



GIS Tracking Sheet

Case No.: **ADD2004-00167**

Intake Date: July 29, 2004

Project Name: US Home re: Osprey Cove

STRAP Number(s): 21-46-25-00-00001.0020

Planner Name: Josh Philpott Ext. 8365

FILE ON PLANNER'S DESK FRED DROVDUC

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 18 JAN 05

INTAKE: N/A

LEGAL SUFFICIENT

☒ YES

☐ NO

Initials: Amj

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date: 01 FEB 05

☐ Hearing Examiner Decision

☐ Board of County Commissioner's Resolution

☒ Administrative Approval (PO)

☐ Blue Sheet

Zoning Notes: ADD2004-00167, 25 JAN 05, ADMIN APPEAL TO AMEND MPD OSPREY COVE; CONDS.

MAP UPDATED

☒ YES

☐ NO

Initials: Amj

If not, give brief explanation:

Note to MPD: 000245 + MPD: 000826

SKETCH AND DESCRIPTION
LEGAL DESCRIPTION

LEGAL DESCRIPTION (AS FURNISHED)

A PARCEL OF LAND 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 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 1317.73 FEET; THENCE S 44°54'53" W, A DISTANCE OF 4738.55 FEET TO THE EASTERLY RIGHT-OF-WAY LINE (100.00 FEET FROM CENTERLINE) OF U.S. 41 (TAMIAMI TRAIL); THENCE S 37°45'31" E, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 17.52 FEET; THENCE S 37° 10' 00" E, A DISTANCE OF 955.60 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 50.00 FEET, A DELTA ANGLE OF 91°16'55", A CHORD DISTANCE OF 71.50 FEET AND A CHORD BEARING OF S 82°48'27" E; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 79.66 FEET TO A POINT OF TANGENCY, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD; THENCE N 51° 33'05" E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 261.89 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1292.82 FEET, A DELTA ANGLE OF 15°53'11", A CHORD DISTANCE OF 357.31 FEET AND A CHORD BEARING OF N 59°29'40" E; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 358.46 FEET TO A POINT OF COMPOUND CURVATURE: A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 1175.00 FEET, A DELTA ANGLE OF 26°21'52", A CHORD DISTANCE OF 535.91 FEET, AND A CHORD BEARING OF N 80°37'11" E, THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 540.67 FEET TO A POINT OF TANGENCY; THENCE S 86°11'52" E, A DISTANCE OF 2476.17 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 11,425.00 FEET, A DELTA ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET AND A CHORD BEARING OF S 87°35'02" E; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 552.84 FEET TO THE POINT OF BEGINNING:

LESS AND EXCEPT THE SEABOARD COAST LINE RAILROAD RIGHT-OF-WAY.

PARCEL CONTAINS 314.60 ACRES, MORE OR LESS.

Applicant's Legal Checked
by MM 18 JAN 05

ABBREVIATION LEGEND:

P.R.M. - PERMANENT REFERENCE MONUMENT	C.M. - CONCRETE MONUMENT	EL. - ELEVATION	CONC. - CONCRETE	W.M. - WATER METER
P.O.C. - POINT OF COMMENCEMENT	P.B. - PLAT BOOK	A/C - AIR CONDITIONER	C.L.F. - CHAIN LINK FENCE	F.H. - FIRE HYDRANT
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P.T. - POINT OF TANGENCY	R. - RADIUS	F.F. - FINISHED FLOOR	TELE - TELEPHONE RISER	F.B. - FIELD BOOK
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P.C.P. - PERMANENT CONTROL POINT	Δ - DELTA	C.B.S. - CONCRETE BLOCK STRUCTURE	L.P. - LIGHT POLE	(A) - ACTUAL
P.O.L. - POINT ON LINE	R.P. - RADIUS POINT	(P) - PLAT	P.P. - POWER POLE	NSI - NO SURVEYOR
C.B. - CHORD BEARING	R/W - RIGHT-OF-WAY	(M) - MEASURED	N.G. - NATURAL GROUND	IDENTIFICATION
T.B. - TANGENT BEARING	CL - CENTER LINE	(C) - CALCULATED	SQ. FT. - SQUARE FEET	FND - FOUND
				REC - RECOVERED

CLIENT: WAL-MART
PROJECT NUMBER: W13303
CADD DWG. FILE: SKETCH AND DESCRIPTION.DWG

NOT VALID WITHOUT SHEET 2
SHEET 1 OF 2

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 surveyed under my direction on December 16, 2003. I further certify that this "Sketch and Description" meets the minimum technical standards set forth in rule 61g17-6 of the Florida Administrative Code.

W. C. Elliott, P.S.M.
Professional Surveyor and Mapper
Florida Registration No. 5599

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Planners
Landscape Architects
Surveyors
Construction Management
www.cphengineers.com
500 West Fulton Street, Sanford, FL 32771 P.O. Box 2808, Sanford, FL 32772-2808
Phone: 407.322.6841 Fax: 407.330.0639

Activity	Name	Date
Date of Field Survey:	N/A	N/A
Drawn by:	T.E.D.	12/03
Checked by:	T.J.G.	12/03
Approved by:	W.C.E.	12/03
Certificate of Authorization No. 7143		

SKETCH AND DESCRIPTION
ESTERO GOLF RESORT MPD

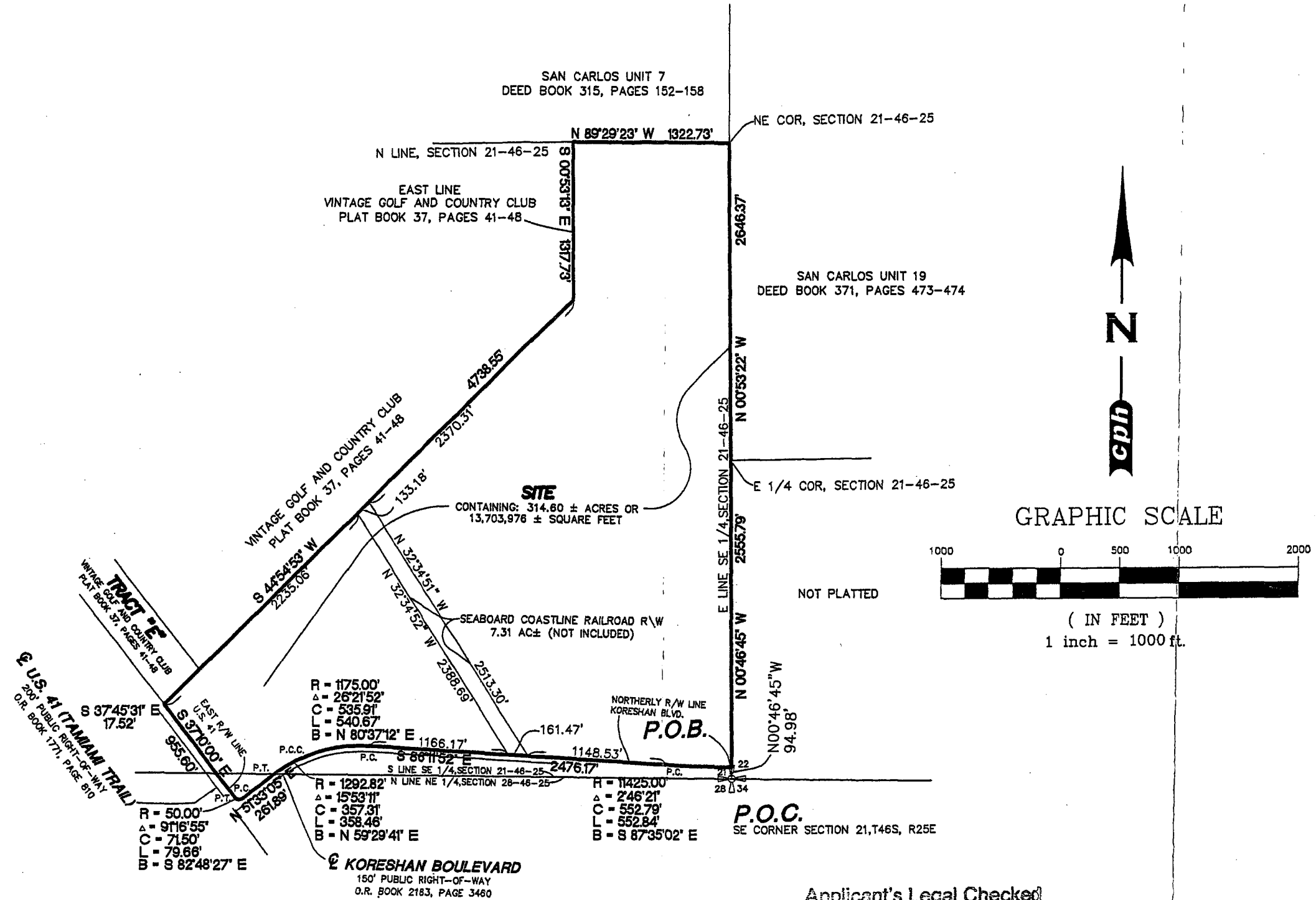
FORT MYERS, LEE COUNTY, FLORIDA

DEC 16 2003

Scale:	N/A
Date:	DEC 2003
Job No.	W13303
File:	SOD.DWG
Sheet 1 of 2	

SKETCH AND DESCRIPTION

LEGAL DESCRIPTION



RECEIVED
JAN 14 2005
ALL
ZONING COUNTER
ADD 2004-0016

Applicant's Legal Checked
by [Signature] 18 JAN 05

NOT VALID WITHOUT SHEET 1
SHEET 2 OF 2

CLIENT: WAL-MART
PROJECT NUMBER: W13303
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FORT MYERS, LEE COUNTY, FLORIDA

Scale:	1" = 1000'
Date:	DEC 2003
Job No.	W13303
File:	SOD.DWG
Sheet	2 of 2

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, US Home Corporation filed an application for administrative approval to a Mixed Use Planned Development on a project known as Osprey Cove within Estero Golf Resort MPD-5) to

1. **allow a reconfiguration of the indigenous preservation areas; and**
2. **deviate from LDC Section 10-415(6) and allow the use of indigenous restoration to count towards the indigenous preservation requirement for the project site; and**
3. **allow a deviation from LDC Section 10-296 (Table 3. Specifications for Privately Maintained Streets) reducing by 12-feet the required 40-foot right-of-way for the closed drainage private access street, resulting in a 28-foot right-of-way for the roadway adjacent to Building #10 spanning 825 linear feet as marked on the Master Concept Plan by two "end of 28' right-of-way" labels); and**
4. **deviate from LDC Section 34-2192, "Setbacks from Streets", which requires a minimum 20-foot setback for structures and buildings, to allow car port structures to be constructed at 0-foot setback from the right-of-way for the private street adjacent to Building #10 (identified by deviation "c" on the Master Concept Plan); and**
5. **deviate from LDC Section 34-2020(3)(d) and allow a 25-foot driveway length for the covered parking spaces in front of Building #10 (identified as deviation "d" on the Master Concept Plan), as measured from the north edge of the pavement of the accessway adjacent to Building #10 to the end of the parking space, therefore reducing by 2-feet the LDC Section's minimum required 27-foot driveway length of parking spaces where vehicles will back directly onto an internal roadway or accessway; and**
6. **utilize LDC Section 34-2017(d) "Reservation of Parking Spaces for Future Use", to leave up to 25 percent of the required residential parking spaces as landscaped areas for future use as paved parking for the multi-family condominium development;**

for property located on the corner of Estero Parkway and US 41, described more particularly as:

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

See Legal Description attached hereto as Attachment "A"

WHEREAS, the property was originally rezoned in case number Z-01-012 (with subsequent amendments in case number DCI2003-00058); and

WHEREAS, required parking spaces for this project are to be considered "high turnover"; and

WHEREAS, the Division of Environmental Sciences staff have reviewed the proposed revisions to the Master Concept Plan including a reconfiguration of the indigenous preservation areas; 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, 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 the Mixed Use Planned Development known as Osprey Cove to

1. allow a reconfiguration of the indigenous preservation areas; and
2. deviate from LDC Section 10-415(6) and allow the use of indigenous restoration to count towards the indigenous preservation requirement for the project site; and
3. allow a deviation from LDC Section 10-296 (Table 3. Specifications for Privately Maintained Streets) reducing by 12-feet the required 40-foot right-of-way for the closed drainage private access street, resulting in a 28-foot right-of-way for the roadway adjacent to Building #10 spanning 825 linear feet as marked on the Master Concept Plan by two "end of 28' right-of-way" labels); and
4. deviate from LDC Section 34-2192, "Setbacks from Streets", which requires a minimum 20-foot setback for structures and buildings, to allow car port structures to be constructed at 0-foot setback from the right-of-way for the

private street adjacent to Building #10 (identified by deviation "c" on the Master Concept Plan); and

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6. utilize LDC Section 34-2017(d) "Reservation of Parking Spaces for Future Use", to leave up to 25 percent of the required residential parking spaces as landscaped areas for future use as paved parking for the multi-family condominium development;

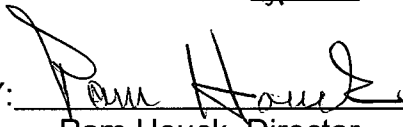
is **APPROVED**, subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, dated July 2004 and stamped "RECEIVED" by the Zoning Counter on October 26, 2004. Master Concept Plan for ADD2004-00167 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
2. **The document titled "Osprey Cove Indigenous Area Exotic Removal and Restoration Plan" (copy is attached hereto as Attachment "C") prepared by WilsonMiller, dated October 13, 2004, and stamped "RECEIVED" by the Zoning Counter on October 26, 2004 is hereby adopted with the following conditions as specified in Environmental Sciences Staff Report dated December 28, 2004 (copy attached hereto as Attachment "B"):**
 - a. **Mechanical removal of invasive exotic vegetation is appropriate within the four upland restoration areas. Only hand removal of invasive exotic vegetation is allowed within the gopher tortoise preserve. See attached plan entitled "Indigenous Preservation, Restoration, and Enhancement" with indigenous areas labeled.**
 - b. **Each acre of upland indigenous restoration must include 200 native trees (minimum 3-gallon container size), 900 native shrubs (minimum 1-gallon container size), and 3,000 native ground cover plants (minimum 1-gallon container size). The upland restoration areas must be mulched with pine straw (minimum 3-inch depth) and have a temporary irrigation system installed (to be removed after 1-year).**

3. Prior to local development order approval, the development order plans must include details to meet the indigenous preservation enhancement included in the adopted "Osprey Cove Indigenous Area Exotic Removal & Restoration Plan" document as conditioned above.
4. A reduction in right-of-way width for roadway adjacent to Building #10 does not create relief from the LDC's required construction standards for the roadway.
5. If Lee County determines that parking is not sufficient for the development, the developer, or current controlling entity of the property, must resurface up to 100 percent of the reserved parking spaces, identified on the Master Concept Plan as deviation "(e)", according to specifications set forth by the Lee County Land Development Code.
6. The terms and conditions of the original zoning resolution remain in full force and effect.

DULY SIGNED this 25th day of January, A.D., 2005.

BY: _____


Pam Houck, Director
Division of Zoning
Department of Community Development

SKETCH AND DESCRIPTION

LEGAL DESCRIPTION

LEGAL DESCRIPTION (AS FURNISHED)

A PARCEL OF LAND 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 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 1317.73 FEET; THENCE S 44°54'53" W, A DISTANCE OF 4738.55 FEET TO THE EASTERLY RIGHT-OF-WAY LINE (100.00 FEET FROM CENTERLINE) OF U.S. 41 (TAMIAMI TRAIL); THENCE S 37°45'31" E, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 17.52 FEET; THENCE S 37° 10' 00" E, A DISTANCE OF 955.60 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 50.00 FEET, A DELTA ANGLE OF 91°16'55", A CHORD DISTANCE OF 71.50 FEET AND A CHORD BEARING OF S 82°48'27" E; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 79.66 FEET TO A POINT OF TANGENCY, SAID POINT BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD; THENCE N 51° 33'05" E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 261.89 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1292.82 FEET, A DELTA ANGLE OF 15°53'11", A CHORD DISTANCE OF 357.31 FEET AND A CHORD BEARING OF N 59°29'40" E; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 358.46 FEET TO A POINT OF COMPOUND CURVATURE; A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 1175.00 FEET, A DELTA ANGLE OF 26°21'52", A CHORD DISTANCE OF 535.91 FEET, AND A CHORD BEARING OF N 80°37'11" E, THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 540.67 FEET TO A POINT OF TANGENCY; THENCE S 86°11'52" E, A DISTANCE OF 2476.17 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 11,425.00 FEET, A DELTA ANGLE OF 02°46'21", A CHORD DISTANCE OF 552.79 FEET AND A CHORD BEARING OF S 87°35'02" E; THENCE ALONG THE ARC OF SAID CURVE, A DISTANCE OF 552.84 FEET TO THE POINT OF BEGINNING:

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Applicant's Legal Checked

by 18 JAN 05

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W. C. Elliott, P.S.M.
Professional Surveyor and Mapper
Florida Registration No. 5599

NOT VALID WITHOUT SHEET 2
SHEET 1 OF 2

ENT: WAL-MART
OBJECT NUMBER: W13303
DD DWG. FILE: SKETCH AND DESCRIPTION.DWG

cph

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Phone: 407.322.6841 Fax: 407.330.0639

Activity	Name	Date
Date of Field Survey:	N/A	N/A
Drawn by:	T.E.D.	12/03
Checked by:	T.J.G.	12/03
Approved by:	W.C.E.	12/03
Certificate of Authorization No. 7143		

SKETCH AND DESCRIPTION
ESTERO GOLF RESORT MPD

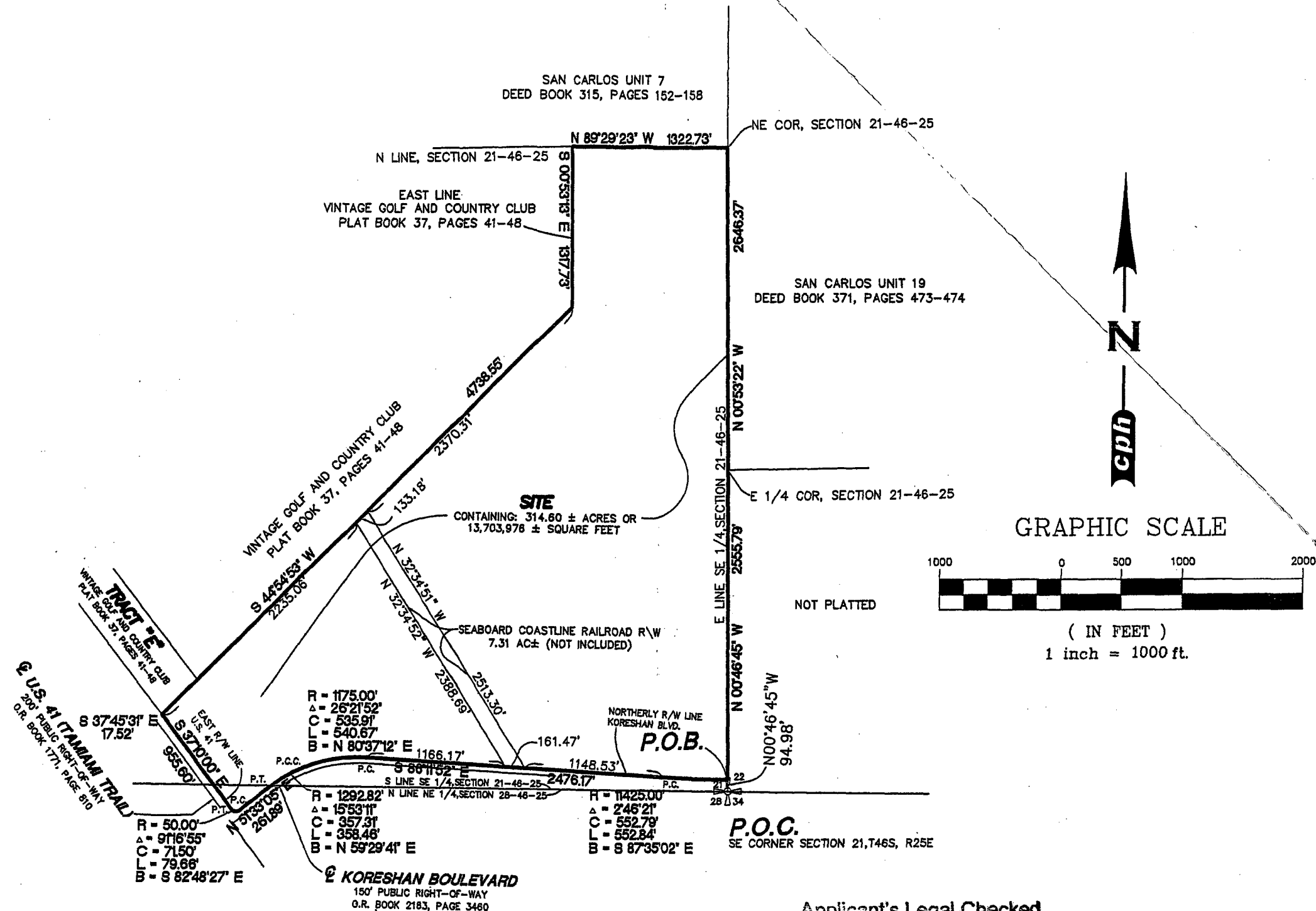
FORT MYERS, LEE COUNTY, FLORIDA

DEC 16 2003

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Sheet 1 of 2	

SKETCH AND DESCRIPTION

LEGAL DESCRIPTION



RECEIVED
JAN 14 2005

ALL
ZONING COUNTER

ADD 2004-0016

AGENT: WAL-MART
PROJECT NUMBER: W13303
DD DWG. FILE: SKETCH AND DESCRIPTION.DWG

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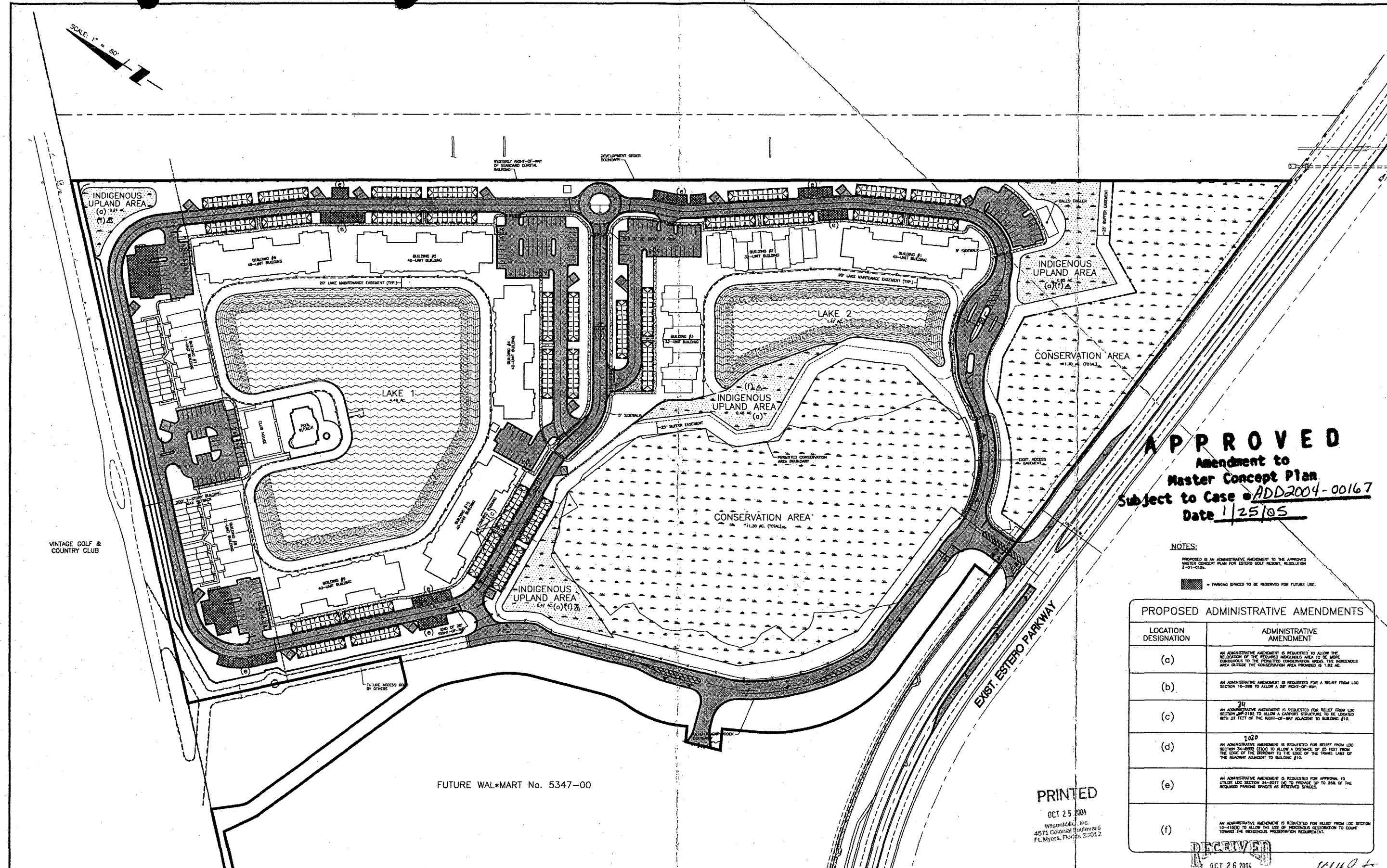
SKETCH AND DESCRIPTION

ESTERO GOLF RESORT MPD

FORT MYERS, LEE COUNTY, FLORIDA

Scale:	1" = 1000'
Date:	DEC 2003
Job No.	W13303
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Sheet 2 of 2	

SCALE: 1" = 80'



APPROVED
Amendment to
Master Concept Plan
Subject to Case #ADD2004-00167
Date 1/25/05

NOTES:
PROPOSED IS AN ADMINISTRATIVE AMENDMENT TO THE APPROVED MASTER CONCEPT PLAN FOR ESTERO GOLF RESORT, RESOLUTION 2-01-01R.
PARKING SPACES TO BE RESERVED FOR FUTURE USE.

PROPOSED ADMINISTRATIVE AMENDMENTS	
LOCATION DESIGNATION	ADMINISTRATIVE AMENDMENT
(a)	AN ADMINISTRATIVE AMENDMENT IS REQUESTED TO ALLOW THE RELAY OF THE REQUIRED MINIMUM AREA TO BE MORE CONTIGUOUS TO THE PERMITTED CONSERVATION AREA. THE INDIGENOUS AREA OUTSIDE THE CONSERVATION AREA PROVIDED IS 1.82 AC.
(b)	AN ADMINISTRATIVE AMENDMENT IS REQUESTED FOR A RELAY FROM LOC SECTION 10-1500 TO ALLOW A 20' RIGHT-OF-WAY.
(c)	34 AN ADMINISTRATIVE AMENDMENT IS REQUESTED FOR RELAY FROM LOC SECTION 34-0000 TO ALLOW A CARPORT STRUCTURE TO BE LOCATED WITHIN 25 FEET OF THE RIGHT-OF-WAY ADJACENT TO BUILDING #10.
(d)	102P AN ADMINISTRATIVE AMENDMENT IS REQUESTED FOR RELAY FROM LOC SECTION 34-0000 (3)(d) TO ALLOW A DISTANCE OF 25 FEET FROM THE EDGE OF THE DRIVEWAY TO THE EDGE OF THE TRAVEL LANE OF THE ROADWAY ADJACENT TO BUILDING #10.
(e)	AN ADMINISTRATIVE AMENDMENT IS REQUESTED FOR APPROVAL TO UTILIZE LOC SECTION 34-0017 (6) TO PROVIDE UP TO 25% OF THE REQUIRED PARKING SPACES AS RESERVED SPACES.
(f)	AN ADMINISTRATIVE AMENDMENT IS REQUESTED FOR RELAY FROM LOC SECTION 10-1500 TO ALLOW THE USE OF INDIGENOUS RESTORATION TO COMPLY WITH THE MINIMUM PRESERVATION REQUIREMENT.

PRINTED
OCT 25 2004
WilsonMiller, Inc.
4571 Colonial Boulevard
Ft. Myers, Florida 33912

1. REVISED PER ADDED AMENDMENT REQUEST		DATE: 10/15/04	DESIGNED BY: E.A.F./1313	DATE: JULY 2004	CLIENT: U.S. HOME CORPORATION	DATE: JULY 2004	TITLE: ZONING COUNTER ADMINISTRATIVE AMENDMENT/ DEVIATION EXHIBIT
2. REVISED PER ADDED AMENDMENT REQUEST		DATE: 10/15/04	DRAWN BY: S.C.F./1753	DATE: JULY 2004	PROJECT: OSPREY COVE	DATE: JULY 2004	PROJECT NUMBER: 04505-002-001
3. REVISED PER ADDED AMENDMENT REQUEST		DATE: 10/15/04	CHECKED BY: S.C.F./1753	DATE: JULY 2004	PROJECT: OSPREY COVE	DATE: JULY 2004	PROJECT NUMBER: 04505-002-001
4. REVISED PER ADDED AMENDMENT REQUEST		DATE: 10/15/04	CONTRACT ADMIN. BY: WM APPROVED BY:	DATE: JULY 2004	PROJECT: OSPREY COVE	DATE: JULY 2004	PROJECT NUMBER: 04505-002-001

WilsonMiller
Planners • Engineers • Ecologists • Surveyors • Landscape Architects • Transportation Consultants

RECEIVED
OCT 26 2004

10/25/04
ELIZABETH A. FONTANA
LICENSE # 69077
SHEET NUMBER: 21 of 22

ADD 2004-00167

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: December 28, 2004

To: Fred Drovdlie, Senior Planner

From: Kim Trebatoski, Principal Environmental Planner

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E-mail: trebatkm@leegov.com

Project: Osprey Cove

Case: ADD2004-00167

STRAP: 21-46-25-00-00001.0020

The Division of Environmental Sciences staff have reviewed the proposed revisions to the Master Concept Plan including a reconfiguration of the indigenous preservation areas. A field inspection was conducted with WilsonMiller. The information submitted within the document entitled "Osprey Cove Indigenous Area Exotic Removal & Restoration Plan" prepared by WilsonMiller dated October 13, 2004, and stamped received October 26, 2004 accurately summarizes the discussions conducted onsite. However, the proposed number and sizes of plants within the upland restoration areas needs to be slightly adjusted. ES staff have found that plants in containers less than 1-gallon in size have a low survival rate. The proposed revision to indigenous preservation areas provide more contiguous preserve areas, therefore, Environmental Sciences staff recommend APPROVAL with CONDITIONS as follows:

The document entitled "Osprey Cove Indigenous Area Exotic Removal & Restoration Plan" prepared by WilsonMiller dated October 13, 2004, and stamped received October 26, 2004 (attached), is hereby adopted with the following conditions:

Mechanical removal of invasive exotic vegetation is appropriate within the four upland restoration areas. Only hand removal of invasive exotic vegetation is allowed within the gopher tortoise preserve. See attached plan entitled "Indigenous Preservation, Restoration, and Enhancement" with indigenous areas labeled.

Each acre of upland indigenous restoration must include 200 native trees (minimum 3-gallon container size), 900 native shrubs (minimum 1-gallon container size), and 3,000 native ground cover plants (minimum 1-gallon container size). The upland restoration areas must be mulched with pine straw (minimum 3-inch depth) and have a temporary irrigation system installed (to be removed after 1-year).

Prior to local development order approval, the development order plans must include details to meet the indigenous preservation enhancement included in the adopted "Osprey Cove Indigenous Area Exotic Removal & Restoration Plan" document as conditioned above.



New Directions In Planning, Design & Engineering

ATTACHMENT C

Osprey Cove
Indigenous Area Exotic Removal & Restoration Plan

Prepared For:

U.S. HOME CORPORATION
10481 SIX MILE CYPRESS PARKWAY
SUITE 101
FORT MYERS, FLORIDA 33912

Prepared By:

WILSONMILLER, INC.
4571 COLONIAL BOULEVARD
FORT MYERS, FLORIDA 33912-1062

October 13, 2004

Craig D. Schmittler, M.S., P.W.S.
Environmental Consultant III

Karen M. Johnson
Project Manager

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Exhibits

EXHIBIT A – Conservation and Indigenous Areas Location Map for Osprey Cove

1. INTRODUCTION

This document serves to describe in detail the proposed components of the Indigenous Area Restoration and Management Plan for the Osprey Cove Development Site ("Project Site"). Also included are the details of the exotic removal methodologies to be used throughout the property (including the indigenous areas and the conservation areas). The project site is a 40-acre proposed residential community located north of Estero Boulevard and east of US 41 in Section 21, Township 46, Range 25 East, Lee County, Florida. Land management activities will primarily consist of exotic pest plant removal with associated native plant restoration, and enhancement of wildlife habitat. This document provides a detailed description of exotic pest plant removal & control, native plant restoration, wildlife habitat enhancement, and the indigenous habitat restoration measures planned for the project site. The proposed monitoring and maintenance activities and schedule, as well as the success criteria for the conservation areas and indigenous habitats are also provided in this document.

2. EXOTIC REMOVAL

2.1. Initial Eradication of Exotic Vegetation

The initial eradication of exotics in natural acres has two levels of effort:

Level 1: Hand removal of exotics in areas of critical wildlife habitat, indigenous habitat preservation areas or in areas containing <50% exotics - limited mechanized clearing.

Level 2: Mechanized removal of exotics in areas with no critical wildlife species present, limited or no indigenous plant species remaining or containing >50% exotics.

For the purpose of the following discussion, exotic species include those currently listed (defined) by the Florida Exotic Pest Plant Council. Nuisance species will include any invasive native plant species deemed undesirable due to aggressive growth or competitive effects. Of the exotic species, punk trees (*Melaleuca quinquenervia*) downy rose myrtle (*Rhodomyrtus tomentosus*) and Brazilian pepper (*Schinus terebinthifolius*) are the dominant species present on the property.

Level 1 Enhancement Areas: Level 1 enhancement will occur in areas with <50% cover by exotic or nuisance species. Exotic eradication (melaleuca, downy rose myrtle and Brazilian pepper) will be accomplished via hand removal; no mechanized clearing or use of heavy equipment will occur within these areas. Hand removal exotic clearing methods will include the use of implements such as chain saws, axes, and machetes to cut down exotic vegetation. This method allows for use of vehicles such as trucks and trailers, and chippers to process the debris.

Exotic plants within the conservation preserve areas will be cut down and removed from these mitigation areas. The stumps of these cut plants will be chemically treated with an appropriate herbicide immediately following, but no longer than 15 minutes of cutting. Debris generated during this phase of removal will be temporarily stockpiled in adjacent upland areas for later burning, chipping/spreading, or transport off-site for disposal. Where chipping is utilized, large mounds of chipped materials would either be removed or spread out so as to not inhibit development of desirable groundcover.

Only EPA-approved herbicides will be utilized and a visual tracer dye will be added if not already contained in the specific herbicide mixture to assure complete coverage and treatment of all cut vegetation. All herbicides will be applied in accordance with label specifications. Such applications will be conducted by or under the direction of an appropriately licensed applicator. Felled material that is not removed from the interior of conservation areas will be handled in general accordance with the SFWMD publication "*Draft Guidelines for Melaleuca Removal*" dated 9/14/98.

Although plantings will not be required, and are not anticipated to be needed in Level 1 enhancement areas under the proposed land management plan, the Applicant reserves the right to supplemental plantings of suitable native tree, shrub, or groundcover plant species in Level 1 enhancement areas in order to improve visual aesthetics and/or enhance habitat quality.

Level 2 Enhancement Areas: Level 2 enhancement will occur in areas with substantial invasion (>50%) by exotic or nuisance species (primarily melaleuca, downy rose myrtle and Brazilian pepper). Eradication methods in Level 2 areas will be via mechanized clearing using heavy machinery (e.g., front end loaders, trucks, hydro-axes, feller-bunchers, etc.). Level 1 enhancement methods could also be employed in areas designated as Level 2 where exotic infestations are >50% but where the use of mechanized clearing methods could adversely affect the remaining desirable plant assemblages. Mechanized equipment within the enhancement areas would be limited to rubber tire or rubber track tractors to minimize impacts to the ground surface. In order to accomplish this goal, such operations will be conducted when there is no standing water (i.e., during the dry season or during portions of the wet season when water levels are below ground).

Prior to initial exotic eradication, the limits of areas to be mechanically cleared will be marked with ropes, stakes, survey flagging, silt screens, enviro-fencing or a combination of these to avoid intrusion into adjacent areas. Machinery/vehicle ingress and egress routes (corridors) will be similarly marked. The protective barriers will remain in place and will be appropriately maintained until the use of mechanized equipment is completed. In addition, ecologists will be present periodically during the clearing operations to provide additional assurances that minimal desirable vegetation is removed and the conservation/indigenous areas are not disturbed during these clearing activities.

2.2. Maintenance of Exotic Vegetation

Natural areas will be maintained to suppress growth or re-infestation of exotic/nuisance species and to prevent reinfestation of these undesirable species. Ongoing (perpetual) control of exotic/nuisance species will be accomplished by direct herbicide applications, physical uprooting, or any combination of these methods. Ongoing exotic maintenance removal will consist solely of hand-removal; no heavy equipment will be operated within conservation areas. The management goals for Osprey Cove will be to control exotic and nuisance plants such that mitigation areas are: (a) exotic-free immediately following maintenance activities, and (b) exotic and nuisance plants constitute an average of no more than five (5) percent of the dominant vegetation.

Exotic plant control will occur on a semi-annual basis or as needed for the first 2 to 3 years following initial eradication efforts. Maintenance events may be conducted more frequently if field observations during the annual monitoring events identify exotic/nuisance infestations. The estimated schedule for construction, maintenance and monitoring events is provided in Section 6.0 below.

3. RESTORATION AND ENHANCEMENT OF INDIGENOUS AREAS - WILDLIFE HABITAT

It is anticipated that all four (4) proposed indigenous areas will require Level 2 enhancement methods (mechanical removal) for the initial eradication of the nuisance and exotic vegetation. These areas will then require supplemental planting and restoration efforts following the initial exotic eradication. At this time it is anticipated that virtually all of the indigenous areas will be re-planted to create upland forested communities. However, it is likely that some of the upland buffer included in the natural vegetation areas will also benefit from these plantings.

Table 1 below provides a list potential native species to be planted in upland forest habitats. No plant species included in the *Florida Exotic Pest Plant Council, 1999 List of Florida's Most Invasive Species* will be planted as part of the restoration. Specific species planted will depend on site conditions and market availability of the plant material at the time needed for installation. Planting densities are expected to vary depending on the degree of exotic infestation and the amount of viable native vegetation remaining following initial eradication of exotics. In worst-case situations (little remaining native vegetation), it is anticipated that trees will be planted on an average of 15-foot centers, subcanopy/shrub species on average 7-foot centers, and ground cover on 3-foot centers. Planted trees will be a minimum of 4 to 6 feet in height, with some of the trees being 6 to 8 feet in height or taller and 3 gallons in size. Shrub specimens will be a minimum of 24 inches in height and 1-gallon in size. Ground cover will be bare-root or containerized stock, as available. All plantings will be made in staggered rows, using the specified spacing as per plant type. This will decrease the time necessary to achieve the desired coverage in the replanted indigenous/conservation areas. Although not required, larger stock than specified above, to be planted at a reduced density, may be used to accelerate the enhancement process.

Restoration:

1 acre = 4,840

1 gal container plants

582

1,471 1 gal shrubs

194 trees x 3 = 582
4,840 groundcover
889 shrubs

Area Proposed

Table 1 - Plant Species to be used in Indigenous Area Restoration

Common Name	Scientific Name
Saw Palmetto	<i>Serenoa repens</i>
Slash Pine	<i>Pinus elliotii</i>
Cabbage Palm	<i>Sabal palmetto</i>
Laurel Oak	<i>Quercus Laurifolia</i>
Pineland Three-Awn Grass	<i>Aristida Stricta</i>
Wax Myrtle	<i>Myrica cerifera</i>
Myrsine	<i>Rapanea punctata</i>
Shiny Blueberry	<i>Vaccinium myrsinites</i>
Goobergrass	<i>Amphicarpum muhlenbergianum</i>
Rusty Lyonia	<i>Lyonia ferruginea</i>
Beauty Berry	<i>Callicarpa americana</i>
Gulf muhly	<i>Muhlenbergia capillaris</i>
Creeping bluestem	<i>Schizachyrium stoloniferum</i>
Sand cordgrass	<i>Spartina bakeri</i>
Red root	<i>Lachnanthes caroliniana</i>
Wild cocoa	<i>Eulophia alta</i>
Bluestems	<i>Andropogon spp.</i>
Coco plum	<i>Chrysobalanus icaco</i>
Carpet grass	<i>Axonopus compressus</i>

Supplemental plantings in the previously cleared and replanted areas will be conducted as necessary when and where survivorship, density, and/or percent cover goals specified in the permit are not achieved. The need for such re-plantings will typically be assessed on an annual basis during the annual monitoring events. Conservation Area management / maintenance activities will include removal of dead, dying, or diseased plants (both planted and existing plants) as deemed necessary.

3.1. MANAGEMENT OF WILDLIFE HABITAT

Natural areas will be managed to enhance wildlife habitat. Specific management activities will include the measures described in the following paragraphs.

Conservation areas will be managed (semi-annually the first year, annually for five years, and as needed thereafter) to maintain exotic/nuisance plant species at <5% of total coverage. Ongoing control of undesirable species will be via directed herbicide applications, physical uprooting, or a combination of these methods. Maintenance will consist solely of hand-removal; no heavy equipment will be operated within conservation areas, except during the initial exotic removal.

Planting of desirable native trees will occur within the natural areas. Following initial eradication of exotic plants within the natural areas, planting of native tree species will occur as indicated in Section 3.0 above. Table 1 lists potential species that may be

planted. The specific species planted will depend on site conditions and market availability of plant material. The density of plantings and stock used will depend on site conditions. Re-planting would be conducted if the mortality of planted vegetation is deemed excessively high.

Prescribed burns will be conducted within the natural areas where feasible. Such burns may be conducted to remove accumulated un-decomposed organic matter ("duff") thereby promoting new plant growth, to reduce fuel loading which could minimize the potential adverse effects of un-controlled fires, and to thin-out ground cover and subcanopy vegetation. The burns would be performed on an "as needed" basis, and would be coordinated with the appropriate agencies.

The dead trees and snags (standing dead trees) on the site will be retained where feasible. Dead trees and snags provide food, safe nesting sites in the form of cavities and platforms, roosting and denning sites, hunting perches, display stations, and foraging sites for a wide variety of species. Many species, such as woodpeckers, forage for invertebrates in dead and dying trees. Woodpeckers, chickadees, tufted titmice, and eastern bluebirds are a few types of birds that nest in snag cavities. Birds of prey, such as the bald eagle and osprey, and insectivores, such as hawking flycatchers, use the branches of a snag as perches. Dead trees also serve an important role in replenishing the soil as they decompose.

Any trash or debris in the natural areas will be removed. The removal of the trash and debris will help to enhance the natural areas of the site.

4. NATURAL AREAS MONITORING

4.1. Field Monitoring Methodology

A monitoring transect will be established through the preserved wetland and the preserved upland to monitor the development and survival of the natural vegetation areas. In addition, each indigenous area will have a monitoring station with a fixed-point photo station located so the survival and success of each area can be documented through the photos taken during the annual monitoring events. At the time of baseline monitoring, the specific location and length of qualitative and quantitative transects will be established such that they maximize the collection of pertinent data.

Qualitative data regarding the success of the wetland enhancement efforts will be collected from at least two observation stations along each transect. Qualitative data to be collected will include plant species composition in each vegetative stratum, estimated percent cover by exotic/nuisance species, and general condition of native vegetation. General information on wetland hydrology (e.g., water depth, areal extent of inundation, degree of soil saturation, etc.) will also be recorded during each monitoring event. Two

(2) photostations will be established along each transect. The photostations, end points of each transect, will be adequately marked in the field for reliable location from one monitoring event to another.

The transects will serve as quantitative sampling points from which data is collected on planting survivorship and percent cover by exotic/nuisance species. Quantitative transects will be situated at permanent locations and will be employed to gather the following data:

- ★ For transects in Level 1 enhancement areas, sampling plots will be established at roughly equally spaced increments along each transect (minimum 4 plots per transect). Each sampling plot will be approximately 5 meters by 5 meters or larger in size. Parameters measured in each plot will include average percent cover by exotic species and average percent cover by nuisance species. Data from all sampling plots along a transect will be averaged for reporting.
- ★ For transects in Level 2 enhancement areas, additional sampling quadrats will be established (minimum of 3). Each sampling quadrat will be approximately 2 meters by 2 meters in size. Parameters measured in each quadrat will include average percent cover in the groundcover stratum by non-nuisance native species, by exotic species, and by nuisance species. Data from these sampling quadrats will be averaged for reporting.
- ★ For transects in Level 2 enhancement areas that pass through intensive exotic eradication areas that have been replanted with native trees and shrubs, estimates of the average percent survival of planted trees and shrubs will be made. These data will be gathered from a "belt" established along a given transect where it passes through the planted area (e.g., belt transect sampling method). A belt will have a minimum width of approximately 30 feet along the transect's length. If the belt transect sampling approach does not appear viable in a given area, estimates of tree and shrub survival will be made by taking a random sample of the planted area.

4.2. Monitoring Events and Reports

Monitoring the success of exotic pest plant control, native plant restoration, enhancement of wildlife habitat, and restoration of appropriate hydrology will consist of one (1) baseline monitoring event, one (1) time-zero monitoring event, and annual monitoring events for 5 years thereafter. Baseline monitoring will document existing conditions on the property following the exotic removal, but prior to the initial planting. Time-zero monitoring will be conducted immediately after the installation of the planting of Level 2 enhancement areas is complete. The annual monitoring event will document changes from the baseline conditions as well as the success of the exotic eradication program at annual intervals following the completion of initial eradication. The proposed schedule for monitoring events is provided below.

Monitoring reports will be submitted within 45 days following the completion of monitoring and will provide the following information:

- ★ Brief description of maintenance work performed since the previous report along with discussion of any other significant occurrences.
- ★ Brief description of anticipated maintenance work to be conducted prior to the next monitoring event.
- ★ Monthly water level data collected during the wet season from piezometers within preserved wetlands.
- ★ A summary of the results of qualitative and/or quantitative monitoring.
- ★ Information on wildlife species observed.
- ★ Photographs documenting conditions in mitigation areas at the time of monitoring.
- ★ A plan view drawing of the preserve areas showing monitoring stations and photo stations.
- ★ An assessment that summarizes data, observations, and actions recommended to achieve success.

5. NATURAL AREAS SUCCESS CRITERIA

5.1. Level 1 Enhancement Areas

The following success criteria will apply to the Level 1 enhancement areas:

- ★ Completion of initial eradication of exotic and nuisance plant species.
- ★ Completion of necessary maintenance such that: a) the conservation/indigenous area is exotic-free immediately following maintenance activities, and b) exotic and nuisance plants constitute an average of no more than five (5) percent of the groundcover, midstory, and canopy strata combined at the end of the fifth year following the completion of initial exotic eradication.

5.2. Level 2 Enhancement Areas

The following success criteria will apply to the Level 2 enhancement areas:

- ★ Completion of initial eradication of exotic and nuisance plant species.
- ★ Completion of initial planting of native trees, shrubs and ground cover in areas with minimal native vegetation following initial exotic eradication.
- ★ Completion of necessary maintenance such that: a) the conservation/indigenous area is exotic-free immediately following maintenance activities, and b) exotic and nuisance plants constitute an average of no more than five (5) percent of the

groundcover, midstory, and canopy strata combined at the end of the fifth year following the completion of initial exotic eradication.

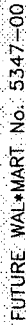
- ★ Within approximately 3 years of the completion of initial plantings, at least an average 60% ground cover by desirable native plant species (e.g., non-nuisance plants). Thereafter, maintain at least this much cover by desirable native plants.
- ★ One year following initial planting of trees and shrubs or replanting of trees and shrubs, maintain a minimum average survival rate of 80 percent for these plantings.

6. MONITORING AND MAINTENANCE SCHEDULE

Table 3 displays the proposed schedule for the Osprey Cove development. The permittee shall retain the ability to modify this monitoring program and monitoring schedule should it become necessary to make the program/schedule consistent with the progression of development, with monitoring requirements of other government agencies, or to improve the information provided by the monitoring program.

Table 2 - Monitoring And Maintenance Schedule for Osprey Cove

Task	Date
Initiate Construction / Exotic Removal	October 2004
Installation of Gopher Tortoise Fencing	October 2004
Exotic Eradication in Upland Conservation Area #1	November 2004
Relocation of Gopher Tortoises	November 2004
Completion of Exotic Removal on Site	February 2005
Replanting of Indigenous Areas and Level 2 Exotic Removal Areas	June 2005
Time Zero Monitoring (Conservation and Indigenous Areas)	June 2005
Exotic/Nuisance Species Maintenance	June 2005
Exotic/Nuisance Species Maintenance	December 2005
1 st Annual Monitoring	June 2006
Exotic/Nuisance Species Maintenance	June 2006
Exotic/Nuisance Species Maintenance	December 2006
2 nd Annual Monitoring	June 2007
Exotic/Nuisance Species Maintenance	June 2007
3 rd Annual Monitoring	June 2008
4 th Annual Monitoring	June 2009
5 th Annual Monitoring	June 2010
NOTES: Monitoring Reports will be submitted within 45 days of completion of field monitoring.	



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1	REVISED PER AMENDMENT REQUEST	10/15/04	DESIGNED BY:	E.A.F./13/13	JULY 2004	INITIALS/DATE	DATE	SCALE	PROJECT NUMBER	DATE	PROJECT NAME	PROJECT NUMBER
2	BY:	10/15/04	DRAWN BY:	S.C.F./17/13	JULY 2004			1" = 60'	1045-002-001	10/29/04	ADMINISTRATIVE AMENDMENT / DEVIATION EXHIBIT	D-4505-01
3	CHECKED BY:		CHECKED BY:					N/A		10/29/04		1045-002-001
4	CONTRACT ADMIN. BY:		CONTRACT ADMIN. BY:							10/29/04		1045-002-001
5	WMA APPROVED BY:		WMA APPROVED BY:							10/29/04		1045-002-001
6	DATE	10/15/04	DATE	10/15/04	10/15/04					10/29/04		1045-002-001
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61	DATE	10/15/04	DATE	10/15/04	10/15/04					10/29/04		1045-002-001
62	BY	10/15/04	BY	10/15/04	10/15/04					10/29/04		1045-002-001
63	DATE	10/15/04	DATE	10/15/04	10/15/04					10/29/04		1045-002-001
64	BY	10/15/04	BY	10/15/04	10/15/04					10/29/04		1045-002-001
65	DATE	10/15/04	DATE	10/15/04	10/15/04					10/29/04		1045-002-001
66	BY	10/15/04	BY	10/15/04	10/15/04					10/29/04		1045-002-001
67	DATE	10/15/04	DATE	10/15/04	10/15/04					10/29/04		1045-002-001
68	BY	10/15/04	BY	10/15/04	10/15/04					10/29/04		1045-002-001
69	DATE	10/15/04	DATE	10/15/04	10/15/04					10/29/04		1045-002-001
70	BY	10/15/04	BY	10/15/04	10/15/04					10/29/04		1045-002-001
71	DATE	10/15/04	DATE	10/15/04	10/15/04					10/29/04		1045-002-001
72	BY	10/15/04	BY	10/15/04	10/15/04					10/29/04		1045-002-001
73	DATE	10/15/04	DATE	10/15/04	10/15/04					10/29/04		1045-002-001
74	BY	10/15/04	BY	10/15/04	10/15/04					10/29/04		1045-002-001
75	DATE	10/15/04	DATE	10/15/04	10/15/04					10/29/04		1045-002-001
76	BY	10/15/04	BY	10/15/04	10/15/04					10/29/04		1045-002-001
77	DATE	10/15/04	DATE	10/15/04	10/15/04					10/29/04		1045-002-001
78	BY	10/15/04	BY	10/15/04	10/15/04					10/29/04		1045-002-001
79	DATE	10/15/04	DATE	10/15/04	10/15/04					10/29/04		1045-002-001
80	BY	10/15/04	BY	10/15/04	10/15/04					10/29/04		1045-002-001
81	DATE	10/15/04	DATE	10/15/04	10/15/04					10/29/04		1045-002-001
82	BY	10/15/04	BY	10/15/04	10/15/04					10/29/04		1045-002-001
83	DATE	10/15/04	DATE	10/15/04	10/15/04					10/29/04		1045-002-001
84	BY	10/15/04	BY	10/15/04	10/15/04					10/29/04		1045-002-001
85	DATE	10/15/04	DATE	10/15/04	10/15/04					10/29/04		1045-002-001
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87	DATE	10/15/04	DATE	10/15/04	10/15/04					10/29/04		1045-002-001
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91	DATE	10/15/04	DATE	10/15/04	10/15/04					10/29/04		1045-002-001
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94	BY	10/15/04	BY	10/15/04	10/15/04					10/29/04		1045-002-001
95	DATE	10/15/04	DATE	10/15/04	10/15/04					10/29/04		1045-002-001
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98	BY	10/15/04	BY	10/15/04	10/15/04					10/29/04		1045-002-001
99	DATE	10/15/04	DATE	10/15/04	10/15/04					10/29/04		1045-002-001
100	BY	10/15/04	BY	10/15/04	10/15/04					10/29/04		1045-002-001

ADD 2004-00167

October 25, 2004

Mr. Joshua Philpott
Planner
Department of Community Development - Zoning
1500 Monroe Street
Fort Myers, FL 33902

**Re: Osprey Cove: Administrative Amendment Application Submittal
REVISED Written Explanation of Amendment Requests**

Request (a) Relocation of indigenous preserve area

The applicant requests to relocate isolated indigenous upland areas per the PD mater plan to create a larger more contiguous permitted conservation area where space was available. Furthermore, the vegetation located within the isolated indigenous preserve in question was destroyed by fire. Per the revised plan, a majority of the indigenous preserve area will be located adjacent to the wetland conservation areas required by South Florida Water Management District to create larger overall preserves and increased upland buffer.

Request (b) Reduced ROW Width for 875 LF Of Roadway

The applicant request relief from Lee County LDC Section 10-296 (street design and construction standards) to allow a 28 feet right-of-way with a closed drainage system. Since the project exceeds the 100 units per access point regulation by 9 units per entrance, a separate right-of-way needs to be provided to achieve the required access points for the length of roadway in front of 1 building. The regulation states that a right-of-way width of a minimum of 40 feet shall be provided. However, 40 feet is unattainable due to the confinements of the site with the permitted conservation areas and the proposed site plan. The maximum width that can be provided is a 28 feet right-of-way. Relief of this requirement is requested for 825 LF or roadway adjacent to building #10.

Request (c) Reduce setback for carport along roadway adjacent to building #10

The applicant request relief from Lee County LDC Section 21-2192 (street setbacks) to allow a carport structure to be located within 22 feet of the right-of-way. This amendment request applies to the proposed 28 feet right-of-way as shown on the enclosed exhibit. Due to the confinements of the site and conservation areas, the proposed carports must be located within 22 feet of the right-of-way. Relief of this requirement is requested only for the roadway adjacent to building #10.

Request (d) Reduced parking depth along roadway adjacent to building #10

The applicant request relief from Lee County LDC Section 34-2002 (3) (d) (required spaces) to allow a distance of 25 feet from the edge of driveway to the edge of the travel lane for backing out distance. The minimum of 27 feet was provided on the south side of the right-of-way, but

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Fort Myers Office 4571 Colonial Boulevard • Fort Myers, Florida 33912 • 239.939.1020 • Fax 239.939.7479

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due to the constraints of the site, a maximum of 25 feet was achieved on the north side. Relief of this requirement is requested only for the roadway adjacent to building #10.

Request (e) Reduce amount of onstreet parking and increase green space

The applicant request approval to utilize Lee County Section 34-2017 (d), which allows the provision of up to 25% of the required parking spaces to be shown as reserved parking spaces. The reserved parking spaces shall be left as open area without any structures located within the same area. Due to the proposed units being condominiums, some of the parking spaces could be classified as "high-turnover" spaces. When the need for more paved parking spaces becomes apparent, the Property Owner's Association will make the determination and have the necessary parking spaces paved. Language will be incorporated into the Property Owner's Association Documents which will indicate that when needed, the Association will obtain the necessary authorization from Lee County to have the reserved parking spaces paved as shown on the approved development plans.

Request (F) Allow Use of Indigenous Restoration to Count Toward Indigenous Preservation Requirement

The applicant requests to allow the use of the proposed indigenous restoration to count toward the indigenous preservation requirement for the project site. Enclosed is the "Osprey Cove Indigenous Area Exotic Removal & Restoration Plan" which describes the proposed components of the restoration plan. This document specifically details the description of the exotic pest and plant removal, native plant restoration, wildlife habitat enhancement, and the indigenous habitat restoration measures. Furthermore, since much of the vegetation located within the isolated indigenous preserve in question was destroyed by fire, the use of the indigenous restoration provides the opportunity to restore the vegetation in areas closer to the natural conservation areas and be able to maintain and preserve it more efficiently.

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LEE COUNTY

APPLICATION FOR ADMINISTRATIVE ACTION

APPLICATION FOR:

- ☐ Administrative Variance (attach Supplement A)
☐ Commercial Lot Split (attach Supplement B)
☐ Consumption on Premises (attach Supplement C)
☐ Minimum Use Determination (attach Supplement D)
☐ Ordinance Interpretation (attach Supplement A)
☐ Relief for Designation Historic Resource (attach Supplement F)
☐ Relief for Easement Encroachment (attach Supplement G)
☒ Administrative Amendment PUD or PD (attach Supplement H)
☐ Administrative Deviation from Chapter 10 (attach Supplement I)
☐ Placement of Model Home/Unit or Model Display Center (attach Supplement J)
☐ Dock & Shoreline Structures (attach Supplement K)
☐ Wireless Communication Facility (attach Supplement M and Shared Use Plan Agreement)

☐ Final Plan Approval per Resolution # _____

Applicant's Name: US Home Corporation Phone #: 239-278-1177

Project Name: Osprey Cove (within Estero Golf Resort MPD-5)

STRAP Number: 21-46-25-00-00001.0020

STAFF USE ONLY

Case Number: _____ Commission District: _____

Current Zoning: _____ Fee Amount: _____

Land Use Classification: _____ Intake by: _____

Planning Community: _____

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585

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PART I - GENERAL INFORMATION

1. APPLICANT'S NAME: US Home Corporation (Frank Reynolds)

Mailing Address:

Street: 10491 Six Mile Cypress Pkwy.

City: Fort Myers

State: FL

Zip: 33912

Phone Number: Area Code: 239 Number: 278-1177

Ext. _____

Fax Number: Area Code: 239 Number: 278-0883

E-mail Frank.Reynolds@Lennar.com

2. Relationship of applicant to property*:

____ Owner

____ Trustee

____ Option holder

X

____ Contract Purchaser

____ Lessee

____ Other (indicate) _____

Applicant must submit an Affidavit that he is the authorized representative of the owner [see Part I (attached) and please complete the appropriate Affidavit form (A1 or A2) to the type of applicant].

3. AGENT'S NAME(S): (Use additional sheets if necessary): WilsonMiller, Inc.

Mailing Address:

Street: 4571 Colonial Boulevard

City: _____

State: FL

Zip: 33912

Contact Person: Elizabeth Fountain, P.E.

Phone Number: Area Code: 239 Number: 939-1020

Ext. 212

Fax Number: Area Code: 239 Number: 939-7479

E-mail elizabethfountain@wilsonmiller.com

4. 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)

____ Ordinance Interpretation (requires supplement E)

____ Relief for Designated Historic Resources (requires supplement F)

____ Easement Encroachment for Eaves (requires supplement G)

X Administrative Amendment to a PUD or Planned Development (requires supplement H)

____ Administrative Deviation from Chapter 10 of the LDC (requires supplement I)

____ Placement of Model Home/Unit or Model Display Center (required supplement J)

____ Dock & Shoreline Structure (requires supplement K)

____ Wireless Communication Facility (requires supplement M and Shared Use Plan Agreement)

____ Final Plan Approval (no supplement)

5. NATURE OF REQUEST (please print): This amendment proposed to adjust the location of the indigenous areas to be relocated contiguous to the permitted conversation areas. The amount of indigenous area remains consistent with the approved master concept plan. This amendment request relief from Section 10-296 (street design & construction standards) to allow a 28' right-of-way. This amendment requests relief from Section 21-2192 (street setbacks) to allow a carport structure to be located within 22 feet of the right-of-way. This amendment request relief from Section 34-2002(3)(d) (required spaces) to allow a distance of 25 feet from the edge of driveway to the edge of the travel lane of the street for backing out distance. This amendment also request approval to utilize Section 34-2017(d) to provide up to 25% of the required spaces as reserved spaces. This amendment request relief from LDC Section 10-415(b) to allow the use of indigenous restoration to count toward the indigenous preservation requirement.

PART II - PROPERTY INFORMATION

Is this request specific to a particular tract of land? ___ NO X YES. If the answer is yes, please complete the following:

1. Is this action being requested as a result of a violation notice? X NO ___ YES.

a. If yes, date of notice: _____

b. Specific nature of violation: _____

2. Name of owner of property: US Home Corporation

Mailing Address: Street: 1049 Six Mile Cypress Parkway

City: Fort Myers State: FL Zip: 33901

Phone Number: Area Code: 239 Number: 278-1177 Ext.: _____

Fax Number: Area Code: 239 Number: 278-0883

3. Legal Description: Is property within a platted subdivision recorded in the official Plat Books of Lee County?

X NO. Attach a legible copy of the metes and bounds property description and boundary survey (10 acres or more) or certified sketch of description (less than 10 acres) meeting the minimum technical standards set out in chapter 61G 17-6.006, Florida Administrative Code.

___ YES. Property is identified as:

Subdivision Name: _____

Plat Book _____ Page _____ Unit _____ Block _____ Lot _____

4. STRAP NUMBER: 21-46-25-00-00001.0020

5. Property Dimensions:

Area: _____ square feet or 42.75 acres.

Width along roadway: 1,000 feet.

Depth: 1,862 feet.

6. Property Street Address: Estero Blvd. (aka Koreshan Pkwy) and US 41 (Northeast corner)

7. General Location Of Property: Estero Blvd. (aka Koreshan Pkwy) and US 41 (Northeast corner)

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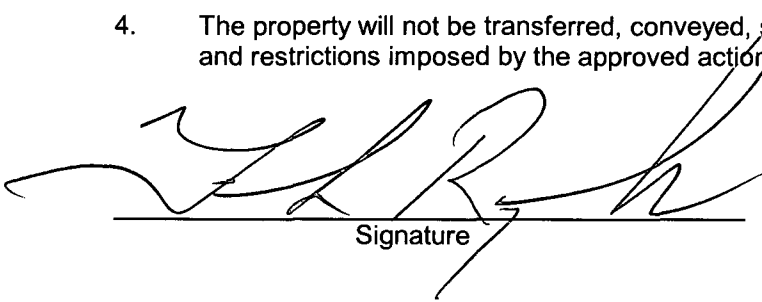
ADD 2004-00167
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PART V AFFIDAVIT A1

AFFIDAVIT FOR ADMINISTRATIVE ACTION
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I Frank Reynolds, 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 fully 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 for Development Order.
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.


Signature

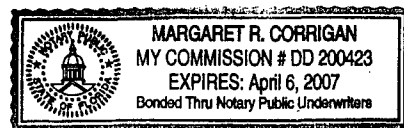
Frank Reynolds
(Type or printed name)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 10-25-04
(date) by FRANK REYNOLDS (name of person providing oath or affirmation), who is
personally known to me to me or who has produced _____ (type
of identification) as identification.

Margaret R. Corrigan
Signature of person taking oath or affirmation
Administrative Assistant
Title or rank

MARGARET R. CORRIGAN
Name typed, printed or stamped
DD 200423
Serial number, if any



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PART V AFFIDAVIT A2

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

I, *Frank Reynolds, as Vice President – Land Development
of US Home Corporation 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 for a Development Order.
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;

US Home Corporation

* Name of Entity (corporation, partnership, LLP, LC, etc)

[Signature]
Signature

Frank Reynolds

(Type or printed name)

Vice President – Land Development
(title of signatory)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this 10-25-04
(date) by FRANK REYNOLDS (name of person providing oath or affirmation), who is
personally known to me to me or who has produced

(type of identification) as identification.

Margaret R. Corrigan
Signature of person taking oath or affirmation

Administrative Assistant
Title or rank

MARGARET R. CORRIGAN

Name typed, printed or stamped

DD 200423

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 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 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 or "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.

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EXPLANATORY NOTES - GENERAL

1. Applications for an Administrative Setback Variance from Chapter 34 (zoning) of the Land Development Code must include this form plus the Administrative Action Request Supplement A Form.
2. Applications for a Commercial Lot Split must include this form plus the Administrative Action request Supplement B Form.
3. Applications for an Administrative Approval for Consumption on Premises permit must include this form plus the Administrative Action Request Supplement C Form.
4. Applications for a Minimum use Determination must include this form plus the Administrative Action request Supplement D Form.
5. Applications for an Interpretation of the Land Development Code) must include this form plus the Administrative Action Request Supplement E Form .
6. Applications for Administrative Relief for Designated Historic Resources must include this form plus the Administrative Action Request Supplement F form.
7. Applications for Relief for Easement Encroachment must include this form plus the Administrative Action Request Supplement G Form.
8. Applications for Administrative Amendment to a PUD or Planned Development must include this form plus the Administrative Action Request Supplement H Form.
9. Applications for an Administrative Deviation from Chapter 10 (Development Standards) of the land Development Code must include this form plus the Administrative Action Request Supplement F Form.
10. Applications for Administrative Approval for the Placement of a Model Home/Unit or Model Display Center must include this form plus the Administrative Action Request Supplement J Form.
11. Applications for Administrative Approval for the Placement of Docks and Shoreline Structures must include this form plus the Administrative Action Request Supplement K Form.
12. Applications for Administrative Approval to Utilize Redevelopment District Regulations must include this form plus the Administrative Action Request Supplement I Form.
13. Applications for Administrative Approval to Place Wireless Communication Facilities must include this form plus the Administrative Request Supplement M Form.
14. All applicants must pay the application fee set forth in the County External Fees and Charges Manual. (Administrative code 3-10 Appendix C)

EXPLANATORY NOTES FOR PART I

1. Applicant's Name: Application may be by the landowner or his authorized agent.
2. Relationship of applicant to owner. If the applicant is not the owner of the property, please stet the relationship such as option holder, contract purchaser, lessee, trustee, agent, etc. Provide an affidavit that he is the authorized representative of the owner [see Part I (attached) and please complete the appropriate Affidavit form (A1 or A2) to the type of applicant.
3. Agent's Name: If the applicant will have other people representing him in processing this application, please indicate their name, address, and phone number.

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4. Place check mark next to type of administrative action being requested.
5. State in general terms, the purpose of the requested action.

EXPLANATORY NOTES FOR PART II

Part II must be completed for all applications in which a particular tract or parcel of land is involved. Applications for administrative interpretations of the ordinance which do not affect a particular parcel of land do not need to complete this part.

1. If the request is due to a violation notice, please indicate the type of notice (i.e. building code, zoning, etc.) and what the violation was.
2. If the applicant is the owner, please write "same".
3. If the application includes multiple abutting parcel or other than one or more undivided platted lots in a subdivision recorded in the official Plat Books of Lee County, please submit a complete, legible, description of the perimeter boundary of the property, by metes and bounds with accurate bearings and distances for every line. The Director may reject any legal description which is not legible or sufficiently detailed. Please submit a boundary survey or certified sketch of description (depending on the size of the property and relevance of existing conditions to review of the application), meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, Florida Administrative Code.
4. If more than one parcel is involved, list all STRAP numbers. If the property is within an unrecorded subdivision, please submit a copy of the O.R. Book and Page where the subdivision plat is recorded.
5. Please describe of how to get to the property referencing major streets.

EXPLANATORY NOTES FOR PART III

1. The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by the submittal of inaccurate or incomplete information will be the responsibility of the applicant.
2. All information submitted with the application becomes a part of the public record and will be a permanent part of the file.
3. All applications must be submitted in person. Mailed-in applications will not be processed.
4. All attachments and exhibits submitted must be legible, suitable for recording, and of a size that will fit or conveniently fold to fit into a letter size (8 ½" x 11") folder.
5. The Department staff will review this application for compliance with requirements of the Lee County Land Development Code. The applicant will be notified of any deficiencies.

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ZONING COUNCIL

July 28, 2004

Ms. Pam Houck
Zoning Director
Department of Community Development
1500 Monroe Street
Fort Myers, FL 33902

**Re: Osprey Cove (Multi-Family Portion of Estero Golf Resort
Zoning Resolution #Z-01-012a)
Administrative Amendment Application Submittal**

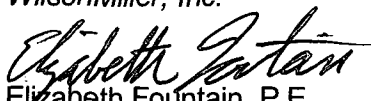
Ms. Houck:

Enclosed are items necessary to submit the Administrative Amendment Application for the above-referenced project. Included with this submittal are the following items:

1. Completed "Application for Administrative Action" (1 original, 3 copies);
2. Completed "Supplement H" (1 original, 3 copies);
3. A check in the amount of \$1,000 for the application fee;
4. Written Explanation of Amendment Requests;
5. Letter of Authorization for US Home Corporation and WilsonMiller, Inc.;
6. "Osprey Cove Administrative Amendment/Deviation Exhibit", WilsonMiller, Inc. drawing file #D-04505-01, Sheets 1 and 20 (4 copies, signed and sealed);
7. "Osprey Cove " Development Order Legal Sketch and Description, WilsonMiller, Inc. drawing file #D-04505-004 (4 copies each, signed and sealed);
8. "Osprey Cove " Boundary Survey, WilsonMiller, Inc. drawing file #D-04505-003 (4 copies each, signed and sealed);
9. Currently Approved Master Concept Plan per Zoning Resolution Z-01-012a (4 copies);

This project proposes the development of a condominium complex within the residential tract of the approved Estero Golf Resort. The project will consist of 328 multi-family units. Also proposed are the necessary roadways, utilities, and storm drainage infrastructure for the project. Please review the provided information for approval and should you have any questions or comments regarding this information, please contact me at (239)-939-1020, extension 212.

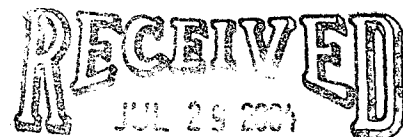
Sincerely,
WilsonMiller, Inc.


Elizabeth Fountain, P.E.
Project Manager

Encl.

C: Mike Hueniken, US Home Corporation (w/ encl.)
Elizabeth Fountain, WilsonMiller (w/o encl.)
WilsonMiller, Inc. Project File (w/ encl.)

ADD2004-00167



PERMIT COUNTER

Naples Fort Myers Sarasota Tampa Tallahassee Panama City Beach

4571 Colonial Boulevard, Suite 100 Fort Myers, Florida 33912 239-939-1020 239-939-7479

www.wilsonmiller.com



LEE COUNTY

APPLICATION FOR ADMINISTRATIVE ACTION

APPLICATION FOR:

- ☐ Administrative Variance (attach Supplement A)
☐ Commercial Lot Split (attach Supplement B)
☐ Consumption on Premises (attach Supplement C)
☐ Minimum Use Determination (attach Supplement D)
☐ Ordinance Interpretation (attach Supplement A)
☐ Relief for Designation Historic Resource (attach Supplement F)
☐ Relief for Easement Encroachment (attach Supplement G)
☒ Administrative Amendment PUD or PD (attach Supplement H)
☐ Administrative Deviation from Chapter 10 (attach Supplement I)
☐ Placement of Model Home/Unit or Model Display Center (attach Supplement J)
☐ Dock & Shoreline Structures (attach Supplement K)
☐ Wireless Communication Facility (attach Supplement M and Shared Use Plan Agreement)
☐ Final Plan Approval per Resolution # _____



ZONING COUNTER

Applicant's Name: US Home Corporation Phone #: 239-278-1177

Project Name: Osprey Cove (within Estero Golf Resort MPD-5)

STRAP Number: 21-46-25-00-00001.0020

STAFF USE ONLY

Case Number: ADD2004-00167 Commission District: 05

Current Zoning: MPD Fee Amount: 1,000.00

Land Use Classification: Mixed Intake by: AE

Planning Community: Estero

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (239) 479-8585

ADD 2004-00167

PART I - GENERAL INFORMATION

1. APPLICANT'S NAME: US Home Corporation (Mike Hueniken)

Mailing Address:

Street: 10491 Six Mile Cypress Pkwy.

City: Fort Myers

State: FL

Zip: 33912

Phone Number: Area Code: 239 Number: 278-1177

Ext. _____

Fax Number: Area Code: 239 Number: 278-0883

E-mail mikehueniken@ushome.com

2. Relationship of applicant to property*:

☐ Owner

☐ Trustee

☐ Option holder

☒ Contract Purchaser

☐ Lessee

☐ Other (indicate) _____

Applicant must submit an Affidavit that he is the authorized representative of the owner [see Part I (attached) and please complete the appropriate Affidavit form (A1 or A2) to the type of applicant].

3. AGENT'S NAME(S): (Use additional sheets if necessary): WilsonMiller, Inc.

Mailing Address:

Street: 4571 Colonial Boulevard

City: _____

State: FL

Zip: 33912

Contact Person: Elizabeth Fountain, P.E.

Phone Number: Area Code: 239 Number: 939-1020

Ext. 212

Fax Number: Area Code: 239 Number: 939-7479

E-mail elizabethfountain@wilsonmiller.com

4. 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)

☐ Ordinance Interpretation (requires supplement E)

☐ Relief for Designated Historic Resources (requires supplement F)

☐ Easement Encroachment for Eaves (requires supplement G)

☒ Administrative Amendment to a PUD or Planned Development (requires supplement H)

☐ Administrative Deviation from Chapter 10 of the LDC (requires supplement I)

☐ Placement of Model Home/Unit or Model Display Center (required supplement J)

☐ Dock & Shoreline Structure (requires supplement K)

☐ Wireless Communication Facility (requires supplement M and Shared Use Plan Agreement)

☐ Final Plan Approval (no supplement)

5. NATURE OF REQUEST (please print): This amendment proposed to adjust the location of the

indigenous areas to be relocated contiguous to the permitted conversation areas. The amount of

indigenous area remains consistent with the approved master concept plan. This amendment request relief from Section 10-296 (street design & construction standards) to allow a 28' right-of-way. This amendment requests relief from Section 21-2192 (street setbacks) to allow a carport structure to be located within 22 feet of the right-of-way. This amendment request relief from Section 34-2002(3)(d) (required spaces) to allow a distance of 25 feet from the edge of driveway to the edge of the travel lane of the street for backing out distance. This amendment also request approval to utilize Section 34-2017(d) to provide up to 25% of the required spaces as reserved spaces.

PART II - PROPERTY INFORMATION

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

1. Is this action being requested as a result of a violation notice? ☒ NO ☐ YES.

a. If yes, date of notice: _____

b. Specific nature of violation: _____

2. Name of owner of property: US Home Corporation

Mailing Address: Street: 1049 Six Mile Cypress Parkway

City: Fort Myers State: FL Zip: 33901

Phone Number: Area Code: 239 Number: 278-1177 Ext.: _____

Fax Number: Area Code: 239 Number: 278-0883

3. Legal Description: Is property within a platted subdivision recorded in the official Plat Books of Lee County?

☒ NO. Attach a legible copy of the metes and bounds property description and boundary survey (10 acres or more) or certified sketch of description (less than 10 acres) meeting the minimum technical standards set out in chapter 61G 17-6.006, Florida Administrative Code.

_____ YES. Property is identified as:

Subdivision Name: _____

Plat Book _____ Page _____ Unit _____ Block _____ Lot _____

4. STRAP NUMBER: 21-46-25-00-00001.0020

5. Property Dimensions:

Area: _____ square feet or 42.75 acres.

Width along roadway: 1,000 feet.

Depth: 1,862 feet.

6. Property Street Address: Estero Blvd. (aka Koreshan Pkwy) and US 41 (Northeast corner)

7. General Location Of Property: Estero Blvd. (aka Koreshan Pkwy) and US 41 (Northeast corner)

PART V AFFIDAVIT A2

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

I, *Mike Hueniken, as Regional Vice President
of US Home Corporation 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 for a Development Order.
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;

US Home Corporation
* Name of Entity (corporation, partnership, LLP, LC, etc)

Michael Hueniken
Signature
Regional Vice President
(title of signatory)

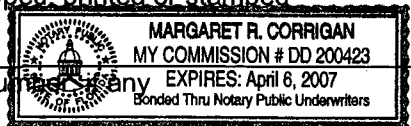
Mike Hueniken
(Type or printed name)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me this July 28, 2004
(date) by Michael Hueniken (name of person providing oath or affirmation), who is
personally known to me to me or who has produced _____
(type of identification) as identification.

Margaret R. Corrigan
Signature of person taking oath or affirmation
Administrative Assistant
Title or rank

MARGARET R. CORRIGAN
Name typed, printed or stamped

Serial number _____


*Notes:

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is 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 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 or "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.

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EXPLANATORY NOTES - GENERAL

1. Applications for an Administrative Setback Variance from Chapter 34 (zoning) of the Land Development Code must include this form plus the Administrative Action Request Supplement A Form.
2. Applications for a Commercial Lot Split must include this form plus the Administrative Action request Supplement B Form.
3. Applications for an Administrative Approval for Consumption on Premises permit must include this form plus the Administrative Action Request Supplement C Form.
4. Applications for a Minimum use Determination must include this form plus the Administrative Action request Supplement D Form.
5. Applications for an Interpretation of the Land Development Code) must include this form plus the Administrative Action Request Supplement E Form .
6. Applications for Administrative Relief for Designated Historic Resources must include this form plus the Administrative Action Request Supplement F form.
7. Applications for Relief for Easement Encroachment must include this form plus the Administrative Action Request Supplement G Form.
8. Applications for Administrative Amendment to a PUD or Planned Development must include this form plus the Administrative Action Request Supplement H Form.
9. Applications for an Administrative Deviation from Chapter 10 (Development Standards) of the land Development Code must include this form plus the Administrative Action Request Supplement F Form.
10. Applications for Administrative Approval for the Placement of a Model Home/Unit or Model Display Center must include this form plus the Administrative Action Request Supplement J Form.
11. Applications for Administrative Approval for the Placement of Docks and Shoreline Structures must include this form plus the Administrative Action Request Supplement K Form.
12. Applications for Administrative Approval to Utilize Redevelopment District Regulations must include this form plus the Administrative Action Request Supplement I Form.
13. Applications for Administrative Approval to Place Wireless Communication Facilities must include this form plus the Administrative Request Supplement M Form.
14. All applicants must pay the application fee set forth in the County External Fees and Charges Manual. (Administrative code 3-10 Appendix C)

EXPLANATORY NOTES FOR PART I

1. Applicant's Name: Application may be by the landowner or his authorized agent.
2. Relationship of applicant to owner. If the applicant is not the owner of the property, please stet the relationship such as option holder, contract purchaser, lessee, trustee, agent, etc. Provide an affidavit that he is the authorized representative of the owner [see Part I (attached) and please complete the appropriate Affidavit form (A1 or A2) to the type of applicant.
3. Agent's Name: If the applicant will have other people representing him in processing this application, please indicate their name, address, and phone number.

4. Place check mark next to type of administrative action being requested.
5. State in general terms, the purpose of the requested action.

EXPLANATORY NOTES FOR PART II

Part II must be completed for all applications in which a particular tract or parcel of land is involved. Applications for administrative interpretations of the ordinance which do not affect a particular parcel of land do not need to complete this part.

1. If the request is due to a violation notice, please indicate the type of notice (i.e. building code, zoning, etc,) and what the violation was.
2. If the applicant is the owner, please write "same".
3. If the application includes multiple abutting parcel or other than one or more undivided platted lots in a subdivision recorded in the official Plat Books of Lee County, please submit a complete, legible, description of the perimeter boundary of the property, by metes and bounds with accurate bearings and distances for every line. The Director may reject any legal description which is not legible or sufficiently detailed. Please submit a boundary survey or certified sketch of description (depending on the size of the property and relevance of existing conditions to review of the application), meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, Florida Administrative Code.
4. If more than one parcel is involved, list all STRAP numbers. If the property is within an unrecorded subdivision, please submit a copy of the O.R. Book and Page where the subdivision plat is recorded.
5. Please describe of how to get to the property referencing major streets.

EXPLANATORY NOTES FOR PART III

1. The applicant is responsible for the accuracy and completeness of this application. Time delays or additional expenses necessitated by the submittal of inaccurate or incomplete information will be the responsibility of the applicant.
2. All information submitted with the application becomes a part of the public record and will be a permanent part of the file.
3. All applications must be submitted in person. Mailed-in applications will not be processed.
4. All attachments and exhibits submitted must be legible, suitable for recording, and of a size that will fit or conveniently fold to fit into a letter size (8 1/2" x 11") folder.
5. The Department staff will review this application for compliance with requirements of the Lee County Land Development Code. The applicant will be notified of any deficiencies.



ADMINISTRATIVE ACTION REQUEST SUPPLEMENT H

ADMINISTRATIVE AMENDMENT TO A PUD OR PLANNED DEVELOPMENT

If the request is for an administrative amendment to a PUD or to a Planned Development please submit the "application for Administrative Action" form and the following:

1. Original Project Name: Estero Golf Resort (MPD-5)
2. Current Project Name: Estero Golf Resort (MPD-5): Osprey Cove
3. Original Rezoning Case Number: Z-01-012
4. Subsequent Zoning Action Case Numbers (if any):
DCI 2003 - 00058 (Wal-Mart portion only)

5. Development Order Project Numbers (if any):
N/A

6. Date property was acquired by present owner(s):
Property is under contract for purchase.

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REQUESTED ACTION AND JUSTIFICATION

1. Please provide a written statement explaining exactly what is proposed. Include references to any sections of the Land Development Code from which relief is sought including why the relief is necessary and how it will affect the project.
2. Explain what conditions currently exist which warrant this request for relief from the regulations. Explain how approval of the relief will affect the project.

ADDITIONAL SUBMITTAL REQUIREMENTS: Please submit the following:

1. Area Location Map
2. Previous Zoning and Administrative Action approvals/denials
3. Four (4) sets of the APPROVED MASTER CONCEPT PLAN and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED.
4. One (1) copy of the Master Concept Plan REDUCED to a maximum size of 11 inches by 17 inches.

AUTHORIZATION TO REPRESENT

Please be advised that Mike Hueniken of US Home Corporation and their agent, WILSON MILLER, Inc., is hereby authorized to represent Osprey Cove of Lee Co., Ltd. in the application to Lee County Department of Community Development for a Lee County Development Order and Administrative Amendment on the property known as Osprey Cove located in Lee County, Florida and more particularly described in Exhibit "A" attached hereto.

Osprey Cove of Lee Co., Ltd. a Florida Limited Partnership

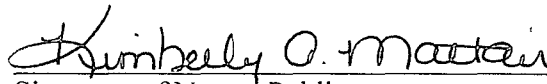
By: Davis Heritage- Osprey Cove, LLC, a Florida Limited Liability Company, as its General Partner
By: Davis Heritage GP Holdings, LLC, a Florida Limited Liability Company, its Sole Member
By: EarthArt, Incorporated, a Florida Corporation, as its Managing Member

By: 
Stefan M. Davis, Vice President

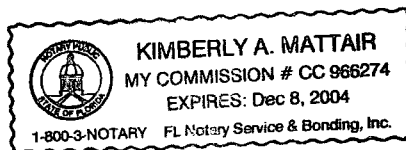
STATE OF FLORIDA
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this 19 day of July 2004 by Stefan M. Davis, ☒ who is personally known to me or [] who has produced n/a as identification and who did (did not) take an oath.

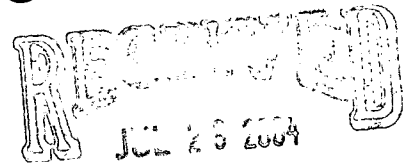
(Notary Seal)


Signature of Notary Public

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July 28, 2004

Ms. Pam Houck
Zoning Director
Department of Community Development
1500 Monroe Street
Fort Myers, FL 33902

ADD 2004-00167

**Re: Osprey Cove: Administrative Amendment Application Submittal
Written Explanation of Amendment Requests**

Request (a) Relocation of indigenous preserve area

The applicant requests to relocate isolated indigenous upland areas per the PD mater plan to create a larger more contiguous permitted conservation area where space was available. Furthermore, the vegetation located within the isolated indigenous preserve in question was destroyed by fire. Per the revised plan, a majority of the indigenous preserve area will be located adjacent to the wetland conservation areas required by South Florida Water Management District to create larger overall preserves and increased upland buffer.

Request (b) Reduced ROW Width for 875 LF Of Roadway

The applicant request relief from Lee County LDC Section 10-296 (street design and construction standards) to allow a 28 feet right-of-way with a closed drainage system. Since the project exceeds the 100 units per access point regulation by 9 units per entrance, a separate right-of-way needs to be provided to achieve the required access points for the length of roadway in front of 1 building. The regulation states that a right-of-way width of a minimum of 40 feet shall be provided. However, 40 feet is unattainable due to the confinements of the site with the permitted conservation areas and the proposed site plan. The maximum width that can be provided is a 28 feet right-of-way. Relief of this requirement is requested for 825 LF or roadway adjacent to building #5.

Request (c) Reduce setback for carport along roadway adjacent to building #5

The applicant request relief from Lee County LDC Section 21-2192 (street setbacks) to allow a carport structure to be located within 22 feet of the right-of-way. This amendment request applies to the proposed 28 feet right-of-way as shown on the enclosed exhibit. Due to the confinements of the site and conservation areas, the proposed carports must be located within 22 feet of the right-of-way. Relief of this requirement is requested only for the roadway adjacent to building #5.

Request (d) Reduced parking depth along roadway adjacent to building #5

The applicant request relief from Lee County LDC Section 34-2002 (3) (d) (required spaces) to allow a distance of 25 feet from the edge of driveway to the edge of the travel lane for backing out distance. The minimum of 27 feet was provided on the south side of the right-of-way, but

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due to the constraints of the site, a maximum of 25 feet was achieved on the north side. Relief of this requirement is requested only for the roadway adjacent to building #5.

Request (e) Reduce amount of onstreet parking and increase green space

The applicant request approval to utilize Lee County Section 34-2017 (d), which allows the provision of up to 25% of the required parking spaces to be shown as reserved parking spaces. The reserved parking spaces shall be left as open area without any structures located within the same area. Do to the proposed units being condominiums, some of the parking spaces could be classified as "high-turnover" spaces. When the need for more paved parking spaces becomes apparent, the Property Owner's Association will make the determination and have the necessary parking spaces paved. Language will be incorporated into the Property Owner's Association Documents which will indicate that when needed, the Association will obtain the necessary authorization from Lee County to have the reserved parking spaces paved as shown on the approved development plans.

EXHIBIT C

OPEN SPACE AND INDIGENOUS VEGETATION
ESTERO GOLF RESORT
March 21, 2001

		OPEN SPACE		INDIGENOUS	
Tracts		<u>Required</u>	<u>Provided</u>	<u>Required</u>	<u>Provided</u>
MPD 1-4	34.06± acres	10.22± acres	5.00± acres	5.11± acres	0 acres
MPD 5	40.14± acres	16.06± acres	16.06± acres	8.03± acres	13.14± acres**
			5.22± acres*		
Total	74.20± acres	26.28± acres	26.28± acres	13.14± acres	13.14± acres
MPD 6-12	242.20± acres	96.16± acres	96.16± acres	n/a	n/a

* Balance from Tracts MPD 1-4

** Including restored wetland

*** This figure would be reduced if any qualifying lots (LDC 10-415) were developed.

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DCI 20 00-00035

FLORIDA LAND PLANNING, INC.
1000 Madison Drive, Suite E - Madison Professional Center
Fort Myers, Florida 33907
(941) 278-5222 - Fax (941) 278-4468



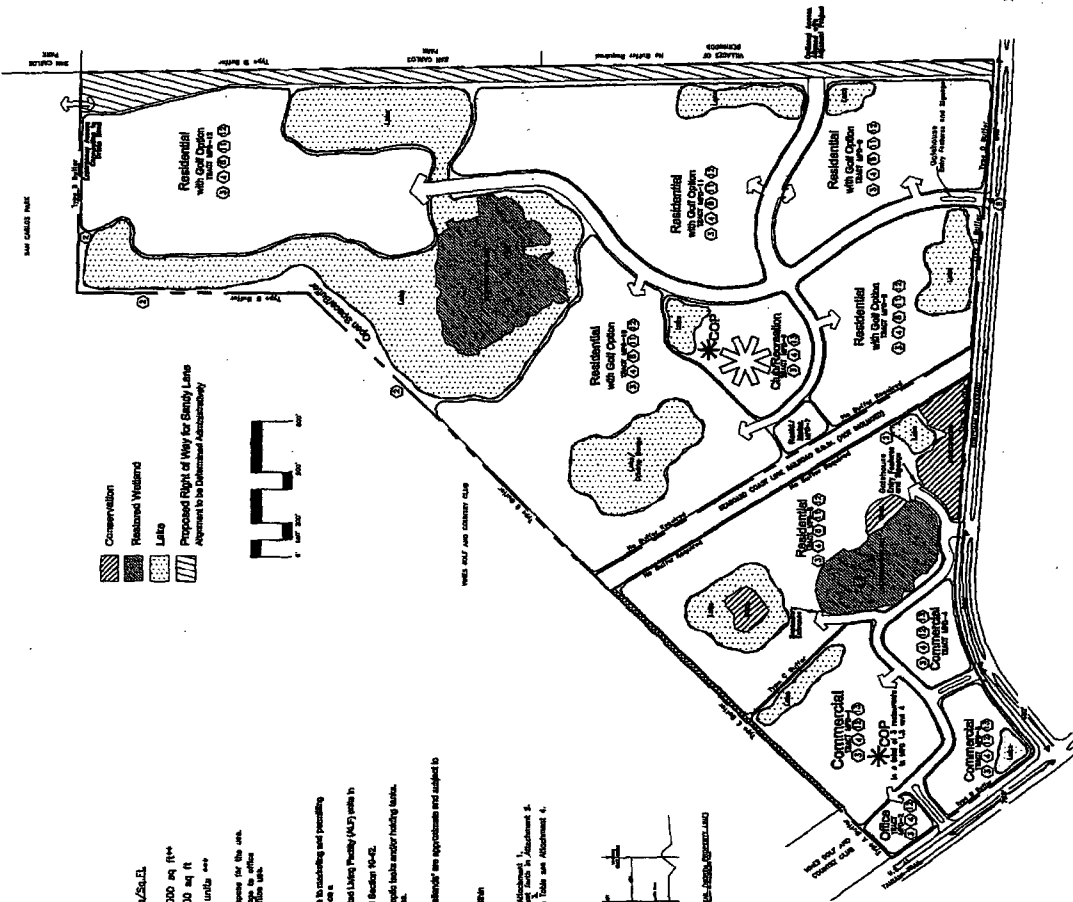
ESTERO GOLF RESORT Master Concept Plan

Date: 03/19/2001
Rev: 03/09/2001
Rev: 03/02/2001
Rev: 03/02/2001

Scale: 1" = 300'
Sheet: 1 of 1

COASTAL ENGINEERING CONSULTANTS, INC.
1700N. S. PALM BLVD. SUITE 200
FORT MYERS, FLORIDA 33909
PHONE NO. (941) 590-8800 FAX NO. (941) 590-5909

001 2000-00052



Conservation
Preserved Wetland
Lands
Proposed Right of Way for Sandy Lane
Agreement to be Determined Administratively



LAND USE SUMMARY

Land Use	Area	Units/25.1
Commercial Tracts	32.00ac*	320,000 sq ft**
Office Tract	1.00ac*	20,000 sq ft
Residential & Club/Res Tracts	280.35ac*	620 units ***
TOTAL	314.80ac	

* Assumed between water management, wetlands and open space for the site.
** Based on 100 sq ft per unit.
*** A ratio of 1 unit to 100 sq ft of open space.

MASTER CONCEPT PLAN NOTES

1. The residential use is to be provided in a manner that is consistent with the existing and proposed 100 ft wide right-of-way for Sandy Lane.
2. The commercial use is to be provided in a manner that is consistent with the existing and proposed 100 ft wide right-of-way for Sandy Lane.
3. The office use is to be provided in a manner that is consistent with the existing and proposed 100 ft wide right-of-way for Sandy Lane.
4. The residential use is to be provided in a manner that is consistent with the existing and proposed 100 ft wide right-of-way for Sandy Lane.
5. The commercial use is to be provided in a manner that is consistent with the existing and proposed 100 ft wide right-of-way for Sandy Lane.
6. The office use is to be provided in a manner that is consistent with the existing and proposed 100 ft wide right-of-way for Sandy Lane.
7. The residential use is to be provided in a manner that is consistent with the existing and proposed 100 ft wide right-of-way for Sandy Lane.
8. The commercial use is to be provided in a manner that is consistent with the existing and proposed 100 ft wide right-of-way for Sandy Lane.
9. The office use is to be provided in a manner that is consistent with the existing and proposed 100 ft wide right-of-way for Sandy Lane.
10. The residential use is to be provided in a manner that is consistent with the existing and proposed 100 ft wide right-of-way for Sandy Lane.



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APPROVED
DATE: 07/29/04
PROJECT: ESTERO GOLF RESORT
SHEET: 1 OF 1