

RESOLUTION NUMBER Z-05-010

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

WHEREAS, an application was filed by the property owner, West Bay Club Development Corporation, to amend the West Bay Club RPD (f/k/a Estero Point RPD) and add 1.6 acres; and

WHEREAS, a public hearing was advertised and held on January 19, 2005, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2004-00046; and

WHEREAS, a second public hearing was advertised and held on March 21, 2005, 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:

- a. Change Area 3 from single-family residential, as approved in Administrative Amendment ADD1999-00056, to a multi-family residential area as originally approved in Resolution Z-96-005, which will allow 20 stories over parking not to exceed a maximum height of 220 feet; and
- b. Add 1.6± acres to the West Bay Club RPD, Area 9, to allow for the addition of four single-family residential lots with no increase in the total number of dwelling units.

The subject property is located in the Outlying Suburban, Suburban and Wetlands Land Use Categories and legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C 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 four page Master Concept Plan entitled "Master Concept Plan for West Bay Club", formerly Estero Pointe RPD, stamped received by the permit counter on August 27, 2004, except as modified by the conditions below. This development must comply with all requirements of the Lee County 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 Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
2. The terms and conditions of Resolution Z-96-005 and Amendments thereto remain in full force and effect except as amended herein.
3. Upon approval of this zoning action, Administrative Amendment ADD1999-00056 is null and void.
4. The four single-family residential lots added to Development Area (Pod) 9, referenced as Development Area (Pod) 9B on the Master Concept Plan, must be consistent with the Property Development Regulations adopted within Resolution Z-96-005 and Amendments thereto.
5. Development Area (Pod) 3 must be in substantial compliance with the attached site plan, labeled Exhibit C, and the terms and conditions of Resolution Z-96-005.
6. Condition Number 4 of Resolution Z-96-005, and its subsequent amendment in Administrative Amendment PD-98-003, Condition 3, is further amended as follows:

The RPD is limited to a maximum total of 1,016 residential dwelling units with the following distribution:
 - a. A maximum of 970 dwelling units are permitted on the subject properties located within the Outlying Suburban Land Use Category, of which no more than 630 dwelling units are permitted within Development Areas (Pods) 3, 4, and 5.
 - b. A maximum of 46 dwelling units are permitted within the subject properties in the Suburban Land Use Category.
7. Sheet three of the four page Master Concept Plan entitled "Master Concept Plan for West Bay Club", formerly Estero Pointe RPD, stamped received by the permit

counter on August 27, 2004, attached hereto as Exhibit D, is amended by adding and deleting language as follows:

An overall maximum of five high-rise buildings may be located within multiple-family Development Areas (Pods) 3, 4, and 5.

8. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

SECTION C. DEVIATIONS:

No additional deviations have been requested as part of the zoning action. All deviations, except Deviation 9, approved by Resolution Z-96-005 remain in full force and effect. Deviation 9 is revised as follows:

Deviation (9) seeks relief from the LDC §34-935(f)(3)(e), requirement limiting the height of buildings in the RPD zoning category within the Outlying Suburban land use category to 45 feet, to allow 20 stories over parking for Development Areas (Pods) 2, 3, 4 and 5. This deviation is APPROVED, SUBJECT TO the following conditions:

- a. Development Area (Pod) 2 is limited to a maximum height of 75 feet.
- b. Development Areas (Pods) 3, 4, and 5 are limited to a maximum height of 220 feet and are further limited to a combined total of five multi-family high-rise buildings and 24 low-rise villa units for a combined total of 630 dwelling units: a maximum of two high-rise buildings on Development Areas (Pods) 3 and 4, and 24 low-rise villa units in Development Area (Pod) 3 only; and a maximum of one high-rise building on Development Area (Pod) 5.
- c. Development Areas (Pods) 3 and 4 must provide a minimum of 35 percent open space.
- d. Development Area (Pod) 5 is limited to one multi-family high-rise building and must provide a minimum of 60 percent open space.
- e. Ninety percent of the required parking in multiple-family Development Areas (Pods) 3, 4, and 5 must be provided under the principal building structure to limit the impacts of impervious areas created by open parking lots.
- f. All buildings over 45 feet in height must be set back an additional one-half foot for every foot of height over 45 feet along the external development perimeter.

SECTION D. 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 (subject parcel identified with shading)
- Exhibit C: Site Plan
- Exhibit D: The Master Concept Plan

The applicant indicates there are numerous and varied STRAP numbers which are on file and available for inspection at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL.

SECTION E. 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; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - 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 approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

Robert P. Janes	AYE
Douglas R. St. Cerny	AYE
Ray Judah	AYE
Tammy Hall	AYE
John E. Albion	AYE

DULY PASSED AND ADOPTED this 21ST day of March 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: *Dea S. Pierce*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *[Signature]*
Chairman

Approved as to form by:

[Signature]
Dawn E. Perry-Lehnert
County Attorney's Office



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MINUTES OFFICE

JP
2005 MAR 24 AM 10:13

DrawingName

RECEIVED

AUG 27 2004

DCI 0004 00046

PERMIT COUNTER

DESCRIPTION

WEST BAY CLUB

SECTIONS 29, 30, 31 & 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST & SECTIONS 5 & 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND BEING ALL OF WEST BAY CLUB, A SUBDIVISION, AS RECORDED IN PLAT BOOK 62, AT PAGES 79 THROUGH 111 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND A PARCEL OF LAND BEING ALL OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, RECORDED BOOK 104 AT PAGE 328 OF SAID PUBLIC RECORDS, IN OFFICIAL SECTIONS 29, 30, 31 AND 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND SECTIONS 5 & 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 5, BEING A POINT ON THE CENTERLINE OF WILLIAMS ROAD (60.00 FEET WIDE); THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG THE BOUNDARY OF SAID WEST BAY CLUB: SOUTH 00° 40' 16" EAST FOR 30.00 FEET;

NORTH 88° 00' 18" EAST FOR 165.26 FEET;

SOUTH 00° 36' 20" EAST FOR 200.00 FEET;

SOUTH 88° 00' 18" WEST FOR 494.00 FEET;

SOUTH 00° 47' 09" EAST FOR 785.00 FEET;

SOUTH 88° 57' 37" WEST FOR 150 FEET, MORE OR LESS,

TO THE MEAN HIGH WATER LINE OF HALFWAY GREEN; THENCE

DEPARTING SAID BOUNDARY OF WEST BAY CLUB RUN SOUTHERLY

ALONG SAID MEAN HIGH WATER LINE FOR 100 FEET, OF WEST

LEE COUNTY, FLORIDA, TO THE POINT OF BEGINNING OF WEST

BAY CLUB, THENCE RUN THE FOLLOWING COURSES AND

DISTANCES ALONG THE BOUNDARY OF SAID WEST BAY CLUB:

NORTH 89° 15' 59" EAST FOR 409 FEET, MORE OR LESS, TO

THE NORTHEAST CORNER OF THE SOUTH HALF (S-1/2) OF THE

NORTHWEST QUARTER (NW-1/4) OF SAID SECTION 5;

NORTH 89° 15' 52" EAST FOR 327.60 FEET;

SOUTH 00° 32' 41" EAST FOR 1,350.95 FEET;

SOUTH 89° 31' 44" WEST FOR 334.62 FEET;

SOUTH 89° 34' 40" WEST FOR 2,592.29 FEET;

SOUTH 01° 31' 46" EAST FOR 92.78 FEET;

SOUTH 89° 10' 55" WEST FOR 349.43 FEET;

SOUTH 00° 49' 50" EAST FOR 162.49 FEET;

NORTH 81° 20' 47" WEST FOR 600.53 FEET;

SOUTH 46° 11' 51" WEST FOR 77.45 FEET;

NORTH 01° 35' 45" WEST FOR 2,875.95 FEET TO AN

INTERSECTION WITH THE SOUTH LINE OF THE SOUTHEAST

QUARTER (SE-1/4) OF SAID SECTION 31;

SOUTH 88° 56' 02" WEST ALONG SAID SOUTH LINE AND

ALONG SAID BOUNDARY LINE FOR 1,618.66 FEET TO THE

SOUTH QUARTER CORNER OF SAID SECTION 31;

NORTH 00° 22' 46" WEST ALONG THE NORTH/SOUTH QUARTER

SECTION LINE FOR 2,656.37 FEET TO THE CENTER OF SAID

SECTION 31; THENCE CONTINUE NORTHERLY ALONG SAID

NORTH/SOUTH QUARTER SECTION LINE, FOR A DISTANCE OF 2,391 FEET, MORE OR LESS, TO THE WATERS OF THE ESTERO RIVER, NORTHEASTERLY, SOUTHEASTERLY, SOUTHWESTERLY, SOUTHERLY, SOUTHEASTERLY AND NORTHEASTERLY ALONG SAID WATERS FOR 5,030 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE EAST LINE OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 30, TOWNSHIP 46 SOUTH, RANGE 25 EAST, NORTH 00° 32' 05" WEST ALONG SAID EAST LINE FOR 62 FEET, MORE OR LESS, TO SAID WATERS OF THE ESTERO RIVER, THENCE RUN WESTERLY, NORTHERLY, EASTERLY, SOUTHEASTERLY, SOUTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG SAID WATERS FOR 1,753 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE NORTH LINE OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST, NORTH 87° 54' 57" EAST ALONG SAID NORTH LINE FOR 458 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID PLAT, SOUTH 00° 43' 04" EAST FOR 1,190 FEET, MORE OR LESS, NORTH 88° 27' 02" EAST FOR 1,287.39 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY LINE OF A FLORIDA POWER AND LIGHT COMPANY TRANSMISSION LINE EASEMENT (100 FEET WIDE) AS DESCRIBED BY DEED RECORDED IN DEED BOOK 227 AT PAGE 261 OF SAID PUBLIC RECORDS; SOUTH 20° 51' 17" EAST ALONG SAID SOUTHWESTERLY LINE FOR 123.06 FEET TO AN INTERSECTION WITH THE NORTH/SOUTH QUARTER SECTION LINE OF SAID SECTION 32; SOUTH 00° 35' 53" EAST ALONG SAID QUARTER SECTION LINE FOR 1,226.63 FEET; SOUTH 00° 56' 02" EAST ALONG SAID NORTH/SOUTH QUARTER SECTION LINE FOR 2,644.19 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 866 ACRES, MORE OR LESS.

BEARINGS HEREIN ABOVE MENTIONED ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 32 TO BEAR SOUTH 00° 56' 02" EAST.

PARCEL IN
SECTIONS 29, 30, 31 & 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST &
SECTIONS 5 & 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

JOHNSON

ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (941) 334-0046
FAX (941) 334-5881
E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
MAR 4, 2004	20044403	29-46-25	1" = 800'	3 OF 3

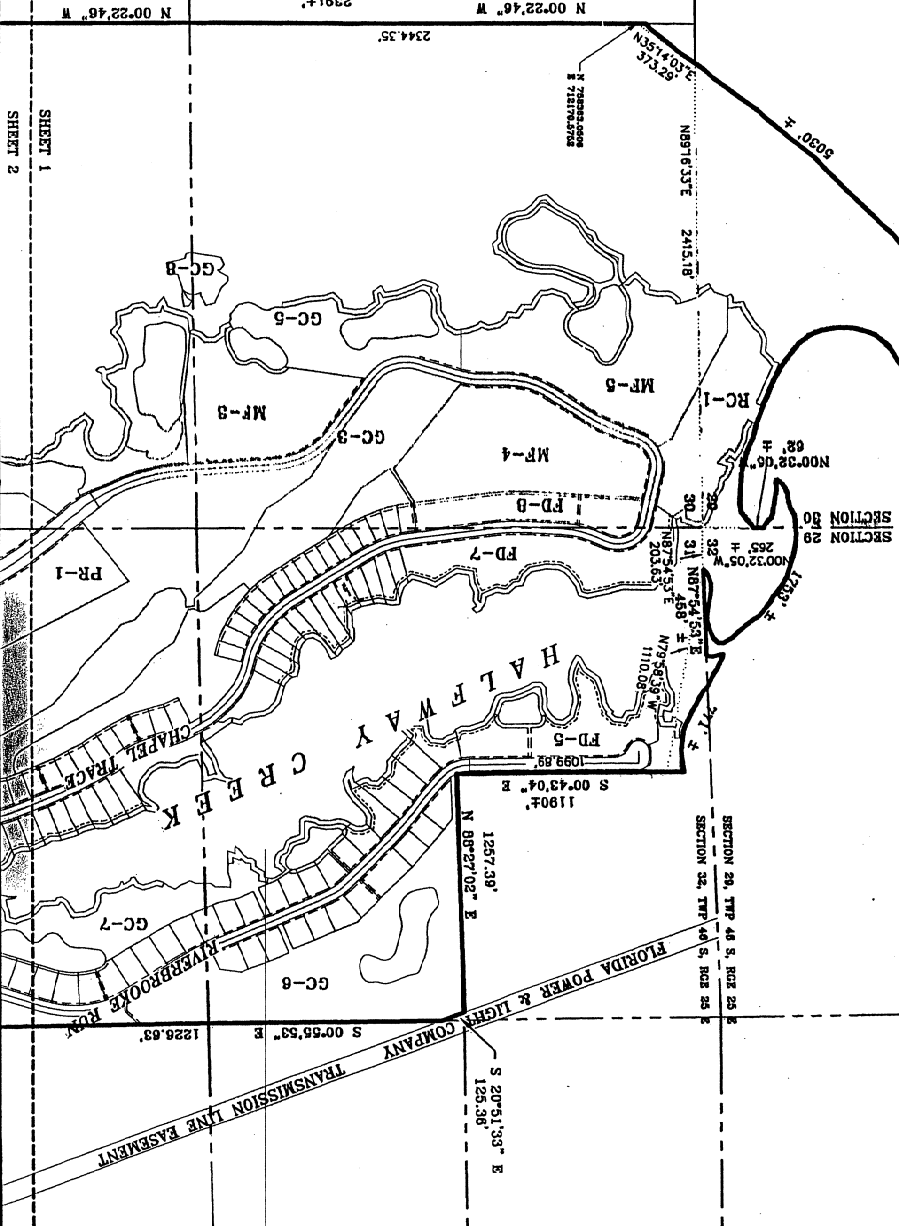
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AUG 27 2004

OCI 2004 00046

DrawingName

PERMIT COUNTER

PARCEL IN
SECTIONS 29, 30, 31 & 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST &
SECTIONS 5 & 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



JOHNSON
ENGINEERING

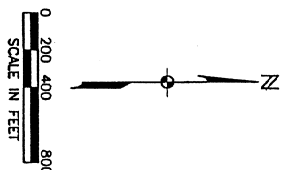
2158 JOHNSON STREET
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FORT MYERS, FLORIDA 33907-1550
PHONE (941) 334-0046
FAX (941) 334-3661
E.B. #642 & L.B. #642

REV-080304-STATE PLANE COORDINATES.

SKETCH TO ACCOMPANY DESCRIPTION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
MAR 4, 2004	20044403	29-46-25	1" = 800'	1 OF 3

NOTES:
1. LEGAL DESCRIPTION ON SHEET 3
2. OR - OFFICIAL RECORD BOOK
3. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION
4. NO GUARANTEE OR DEVELOPMENT RESTRICTIONS ON
5. SUBJECT PARCEL
6. PLAT BOOK
7. PAGE
8. PARCEL CONTAINS 40.39 ACRES, MORE OR LESS
9. GC - GOLF COURSE
10. IX - LAKE
11. R - ROAD
12. DEED BOOK
13. COORDINATES SHOWN ARE STATE PLANE, FLORIDA
WEST ZONE, NAD 1983/1990 ADJUSTMENT.
THIS IS NOT A SURVEY
FRANCES L. SUMMERALL (FOR THE FIRM - LB#42)
PROFESSIONAL SURVEYOR AND MAPPER FLORIDA
CERTIFICATE NO. 5652
DATE SIGNED: 08-05-04
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER AND
NOT VALID WITHOUT LEGAL DESCRIPTION SHEETS 2 & 3.



DCI 2004 00046

DrawingName

RECEIVED
AUG 27 2004

PERMIT COUNTER

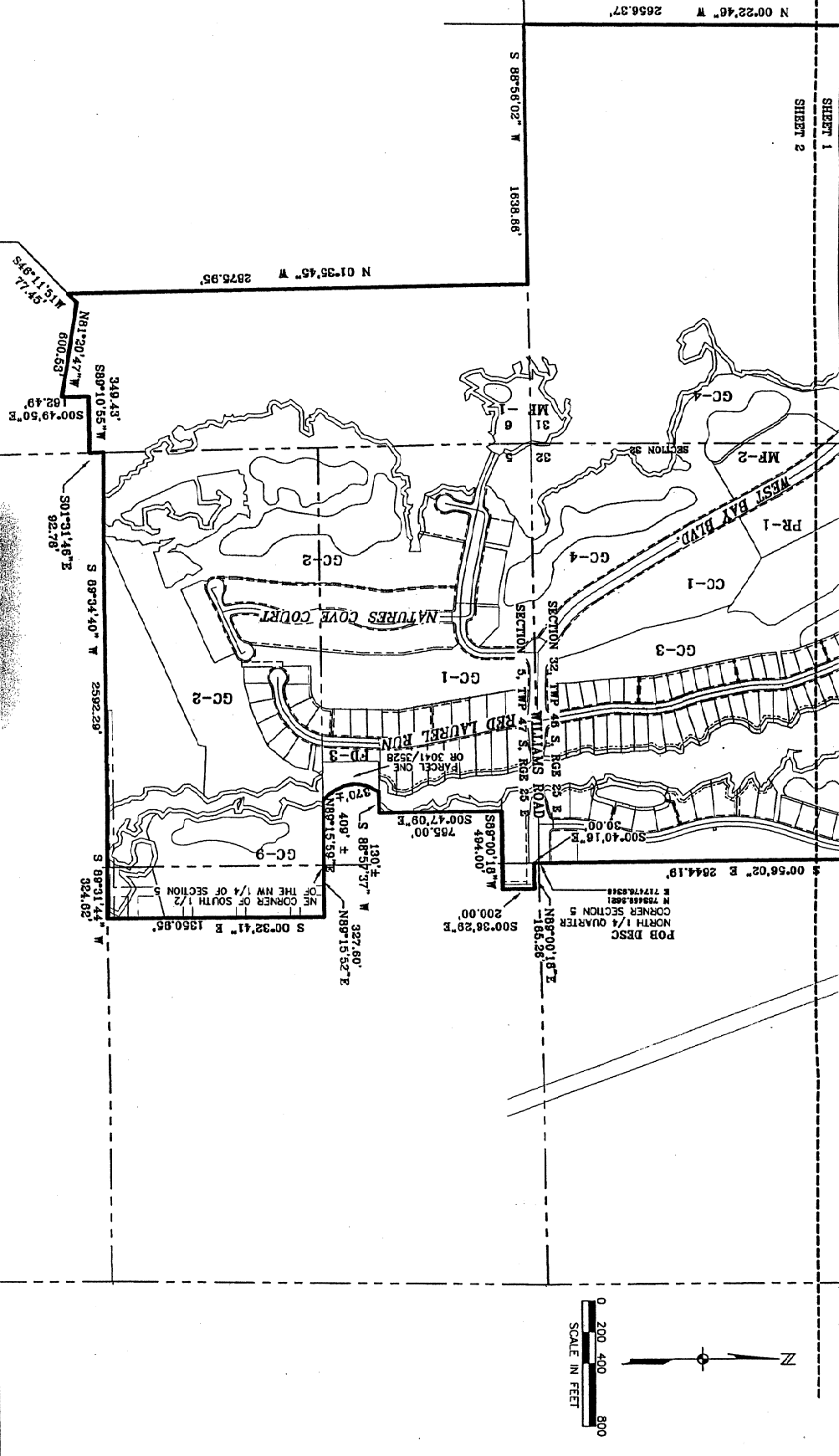
PARCEL IN
SECTIONS 29, 30, 31 & 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST &
SECTIONS 5 & 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

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FAX (941) 334-3661
E.B. #642 & L.B. #642

SKETCH TO ACCOMPANY DESCRIPTION

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ZONING INTAKE MAP

1/4/2005

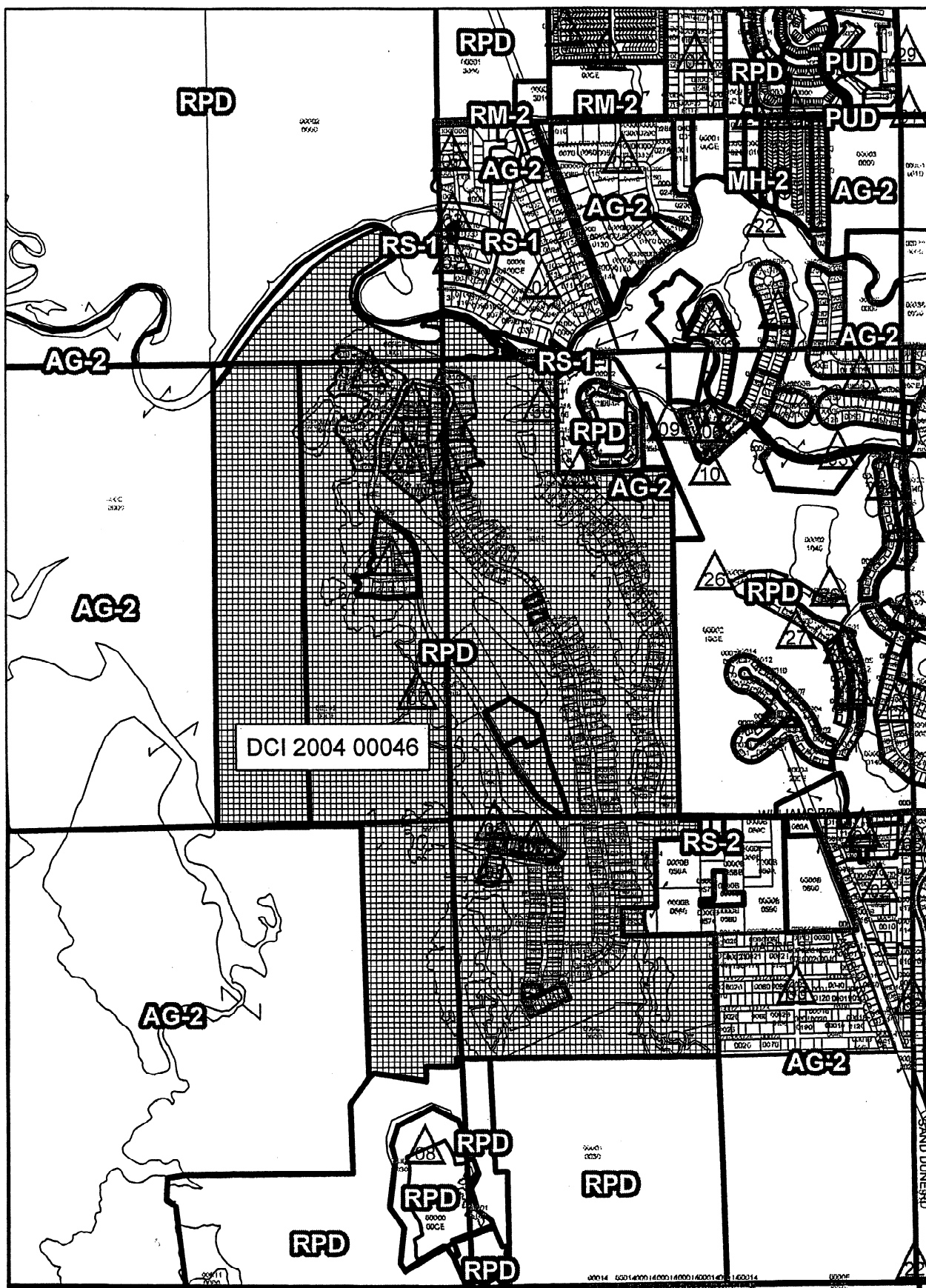
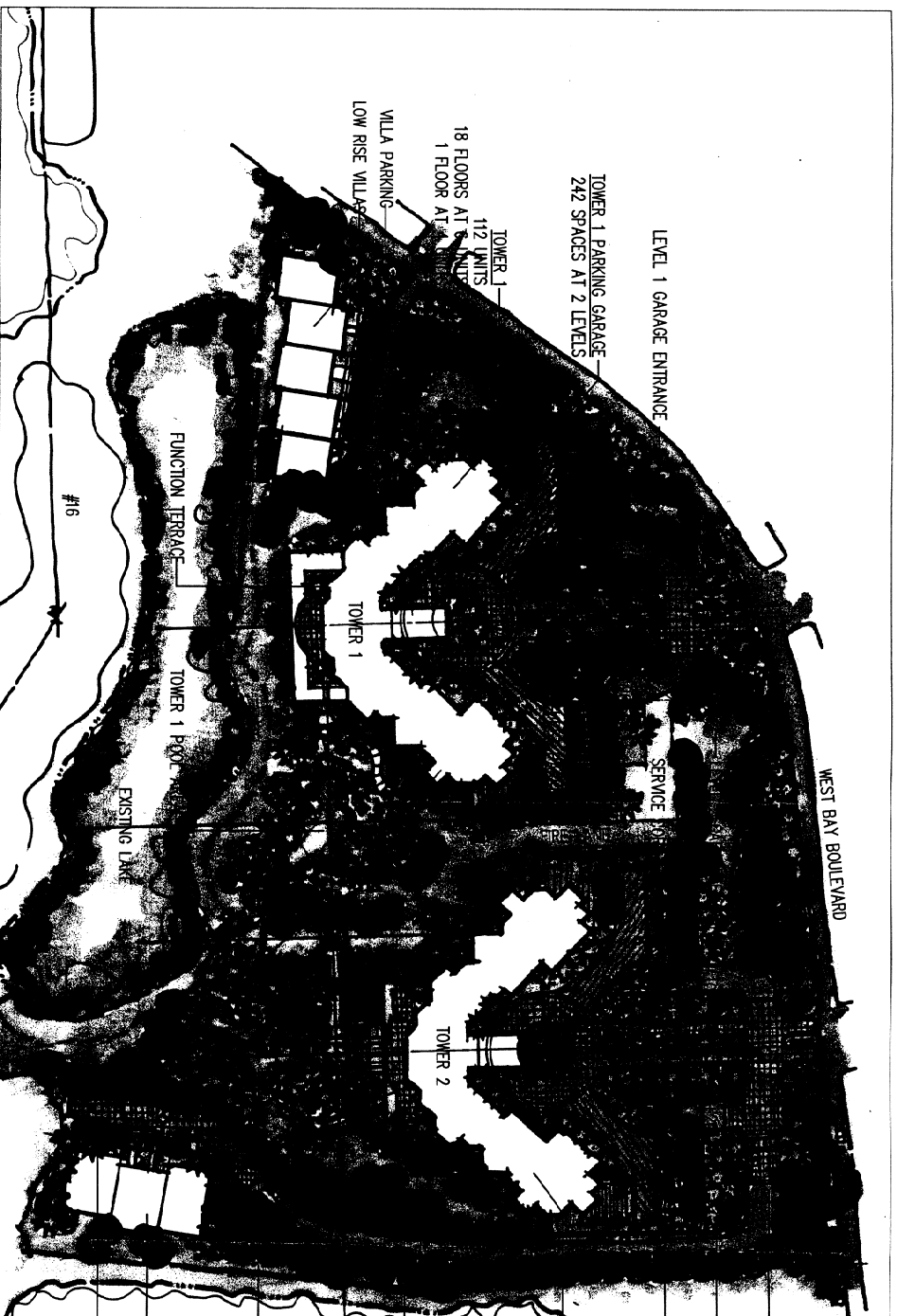


EXHIBIT B

1,800 900 0

1,800 Feet



WEST BAY BOULEVARD

LEVEL 1 GARAGE ENTRANCE

TOWER 1 PARKING GARAGE
242 SPACES AT 2 LEVELS

TOWER 1
112 UNITS
18 FLOORS AT 2 LEVELS
1 FLOOR AT 1 LEVEL

VILLA PARKING
LOW RISE VILLAS

TOWER 1

FUNCTION TERRACE

TOWER 1 POOL

EXISTING LAKE

#16

LEVEL 2 GARAGE ENTRANCE

TOWER 2 PARKING GARAGE
242 SPACES AT 2 LEVELS

GUEST PARKING

TOWER 2
112 UNITS
18 FLOORS AT 6 UNITS
1 FLOOR AT 4 UNITS

TOWER 2

FUNCTION TERRACE

TOWER 2 POOL AREA

LOW RISE VILLAS

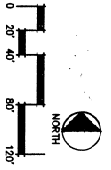
VILLA PARKING

WEST BAY CLUB

Estero, Florida
WEST LAKE COURT



Exhibit C



EDSA

1512 E. Broward Blvd., Suite 110
Fort Lauderdale, FL 33301
www.edsa.com

landscape architects
graphic designers

RECEIVED
DEC 27 2004

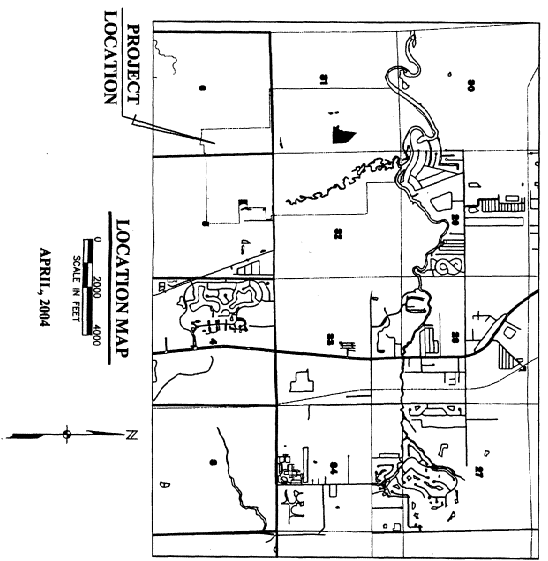
PERMIT COUNTER
DCI 2004 0004

MASTER CONCEPT PLAN FOR **WEST BAY CLUB RPD** (FORMERLY ESTERO POINTE RPD)

SECTIONS 29/30/31/32, TOWNSHIP 46 S., RANGE 25 E.
SECTIONS 5/6, TOWNSHIP 47 S., RANGE 25 E.
BONITA SPRINGS, LEE COUNTY, FLORIDA

INDEX OF PLANS

SHEET NO.	DESCRIPTION
1	COVER
2	MASTER CONCEPT PLAN
3	DOCUMENTATION, SOILS & FLOODS



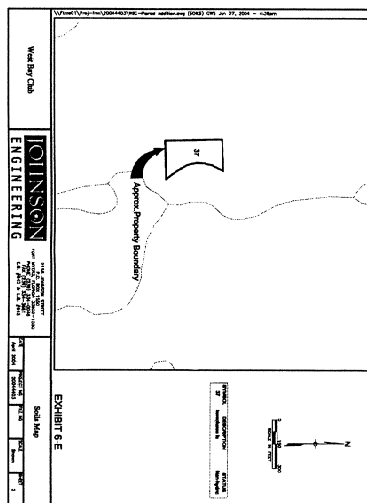
APPLICANT

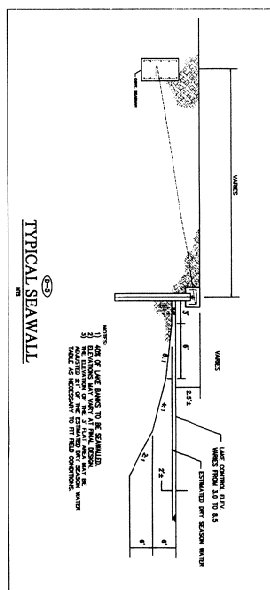
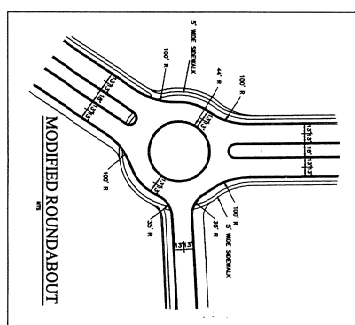
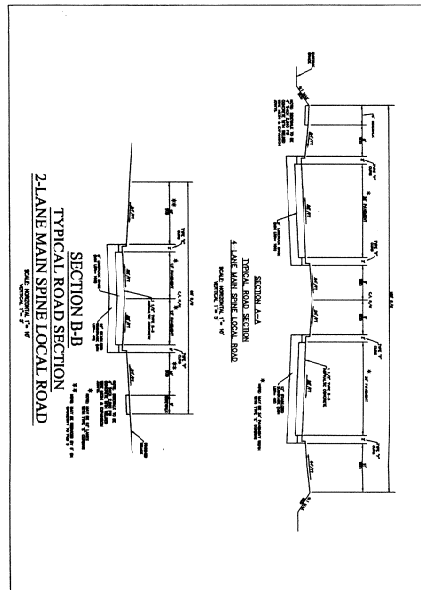
WEST BAY CLUB DEVELOPMENT CORPORATION
4600 WEST BAY BOULEVARD
ESTERO, FLORIDA 33928
PHONE (239) 498-7770
FAX (239) 498-7771

**JOHNSON
ENGINEERING**

2136 JOHNSON STREET
FORT MYERS, FLORIDA 33903-1550
PHONE (239) 334-4416
FAX (239) 334-4416
CE: #42 & LR #42

APPROVED
Professional Seal
Date: 12-14-04
Signature: [Signature]
Title: [Title]
Stamp: DECISION - GOOD
DEC 2004-00046
MAY 18 2005

[illegible]



REVISIONS	WEST BAY CLUB LEE COUNTY, FLORIDA	JOHNSON ENGINEERING	2100 GARDEN STREET SUITE 200 FORT MYERS, FL 33901 TEL: 941-933-1100 FAX: 941-933-1101 E-MAIL: JEN@JOHNSON-ENG.COM	DATE: 04/06/04	PROJECT NO.: 2004-003	SHEET NO.: 23-4-25	SCALE: As Shown	SHEET: 4
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APPROVED
DATE: 04/06/04
BY: [Signature]
FOR: [Signature]
2004-00046
MAR 18 2004