

1 **VILLAGE OF ESTERO, FLORIDA**

2
3 **ZONING RESOLUTION NO. 2022-22**

4
5 **A RESOLUTION OF THE VILLAGE COUNCIL OF THE**
6 **VILLAGE OF ESTERO, FLORIDA, APPROVING WITH**
7 **CONDITIONS THE FINAL PLAN APPROVAL AND TWO**
8 **DEVIATIONS FOR WEST BAY CLUB ISLAND HIGH RISE,**
9 **LOCATED ON POD 5, WEST OF US 41 AT THE END OF**
10 **WILLIAMS ROAD; PROVIDING FOR CONFLICTS;**
11 **PROVIDING FOR SEVERABILITY; AND PROVIDING AN**
12 **EFFECTIVE DATE.**

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14 **WHEREAS**, West Bay Hill, LLC represented by Johnson Engineering, Inc., (the
15 “Applicant”), filed an application for Final Plan approval and two deviations for Pod 5 of the
16 West Bay Club Residential Planned Development (RPD) for a proposed 88-unit high-rise
17 building located west of US 41 at the end of Williams Road, Estero, FL, consisting of
18 approximately 5 acres (the “Property”); and

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20 **WHEREAS**, the Property STRAP numbers are 06-47-25-E2-07MF1.0000 and
21 06-47-25-E2-07LK5.02CE and legally described as:

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23 “All of Tract MF-1 and Tract LK 5-2 according to the plat of West Bay Club as
24 recorded in Plat Book 62, Page 79 through 111 of the public records of Lee
25 County Florida”; and

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27 **WHEREAS**, the property is a part of the West Bay Club RPD approved by Lee County in
28 Resolution Z-96-005, as amended most recently by Lee County Resolution Z-05-010, and further
29 amended by Estero Village Council Ordinance 2021-12; and

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31 **WHEREAS**, Condition 2 of Resolution Z-96-005 requires Final Plan approval prior to any
32 development order approval for vertical development; and

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34 **WHEREAS**, the applicant applied for final Zoning Plan Approval for Pod 5, the high-
35 rise site, and two deviations to eliminate the tree inventory and tree location plan, and tree
36 health assessment requirements of the Code; and

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38 **WHEREAS**, a duly noticed public hearing was held before the Village Council on
39 September 21, 2022, at which time the Village Council gave consideration to the evidence
40 presented by the Applicant and the Village staff and the comments of the public.

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42 **NOW, THEREFORE**, be it resolved by the Village Council of the Village of Estero,
43 Florida:

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Section 1. Final Zoning Plan Approval.

The Village Council approves with conditions the Final Plan approval request and two deviations for the West Bay Club Island High Rise, subject to the following conditions.

Section 2. Conditions and Deviations.

1. Development must be in compliance with the 5-page site plan titled “Final Plan Approval for Island at West Bay” stamped received by Village of Estero, July 1, 2022.
2. All conditions of Ordinance 2021-12 and prior resolutions remain in effect, except as may be modified herein.
3. Deviation 1, a request to deviate from LDC Section 5-404.E. to not provide a required tree inventory or tree health assessment is approved.
4. Deviation 2, a request to deviate from LDC Section 5-405.C.1.A. to not provide the required tree location plan, is approved.

Section 3. Final Plan Approval Review Standards.

Based upon an analysis of the application and the standards for approval in the Land Development Code, and the conditions of approval, the Council finds and concludes that the proposed uses:

- A. Will be consistent with the goals, objectives, and policies of the comprehensive plan;
- B. Will comply with the zoning resolution and all applicable zoning district standards;
- C. Will comply with all standards in Chapter 4: Use Specific Standards;
- D. Will be appropriate for its location and is compatible with the general character of surrounding lands and the uses permitted in the zoning district;
- E. Will adequately screen, buffer, or otherwise minimize adverse visual impacts on adjacent lands;
- F. Will ensure that no site lighting source shall negatively impact adjacent properties and rights-of-way;
- G. Will maintain safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;
- H. Will avoid significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other site elements;

- 92 I. Will not have an adverse impact on land values and the ability of
- 93 neighboring lands to develop uses permitted in the zoning district;
- 94 J. Will avoid significant deterioration of water and air resources, scenic
- 95 resources, and other natural resources;
- 96 K. Will not overburden existing public facilities and services, including but not
- 97 limited to, streets and other transportation facilities, schools, potable water
- 98 facilities, sewage disposal, storm water management, and police and fire
- 99 protection facilities; and
- 100 L. Will comply with all other relevant Village, state, and federal laws and
- 101 regulations; and
- 102 M. The deviations are justified due to the required upland conservation
- 103 easement buffer around the perimeter, and the 60% open space requirement
- 104 on the site.

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106 **Section 4. Exhibit.**

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108 The following exhibit is attached to this Resolution and incorporated by reference:

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110 Exhibit A Site Plan (5 pages) titled “Final Plan Approval for Island at West Bay”
111 stamped received by Village of Estero July 1, 2022

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113 **Section 5. Severability.**

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115 Should any section, paragraph, sentence, clause, phrase or other part of this Resolution
116 subsequent to its effective date be declared by a court of competent jurisdiction to be
117 invalid, such decision shall not affect the validity of this Resolution as a whole or any
118 portion thereof, other than the part so declared to be invalid.

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120 **Section 5. Effective Date.**

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122 This Resolution shall take effect immediately upon adoption.

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124 **ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida on this
125 21st day of September, 2022.

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127 Attest: **VILLAGE OF ESTERO, FLORIDA**

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130 By: _____ By: _____
131 Carol Sacco, Village Clerk Katy Errington, Mayor

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133 Reviewed for legal sufficiency:

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135 By: _____
136 Nancy E. Stroud, Village Land Use Attorney