

ADMINISTRATIVE AMENDMENT (PD) ADD2013-00019

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

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

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

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

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

See attached Legal Description, Exhibit A.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, placement of the sidewalks along US 41 and Estero Parkway within the right-of-way rather than in an easement separated by the project buffer has no negative external impact; and

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

WHEREAS, the subject application was reviewed by the Environmental Sciences & Development Services Divisions, and these Divisions indicated that they had no objection to the proposed amendments; and

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for:

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

is APPROVED, subject to the following conditions:

1. **Development must be in substantial compliance with the amended Master Concept Plan, stamped RECEIVED MAR 06 2013 COMMUNITY DEVELOPMENT (see reduced copy, Attachment A.)**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect, as amended.**
3. **The proposed 192,151 square foot small product retail store may be developed to consist of a maximum of 830 parking spaces.**
4. **Condition 16 in Resolution Z-04-048, Section B.2 is amended to read: “Prior to the issuance of any Certificate of Compliance for commercial development, 5-foot wide sidewalks must be constructed on the interior side of the buffer proposed along the US 41 and Estero Parkway (fka Koreshan Boulevard) rights-of-way. in accordance with LDC §10-256. Interconnections to abutting parcels and to interior pedestrian circulation must also be provided.**

Interconnections that cross vehicular traffic aisles must be clearly visually and texturally differentiated from the paving treatment and must be identified by signs, consistent with the Manual on Uniform Traffic Control Devices (MUTCD), advising customers that this is a pedestrian crossing.”

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

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

Exhibits:
A-Legal Description

Attachment :
A – amended Master Concept Plan

Sketch and Description:

THIS IS NOT A SURVEY

EXHIBIT A

Legal Description:

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

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

(CONTAINING 33.08 ACRES MORE OR LESS)

3-7-13

APPROVED

LEGAL

MA

RECEIVED
MAR 06 2013

COMMUNITY DEVELOPMENT

Abbreviation Legend: ADD 2013-00019

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

Surveyor's Notes:

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

Surveyor's Certification:

I hereby certify that the attached "Sketch and Description" of the hereon-described property is true and correct to the best of my knowledge, information and belief as prepared under my direction on APRIL 11, 2012. I further certify that this "Sketch and Description" meets the minimum technical standards set forth in Rule Chapter 5J-17 of the Florida Administrative Code.

DEC - 3 2012

For the Firm By:

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

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

NOT VALID WITHOUT
SHEETS 1 THROUGH 3 OF 3.

Drawn by: TNL

Date: 04/11/12

Scale: N/A

Job No. W13303

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



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

500 West Fulton Street
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32772-2808
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SECTIONS 21 & 28 - TOWNSHIP 46 SOUTH-
RANGE 25 EAST
LEE COUNTY, FLORIDA

SKETCH AND DESCRIPTION

Sheet

1

1 of 3

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Sketch and Description:

THIS IS NOT A SURVEY

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COMMUNITY DEVELOPMENT

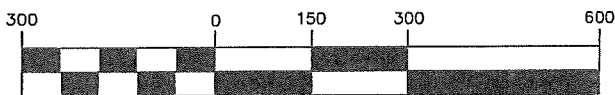
ADD 2013-0001

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

PORTION OF SCHULTE TAMiami PARK
PLAT BOOK 5, PAGE 33

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

GRAPHIC SCALE



(IN FEET)

1 inch = 300 ft.

ESTERO PARKWAY

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

$\Delta = 02^{\circ}46'21''$
 $R = 11425.00'$
 $C = 552.79'$
 $L = 552.84'$
 $CB = N 87^{\circ}38'50'' W$

$N 86^{\circ}15'39'' W$
 $2230.03'$

$N 00^{\circ}51'13'' W$
 $94.98' (BB)$

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

NORTHERLY RIGHT OF WAY LINE OF ESTERO PARKWAY

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Drawn by: TNL

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



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

SKETCH AND DESCRIPTION

Sheet
2
2 of 3
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Sketch and Description:

THIS IS NOT A SURVEY

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

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

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Scale: N/A

W13303 SOD 10-15-12 CIVIL
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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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EXHIBITS III - A - 1 EXISTING EASEMENTS & R.O.W.
III - A - 2 EXISTING ZONING & LAND USE
(ARE REFLECTED ON THIS MCP)

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

CROSS ACCESS EASEMENTS

PUD
(THE VINES)
RESIDENTIAL COMMUNITY

MASTER PLAN INSET

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

AREA PROPOSED FOR
MODIFICATION (SEE ABOVE)

N.T.S.

AG-2
(VACANT RESIDENTIAL)

RS-1
(VACANT RESIDENTIAL)

RSC-1
(VACANT RESIDENTIAL)

APPROVED

Amendment to
Master Concept Plan

Subject to Case # **ADD2013-00019**

Date **4/5/13**

ADD 2013-00019

MPD
(VACANT RESIDENTIAL)

NO BUFFER REQUIRED

RESIDENTIAL
TRACT MPD - 5

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

LAKE

RV-3
(CYPRESS BEND
RV RESORT)

LDC DEVIATIONS

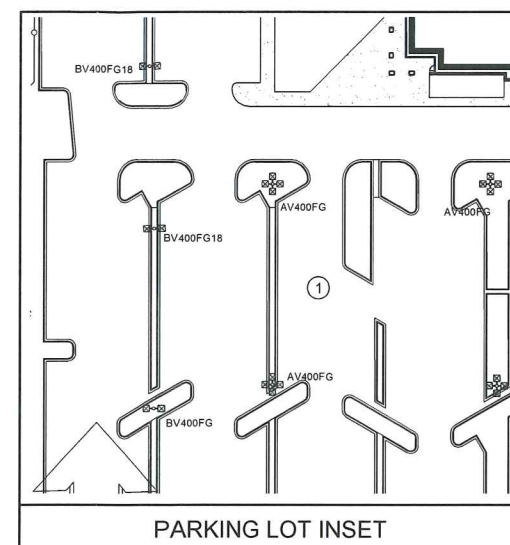
1. PARKING WITHIN COMMERCIAL TRACT MPD-1 WILL UTILIZE LINEAR CONCRETE ISLANDS IN LIEU OF WHEEL STOPS, AND COMBINE DIFFERENT ANGLES OF PARKING SPACES WITHIN ONE AND TWO WAY DRIVE AISLES TO MINIMIZE UNNECESSARY PAVEMENT (SEE INSET).
2. THE REDUCTION OF THE REQUIRED SETBACK TO 28.50 FT FOR EXCAVATIONS FROM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

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

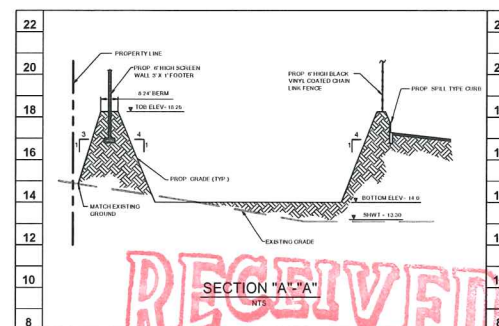
1. THE OFFICE TRACT MPD-2 AND COMMERCIAL TRACT MPD-4 SHOWN ON THE EXISTING APPROVED MASTER PLAN IS DELETED.
2. THE LOCATION OF THE INTERIOR ACCESS ROAD IS MODIFIED AS SHOWN FROM THE EXISTING APPROVED MASTER PLAN.
3. THE LOCATION OF THE DRIVEWAY CONNECTION TO U.S. 41 IS MODIFIED AS SHOWN, PER FDOT RECOMMENDATIONS,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

MASTER CONCEPT PLAN AMENDMENT NOTES

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



PARKING LOT INSET



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COMMUNITY DEVELOPMENT

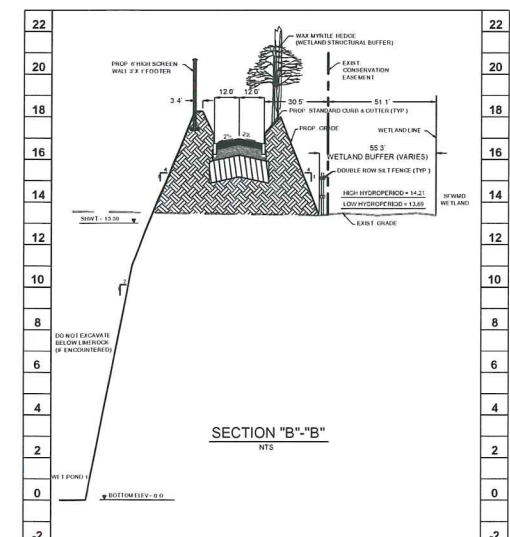


EXHIBIT IV-A-1

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

Sheet No.

C-2

Scale: 1" = 150'

Date: JULY 2003

Job No. W13303

File: MASTER-PLAN

Approved

Revision

Date

No.

Name

Date

Activity

Designed by: J.C.P.

Drawn by: T.W.E.

Checked by: J.C.P.

Approved by: J.C.P.

Certificate of Authorization No. 3215

Engineers
Planners
Landscape Architects
Construction Management
to the community
2311 Pick Street, Suite 200, Fort Myers, FL 33901
Phone: 238-332-5400 Fax: 238-332-5405

eph

