

ADMINISTRATIVE AMENDMENT (PD) ADD2013-00132

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 change the access to The Vines from a "Y" to a "T" configuration and to add the use of Package Store** to the proposed Wal-Mart.

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

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

ATTACHED AS EXHIBIT "1"

WHEREAS, the property was originally rezoned to Mixed Use Planned Development (MPD) by Zoning Resolution Number Z-01-012a; and

WHEREAS, the original MPD zoning was amended by adoption of Zoning Resolution Number Z-04-048 approving an alternative to the commercial development in order to allow the development of a Wal-Mart Supercenter; and

WHEREAS, the MPD zoning has been subsequently amended by ADD2003-00014, ADD2004-00127, ADD2004-00167, ADD2005-00153, ADD2012-00078 and ADD2013-00019); and

WHEREAS, the planned development is designated on the Lee County Comprehensive Plan Future Land Use Map as Urban Community, Suburban, and Wetlands; 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 applicant has filed this application to amend the commercial portion of this MPD to re-configuration of the access to The Vines and add the use of Package Store; and

WHEREAS, the applicant advises Wal-Mart has an agreement with The Vines regarding the access road, reflecting the road alignment proposed in this application; and

WHEREAS, the applicant held a public informational meeting during the Estero Community Planning Panel meeting of September 16, 2013; and

WHEREAS, the minutes from the above noted meeting indicate the Panel had no concerns or problems with the change in configuration of the access into The Vines and adding a liquor box (package store) use to the planned development; 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 Development Services Division found the application sufficient and offered no objections to the proposed re-configuration of the access; and

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for the following amendments to Mixed Use Planned Development is **APPROVED, subject to the following conditions:**

AMENDMENTS:

1. Change the access to The Vines from a "Y" to a "T" configuration; and
2. Add the use of Package Store.

CONDITIONS:

1. The terms and conditions of the original zoning resolution (as amended) remain in full force and effect (as amended), except as granted in this action.
2. Development of the commercial portion of this planned development must remain in compliance with the amended Master Concept Plan adopted as part of ADD2013-00019.

The only changes approved to the above noted Master Concept Plan are the re-configuration of the access to The Vines and the conceptual location of the Liquor Entry (Package Store). These changes are found on the attached approved Site Plan (Exhibit 2), received on 9-27-13. No further change to the previously adopted Master Concept Plan has been approved. Master Concept Plan for ADD2013-00132 is hereby **APPROVED** and adopted. A reduced copy of the approved Site Plan is found in Exhibit 2.

3. The approved Schedule of Uses adopted as part of Zoning Resolution Z-04-048, Section B.2., Condition 2.a.(1) is hereby amended to include the permitted use of Package Store within the Commercial Portion of this planned development.
4. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

DULY PASSED AND ADOPTED ON 10/24/2013

BY: 

Electronically Signed by
Pam Houck, Director
Division of Zoning
Department of Community Development

EXHIBITS:

1. Approved Legal Sketch and Description
2. Site Plan depicting Access Re-Configuration and Conceptual Location of Liquor Entry

Sketch and Description:

THIS IS NOT A SURVEY

EXHIBIT A**Legal Description:**

A PORTION OF SCHULTE TAMAMI 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)

APPROVED
ADD2013-00132
Chick Jakacki, Planner
Lee Co Division of Zoning
10/1/2013

3-7-13
APPROVED
LEGAL
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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	EASEMENT - EASEMENT	LB# - LICENSED BUSINESS NUMBER	PI - POINT OF INTERSECTION	RP - RADIUS POINT
(C) - CALCULATED	ELEV - ELEVATION	(M) - MEASURED	PI - POINT OF BEGINNING	R/W - RIGHT-OF-WAY
C - CHORD	EOP - EDGE OF PAVEMENT	N & D - NAIL AND DISK	POB - POINT OF BEGINNING	SEC 21 - SECTION 21
CB - CHORD BEARING	ESMT - EASEMENT	NR - NON-RADIAL	POC - POINT OF COMMENCEMENT	SEC 28 - SECTION 28
CCR # - CERTIFIED CORNER RECORD NUMBER	FDOT - FLORIDA DEPARTMENT OF TRANSPORTATION	NT - NO SURVEYOR IDENTIFICATION	POL - POINT ON LINE	SO - SQUARE
C/L - CENTERLINE	FF - FINISH FLOOR	OR - OFFICIAL RECORDS	PRC - POINT OF REVERSE CURVATURE	SQ FT - SQUARE FEET
CM - CONCRETE MONUMENT	FND - FOUND	ORB - OFFICIAL RECORDS BOOK	PRM - PERMANENT REFERENCE MONUMENT	TB - TANGENT BEARING
CONC - CONCRETE	FP&L - FLORIDA POWER AND LIGHT	(P) - PLAT	PT - POINT OF TANGENCY	T46S - TOWNSHIP 46 SOUTH
COR - CORNER	(G) - GRID (STATE PLANE)	PB - PLAT BOOK	FEC - FLORIDA EAST COAST RAILWAY	(TYP) - TYPICAL
				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 SOUTHEAST 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.

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

Job No. W13303

Scale: N/A

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

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

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

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

SKETCH AND DESCRIPTION

Sheet

1

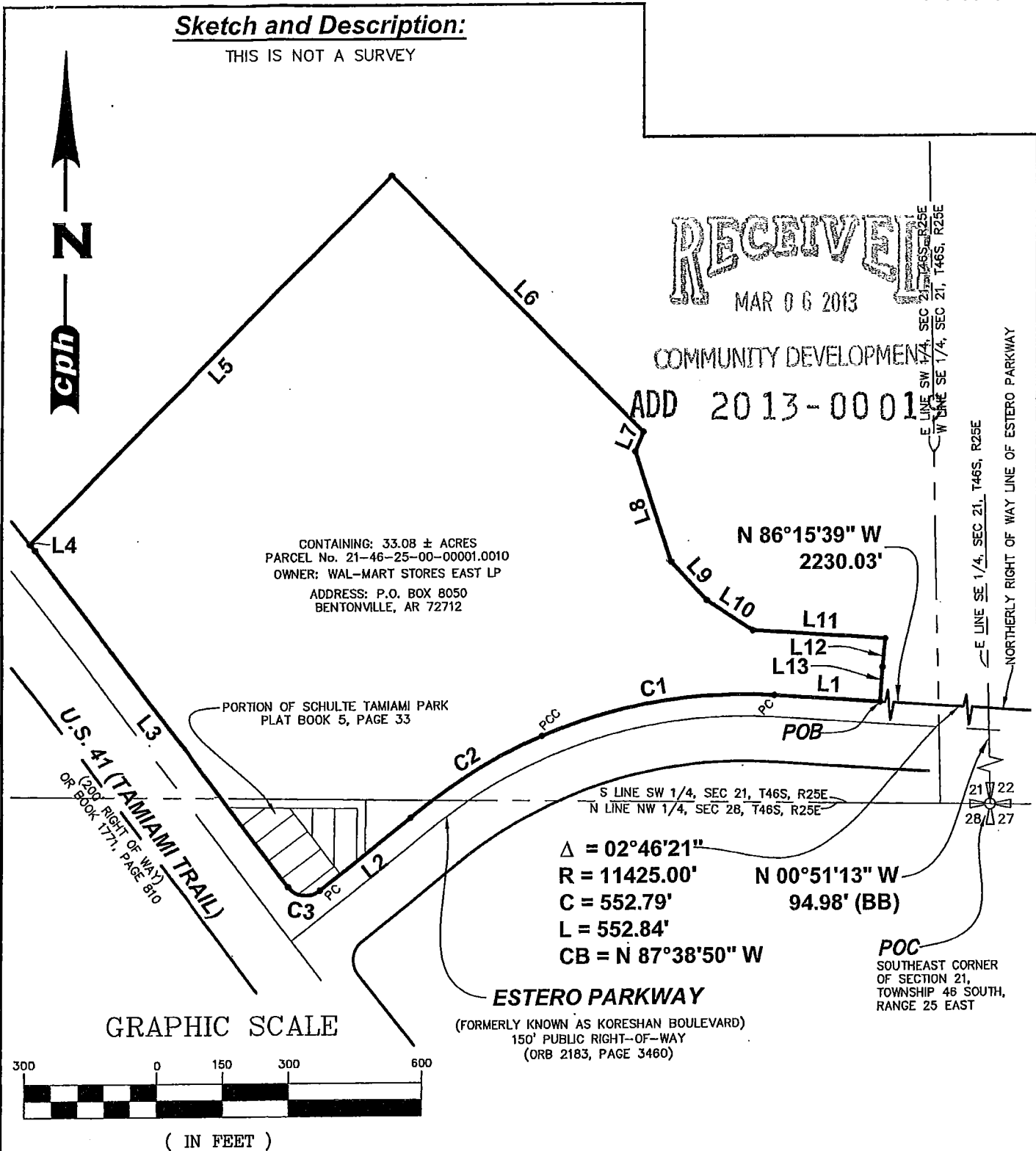
1 of 3

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EXHIBIT 1

Sketch and Description:

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Scale: 1"=300'

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SKETCH AND DESCRIPTION

Sheet

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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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SKETCH AND DESCRIPTION

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