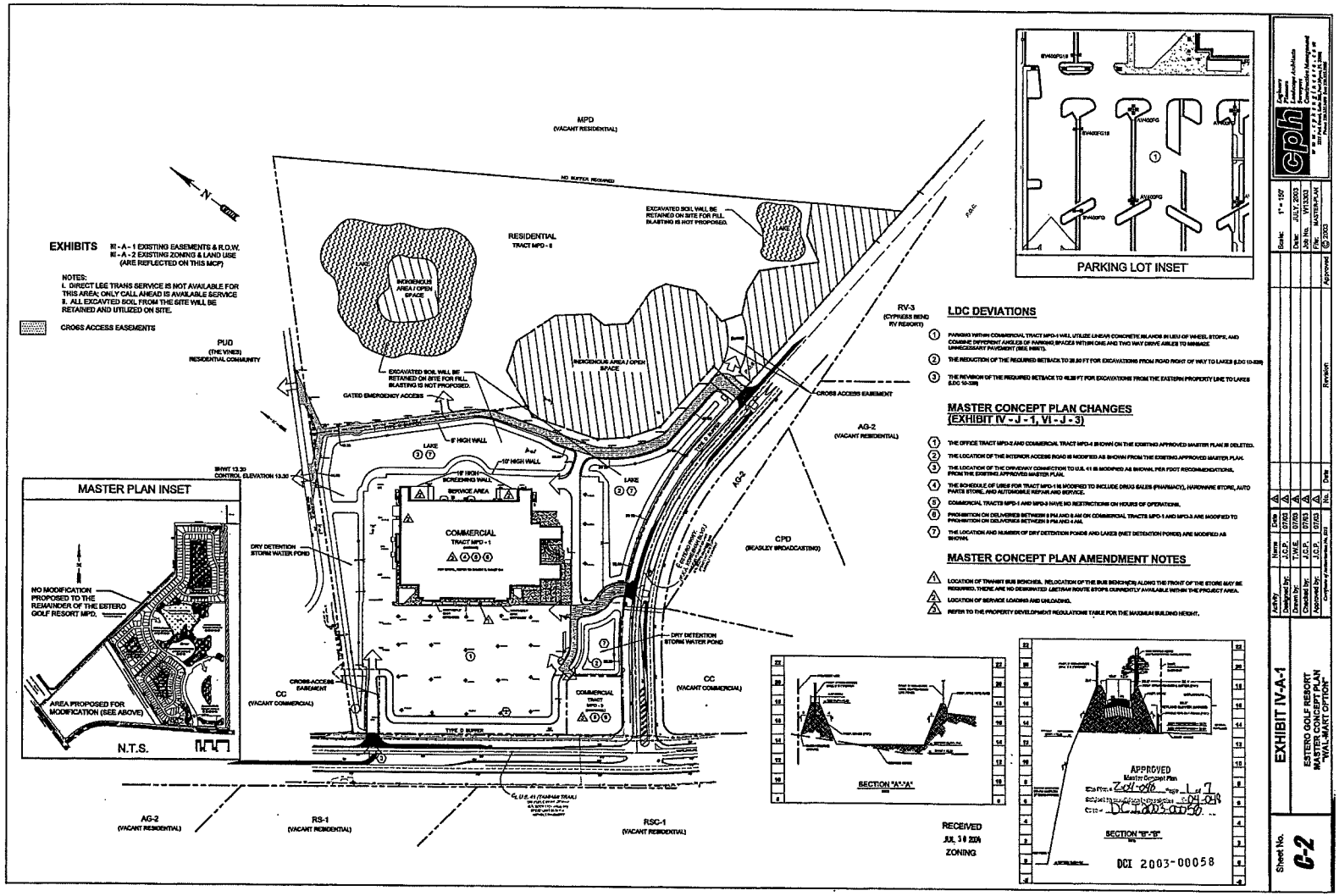
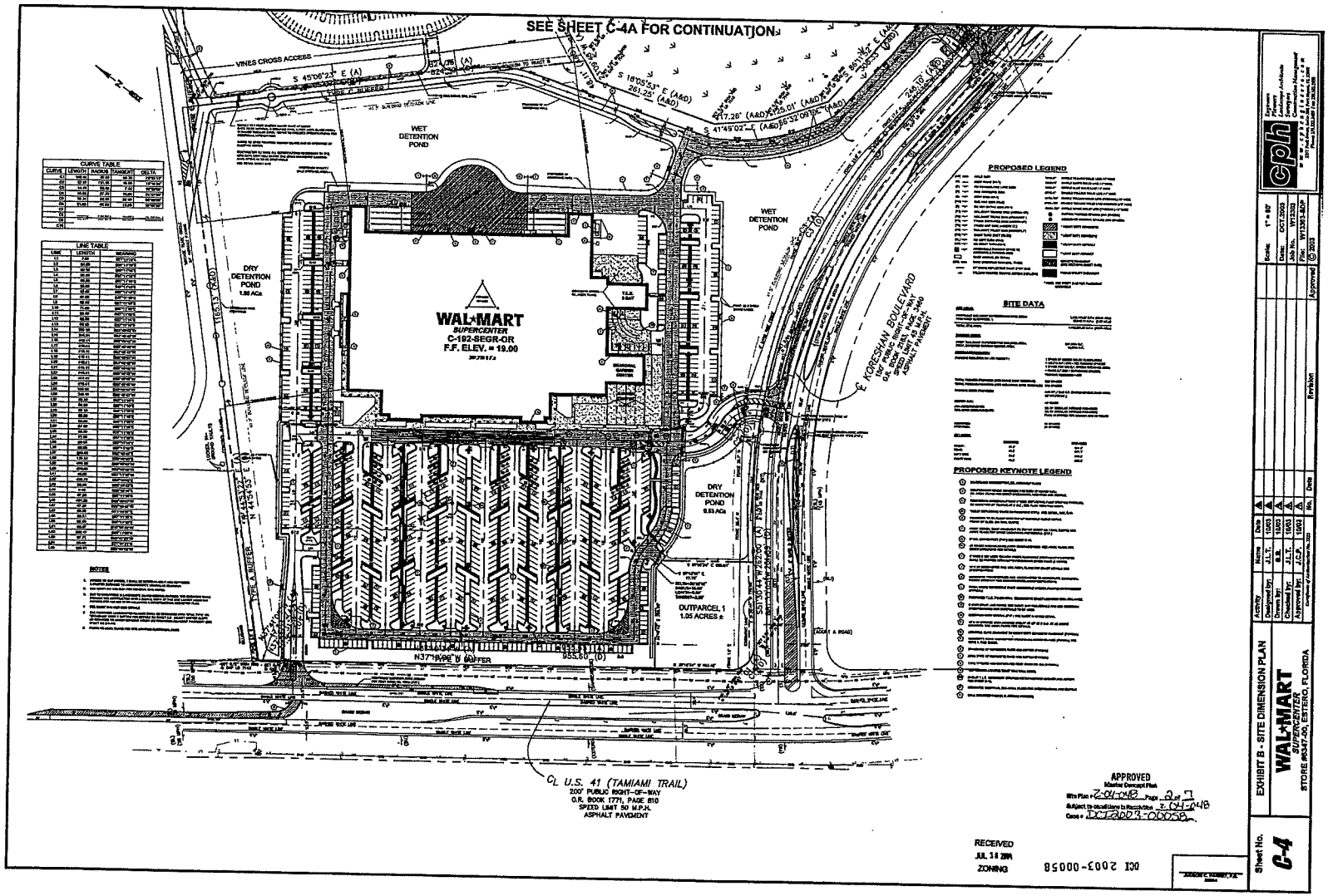
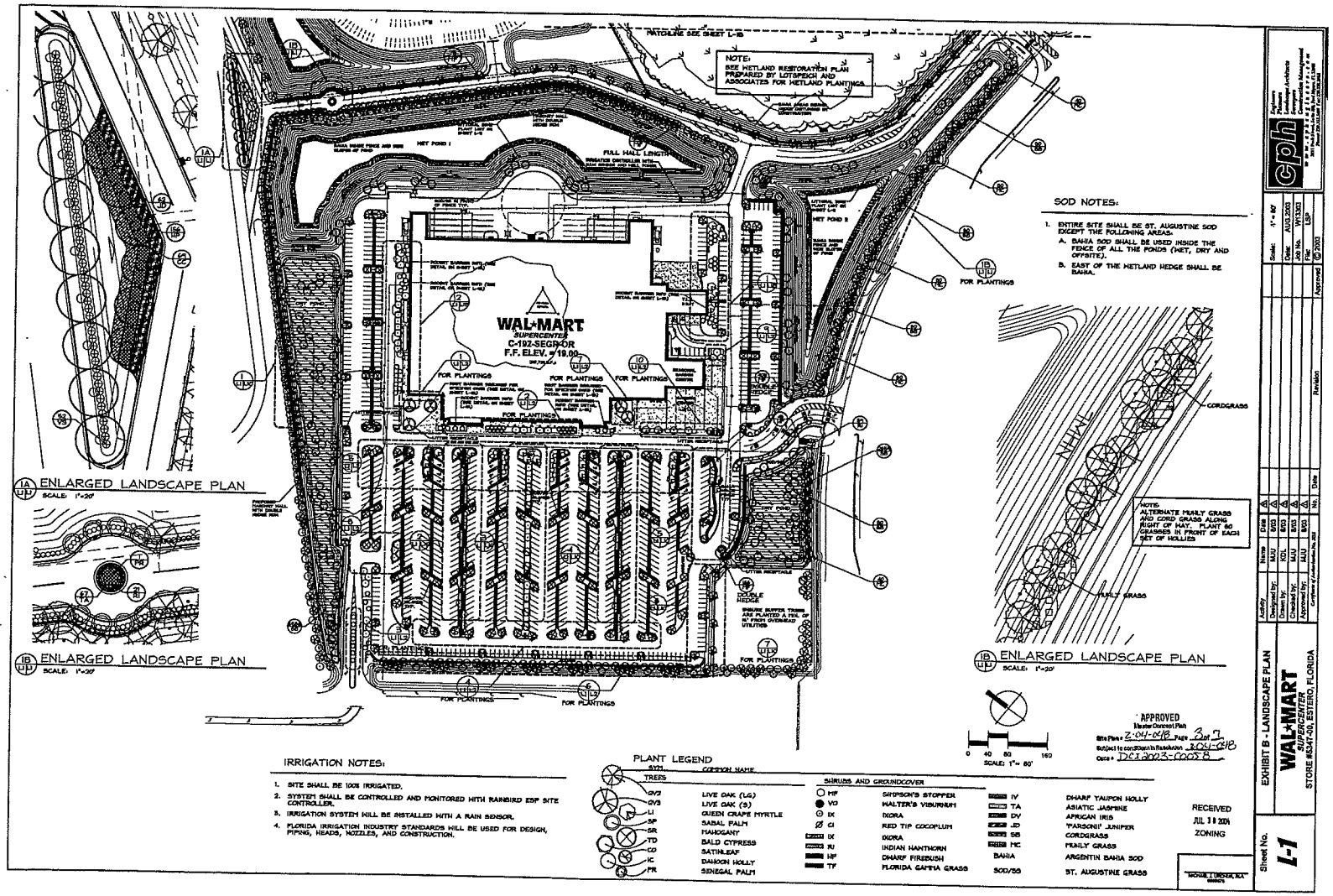

EXHIBITS
III - A - 1 EXISTING EASEMENTS & R.O.W.
III - A - 2 EXISTING ZONING & LAND USE (ARE REFLECTED ON THIS MCP)
NOTES:
I. DIRECT LEE TRANS SERVICE IS NOT AVAILABLE FOR THIS AREA; ONLY CALL AHEAD IS AVAILABLE SERVICE
II. ALL EXCAVTED SOIL FROM THE SITE WILL BE RETAINED AND UTILIZED ON SITE.
CROSS ACCESS EASEMENTS
N
MPD
(VACANT RESIDENTIAL)
NO BUFFER REQUIRED
RESIDENTIAL
TRACT MPD - 6
EXCAVATED SOIL WILL BE RETAINED ON SITE FOR FILL. BLASTING IS NOT PROPOSED.
LAKE
INDIGENOUS AREA / OPEN SPACE
PUD
(THE VINES)
RESIDENTIAL COMMUNITY
GATED EMERGENCY ACCESS
CROSS ACCESS EASEMENT
RV-3
(CYPRESS BEND RV RESORT)
AG-2
(VACANT RESIDENTIAL)
8' HIGH WALL
10' HIGH WALL
15' HIGH SCREENING WALL
SERVICE AREA
BWT 13.30
CONTROL ELEVATION 13.30
COMMERCIAL
TRACT MPD - 1
DRY DETENTION STORM WATER POND
CPD
(BEASLEY BROADCASTING)
CC
(VACANT COMMERCIAL)
CROSS ACCESS EASEMENT
COMMERCIAL TRACT MPD - 3
TYPE D BUFFER
AG-2
(VACANT RESIDENTIAL)
RS-1
(VACANT RESIDENTIAL)
RSC-1
(VACANT RESIDENTIAL)
MASTER PLAN INSET
NO MODIFICATION PROPOSED TO THE REMAINDER OF THE ESTERO GOLF RESORT MPD.
AREA PROPOSED FOR MODIFICATION (SEE ABOVE)
N.T.S.
PARKING LOT INSET
LDC DEVIATIONS
1 PARKING WITHIN COMMERCIAL TRACT MPD-1 WILL UTILIZE LINEAR CONCRETE ISLANDS IN LIEU OF WHEEL STOPS, AND COMBINE DIFFERENT ANGLES OF PARKING SPACES WITHIN ONE AND TWO WAY DRIVE AISLES TO MINIMIZE UNNECESSARY PAVEMENT (SEE INSET).
2 THE REDUCTION OF THE REQUIRED SETBACK TO 28.50 FT FOR EXCAVATIONS FROM ROAD RIGHT OF WAY TO LAKES (LDC 10-329)
3 THE REVISION OF THE REQUIRED SETBACK TO 45.50 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 8 AM ON COMMERCIAL TRACTS MPD-1 AND MPD-3 ARE MODIFIED TO PROHIBITION ON DELIVERIES BETWEEN 8 PM AND 4 AM.
7 THE LOCATION AND NUMBER OF DRY DETENTION PONDS AND LAKES (WET DETENTION PONDS) ARE MODIFIED AS SHOWN.
MASTER CONCEPT PLAN AMENDMENT NOTES
1 LOCATION OF TRANSIT BUS BENCHES. RELOCATION OF THE BUS BENCH(ES) ALONG THE FRONT OF THE STORE MAY BE REQUIRED. THERE ARE NO DESIGNATED LEETRAN ROUTE STOPS CURRENTLY AVAILABLE WITHIN THE PROJECT AREA.
2 LOCATION OF SERVICE LOADING AND UNLOADING.
3 REFER TO THE PROPERTY DEVELOPMENT REGULATIONS TABLE FOR THE MAXIMUM BUILDING HEIGHT.
SECTION "A"-"A"
SECTION "B"-"B"
RECEIVED
JUL 30 2004
ZONING
APPROVED
Master Concept Plan
DCI 2003-00058
Scale: 1" = 150'
Date: JULY 2003
Job No. V11.003
File: MASTER-PLAN
Approved
Revision
Date
No.
Activity
Name
Date
Designed by: J.C.P. 07/03
Drawn by: T.V.E. 07/03
Checked by: T.V.E. 07/03
Approved by: J.C.P. 07/03
Sheet No.
C-2
EXHIBIT IV-A-1
ESTERO GOLF RESORT
MASTER CONCEPT PLAN
"WAL-MART OPTION"

EXHIBIT C


SEE SHEET C-4A FOR CONTINUATION
VINES CROSS ACCESS
S 45°06'23" E (A)
S 16°05'53" E (A&D)
261.25' (A&D)
S 41°45'02" E (A&D)
WET DETENTION POND
DRY DETENTION POND
1.00 ACs
WAL*MART
SUPERCENTER
C-192-SEGR-OR
F.F. ELEV. = 19.00
DRY DETENTION POND
0.53 ACs
OUTPARCEL 1
1.05 ACRES ±
E KORESHAN BOULEVARD
100' PUBLIC RIGHT-OF-WAY
O.R. BOOK 1771, PAGE 810
SPEED LIMIT 40 M.P.H.
ASPHALT PAVEMENT
N37°14'02" W
N37°14'02" W 955.51' (D)
S37°30'44" W 862.00' (A)
CL U.S. 41 (TAMIAMI TRAIL)
200' PUBLIC RIGHT-OF-WAY
O.R. BOOK 1771, PAGE 810
SPEED LIMIT 50 M.P.H.
ASPHALT PAVEMENT
CURVE TABLE
LINE TABLE
NOTES
PROPOSED LEGEND
SITE DATA
PROPOSED KEYNOTE LEGEND
APPROVED
Lee County Zoning Plan
Site Plan # Z-04-048 Page 2 of 7
Subject to detailed review to the conditions
Case # DCI2003-00058
RECEIVED
JUL 14 2004
ZONING
DCI 2003-00058
EXHIBIT B - SITE DIMENSION PLAN
WAL*MART
SUPERCENTER
STORE #3472-00, ESTERO, FLORIDA
Sheet No.
C-4
Scale: 1" = 50'
Date: OCT-2003
Job No. 1113.03
Approved: © 2003
cph
Engineers
Planners
Surveyors
Landscape Architects
Construction Management
2271 Ruffner Road, Jacksonville, FL 32207
(904) 733-4663 Fax (904) 733-4666
Certificate of Authorization No. 2233
Drawn by: A.E.T.
Checked by: J.L.T.
Approved by: J.C.P.
Remarks
No. Date
1 10/03
2 10/03
3 10/03
4 10/03
5 10/03



SOD NOTES:

1. ENTIRE SITE SHALL BE ST. AUGUSTINE SOD EXCEPT THE FOLLOWING AREAS:
   A. BAHIA SOD SHALL BE USED INSIDE THE FENCE OF ALL THE PONDS (WET, DRY AND OFFSITE).
   B. EAST OF THE WETLAND HEDGE SHALL BE BAHIA.

IRRIGATION NOTES:

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

PLANT LEGEND

SYM.	COMMON NAME
TREES	
GV2	LIVE OAK (LG)
GV3	LIVE OAK (S)
LI	QUEEN CRAPE MYRTLE
SP	SABAL PALM
SR	MAHOGANY
TD	BALD CYPRESS
CO	SATINLEAF
IC	DAHOON HOLLY
PR	SENEGAL PALM

SYM.	COMMON NAME
SHRUBS AND GROUNDCOVER	
MF	SHIPSON'S STOPPER
VO	WALTER'S VIBURNUM
IX	IXORA
CI	RED TIP COCOPLUM
IX	IXORA
RI	INDIAN HAWTHORN
NF	DWARF FIREBUSH
TF	FLORIDA GAMMA GRASS

SYM.	COMMON NAME
IV	DWARF TAUPON HOLLY
TA	ASIATIC JASMINE
DV	AFRICAN IRIS
JD	'PARSONII' JUNIPER
SS	CORDGRASS
MC	MUHLY GRASS
BAHIA	ARGENTIN BAHIA SOD
SOD/SG	ST. AUGUSTINE GRASS

APPROVED
Master Concept Plan
Site Plan # Z-04-048 Page 3 of 7
Subject to conditions in Resolution Z-04-048
Case # DCI2003-00058

RECEIVED
JUL 3 0 2004
ZONING

"HOUSE LIKE DESIGN, INC."
SIGNS

Sheet No. L-1

EXHIBIT B - LANDSCAPE PLAN
WAL*MART
SUPERCENTER
STORE #3347-00, ESTERO, FLORIDA

Activity	Name	Date
Designed by:	MJU	8/03
Drawn by:	RGL	8/03
Checked by:	MJU	8/03
Approved by:	MJU	8/03

Certificate of Authorization No. 2532

No.	Date	Revision
1		
2		
3		
4		

Scale: 1" = 80'
Date: AUG.2003
Job No. W11303
File: LSP
Approved: © 2003

cph
Planners
Landscape Architects
Engineers
Construction Management
Phone (813) 228-7411 Fax (813) 228-2398

DCI 2003-00058

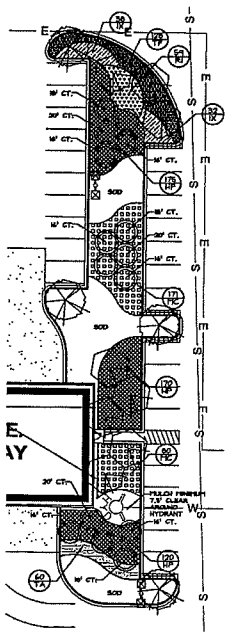
EXHIBIT D

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

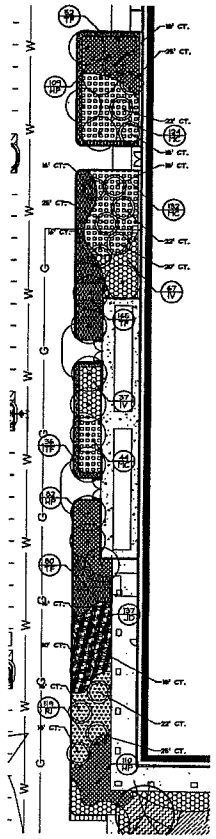
Melaleuca, paper tree— Melaleuca quinquenervia
Brazilian pepper, Florida holly—Schinus terebinthifolius
Australian pines— All Casuarina species
earleaf acacia— Acacia auriculiformis
downy rosemyrtle— Rhodomyrtus tomentosus
tropical soda apple— Solanum viarum

SEE EXOTIC REMOVAL PLAN FOR CONSERVATION AREA ONLY.

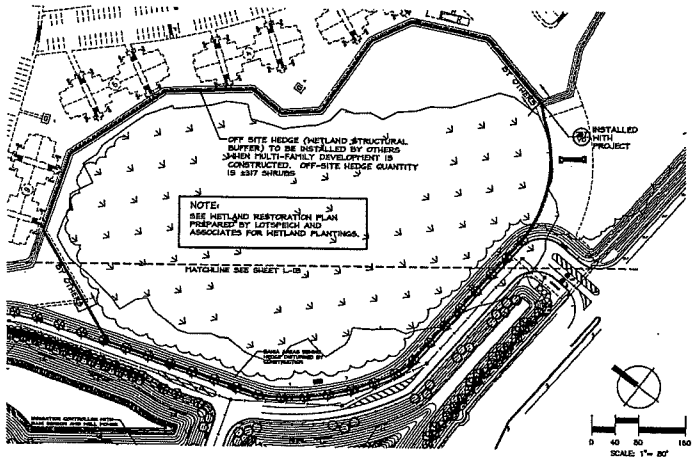
Control of invasive exotics to be achieved through initial hand, mechanical and chemical methods. A series of post emergent herbicide applications made by a certified landscape and or pest control applicator are to be made until 100% control is achieved. Upon review a pre-emergent herbicide is to be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

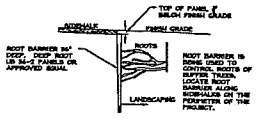


1 L1-B ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'

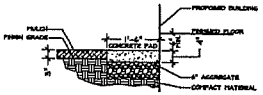


2 L1-B ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'

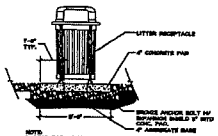




ROOT BARRIER DETAIL
N.T.S.



RODENT BARRIER
SCALE: 1/4" =1'-0"



LITTER RECEPTACLE

FURNITURE LEGEND

QTY.	SYM.	ITEM
4		LITTER RECEPTACLE- MODEL MC 402-DT WITH BLACK FINISH AS MANUFACTURED BY BRP ENTERPRISES (.800.638.5311) SURFACE MOUNT WITH ANCHORS PER MANUFACTURER'S DIRECTIONS.

APPROVED
Master Concept Plan
Site Plan # Z-04-048 Prj ID 4 of 4
Subject to conditions in Resolution Z-04-048
Case # DCI2003-00058

PLANT LEGEND

SYM.	COMMON NAME
TREES	
QV2	LIVE OAK (LG)
QV3	LIVE OAK (S)
LI	QUEEN CRAPE MYRTLE
SP	SABAL PALM
SR	MAHOGANY
TD	BALD CYPRESS
CO	SATINLEAF
IC	DAHOON HOLLY
PR	SENEGAL PALM

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

RECEIVED
JUL 3 8 2004
ZONING

MICHAEL J. URSINI, R.L.A.
ARCHITECT

EXHIBIT B - LANDSCAPE PLAN
WAL*MART SUPERCENTER
STORE #5347-00, ESTERO, FLORIDA

Sheet No. L-1B

Scale: AS NOTED
Date: AUG. 2003
Project No. W5303
File: L1B
Approved
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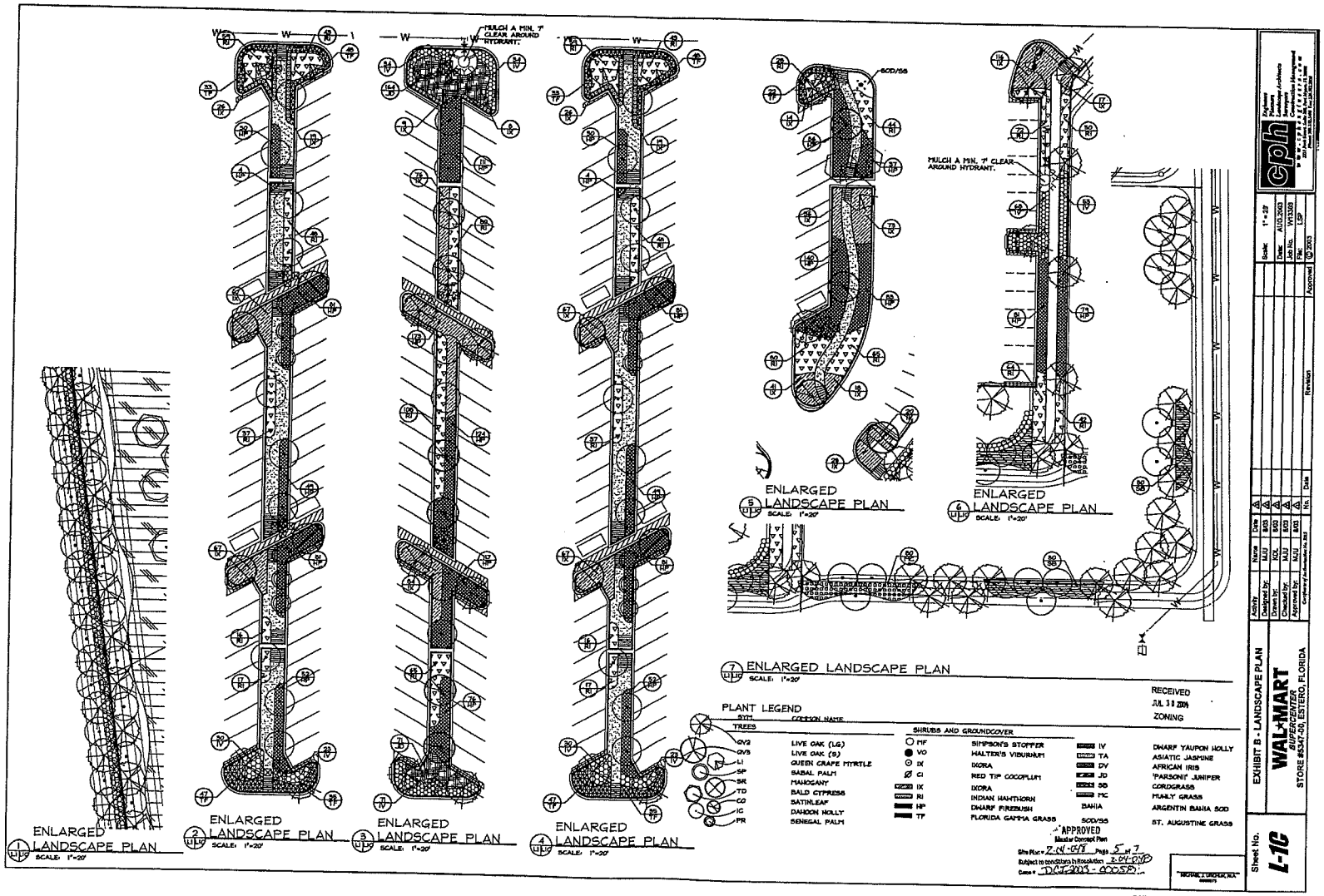
No.	Date	Revision
1	8/03	
2	8/03	
3	8/03	
4	8/03	

Activity	Name	Date
Designed by:	M.U.	8/03
Drawn by:	M.U.	8/03
Checked by:	M.U.	8/03
Approved by:	M.U.	8/03

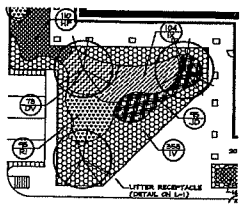
Certificate of Authorization No. 3233

Systems Planners Landscape Architects Engineers Surveyors
cph
Cornerstone Planning Group, Inc.
2222 Ponce de Leon Blvd. Coral Gables, FL 33134
Tel: 305-447-0900 Fax: 305-447-0904

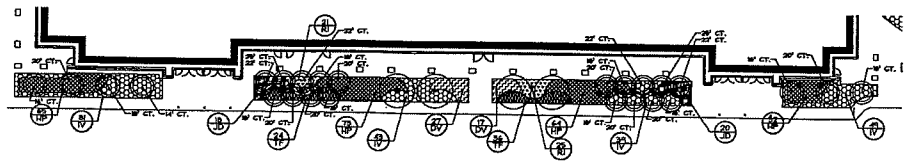
DCI 2003-00058



DCI 2003-00058



1 ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'



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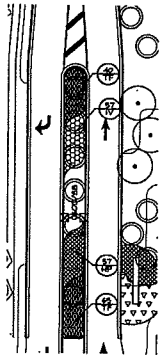
SCALE: 1"=20'



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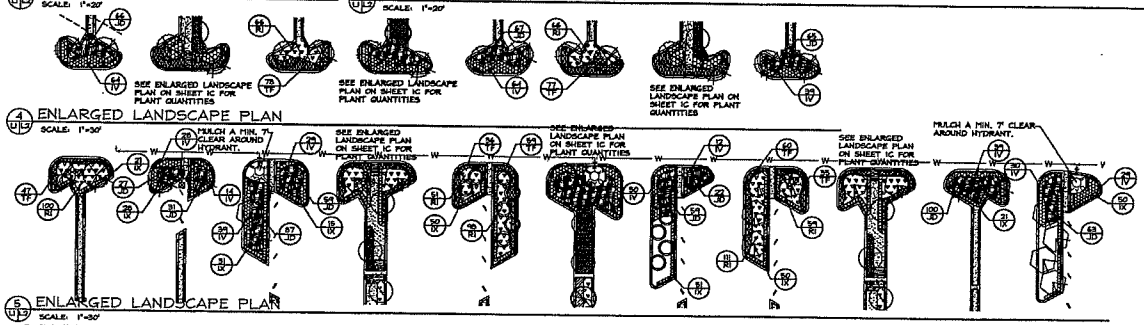
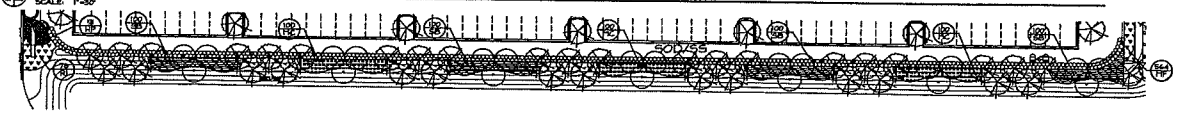


4 ENLARGED LANDSCAPE PLAN
SCALE: 1"=30'

5 ENLARGED LANDSCAPE PLAN
SCALE: 1"=30'



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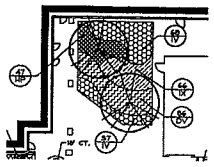
SCALE: 1"=30'



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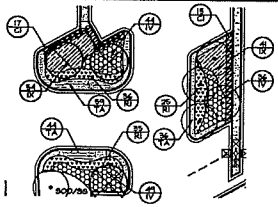
SCALE: 1"=20'



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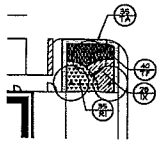

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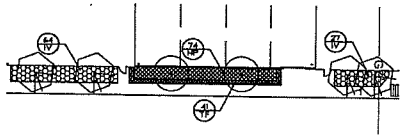
SCALE: 1"=20'



10 ENLARGED LANDSCAPE PLAN
SCALE: 1"=20'

PLANT LEGEND

SYM.	COMMON NAME
TREES	
QV2	LIVE OAK (LG)
QV3	LIVE OAK (S)
LI	QUEEN CRAPE MYRTLE
SP	SABAL PALM
SR	MAHOGANY
TD	BALD CYPRESS
CO	SATINLEAF
IC	DAHOON HOLLY
PR	SENEGAL PALM

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

APPROVED
Master Concept Plan
Site Plan # Z-01-098 Proj # 601-74
Subject to conditions in Resolution Z-01-098
Case # DCI2003-00058

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JUL 30 2003
ZONING

DCI 2003-00058

No.	Date	Revision

Scale: 1" = 20'
Date: AUG 2003
Job No. W13033
File: LSP
Approved: © 2003

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

Certificate of Authorization No. 2931

EXHIBIT B - LANDSCAPE PLAN

WAL-MART SUPERCENTER
STORE #3347-00, ESTERO, FLORIDA

Sheet No. L-2

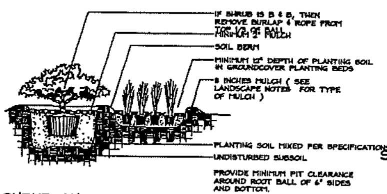
LANDSCAPE NOTES:

1. [illegible]
2. [illegible]
3. [illegible]
4. [illegible]
5. [illegible]
6. [illegible]
7. [illegible]
8. [illegible]
9. [illegible]
10. [illegible]
11. [illegible]
12. [illegible]
13. [illegible]
14. [illegible]
15. [illegible]
16. [illegible]
17. [illegible]
18. [illegible]
19. [illegible]
20. [illegible]
21. [illegible]
22. MAINTENANCE PRIOR TO FINAL INSPECTION AND ACCEPTANCE: [illegible]

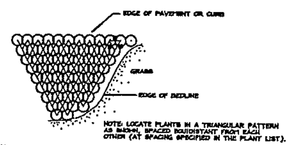
GUARANTEE AND REPLACEMENT: [illegible]

IRRIGATION NOTES:

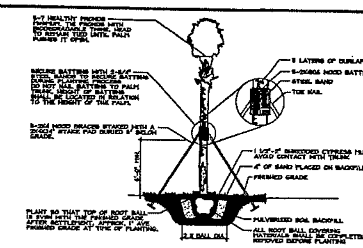
1. SITE SHALL BE 100% IRRIGATED.
2. SYSTEM SHALL BE CONTROLLED AND MONITORED WITH RAINBIRD ESP SITE CONTROLLER.
3. IRRIGATION SYSTEM WILL BE INSTALLED WITH A RAIN SENSOR.
4. FLORIDA IRRIGATION INDUSTRY STANDARDS WILL BE USED FOR DESIGN, PIPING, HEADS, NOZZLES, AND CONSTRUCTION.



SHRUB AND GROUNDCOVER PLANTING DETAIL
NTS



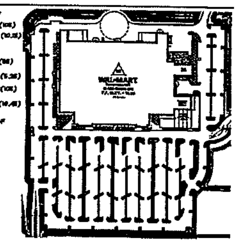
SHRUB/GROUNDCOVER SPACING PLAN
N.T.S.

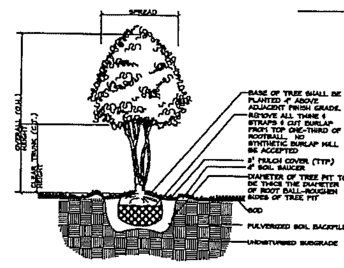


PALM STAKING DETAIL
N.T.S.

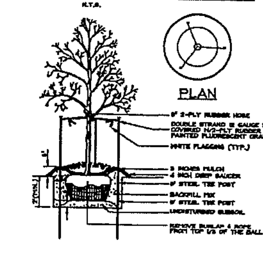
LANDSCAPE DATA

VEHICULAR USE AREA:	503,207 SF
REQUIRED LANDSCAPE AREA:	50,321 SF (10%)
PROPOSED LANDSCAPE:	50,563 SF (10.1%)
ADDITIONAL BUILDING LANDSCAPING:	
REQUIRED LANDSCAPE AREA: (5% of VUA)	25,160 SF (5%)
PROPOSED LANDSCAPE:	26,080 SF (5.2%)
REQUIRED BUILDING LANDSCAPE: (bldg 207,784 GAF)	20,774 SF (10%)
PROPOSED LANDSCAPE:	21,706 SF (10.4%)
SITE AREA: (excludes outparcel & access road)	1,392,552 SF
REQUIRED SITE TREES: (1/3,500 SF of development)	398
PROPOSED TREES:	1091
REQUIRED OPEN SPACE: (30.0%)	417,766 SF
PROPOSED OPEN SPACE: (includes a portion of wet pond surface area per code)	682,740 SF (49.1%)





MULTI TRUNK TREE PLANTING DETAIL
NTS



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

TREE PLANTING
N.T.S.

LITTORAL ZONE PLANT LIST

WET POND 1

TYPE	ZONES SHOWN	DESCRIPTION	TOTAL PLANT QTY
L1	8	50 PLANTS 18" O.C. - COW LILY	150
L2	4	200 PLANTS 18" O.C. - PICKEREL WEED & CANNA (MIXED)	800
L3	6	100 PLANTS 18" O.C. - WHITE WATER LILY	600
L4	2	400 PLANTS 18" O.C. - PICKEREL WEED & CANNA (MIXED)	800

REQUIRED LITTORAL PLANTS: 2,216 PLANTS (1 / 1 LF OF SHORELINE)
PROPOSED LITTORAL PLANTS: 2,550 PLANTS

WET POND 2

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

REQUIRED LITTORAL PLANTS: 1,400 PLANTS (1 / 1 LF OF SHORELINE)
PROPOSED LITTORAL PLANTS: 1,400 PLANTS

TOTAL REQUIRED PLANTS: 4,280 PLANTS
TOTAL PROPOSED LITTORAL PLANTS: 4,350 PLANTS

BUFFER SCHEDULE

PROPERTY BOUNDARY	# OF LINEAR FEET	BUFFER WIDTH REQ.	BUFFER WIDTH PROV.	LANDSCAPING REQ. BY CODE	LANDSCAPING PROVIDED
[illegible]	[illegible]	20 FT.	[illegible] FT.	C	
SHADE TREE				[illegible] x 100 LF = [illegible]	[illegible] LARGE TREES
UNDERSTORY TREE				-	144 UNDERSTORY
SHRUBS/ HEDGE				[illegible] x 100 LF = [illegible]	DBL. CONT. HEDGE
BERM/ WALL				WALL	WALL
[illegible]	[illegible]	FT.	FT.	NONE	
SHADE TREE				-	[illegible] SHADE
UNDERSTORY TREE				-	[illegible] UNDERSTORY
SHRUBS/ HEDGE				-	-
BERM/ WALL				-	-
[illegible]	[illegible]	20 FT.	[illegible] FT.	D	
SHADE TREE				[illegible] x 100 LF = [illegible]	[illegible] SHADE
UNDERSTORY TREE				-	[illegible] UNDERSTORY
SHRUBS/ HEDGE				DBL. CONT. HEDGE	DBL. CONT. HEDGE
BERM/ WALL				-	-
[illegible]	[illegible]	20 FT.	20 FT.	D	
SHADE TREE				[illegible] x 100 LF = [illegible]	37 SHADE
UNDERSTORY TREE				-	22 UNDERSTORY
SHRUBS/ HEDGE				DBL. CONT. HEDGE	DBL. CONT. HEDGE
BERM/ WALL				-	-

NATIVE TREE PERCENTAGE

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

NATIVE SHRUB PERCENTAGE

NATIVE TOTAL	20770	77.3%
NON-NATIVE TOTAL	6106	22.7%

PLANT LIST

SYM.	QTY.	BOTANICAL NAME	NATIVE	COMMON NAME	DESCRIPTION
TREES					
QV2	385	QUERCUS VIRGINIANA	N	LIVE OAK (LG)	65 GAL., 5" MIN. CAL., 14'-16' HT.
QV3	5	QUERCUS VIRGINIANA	N	LIVE OAK (S)	7" CAL., MIN. 20' HT., MIN. 16' SPREAD
LS	35	LAGERSTROEMIA SPECIOSA	N	QUEEN CRAPE MYRTLE	25 GAL., 10' HT., MIN. 4' SPREAD
SP	128	SABAL PALMETTO	N	SABAL PALM	14' CT. MIN. UNLESS OTHERWISE NOTED
SR	43	SWIETENIA MAHAGONI	N	MAHOGANY	65 GAL., 3" MIN. CAL., 14'-16' HT., 6' SPREAD
TD	144	TAXODIUM DISTICHUM		BALD CYPRESS	2" CAL., 10' MIN. HT., 4' SPREAD
CO	30	CHRYSOPHYLLUM OLIVIFORME	N	SATINLEAF	2" CAL., 10' MIN. HT., 4' SPREAD
PR	1	PHOENIX RECLINATA		SENEGAL PALM	5 STEM MIN., 18' OA.
QL	9	QUERCUS LAURIFOLIA	N	LAUREL OAK	200 GAL., 20' HT., 12'-14' SPR.**
SS	6	SENNA SURRATTENSIS		GLAUCOUS CASSIA	30 GAL., 12' HT.
IC	241	ILEX CASSINE	N	DAHOON HOLLY	45 GAL., 3" CAL., 12'-14' HT., HOLLIES IN FRONT OF COMPRESSORS SHALL BE FULL TO THE GROUND.
SHRUBS AND GROUNDCOVER					
MF	2606	MYRCIANTHES FRAGRANS	N	SIMPSON'S STOPPER	3 GAL., 30" MIN. HT., 30" O.C.
VO	287	VIBURNUM OBOVATUM	N	WALTER'S VIBURNUM	7 GAL., 48" HT. MIN., 48" O.C.
IX	440	IXORA		IXORA	3 GAL., 24" HT. MIN., 24" O.C.
CI	32	CHRYSOBALANUS ICACO 'RED TIP'	N	RED TIP COCOPLUM	3 GAL., 24" HT. MIN., 30" O.C.
VS	52	VIBURNUM SUSPENSUM	N	SANDANKWA VIBURNUM	15 GAL., 48" HT., 48" O.C.
CC	65	CAPPARIS CYNOPHALLOPHORA		JAMAICAN CAPER	3 GAL., 18" HT., 36" O.C.
IX	1578	IXORA 'NORA GRANT'		NORA GRANT IXORA	3 GAL., 24" HT. MIN., 24" O.C.
RI	2297	RHAPHIOLEPIS INDICA		INDIAN HAWTHORN	3 GAL., 12"-15" HT MIN., 24" O.C.
HP	3131	HAMELIA PATENS 'COMPACTA'	N	DWARF FIREBUSH	3 GAL., 18" HT., 24" O.C.
TF	1447	TRIPSACUM FLORIDANA	N	FLORIDA GAMMA GRASS	1 GAL., FULL, 12" HT., 24" O.C.
IV	1639	ILEX VOMITORIA 'NANA'	N	DWARF YAUPON HOLLY	3 GAL., FULL, 12" HT., 30" O.C.
TA	301	TRACHELOSPERMUM ASIATICUM 'MIN.'		MINIMA ASIATIC JASMINE	1 GAL., FULL, 24" O.C.
DV	208	DIETES VEGETA		AFRICAN IRIS	1 GAL., FULL, 24" O.C.
JD	1213	JUNIPERUS DAVURICA		'PARSONII' JUNIPER	3 GAL., FULL, 24" O.C.
SB	10125	SPARTINA BAKERI	N	CORDGRASS	1 GAL., 18" HT., FULL, 24" O.C.
MC	1261	MUHLENBERGIA CAPILLARIS	N	MUHLY GRASS	1 GAL., 18" HT., FULL, 30" O.C.
BAHIA	BY CONTR.	PASPALUM NOTATUM 'ARGENTINE'		ARGENTIN BAHIA SOD	SOLID SOD, CONTRACTOR TO VERIFY QTY.
SOD/SS	BY CONTR.	STENOTAPHRUM SECUNDATUM		ST. AUGUSTINE GRASS	SOLID SOD, CONTRACTOR TO VERIFY QTY.

NOTE:
IF SPECIFIED PLANTS ARE UNAVAILABLE AT TIME OF CONSTRUCTION, CONTRACTOR MAY REPLACE SPECIFIED PLANTS WITH PLANTS APPROVED BY LANDSCAPE ARCHITECT AND COUNTY STAFF.
** LAUREL OAKS MAY BE TRANSPLANTED FROM VINES MAIN ENTRY. CONTRACTOR TO COORDINATE THE PURCHASE OR TRANSPLANT OF THESE TREES AT TIME OF CONSTRUCTION.

RECEIVED JUL 30 2004 ZONING

APPROVED Master Concept Plan
Site Plan Z-04-048 Page 7 of 7
Subject to conditions in Resolution Z-04-048
Case DCI 2003 00058

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

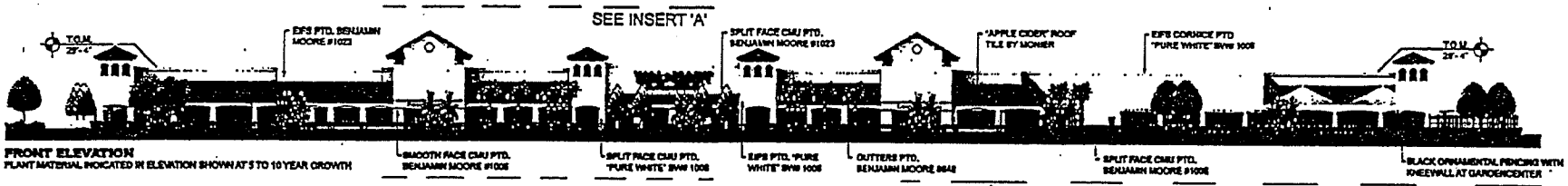
Scale:	N/A
Date:	AUG.2003
Job No.:	W13303
File:	L3P
© 2003	

cph
Engineers
Planners
Landscape Architects
Surveyors
Construction Management

LANDSCAPE DETAILS AND NOTES
WAL*MART SUPERCENTER
STORE #5347-00, ESTERO, FLORIDA

Sheet No. L-3

DCI 2003-00058



FRONT ELEVATION
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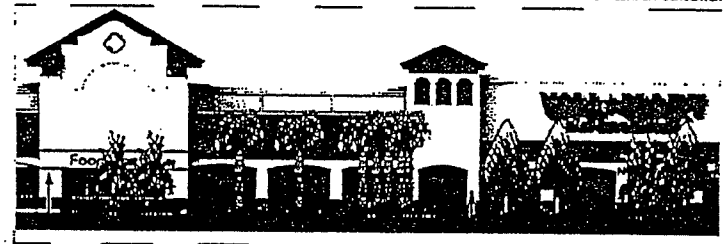


INSERT 'A'

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

INSERT 'B'

REPRESENTATION ONLY
NOT FOR CONSTRUCTION

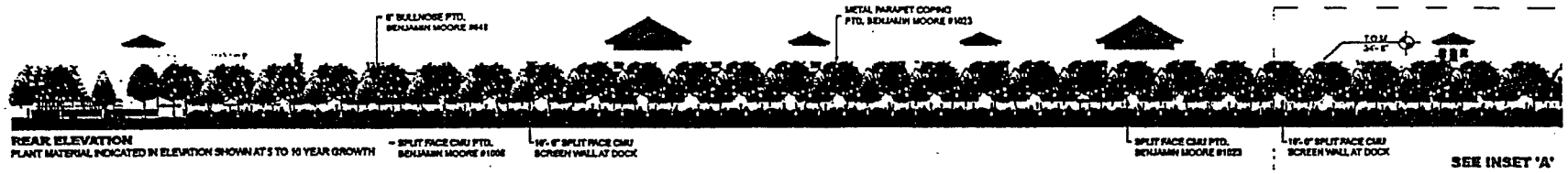
Building, landscaping, and site furnishing images shown are a representation of the design intent and may not reflect any subtle variations in color, material or construction that may occur due to local material availability and final design detailing.

WAL★MART
SUPERCENTER

cph

RECEIVED
JUL 30 2004
ZONING

EXHIBIT "E"



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

SEE INSET 'A'

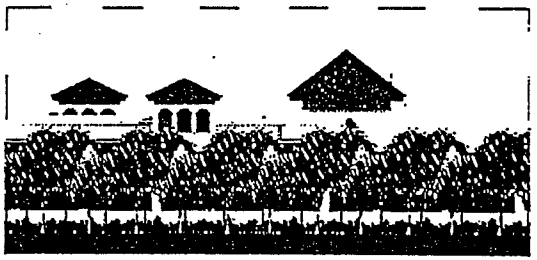
INSET 'A'

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

DECORATIVE BLOCK CMU
AT COMPRESSOR HOUSING

GUTTERS PTD.
BENJAMIN MOORE #648

SEE INSET 'B'



INSET 'B'

cph

REPRESENTATION ONLY
NOT FOR CONSTRUCTION

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

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SUPERCENTER

EXHIBIT "E"
Page 2 of 2

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RESOLUTION NUMBER Z-01-012a

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

WHEREAS, Paula Davis, President of Keystone Customer Homes, Inc., filed an application on behalf of the property owner, Hermes Investment Company, Inc., to rezone a 314.6±-acre parcel from Agricultural (AG-2) to Mixed Use Planned Development (MPD), in reference to Estero Golf Resort MPD; and

WHEREAS, a public hearing was advertised and held before the Lee County Hearing Examiner on March 14, 2001. The Hearing Examiner left the record open for written submissions until March 30, 2001. The Lee County Zoning Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2000-00032; and

WHEREAS, a second public hearing was advertised and held on May 7, 2001, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of interested persons.

WHEREAS, on July 30, 2001, the Board amended the original resolution to clarify an ambiguity regarding the number of consumption on premises permitted within the project.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 314.6±-acre parcel from AG-2 to MPD to allow: 1) a maximum of 820 dwelling units consisting of a mix of unit types and including up to 100 units within an assisted living facility; 2) a golf course; 3) up to 320,000 square feet of retail uses; and 4) 20,000 square feet of office use. The application also included a request for consumption on premises and buildings not to exceed 55 feet and four stories.

The property is located in the Urban Community, Suburban and Wetlands Land Use Categories and is legally described in attached Exhibit A.

The request is APPROVED SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Estero Golf Resort," last revised 5/8/01, stamped "Received May 9 2001," and the

EXHIBIT "F"

conditions set forth herein. (The MCP has been revised to reflect the Board's action on May 7, 2001.) If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

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

a. SCHEDULE OF USES

(1) RESIDENTIAL PORTION - TRACTS 5-12

Accessory Uses
Administrative Offices
Agricultural Uses, as limited by other conditions
Assisted Living Facility, limited to Tracts MPD-5 only-maximum 100 units
Club, Country including the following ancillary uses:
- Consumption on Premises, limited to one for the clubhouse and one for the golf course only, includes outdoor seating
- Food and Beverage Service
- Golf Course Maintenance Facility, limited to MPD-7 only
- Health Club and Spa
- Restaurant, includes outdoor seating
- Speciality Retail

Dwelling Units - single-, two-, and multi-family units, zero lot line units, and townhouses - limited to a maximum of 820 for the entire project; and a maximum of 340 units for MPD-5
Entrance Gates and Gatehouses
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - Not to include the removal of excavated material from the site
Fences and Walls
Golf Course, including Practice Greens and Driving Range - subject to further review during the development order process to determine appropriate locations and possible additional buffering or screening required for the practice greens and driving range
Golf and Tennis Pro Shops (limited to ancillary use in clubhouse tract)
Home Occupation, as limited by the LDC
Model Homes, Model Units and Model Display Center
Real Estate Sales and Rental Office - limited to sales of lots, homes or units within the development, except as may be permitted in §34-1951 *et seq.* The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years from the date the Certificate of Occupancy for the sales office is issued. The director may grant one 2-year extension at the same location.
Recreational Facilities, Personal and Private On-site, as defined and regulated by the LDC § 34
Signs, in compliance with the LDC
Storage, Open, recreational vehicles, boats and similar items for residents

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

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

(2) COMMERCIAL PORTION - TRACTS 1-4

Accessory Uses
Administrative Offices
Agricultural Uses, as further limited by other conditions
Animal Clinic - outside kennels are prohibited
Auto Parts Store, subject to permitted Use Note B - limited also by Condition 16
Automobile Repair & Service, Group I only - subject to Permitted use Note B
Banks and Financial Establishments, all Groups
Broadcast Studio, Commercial Radio and Television - an on-site tower is prohibited
Business Services, Groups I & II, Group II - outdoor storage prohibited
Cleaning and Maintenance Services, no outdoor storage of vehicles
Clothing Stores
Computer and Data Processing
Consumption on Premises, subject to Permitted Use Note set forth in 2.a.(3)(B)C
Contractors and Builders, Group I only
Cultural Facilities, limited to Art Galleries and Museums
Daycare Center, Child and Adult
Department Store
Drive-through facility, must be located a minimum of 500 feet from any residential lot in The Vines
Drug Store, limited to Permitted Use Note B
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - Not to include the removal of excavated material from the site
Fences and Walls
Food Stores, Groups I and II
Gift and Souvenir Shop
Hardware Store, limited to Permitted Use Note B
Health Care Facility, Groups I, II and III
Hobby, Toy and Game Shop
Hospice
Model Units and Model Display Centers - subject to conditions below
Non-store Retailers, all Groups, outdoor storage is prohibited
Offices, Medical

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

(3) ADDITIONAL USE CONDITIONS

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

Interpretative centers, rain shelters gazebos
Nature and foot paths including pedestrian boardwalks
Wildlife management areas
Mitigation activities
Signs, limited to educational signs only

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

A. Must be located a minimum of 200 feet from any off-site property zoned for residential purposes
B. Limited to Tracts MPD-3 and MPD-4

C. Consumption on Premises (COP)

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

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

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

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

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

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

b. SITE DEVELOPMENT REGULATIONS

Site Development Regulations are limited to the "Property Development Regulations," set forth in Exhibit B as revised on March 30, 2001:

(A) General Project Square Footage Limitations:

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

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

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

(4) The option to convert retail and office uses is approved with

the limitation that no more than 21.94 acres of commercial acreage may be converted to office use; and

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

(B) Outdoor Seating for COP uses:

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

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

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

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

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

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

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

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

e. Submit a detailed gopher tortoise management plan for review and approval by the

Division of Planning/Environmental Sciences staff.

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

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

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

6. Sandy Lane Extension

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

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

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

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

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

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

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

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

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

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

   e. Dry models are prohibited.

10. Golf Course Conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

j. Stormwater run-off must be pre-treated through an acceptable recreated natural

system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.

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

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

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

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

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

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

lamps are encouraged. The use of mercury vapor lamps/lights is prohibited.

14. Approval of this zoning request does not address access onto U.S. 41, since Lee County has no jurisdiction over that roadway. The developer must pursue U.S. 41 access issues with the Florida Department of Transportation (FDOT). Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order. Approval of this rezoning does not give the developer an undeniable right to receive local development order approval. Future development order approvals must satisfy concurrency requirements as required by Lee Plan Objective 2.2.

15. Approval of this rezoning does not guarantee local development order approval or vest present or future development rights for Lee Plan consistency. Development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b). In addition, development order applications must also be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

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

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

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

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

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

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

SECTION C. DEVIATIONS:

Deviation 1 - WITHDRAWN BY APPLICANT.

Deviation 2 seeks relief from the LDC §10-329(e)(1)(a)(3) requirement to provide a 50-foot

minimum setback for water retention lakes, to allow a 25-foot setback for water retention lakes. This deviation is APPROVED SUBJECT TO the condition that, prior to development order approval, the developer must provide satisfactory elements to discourage access from the adjacent properties. These elements may consist of fencing, berms, buffering or a combination of all three. **This deviation is not approved along the eastern or northern boundary in the area identified in the memo from LCDOT if Condition 6 requires the applicant to revise its MCP to reflect the planned extension of Sandy Lane. This deviation is approved without this condition if the applicant is not required to revise its MCP to reflect the reservation of the northerly extension of Sandy Lane.**

Deviation 3 seeks relief from the LDC § 10-296(d), Table 4(7)(c) requirement to provide wearing surfaces of local and access streets for category A development be constructed of 1½-inch asphaltic concrete, to allow for cement concrete or decorative pavers. This deviation is APPROVED SUBJECT TO the condition that, prior to development order approval, the developer must demonstrate that the pavers are structural equivalent to the asphaltic pavement standard of the LDC and equivalent to 2500 psi concrete.

Deviation 4 seeks relief from the LDC § 10-256(d)(3) requirement to provide wearing surfaces of sidewalks to be constructed of 1½-inch asphaltic concrete, to allow for cement concrete decorative pavers. This deviations is APPROVED SUBJECT TO the condition that, prior to development order approval, the developer must demonstrate that the pavers are structural equivalent to the asphaltic pavement standard of the LDC and equivalent to 2500 psi concrete.

Deviation 5.a - WITHDRAWN BY APPLICANT.

Deviation 5.b - WITHDRAWN BY APPLICANT.

Deviation 6 - WITHDRAWN BY APPLICANT.

Deviation 7 - WITHDRAWN BY APPLICANT.

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

Deviation 9 - WITHDRAWN BY APPLICANT.

Deviation 10 - WITHDRAWN BY APPLICANT.

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

1. The number of units in each multi-family building will be limited to eight units or less; and
2. The first parking space is in an individual garage with an individual driveway; and
3. Each individual driveway has a minimum 1-foot physical separation from any other

driveway; and

4. It can be demonstrated at the time of development order application that safe sight distance triangles are met.

This deviation is APPROVED SUBJECT TO the above stated requirements.

Deviation 12 seeks relief from the LDC § 10-415(b)(1) requirement to establish open space requirements, to allow the adoption of an Open Space Table. This deviation is APPROVED SUBJECT TO Condition 3.

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

SECTION D. EXHIBITS:

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

Exhibit A: The legal description and STRAP number of the property.
Exhibit B: Project Development Regulations
Exhibit C: Open Space and Indigenous Vegetation Table
Exhibit D. Sketch and Description of Sandy Lane Extension
Exhibit E: Zoning Map (subject parcel identified with shading)
Exhibit F: The Master Concept Plan

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable code and regulations.

2. The MPD rezoning, as conditioned:

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

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

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

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. The approval of this rezoning request satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

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

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

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

DULY PASSED AND ADOPTED this 30th day of July 2001.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____
County Attorney's Office

RECEIVED
AUG 3 2001
MINUTES OFFICE

CASE NO:DCI2000-00032

LAND USE SUMMARY

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

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

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

MASTER CONCEPT PLAN NOTES

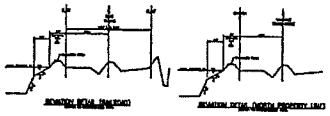
1 WITHDRAWN
2 The residential unit mix is preliminary and subject to change due to marketing and permitting considerations. Single and multi-family units may be converted on a 1:1 ratio.
3 Multi-family units may be converted to a maximum of 100 Assisted Living Facility (ALF) units in accordance LDC Section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

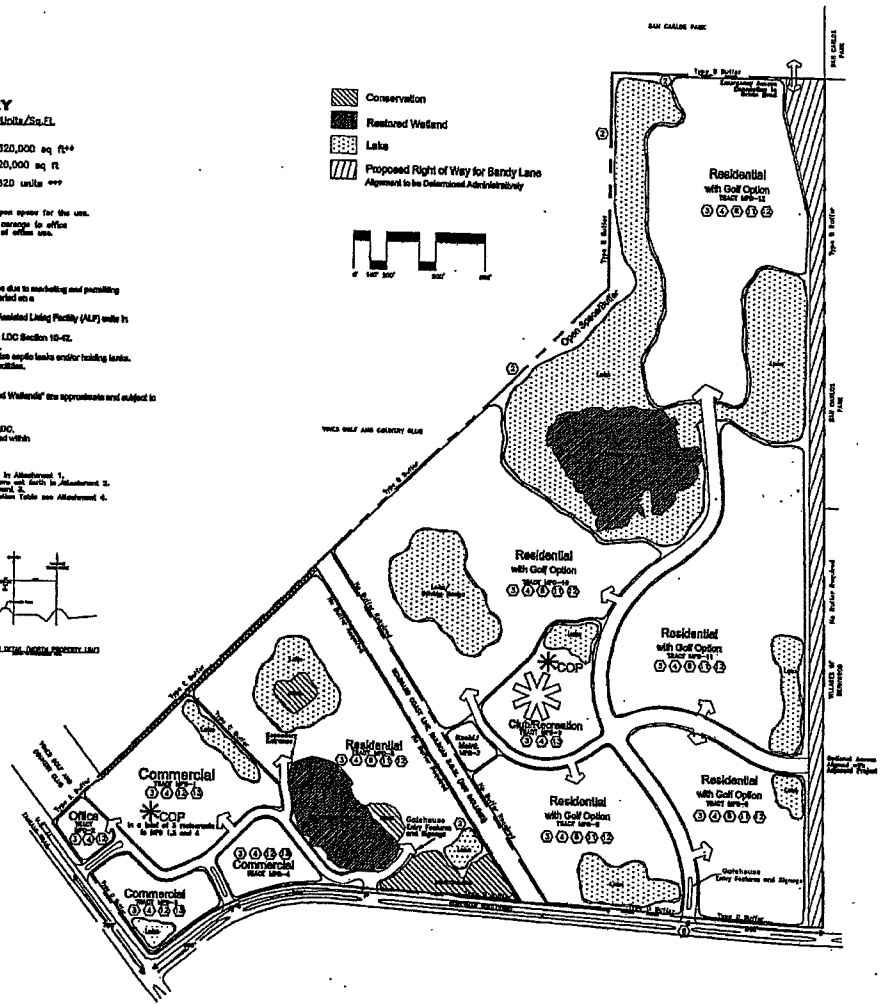
PARKING

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

NOTES

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





Survey and site information provided by
COASTAL ENGINEERING CONSULTANTS, INC.
COASTAL & CIVIL ENGINEERS • PLANNERS • SURVEYORS • ORGANIZATIONS
1500 JOHN ADAM DR., FORT MYERS, FLORIDA 33907
PHONE NO.: (941) 590-9505 FAX NO.: (941) 590-9509

FLORIDA LAND PLANNING, INC.
1550 Matthew Drive, Suite E – Midtown Professional Center
Fort Myers, Florida 33907
(941) 278-5222 – Fax (941) 278-4455

ESTERO GOLF RESORT
Master Concept Plan

Date: 02/15/2001
Rev: 03/19/2001
Rev: 03/29/2001
Rev: 06/06/2001

Scale: 1" = 300'

Sheet 1 of 1

APPROVED
Master Concept Plan
Site Plan # 01-0124 Page 1 of 1
Subject to conditions in Resolution Z-01-0124
Case # DCI2000-00032

ESTERO COUNTER

DCI 2000-00032

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Toll FL GP Corp., General Partner filed an application for administrative approval to a Mixed Use Planned Development on a project known as Estero Golf Resort (Being developed as Belle Lago) for a temporary sales center on property located between US 41 and Three Oaks Pkwy., on north side of Koreshan Blvd., just east of the railroad tracks, described more particularly as:

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

See Legal Description Attached as EXHIBIT "A"

WHEREAS, the property was originally rezoned in case number DCI2000-00032 (with subsequent amendments in case numbers DOS2002-00239 & DOS2002-00253); and

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

WHEREAS, the subject property was rezoned to a Mixed Use Planned Development, Resolution Z-01-012a, in reference to Estero Golf Resort MPD;and

WHEREAS, the developer is desirous of placing a temporary sales center on the subject property: and

WHEREAS, a temporary sales center is permitted on Tract MPD-5;and

WHEREAS, the temporary sales center will be removed within 60 days after the permanent model/sales center is opened; and

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

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

EXHIBIT "G"

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to amend the master concept plan to allow a temporary sales center in the Mixed Use Planned Development is **APPROVED.**

Approval is subject to the following conditions:

1. **The temporary sales center must be in compliance with the amended Master Concept Plan, stamped received by Community Development on March 3, 2003, entitled "ESTERO GOLF RESORT Amended Master Concept Plan for Belle Lago Temporary Sales Center", Sheet 1 of 1, dated 02-26-03. Master Concept Plan for ADD2003-00014 is hereby APPROVED and adopted. A reduced copy is attached hereto.**

2. **The terms and conditions of the original zoning resolutions remain in full force and effect.**

3. **The temporary sales center must be in compliance with the Land Development Code (LDC) for temporary uses.**

4. **The temporary sales center must be removed within 60 days after the permanent model/sales center receives a certificate of occupancy.**

DULY SIGNED this 13th day of March, A.D., 2003.

BY: Pam Houck

Pam Houck, Director
Division of Zoning
Department of Community Development

EXHIBIT "A"

LEGAL DESCRIPTION FOR BELLE LAGO

LEGAL DESCRIPTION

A Tract or Parcel of Land in Section 21, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 21, thence along the East line of Section 21, N.00°46'45"W., a distance of 94.98 feet to the Northerly Right-of-Way line of Koreshan Boulevard (As described in O.R. Book 2183, Pages 3461 – 3462) to the Point of Beginning; thence continue N.00°46'45"W. along said East line of Section 21, a distance of 2555.79 feet to the East quarter corner of said Section 21; thence N.00°53'22"W., a distance of 2646.37 feet to the Northeast corner of said Section 21; thence N.89°29'23"W. along the North line of Section 21, a distance of 1322.73 feet to the East line of The Vintage Golf and Country Club as recorded in Plat Book 37, Page 38, of the Public Records of Lee County, Florida; thence S.00°53'13"E., along said East line of The Vintage Golf and Country Club, a distance of 1317.90 feet; thence S.44°54'53"W. a distance of 2370.26 feet; thence continue S.32°34'51"E. along the Easterly Right-of-Way line of the Seaboard Coast line Railroad a distance of 2513.30 feet; thence along the Northerly Right-of-Way line of Koreshan Boulevard, continue S.86°11'52"E., a distance of 1148.53 feet to a point of curvature, thence continue 552.84 feet along the arc of said curve concave to the Northeast, having a radius of 11425.00 feet, a central angle of 02°46'21", a chord distance of 552.79 feet and a chord bearing of S.87°35'02"E. to said Point of Beginning.

Applicant's Legal Checked
by 13MAR03

RECEIVED
MAR 12 2003
ZONING COUNTER

ADD 2003-00014

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

PREPARED BY: HEIDT & ASSOCIATES, Inc.
Tampa • Fort Myers
CIVIL ENGINEERING
PLANNING
SURVEYING
ENVIRONMENTAL PERMITTING
LANDSCAPE ARCHITECTURE
Fort Myers Office
3800 Colonial Blvd Suite 200
Fort Myers, Florida 33912
Phone: 941-482-7275
FAX: 941-482-2103

LEGAL DESCRIPTION FOR BELLE LAGO

Prepared For: TOLL BROTHERS INC.

SHEET 1 OF 1	Dwn. SU	Ck. SU	DWG: BNDY-LESS-SALES
	Date: 10/23/02		Order No.: TB2-ES

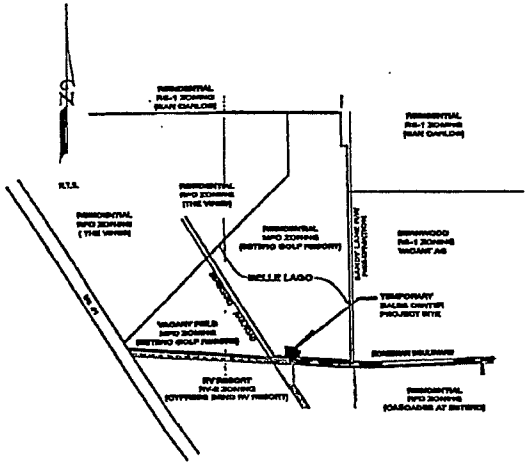
SEC. 21, TWP. 46 S, RGE. 25 E
LEE COUNTY, FLORIDA

APPROVED

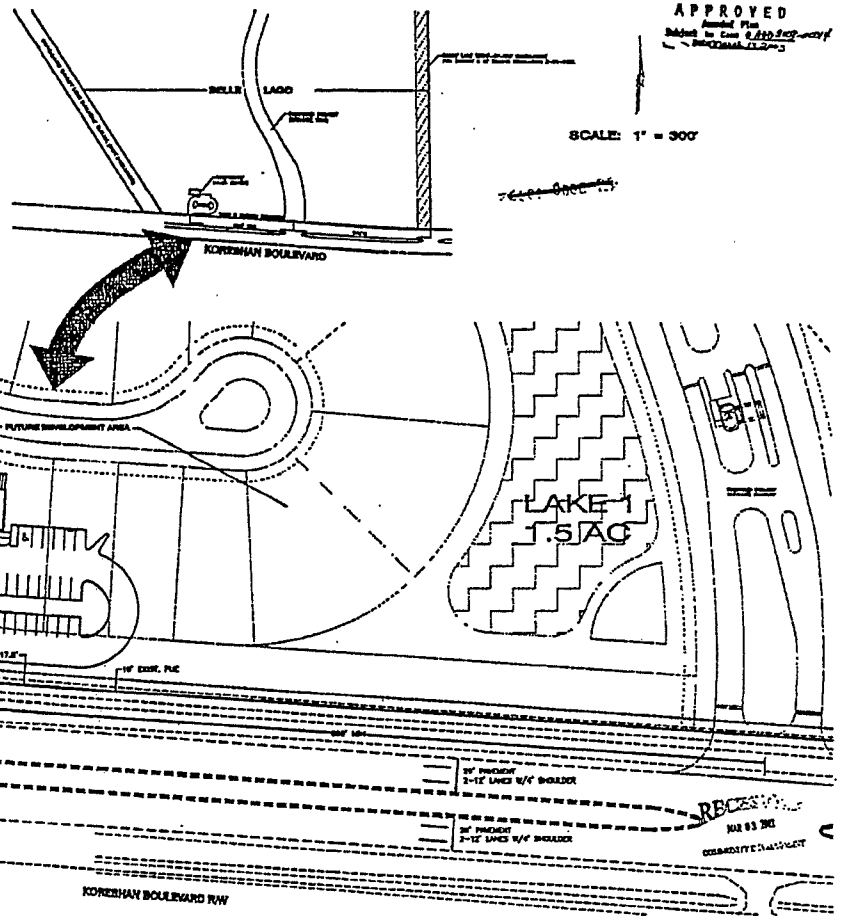
Amended Plan

Subject to Case

SCALE: 1" = 300'



LOCATION MAP



WATER CONCEPT PLAN NOTES

1. THE TEMPORARY SALES CENTER AND DRIVEWAY CONNECTION TO KORESHAN BOULEVARD SHALL BE REMOVED WITHIN 60 DAYS AFTER THE OPENING OF THE PERMANENT SALES FACILITY WITHIN THE COMMUNITY.

SCALE: 1" = 40'

NO.	DESCRIPTION	BY
	REVISIONS	

PERRY & ASSOCIATES, Inc.
Tampa • Fort Myers

R.H. McCarthy P.E. No. 49912
Planner, Project Manager, Designer

BELLE LAGO ADMINISTRATIVE AMENDMENT 1A

ESTERO GOLF RESORT
AMENDED MASTER CONCEPT PLAN
FOR BELLE LAGO
TEMPORARY SALES CENTER

DRAWN BY: SMCF
CHECKED: MDRS
DATE: 02-26-03
PROJECT: TOLL BROTHERS
FILE: 02-26-03 A

SHEET 1 OF 1 SHEETS

ADD 2003-00014

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Toll FL GP Corp., General Partner filed an application for administrative approval to a Mixed Use Planned Development on a project known as Estero Golf Resort (Being developed as Belle Lago) to amend the master concept plan in reference to Estero Golf Resort MPD, a mixed use planned development to:

1. revise the master concept plan to address Section B, Condition 6.a., Resolution Z-01-012a, to show the Sandy Lane right-of-way reservation consistent with the sketch set forth in the Lee County DOT Exhibit entitled "Sketch and description of Sandy Lane Extension", Exhibit D;

2. show the location of model homes, model sales center, and parking lot location for the model homes on lots located in Tracts MPD-6 and MPD-7;

3. clarify Section B, Condition 11., Resolution Z-01-012a, that requires the developer show an emergency access connecting to the existing Oriole Road to the north prior to development order approval for any portion of the project;

4. amend Tracts MPD-6 through MPD-12 to reflect the revised master concept plan, which reconfigures Tracts MPD-6 through MPD-12; and

5. revise the master concept plan to construct a combination berm/wall along the Seaboard Coastline Railway R.O.W. and Koreshan Boulevard right-of-way, which exceeds the requirements of Section 34-1743(b)(1) of the land Development code.

on property located between US 41 and Three Oaks Pkwy., on north side of Koreshan Blvd., just east of the railroad tracks, described more particularly as:

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

See Legal Description Attached as EXHIBIT "A"

WHEREAS, the property was originally rezoned to Mixed Use Planned Development (MPD) in case number DCI2000-00032, with subsequent amendments in case numbers DOS2002-00239, DOS2002-00253, and add2003-00014; and

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

EXHIBIT "H"

WHEREAS, a temporary sales center was previously approved as a supplement to this application as Administrative Amendment ADD2003-00014; and

WHEREAS, Lee County Department of Transportation has reviewed Sandy Lane right-of-way reservation as shown on the master concept plan and find it consistent with the sketch set forth in Exhibit B entitled "Sketch and description of Sandy Lane Extension"; and

WHEREAS, the master concept plan has been revised to show 15 model homes designated "M" on the revised master concept plan for Tracts MPD-6 and MPD-7, with lots in Tract MPD-6 designated for a sales center and parking in association with the model homes; and

WHEREAS, staff has reviewed the request to amend Section B, Condition 11., Resolution Z-01-012a, to show the emergency access connecting to the existing Oriole Road after the first residential development order approval; and

WHEREAS, the applicant met with the Estero Community Planning Panel (ECPP) on October 17, 2002, to discuss the residential development, known as the Estero Golf Resort project; and

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

WHEREAS, summary of the ECPP meeting of October 17, 2002, reflected no objection to the proposed changes to the project; and

WHEREAS, the applicant sought comments from the Vines, a residential development immediately to the west of the project, on the proposed changes to the master concept plan; and

WHEREAS, R. W. Collins, President. Board of Directors, Vines Community Association and Bud Caldwell, President, Board of Governors, Vines Country Club, in correspondence dated March 7, 2003, expressed no objection to the revised master concept plan; and

WHEREAS, Ms. Kay Rok, President of the Vines Homeowners Association, in correspondence dated May 2, 2003, expressed no objection to the revised master concept plan with the understanding that there will be a 20 foot Type B buffer with a 2 foot berm and landscaping plantings installed adjacent to the Vines to provide a visual screen between the Vines and Belle Lago; and

WHEREAS, the applicant is proposing a combination wall and berm adjacent to the Seaboard Coastline Railway R.O.W. and Koreshan Boulevard right-of-way that exceeds the requirements of Section 34-1743(b((1) of the Land Development Code and the proposed buffer will be in substantial compliance with the cross sections shown on the revised master concept plan for Estero Golf Resort project; and

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

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to amend the master concept plan in reference to Estero Golf Resort MPD, a mixed use planned development Mixed Use Planned Development is **APPROVED** to:

1. **amend the master concept plan to address Section B, Condition 6.a., Resolution Z-01-012a, to show the Sandy Lane right-of-way reservation consistent with the sketch set forth in the Lee County DOT Exhibit entitled "Sketch and description of Sandy Lane Extension", Exhibit D;**

2. **amend the master concept plan to show the location of model homes andsales center, including the sales center parking lot, in association with the model home sites on lots located in Tracts MPD-6 and MPD-7;**

3. **clarify Section B, Condition 11., Resolution Z-01-012a, that requires the developer show an emergency access connecting to the existing Oriole Road to the north prior to development order approval for any portion of the project;**

4. **amend Tracts MPD-6 through MPD-12 to reflect the revised master concept plan, which reconfigures Tracts MPD-6 through MPD-12; and**

5. **to amend the master concept plan to construct a combination berm/wall along the railroad right-of-way and Koreshan Boulevard right-of-way, which exceeds the requirements of Section 34-1743(b)(1) of the land Development code.**

Approval is subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, stamped received by the zoning counter on May 30, 2003, entitled "ESTERO GOLF RESORT Amended Master Concept Plan, MPD TRACTS 6-12", Sheet 1 of 1, dated 02-03-03. Master Concept Plan for ADD2003-00014A is hereby APPROVED and adopted. A reduced copy is attached hereto.**

2. **The proposed amendment to the Master Concept Plan and attendant Land Use Summary, Master Concept Plan Notes, Parking, and South and West Perimeter**

Buffers elevations as shown, on the Master Concept Plan, stamped received by Community Development on May 30, 2003, entitled "ESTERO GOLF RESORT Amended Master Concept Plan, MPD TRACTS 6-12", Sheet 1 of 1, dated 02-03-03, apply only to the residential portion of the Estero Golf Resort MPD east of the Seaboard Coastline Railway R.O.W.

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

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

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

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

7. Prior to local development order approval, the development order plans must include:

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

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

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

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

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

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

10. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**

DULY SIGNED this 3rd day of June, A.D., 2003.

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

EXHIBIT A

LEGAL DESCRIPTION FOR BELLE LAGO

LEGAL DESCRIPTION

A Tract or Parcel of Land in Section 21, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 21, thence along the East line of Section 21, N.00°46'45"W., a distance of 94.98 feet to the Northerly Right-of-Way line of Koreshan Boulevard (As described in O.R. Book 2183, Pages 3461 – 3462) to the Point of Beginning; thence continue N.00°46'45"W. along said East line of Section 21, a distance of 2555.79 feet to the East quarter corner of said Section 21; thence N.00°53'22"W., a distance of 2646.37 feet to the Northeast corner of said Section 21; thence N.89°29'23"W. along the North line of Section 21, a distance of 1322.73 feet to the East line of The Vintage Golf and Country Club as recorded in Plat Book 37, Page 38, of the Public Records of Lee County, Florida; thence S.00°53'13"E., along said East line of The Vintage Golf and Country Club, a distance of 1317.90 feet; thence S.44°54'53"W. a distance of 2370.26 feet; thence continue S.32°34'51"E. along the Easterly Right-of-Way line of the Seaboard Coast line Railroad a distance of 2513.30 feet; thence along the Northerly Right-of-Way line of Koreshan Boulevard, continue S.86°11'52"E., a distance of 1148.53 feet to a point of curvature, thence continue 552.84 feet along the arc of said curve concave to the Northeast, having a radius of 11425.00 feet, a central angle of 02°46'21", a chord distance of 552.79 feet and a chord bearing of S.87°35'02"E. to said Point of Beginning.

Applicant's Legal Checked
by 13MAR03

RECEIVED
MAR 12 2003
ZONING COUNTER

ADD 2003-00014

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

PREPARED BY: HEIDT & ASSOCIATES, Inc.
Tampa + Fort Myers
CIVIL ENGINEERING
PLANNING
SURVEYING
ENVIRONMENTAL PERMITTING
LANDSCAPE ARCHITECTURE

Fort Myers Office
3800 Colonial Blvd Suite 200
Fort Myers, Florida 33912
Phone: 941-482-7275
FAX: 941-482-2103

LEGAL DESCRIPTION FOR BELLE LAGO

Prepared For: TOLL BROTHERS INC.

SHEET 1 OF 1	Dwn. SU	Ck. SU	DWG: BNDY-LESS-SALES
	Date: 10/23/02		Order No.: TB2-ES
	SEC. 21, TWP. 46 S, RGE. 25 E LEE COUNTY, FLORIDA		

LAND USE SUMMARY

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

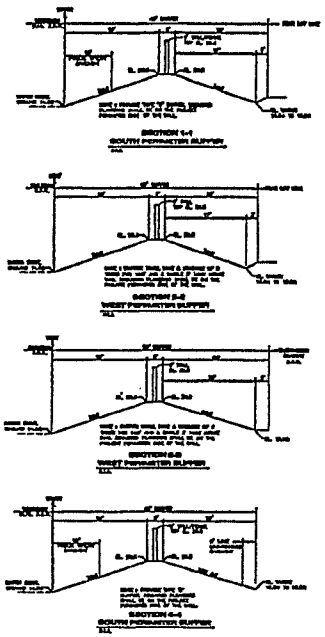
MAXIMUM NUMBER OF RESIDENTIAL UNITS = 480

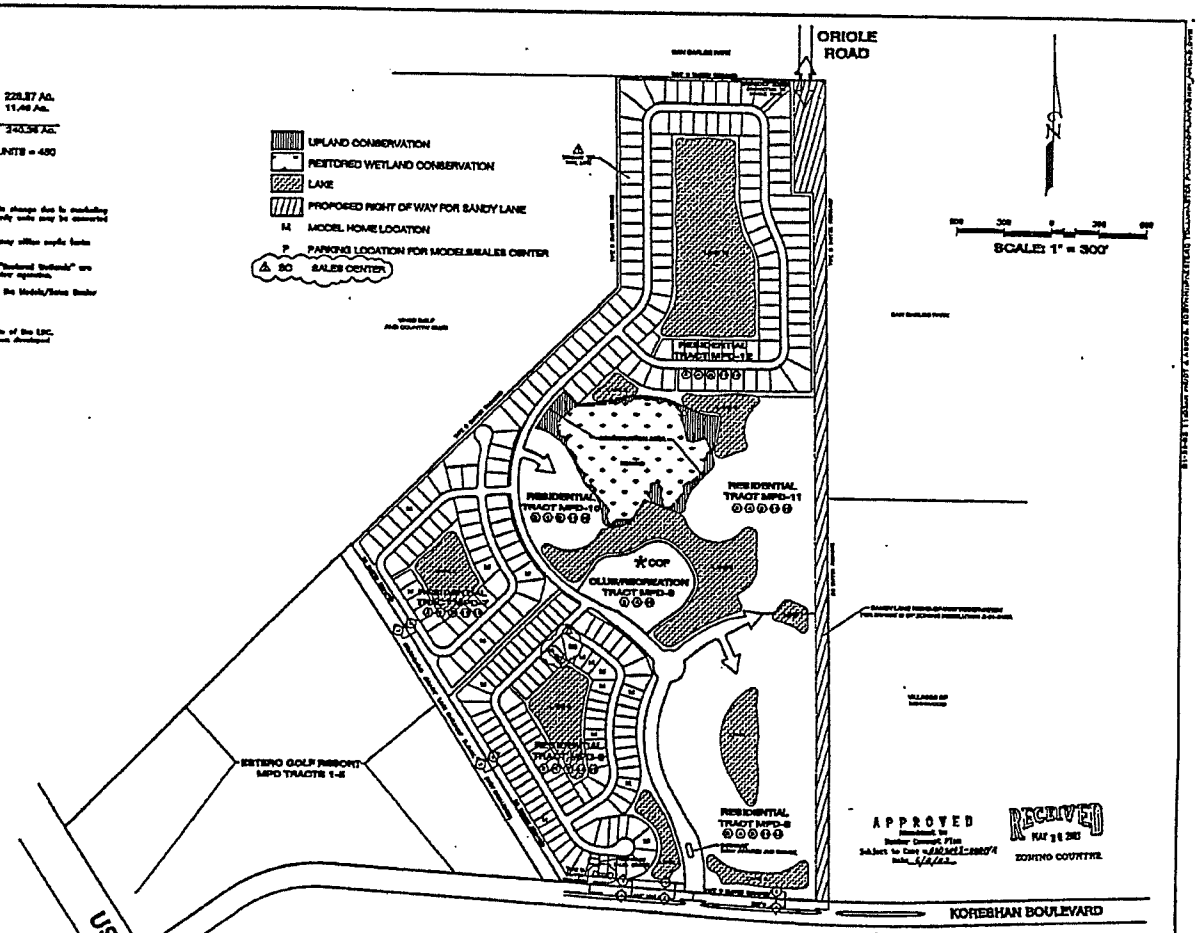
MASTER CONCEPT PLAN NOTES

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

PARKING

Future final thereof will meet the parking requirements of the LDC. Parking will be calculated based on the specific uses developed within this project.





APPROVED

RECEIVED
MAY 21 2003
ZONING COUNTER

ADD 2003-00014

3-20-03	A	AMEND SALES CENTER
3-11-03	A	AMEND LAKE LINES IN TRACT MPD-11
DATE		DESCRIPTION / REVISIONS

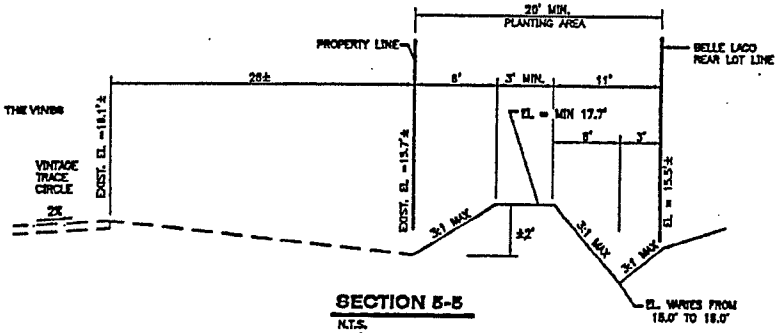
ENGINEER NAME, P.E. NO. 00001
PLANNER, PROFESSIONAL ENGINEERS

ADMINISTRATIVE AMENDMENT FOR BELLE LAGO

ESTERO GOLF RESORT
AMENDED MASTER CONCEPT PLAN
MPD TRACTS 6-12

TOLL BROTHERS

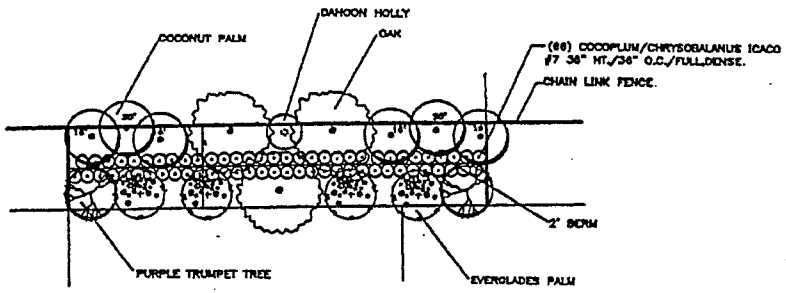
SHEET 1 OF 1 SHEETS



SECTION 5-5

N.T.S.

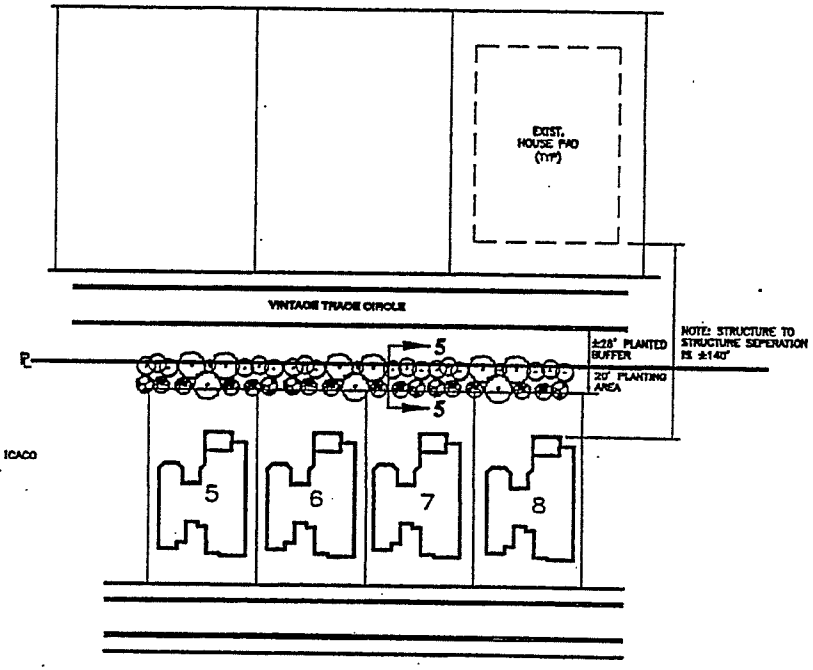
AS PERMITTED ON SHEET #1 OF 40
OF PHASE 1 PLANS



TYPICAL 20' PLANTING AREA

ALONG THE VINES PROPERTY LINE
N.T.S.

AS PERMITTED ON SHEET 10 OF 12
OF PHASE 1 LANDSCAPE PLANS



ADD 2003-00014

RECEIVED
MAY 16 2003
ZONING COUNTER

BELLE LAGO AMENDMENT - PARCEL F

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

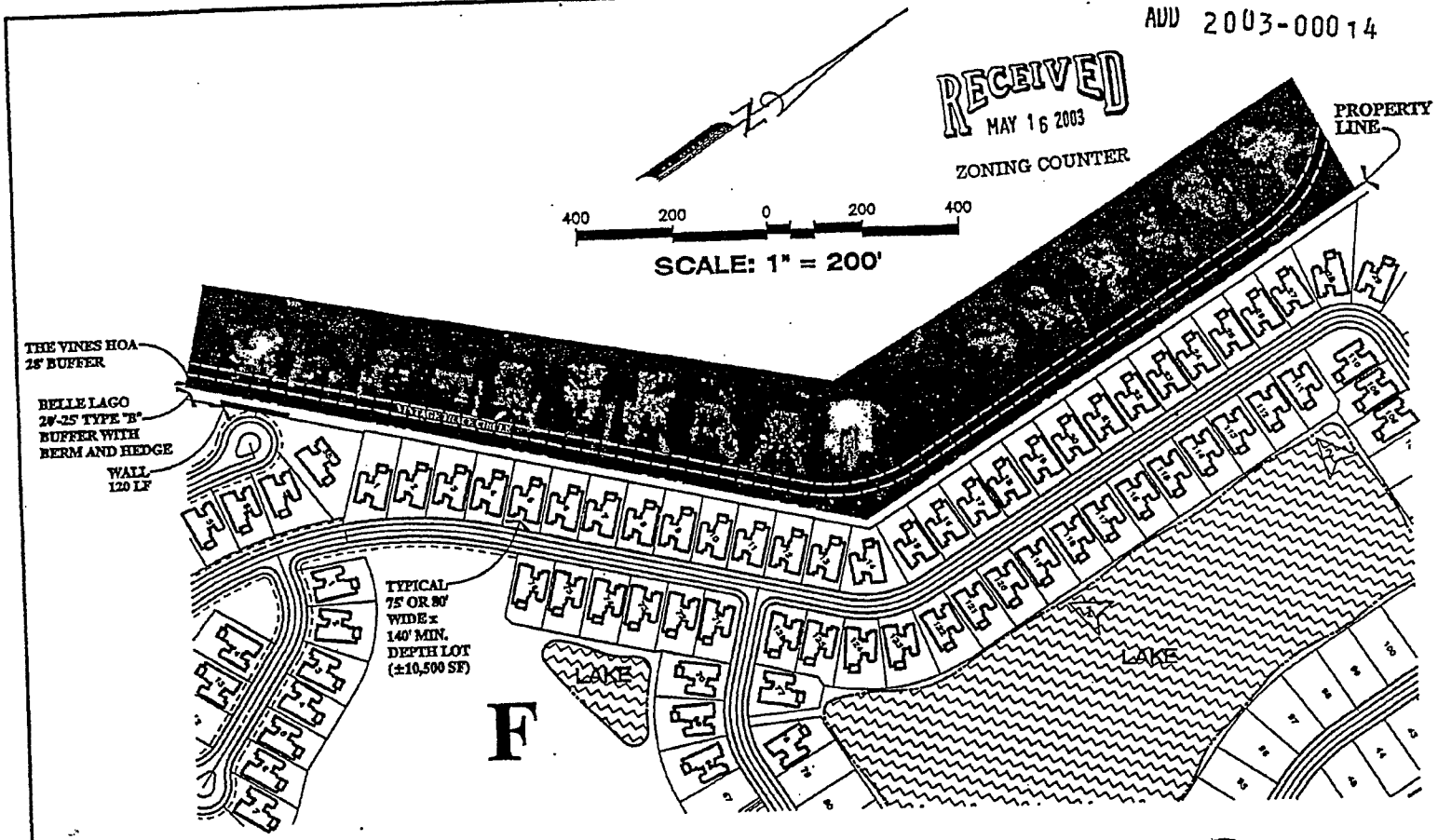
HEIDT & ASSOCIATES, INC.
CIVIL ENGINEERING
SURVEYING
PLANNING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL PERMITTING

Tampa
Port Myers

15-06-03 6:27PM HEIDT & ASSOC. TMEAN8::P:\ESTERO TOLL\MASTER PLAN\LANDPLAN\VINES EXHIBIT B 5-6-03.DWG

ADD 2003-00014

RECEIVED
MAY 16 2003
ZONING COUNTER



1 PHOTOSTATION

BELLE LAGO AMENDMENT - PARCEL F

TYPICAL LOTS IN PARCEL F AND BUFFER ADJACENT TO THE VINES

HEIDT & ASSOCIATES, INC.

05-06-03 5:46PM HEIDT & ASSOC. TMEANS::P:\BETERO TOLL\MASTER PLAN\LANDPLAN\VINES EXHIBIT 5-6-03.DWG

BELLE LAGO
WETLAND MITIGATION/MONITORING/MAINTENANCE PLAN
SFWMD APPLICATION NO. 001026-3

Revised January 31, 2003

INTRODUCTION

The following outlines the wetland mitigation plan for the Belle Lago (project) residential community (f.k.a. Wynnewood and Estero Resort) located in Section 21, Township 46 South, Range 25 East, Lee County (Figure 1). The project with its associated roads and storm water management system will result in impacts to 1.62± acres of South Florida Water Management District (SFWMD) jurisdictional wetlands. In order to offset the loss of wetland functions due to the proposed construction activities, a total of 10.96± acres of wetlands will be preserved and enhanced on-site. The wetland preservation area is located in a single area towards the center of the project.

A 3.16± acre upland buffer is also proposed for preservation and enhancement around the wetland preserve (no mitigation credit is given for the buffer). A boardwalk is proposed to be located in the buffer around the east side of the wetland preserve. The boardwalk will be field located and designed to avoid larger native trees when possible.

The on-site mitigation work will be performed concurrent with the construction of the infrastructure and storm water management system for the residential development. As part of the mitigation program for the SFWMD, the wetland and upland buffer will be placed under a conservation easement and, collectively, referred to as the conservation area.

ON-SITE MITIGATION PLAN

The on-site mitigation plan consists of preserving and enhancing 10.96± acres of wetlands and 3.12± acres of uplands (Table 1). Please refer to the SFWMD permit application for the site's vegetation (i.e., FLUCFCS) map and descriptions.

Table 1. Mitigation Acreages and Existing and Proposed Habitats

Mitigation Area	Habitat	Enhancement and Preservation			
		Wetland		Upland Buffer	
		Area (Ac.)	Target Type	Area (Ac.)	Target Type
No.1	424				434
	4241	10.40		3.16	
	6219	0.56	621		
Total		10.96		3.16*	

* No mitigation credit is proposed for the upland buffer

APPLICATION NUMBER
02-115-5 #

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EXHIBIT C

Mitigation Area No. 1

Mitigation Area No. 1 is located in the central portion of the project area. The mitigation area is comprised primarily of Melaleuca, Hydric (FLUCFCS Code 4241) wetland along with a small Cypress, Disturbed (FLUCFCS Code 6219) community located toward the center of the melaleuca wetland. An upland buffer of Melaleuca (FLUCFCS Code 424) and Melaleuca, COE Jurisdictional Only (FLUCFCS Code 424*) surrounds the wetland preserve and enhancement area.

Concurrent with construction of the infrastructure and storm water management system, 10.96± acres of wetlands and upland buffer will be preserved and enhanced. The targeted post construction wetland type will be pine and cypress. The wetlands will be enhanced through exotic removal and supplemental plantings of desirable wetland species. The targeted post construction upland buffer will be pine and oak.

Removal of exotics (i.e., melaleuca, Brazilian pepper, and Australian pine) from the wetland and upland buffer preservation and enhancement area will involve mechanical removal, if the soil conditions will allow. If the soil conditions do not allow it, then the exotics will be cut within 12 inches of ground elevation, hand removed, and the remaining stumps treated with an approved herbicide.

Supplemental plantings within the wetland area will consist of trees, shrubs, and herbaceous ground cover. The tree plantings will include slash pine, bald cypress, and dahoon holly; the shrub plantings will include wax-myrtle and coco plum; and the herbaceous ground cover will include sand cordgrass. The trees will be planted on 20 foot centers and the shrubs and herbaceous ground cover on ten foot centers.

Supplemental plantings within the upland buffer area will consist of trees, shrubs, and herbaceous ground cover. The tree plantings will include slash pine and live oak; the shrub plantings will include wax-myrtle; and the herbaceous ground cover will include fakahatchee grass (Table 2). The trees will be planted on 20 foot centers and the shrubs and ground cover on ten foot centers.

Table 2. Supplemental Wetland and Upland Buffer Planting Specifications

Target Habitat	Common Name	Scientific Name	Stratum	Minimum Height	Minimum Container	Spacing	Quantity
Pine/Cypress Wetland	Slash Pine	*Pinus elliottii*	Tree	4-6'	3 gallon	20'	440
				6-8'	3 gallon	20'	440
	Bald Cypress	*Taxodium distichum*	Tree	4-6'	3 gallon	20'	60
				6-8'	3 gallon	20'	60
	Dahoon Holly	*Ilex cassine*	Tree	4-6'	3 gallon	20'	100
				6-8'	3 gallon	20'	100
						SUBTOTAL	1,200

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021115-5 #

EXHIBIT 10B

Table 2. (Continued)

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

ON-SITE MITIGATION SUCCESS CRITERIA

A monitoring period shall extend for a period of five years with baseline, time-zero and five annual reports submitted to the SFWMD. The on-site mitigation shall be considered successful if at the end of five years the mitigation area contains at least 80 percent survival rate of planted vegetation and 80 percent coverage by desirable obligate and facultative wetland species.

A maintenance program shall be implemented in perpetuity to maintain the conservation area free from Category 1 exotic and nuicance vegetation (as defined by the Florida Exotic Pest Plant Council (EPPC) at time of permit issuance). Coverage of exotic vegetation shall not exceed zero percent immediate following a maintenance event and five percent between maintenance events.

OFF-SITE MITIGATION

No off-site mitigation is proposed for the project.

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ON-SITE MONITORING

Monitoring Methodology

APPLICATION NUMBER

021115-5 #

EXHIBIT 10C

The proposed monitoring of the preserved and enhanced wetland area will occur for five years or until the SFWMD determines the mitigation area meets the success criteria. Monitoring reports will be submitted to the SFWMD and will consist of a baseline, time-zero, and five annual monitoring reports. Vegetation, wildlife, rainfall, and wetland water level observations will all be recorded. The Baseline monitoring report will document conditions in the project site as they currently exist. The time-zero report will document the conditions immediately following wetland construction. The annual reports will document the extent of success of the project and, if needed, identify specific actions to be taken to improve the conditions within the project area. Sampling transects and methodology for the time-zero and five annual monitoring reports will utilize identical methods of data collection from established sampling stations as outlined below.

A. Vegetation Monitoring

Wetlands will be monitored prior to and following enhancement activities. Sampling in wetland enhancement areas will involve a quantitative analysis of tree/shrub and herbaceous strata (Figure 2).

To facilitate an intensive, accurate, and repeatable sampling program at the herbaceous level within the wetland enhancement areas, the point frame method will be utilized (Bonham 1989). Along each sampling transect, point quadrats will be sampled. Each point quadrat consists of 1m square wire grid with 25 cross points. Any plant species directly below a cross point will be recorded, including bare ground. The species identified will be listed and percent cover computed and discussed. Each cross point represents four percent of the square meter. Water depths will also be recorded at each quadrat.

The percent of coverage by the canopy and sub-canopy plant species within the wetland enhancement areas will be determined by the establishment of two 20 x 50 foot tree-shrub study plots along each transect. Within the plot, percent of coverage will be determined by species for each strata. Woody vegetation with a diameter at breast height (DBH) greater than or equal to four inches is classified as a tree, while shrubs include everything less than four inches in DBH and greater than 3.2 feet in height. The number of planted tree seedlings within the plots will also be recorded and used to determine future survivorship percentages.

B. Wildlife Monitoring

Regular observations of fish and wildlife will be made during all monitoring events by qualified ecologists. This will consist of recording evidence and sign of wildlife (i.e., direct sightings, vocalizations, burrows, nests, tracks, droppings, etc.).

C. Photographic Documentation

Permanent fixed-point photograph stations will be established in each of the monitored areas providing physical documentation of the condition and appearance of an area, as

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APPLICATION NUMBER
021115-5 #

EXHIBIT 10D

well as any changes taking place within it. Panoramic photographs will accompany vegetation data in each report. Locations of photo stations will remain the same throughout the duration of the monitoring program.

D. Rainfall and Staff Gauge Recordings

One staff gauge will be installed in the wetland preserve. Data will try to be collected bi-weekly during the wet season (typically June through mid-October) and monthly during the remainder of the year as water levels permit. Water levels will be recorded and the data presented in the reports along with available rainfall data for the area.

Monitoring Reports

The permittee will submit monitoring reports to the SFWMD documenting the success of the mitigation program and general condition of the preservation area for five years or until success criteria are met. Within 60 days of permit issuance, the baseline wetland monitoring report for the mitigation areas will be submitted to the SFWMD. The time-zero monitoring report will be submitted within 60 days of completion of plantings and exotic eradication. Annual monitoring reports will include the following information:

- Brief description of mitigation and maintenance work performed since the previous report along with a discussion of any modifications to the mitigation or maintenance program.
- Brief description of anticipated mitigation and maintenance work to be conducted over the next year.
- A summary of staff gauge rainfall data collected within wetland preserves on the project site.
- Results of quantitative vegetation monitoring conducted in the enhanced wetlands. A list of observed wildlife species.
- Panoramic photographs taken at photo stations within the enhanced wetlands.

CONSERVATION EASEMENT

Within six months of permit issuance, the permittee will have a legally sufficient conservation easement prepared. The conservation easement will be to the SFWMD following the District's passive recreation easement format. The conservation easement will ensure that the on-site mitigation areas will remain in a natural state in perpetuity. These preserved mitigation areas will not be disturbed by dredging, filling, land clearing, agriculture activities, or other construction work whatsoever except for those activities described in this mitigation plan.

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APPLICATION NUMBER
021115-5

EXHIBIT 10E

MAINTENANCE

Following the completion of the initial exotic removal effort, semi-annual inspections of the mitigation area will occur for the first two years. During these inspections, the mitigation area will be traversed by a qualified ecologist. Locations of nuisance and/or exotic species will be identified for immediate treatment with an appropriate herbicide. Any additional potential problems will also be noted and corrective actions taken. Once exotic/nuisance species levels have been reduced to acceptable limits (i.e., less than five percent cover), inspections of the mitigation areas will be conducted annually.

Maintenance will be conducted in perpetuity to ensure that the conservation area is free of Category 1 exotic vegetation as defined by the EPPC at time of permit issuance immediately following a maintenance event. Exotic and nuisance species shall constitute no more than five percent of the total cover between maintenance events.

WETLAND MITIGATION ACTIVITY SCHEDULE

Activities associated with the implementation of the wetland mitigation, monitoring, and maintenance shall be in accordance with the following work schedule. Time frames in this schedule are based on permit issuance by April 1, 2003.

Completion Date	Activity
June 1, 2003	Record Conservation Easement
July 31, 2003	Baseline Monitoring Report
September 31, 2003	Exotic Vegetation Removal
July 31, 2004	Mitigation Plantings
September 31, 2004	Time Zero Monitoring Report
April 30, 2005	Exotic Maintenance
July 31, 2005	First Monitoring Report
April 30, 2006	Exotic Maintenance
July 31, 2006	Second Monitoring Report
July 31, 2007	Third Monitoring Report
July 31, 2008	Fourth Monitoring Report
July 31, 2009	Fifth Monitoring Report

REFERENCES

Bonham, C.D. 1989. Measurements for Terrestrial Vegetation. John Wiley and Sons, New York, New York.

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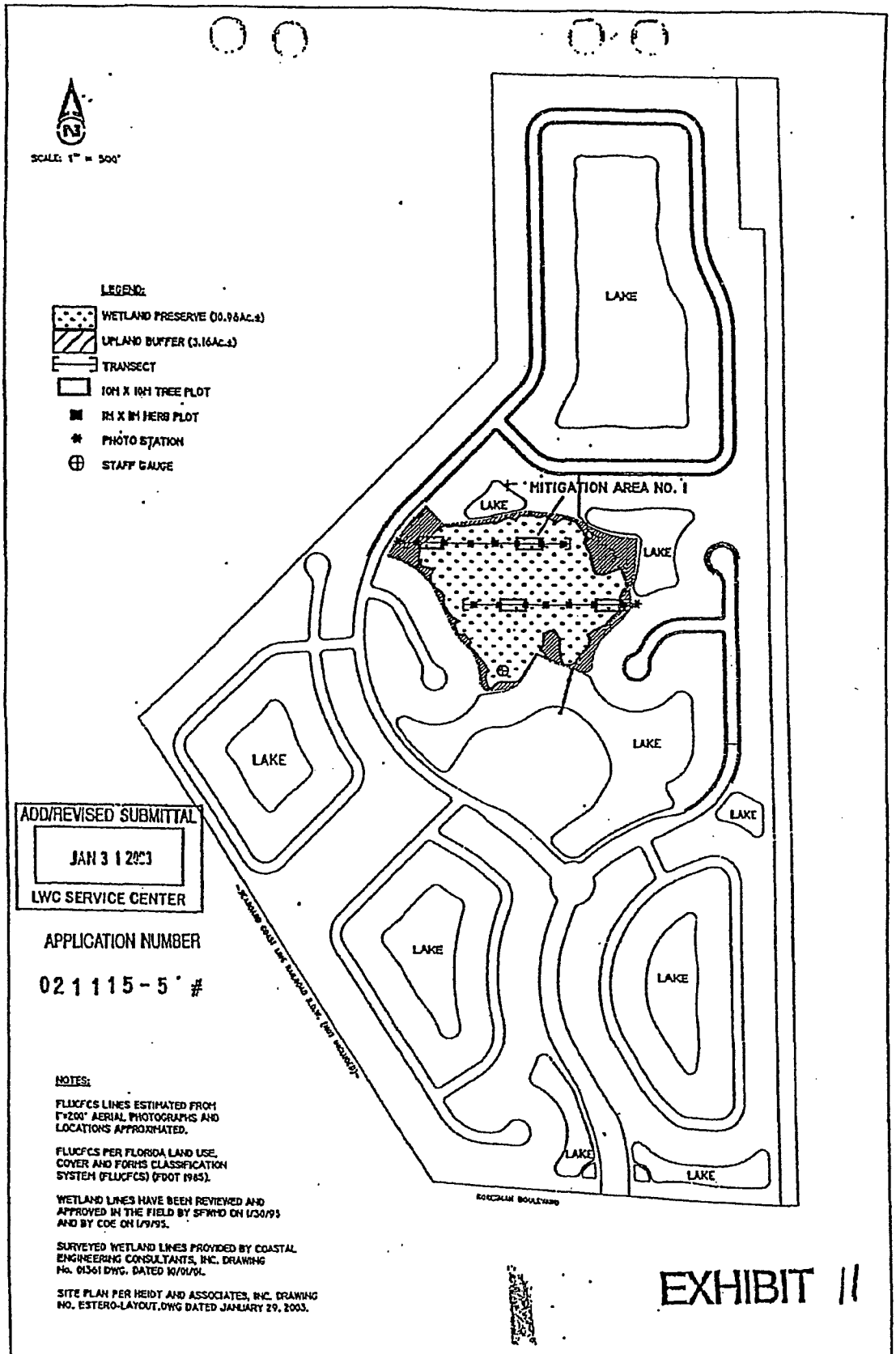
APPLICATION NUMBER

021115-5 #

EXHIBIT 10F



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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 1985).

WETLAND LINES HAVE BEEN REVIEWED AND APPROVED IN THE FIELD BY SFWMD ON 1/30/93 AND BY COE ON 1/9/95.

SURVEYED WETLAND LINES PROVIDED BY COASTAL ENGINEERING CONSULTANTS, INC. DRAWING No. 01361 DWG. DATED 10/01/01.

SITE PLAN PER HEIDT AND ASSOCIATES, INC. DRAWING NO. ESTERO-LAYOUT.DWG DATED JANUARY 29, 2003.

EXHIBIT II

FIGURE 2. MITIGATION AND MONITORING PLAN

PASSARELLA and ASSOCIATES, INC.
Consulting Ecologists

[illegible]h Florida Water Management D[illegible]
Mitigation Monitoring Work Schedule

Application No : 021115-5

Mitigation Plan ID : BELLE LAGO

Activity	Due Date
SUBMITTAL OF RECORDED CONSERVATION EASEMENT	01-MAY-2003
BASELINE MONITORING REPORT	31-JUL-2003
EXOTIC VEGETATION REMOVAL	30-SEP-2003
PLANTING MITIGATION AREA	31-JUL-2004
TIME ZERO MONITORING REPORT	30-SEP-2004
EXOTIC VEGETATION REMOVAL	30-APR-2005
FIRST MONITORING REPORT	31-JUL-2005
EXOTIC VEGETATION REMOVAL	30-APR-2006
SECOND MONITORING REPORT	31-JUL-2006
THIRD MONITORING REPORT	31-JUL-2007
FOURTH MONITORING REPORT	31-JUL-2008
FIFTH MONITORING REPORT	31-JUL-2009

Exhibit No : 12

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Jim Manners filed an application for administrative approval to a Mixed Use Planned Development on a project known as Estero Golf Resort (being developed as Belle Lago) to add a new deviation (Deviation #14) to Resolution Z-01-012a to allow a stacked bulkhead in each of Lakes 1 and 2, pursuant to Section 10-329(d)(4) of the Land Development Code, as the lakes are shown in Administrative Amendment ADD2003-00014A on property located between US41 and Three Oaks Parkway, on north side of Estero (formerly Koreshan) Blvd., described more particularly as:

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

SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in case number Z-01-01a (with subsequent amendments in case numbers DCI2000-00032; ADD2003-00014; ADD2003-00014a and DOS2002-00253, Ph 1 and DOS2003-00094 Rec Center); and

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

WHEREAS, lakes 1 and 2 are located at the entrance of the project off Estero Parkway; and

WHEREAS, the applicant is proposing a 140 linear foot stacked rock bulkhead for each of the two lakes; and

WHEREAS, the lake slope at the toe of the bulkhead may be no greater than 4:1; and

WHEREAS, the applicant is also providing a compensatory littoral zone with an 8:1 slope and two littoral plants per linear foot will be provided for each linear foot of bulkhead; and

WHEREAS, the compensatory littoral zone will be provided in lakes 8 and 9; and

WHEREAS, the compensatory littoral zone is adjacent to the 14 acre conservation area and will provide more beneficial habitat adjacent to the preserve then providing the compensatory littoral zone in lakes 1 and 2; and

WHEREAS, the decorative stacked rock bulkheads are to tie the lake shorelines (lakes 1 and 2) in with the fountains and other decorative entrance features; and

EXHIBIT "I"

WHEREAS, the Division of Environmental Sciences have reviewed the requested deviation; and

WHEREAS, the Division of Environmental Sciences has provided a condition to the approval of Deviation #14; and

WHEREAS, this Administrative Amendment only addresses the addition of Deviation #14 as it may affect Tracts 6-12 of the development approved in Resolution Z-01-012a; and

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

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Mixed Use Planned Development to add Deviation #14, Resolution Z-01-012a, pursuant to Section 10-329(d)(4) of the Land Development Code, to allow a stacked bulkhead in each of Lakes 1 and 2 as the lakes are shown in Administrative Amendment ADD2003-00014A is **APPROVED.**

Approval is subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, entitled "ESTERO GOLF RESORT AMENDED MASTER CONCEPT PLAN TRACTS 6-12", dated 02-03-03, last revised 6-14-04, and stamped received by the permit counter on June 16, 2004. Master Concept Plan for ADD2004-00127 is hereby APPROVED and adopted. A reduced copy is attached hereto.**

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

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 [illegible] 26 MAY 04

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COMMUNITY DEVELOPMENT

ADD 2004-00127

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PREPARED BY: HEIDT & ASSOCIATES, Inc.
Tampa • Fort Myers
CIVIL ENGINEERING
PLANNING
SURVEYING
ENVIRONMENTAL PERMITTING
LANDSCAPE ARCHITECTURE
Fort Myers Office
3800 Colonial Blvd Suite 200
Fort Myers, Florida 33912
Phone: 941-482-7275
FAX: 941-482-2103

LEGAL DESCRIPTION FOR BELLE LAGO

Prepared For: TOLL BROTHERS INC.

SHEET 1 OF 1

Dwn. SU	Ck. SU	DWG: BNDY-LESS-SALES
Date: 10/23/02		Order No.: TB2-ES

SEC. 21, TWP. 46 S, RGE. 25 E
LEE COUNTY, FLORIDA

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LAND USE SUMMARY

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

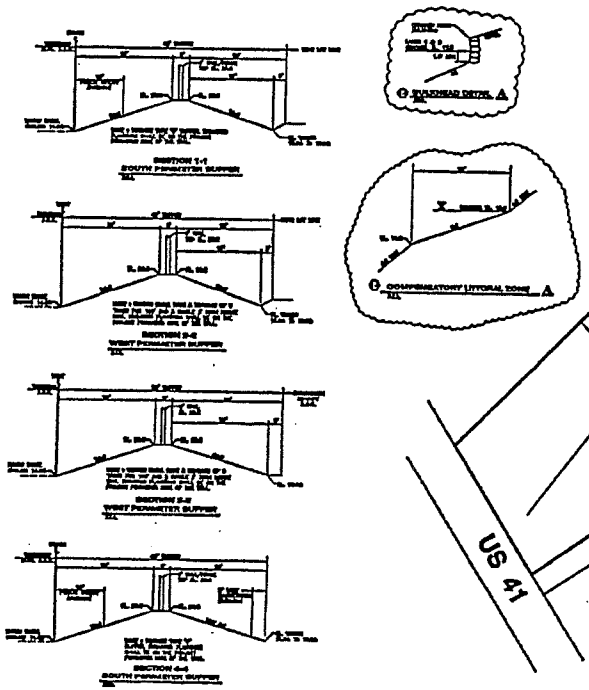
MAXIMUM NUMBER OF RESIDENTIAL UNITS = 450

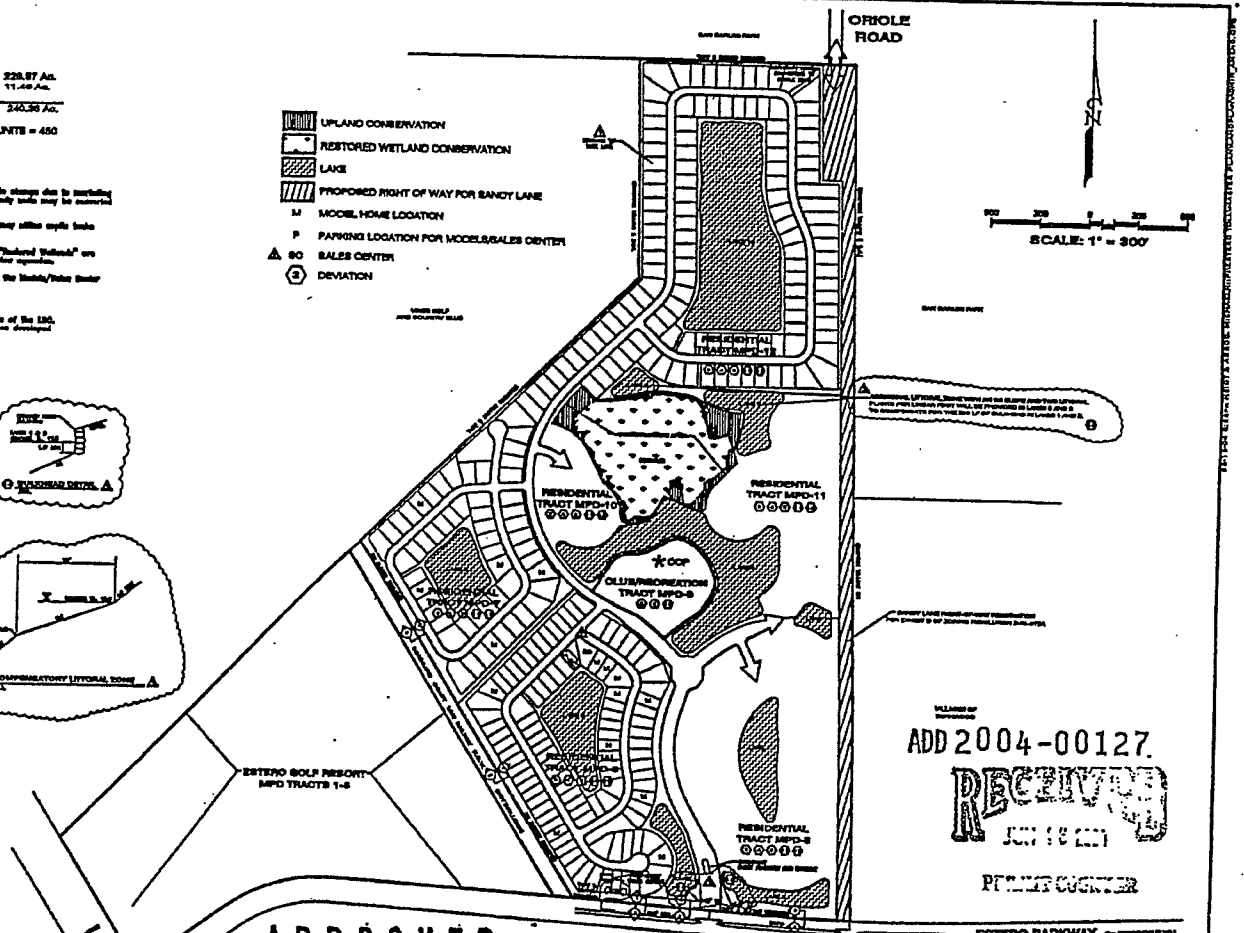
MASTER CONCEPT PLAN NOTES

1. The residential unit mix is preliminary and subject to change due to marketing and permitting considerations. Single and multi-family units may be converted on a 1:1 basis.
2. Temporary administrative offices and sales offices may utilize mobile homes and/or building trailers.
3. The configuration of the "Conservation" areas and "Preserved Wetlands" are approximate and subject to modification by the permit regulators.
4. The Temporary Sales Center shall be removed when the Models/Sales Center is opened.

PARKING

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





ADD 2004-00127

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JUN 18 2004
PLANNING COUNTER

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

DATE	DESCRIPTION
5-14-04	DRAINAGE REVISIONS
5-20-03	ADDED SALES CENTER
5-4-03	ADDED 30' LINES IN TRACT MPD-12

REVISIONS

NEIDT & ASSOCIATES, Inc.
Tampa • Fort Myers

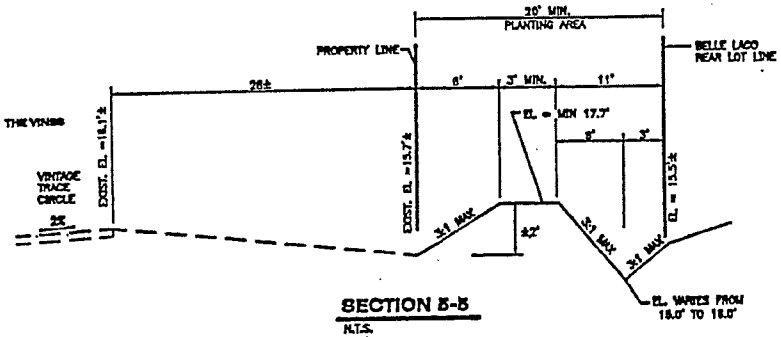
KENDLAND L. SMITH, P.E. NO. 30883

ADMINISTRATIVE AMENDMENT FOR BELLE LAGO

ESTERO GOLF RESORT
AMENDED MASTER CONCEPT PLAN
MPD TRACTS 6-12

TOLL BROTHERS

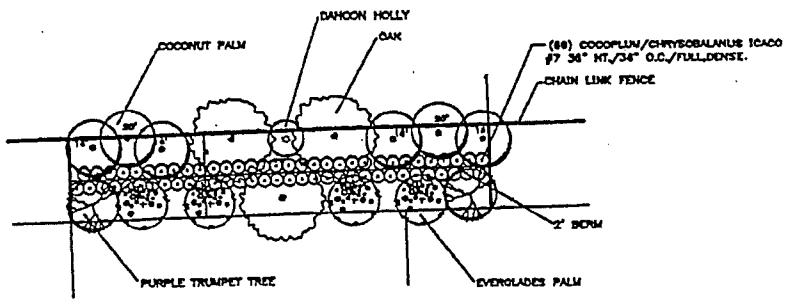
SHEET 1 OF 1 SHEETS



SECTION B-B

N.T.S.

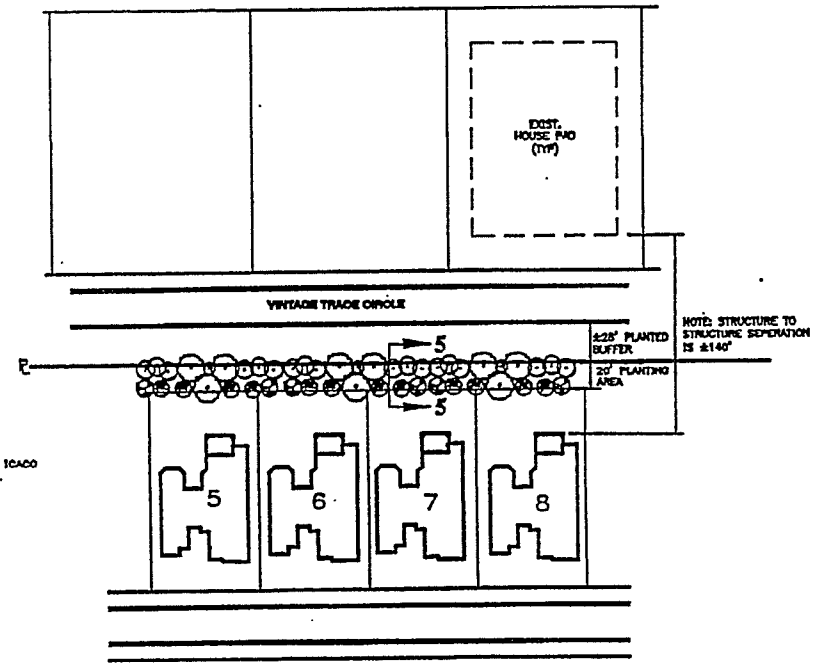
AS PERMITTED ON SHEET 21 OF 40
OF PHASE 1 PLANS



TYPICAL 20' PLANTING AREA

ALONG THE VINES PROPERTY LINE
N.T.S.

AS PERMITTED ON SHEET 10 OF 12
OF PHASE 1 LANDSCAPE PLANS



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BELLE LAGO AMENDMENT - PARCEL F

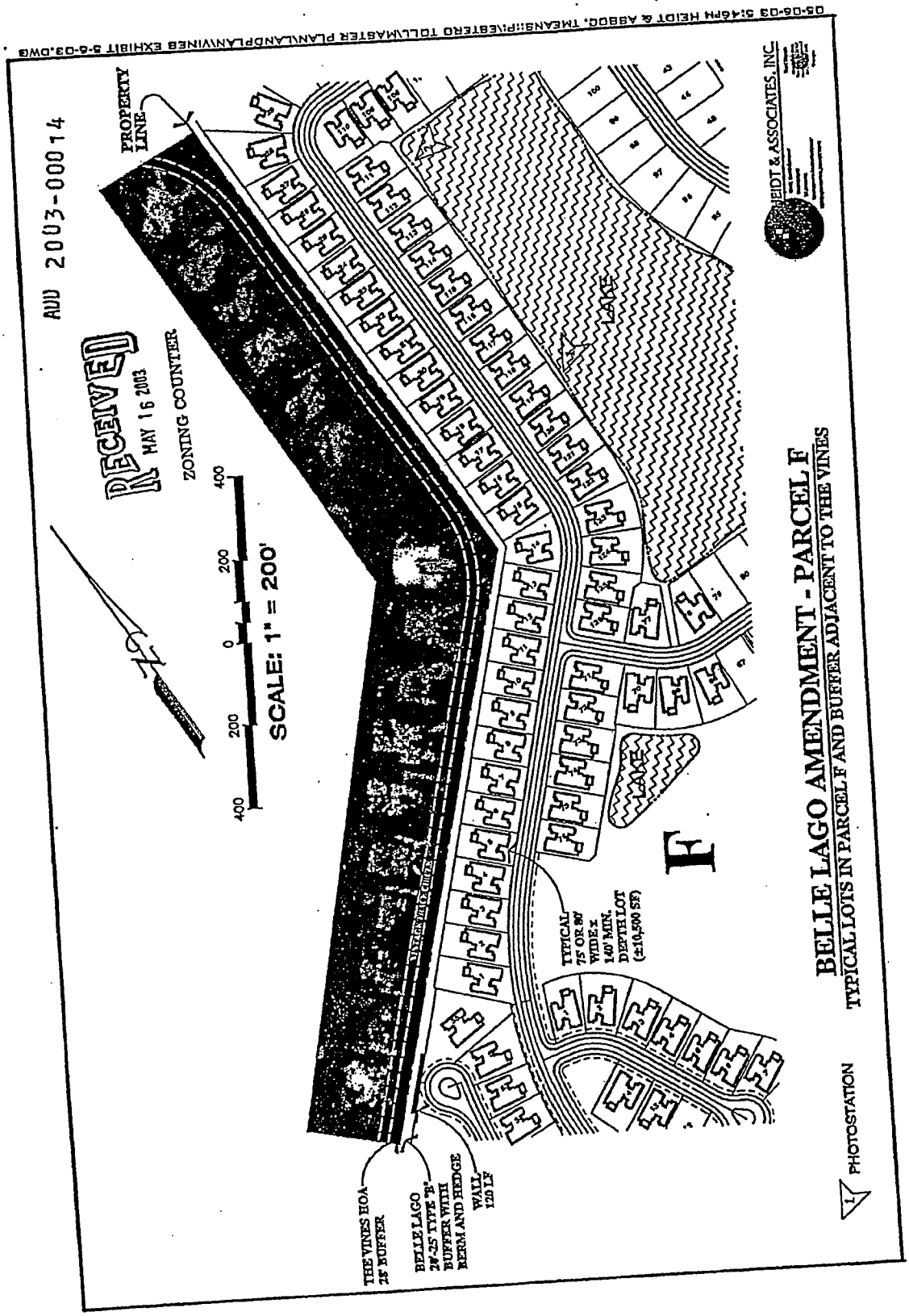
CROSS-SECTION FOR PARCEL F AND BUFFER ADJACENT TO THE VINES

HEIDT & ASSOCIATES, INC.
CIVIL ENGINEERING
SURVEYING
PLANNING
LANDSCAPE ARCHITECTURE
ENVIRONMENTAL PERMITTING

Tampa
Fort Myers

05-06-03 6:27PM HEIDT & ASSOC, TMEANS::P:\EBTERO TOLL\MASTER PLAN\LANDPLAN\VINES EXHIBIT B 5-6-03.DWG

EXHIBIT "J"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HEIDT & ASSOCIATES, INC.
PROPERTY LINE
AUG 2003-00014
RECEIVED
MAY 16 2003
ZONING COUNTER
SCALE: 1" = 200'
400
200
0
200
400
LAKE
LAKE
F
TYPICAL 75' OR 80' WIDE x 140' MIN. DEPTH LOT (±10,500 SF)
THE VINES HOA 25' BUFFER
BELLE LAGO 24'-25' TYPE 'B' BUFFER WITH BERM AND HEDGE
WALL 120 LF
BELLE LAGO AMENDMENT - PARCEL F
TYPICAL LOTS IN PARCEL F AND BUFFER ADJACENT TO THE VINES
PHOTOSTATION

BELLE LAGO
WETLAND MITIGATION/MONITORING/MAINTENANCE PLAN
SFWMD APPLICATION NO. 001026-3

Revised January 31, 2003

INTRODUCTION

The following outlines the wetland mitigation plan for the Belle Lago (project) residential community (f.k.a. Wynnewood and Estero Resort) located in Section 21, Township 46 South, Range 25 East, Lee County (Figure 1). The project with its associated roads and storm water management system will result in impacts to 1.62± acres of South Florida Water Management District (SFWMD) jurisdictional wetlands. In order to offset the loss of wetland functions due to the proposed construction activities, a total of 10.96± acres of wetlands will be preserved and enhanced on-site. The wetland preservation area is located in a single area towards the center of the project.

A 3.16± acre upland buffer is also proposed for preservation and enhancement around the wetland preserve (no mitigation credit is given for the buffer). A boardwalk is proposed to be located in the buffer around the east side of the wetland preserve. The boardwalk will be field located and designed to avoid larger native trees when possible.

The on-site mitigation work will be performed concurrent with the construction of the infrastructure and storm water management system for the residential development. As part of the mitigation program for the SFWMD, the wetland and upland buffer will be placed under a conservation easement and, collectively, referred to as the conservation area.

ON-SITE MITIGATION PLAN

The on-site mitigation plan consists of preserving and enhancing 10.96± acres of wetlands and 3.12± acres of uplands (Table 1). Please refer to the SFWMD permit application for the site's vegetation (i.e., FLUCFCS) map and descriptions.

Table 1. Mitigation Acreages and Existing and Proposed Habitats

Mitigation Area	Habitat	Enhancement and Preservation			
		Wetland		Upland Buffer	
		Area (Ac.)	Target Type	Area (Ac.)	Target Type
No.1	424				434
	4241	10.40		3.16	
	6219	0.56	621		
Total		10.96		3.16*	

* No mitigation credit is proposed for the upland buffer

APPLICATION NUMBER
02-1115-5 #

ADD/REVISED SUBMITTAL
JAN 3 1 2003
IWC SERVICE CENTER

EXHIBIT "K"

ANCE

ıe completion of the initial exotic removal effort, semi-annual inspections of the :ea will occur for the first two years. During these inspections, the mitigation area ɜrsed by a qualified ecologist. Locations of nuisance and/or exotic species will be ɜr immediate treatment with an appropriate herbicide. Any additional potential ll also be noted and corrective actions taken. Once exotic/nuisance species levels ɜduced to acceptable limits (i.e., less than five percent cover), inspections of the eas will be conducted annually.

will be conducted in perpetuity to ensure that the conservation area is free of ɜxotic vegetation as defined by the EPPC at time of permit issuance immediately naintenance event. Exotic and nuisance species shall constitute no more than five ɜ total cover between maintenance events.

MITIGATION ACTIVITY SCHEDULE

sociated with the implementation of the wetland mitigation, monitoring, and shall be in accordance with the following work schedule. Time frames in this based on permit issuance by April 1, 2003.

tion Date	Activity
	Record Conservation Easement
3	Baseline Monitoring Report
1, 2003	Exotic Vegetation Removal
4	Mitigation Plantings
1, 2004	Time Zero Monitoring Report
05	Exotic Maintenance
5	First Monitoring Report
06	Exotic Maintenance
6	Second Monitoring Report
7	Third Monitoring Report
8	Fourth Monitoring Report
9	Fifth Monitoring Report

ES

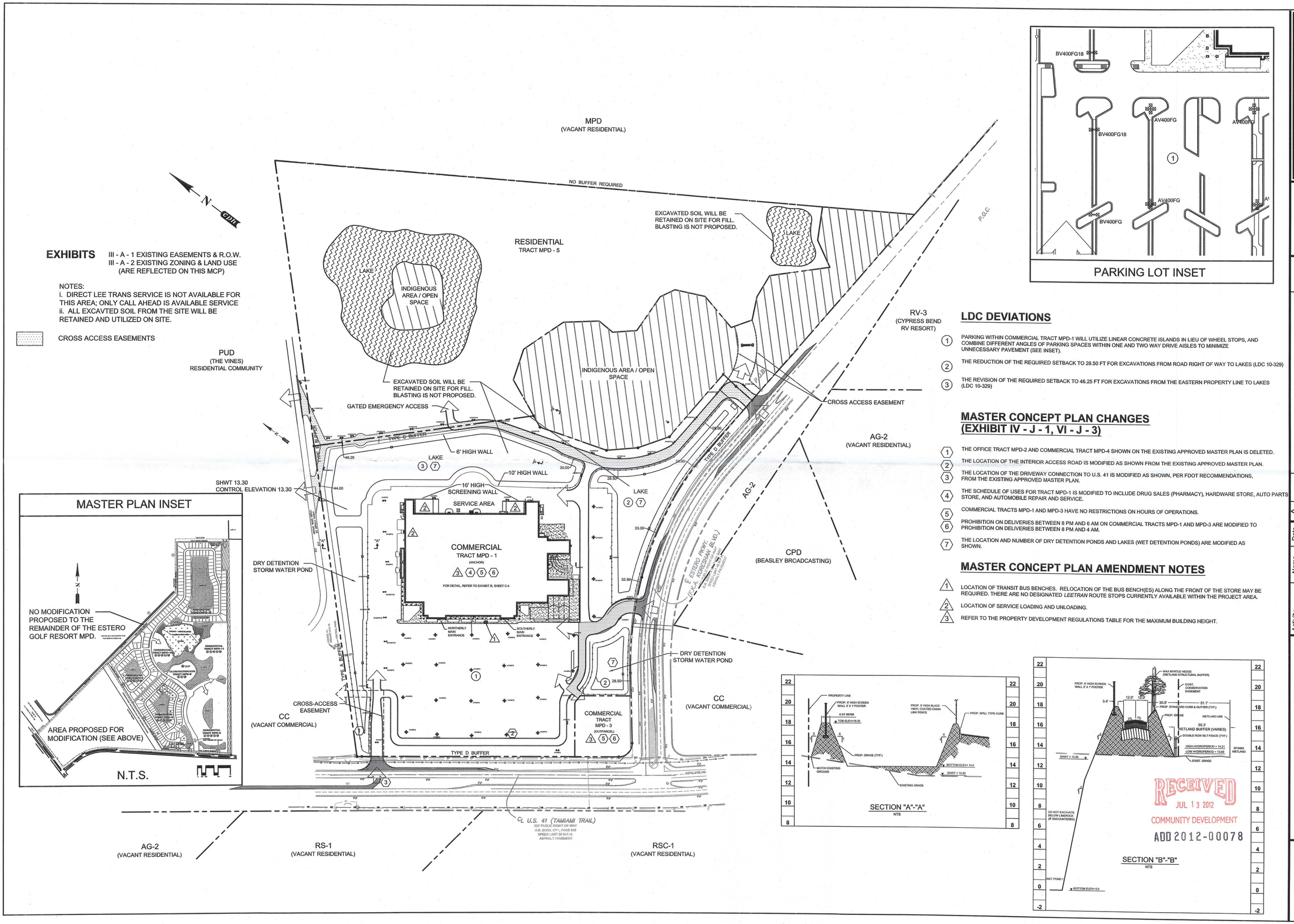
). 1989. Measurements for Terrestrial Vegetation. John Wiley and Sons, New New York.

D SUBMITTAL
L 1 2003
s, Inc.
1/31/03
CE CENTER

APPLICATION NUMBER

021115-5 #

EXHIBIT 10F



EXHIBITS

III - A - 1 EXISTING EASEMENTS & R.O.W.
III - A - 2 EXISTING ZONING & LAND USE
(ARE REFLECTED ON THIS MCP)

NOTES:
i. DIRECT LEE TRANS SERVICE IS NOT AVAILABLE FOR THIS AREA; ONLY CALL AHEAD IS AVAILABLE SERVICE
ii. ALL EXCAVTED SOIL FROM THE SITE WILL BE RETAINED AND UTILIZED ON SITE.

CROSS ACCESS EASEMENTS

LDC DEVIATIONS

1. PARKING WITHIN COMMERCIAL TRACT MPD-1 WILL UTILIZE LINEAR CONCRETE ISLANDS IN LIEU OF WHEEL STOPS, AND COMBINE DIFFERENT ANGLES OF PARKING SPACES WITHIN ONE AND TWO WAY DRIVE AISLES TO MINIMIZE UNNECESSARY PAVEMENT (SEE INSET).
2. THE REDUCTION OF THE REQUIRED SETBACK TO 28.50 FT FOR EXCAVATIONS FROM ROAD RIGHT OF WAY TO LAKES (LDC 10-329)
3. THE REVISION OF THE REQUIRED SETBACK TO 46.25 FT FOR EXCAVATIONS FROM THE EASTERN PROPERTY LINE TO LAKES (LDC 10-329)

MASTER CONCEPT PLAN CHANGES (EXHIBIT IV - J - 1, VI - J - 3)

1. THE OFFICE TRACT MPD-2 AND COMMERCIAL TRACT MPD-4 SHOWN ON THE EXISTING APPROVED MASTER PLAN IS DELETED.
2. THE LOCATION OF THE INTERIOR ACCESS ROAD IS MODIFIED AS SHOWN FROM THE EXISTING APPROVED MASTER PLAN.
3. THE LOCATION OF THE DRIVEWAY CONNECTION TO U.S. 41 IS MODIFIED AS SHOWN, PER FDOT RECOMMENDATIONS, FROM THE EXISTING APPROVED MASTER PLAN.
4. THE SCHEDULE OF USES FOR TRACT MPD-1 IS MODIFIED TO INCLUDE DRUG SALES (PHARMACY), HARDWARE STORE, AUTO PARTS STORE, AND AUTOMOBILE REPAIR AND SERVICE.
5. COMMERCIAL TRACTS MPD-1 AND MPD-3 HAVE NO RESTRICTIONS ON HOURS OF OPERATIONS.
6. PROHIBITION ON DELIVERIES BETWEEN 8 PM AND 6 AM ON COMMERCIAL TRACTS MPD-1 AND MPD-3 ARE MODIFIED TO PROHIBITION ON DELIVERIES BETWEEN 8 PM AND 4 AM.
7. THE LOCATION AND NUMBER OF DRY DETENTION PONDS AND LAKES (WET DETENTION PONDS) ARE MODIFIED AS SHOWN.

MASTER CONCEPT PLAN AMENDMENT NOTES

1. LOCATION OF TRANSIT BUS BENCHES. RELOCATION OF THE BUS BENCH(ES) ALONG THE FRONT OF THE STORE MAY BE REQUIRED. THERE ARE NO DESIGNATED *LEETRAN* ROUTE STOPS CURRENTLY AVAILABLE WITHIN THE PROJECT AREA.
2. LOCATION OF SERVICE LOADING AND UNLOADING.
3. REFER TO THE PROPERTY DEVELOPMENT REGULATIONS TABLE FOR THE MAXIMUM BUILDING HEIGHT.

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Scale:	1" = 150'
Date:	JULY, 2003
Job No.	W13303
File:	MASTER-PLAN
	© 2003

No.	Date	Revision
1	07/03	
2	07/03	
3	07/03	
4	07/03	Approved

Activity	Name	Date
Designed by:	J.C.P.	07/03
Drawn by:	T.W.E.	07/03
Checked by:	J.C.P.	07/03
Approved by:	J.C.P.	07/03

Certificate of Authorization No. 3215

EXHIBIT IV-A-1

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

Sheet No. C-2

SHEET NOTES

1. INTERIOR PLAN DIMENSIONS ARE TO FACE OF STUD/CMU UNLESS NOTED OTHERWISE

2. THE GROSS LEASABLE AREA: 177,808 SF

THE LEASABLE SQUARE FOOTAGE FOR THE FOLLOWING SPACES:

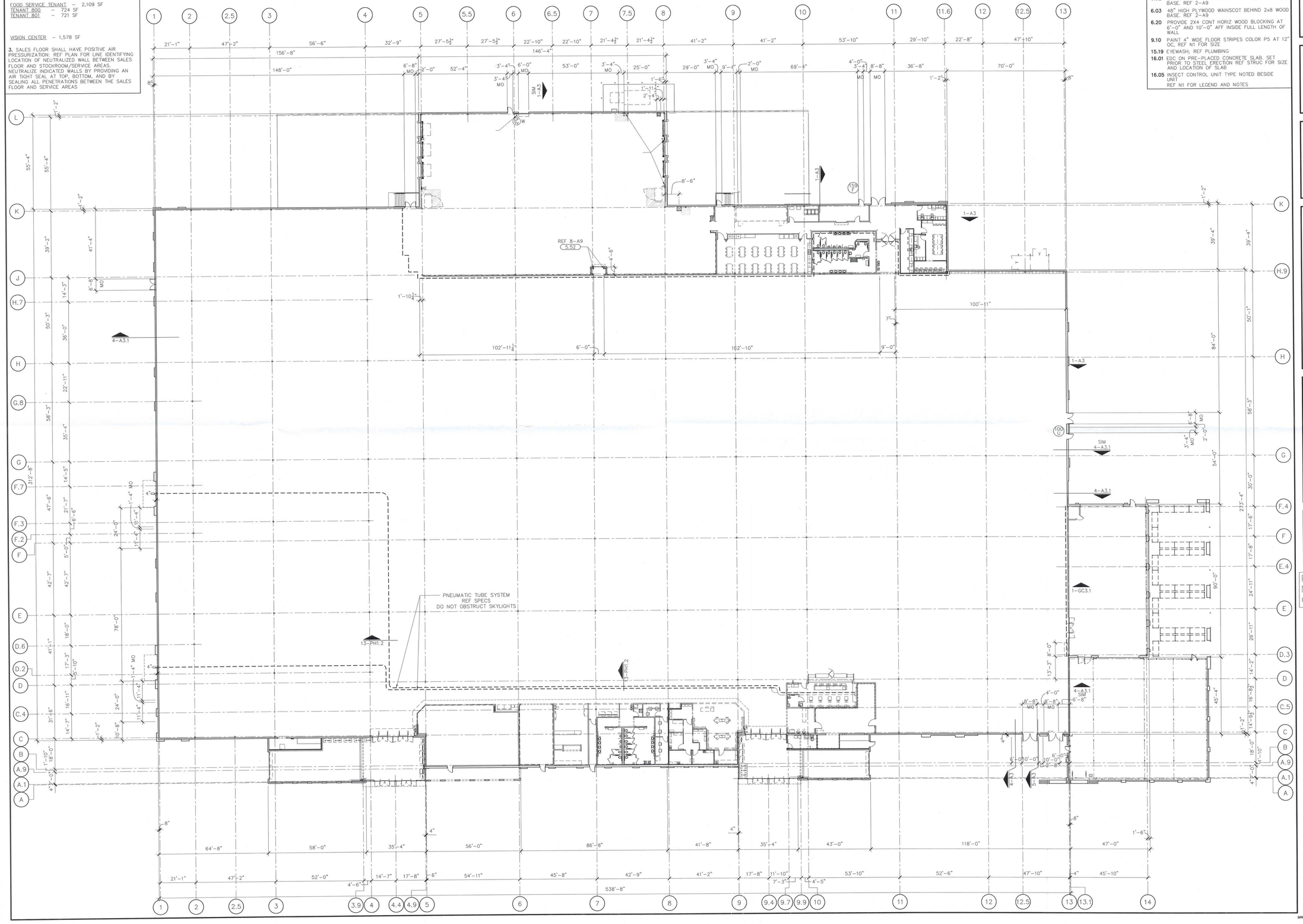
FOOD SERVICE TENANT – 2,109 SF
TENANT 800 – 724 SF
TENANT 801 – 721 SF

VISION CENTER – 1,578 SF

3. SALES FLOOR SHALL HAVE POSITIVE AIR PRESSURIZATION: REF PLAN FOR LINE IDENTIFYING LOCATION OF NEUTRALIZED WALL BETWEEN SALES FLOOR AND STOCKROOM/SERVICE AREAS. NEUTRALIZE INDICATED WALLS BY PROVIDING AN AIR TIGHT SEAL AT TOP, BOTTOM, AND BY SEALING ALL PENETRATIONS BETWEEN THE SALES FLOOR AND SERVICE AREAS

KEYNOTES

1.07	BALER/COMPACTOR REF GA2 FOR EQUIPMENT LEGENDS
4.21	24" x 24" MASONRY OPENING AT GENERATOR CABLE RACEWAY. BOTTOM AT 8" AFF REF ELEC
5.52	32" CORE DRILLED UNO GALVANIZED STEEL BOLLARD 4" OD
6.02	24" HIGH PLYWOOD WAINSCOT BEHIND 2x8 WOOD BASE. REF 2-A9
6.03	48" HIGH PLYWOOD WAINSCOT BEHIND 2x8 WOOD BASE. REF 2-A9
6.20	PROVIDE 2X4 CONT HORIZ WOOD BLOCKING AT 6'-0" AND 10'-0" AFF INSIDE FULL LENGTH OF WALL
9.10	PAINT 4" WIDE FLOOR STRIPES COLOR P5 AT 12" OC. REF N1 FOR SIZE
15.19	EYEWASH; REF PLUMBING
16.01	EDC ON PRE-PLACED CONCRETE SLAB. SET PRIOR TO STEEL ERECTION REF STRUC FOR SIZE AND LOCATION OF SLAB
16.05	INSECT CONTROL UNIT TYPE NOTED BESIDE UNIT REF N1 FOR LEGEND AND NOTES



B|R|R architecture

ARCHITECT OF RECORD: BRR ARCHITECTURE, INC.
6700 STOCKTON DRIVE, EXTON, PENNSYLVANIA 19341

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CONSULTANTS

Walmart

ESTERO, FL
STORE NO. 5347-00

JOB NUMBER: 97100099 PROTO: 180

ISSUE BLOCK

CHECKED BY:	
DRAWN BY:	
FILE NAME:	180-A010
PROTO CYCLE:	012712
DOCUMENT DATE:	062712

PRELIMINARY NOT FOR CONSTRUCTION.

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COMMUNITY DEVELOPMENT

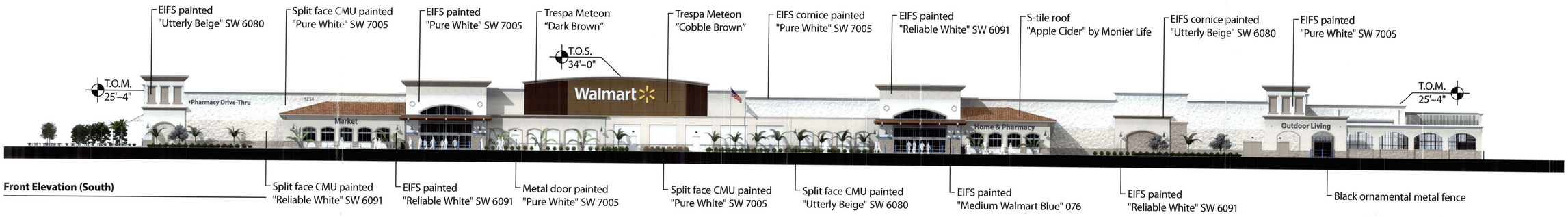
ADD 2012-00078

FLOOR PLAN

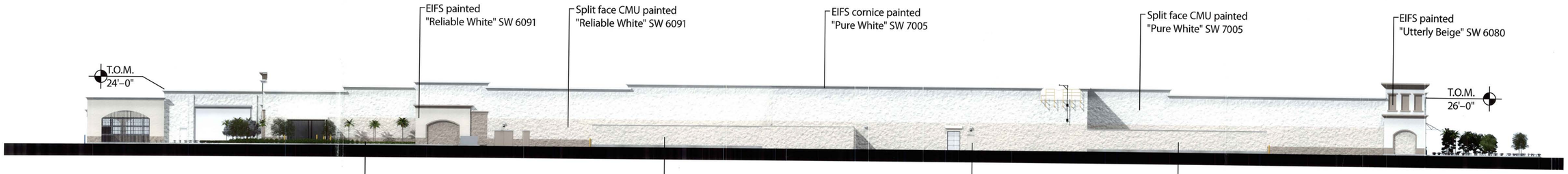
SHEET: A1

BRR ORIGINAL PRINTED ON RECYCLED PAPER

6/27/2012 10:28:06 AM

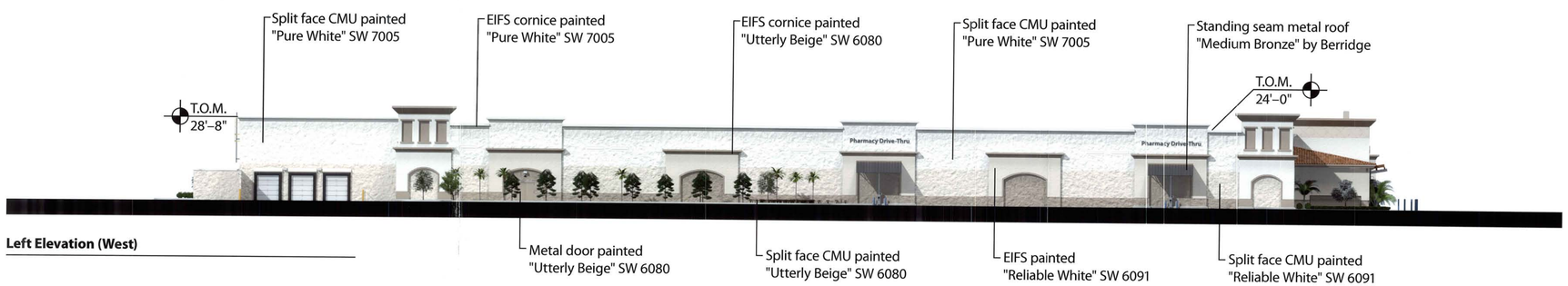


Front Elevation (South)



Rear Elevation (North)

Right Elevation (East)



Left Elevation (West)

Sign	Qty.	Height	Area (S.F.)	Total S.F.
Walmart	2	5'-6"/8'-0"	298.00	596.00
Market	1	2'-6"	28.17	28.17
Home & Pharmacy	1	2'-6"	97.66	97.66
Outdoor Living	1	2'-6"	77.17	77.17
Pharmacy Drive-Thru	2	1'-6"	39.90	79.80
Pharmacy Drive-Thru ▶	1	2'-0"	74.78	74.78
		Total Building Signage		**953.58**

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Walmart

B | R | R architecture

June 12, 2012

Estero, FL #5347 - New Store

Elevations With Landscape

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