

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

WHEREAS, an application was filed by the property owner, JTAD Estero, LLC, to rezone 43+/- acres from the Agricultural (AG-2) zoning district to a Commercial Planned Development (CPD), in reference to Estero Crossing; and,

WHEREAS, a public hearing was advertised and held on April 6, 2006, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2005-00102; and

WHEREAS, a second public hearing was advertised and held on August 21, 2006, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone 43+/- acres from AG-2 to CPD to permit the development of mixed use commercial consisting of a maximum gross floor area of 310,000 square feet. Uses include but are not limited to: Banks, Convenience Food and Beverage Stores, Package Stores, Restaurants, Fast Food Restaurants, Drug Stores, Department Stores, Consumption on Premises, and Offices (both medical and general). Maximum proposed building height is 45 feet (three stories). Development blasting is not a proposed development activity. The Applicant indicates that they will connect to Lee County Utilities potable water and sanitary sewage. The property is located in the General Interchange and Urban Community Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the two-page Master Concept Plan (MCP) entitled "Estero Crossing - DCI2005-00102, Conceptual

Master Plan," dated 08-15-05, last revised June 14, 2006, and stamped "Received JUL 24 2006," except as modified by the conditions below. This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The development is limited to a maximum of 310,000 square feet of floor area. The developer must provide a cumulative land development summary table as part any local development order application.

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

a. Schedule of Uses

Agricultural use is not an approved use within this planned development.

No outdoor storage, sales, or displays are permitted in connection with any permitted use.

Building Area "A"

No individual occupancy in Building Area "A" Village Square may exceed a gross floor area of 10,000 square feet. No drive thru is permitted.

Accessory Uses and Structures

Animals: Clinic

ATM (Automatic Teller Machine)

Auto Parts Store

Banks and Financial Establishments: Group I

Bar or Cocktail Lounge - only in conjunction with
and accessory to a Group III Restaurant

Business Services: Groups I and II

Clothing Stores, General

Consumption on Premises - only in conjunction with a Restaurant use

Convenience Food and Beverage store - limited to one
within Building Area "A" and no fuel pumps

Day Care Center, Child, Adult

Drugstore - limited to one within Building Area "A"

Essential Services

Essential Service Facilities: Group I

Excavation: Water retention

Food Stores: Group I

Gift and Souvenir Shop
Hardware Store
Health Care Facilities: Group III
Hobby, Toy and Game Shops
Household and Office Furnishings, Group I
Insurance Companies
Medical Office
Package Store - limited to one within Building Area "A"
Paint, Glass and Wallpaper
Parking Lot: Accessory
Personal Services: Groups I, II (beauty and health spa only), III and IV
(no escort services, palm readers or tattoo parlors)
Pet Services
Pet Shop
Pharmacy
Real Estate Sales Office
Restaurant, Fast Food - limited to two within Building Area "A"
Restaurants: Groups I, II and III
Signs in accordance with chapter 30
Specialty Retail Shops: Groups I, II, III and IV
Studios
Variety Store

Building Areas "B," "C" and "D"

Accessory Uses and Structures
Administrative Offices
Animals: Clinic - no outside runs or kennel
ATM (Automatic Teller Machine)
Auto Parts Store
Auto Repair and Service, Group I - must be ancillary to a permitted use
and solely within Building Area "C" only
Bar or Cocktail Lounge - only in conjunction with and
accessory to a Restaurant: Group III
Building Material Sales - limited to within Building Area "C" only
Business Services: Groups I and II
Car Wash - limited to one and solely within Building Area "D"
Cleaning and Maintenance Services
Clothing Stores, General
Communication Facility, Wireless - limited to building mounted facilities
only, no free-standing communication towers are permitted
*Convenience Food and Beverage Store - limited to one
and a maximum of 12 pumps
Cultural Facilities

Day Care Center, Child, Adult
Department Store - limited to within Building Areas "B" and "C" only
Drive-through facility for any permitted use - limited to within
 Building Area "D" only
Drugstore
Essential Services
Essential Service Facilities: Group I
Food and Beverage Service, Limited
Food Stores: Group I
Gift and Souvenir Shop
Hardware Store - limited one within Building Areas "B" and "C" only
Health Care Facilities: Group III
Hobby, Toy and Game Shops
Household and Office Furnishings, All Groups
Insurance Companies
Laundry or Dry Cleaning: Group I
Lawn and Garden Supply Stores - limited to one within
 Building Areas "B" and "C" only
Medical Office
Nonstore Retailers, all groups
Package Store (limited to one)
Parking Lot: Accessory
Personal Services: Groups I, II (beauty and health spa only), III and IV
 (no escort services, palm readers, and tattoo parlor)
Pet Services
Pet Shop
Pharmacy
Post Office
Real Estate Sales Office
Recreation Facilities: Commercial: Groups I and IV
Repair Shops: Groups I, II and III
Restaurants, Fast Food - located solely within the main buildings
 and with no drive through facilities or window
Restaurants: Groups I, II and III
Schools: Commercial
*Self Serve Fuel Pumps - limited to a maximum of 12 pumps
Signs in accordance with chapter 30
Social Services: Groups I and II
Specialty Retail Shops: Groups I, II, III and IV
Studios
Used Merchandise Stores: Groups I and II
Variety Store

***[NOTE: Those uses marked with an asterisk (*) are limited to a total of one (1) within this area of the development.]**

b. Site Development Regulations

Summary of setbacks, space between buildings, building height and lot coverage.

Development Criteria	All uses
Minimum Setback from Public Streets (See Footnote 1 below)	25 feet
Minimum Setback - Other Perimeter Boundaries	20 feet
Minimum Width of Internal Access Drives	10 feet
Minimum Separation Between Buildings	½ the sum of the height of the adjacent building, with a minimum separation of 10 feet
Maximum Building Height	3 stories or 45 feet
Maximum Lot Coverage	40 percent

Footnote 1 -The setback of buildings from Corkscrew Road right-of-way must be in accordance with §34-1047, Table 1, and may vary from not less than five feet, or more than 25 feet, as provided by said Section.

3. Development must be substantially consistent with the Design Guidelines for Estero Crossing, dated January 19, 2006 (stamped "Received Jan 20 2006"), and all attached hereto as Exhibit "D". In the event of an inconsistency between these and the Estero Community Design guidelines, the Estero Design guidelines will control.
4. Prior to any approval of a local development order which includes excavation for water retention, the approved planned development must be administratively amended to show the proposed location of the excavation and the calculation of total open space to ensure compliance with the LDC and the commitments made as part of this approved planned development.
5. Development blasting is not an approved activity as part of this approved planned development. Development blasting must be approved through an amendment of this planned development that goes through the public hearing process.

6. A final gopher tortoise management plan must be submitted with the local development order for review and approval by the Lee County Division of Environmental Sciences Staff. The final plan must include the information contained in the draft gopher tortoise management plan prepared by Calusa Coast Ecologists, Inc., entitled "Draft Gopher Tortoise Relocation and Management Plan, Corkscrew Road - Estero 43 +/- Acre Site" dated April 21, 2005 (attached as Exhibit "E") with the following revisions and details to the draft plan:
 - a. Gopher tortoises located outside of the preserve area will be moved directly to the preserve area.
 - b. Invasive exotic vegetation will be hand removed from the upland preserve area prior to moving gopher tortoises into the preserve.
 - c. All pine flatwoods areas that will be removed as part of the development of the project must be surveyed for the presence of gopher tortoise burrows and all burrows excavated prior to the full clearing of the property.
 - d. A Vegetation Removal Permit must be obtained for the minor clearing to install appropriate barricades/fencing around the gopher tortoise preserve and for the excavation of gopher tortoise burrows.
 - e. The gopher tortoise preserve must be managed in perpetuity.
7. Prior to local development order approval, the landscape plan must demonstrate that 30 percent of open space is provided for this project with a minimum 10 percent open space on each lot.
8. Prior to local development order approval, the development order plans must delineate 6.26 acres of indigenous preserve including 0.7 acres of cypress/pine/sabal palm wetland within the 1.65 acre preserve delineated on the MCP, and the 3.2 acre pine flatwoods preserve delineated on the MCP must be expanded to 3.71 acres of pine flatwoods and sabal palm hammock areas that qualify as indigenous plant communities. The 3.71 acres of pine flatwoods must be a single contiguous preserve with a minimum 100-foot width, so this upland preserve will qualify for the 150 percent upland credit (3.71 actual acres x 150 percent = 5.56 acres with credits). The indigenous preservation area may overlap with dry detention areas when the use of the preserve as dry detention does not alter the existing indigenous plant community or adversely affect the protection of Lee County listed species (e.g., gopher tortoises) per §10-415 (c)(6).

All updated Florida Land Use, Cover and Forms Classification System (FLUCCS) map must be submitted with the Development Order for verification of percentage

of invasive exotic coverage within the pine flatwoods areas to be preserved as existing indigenous plant communities.

9. Approval of this rezoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
10. Approval of this rezoning request does not guarantee local development order approval. Future Development Order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
11. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

SECTION C. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Design Guidelines for Estero Crossing
- Exhibit E: Draft Gopher Tortoise Relocation & Management Plan

The applicant has indicated that the STRAP number for the subject property is:
35-46-25-00-00001.1060

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;

- c. is compatible with existing or planned uses in the surrounding area;
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
 4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
 5. The applicant has demonstrated that it meets the "Special Case" standards as set out in Lee Plan Policy 6.1.2(8).

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

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 21st day of August, 2006.

ATTEST:
CHARLIE GREEN, CLERK

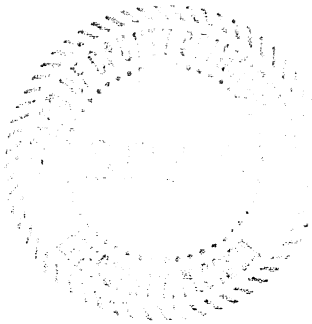
BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Lisa S. Pierce*
Deputy Clerk

BY: *T Hall*
Tammara Hall, Chairwoman

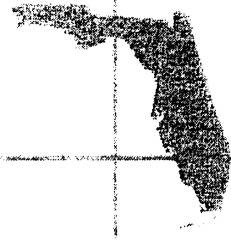
Approved as to form by:

John J. Fredyma
John J. Fredyma
County Attorney's Office



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DCI2005-00102



METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS • PLANNERS

DESCRIPTION OF A PARCEL OF LAND LYING IN
SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA

(WILDER CORKSCREW PROJECT)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35,
TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

STARTING AT THE SOUTHWEST CORNER OF THE EAST ONE HALF (E 1/2) OF THE SOUTHWEST ONE QUARTER
(SW 1/4) OF SAID SECTION 35; THENCE N00°44'07"W ALONG THE WEST LINE OF SAID FRACTION FOR 1926.54
FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE N00°44'07"W
ALONG SAID WEST LINE FOR 710.00 FEET TO THE SOUTHWEST CORNER OF THE EAST ONE HALF (E 1/2) OF THE
NORTHWEST ONE QUARTER (NW 1/4) OF SAID SECTION 35; THENCE N01°05'08"W ALONG THE WEST LINE OF
SAID FRACTION FOR 1210.80 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF
CORKSCREW ROAD; THENCE S85°17'38"E ALONG SAID RIGHT-OF-WAY FOR 861.43 FEET; THENCE N86°41'44"E
ALONG SAID LINE FOR 49.85 FEET; THENCE S25°46'14"E FOR 977.57 FEET; THENCE S68°30'00"W FOR 331.29
FEET; THENCE S19°00'00"W FOR 900.00 FEET; THENCE WEST FOR 700.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY (RECORDED AND
UNRECORDED, WRITTEN AND UNWRITTEN)

BEARINGS ARE BASED ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CORKSCREW ROAD AS BEARING
S.85°17'38"E.

Certification for Description
Surveyor and Mapper in Responsible Charge:
Denis J. O'Connell, Jr., LS #5430
Metron Surveying & Mapping, LLC, LB #7071
5245 Ramsey Way, Suite 2
Fort Myers, FL 33907

Signed: 

Date: 8/29/05

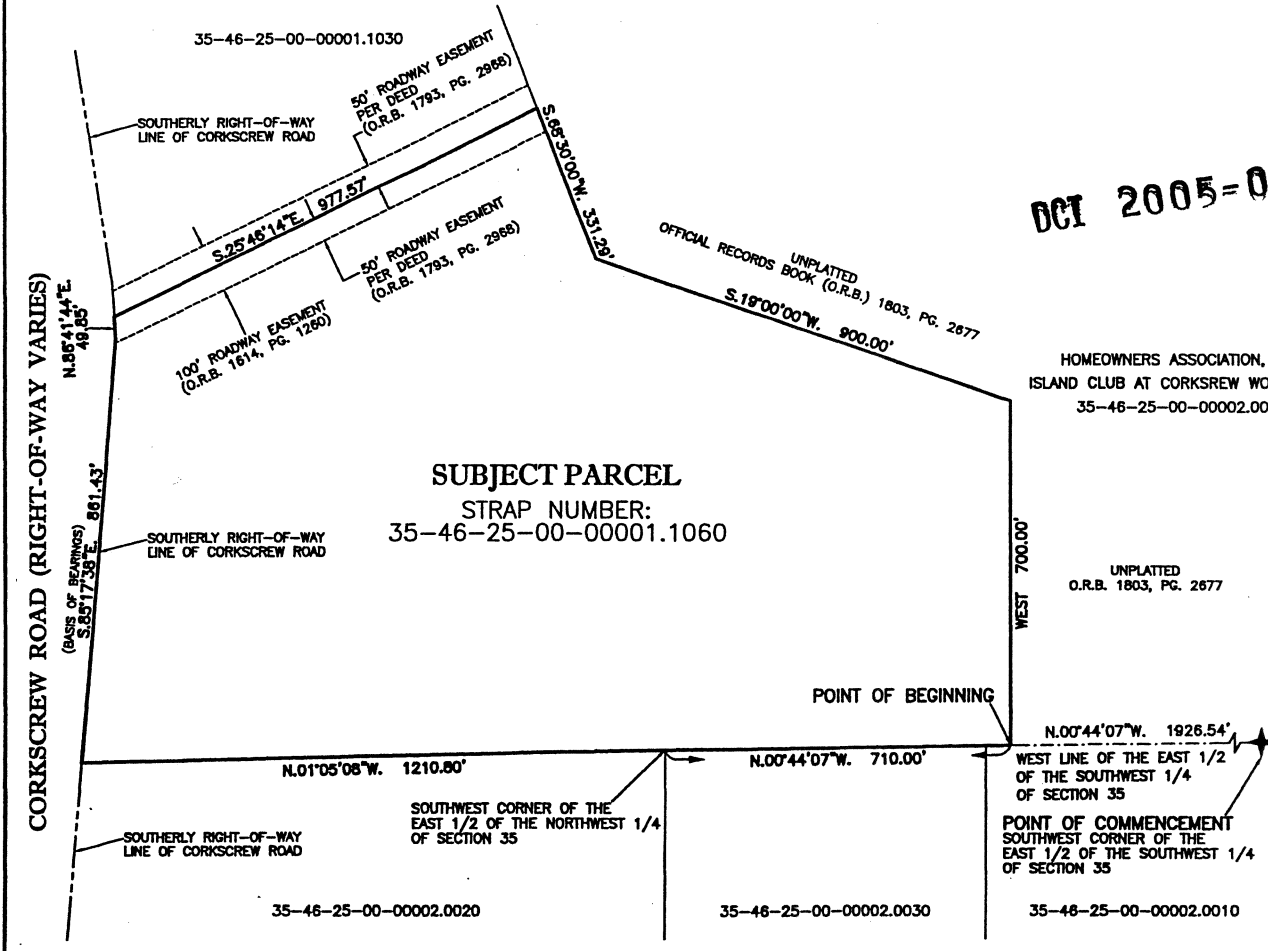
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COMMUNITY DEVELOPMENT

Applicant's Legal Checked
by Ljm 12/22/2005

SKETCH TO ACCOMPANY DESCRIPTION

OF A PARCEL OF LAND LYING IN
SECTION 35, TOWNSHIP 46 SOUTH, RANGE 25 EAST,
LEE COUNTY, FLORIDA



DEC 2005-00102

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DEC 07 2005

COMMUNITY DEVELOPMENT

Applicant's Legal Checked
by Lgm 12/22/2005

HOMEOWNERS ASSOCIATION, INC.
ISLAND CLUB AT CORKSCREW WOODLANDS
35-46-25-00-00002.00CE

* THIS IS NOT A SURVEY *

BY: DENIS J. O'CONNELL, JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS 75430

DATE SIGNED: 8/29/05

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER.

WILDER CORKSCREW PROJECT

TITLE:		SKETCH OF DESCRIPTION		
		5245 RAMSEY WAY, SUITE #2 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com		
FILE NAME:	FIELD BOOK/PAGE:	PROJECT NO.:	SHEET:	
4389SK.dwg	N/A	4389	2 OF 2	
SKETCH DATE:	DRAWN BY:	SCALE:	CHECKED BY:	(S-T-R)
08-29-2005	RAW	1" = 300'	DJO	35-46-25

* SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION *

Zoning Map

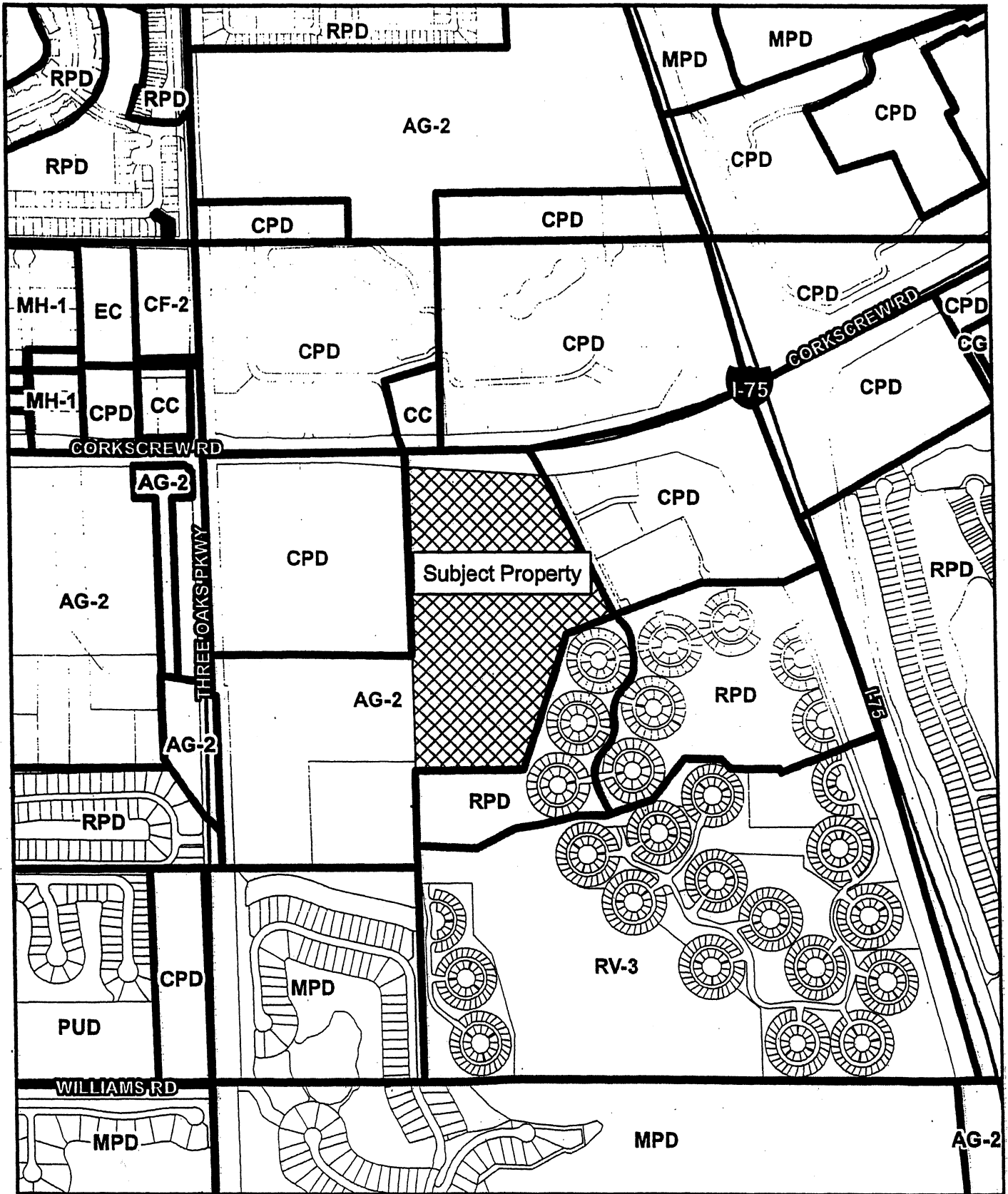
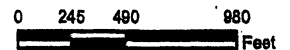


EXHIBIT "B"
(Zoning Map)



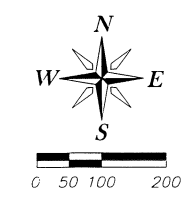
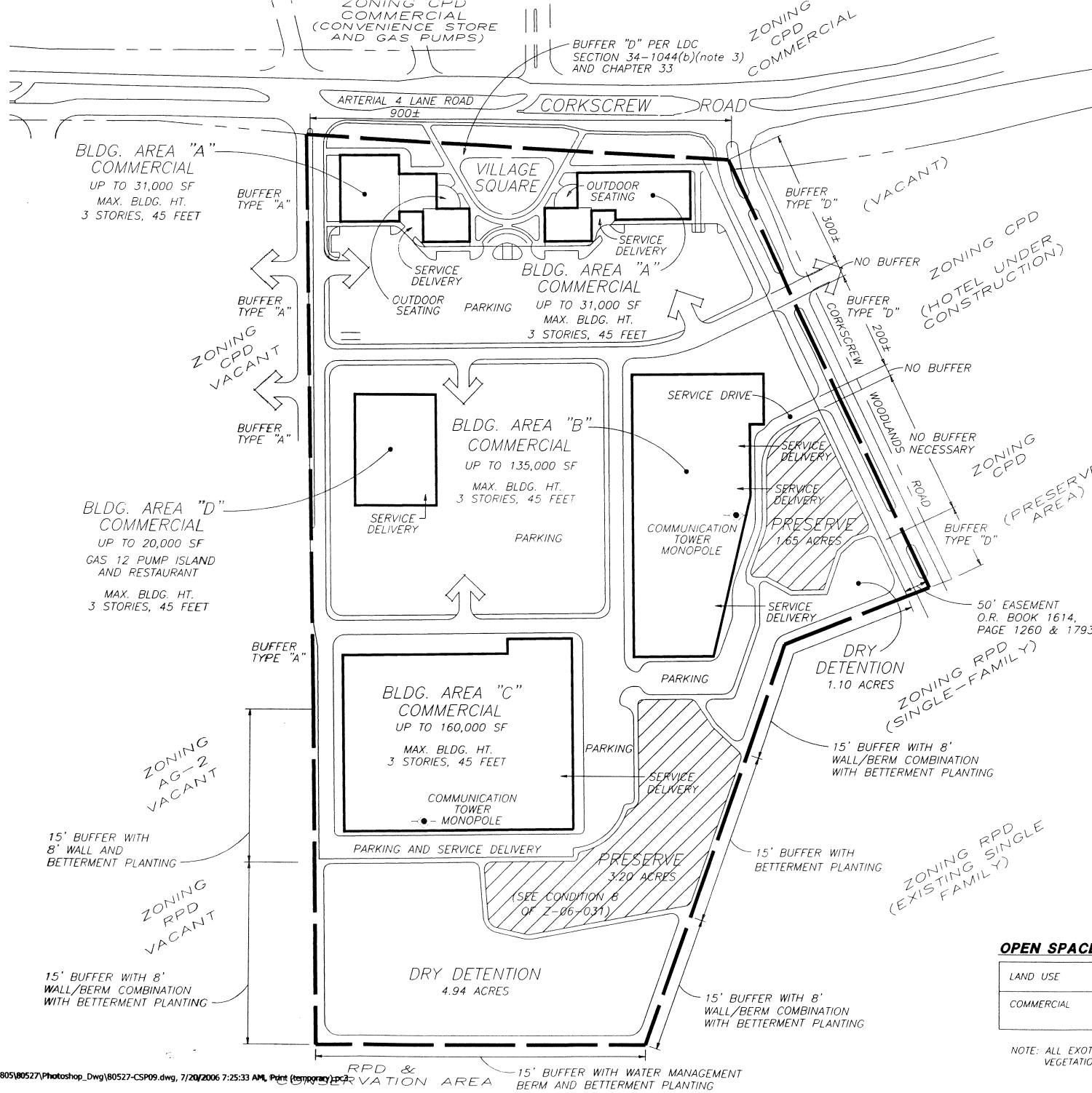


EXHIBIT "C"
The Master Concept Plan
 (Page 1 of 2)

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Approved as Exhibit
STRAP NUMBER MCP Page 1 of 2
 35462500001.1060 **Resolution # Z-06-031**

PROJECT LAND USE SUMMARY

LAND USE	AREA (ACRES)	PERCENTAGE (%)
BUILDING SPACE @ MAX. 310,000 SQUARE FEET	7.13	17.10
PAVED SURFACES	17.69	42.40
DRY DETENTION	6.04	14.50
OPEN SPACE/LANDSCAPE AREAS	6.03	14.40
INDIGENOUS OPEN SPACE	4.85	11.60
TOTAL AREAS	41.74	100.00

OPEN SPACE & INDIGENOUS PRESERVATION REQUIREMENTS

LAND USE	USE INTENSITY	PROJECT ACREAGE	REQUIRED OPEN SPACE	INDIGENOUS REQUIREMENT
COMMERCIAL	MAX. 310,000 S.F.	41.74 AC.	30%=12.52 AC.	50% OF OPEN SPACE=6.26 AC.

NOTE: ALL EXOTIC VEGETATION WILL BE REMOVED FROM PRESERVE AREA AND NATIVE VEGETATION SUPPLEMENTED.

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APPROVED FOR: The Wider Companies The Prudential Tower 800 Boylston Street, Suite 1300 Boston, Massachusetts 02119 PROJECT NO: 02199	PROJECT NO: 80527 SCDP NO: 80527-CSP09	SHEET NO: 1 of 2
	PROJECT NO: 80527 SCDP NO: 80527-CSP09	SHEET NO: 1 of 2
	PROJECT NO: 80527 SCDP NO: 80527-CSP09	SHEET NO: 1 of 2

Lee County Section 35, Township 46S, Range 29E



DESIGN GUIDELINES

January 19, 2006

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DCI 2005-00102

Estero Crossing

10500 Corkscrew Road
Estero, Florida 33928

Submitted To:

Lee County DCD
1500 Monroe Street
Fort Myers, FL 33901

Prepared By:

Vanasse & Daylor, LLP

Submitted By:

Vanasse & Daylor, LLP
12730 New Brittany Boulevard
Suite 600
Fort Myers, FL 33907

In Association With:

The Wilder Companies, Ltd, Inc.
The Scott Partnership Architecture, Inc.

Job # 80527.17

EXHIBIT "D"
(Design Guidelines for Estero Crossing)
(Page 1 of 18)

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Contacts:

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DCI 2005-00102

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F. 239-344-1580

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Project Architect: Kim Day, AIA
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F. 239-437-4636

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Design Guidelines & Standards4
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PROJECT OVERVIEW

DCI 2005-00102

This document describes the intent of the applicant in developing the Estero Crossing project, and proposes design guidelines by which the project will be constructed. The objective is to provide the Estero community and Lee County the assurances that this project will be developed to meet the language and intent of the Estero Plan, while allowing the developer the flexibility to market the project to tenants with varying uses, building types and size requirements.

The Estero Crossing project is located at the corner of Corkscrew Road and Corkscrew Woodlands Road. Corkscrew Road is in the center of Estero and has been the subject of great attention by the community. For this reason, the developer has devoted special attention to creating this Design Guidelines document with standards that exceed the current Lee County design guidelines, found in Chapter 33 of the Lee County LDC.

In developing the property, it is important to do so in accordance with the Lee County Comprehensive Plan (including Goal 19 of the Estero Plan) and the development constraints presented with a 41.74 acres site at this location. The following base postulations, as well as policies that influence the type and level of development, were utilized.

- The subject property is located at the intersection of Corkscrew Road and Corkscrew Woodland Road. Prime access is provided to the site by Corkscrew Road, as well as the close proximity of Interstate 75 and US 41, 1/3-mile and 1 1/3 miles from the site respectively.
- The proposed development site is within the General Interchange and Urban Community land use categories, which was designated for areas that are suitable for intense levels of commercial, residential and light industrial development. The Lee Plan projects more intense development in these areas, more characteristic of an urban area.
- The intersection of Corkscrew Road and Corkscrew Woodland Road, including the proposed development site, is designated as a commercial node on Map 19 of

EXHIBIT "D"

(Design Guidelines for Estero Crossing)

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the Lee County Comprehensive Plan. The Estero Planning Community limits retail uses for all areas along Three Oaks Parkway with the exception of commercial nodes where the Plan deemed appropriate.

- The project lies within the Estero Planning Community, which was created to provide a pedestrian "boulevard", in relative scale to Corkscrew Road by locating proposed commercial buildings close to the roadway and providing for pedestrian connections and amenities.
- The intent of this Design Guidelines document is to meet and exceed the requirements of the Estero Planning Community, yet allow for the development of a large commercial project containing one or more major anchors.

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DCI 2005-00102

PURPOSE

This Design Guidelines provides for development of land uses within the Estero Crossing project and describes how these guidelines will be used as part of the development review process. It is intended to ensure that all new buildings on this property are harmonious with each other and within the character of Mediterranean style architecture. They are further intended to ensure a consistent design theme as the plan evolves, or changes, with the following characteristics:

- The mixture of land uses includes retail, service and office functions.
- A variety of thoroughfares serve the needs of pedestrians, cyclists, and drivers.
- Public open spaces provide places for informal social activity.
- Building frontages define the public space of each street.

APPLICABILITY

All proposed development within the Estero Crossing master plan shall comply with all applicable requirements of these design standards and Chapter 33 of the Lee County LDC. In the event of any conflict, the requirements of Chapter 33 shall prevail.

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DESIGN GUIDELINES AND STANDARDS

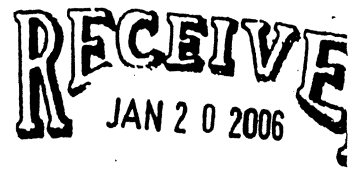
The following design guidelines are intended to establish the standard with which this development will comply. The guidelines however, are intended to be flexible to allow for a more detailed analysis by the Lee County development review staff and the Estero Development Review Committee at the time of local development order.

- Estero Crossing is planned as a functionally interrelated commercial site under unified control, subject to common guidelines and standards to ensure a quality development. All development will meet or exceed those established by LDC Chapter 33, Estero Planning Community.
- Estero Crossing will be a fully integrated planned site, where attention to the overall site design is achieved by providing well designed and integrated vehicular use areas, pedestrian paths, a common or compatible architectural theme, unified signage, landscaping, and lighting throughout the site.
- Estero Crossing will be developed on a 41.75-acre site as part of the Corkscrew Road Overlay, a corridor of architecturally appealing and attractively landscaped buildings that cater to the needs of the community. This 41.75-acre site is divided into two main development parcels, the "Village Areas" fronting along Corkscrew Road and the "Anchor Parcel" located within the central and back portion of the site.

A. VILLAGE AREAS

DCI 2005-00102

1. Architectural Standards: The Village Areas will feature an integrated and compatible Mediterranean architectural building style or theme. Massing of building facades will be reduced by transitioning building heights, widths and colors, textures and adding architectural elements such as wall projections, loggias, canopies, corner towers, archways, or columns, which will form courtyard-like areas, appropriately scaled for public gathering space. Primary entry facades will have windows along no less than 10% of their horizontal length in addition to the primary entrance. These treatments will create visual interest and variety, while providing visitors to the project a pedestrian-friendly atmosphere. Building architectural styles shall be compatible and complementary elements such as roof treatments, signage, landscaping and building materials and colors.
2. Each free-standing use will provide a visually appealing, articulated, identifiable path of entry for pedestrians and vehicles for the internal drive to the site, from the site to the buildings themselves, and from Corkscrew Road to the free standing use. The orientation of a building or structure upon a site



will reflect not only the project's functionality, but will also be responsive to the individual parcel's characteristics and relationship to Corkscrew Road.

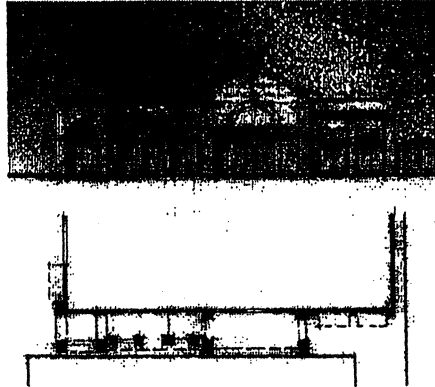
3. Building lighting design will be architecturally treated in the style of the building architecture. Lighting fixtures illuminating the parking area shall be shielded to minimize light intrusion crossing the property line when abutting residential uses.
4. Landscaping: Landscape design guidelines for freestanding uses will create a harmonious and visually pleasing landscape that is cohesive and complementary to the overall master landscape plan. The Estero Crossing landscape concept will feature combinations of native plants and ornamental varieties, which will be designed to define and accent pedestrian and vehicular spaces, as well as enhance the building architectural style. Landscape designs will create a coherent theme, which emphasize plant material as primary unifying elements. Where possible, existing native trees will be incorporated into the site plan to add character to the pedestrian/open space areas and enhance buffer and perimeter areas.

DCI 2005-00102

B. ANCHOR PARCEL

1. The Anchor Parcel will accommodate one or several retail uses. The on-site pedestrian system will connect the Anchor Parcel to the Village Areas, and the buildings of the Anchor Parcel will be designed to compliment the buildings in the Village Areas. The parking area will be designed to minimize hardscaped areas, visually and physically.
2. Architectural Standards: The Anchor Parcel will feature an integrated and compatible Mediterranean vernacular architectural building style or theme, which will also be incorporated into the Village Areas, and all other free standing uses. Buildings will have architectural features and patterns that provide visual interest from the perspective of the pedestrian; reduce massing aesthetic and be site responsive. Facades will be designed to reduce the mass/scale and uniform monolithic appearance of large unadorned walls, while providing visual interest that will be consistent with the center's identity and character through the use of articulation, detail and scale. Articulation is accomplished by varying the building's mass in height and width so that it appears to be divided into distinct massing elements and details that can be perceived at the scale of the pedestrian.

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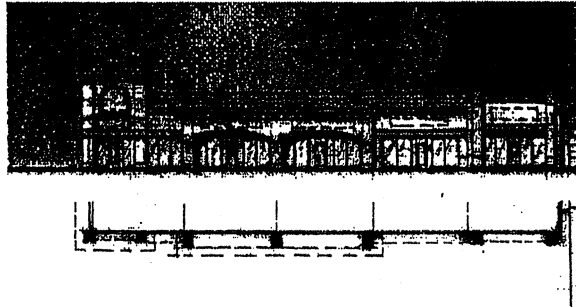


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Buildings will also provide a minimum of two of the following building design treatments:

- Canopies or portico, integrated with the buildings massing and style
- Overhangs
- Arcades, minimum of six feet clear in width
- Raised cornice parapets over doors
- Arches
- Ornamental and structural architectural details, other than cornices; which are integrated into the building structure and overall design
- Clock or bell towers
- Any other treatment, which, in the opinion of the Architect meets the intent of the design character.

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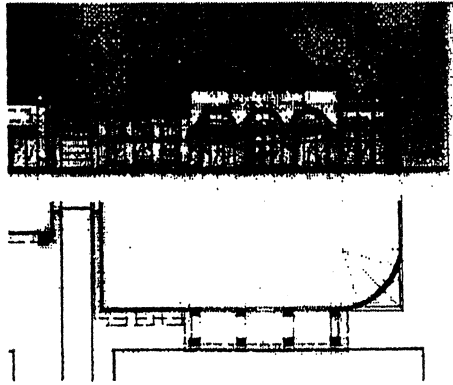


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Building facades may include a repeating pattern and may include no less than two of the design elements listed below. At least one of these design elements may repeat horizontally.

- Color change
- Texture change
- Material module change
- Expression of architectural relief, through a change in plane of no less than 12 inches in width, such as reveal, an offset, or a projecting rib
- Pattern change

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Roof will meet at least two of the following requirements:

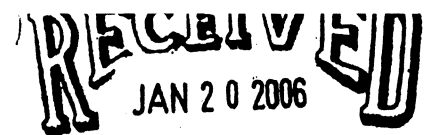
- Parapets will be used to conceal roof top equipment and flat roofs
- Where overhanging eaves are used, overhangs will be no less than 12 inches beyond the supporting walls with a minimum fascia of eight inches
- Three-dimensional cornice treatment which will be a minimum of 12 inches in height with a minimum of three reliefs

Major anchor parcel buildings will have clearly defined, highly visible customer entrances which may include, an outdoor patio area adjacent to the customer entrance, which incorporates benches or other seating components and decorative landscape planters.

Exterior building colors and materials contribute significantly to the visual impact of a building.

Predominant exterior building materials will include, but are not limited to:

- Stucco
- EFIS
- Brick
- Tinted, textured, other than smooth or ribbed, concrete masonry units or
- Stone, excluding an ashlar or rubble construction look



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C. COMMON / PUBLIC AREA

1. Internal roadways will provide efficient vehicular circulation and will be designed with streetscapes that create pedestrian-friendly environments. Streetscape plans will be designed to establish a hierarchy of vehicular and pedestrian flow appropriate in scale and character with landscape improvements, street function and adjacent land uses with the intention of linking uses throughout the project.
2. Project architectural features will be developed within common areas that may include streetscape elements such as lighting, rest pavilions, benches, gazebo and the like, and will be coordinated in design, color and style. Architectural features shall be permitted throughout the site.
3. Estero Crossing will provide a variety of publicly accessible amenities, such as restrooms, rest stations, gazebo and the like, which will further the project's commitment to complement and enhance Lee County and Estero Crossing Design Guidelines, and serve to provide a sense of place for the community.
4. A pedestrian way network shall be established throughout the project. The pedestrian system will serve to link Anchor and Village areas by providing a landscaped walkway protected from vehicular traffic movement. Any required breaks in the pedestrian network for vehicular access to the site shall be identified through use of pavers, signage, or other traffic calming techniques deemed appropriate to reduce the speed of vehicles and provide safe pedestrian movements throughout the site.
 - a. The anchor parcel/building area pedestrian way shall be a walkway, featuring concrete surfaces, which may be paved, tiled, etc. This pedestrian way shall include architectural features such as fountains, courtyards, arbors or similar design features, and decorative landscape plantings. Seating and decorative landscape planting shall be provided intermittently along the pathway.
 - b. The anchor parcel/building area pedestrian way shall be located generally within the parking area, to be determined at the time of approval of a Development Order for Building Area B or C. This pedestrian way system will be designed to promote safe and convenient linkage from the parking areas to both the perimeter village area and the anchor parcel. Vehicular crossings will be identified with signage, landscaping and clearly marked through use of varied pavement treatments or other traffic calming techniques. This pedestrian way system shall be a minimum of 5' in width, with pavers, stamped concrete or banded concrete pedestrian pathway. This pedestrian pathway will feature canopy trees or palms with

ground level landscape plantings. Canopy trees or palms will be planted within adjacent parking landscape islands. Canopy trees or palms shall be planted along the pedestrian way system and shall be a minimum of 12' high with 4' spread for canopy trees and equivalent specification for shade palms at the time of planting.

- c. The perimeter pedestrian way system is designed to link freestanding uses with the parking and village area pedestrian way as shown on the Conceptual Site Plan. Vehicular crossings will be identified with signage, landscaping and clearly marked through use of varied pavement treatments or other traffic calming techniques.

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LANDSCAPING

A. GENERAL

The attached Native Plant Lists are provided to present a specific plant palette for perimeter buffers, native re-vegetation, preserve enhancement and satisfy LDC native plant requirements. Any non-native landscape material used shall be allowed under the LDC and will be used to provide additional color and texture for areas to be enhanced such as main vehicular and pedestrian entries, circulation routes, building perimeter plantings and pedestrian amenity open spaces.

B. PERIMETER

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1. Buildings along Corkscrew Road will be designed in accordance with LDC Chapter 33, the setback requirements for the Estero Planning Community. Trees may be clustered to allow view corridors to internal buildings. Where possible, native trees will be preserved and incorporated into the perimeter buffer areas for screening and aesthetic enhancement of the project.
2. Where parking or service areas along Corkscrew Road are located within 75' of the right of way line, the developer must maintain a minimum 30' setback for parking or service areas from the Corkscrew Road right-of-way, with a landscaped berm to obscure the parking areas as well as the vehicles. Trees may be clustered to allow view corridors to internal buildings. Where possible, native trees will be preserved and incorporated into the perimeter buffer areas for screening and aesthetic enhancement of the project. Further, sidewalk improvements may be made (subject to LDOT review and utility conflicts) to create a landscape area between the edge of pavement of Corkscrew Road and the sidewalk.
3. The required trees within buffers shall be a minimum of 12' over all in height. Canopy trees shall have a 6' canopy spread at the time of planting.
4. Landscape buffers, berms fences and walls, where applicable, must be constructed along the perimeter of the Estero Crossing boundary concurrent with a Development Order approval for each Building Area identified on the Master Concept Plan.
5. Sidewalks, signage, water management systems, drainage structures, project architectural features, lighting, and utilities will be permitted within perimeter landscape buffers.
6. Perimeter landscape berms located within the Estero Crossing boundary and contiguous to a property line and/or right-of-way line may be constructed such

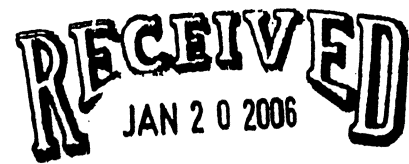
that they encroach into the right-of-way when approved by the applicable owner or agency.

C. INTERNAL

Per LDC Chapter 33, internal landscaping will be provided to minimize hardscaped areas, both visually and physically, accentuate entryways, define pedestrian areas, and enhance the pedestrian walkway system. In all landscaped areas, existing native trees will be preserved where possible.

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Recommended Plants - Native Trees

(Medium and Large)

(Plants Listed Range from Zones 9, 10 and 11)

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Botanical Name	Common Name	Botanical Name	Common Name
<i>Acacia farnesiana</i>	Sweet Acacia	<i>Jacquinia keyensis</i>	Joewood
<i>Acer rubrum</i>	Red Maple	<i>Juniperus silicicola</i>	Southern Red Cedar
<i>Annona glabra</i>	Ponda Apple	<i>Laguncularia racemosa</i>	White Mangrove
<i>Bursera simaruba</i>	Gumbo Limbo	<i>Magnolia virginiana</i>	Sweet Magnolia
<i>Celtis laevigata</i>	Sugarberry	<i>Morus rubra</i>	Red Mulberry
<i>Chrysobalanus icaco</i>	Cocoplum	<i>Myrcanthes fragrans</i>	Simpson Stopper
<i>Chrysophyllum</i>		<i>Nyssa sylvatica</i>	Black Gum
<i>oliviformea</i>	Satin Leaf	<i>Persea palustris</i>	Florida Red Bay
<i>Citharexylum spinosum</i>	Fiddlewood	<i>Pinus elliotti 'densa'</i>	South Fl Slash Pine
<i>Cusia rosea</i>	Pitch Apple	<i>Pinus palustris</i>	Longleaf Pine
<i>Cocoloba diversifolia</i>	Pigeon Plum	<i>Piscidia piscipula</i>	Jamaica Dogwood
<i>Cocoloba uvifera</i>	Seagrape	<i>Prunus angustifolia</i>	Chickasaw Plum
<i>Conocarpus erectus</i>	Buttonwood	<i>Quercus laurifolia</i>	Laurel Oak
<i>Cordia sebestena</i>	Geiger Tree	<i>Quercus virginiana</i>	Live Oak
<i>Diospyros virginiana</i>	Persimmon	<i>Rhizophora mangle</i>	Red Mangrove
<i>Eugenia axillaries</i>	White Stopper	<i>Salix caroliniana</i>	Coastal Pain Willow
<i>Eugenia confuse</i>	Redberry Stopper	<i>Sapindus saponaria</i>	Wingleaf Soapberry
<i>Eugenia foetida</i>	Spanish Stopper	<i>Schaefferia frutescens</i>	Florida Boxwood
<i>Eugenia rhombea</i>	Red Stopper	<i>Sideroxylon foetidissimum</i>	Mastic
<i>Gordonia lasianthus</i>	Loblolly Bay	<i>Sideroxylon salicifolium</i>	Willow Busic
<i>Guaiacum sanctum</i>	Lignum Vitae	<i>Swietenia mahogoni</i>	Mahogany
<i>Gymnanthes lucida</i>	Crabwood	<i>Taxodium distichum</i>	Bald Cypress
<i>Ilex cassine</i>	Dahoon Holly	<i>Ulmus alata</i>	Winged Elm
<i>Ilex vomitoria</i>	Yaupon Holly	<i>Ulmus Americana</i>	
<i>Ilex x attenuate</i>	East Palatka Holly	<i>var floridana</i>	Florida Elm

Recommended Plants - Native Trees

(Medium and Large)

(Plants Listed Range from Zones 9, 10 and 11)

Botanical Name	Common Name
<i>Acoelorrhaphe wrightii</i>	Paurotis Palm
<i>Coccothrinax argentata</i>	Silver Palm
<i>Rhapidophyllum hystrix</i>	Needle Palm
<i>Roystonea elata</i>	Royal Palm
<i>Sabal minor</i>	Dwarf Palmetto

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Sabal Palmetto
Serenoa repens
Thrinax radiata

Cabbage Palm
Saw Palmetto
Florida Thatch Palm

Recommended Plants - Native Shrubs
(Plants Listed Range from Zones 9, 10 and 11)

DCI 2005-00102

Botanical Name	Common Name
Ardisia escallonioides	Marlberry
Baccharis halimifolia	Saltbush
Callicarpa Americana	Beautyberry
Capparis cynophallophora	Jamaican Caper
Cassia ligustrina	Privet Cassia
Cephalanthus occidentali	Buttonbush
Cordia globosa	Bloodberry
Dodonaea viscosa	Varnishleaf
Erithalis fruticosa	Black Torch
Ernodia littoralis	Beach Creeper
Erythrina herbacea	Coral Bean
Foresteria segregata	Florida Privet
Genipa clusiifolia	Seven-Year Apple
Hamelia patens	Firebush
Hypericum spp.	St. John's Wort
Illicium floridanum	Florida Anise
Itea virginica	Virginia Sweetspire
Iva frutescens	Marsh Elder
Lantana involucrata	Native White Lantana
Licania michauxii	Gopher Apple
Lyonia lucida	Fetterbush
Myrica cerifera	Wax Myrtle
Opuntia spp.	Prickly Pear
Psychotria nervosa	Wild Coffee
Randia aculeata	White Indigo Berry
Rapanea punctata	Myrsine
Rivina humilis	Rouge Plant
Sambucus simpsonii	Elderberry
Scaevola plumieri	Scaevola
Sophora tomentosa	Necklace Pod
Stachytarpheta jamaicensis	Blue Porterweed
Yucca aloifolia	Spanish Bayonet
Zamia purnila	Coontie

Recommended Plants - Native Grasses

(Plants Listed Range from Zones 9, 10 and 11)

Botanical Name	Common Name
<i>Andropogon brachystachys</i>	Shortspike Bluestem
<i>Eragrostis elliottii</i>	Elliot Love Grass
<i>Eragrostis spectabilis</i>	Purple Love Grass
<i>Muhlenbergia capillaris</i>	Muhly Grass
<i>Sorghastrum secundum</i>	Lopsided Indiangrass
<i>Spartina bakeri</i>	Sand Cordgrass
<i>Tripsacum dactyloides</i>	Fakahatchee Grass
<i>Tripsacum floridanum</i>	Florida Gamma Grass
<i>Uniola paniculata</i>	Sea Oats

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Recommended Plants - Native Ferns

(Plants Listed Range from Zones 9, 10 and 11)

Botanical Name	Common Name
<i>Acrostichum danaeifolium</i>	Leather Fern
<i>Blechnum serrulatum</i>	Swamp Fern
<i>Ctenitis sloanei</i>	Florida Tree Fern
<i>Nepherolepis</i> spp.	Swordfern/Boston Fern
<i>Osmunda regalis</i>	Royal Fern
<i>Pteridium aquilinum</i>	Bracken

Recommended Plants - Native Aquatics

(Plants Listed Range from Zones 9, 10 and 11)

Botanical Name	Common Name
<i>Canna flaccida</i>	Yellow Cana
<i>Equisetum</i> spp.	Horsetail
<i>Juncus effusus</i>	Soft Rush
<i>Nuphar luteum</i>	Spatterdock
<i>Nymphaea odorata</i>	White Water Lily
<i>Pontederia lanceolata</i>	Pickereelweed
<i>Sagittaria</i> spp.	Arrowhead
<i>Scirpus</i> spp.	Giant Bulrush
<i>Thalia geniculata</i>	Alligator Flag

Calusa Coast Ecologists, Inc.

DRAFT GOPHER TORTOISE RELOCATION AND MANAGEMENT PLAN

Corkscrew Road - Estero 43± Acre Site

Section 35, Township 46 South, Range 25 East
Lee County, Florida

April 21, 2005

Prepared For:

Mr. Thomas Carabine, P.E.
The Wilder Companies
300 Massachusetts Avenue
Boston, MA 02115

Submitted To:

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902

EXHIBIT "E"

(Draft Gopher Tortoise Relocation
& Management Plan)
(Page 1 of 4)

Environmental Resource Permitting • Due Diligence • Habitat Mapping • Wetland Delineations
Dock and Shoreline Permitting • Protected Species Survey & Planning • Mitigation & Monitoring

4666 Siesta Circle • Fort Myers FL 33901 • Tel: (239) 939-7427 • Fax: (239) 274-3020

1.0 INTRODUCTION

The proposed Corkscrew Road – Estero 43 acre project is located in in Section 35, Township 46 South, Range 25 East, Lee County, Florida. Two inactive gopher tortoise (*Gopherus polyphemus*) burrows were documented on the property in August and September, 2004. Development plans will result in construction that may preclude preservation of these existing tortoise burrows. As a result, any gopher tortoise burrows that are found outside of the proposed indigenous preserve area will be excavated and any gopher tortoise found will be relocated to the upland portion of the preserve area.

The permanent preserve area for gopher tortoise will be established on the property, within the designated indigenous open space preserve. The upland areas selected for the gopher tortoise preserve represent suitable gopher tortoise habitat, and will be approximately 3.2 acres, more than large enough to accommodate any gopher tortoise found on the site (i.e., 3 tortoise/acres), and will be compatible with land plan requirements. In addition, a wetland preserve area (1.0± acres) with contiguous upland preserve (0.5± acres), and a contiguous dry detention areas (5.8± acres) will provide additional gopher tortoise forage areas.

Prior to development of the site, an application for Special Gopher Tortoise Relocation Permit for Five or Fewer Gopher Tortoise will be submitted to the Florida Fish and Wildlife Conservation Commission (FFWCC). Because a gopher tortoise relocation permit is only valid for 90 days for the FFWCC, application for the permit will be submitted at a time closer to construction commencement.

Following receipt of the FFWCC permit and other necessary permits, any gopher tortoise present on the site will be relocated either to a temporary holding area and subsequently to the permanent gopher tortoise preserve, or directly to the preserve area. The relocation of the tortoise will occur prior to the start of clearing and construction on the site.

2.0 RELOCATION & MANAGEMENT OF TORTOISES

The permanent gopher tortoise preserve will be established on the property. Per the Lee County density calculations and FFWCC methodology used to estimate the number of tortoise on the property, approximately 2 tortoise are estimated to exist on the property as of September 2004. FFWCC guidelines recommend a density of three tortoise per acre. Accordingly, approximately 0.66 acres would be required to support this estimated tortoise population on the property. Therefore, the plan provides for more than adequate indigenous preserve (3.2± acres of pine flatwood uplands, as well as additional contiguous wetland preserve and dry detention areas).

Prior to relocation of tortoise, the permanent preserve area will be prepared.

This fence will extend at least 2 feet above ground and be

angled inward and staked tightly to discourage scaling by tortoises. The fencing will also be buried a minimum of 1 foot below ground to discourage tortoises from burrowing under the fence.

The initial step in the tortoise relocation will be to find the previously identified tortoise burrow in the project area. A survey will be conducted in the general vicinity of this burrow to locate any new burrows. All new burrows encountered will be flagged, numbered, and classified as active, inactive, or abandoned.

All of the active and inactive burrows will be excavated in order to capture the tortoises and any vertebrate commensals found within the burrows. A qualified biologist with gopher tortoise relocation experience will oversee the excavation/relocation process. If excavation of a particular burrow proves unfeasible, the bucket-trap method will be employed to capture the tortoise. This method involves installation of a large plastic bucket sunken at the burrow entrance. The bucket will be left in place at least 14 consecutive days and checked in the early morning and once in the afternoon of each day to see if a tortoise has fallen into the bucket. If no tortoise has been captured after the 14-day period, the burrow will be assumed unoccupied. Any tortoises found wandering outside of their burrows will be captured by hand.

Captured tortoises and commensals will then be relocated into the permanent gopher tortoise preserve area. Any Eastern indigo snakes that are captured will be held separately and FFWCC will be notified for further instructions. Start holes will be dug within the holding area for the tortoises in order to reduce stress and encourage them to establish burrows.

The fencing around the gopher tortoise preserve area will remain in place until all construction in the vicinity of the preserve is completed. No supplemental feeding will be required, since the preserve includes appropriate gopher tortoise forage species. The containment fence will also be inspected regularly and mended when necessary.

Management of the permanent gopher tortoise preserve will begin prior to relocation of the tortoises. All exotic plant species will be removed. Removal of exotics will encourage natural recruitment and re-generation of native ground cover plant species. No supplemental planting of vegetation appears to be needed at this time, since this area is characterized as pine/palmetto flatwoods with 50% - 75% exotics (refer to FLUCCS Code description for 411 E3). The exotics are found mostly in the mid-story, and consist primarily of downy rose myrtle, with some Brazilian pepper and Melaleuca. Once these exotics are eradicated from the preserve, the resulting habitat will more optimally support gopher tortoise requirements.

Following completion of the construction project, the fencing will be removed to allow the gopher tortoises to move freely within the preserve areas.

The preserve management program will include educational and protective measures. A sign will be posted at the preserve boundary. This sign will indicate that the area is a protected wildlife preserve.

So long as gopher tortoises inhabit the area, the permanent gopher tortoise preserve will be managed in perpetuity to prevent re-infestation of exotic plant species. Appropriate horticultural practices (i.e. re-planting or seeding, control of nuisance plants, fertilization, etc.) will be employed as needed to sustain a desirable groundcover. The required management activities will be determined through periodic inspections of the preserve area.