

ADMINISTRATIVE AMENDMENT (PD) ADD2012-00078

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

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

- 1. Change the size of the store and the commensurate adjustment to the elevation for the new store.**
- 2. Shift the location of the drive-through from the out parcel to the Wal-Mart.**

The subject property is located at NE corner of US41 & Estero Parkway, described more particularly as:

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

See attached Exhibit A

WHEREAS, the property was originally rezoned by Zoning Resolution Z-01-012a (with subsequent amendments of the planned development in ADD2003-00014, ADD2004-00127, Zoning Resolution Z-04-048, ADD2004-00167, ADD2005-00153, and DCI2009-00026); and

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

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

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

WHEREAS, the applicant held, in accordance with Land Development Code § 33-54, a public informational meeting on June 13, 2012 presenting these proposed changes to the community; and

WHEREAS, the applicant seeks to move the use of Drive-through for any permitted use from the outparcel and add it to the anchor parcel; and

WHEREAS, Lee County staff has found the use of drive-through is currently limited to the use of "Bank and Financial Establishment, Group I" within the approved outparcel, and

WHEREAS, in order to achieve the applicant's intent staff finds it necessary to amend the use of Bank and Financial Establishments, Group I prohibiting the use of drive-through facility, and

WHEREAS, it is found that this amendment to move the use of "drive through" from the outparcel to the anchor parcel does not increase density or intensity within the development; does
CASE NO. ADD2012-00078

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 the following amendments to Mixed Use Planned Development is **APPROVED, subject to the following conditions:**

Amendments:

1. Change the size of the store and the commensurate adjustment to the elevation for the new store.
2. Shift the location of the drive-through from the out parcel to the Wal-Mart.

Conditions:

1. The terms and conditions of the original Zoning Resolution Z-01-012a, as amended by ADD2003-00014, ADD2004-00127, Zoning Resolution Z-04-048, ADD2004-00167, ADD2005-00153, and DCI2009-00026 remain in full force and effect, except as amended by this action.
2. Condition 1 in Zoning Resolution Z-04-048, Section B.2 is amended to adopt the revised one-page Master Concept Plan entitled "Site Plan, Walmart, Store No. # 5347-00", stamped received on July 18, 2012.
3. Condition 2 in Zoning Resolution Z-04-048, Section B.2 amends the Schedule of Uses for the Commercial Parcel as follows:
 - a. Schedule of Uses
 - (1) COMMERCIAL PORTION--"Anchor Parcel" - limited to a maximum of 228,000 square feet of floor area (including the lawn and garden center)

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

Administrative Offices
Auto Parts Store, see Condition 6
Automobile Repair & Service, Group I only, limited to:
Cellular phone installation
Drive-in oil change
Tire repair shops, no vulcanizing
Wheel alignment
Banks and Financial Establishments, Group I only
Business Services, Groups I, limited to:
Film processing or developing
Cultural Facilities, limited to Art Galleries and Museums
Drive-through facility for the permitted use
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, without 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

4. Condition 10 in Zoning Resolution Z-04-048, Section B.s is amended attaching a revised Exhibit E (stamped received on July 13, 2012) to this administrative action. This elevation will be further reviewed and revised as needed prior to local development order consistent with Land Development Code § 33-54.

DULY SIGNED this 7th day of August, A.D., 2012.

BY: Pam Houck

Pam Houck, Director

Division of Zoning

Department of Community Development



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

7.24-12
APPROVED
LEGAL
WHA

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)

RECEIVED
JUL 13 2012
COMMUNITY DEVELOPMENT
ADD 2012-00078

Dated this the 12th day of April, 2012.

For the Firm CPH Engineers, Inc.
LB# 7143

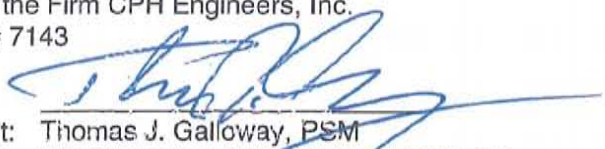
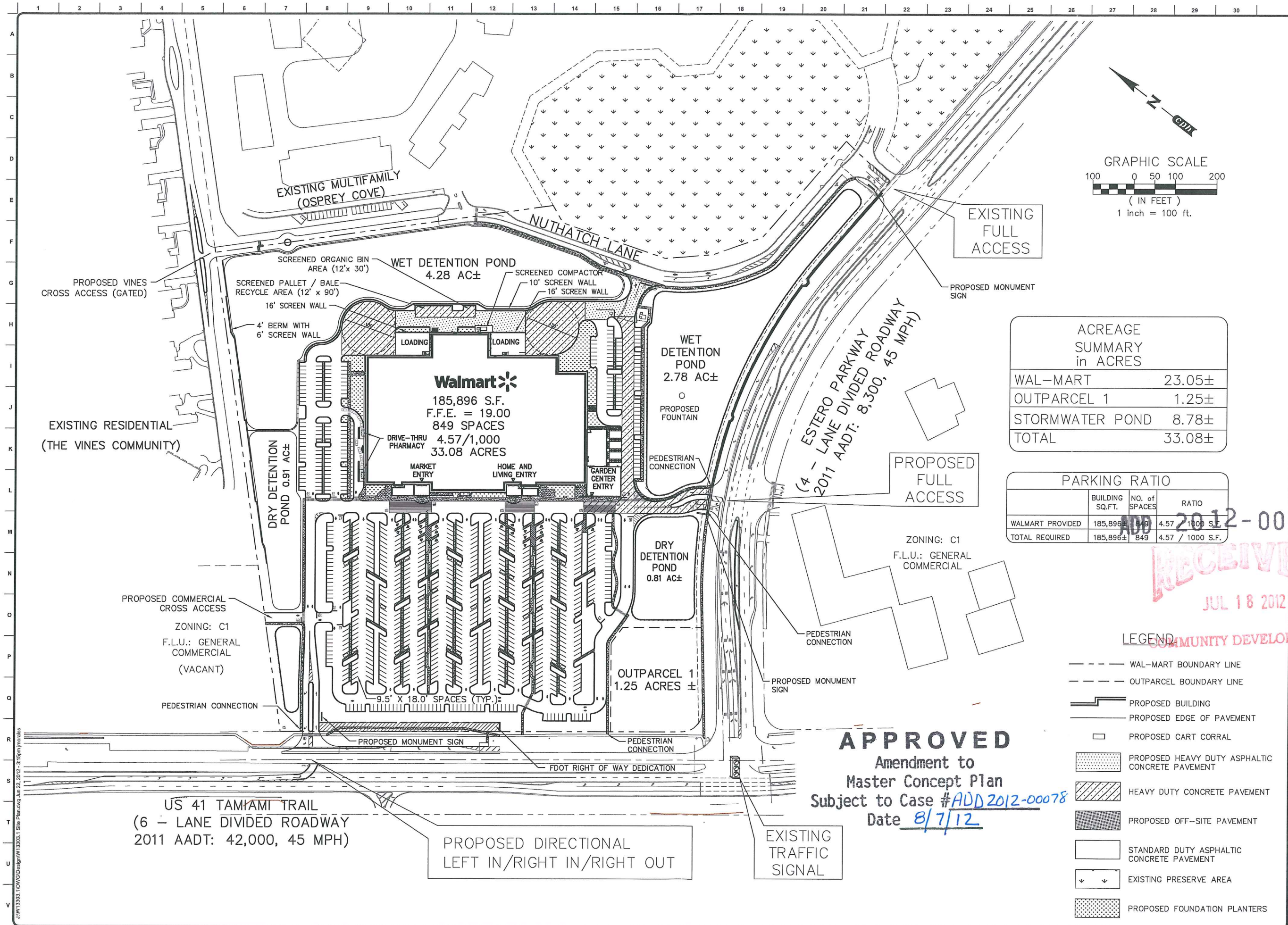
By: 
Print: Thomas J. Galloway, PSM
Title: VP, Director of Surveying and Mapping
Florida Registration Number: 6549

EXHIBIT A



2216 Altamont Avenue
Fort Myers, Florida 33901
Phone 239 332 5499
Fax 239 332 2955

Engineers
Surveyors
Architects
Planners
Landscape Architects
Environmental Scientists
Construction Management
Traffic/Transportation

Eng. C.O.A. No. 3215
Survey L.B. No. 7143
Arch. Lic. No. AA2600926
Landscape Lic. No. LC0000298
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JEFFREY M. SANDERSON P.E.
REG. #10185

By

Revision

Date

No.

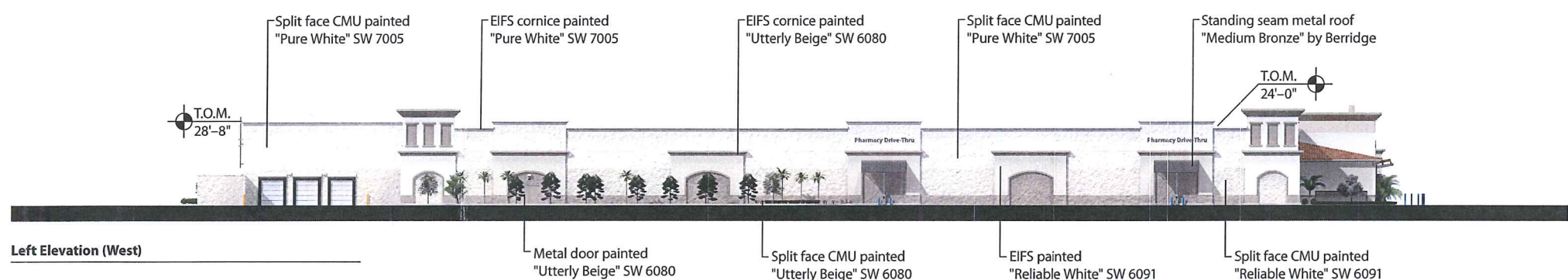
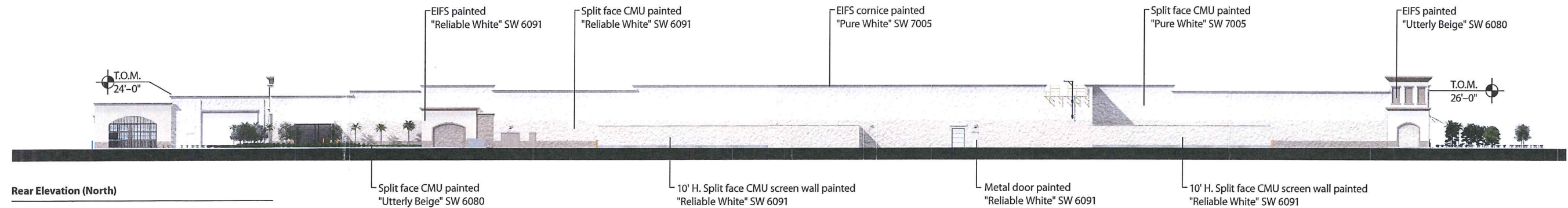
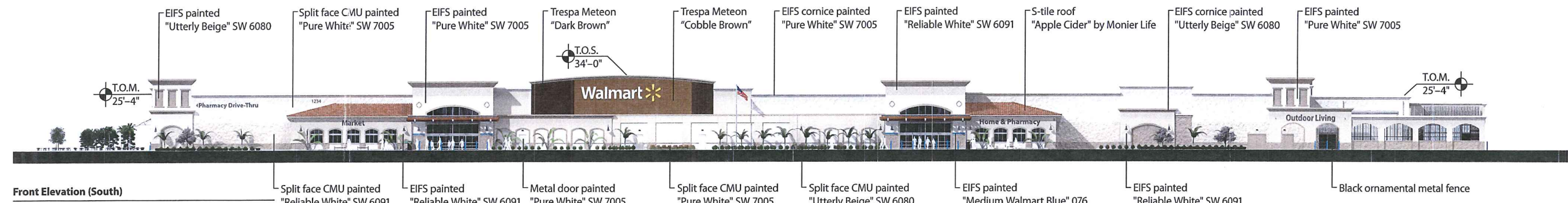
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Drawn by: JFM
Checked by: BC
Approved by: JMS
Scale: 1" = 100'
Date: 04/16/12
Job No.: W13303.1
File: W13303.1 Site Plan.dwg

SITE PLAN

Walmart
STORE NO. # 5347-00,
LEE COUNTY, ESTERO, FLORIDA

Sheet No.

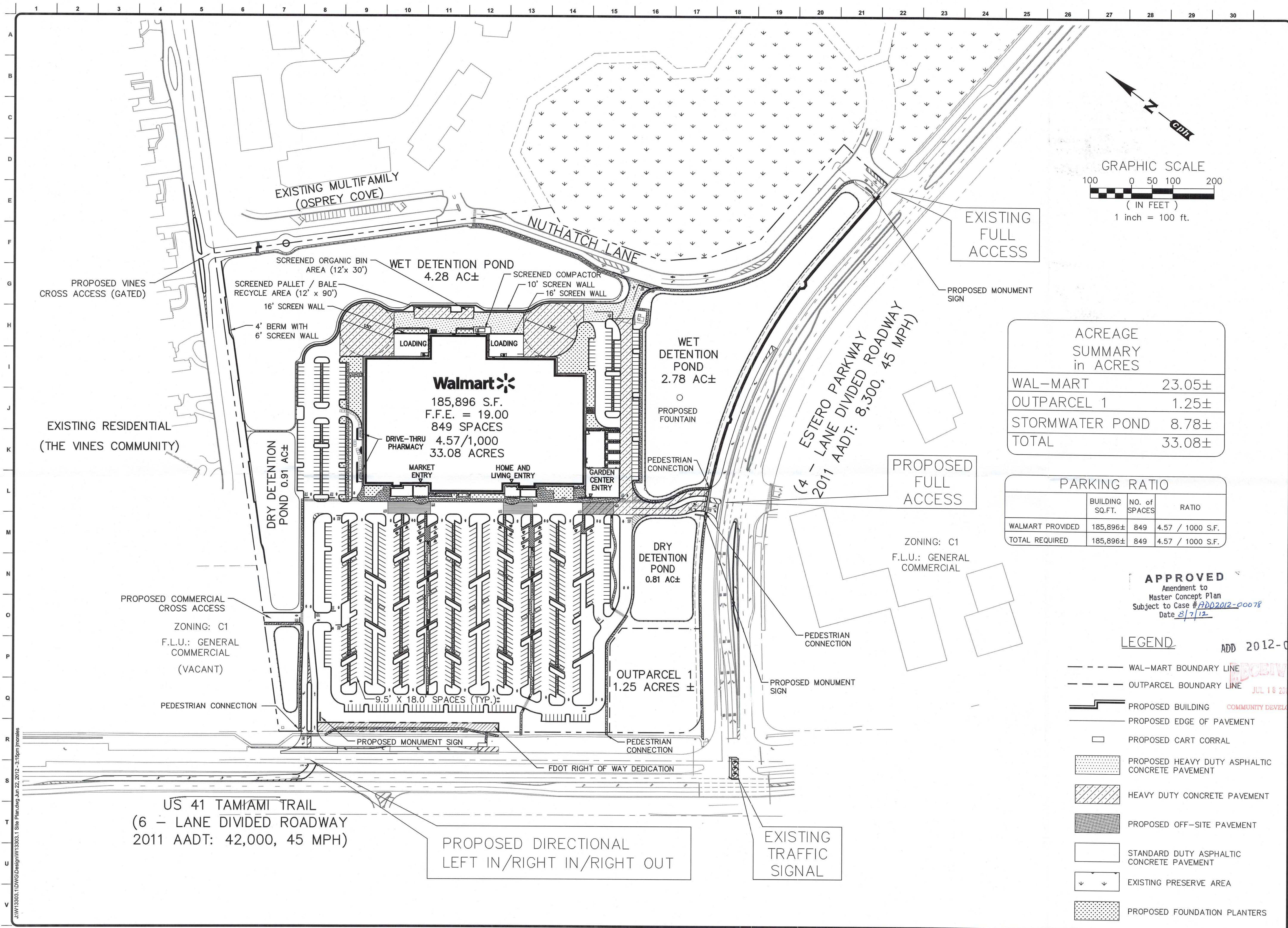
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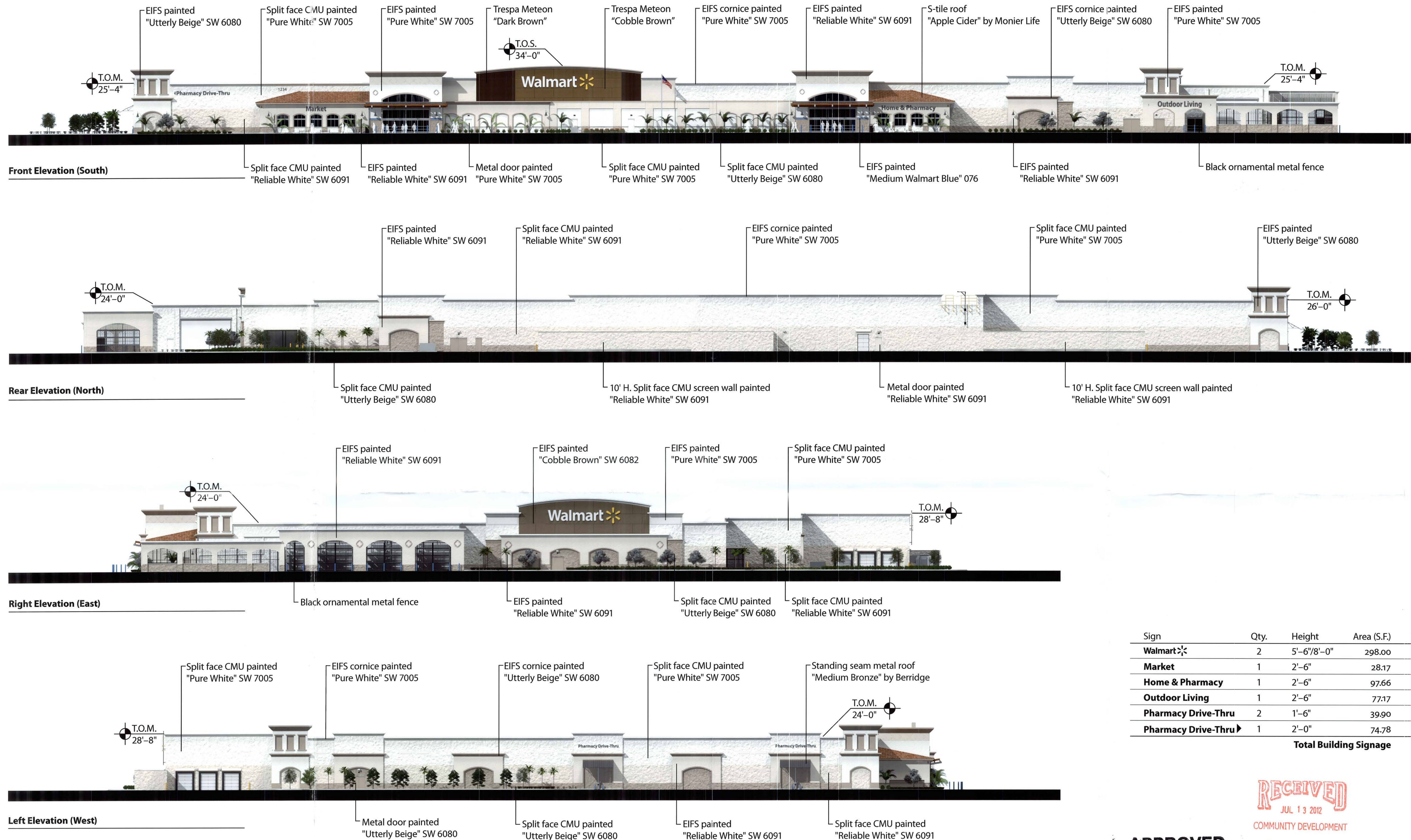


Sign	Qty.	Height	Area (S.F.)	Total S.F.
Walmart	2	5'-6"/8'-0"	298.00	596.00
Market	1	2'-6"	28.17	28.17
Home & Pharmacy	1	2'-6"	97.66	97.66
Outdoor Living	1	2'-6"	77.17	77.17
Pharmacy Drive-Thru	2	1'-6"	39.90	79.80
Pharmacy Drive-Thru	1	2'-0"	74.78	74.78
Total Building Signage			953.58	



DESIGN REPRESENTATION ONLY - NOT FOR CONSTRUCTION The building images shown are a representation of the current design intent only. The building images may not reflect variations in color, tone, hue, tint, shading, ambient light intensity, materials, texture, contrast, font style, construction variations required by building codes or inspectors, material availability or final design detailing.





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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

RECEIVED
JUL 13 2012

COMMUNITY DEVELOPMENT

APPROVED
Plan

ADD 2012-00078

Subject to Case # ADD2012-00078
Date 8/7/2012



B | R | R
architecture

June 12, 2012

Estero, FL #5347 - New Store

Elevations With Landscape

2