

VILLAGE OF ESTERO
VILLAGE COUNCIL MEETING
PACKET
NOVEMBER 17, 2021, 09:30 AM

www.Estero-fl.gov

COVID-19 NOTICE:

The Village Council Meeting will be conducted physically in Council Chambers at Village Hall, 9401 Corkscrew Palms Circle, with an opportunity to participate virtually. The meeting will be broadcasted live via the Village of Estero website https://estero-fl.gov/council/watch-meetings-online/. Access in Council Chambers will be limited in order to comply with the safety instructions relating to COVID-19. Please see the bottom of this agenda for further information and instructions for public participation.

AGENDA
VILLAGE COUNCIL MEETING
9401 Corkscrew Palms Circle, Estero, Florida

November 17, 2021, 09:30 am

1. CALL TO ORDER

INVOCATION -- Father Hugh McGuigan Our Lady of Light Catholic Community

PLEDGE OF ALLEGIANCE

ROLL CALL

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

3. PUBLIC COMMENT ON NON-AGENDA ITEMS

4. CONSENT AGENDA

a. October 20, 2021, October 27, 2021 and November 3, 2021 Council Meeting Minutes

Attachment: 10202021 minutes.pdf
Attachment: 10272021 minutes.pdf
Attachment: 11032021 minutes.pdf

5. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA

6. ACTION ITEMS

a. Resolution No. 2021-23 FY 2020/2021 Final Budget Amendment

Recommended Action:
Adopt Resolution No. 2021-23.

Financial Impact:

No additional appropriations are necessary to complete this amendment. Transfers to deficient account line items will be increased from budgeted line items with sufficient remaining budgeted dollars.

Attachment: Resolution 2021-23 Final Budget Amendment packet.pdf

7. FIRST READING AND PUBLIC HEARING

a. Code of Ordinances First Reading

Ordinance No. 2021-11 of the Village Council of the Village of Estero, Florida, Adopting and Enacting a New Code for the Village of Estero, Florida; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing A Penalty for The Violation Thereof; Providing for the Manner of Amending Such Code, and Providing when such Code and this Ordinance Shall Become Effective.

Recommended Action:
Pass First Reading and schedule Second Reading for December 1, 2021.

Financial Impact:
The approximate cost is $12,000 budgeted under Village Clerk contractual services. The annual fee for web hosting and updates is approximately $645.

Attachment: 2021-11_Ordinance_.pdf
Attachment: Municode Agenda Item Summary Sheet.pdf
Attachment: Table of Contents.pdf

8. SECOND READING AND PUBLIC HEARING

9. West Bay Club Zoning Amendment Second Reading

Ordinance No. 2021-12 An Ordinance of the Village Council of the Village of Estero, Florida, Approving with Conditions an Amendment to the West Bay Club Residential Planned Development to Increase the Allowed Height in Pod 5, Located West of US 41 at the end of Williams Road; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Recommended Action:
Approve Ordinance No. 2021-12

Financial Impact:
Minor cost for newspaper advertisement for second reading.

Attachment: 1 Agenda Item Summary Sheet 11-17-2021.pdf
Attachment: 2 Ordinance No. 2021-012.pdf
Attachment: 3_Exhibit A - Master Concept Plan 11-04-21 _Revised with Approved Pages_.pdf
Attachment: 4_Exhibit B - Pattern Book dated 10-1-21.pdf
Attachment: 5_Staff Report Second Reading and Public Hearing.pdf
Attachment: 6_Staff Report Attachment 1. Location Map.pdf
Attachment: 7_Staff Report Attachment 2. West Bay Club Pod 5 Environmental Site Report 8 31 21.pdf
Attachment: 8_Staff Report Attachment 3. Port Authority Letter.pdf
Attachment: 9_1 Staff Report Attachment 4.a Lee Schools Email.pdf
Attachment: 9_2Staff Report Attachment 4.b Lee Schools - Letter.pdf
Attachment: 9_3Staff Report Attachment 4.c. Lee Schools-Student Generation Johnson West Bay Club Pod 5.pdf
Attachment: 10_Staff Report Attachment 5. Solid Waste Email.pdf
Attachment: 11_Staff Report Attachment 6. Request Statement.pdf
Attachment: 12_Staff Report Attachment 7. Past Zoning Resolutions and Approvals Listed.pdf
Attachment: 13_Staff Report Attachment 8a. Applicant_s Additional Submittal Material Aug 6_ 2021.pdf
Attachment: 14_Staff Report Attachment 8b. Applicant_s Additional Submittal Material Sept. 10_ 2021.pdf
Attachment: 15_Staff Report Attachment 9. Zoning Resolution Z-05-010 West Bay Club Development.pdf
Attachment: 16_Staff Report Attachment 10. Resolution Z-96-005.pdf
Attachment: 17_Letter.pdf
Attachment: 18_eComments for Westbay.pdf
Attachment: 19_West Bay 2nd Reading Presentation.pdf

10.PUBLIC COMMENT ON NON-AGENDA ITEMS

11.COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

12.VILLAGE ATTORNEY'S REPORT

13.VILLAGE MANAGER'S REPORT

Adjourn Regular Session and Convene Workshop Items

14.WORKSHOP ITEMS

a. Ben Hill Griffin Parkway Landscape Concept

Attachment: Agenda Item Summary Sheet - Workshop - Template.pdf
Attachment: BenHillGriffinPkwy-ConceptAnalysis.pdf

15.ADJOURNMENT

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DRAFT MINUTES

VILLAGE COUNCIL MEETING

Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928

October 20, 2021 9:30 a.m.

1. CALL TO ORDER

INVOCATION: Pastor Mark Goodman Christ Community Ministries

PLEDGE OF ALLEGIANCE: Led by Councilmember Ribble.

ROLL CALL: Present: Mayor Katy Errington - District 4, Vice Mayor Jon McLain - District 3, Councilmember Joanne Ribble - District 1, Councilmember Larry Fiesel - District 2, Councilmember Jim Boesch - District 5, Councilmember Jim Ward, - District 6, and Councilmember Jim Wilson - District 7.

Also present: Village Manager Steve Sarkozy, Village Attorney Matthew Roepstorff, Village Land Use Attorney Nancy Stroud, Finance Director Chris Phillips, Community Development Director Mary Gibbs, Public Works Director David Willems, Deputy Village Clerk Tammy Duran, and Village Clerk Carol Sacco.

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

Motion: Motion to approve agenda.

Motion by: Councilmember Ward
Seconded by: Councilmember Ribble

Action: Approved agenda.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

3. PUBLIC COMMENT ON NON-AGENDA ITEMS:
None.

Staff Presentation/Comments:
Nancy Stroud, Land Use Attorney

4. INTRODUCTION

American Idol Top Four
Casey Bishop

Council Questions or Comments:
Vice Mayor McLain and Mayor Errington.

5. CONSENT AGENDA

(a) August 2021 Financial Report

Motion: Motion to approve the Consent Agenda.

Motion by: Councilmember Wilson
Seconded by: Vice Mayor McLain

Action: Approved the Consent Agenda.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Wilson, Ward, Ribble, Vice Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

6. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA: None.

7. ACTION ITEMS

(a) Engineering Services for Estero PreK-8 School/Johnson Engineering - Shared Use Contract

Staff Presentation/Comments:

Steve Sarkozy, Village Manager

Council Questions or Comments:
Councilmembers Boesch and Vice Mayor McLain.

Public Comments:
None.

Motion: Motion to approve the award of Supplemental Task Authorization 10 to Contract EC 2020-32 to Johnson Engineering to provide engineering service to The Village of Estero for $98,000, approve a 10% contingency for additional services that may be required to complete the project, and authorize the Village Manager to sign the STA and other additional implementing documents within the scope of the STA on behalf of the Village of Estero Council.

Motion by: Councilmember Fiesel
Seconded by: Councilmember Boesch

Action: Approved the award of Supplemental Task Authorization 10 to Contract EC 2020-32 to Johnson Engineering to provide engineering service to The Village of Estero for $98,000, approve a 10% contingency for additional services that may be required to complete the project, and authorize the Village Manager to sign the STA and other additional implementing documents within the scope of the STA on behalf of the Village of Estero Council.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Wilson, Ward, Ribble, Vice Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

8. PUBLIC HEARING AND SECOND READING

(a) Via Coconut Rezoning

Ordinance 2021-10 of the Village Council of the Village of Estero, Florida, Considering a Rezoning from Agriculture (AG) and Parks and Community Facilities (PCF) to Estero Planned Development (EPD) for a 20-Acre Parcel on the West Side of Via Coconut, South of Corkscrew Road; Providing for Conflicts; Providing for Severability; and Providing an Effective Date.

Village Land Use Attorney Stroud provided information regarding Board business and quasi-judicial hearings. All audience members and staff providing testimony for the hearing were sworn in by Village Land Use Attorney Stroud.

Village Land Use Counsel Stroud asked if there was any ex parte communication. Vice Mayor McLain stated he had a discussion with the developer, Councilmembers Ribble, Fiesel, Ward, Boesch, and Wilson stated they had a discussion with staff, and Mayor Errington was part of a discussion regarding the parcel that will be the church, but dropped out two years ago and has had no discussions since then. No conflict of interest has been noted.

Staff Presentation/Comments:
Steve Sarkozy, Village Manager

Mary Gibbs, Community Development Director

Presentation/Information by:
Rich Yovanovich, Esq., Coleman Yovanovich Koester
Kelly Kenefick, Estero 5, LLC
Matthew Kragh, AIA, MHK Architecture & Planning
Christian Andrea, RLA, ASLA, Architectural Land Design
D. Brent Addison, Banks Engineering

Council Questions or Comments:
Councilmembers Ward, Wilson, Boesch, Ribble, Vice Mayor McLain, and Mayor Errington.

Public Comment:
In-Person
Jane Moran, Genova
Gordon Brown, Pelican Sound

eComments
Elizabeth Serowka
Jane Moran, Genova

Motion: Motion to approve Ordinance 2021-10 with the additional condition number 26 and the revision to condition 19 regarding maintenance.

Motion by: Councilmember Boesch
Seconded by: Councilmember Ribble

Action: Approved Ordinance 2021-10 with the additional condition number 26 and the revision to condition 19 regarding maintenance.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Wilson, Ward, Ribble, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

9. PUBLIC HEARING

(a) Miller Right-of-Way Vacation (VAC2019-E001) on Via Coconut property Resolution 2021-19 Resolution of The Village of Estero, Florida, vacating a 66-Foot Wide Public Right-Of-Way that is Part of the Plat of the Florida Gulf Land Company's Subdivision, as Recorded in Plat Book 1, Page 59, Public Records of Lee County, Florida, Lying and being in Section 34, Township 46 South, Range 25 East, Village of Estero, Lee County, Florida; and Providing for an Effective Date.

Staff Presentation/Comments:

Steve Sarkozy, Village Manager

Mary Gibbs, Community Development Director

Presentation/Information by:

Rich Yovanovich, Esq., Coleman Yovanovich Koester

Council Questions or Comments:

Vice Mayor McLain.

Public Comment:

None.

Motion: Motion to approve Resolution 2021-19.

Motion by: Councilmember Ribble
Seconded by: Councilmember Fiesel

Action: Approved Resolution 2021-19.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Wilson, Ward, Ribble, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

10. PUBLIC COMMENT ON NON-AGENDA ITEMS:

None.

Staff Presentation/Comments:
Nancy Stroud, Land Use Attorney

11. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

Councilmembers Ribble, Fiesel, Boesch, Wilson, Ward, Vice Mayor McLain, and Mayor Errington.

12. VILLAGE ATTORNEY'S REPORT:

Staff Presentation/Comments:
Village Attorney Matthew Roepstorff

13. VILLAGE MANAGER'S REPORT:

Staff Presentation/Comments:
Steve Sarkozy, Village Manager
David Willems, Public Works Director

Council Questions or Comments:
Councilmember Ward and Vice Mayor McLain

Adjourn Regular Session at 11:57 a.m. and Convene Workshop Items 12:11 p.m.

14. WORKSHOP ITEMS

(a) Williams Road Bicycle & Pedestrian Improvement Concepts

Staff Presentation/Comments:
Steve Sarkozy, Village Manager
David Willems, Public Works

Presentation/Information by:
D. Brent Addison, Banks Engineering

Public Comments:
Lou Frattarelli, ECCL
Gordon Brown, Pelican Sound
Gary Israel

Council Questions or Comments:
Councilmembers Fiesel, Ribble, Vice Mayor McLain, and Mayor Errington.

(b) Cooperative Agreement - South Florida Water Management District, Lee County, Bonita Springs & Estero

Staff Presentation/Comments:
Steve Sarkozy, Village Manager
David Willems, Public Works

Public Comments:
None.

Council Questions or Comments:
Councilmembers Boesch, Ward, Ribble, Vice Mayor McLain, and Mayor Errington.

15. ADJOURNMENT at 1:22 pm.

ATTEST: VILLAGE OF ESTERO, FLORIDA

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

(td/CS)

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DRAFT MINUTES

VILLAGE COUNCIL MEETING

Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928

October 27, 2021 9:30 a.m.

1. CALL TO ORDER

INVOCATION: Pastor Chris Mueller Legacy Church.

PLEDGE OF ALLEGIANCE: Led by Councilmember Ward.

ROLL CALL: Present: Mayor Katy Errington - District 4, Vice Mayor Jon McLain - District 3, Councilmember Joanne Ribble - District 1, Councilmember Larry Fiesel - District 2, Councilmember Jim Boesch - District 5, Councilmember Jim Ward, - District 6 (left meeting at 9:40 a.m.), and Councilmember Jim Wilson - District 7 (via Zoom).

Also present: Village Manager Steve Sarkozy, Village Attorney Derek Rooney, Village Land Use Attorney Nancy Stroud, Community Development Director Mary Gibbs, Public Works Director David Willems, Deputy Village Clerk Tammy Duran, and Village Clerk Carol Sacco.

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

Motion: Motion to permit Councilmember Wilson to participate remotely in Zoom Presentation.

Motion by: Councilmember Ribble
Seconded by: Councilmember Fiesel

Action: Motion to permit Councilmember Wilson to participate remotely in Zoom Presentation.

Vote:
Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

Council Questions or Comments:
Councilmember Ward stated he would be recusing himself from the Brooks Town Center items based on the advice of the Village Attorney, and for that reason he would be leaving the meeting.

Motion: Motion to approve agenda.

Motion by: Councilmember Boesch
Seconded by: Councilmember Ribble

Action: Approved agenda.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

3. ACTION ITEMS

(a) Brooks Town Center – Request to Intervene

Staff Presentation/Comments:
Nancy Stroud, Land Use Attorney

Village Attorney Comments
Derek Rooney, Village Attorney

Presentation/Information by:
Beverly Grady, Attorney for Intervenors
Neale Montgomery, Pavese Law Firm, Attorney for Applicant

Council Questions or Comments:
Councilmember Boesch and Vice Mayor McLain

Public Comments:
None.

Motion: Motion to allow the proposed intervenors to participate in the quasi-judicial proceedings to follow.

Motion by: Councilmember Boesch
Seconded by: Councilmember McLain

Action: Approved motion to allow legal representative of homeowners' associations a limited time to speak on each item.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

4. QUASI-JUDICIAL HEARING
(a) Brooks Town Center -- Vested Rights Determination

Village Attorney Rooney provided information regarding Board business and quasi-judicial hearings. All audience members, parties and staff providing testimony for both quasi-judicial hearings were sworn in by Village Clerk Carol Sacco. Council Members noted they had a conversation with Staff regarding this matter and received email from the public and Ms. Grady and the Intervenors who submitted a list of persons who object to the Project

Staff Presentation/Comments:
Mary Gibbs, Community Development Director
Nancy Stroud, Land Use Attorney
Gary Oldehoff, Attorney
Walter Keller, Registered Professional Engineer in the state of Florida

Attorney Comments:
Derek Rooney, Village Attorney

Presentation/Information by:
Neale Montgomery, Pavese Law Firm, Attorney for Applicant
Beverly Grady, Attorney for Intervenors
Greg Stuart, Stuart and Associates
Mark Staines, President of Copper Leaf Golf Club
Robert Block, President of Lighthouse Bay
Jim Rock, 9201 Spring Run Blvd
John "Rod" Woolsey, 10240 Orchid Ridge Lane

Council Questions or Comments:
Councilmembers Boesch, Fiesel, Ribble, Vice Mayor McLain, and Mayor Errington.

Public Comments:
In-Person:
Frank Duke, The Brooks
Julie McCann, 2380 Copper Leaf Blvd

eComments:

Susan Bippen, The Brooks
Patrick McGarry, Spring Ridge
Leah Scodras, Spring Run Golf at The Brooks
Bernard Bippen, Shadowood
Patrick McGarry, Spring Ridge
Rod Woolsey, The Brooks
Glenn H. Korhage
Gerald R O'Connor, Oak Hammock
Shelly Frank

Motion: Motion to acknowledge based on substantial competent evidence and applicable laws the vesting for the use of "multifamily low rise" for the property owner Long Bay Partners, LLC only,as to use only. No vested rights exist for any specific number of units in the Town Center or the Proposed project, and no vested rights exist for an administrative (staff) final plan review process.

Motion by: Councilmember Boesch
Seconded by: Councilmember Fiesel

Action: Acknowledged based on substantial competent evidence and applicable laws the vesting for the use of "multifamily low rise" for the property owner Long Bay Partners, LLC only, as to use only. No vested rights exist for any specific number of units in the Town Center or the Proposed project and no vested right exist for an administrative (staff) final plan review process.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

Council Recessed at 12:08 pm and Reconvened at 12:24 pm

(b) Brooks Town Center -Appeal of Administrative Decision by staff

Council Members noted they had a conversation with Staff regarding this matter and received email from the public.

Staff Presentation/Comments:
Mary Gibbs, Community Development Director
Nancy Stroud, Land Use Attorney

Village Attorney Comments
Derek Rooney, Village Attorney

Presentation/Information by:
Neale Montgomery, Pavese Law Firm, Attorney for Applicant
Paula McMichael, Hole Montes
Beverly Grady, Attorney for Intervenor
Mark Staines, President of Copper Leaf Golf Club

John "Rod" Woolsey, 10240 Orchid Ridge Lane

Council Questions or Comments:
Councilmember Boesch

Public Comments:
eComments:
Susan Bippen, The Brooks
Patrick McGarry, Spring Ridge
Leah Scodras, Spring Run Golf at The Brooks
Bernard Bippen, Shadowood
Patrick McGarry, Spring Ridge
Rod Woolsey, The Brooks
Glenn H. Korhage
Gerald R O'Connor, Oak Hammock
Shelly Frank

Motion: Motion based on substantial competent evidence, to affirm the Staff's decision that a final plan approval is not an Administrative Decision and that a Minor Planned Development Amendment is necessary for the project.

Motion by: Vice Mayor McLain
Seconded by: Councilmember Boesch

Action: **B**ased on substantial competent evidence, affirmed the Staff's decision that a final plan approval is not an Administrative Decision and that a Minor Planned Development Amendment is necessary for the project.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

15. ADJOURNMENT at 1:09 pm.

ATTEST: VILLAGE OF ESTERO, FLORIDA

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

(td/CS)

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DRAFT MINUTES

VILLAGE COUNCIL MEETING

Village of Estero Council Chambers
9401 Corkscrew Palms Circle
Estero, FL 33928

November 3, 2021 9:30 a.m.

1. CALL TO ORDER

INVOCATION: Pastor Bill Mobley Calvary Chapel Gulf Coast.

PLEDGE OF ALLEGIANCE: Led by Vice Mayor McLain.

ROLL CALL: Present: Mayor Katy Errington - District 4, Vice Mayor Jon McLain - District 3, Councilmember Joanne Ribble - District 1, Councilmember Larry Fiesel - District 2, Councilmember Jim Boesch - District 5, Councilmember Jim Ward, - District 6, and Councilmember Jim Wilson - District 7.

Also present: Village Manager Steve Sarkozy, Village Attorney Burt Saunders, Finance Director Chris Phillips, Community Development Director Mary Gibbs, Public Works Director David Willems, Deputy Village Clerk Tammy Duran, and Village Clerk Carol Sacco.

2. APPROVAL OF AGENDA, ADDITIONS, AND DELETIONS

Motion: Motion to approve agenda.

Motion by: Councilmember Fiesel
Seconded by: Councilmember Ribble

Action: Approved agenda.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Ward, Wilson, Ribble, Vice Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

3. PUBLIC COMMENT ON NON-AGENDA ITEMS: None.

4. KEY TO CITY

"Surfside Collapse" FL – TF6 Responders
Estero Fire Rescue
San Carlos Fire Rescue
K-9 – Magnus
Police K9 Instructor/Sinead Imbaro

Estero Fire Rescue
Shane Sibert Program Manager
Mark Wahlig
Glen Brownlee
John McDougall
Christopher Intartaglio
Christian Woolley

San Carlos Park Fire Rescue:
Dustin Wagner

K-9 Handler
Sinead Imbaro
K-9: Magnus Ares

Members that could not attend:
Estero Fire Rescue:
Scott LaBree- Lieutenant
Dean York- Lieutenant
David McDougall- Engineer

Supporting their team
David Cambareri/San Carlos Rescue Fire Chief
William Williams / Chairman of Estero Fire Rescue Board
Alexis McLellan, M.S., CHES/ San Carlos Park Fire & Rescue Public Education Specialist/Public Information Officer(taking photos)
Mark Goodman, Chaplain

5. CONSENT AGENDA

(a) September 22, 2021 Council Meeting Minutes
(b) September 2021 Financial Report

Council Questions or Comments:
Councilmember Wilson.

Motion: Motion to approve the Consent Agenda.

Motion by: Councilmember Boesch
Seconded by: Councilmember Ward

Action: Approved the Consent Agenda.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Wilson, Ward, Ribble, Vice Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

6. CONSIDERATION OF ITEMS DEFERRED FROM CONSENT AGENDA: None.

7. ACTION ITEMS

(a) Via Coconut Point & Williams Road Roundabout Landscaping & Irrigation - RFB 2021-03

Staff Presentation/Comments:
Steve Sarkozy, Village Manager
David Willems, Public Works Director

Council Questions or Comments:
Councilmember Ward.

Public Comments:
None.

Motion: Motion to approve award of Request for Bids No. RFB 2021-03, Via Coconut Point & Williams Road Roundabout Landscaping & Irrigation for the Village of Estero to O'Donnell Landscapes, Inc. to provide landscaping and irrigation work at a cost of $120,181, approve a contingency fund amount of $12,000 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, authorize the Village Manager to execute the contract documents on behalf of the Village of Estero Council.

Motion by: Councilmember Ribble
Seconded by: Councilmember Fiesel

Action: Approved the award of Request for Bids No. RFB 2021-03, Via Coconut Point & Williams Road Roundabout Landscaping & Irrigation for the Village of Estero to O'Donnell Landscapes, Inc. to provide landscaping and irrigation work at a cost of $120,181, approve a contingency fund amount of $12,000 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, authorize the Village Manager to execute the contract documents on behalf of the Village of Estero Council.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Wilson, Ward, Ribble, Vice Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

(b) US 41 & Three Oaks Northern Monument Sign Construction Plans & Permitting Contract

Staff Presentation/Comments:
Steve Sarkozy, Village Manager
David Willems, Public Works Director

Council Questions or Comments:
Councilmember Ward, Vice Mayor McLain, and Mayor Errington.

Public Comments:
None.

Motion: Motion to approve award of Supplemental Task Authorization (STA) - 02 Contract EC 2020-72 with DRMP, Inc. to provide Construction Plan and Permitting services for Village of Estero monument signs under the Village's Misc. Service Contract CN 2020-01 for a not to exceed contract amount of $79,990, approve a contingency fund amount of $8,000 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, and authorize the Village Manager to execute the STA with DRMP, Inc. and any other related ancillary documents on behalf of the Village Council.

Motion by: Councilmember Wilson
Seconded by: Councilmember Ward

Action: Approved the award of Supplemental Task Authorization (STA) - 02 Contract EC 2020-72 with DRMP, Inc. to provide Construction Plan and Permitting services for Village of Estero monument signs under the Village's Misc. Service Contract CN 2020-01 for a not to exceed contract amount of $79,990, approve a contingency fund amount of $8,000 (an amount equal to 10% of the total project cost) to cover unforeseen circumstances which may occur, and authorize the Village Manager to execute the STA with DRMP, Inc. and any other related ancillary documents on behalf of the Village Council.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Wilson, Ward, Ribble, Vice Mayor McLain, and Mayor Errington.

Nay:
Abstentions:

(c) Estero on the River Phase 1 Design Contract

Staff Presentation/Comments:
Steve Sarkozy, Village Manager
David Willems, Public Works Director

Council Questions or Comments:
Councilmember Ward, Ribble, Vice Mayor McLain, and Mayor Errington.

Public Comments:

Patty Whitehead, Old Estero

Motion: Motion to approve award of Supplemental Task Authorization 1 to Contract EC 2020-58 to Ensite, Inc. to provide professional services to The Village of Estero under the Village's Misc. Services Contract CN 2020-01 for $370,400, approve a 10% contingency for additional services that may be required to complete the project, and authorize the Village Manager to sign the STA and other additional implementing documents within the scope of the STA on behalf of the Village of Estero Council.

Motion by: Councilmember Ribble

Seconded by: Councilmember McLain

Action: Approved the award of Supplemental Task Authorization 1 to Contract EC 2020-58 to Ensite, Inc. to provide professional services to The Village of Estero under the Village's Misc. Services Contract CN 2020-01 for $370,400, approve a 10% contingency for additional services that may be required to complete the project, and authorize the Village Manager to sign the STA and other additional implementing documents within the scope of the STA on behalf of the Village of Estero Council.

Vote: (Roll Call)

Aye: Councilmembers Boesch, Fiesel, Wilson, Ward, Ribble, Vice Mayor McLain, and Mayor Errington.

Nay:

Abstentions:

8. FIRST READING

(a) West Bay Club Zoning Amendment First Reading

Ordinance 2021-12 An Ordinance of the Village Council of the Village of Estero, Florida, Approving with Conditions an Amendment to the West Bay Club Residential Planned Development to Increase the Allowed Height in Pod 5, Located West of US 41 at the end of Williams Road; Providing for Conflicts; Providing for Severability; and Providing an Effective Date

Staff Presentation/Comments:
Steve Sarkozy, Village Manager
Mary Gibbs, Community Development Director

Council Questions or Comments:
Vice Mayor McLain and Mayor Errington.

Public Comment: None.

Motion: Motion to pass First Reading and schedule Second Reading for November 17, 2021.

Motion by: Councilmember Boesch
Seconded by: Councilmember Wilson

Action: Passed First Reading and scheduled Second Reading for November 17, 2021.

Vote: (Roll Call)
Aye: Councilmembers Boesch, Fiesel, Wilson, Ward, Ribble, Vice Mayor McLain, and Mayor Errington.
Nay:
Abstentions:

9. PUBLIC COMMENT ON NON-AGENDA ITEMS: None.

10. COUNCIL COMMUNICATIONS / FUTURE AGENDA ITEMS

Councilmembers Ribble, Fiesel, Boesch, Vice Mayor McLain, and Mayor Errington.

12. VILLAGE ATTORNEY'S REPORT: None.

13. VILLAGE MANAGER'S REPORT: None.

Adjourn Regular Session at 10:33 a.m. and Convene Workshop Items at 10:46 a.m.

14. WORKSHOP ITEMS

(a) Williams Rd & Atlantic Gulf Drive Update

Staff Presentation/Comments:
Steve Sarkozy, Village Manager
David Willems, Public Works

Presentation/Information by:
Jesse Gill, Kisinger Campo & Associates

Public Comments:
Gordon Brown, Pelican Sound

Council Questions or Comments:
Councilmembers Boesch, Ward, Fiesel, Ribble, Vice Mayor McLain, and Mayor Errington.

(b) Coconut Road Intersection Improvements Project Update

Staff Presentation/Comments:
Steve Sarkozy, Village Manager
David Willems, Public Works
Burt Saunders, Village Attorney

Presentation/Information by:
Josh Hildebrand, Johnson Engineering

Public Comments:
None.

Council Questions or Comments:
Councilmembers Boesch, Wilson, Ward, Fiesel, Ribble, Vice Mayor McLain, and Mayor Errington.

(c) Review Village Attorney Evaluation Form

Staff Presentation/Comments:
Steve Sarkozy, Village Manager

Public Comments:
None.

Council Questions or Comments:
Councilmember Ribble.

15. ADJOURNMENT at 12:08 pm.

ATTEST:

By: _____
Carol Sacco, Village Clerk

VILLAGE OF ESTERO, FLORIDA

By: _____
Katy Errington, Mayor

(td/CS)

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
November 17, 2021

Agenda Item:

Final Budget Amendment to close out Fiscal Year 2020/2021.

Resolution 2021-23 a resolution of the Village Council of the Village of Estero, Florida, Approving the final budget amendment of the fiscal year 2020/2021 to align certain budgeted line items within the General Fund and the Capital Improvement Fund.

Description:

Within the General Fund, eight line items were spent above the approved budgeted amounts. Within the Capital Improvement Fund there was one line items spent above the approved budgeted amount. While this level of budgetary control is within guidelines that do not require an appropriation, it is best practice to seek legislative action to ensure that no individual department within each fund remains overspent at the end of a fiscal year's activities.

Action Requested:

Adopt Resolution No. 2021-23.

Financial Impact:

NO additional appropriations are necessary to complete this amendment. Transfers to deficient account line items will be increased from budgeted line items with sufficient remaining budgeted dollars.

Attachments:

1. Budget Amendment worksheet
2. Resolution 2021-23

Final Budget Amendment FY 2020/2021

General Fund #1 - Village Attorney

	Account Description	Increase	Decrease	Budget	Actual	Variance
001-210-5143100	Village Attorney	$ 91,000		$ 150,000	$ 240,742	$ (90,742)
		$ 91,000				
001-210-5143101	Land Use Legal		$ 27,000	$ 85,000	$ 57,712	$ 27,288
001-210-5143102	Comprehensive Plan Legal		$ 15,000	$ 15,000	$ -	$ 15,000
001-210-5143103	Code Enforcement Legal		$ 10,000	$ 12,000	$ 1,613	$ 10,388
001-210-5143104	Land Dev Code Legal		$ 2,000	$ 15,000	$ 12,890	$ 2,110
001-200-5123150	Miscellaneous Professional Srv		$ 37,000	$ 75,000	$ 19,083	$ 55,917
			$ 91,000			

Justification: To provide adequate budget for Village Attorney expenditures.

General Fund #2

	Account Description	Increase	Decrease	Budget	Actual	Variance
001-240-5151200	Cost Recovery-Wages	$ 60,000		$ 43,900	$ 102,939	$ (59,039)
001-240-5153109	Cost Recovery Prof Services	$ 20,000		$ -	$ 20,071	$ (20,071)
		$ 80,000				
001-240-5153400	Planning & Zoning-Fixed Fee		$ 37,000	$ 350,000	$ 312,321	$ 37,679
001-239-5153150	Misc Professional Services		$ 43,000	$ 65,000	$ -	$ 65,000
			$ 80,000			

Justification: To provide adequate budget for Cost Recovery expenditures.

General Fund #3 - Information Technology

	Account Description	Increase	Decrease	Budget	Actual	Variance
001-270-5133402	Software Licensing	$ 7,600		$ 30,000	$ 37,546	$ (7,546)
001-270-5133404	Tech Development Services	$ 36,000		$ -	$ 35,940	$ (35,940)
		$ 43,600				
001-270-5133403	Information Technology Srvs		$ 9,500	$ 125,000	$ 115,490	$ 9,510
001-270-5135250	Small tools & equipment		$ 13,800	$ 13,800	$ -	$ 13,800
001-270-5136400	Capital Outlay		$ 10,000	$ 10,000	$ -	$ 10,000
001-220-5133410	Election Services		$ 10,300	$ 70,000	$ 15,724	$ 54,276
			$ 43,600			

Justification: To provide adequate budget for Information Technology expenditures.

Final Budget Amendment FY 2020/2021

General Fund #4 - COVID Response

	Account Description	Increase	Decrease	Budget	Actual	Variance
001-897-5693400	Covid Contractual Expenditures	$ 7,100		$ 185,400	$ 192,496	$ (7,096)
001-897-5694600	Repair and Maintenance	$ 5,000		$ -	$ 4,950	$ (4,950)
001-897-5695200	Covid Supplies	$ 78,300		$ 226,200	$ 304,409	$ (78,209)
		$ 90,400				
001-800-5133450	Misc Contractual Srvcs		$ 90,400	$ 250,000	$ 3,235	$ 246,765

Justification: To provide adequate budget for COVID related expenditures.

Capital Projects Fund #1 - Land Acquisition

	Account Description	Increase	Decrease	Budget	Actual	Variance
300-770-5196100	Land Purchase-Estero on River	$ 41,050		$ -	$ 41,050	$ (41,050)
300-710-5416303	Corkscrew Rd Signal-Puente Ln		$ 41,050	$ 1,634,950	$ 1,159,356	$ 475,594

Justification: To provide adequate budget for Land Acquisition expenditures.

VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2021 - 23

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING THE FINAL BUDGET AMENDMENT FOR FISCAL YEAR 2020-2021; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Resolution No. 2020-21, adopted the 2020-2021 fiscal year budget; and

WHEREAS, Resolution No. 2021-12, adopted third budget amendment to the 2020-2021 fiscal year budget for an additional $275,000 for Williams Road Improvements; and

WHEREAS, as provided in the Village Charter Section 8(6)(d), the following transfer of unencumbered appropriations will be transferred within the 2020-2021 Budget.

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

Section 1. Transferring already appropriated funding of $305,000 in the General Fund and $41,050 in the Capital Improvement Program for expenditures above appropriated levels.

Section 3. This Resolution shall take effect immediately upon adoption.

ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this 17th day of November, 2021.

Attest: **VILLAGE OF ESTERO, FLORIDA**

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

Reviewed for legal sufficiency:

By: _____
Burt Saunders, Esq., Village Attorney

VILLAGE OF ESTERO, FLORIDA

ORDINANCE NO. 2021 - 11

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, ADOPTING AND ENACTING A NEW CODE FOR THE VILLAGE OF ESTERO, FLORIDA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

WHEREAS, The Village of Estero was incorporated on December 31, 2014; and

WHEREAS, The Village Charter included all applicable Lee County ordinances by reference as "transitional" ordinances until the Village adopts its own code of ordinances; and

WHEREAS, these ordinances remain in place until rescinded by action of the Council; and

WHEREAS, the Village has prepared its Code of Ordinances for adoption and hereby repeals and rescinds all previous ordinances; and

NOW THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida, that:

Section 1. The Code entitled "Code of Ordinances of the Village of Estero, Florida," published by Municipal Code Corporation, consisting of chapters 1 through 36, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before June 16, 2021, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine not exceeding $500.00, a definite term of imprisonment not to exceed 60 days, or any combination thereof. Except as otherwise provided by law or ordinance:

(i) with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense; and with respect to violations that are not continuous with respect to time, each act constitutes a separate offense. The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

Violations of the Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive or other equitable relief. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section, whether or not such penalty is reenacted in the amendatory ordinance. Nothing in this section shall be construed to prohibit the Village from prosecuting any violation of the Code by means of a code enforcement system established pursuant to the authority of F.S. Ch. 162.

Section 5. Additions or amendments to the Code when passed in such form as to indicate the intention to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendment.

Section 6. Ordinances adopted after June 16, 2021, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This Ordinance shall take effect immediately upon adoption.

PASSED on first reading this _____ day of _____, 2021.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida this _____ day of _____, 2021.

Attest: **VILLAGE OF ESTERO, FLORIDA**

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

Reviewed for legal sufficiency:

By: _____
Derek Rooney, Village Attorney

Vote:	AYE	NAY
Mayor Errington	____	____
Vice Mayor McLain	____	____
Councilmember Ribble	____	____
Councilmember Fiesel	____	____
Councilmember Boesch	____	____
Councilmember Ward	____	____
Councilmember Wilson	____	____

AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
November 17, 2021

Agenda Item:

Code of Ordinances First Reading

First Reading of Ordinance No. 2021-11 of the Village Council of the Village of Estero, Florida, Adopting and Enacting a New Code for the Village of Estero, Florida; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing when such Code and this Ordinance Shall Become Effective.

Description:

When the Village of Estero incorporated on December 31, 2014, the Village Charter included all applicable Lee County ordinances by reference as "transitional" ordinances until the Village adopts its own. The Village adopted its first Land Development Code on January 27, 2021.

The remaining non-Land Development Code ordinances have been reviewed by the Village attorney and staff and have been revised as applicable to Estero. The ordinances were also reviewed by Council on various meetings dates in 2018 and 2019. These ordinances will be known as the "Code of Ordinances", to distinguish it from the separate Land Development Code document.

Ordinances in the Code of Ordinances include items such as the Fertilizer Ordinance, Special Assessments, Code Enforcement, Noise Ordinance and similar items. (see attached Table of Contents)

The Village contracted with Municode, a well-known company in Florida that assists hundreds of cities and counties to prepare codes. The Code will be available in a paper version maintained by the Clerk. In addition, Municode hosts an electronic version on its website for customer use, that can also be linked to the Village website. When new codes are adopted or existing codes are revised, Municode will update these for the Village for an annual fee.

The Code is adopted by ordinance which will also repeal the existing codes and replace them with the new document.

Action Requested:

Pass First Reading and schedule Second Reading for December 1, 2021.

Financial Impact:
The approximate cost is $12,000 budgeted under Village Clerk contractual services. The annual fee for web hosting and updates is approximately $645.

Attachments:

1. Ordinance No. 2021-11
2. Table of Contents

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ESTERO CODE

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AGENDA ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
November 17, 2021

Agenda Item:

West Bay Club Zoning Amendment Second Reading and Public Hearing

Second Reading and Public Hearing of Ordinance No. 2021-12 to consider an amendment to the West Bay Club Residential Planned Development (RPD) zoning to increase the maximum building height for a proposed 88-unit high rise building on 5 acres located west of US 41 at the end of Williams Road.

Description:

The applicant is requesting to amend the Residential Planned Development to allow a 23-story building over parking, with a maximum height of 270 feet, plus an additional 20 feet for rooftop equipment. Prior to the Village of Estero incorporation, Lee County approved zoning for a high rise building with a maximum height of 220 feet. The building is proposed to include 88 residential units in West Bay Club development area POD 5.

The Planning, Zoning and Design Board held a public hearing on September 28, 2021 and recommended approval with conditions that are contained in the Council Ordinance.

The Council first reading was held on November 3, 2021. Council asked the applicant to consider whether additional architectural modifications could be made to the lower stories of the building to provide more Mediterranean elements or soften the building. The Council also asked about a demonstration of the shadow study at the public hearing.

Action Requested:

Approve Ordinance No. 2021-12

Financial Impact:

Minor cost for newspaper advertisement for second reading.

Attachment:

1. Ordinance No. 2021-12
2. Staff Report

3. eComments
4. PowerPoint Presentation

VILLAGE OF ESTERO, FLORIDA
ZONING
ORDINANCE NO. 2021-12

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF ESTERO, FLORIDA, APPROVING WITH CONDITIONS AN AMENDMENT TO THE WEST BAY CLUB RESIDENTIAL PLANNED DEVELOPMENT TO INCREASE THE ALLOWED HEIGHT IN POD 5, LOCATED WEST OF US 41 AT THE END OF WILLIAMS ROAD; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, West Bay Hill, LLC represented by Laura DeJohn of Johnson Engineering, Inc., (the "Applicant"), filed an application for an amendment to the West Bay Club Residential Planned Development (RPD) zoning to increase the maximum building height in development area Pod 5 for a proposed 88-unit high-rise building located west of US 41 at the end of Williams Road, Estero, FL, consisting of approximately 5-acres (the "Property"); and

WHEREAS, the Property STRAP number is 06-47-25-E2-07MF1.0000 and legally described as:

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

WHEREAS, the property is a part of the West Bay Club RPD approved by Lee County in Resolution Z-96-005, as amended most recently by Resolution Z-05-010; and

WHEREAS, the applicant applied for an amendment to zoning resolution Z-05-010 to modify Deviation 9 to revise the maximum height for Development Area Pod 5 from 20 stories over parking to 23 stories over parking, increasing the height from the maximum 220 feet to 270 feet plus an additional 20 feet for rooftop equipment, and to make corresponding changes to the Property Development Table; and

WHEREAS, at a duly noticed public hearing held on September 28, 2021, the Planning, Zoning and Design Board recommended approval with conditions; and

WHEREAS, a duly noticed first reading was held before the Village Council on November 3, 2021; and

WHEREAS, a duly noticed second reading and public hearing was held before the Village Council on November 17, 2021, at which time the Village Council gave consideration

to the evidence presented by the Applicant and the Village staff, the recommendations of the Planning, Zoning and Design Board and the comments of the public.

NOW, THEREFORE, be it ordained by the Village Council of the Village of Estero, Florida:

Section 1. Rezoning.

The Village Council approves with conditions the amendment for the West Bay Club Development Area Pod 5, subject to the following conditions.

Section 2. Conditions.

1. Deviation 9 of Zoning Resolution Z-05-010 is amended to allow a maximum height for Development Area Pod 5 of 23 stories over parking, not to exceed 270 feet (with an additional 20 feet for rooftop equipment). The Property Development Regulations Table of the Master Concept Plan is revised to show the number of habitable floors as 23. All other conditions of prior Zoning Resolutions remain in effect except for Deviation 9 for Pod 5.

2. The maximum number of units is limited to 88.

3. Pod 5 is limited to one high rise building and must provide a minimum of 60% open space.

4. Ninety percent of the required parking in Pod 5 must be provided under the principal building structure to limit the impacts of impervious areas created by open parking lots.

5. The project must be consistent with the Pattern Book titled "The Island at West Bay – Estero, Florida, Pattern Book – 10.01.2021". The Pattern Book is not conceptual. Photographic images may be illustrative, but the development must be in substantial compliance with the Pattern Book, including architecture. Minor variations of details or colors will be evaluated as part of development order approval.

6. The building footprint shall be generally consistent with the shadow study imagery depicted in the Pattern Book to ensure that there are no negative impacts to residences.

7. Solid waste details, hurricane preparedness requirements, green building standards, protected species and tree survey, and construction traffic management plan will be further reviewed at time of development order.

8. An independent, professional, geotechnical engineer with direct experience in South Florida high-rise construction will be retained to provide building foundation recommendations. Their report will be based on multiple borings within the future tower footprint that represents the soil profile in the ground. Their report will be signed and sealed by a licensed engineer and submitted for the foundation design to both the applicant's contractor and the Village prior to approval of a building permit.

9. Non-reflective glass will be used in the building design.

Section 3. Findings and Conclusions.

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 as follows:

1. The applicant has provided sufficient justification for the zoning amendment through demonstrating compliance with the Comprehensive Plan, the Land Development Code, and other applicable codes.

2. The application with the proposed conditions is compatible with existing uses in the surrounding area.

3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities.

4. Urban services will be available and adequate to serve the proposed use.

5. The request will not adversely affect environmentally critical areas and natural resources, which are already protected through the zoning and by other agency permits.

6. The proposed use was previously approved for this vacant site, and as conditioned is appropriate at the subject location.

Section 4. Exhibits.

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

Exhibit A Master Concept Plan (4 pages) titled "West Bay Club RPD/CPD" stamped received by Village of Estero October 15, 2021

Exhibit B Pattern Book titled "The Island at West Bay – Estero, Florida, Pattern Book 10.01.2021"

Section 5. Severability.

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

Section 5. Effective Date.

This Ordinance shall take effect immediately upon adoption.

PASSED on first reading this 3rd day of November, 2021.

PASSED AND ADOPTED BY THE VILLAGE COUNCIL of the Village of Estero, Florida on second reading this 17th day of November, 2021.

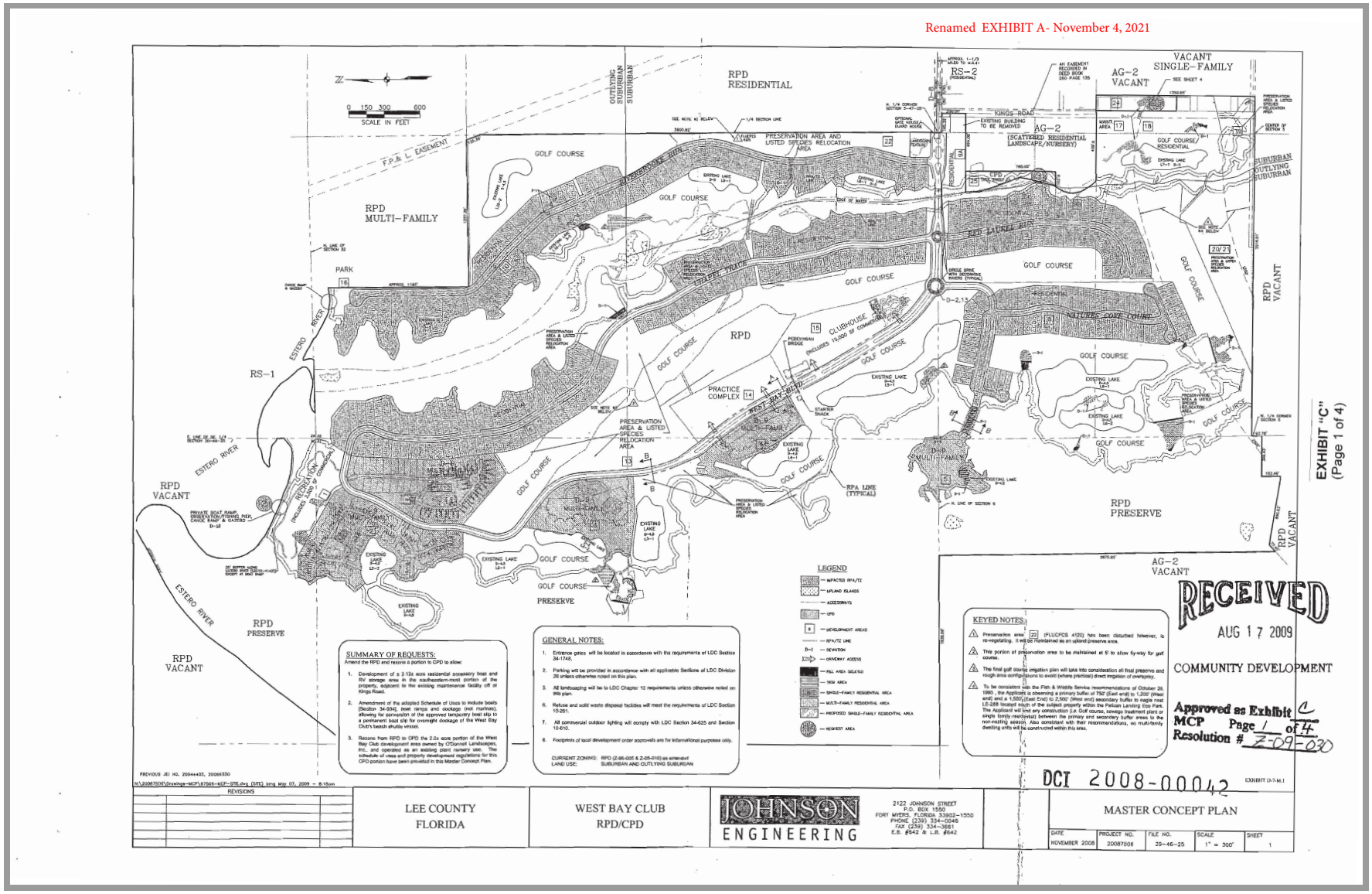
Attest: **VILLAGE OF ESTERO, FLORIDA**

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

Reviewed for legal sufficiency:

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

Vote:	AYE	NAY
Mayor Errington	____	____
Vice Mayor McLain	____	____
Councilmember Ribble	____	____
Councilmember Fiesel	____	____
Councilmember Boesch	____	____
Councilmember Ward	____	____
Councilmember Wilson	____	____


Renamed EXHIBIT A- November 4, 2021
RPD RESIDENTIAL
RS-2
AG-2 VACANT
VACANT SINGLE-FAMILY
KINGS ROAD
EXISTING BUILDING TO BE REMOVED
AG-2 (SCATTERED RESIDENTIAL LANDSCAPE/NURSERY)
GOLF COURSE/ RESIDENTIAL
F.P.& L. EASEMENT
PRESERVATION AREA AND LISTED SPECIES RELOCATION AREA
GOLF COURSE
RPD MULTI-FAMILY
PARK
RIVERBROOK RUN
RED LADDLE RUN
RED TAIL TRAIL
NATURES GOLF COURSE
RPD VACANT
ESTERO RIVER
RS-1
RPD
CLUBHOUSE
PEDESTRIAN BRIDGE
PRACTICE COMPLEX
WEST BAY BLVD.
STARTER SHACK
RPA LINE (TYPICAL)
RPD PRESERVE
RPD VACANT
AG-2 VACANT
EXHIBIT "C" (Page 1 of 4)
RECEIVED
AUG 17 2009
COMMUNITY DEVELOPMENT
Approved as Exhibit C
MCP Page 1 of 4
Resolution # Z-09-030
DCI 2008-00042
SUMMARY OF REQUESTS:
GENERAL NOTES:
LEGEND
KEYED NOTES:
REVISIONS
LEE COUNTY FLORIDA
WEST BAY CLUB RPD/CPD
JOHNSON ENGINEERING
2122 JOHNSON STREET P.O. BOX 1550 FORT MYERS, FLORIDA 33902-1550 PHONE (239) 334-0046 FAX (239) 334-3661 E.B. #642 & L.B. #642
MASTER CONCEPT PLAN
DATE NOVEMBER 2008
PROJECT NO. 20087506
FILE NO. 29-46-25
SCALE 1" = 300'
SHEET 1

PROPERTY REGULATIONS

	Minimum Lot			Minimum Setback								
	Area (s.f.)	Depth (feet)	Width (feet)	Side (feet)	Rear (feet)	Road (feet)	Water Body (feet)	Maximum Height (feet)	Number of Habitable Floors	Minimum Bldg. Separation	Subdivision	Condo
RESIDENTIAL												
Single Family	5,500	100	55	5	10	20	20	45	3	10	Yes	Yes
Two Family Attached 1s: Side 2nd Side	5,000	100	50	0 7.5	15	20	20	45	3	15	Yes	Yes
Zero Lot Line 1s: Side 2nd Side	4,500	80	45	0 4	15(c) (vi)	15	20	45	3	4	Yes	Yes
Townhouse 1s: Side 2nd Side	2,800	80	35	0 0 or 10	20	20	20	45	3	**Complex Separation: 20	Yes	Yes
MULTI-FAMILY												
Ground Level	10,000	100	100		20	20	25	45	3	20		Yes
Mid-Rise	10,000	100	100		20	20	25	75	7	20		Yes
High-Rise (Pod 2, 3, 4)	10,000	100	100		20	20	25		20*	60		Yes
High-Rise (Pod 5)	10,000	100	100		20	20	25		23*	60		Yes
CLUBHOUSE AREA	40,000	200	200	15	20	20	20	45	2	15	Yes	Yes
PRACTICE COMPLEX	40,000	200	200	15	20	20	20	45	2	15	Yes	Yes
CPD	-	-	-	25	25	25	25	35	1	25	NO	-

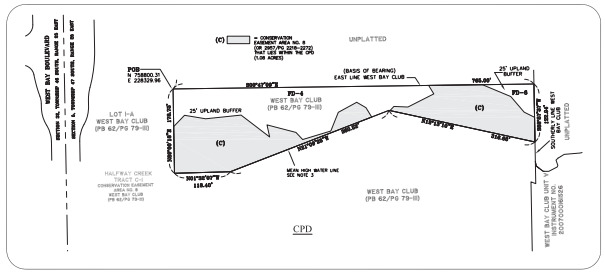
ALL HOUSING TYPES

SEE LDC SECTIONS 34-1174, 34-1176, 34-2191 AND 34-2194 FOR ACCESSORY STRUCTURE SETBACKS

SETBACKS FOR ESTERO RIVER: 25 FEET

*AS ADOPTED UNDER RESOLUTION Z-96-005 AND Z-05-010, AS AMENDED.

1) *20 STORIES OVER PARKING FOR POD 2, 3, 4, 23 STORIES OVER PARKING FOR POD 5. ALL BUILDINGS OVER 45 FEET SHALL PROVIDE ONE HALF FOOT SETB FROM WEST BAY CLUB PERIMETER PROPERTY LINE FOR EVERY FOOT OF ELEVATION OVER 45 FEET.
2) AN OVERALL MAXIMUM OF FIVE (5) HIGH-RISE BUILDINGS MAY BE LOCATED WITHIN MULTI-FAMILY PODS 2, 3, 4 AND 5.
3) MID-RISE OR GROUND LEVEL BUILDINGS CAN BE CLUSTERS IN MULTI-FAMILY PODS 2, 3, 4 AND 5
4) ** MAXIMUM NUMBER OF ATTACHED UNITS: 6



CPD

SITE DATA

DESCRIPTION OF AREAS		AREA (IN ACRES±)
WETLANDS		397.6
GOLF COURSE		97.9
GOLF COURSE ROUGH		20.6
UPLAND BUFFER AREAS		42.5
LAKES		35.9
POD 1:	RECREATION AREA	6.6
POD 2:	MULTI FAMILY	14.7
POD 3:	MULTI FAMILY	9.6
POD 4:	MULTI FAMILY	6.9
POD 5:	MULTI FAMILY	5.5
POD 6:	RESIDENTIAL	27.5
POD 7:	RESIDENTIAL	26.9
POD 8:	RESIDENTIAL	21.9
POD 9, 9A & 9B:	RESIDENTIAL	30.4
POD 10:	RESIDENTIAL	12.9
POD 11/12:	MULTI FAMILY	22.7
POD 13:	UPLAND PRESERVATION	2.0
POD 14:	PRACTICE AREA	7.0
POD 15:	CLUBHOUSE	10.8
POD 16:	PARK AREA	1.0
POD 17:	MAINTENANCE AREA	1.6
POD 18:	RESIDENTIAL/GOLF COURSE	11.5
POD 19:	UPLAND PRESERVATION	3.0
POD 20/21:	UPLAND PRESERVATION	12.8
POD 22:	UPLAND PRESERVATION	0.6
POD 23:	UPLAND/WILDLIFE PRESERVATION	3.1
POD 24:	RV AND BOAT STORAGE	2.3
CPD:	COMMERCIAL/ NURSERY	2.0
	TOTAL ACRES	865.0

OPEN SPACE CALCULATIONS

PER ZONING RESOLUTION Z-96-005, AS AMENDED

REQUIRED OPEN SPACE: = 76% MINIMUM
INDIGENOUS REQUIREMENT: = 57% MINIMUM

ADDITIONAL REQUIREMENTS
DEVELOPMENT PODS 3 AND 4 = 35% MINIMUM OPEN SPACE
DEVELOPMENT POD 5 = 60% MINIMUM OPEN SPACE
RECREATION AREA 1 = 80% MINIMUM OPEN SPACE

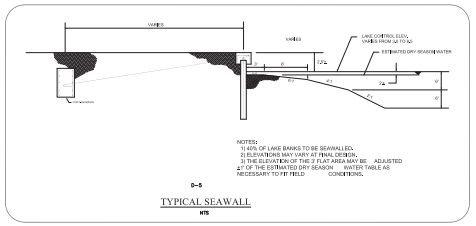
OPEN SPACE PROVIDED (AC.±)				MOP (AC.±)
WETLANDS				397.6
PRESERVATION AREA 13: 27.2 AC. X 1.65=43.5 AC.± 3.2 AC.[10-413 (c)(2)(a).] =				46.7
PRESERVATION AREA 19				3.0
PRESERVATION AREA 20/21: 12.8 AC. X 1.6% [10-413 (c)(2)(b).] =				20.5
PRESERVATION AREA 22				6.8
UPLAND ISLAND PRESERVATION AREAS				3.1
GOLF COURSE				85.9
GOLF COURSE ROUGH				20.6
UPLAND BUFFER AREAS				38.4
PARK (AREA 16)				1.0
LAKES				35.9
RECREATIONAL AREA 1	6.2 x 80%	=		5.0
MULTI-FAMILY POD 2 :	14.7 x 15%	=		2.2
MULTI-FAMILY POD 3 :	9.6 x 35%	=		3.4
MULTI-FAMILY POD 4 :	6.9 x 35%	=		2.4
MULTI-FAMILY POD 5 :	5.0 x 60%	=		3.0
SINGLE FAMILY POD 6 :	27.5 x 10%	=		2.7
SINGLE FAMILY POD 7 :	26.9 x 10%	=		2.5
SINGLE FAMILY POD 8 :	21.9 x 10%	=		2.2
RESIDENTIAL POD 9, 9A & 9B:	20.4 x 10%	=		2.0
RESIDENTIAL POD 10 :	39.4 x 10%	=		3.9
MULTI-FAMILY POD 11 & 12 :	12.9 x 15%	=		1.9
PRACTICE AREA (POD 14)	7.0 x 80%	=		5.6
CLUBHOUSE SITE (POD 15)	10.8 x 15%	=		1.6
MAINTENANCE AREA (POD 17)	1.6 x 30%	=		0.5
GOLF COURSE/FUTURE RESIDENTIAL (POD 18)	11.5 x 40%	=		4.6
RV AND BOAT STORAGE (POD 24)	2.3 x 10%	=		0.2
CPD PLANT NURSERY (POD 23)	2.0 x 55%	=		1.1
TOTAL OPEN SPACE PROVIDED			=	705.6 (81%)
TOTAL INDIGENOUS OPEN SPACE PROVIDED			=	540.6 (62%)

SCHEDULE OF USES - RPD

ACCESSORY USES AND STRUCTURES
ACCESSORY APARTMENT (DP)
ADMINISTRATIVE OFFICE (DP)
BANK
BAIT AND TACKLE SHOP
BANKS AND FINANCIAL ESTABLISHMENTS, GROUP I [Section 34-622(c)(3)]
BOAT RAMPS AND DOCKAGE (NOT MARINAS)
BUSINESS SERVICES, GROUP I, AND GROUP II if limited to lawn and garden services and swimming pool cleaning services [Section 34-622(c)(5)]
CANOE LAUNCH
CLUBS
Country (df)
Private (df)
CONSUMPTION ON PREMISES [Section 34-1261]
CONVENIENCE FOOD AND BEVERAGE STORE (df)
DAY CARE CENTER, CHILD (df)
DRUGSTORE (df) PHARMACY (df)
DWELLING UNIT
SINGLE FAMILY (df)
SEMI-DETACHED (DUPLEX)
TWO-FAMILY ATTACHED (df)
TOWNHOUSE (df)
MULTIPLE FAMILY BUILDING (df)
ZERO LOT LINE (df)
ENTRANCE GATES AND GATEHOUSE (df)
ESSENTIAL SERVICES (df)
ESSENTIAL SERVICE FACILITIES, ALL GROUPS [Section 34-622(c)(13)]
EXCAVATION — WATER RETENTION
FENCES, WALLS
FOOD AND BEVERAGE SERVICE, LIMITED (df)
FOOD STORES, GROUP I [Section 34-622(c)(16)] including a gourmet grocery store
GIFT AND SOUVENIR SHOP (df)
GOLF COURSE AND ACCESSORY FACILITIES
GOLF DRIVING RANGE AND GOLF TRAINING FACILITY
HELISTOP (df)
HOME/CARE FACILITY (df)
HOME OCCUPATION
LAUNDRY OR DRY CLEANING [Section 34-622(c)(24)]
MODEL HOME, UNIT, DISPLAY CENTER
PARKS, PRIVATE, GROUP I [Section 34-622(c)(32)]
PARKING LOT ACCESSORY (df)
PERSONAL SERVICES, GROUPS I AND II [Section 34-622(c)(33)]
PHARMACY (df)
POST OFFICE (df)
PRIVATE BOAT RAMP AND OBSERVATION/FISHING PIER
RECREATION FACILITIES
Personal (df)
Private (df)
REAL ESTATE SALES OFFICE
RESIDENTIAL ACCESSORY USES [Section 34-622(c)(42)]
RESTAURANTS, GROUP I, II AND III [Section 34-622(c)(43)]
SIGNS, IN ACCORDANCE WITH LDC CHAPTER 30
SPECIALTY RETAIL SHOPS, GROUPS I & II [Section 34-622(c)(47)]
TEMPORARY USES
TEMPORARY CONSTRUCTION TRAILER
TEMPORARY SALES CENTER
UNITS OF HIGH IMPACT (df) INCLUDING TIME SHARE

SCHEDULE OF USES - CPD*

ACCESSORY USES AND STRUCTURES
ADMINISTRATIVE OFFICES
AGRICULTURAL USES AND AGRICULTURAL ACCESSORY USES
BUSINESS SERVICES, Group II (Limited to Horticultural Services and Lawn and Garden Services)
CARETAKER'S RESIDENCE
ENTRANCE GATES AND GATEHOUSE
ESSENTIAL SERVICES
EXCAVATION, WATER RETENTION
FENCES, WALLS
FARM EQUIPMENT AND REPAIR EQUIPMENT (small engine parts and repairs)
PLANT NURSERY
TEMPORARY USES



D-5

TYPICAL SEAWALL

NTS

PREVIOUS JED NO. 20044403, 20066330, 20067606
O:\2014\20149683-004\Planning\MCP\67506-MCP-SCH OF DEVIATIONS.dwg (DEV PARAMETERS(SHEET 3)) MAG Oct 15, 2021 - 11:30am

EXHIBIT D-7-P

REVISIONS		
1	PD AMENDMENT FOR POD 5	10/21

LEE COUNTY
FLORIDA

WEST BAY CLUB
RPD/CPD

JOHNSON ENGINEERING
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
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E.B. #642 & L.B. #642

PROPERTY DEVELOPMENT REGULATIONS AND SCHEDULE OF USES

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
OCTOBER 2021	20149683-004	29-46-25	As Shown	2

Deviations approved under Resolution Z-96-005

DEVIATION (1) requests relief from LDC Sections 10-253, 14-298 and 34-1574 which prohibit or restrict alteration or development within Resource Protection Areas (RPA) to permit (as shown on the MCP):

a. Construction of recreational boardwalks and cart paths through RPA areas to access golf holes both by pedestrians and golf carts.

b. Construction over various TZ and RPA areas to facilitate construction of a golf course.

c. Construction over various TZ and RPA areas to facilitate construction of residential development.

d. Construction of a road access to segmented ridge for construction of multi-family tract.

e. Construction of a road access to the project site.

The requested deviation is APPROVED subject to compliance with the following conditions:

a. Impacts are limited to a maximum of 8.79 acres of County jurisdictional wetlands. These impacts are as follows: 6.97 acres fill, 0.14 acres excavation, and 1.68 acres trimming. An approved wetland mitigation plan from the South Florida Water Management District must be submitted prior to local Development Order approval for any phase of development which contemplates wetland impacts. This mitigation will be considered part of the mitigation for Lee County and will be enforceable by the Division of Environmental Sciences. (DES).

b. At a minimum Lee County's approval of the requested wetland impacts requires removal and maintenance of invasive exotic vegetation (as defined in LDC Section 10-413(f)] for the entire Estero Pointe RPD, and enhancement, restoration and creation of once acre wetland for each one acre of fill/excavation impact (1:1 ratio). Areas which are trimmed must be mitigated at a ratio of one-half acre creation, enhancement or restoration for each one acre impact (1/2:1).

c. No mangrove trimming or removal (except in cases of public safety) is permitted outside the areas of proposed impacts. This provision is considered part of the approved wetland mitigation plan for Lee County.

d. All mitigation requirements must be clearly indicated on the local Development Order plans and must be inspected by Lee County staff prior to issuance of a Certificate of Compliance (CC) for any applicable Development Order.

DEVIATION (2), requests relief from LDC Section 10-296, Table 4(7)(c) which requires that wearing surfaces for local and access road for Class A development must be 1-1/2 inch asphaltic concrete of Florida Department of Transportation Type S-1, to allow for decorative pavers within the privately maintained internal roadways. The requested deviation is APPROVED with the CONDITION that prior to local Development Order approval, the Developer demonstrate that the decorative pavers have the structural equivalency of the required standard pavement. The approval of this deviation is limited to privately maintained streets.

DEVIATION (3) WITHDRAWN by the applicant.

DEVIATION (4) requests relief from LDC Section 10-329(e)(3) which requires the maximum retention depth for excavation be 12 feet, to allow a maximum excavation depth of 20 feet without any penetration through impervious soil or rock layer which presently prohibits intermingling or various watery strata. The requested deviation is APPROVED subject to compliance with the following conditions:

a. Lake depths for a maximum of 20 feet or the confining layer, whichever occurs first, are approved subject to the adoption and implementation of the "Estero Pointe Management Program for Lakes Excavated Greater than 12 Feet, Zoning counter date stamped 12/13/95.

b. Prior to local Development Order approval for any area that contains lakes with depths greater than 12 feet, the Developer must submit an additional section of the management plan defining stratification and related lake problems for review and approval by Lee County staff.

DEVIATION (5) requests relief from LDC Section 10-329(e)(4) which requires that excavation bank slopes be no greater than 4:1, to permit 40 percent of the lake banks to utilize vertical bulkheads. The requested deviation is APPROVED subject to the following conditions:

a. Lake bottom slope, at the toe of any bulkhead, may be no greater than 4:1.

b. Bulkheads are subject to Lee County structural building permits.

DEVIATION (6) REQUESTS RELIEF FROM LDC Section 10-413(b)(2) which requires that residential developments provide 40 percent open space for large developments (50 percent of which must be indigenous plants for large developments), to allow the open space table provided. The requested deviation is APPROVED subject to the following conditions [see additional open space conditions for Deviation (9)]:

a. A minimum total of 76 percent open space and a minimum total of 57 percent indigenous open space must be provided.

b. Prior to local Development Order approval, the exact location of the 21.8 acres of indigenous preservation within the golf course rough must be shown on plans for the golf course.

DEVIATION (7) requests relief from LDC Section 10-414 which requires that no portion of a buffer area that consists of trees and shrubs be located in any easement, to allow planted buffers in easements. The requested deviation is APPROVED subject to the condition that if any required buffer or landscape strip vegetation which has been planted within an easement has to be removed, then the property owner must replace those plantings with like size and species at no cost to Lee County.

DEVIATION (8) WITHDRAWN by the Applicant.

DEVIATION (9) - SEE REVISED - requests relief from LDC Section 34-935(f)(3)(e) which limits 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 2, 3, 4 and 5. The requested deviation is APPROVED subject to the following conditions:

a. Development Area 2 is limited to a maximum height of 75 feet.

b. Development Areas 3, 4, and 5 are limited to a maximum building height of 220 feet and are further limited to a maximum combined total of six multi-family buildings with a maximum total of 630 dwelling units.

c. Development Areas 3 and 4 must provide a minimum of 35 percent open space.

d. Development Area 5 is limited to one multi-family building and must provide a minimum of 60 percent open space.

e. Ninety percent of the required parking in multi-family Development Areas 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.

DEVIATION (10) WITHDRAWN by the Applicant.

DEVIATION (11) requests relief from LDC Section 34-935 to allow the property development regulations for Estero Pointe RPD. The requested deviation is APPROVED subject to the condition that development of the permitted uses must be in accordance with the "Property Development Table for Estero Pointe," stamped received January 5, 1996 and as further limited in the conditions of approval.

DEVIATION (12) requests relief from LDC Section 10-414(f) which requires the Developer to provide a 25-foot-wide buffer landward from the mean high water line of all non-seawalled natural waterways, to allow construction of a boat ramp, fishing/observation pier, three gazebos and two canoe launches on the Estero River, and boardwalks and other crossings on Halfway Creek. The requested deviation is APPROVED subject to the following conditions:

a. Water management berms are prohibited within the 25-foot-wide buffer area. Other water management structures are approved as long as their impacts are limited to the minimum necessary to meet permitting requirements of the South Florida Water Management District.

b. Gazebos are only approved on land locations within areas selected to avoid impacts to the greatest number of native trees and plants. Size is limited to 250 square feet. The gazebos must be constructed in a generally square or octagonal design. A maximum of two gazebos is approved.

c. Two canoe launch areas are approved. One of the canoe launch areas must be located as near as appropriate to the boat ramp to avoid additional impacts. Storage of canoes on land and be outside of the 25-foot-wide buffer area. Each canoe launch area is limited to a width of 25 feet along the Estero River.

d. One power boat ramp is approved with a maximum of two temporary mooring slips.

e. As part of the power boat ramp mooring facility, an observation boardwalk structure may be constructed at a length not to exceed 30 feet from the shoreline for the total structure.

f. The power boat ramp facility must be designed to include a swale, exfiltration trench, or other engineering device to prevent bilge water and associated untreated parking lot run-off from flowing down the boat ramp and into the Estero River. The design must be approved as part of the building permit or local Development Order review for the boat ramp facility.

g. The boat ramp, temporary mooring/observation boardwalk, single family board-walks, cart crossings, and canoe launches are subject to all permitting requirements of LDC Chapter 26.

h. Gazebos, canoe launches and power boat ramp facilities are prohibited along Halfway Creek.

i. A maximum of one boardwalk for each two single family lots is permitted on Halfway Creek. Boardwalks are prohibited on the Estero River, except as conditioned in g. above.

DEVIATION (13) requests relief from the connection separation requirements of LDC Section 10-285(a), Table 2, to allow the connection separation shown on the "modified round-about" on the Master Concept Plan. The requested deviation is APPROVED subject to the condition that appropriate traffic signage be provided and the rotary intersection design is reviewed and approved by Lee County staff at time of local Development Order application.

Deviations approved under Resolution Z-05-010 and VOE

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 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 23 stories over parking for Pod 5. This deviation is APPROVED, SUBJECT TO the following conditions:

Deviation 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 and 4 are limited to a maximum height of 220 feet and Pod 5 is limited to a maximum height of 23 stories over parking not to exceed 270 feet (with additional 20 feet for rooftop equipment). Pods 3, 4 and 5 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.

Deviations approved under Resolution Z-09-030

DEVIATION (14) requests relief from LDC Section 34-1744(b)(2)a. which requires a fence or wall located between a street right-of-way or easement and the minimum required street setback line to not exceed three or four feet in height, to allow 4 foot and 6 foot fences to abut the access easements shown on the Master Concept Plan.

EXHIBIT D-7-Q

PREVIOUS JO NO. 20044403, 20068330, 20087508
D:\2014\20149683-004\Planning\MCP\87506-MCP-SCH OF DEVIATIONS.dwg (DEVIATIONS - SHEET 4) MAG Oct 15, 2021 - 10:31am

REVISIONS		
1	PD AMENDMENT FOR POD 5	10/21

LEE COUNTY
FLORIDA

WEST BAY CLUB
RPD/CPD

JOHNSON ENGINEERING

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FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

SCHEDULE OF DEVIATIONS

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
OCTOBER 2021	20149683-004	29-46-25	As Shown	3

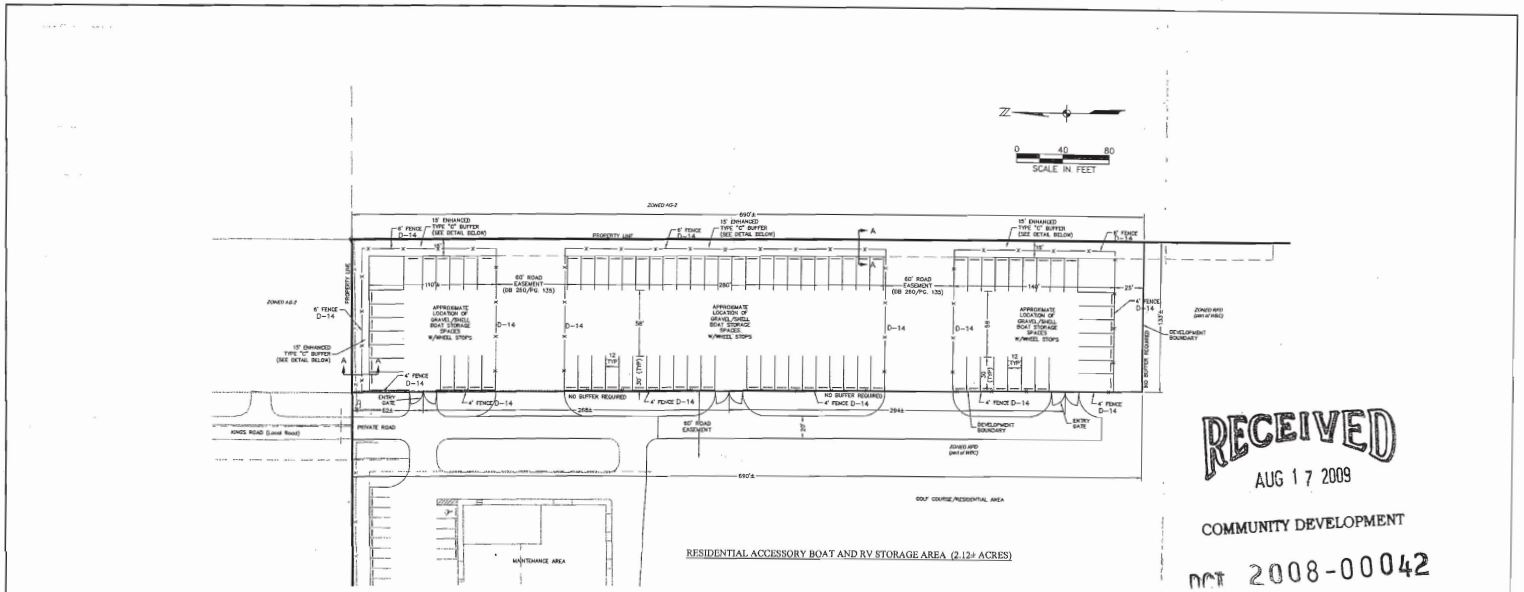

SCALE IN FEET
RESIDENTIAL ACCESSORY BOAT AND RV STORAGE AREA (2.12± ACRES)
RECEIVED
AUG 17 2009
COMMUNITY DEVELOPMENT
DCI 2008-00042
EXHIBIT "C"
(Page 4 of 4)
SECTION A-A
ENHANCED TYPE 'C' BUFFER
7 TREES PER 100 LINEAR FEET
2 PALM TREES PER 100 LINEAR FEET
33 SHRUBS PER 100 LINEAR FEET
Approved as Exhibit C
MCP Page 4 of 4
Resolution # Z-09-030
LEE COUNTY
FLORIDA
WEST BAY CLUB
RPD/CPD
JOHNSON ENGINEERING
2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642
RESIDENTIAL ACCESSORY
BOAT/RV STORAGE AREA PLAN
NOVEMBER 2008
20087508
29-46-25
As Shown
4

EXHIBIT A - Pattern Book 10/1/21

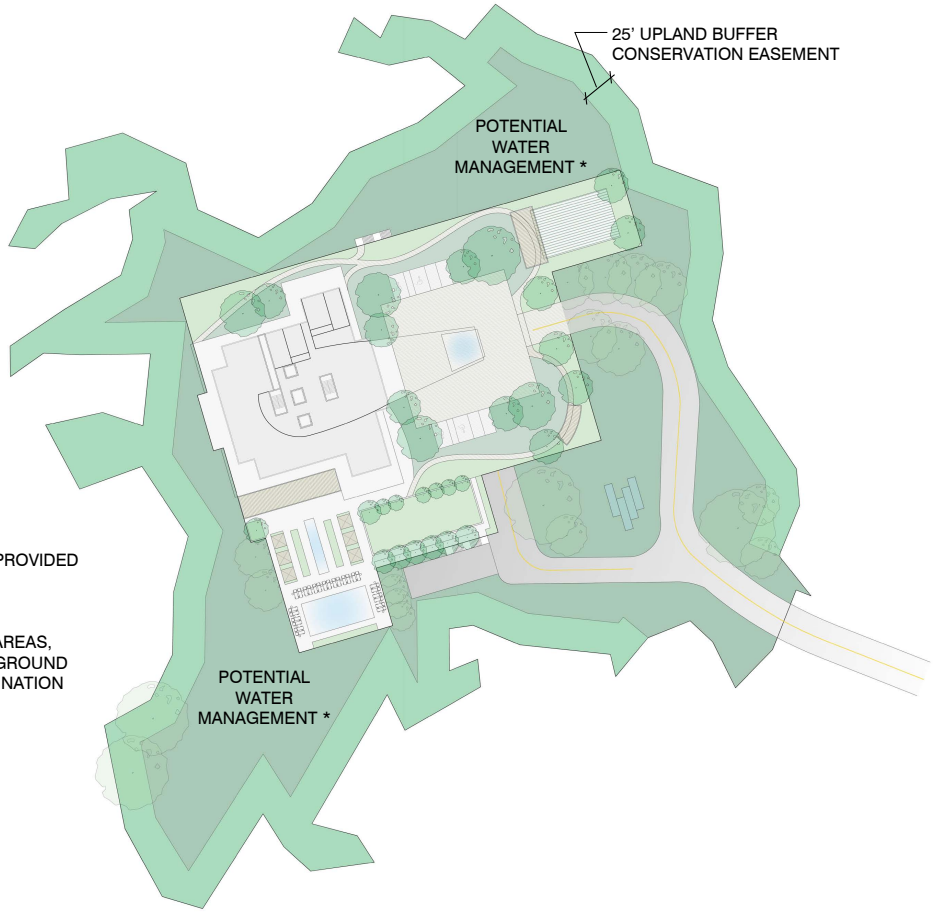
THE ISLAND AT WEST BAY - ESTERO, FLORIDA

Pattern Book - 10.01.2021



GARCIA STROMBERG

GS4studios



MIN. OPEN SPACE: 60%

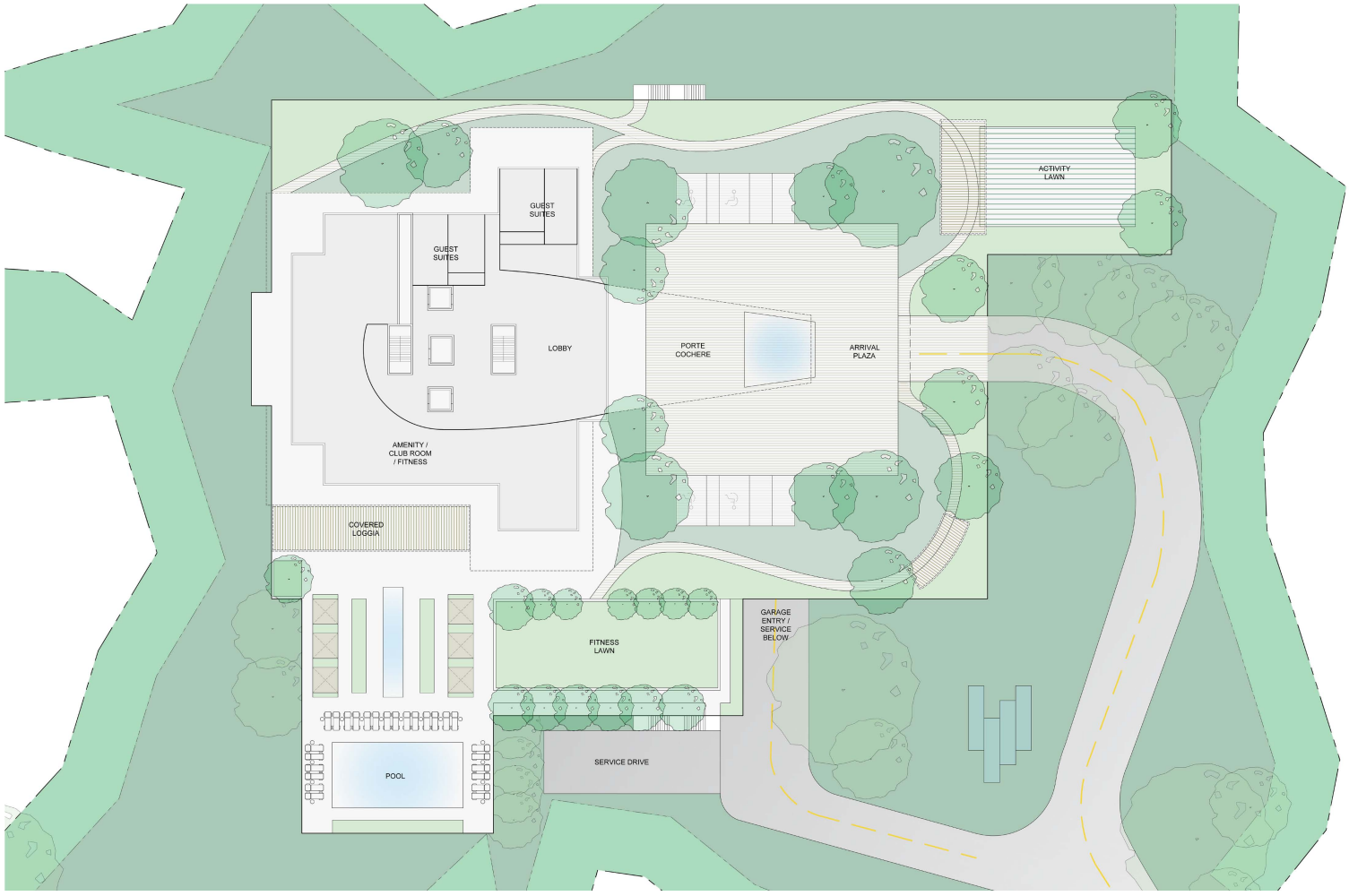
FINAL LANDSCAPE PLANS TO BE PROVIDED AT THE TIME OF FINAL PLAN AND DEVELOPMENT ORDER

* MAY INCLUDE DRY DETENTION AREAS, PERVIOUS PAVER AREAS, UNDERGROUND STORAGE CHAMBER, OR A COMBINATION OF THESE TREATMENTS

THE ISLAND AT WEST BAY
ESTERO, FLORIDA

GARCIA STROMBERG
GS4studios

SITE PLAN
10.01.2021



THE ISLAND AT WEST BAY
ESTERO, FLORIDA

GARCIA STROMBERG
GS4studios

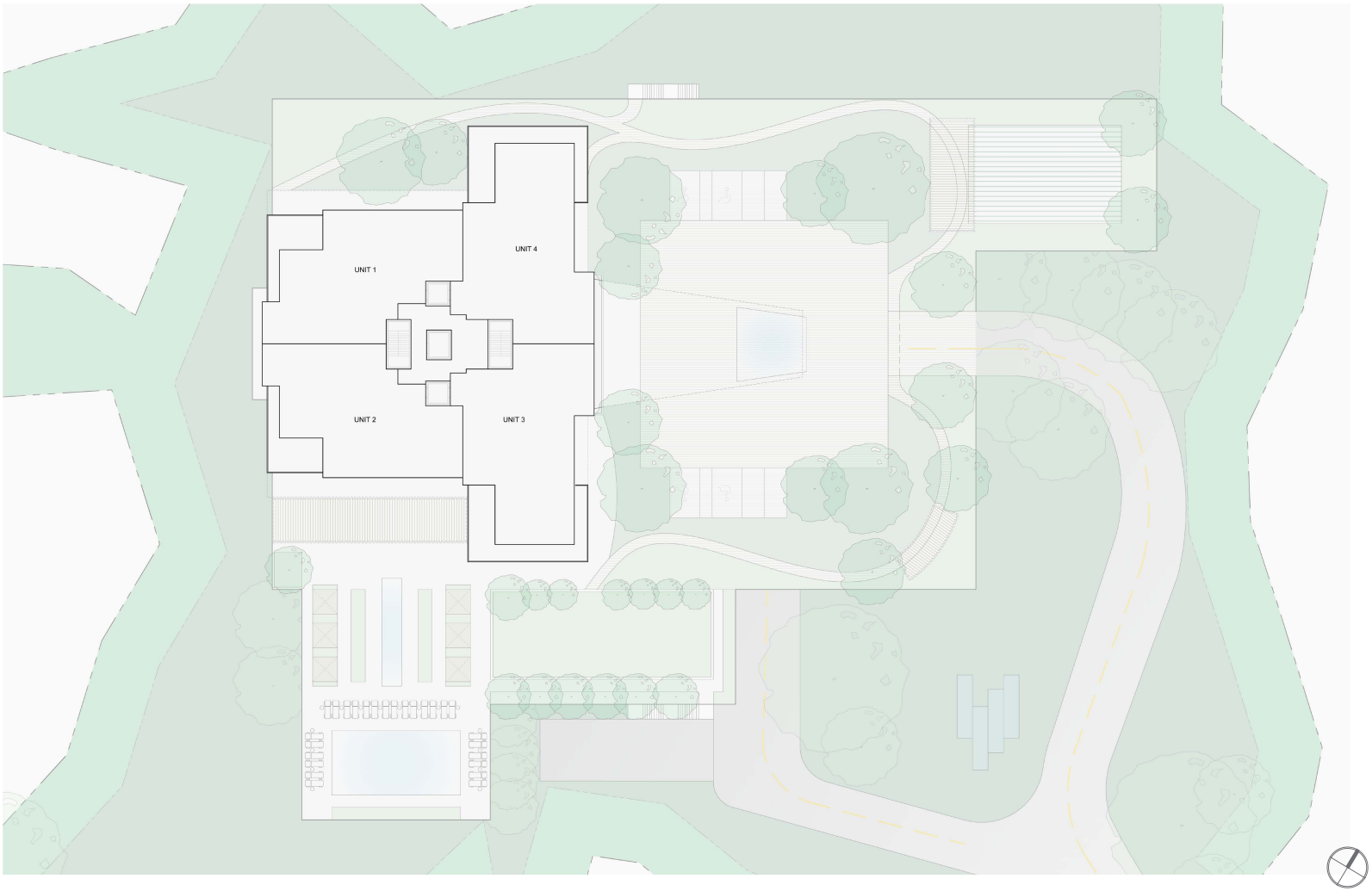
ARRIVAL LEVEL
10.01.2021



THE ISLAND AT WEST BAY
ESTERO, FLORIDA

GARCIA STROMBERG
GS4studios

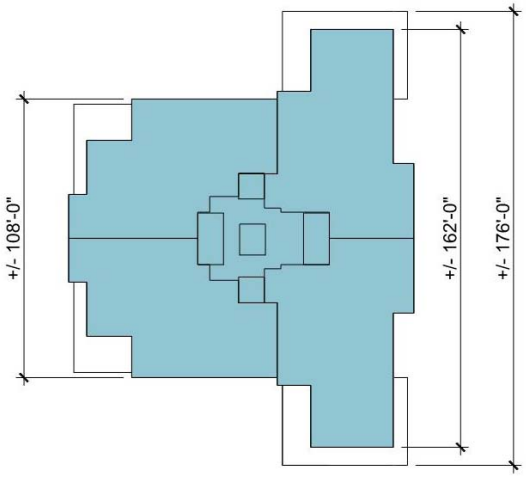
PARKING LEVEL PLAN
10.01.2021



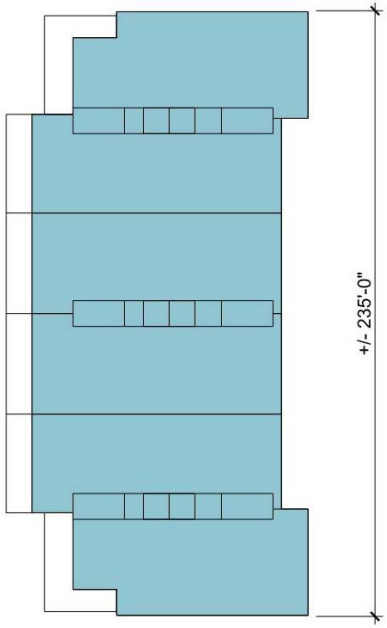
THE ISLAND AT WEST BAY
ESTERO, FLORIDA

GARCIA STROMBERG
GS4studios

TYPICAL FLOOR PLAN
10.01.2021



4 unit per floor proposed plan diagram

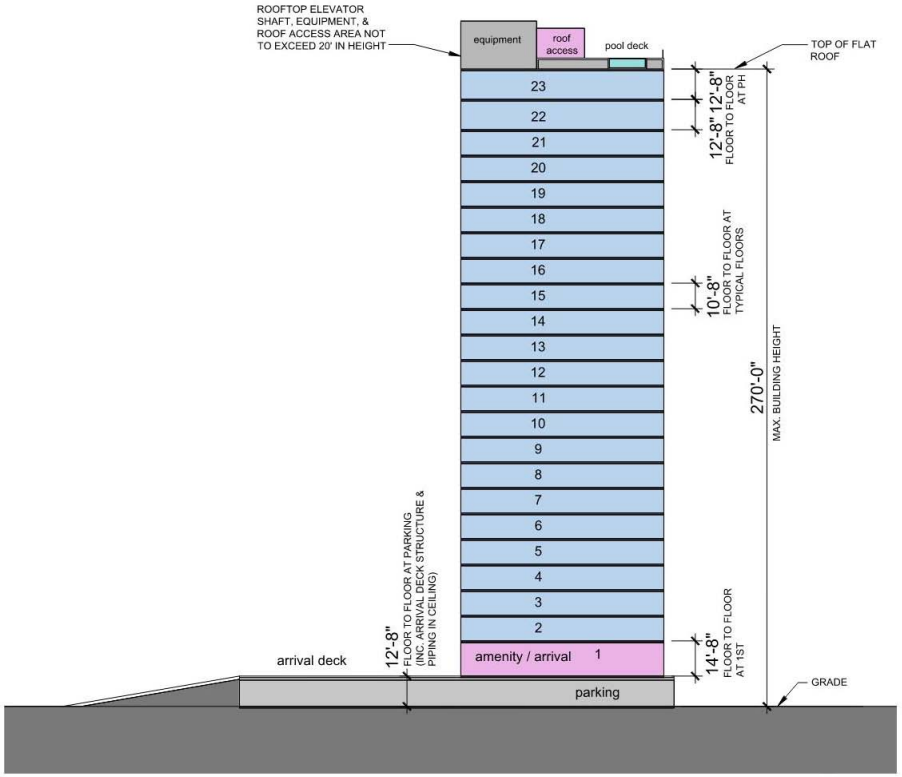


6 unit per floor plan diagram

THE ISLAND AT WEST BAY
ESTERO, FLORIDA

GARCIA STROMBERG
GS4studios

FLOORPLATE DIAGRAM
10.01.2021

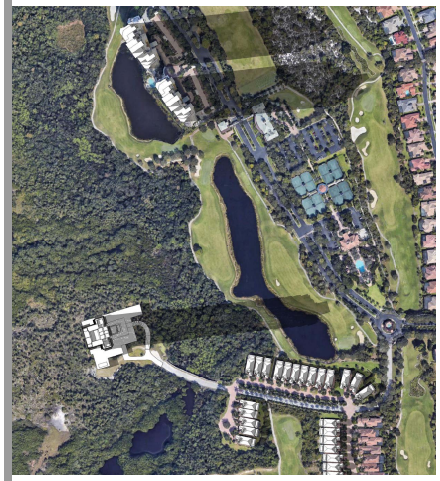


THE ISLAND AT WEST BAY
ESTERO, FLORIDA

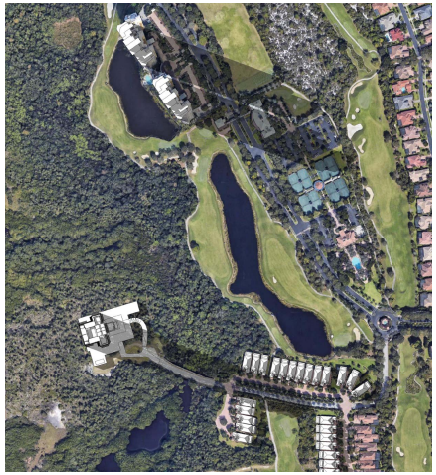
GARCIA STROMBERG
GS4studios

SECTION DIAGRAM
10.01.2021


GARCIA STROMBERG
GS4studios
NORTH & EAST ELEVATION



MARCH 21 - 1 HOUR BEFORE SUNSET (6:39 PM)



JUNE 20 - 1 HOUR BEFORE SUNSET (7:18 PM)



SEPTEMBER 22 - 1 HOUR BEFORE SUNSET (6:22 PM)



DECEMBER 21 - 1 HOUR BEFORE SUNSET (4:35 PM)

SEE ANIMATIONS PROVIDED FOR MORE DETAIL.

THE ISLAND AT WEST BAY
ESTERO, FLORIDA

GARCIA STROMBERG
GS4studios

SHADOW STUDY - PROPOSED DESIGN -1 HOUR BEFORE SUNSET
10.01.2021



MAY 1 - 6:30 PM



JUNE 20 - 6:50 PM



AUGUST 1 - 6:40 PM

IN THE EVENING AFTER AROUND 6:30 PM SHADOWS EXTEND INTO BAYBRIDGE BLVD BETWEEN LATE APRIL THROUGH EARLY AUGUST.
SEE EXAMPLES ABOVE OF TIMES OF SHADOW APPROACH.
SEE ANIMATIONS PROVIDED FOR MORE DETAIL.

THE ISLAND AT WEST BAY
ESTERO, FLORIDA

GARCIA STROMBERG
GS4studios

SHADOW STUDY - PROPOSED DESIGN - BAYBRIDGE BOULEVARD
10.01.2021



PROPOSED 4 UNIT FLOORPLATE - SAMPLE SHADOW



6 UNIT FLOORPLATE - SAMPLE SHADOW

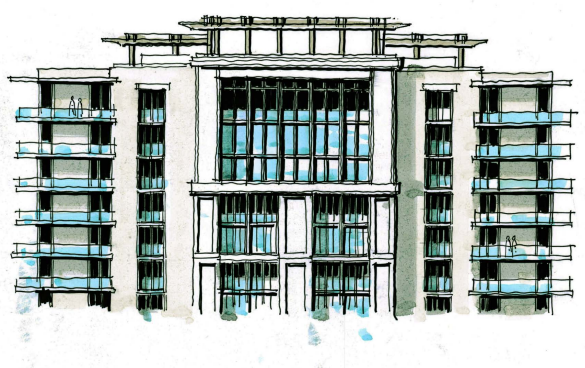
THE ISLAND AT WEST BAY
ESTERO, FLORIDA

GARCIA STROMBERG
GS4studios

SHADOW STUDY - COMPARISON
10.01.2021


GARCIA STROMBERG
GS4studios
SOUTH & WEST ELEVATION







THE ISLAND AT WEST BAY
ESTERO, FLORIDA

GARCIA STROMBERG
GS4studios

Design Sketches
10.01.2021



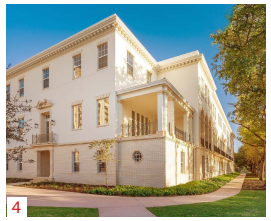
1
Articulated massing



2
Wood trellis and detailing



3
Trellis building cap



4
Articulated base with simplified body



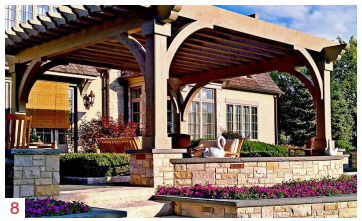
5
JASMINE BAY - WEST BAY CLUB
Accent edge bands, grey roofs



6
Window styles and mullion patterning



7
Wood siding and balcony details



8
Trellised covered outdoor areas



9
Thin column rhythm at projecting balconies, siding

Warm earth tone color palette

Base Color

Body Color

Accent Color



10
Brackets at overhangs, exposed framing



11
Standing seem metal roof, rhythm of balcony columns, building base



12
Roof top elements, open truss gables, deep balconies creating outdoor rooms



13
Thin column rhythm at deep balconies

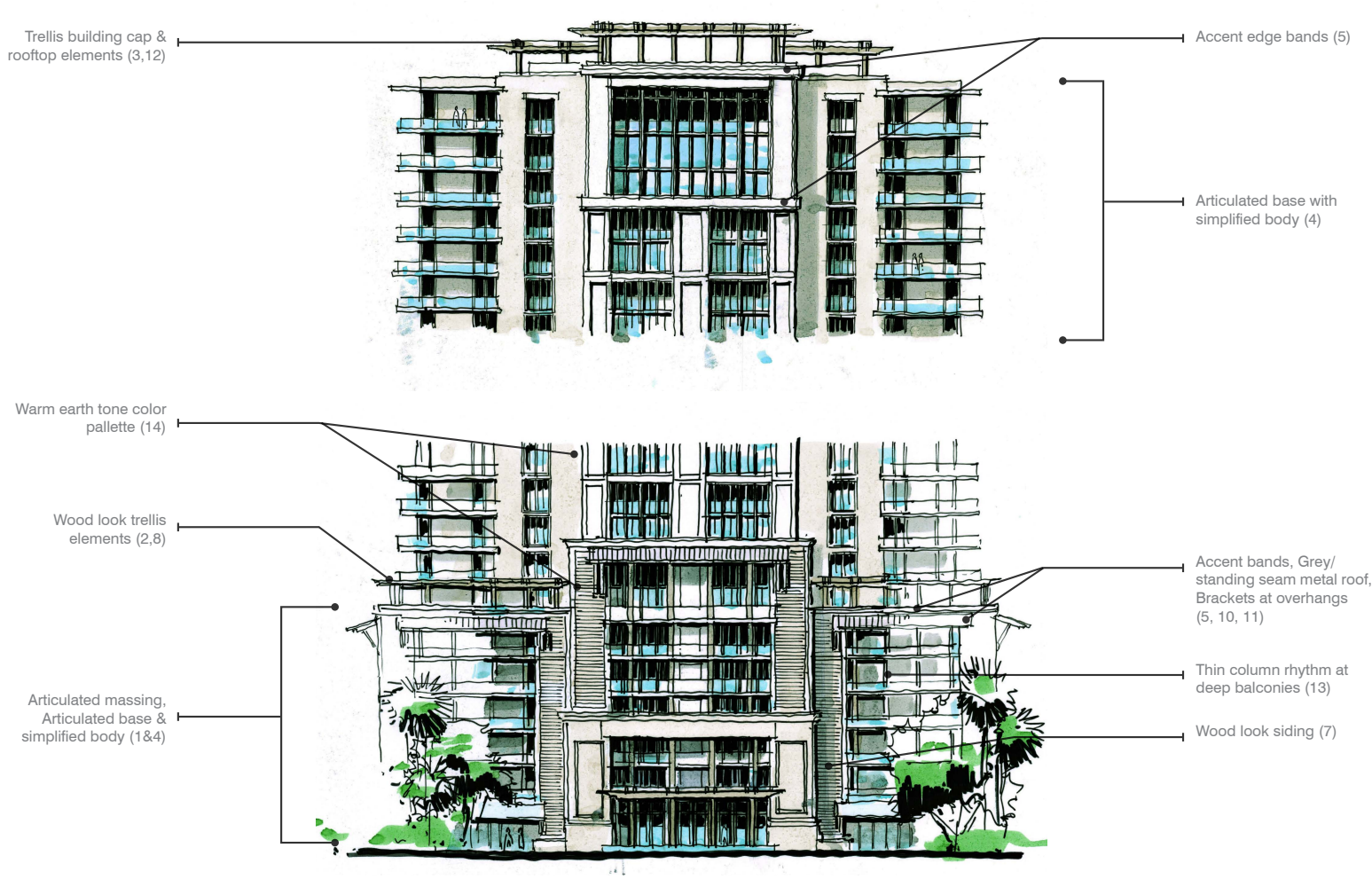


14
GOLF NIBLICK BUILDING - WEST BAY CLUB
Warm earth tone color palette, wood work at overhangs

THE ISLAND AT WEST BAY
ESTERO, FLORIDA

GARCIA STROMBERG
GS4studios

FLORIDA VERNACULAR & MEDITERRANEAN REFERENCE IMAGES
CHARACTER PALETTE / DESIGN
10.01.2021



THE ISLAND AT WEST BAY
ESTERO, FLORIDA

GARCIA STROMBERG
GS4studios

Design Sketches
10.01.2021



THE ISLAND AT WEST BAY
ESTERO, FLORIDA

GARCIA STROMBERG
GS4studios

Arrival View
10.01.2021



THE ISLAND AT WEST BAY
ESTERO, FLORIDA

GARCIA STROMBERG
GS4studios

Arrival View
10.01.2021


GARCIA STROMBERG
GS4studios
SOUTH & WEST ELEVATION



Previously Provided South & West Elevation



Proposed South & West Elevation

THE ISLAND AT WEST BAY
ESTERO, FLORIDA

GARCIA STROMBERG
GS4studios

Previous vs Proposed
10.01.2021


GARCIA STROMBERG
GS4studios
NORTH & EAST ELEVATION



Previously Provided North & East Elevation



Proposed North & East Elevation

THE ISLAND AT WEST BAY
ESTERO, FLORIDA

GARCIA STROMBERG
GS4studios

Previous vs Proposed
10.01.2021

WEST BAY CLUB POD 5

Zoning Staff Report

for

Village Council Second Reading and Public Hearing

November 17, 2021

PROJECT NAME:	**West Bay Club Pod 5**
CASE TYPE:	**Amendment to Residential Planned Development Zoning**
CASE NUMBER:	**DCI2021-E001**
PLANNING, ZONING AND DESIGN BOARD MEETING:	**September 28, 2021**

SUMMARY OF REQUEST

Request to amend Residential Planned Development zoning to increase height from 20 stories over parking to 23 stories over parking (approximately 270 feet) plus 20 feet for rooftop equipment, for a proposed 88-unit high rise building on Pod 5. West Bay Club is a developed 866-acre residential golf course community located at the end of Williams Road, west of US 41.

RECOMMENDATION

The Planning, Zoning and Design Board heard this case on September 28, 2021 and recommended approval with staff conditions and two additional conditions. The conditions are contained in the Ordinance.

GENERAL INFORMATION

Applicant
Chris Johnson, West Bay Hill, LLC, Chicago, Illinois

Authorized Agent
Johnson Engineering, Laura DeJohn, AICP

Location

West of US 41 at the end of Williams Road, off Baybridge Boulevard to “no name” bridge

STRAP Number
06-47-25-E2-07MF1.0000

Size of Property
5 acres (West Bay Club is 866 acres total)

Surrounding Zoning
North Wetlands and West Bay Golf Course

East West Bay Club RPD (residential and golf course)

South Wetlands and West Bay Golf Course

West Wetlands and conservation area, then Estero Bay

Zoning
Residential Planned Development (RPD)

Comprehensive Plan Land Use Category
Wetlands; West Bay Club is Village Neighborhood 1 and Wetlands

Project History
West Bay Club was rezoned from AG-2, C-2, CS-1 and RM-2 to Residential Planned Development for 1121 units in 1996 by Lee County Resolution Z-96-005 (later reduced to 1,016 units). At that time, the project was called Estero Pointe. There have been numerous amendments since then. Two acres were rezoned to CPD in 2019 by Resolution Z-09-030. The most recent Resolution affecting Pod 5 is Resolution Z-05-010.

Public Information Meeting
A Public Information Meeting was held on July 13, 2021. Several questions were raised about height, setbacks, Pattern Book, agreement with the developer, sight lines, and the shadow study. Additional information was submitted by the applicant to address these questions and comments. (See attached.)

STAFF ANALYSIS

Request
Amend Deviation 9 of Zoning Resolution Z-05-010 for West Bay Club Residential Planned Development to revise the maximum height for Development Area (Pod) 5 from 20 stories over parking to 23 stories over parking, and to make corresponding changes to the Property Development Regulation Table.

Project Description
West Bay Club is an existing nearly built out 866-acre residential golf course community off US 41 at the end of Williams Road. The project’s western boundary is Estero Bay. The project has approval for 1,016 residential units. The subject of this zoning amendment is a vacant, partially cleared 5-acre site known as Pod 5. The 5-acre site is an island situated off West Bay Club Boulevard and Baybridge Boulevard and is accessed by a bridge known as “no name” bridge.

The property is surrounded by wetlands and protected conservation areas, but the proposed building site is an upland area.

West Bay Club has a mixture of single family and multifamily residences and a golf course, and was approved for several high rise buildings by Lee County, with one approved to be located on Pod 5.

Jasmine Bay has developed with two high rise buildings. Orchid Bay, which was approved for a high rise, has developed as single family residences. Pod 5 was approved by the County for 20 stories over parking, with a maximum height of 220 feet. The applicant has stated that he is requesting the additional height for 23 stories over parking to develop a higher quality product on the last remaining high rise development site in West Bay Club. The additional stories allow a more "slender" footprint based on a 4-unit per floor design and higher ceilings, instead of a 6-unit per floor prototype. The applicant explains that this design will result in fewer units, that are of higher quality as further stated below.

Applicant's rationale:

> *A maximum of 88 units are anticipated within this four unit-per-floor design, which is fewer than the 120 units that would be developed using a six unit-per-floor design at 20 stories. The project will include up to four guest rooms on the lobby/amenity level of the building. These four guest rooms will be 400-600 square feet in size comparable to a hotel room accommodation of bed and bathroom, and will not contain cooking facilities. The guest rooms will be common element amenities, managed exclusively for reservations by unit owners within the building for occasional guests. The four guest rooms are functionally equivalent to guest rooms within a dwelling unit, except they are on the lobby level and not within the dwelling units. These four guest rooms will not be sold or otherwise rented beyond a maximum seven-day stay for guests of the building residents.*
>
> *The four unit-per-floor building footprint, elevations, and height diagram including ceiling heights are illustrated in the Architectural Concept Package dated June 9, 2021 by Garcia Stromberg GS4 Studios included with this request. Development will conform with industry trends toward increased standard ceiling heights of 9 to 10 feet and penthouse ceiling heights of 11 to 12 feet to ensure quality construction and a quality final product.*
>
> *The proposed building height is a maximum of 270 feet from grade to top of roof per the measurement standards of Land Development Code Section 10.301.C., Building Height. Due to the unique characteristics of a 23-story high rise, the rooftop elevator shaft, stairs, and enclosed roof and pool access space are proposed not to exceed 20 feet in height and to not occupy more than 25% of the total roof area. Mechanical equipment sizing and layout will be determined upon final design and permitting. The height diagram in the Architectural Concept Package dated June 9, 2021 by Garcia Stromberg GS4 Studios illustrates these parameters for the rooftop appurtenances.*

The proposed zoning amendment is to amend Deviation 9 of Resolution Z-05-010 for 3 additional stories for the proposed high rise building. No changes are proposed to density, open space, development areas, or environmental preserve areas.

Pattern Book, High Rise Details, Architecture and Shadow Study

The applicant has submitted a revised Pattern Book dated October 1, 2021 for "The Island at West Bay" from Garcia Stromberg GS4 Studios. The Pattern Book contains a site plan and building footprint meeting the setback for the protected 25-foot perimeter conservation areas. A typical floorplan is provided as well as a diagram showing the number of floors, height and parking.

The applicant also included "shadow study" imagery in its Architectural Concept Package to demonstrate the positioning of the building with the more slender profile and 4 units per floor compared to the 6-unit per floor design. The shadow cast will be limited to the golf course and related facilities of West Bay Club, not affecting residences, according to the applicant. Staff has noted the worst case scenario is in June in the Baybridge Boulevard neighborhood, before sunset where the shadow is at the edge of the homesites. The previously proposed 6-unit per floor design would have had a broader impact.

The applicant submitted a revised Pattern Book in response to staff and Planning, Zoning and Design Board comments. The initial Pattern Book appeared to be a more modern building style, with a patterned glass façade and "pure white" predominant color scheme. The architect has made revisions and refinements to address these concerns.

The revised Pattern Book shows the revisions and contains comparison pages of the building elevations. The color palette is neutral earth tones, starting darker at the base and becoming lighter as the building rises. Revisions include updates to the main floor and base of the building, and use of limestone type of material at the base of the building and within the formal entry portal. Additionally, glazing was replaced with window treatments, and deep overhangs. The style is a combination of Florida vernacular and Mediterranean elements.

The applicant has also provided "Rendered Views" showing the visibility of the high rise from different points, including within the development (Jasmine Bay towers), from the water, from US 41 and Williams Road, from the Pelican Sound area, and an aerial view. The building will be visible similar to the Jasmine Bay towers, but does not appear to be a dominating feature according to these photographs.

Transportation Analysis

Access to West Bay Club is from US 41, to Williams Road to the gated entry at West Bay Boulevard. The applicant provided a Traffic Impact Statement (TIS) and staff has reviewed the information provided.

The 88 units proposed for Pod 5 will generate 559 daily trips (38 net new peak hour in the morning and in the evening). The existing development traffic combined with Pod 5 traffic will be within the total number of trips allowed by Zoning Resolution Z-09-030.

The traffic analysis also shows that Williams Road will operate at an acceptable level of service including the traffic from the high rise. The applicant's traffic analysis indicates that the West Bay Club gated entrance is expected to have sufficient queue length. Some public comments were received indicating operational issues with backups at the gate. Theses operational issues will be examined at time of development order with a construction management plan.

Environmental Analysis

The West Bay Club property was analyzed by Lee County and other environmental agency staff during the rezoning, development order and permitting processes.

The Residential Planned Development comprises 866 acres. Of that total, 398 acres are preserved wetlands, with an additional 94 acres in Preservation and Upland Buffer areas. There is also some “rare and unique” upland habitat on the overall site that is similarly protected. The rare and unique upland areas consist of rosemary scrub, which was incorporated into the Master Concept Plan as preserve areas and are now protected under a conservation easement and used as an onsite gopher tortoise preserve. Pod 5 is a 5-acre site that has been partially cleared.

The site (and surrounding area) is shown as Wetlands on the Comprehensive Plan Land Use Map. However, this site, while surrounded by wetlands, is not a wetland. The Comprehensive Plan Map shows “generalized locations” of wetlands and is not exact due to the map scale. The property should be redesignated to Village Neighborhood 1 under Policy FLU-1.8.2. in the Comprehensive Plan. This can be done through an administrative process outlined in the Comprehensive Plan. The applicant has filed this and it has been approved.

Permits have been issued by the US Army Corps of Engineers and South Florida Water Management District, and conservation easements to protect the wetlands are recorded. Pod 5 has a 25-foot conservation on its perimeter.

There are eagles in the general vicinity of West Bay Club, but not near this property, or within the 660-foot distance of a nest regulated by Federal and State agencies or the Village Land Development Code.

The staff and the Village’s environmental consultant conducted a site inspection on August 18, 2021. The site check confirmed that the property is uplands and disturbed uplands. The consultant’s recommendations are attached and suggest a protected species and tree survey as part of the development order submittal.

Flood and Hurricane Preparedness

The site is located in the FEMA flood zone AE11 and will need to be elevated to meet FEMA standards. The site is also in the Coastal High Hazard area (described as areas below the elevation of the category 1 storm surge line established by the SLOSH model).

This development will need to provide mitigation for hurricane sheltering due to its location in the hurricane storm surge area. Mitigation is determined at time of development order per the Land Development Code.

Comprehensive Plan Considerations

West Bay Club is designated in the Comprehensive Plan as Village Neighborhood 1 and Wetlands. The Village Neighborhood 1 category is primarily lower density residential (1-4 units per acre), but can also have minor and neighborhood level commercial uses to support the residents. This 5-acre site is shown as Wetland on the Land Use Map. However, the Map contains a statement that it shows approximate boundaries of wetlands. Exact boundaries are determined in accordance with the process outlined in Land Use Policy FLU-1.8.2. (an administrative process to establish the precise boundary due to the map scale). Through this process, the 5-acre site has been designated as Village Neighborhood 1, similar to nearby properties.

This project was approved by Lee County and the location of this approved high rise multifamily use is not changing, and the number of units is proposed to be reduced from what was previously planned. A conservation buffer of 25 feet is provided around the site which will help ensure the wetlands are not being impacted, and the access bridge to the site is already permitted and constructed.

The site is located in the Coastal High Hazard area. Higher density development is discouraged in Coastal High Hazard areas. In this case, the applicant proposes to reduce the density by lowering the unit count from 120 to 88 units. The height was approved by Lee County at 20 stories over parking (220 feet). The additional requested height is 3 stories, for approximately 270 feet plus 20 feet for rooftop equipment. West Bay Club is close to buildout. Under Village Neighborhood 1, the Comprehensive Plan Land Use category, the density range is 1-4 units per acre. The density of this project is within the allowed range.

For the reasons stated above, staff believes the request is consistent with the Comprehensive Plan.

Other Comments

- Port Authority Tall Structure Review: The Lee County Port Authority staff has reviewed this project and determined that a tall structures permit is not required (see attached May 27 letter).

- School District: The Lee County School District has commented that capacity is not an issue within the School Concurrency Service Area.

- Estero Fire District: The Fire District had no comment at this time.

- Lee County Solid Waste: Lee County Solid Waste has requested more detail about the disposal methods. The applicant has responded that it will utilize a trash compactor, and further detail will be provided at time of development order.

FINDINGS OF FACT

If the Council wishes to recommend approval, staff has proposed findings of fact below:

1. The applicant has provided sufficient justification for the zoning amendment through demonstrating compliance with the Comprehensive Plan, the Land Development Code, and other applicable codes.

2. The application with the proposed conditions is compatible with existing uses in the surrounding area.

3. Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities.

4. Urban services will be available and adequate to serve the proposed use.

5. The request will not adversely affect environmentally critical areas and natural resources, which are already protected through the zoning and by other agency permits.

6. The proposed use was previously approved for this vacant site, and as conditioned is appropriate at the subject location.

STAFF RECOMMENDED CONDITIONS

The Planning, Zoning and Design Board and staff propose the following conditions:

1. Deviation 9 of Zoning Resolution Z-05-010 is amended to allow a maximum height for Development Area Pod 5 of 23 stories over parking, not to exceed 270 feet (with an additional

20 feet for rooftop equipment). The Property Development Regulations Table of the Master Concept Plan is revised to show the number of habitable floors as 23. All other conditions of prior Zoning Resolutions remain in effect except for Deviation 9 for Pod 5.

2. The maximum number of units is limited to 88.

3. Pod 5 is limited to one high rise building and must provide a minimum of 60% open space.

4. Ninety percent of the required parking in Pod 5 must be provided under the principal building structure to limit the impacts of impervious areas created by open parking lots.

5. The project must be consistent with the Pattern Book titled "The Island at West Bay – Estero, Florida, Pattern Book – 10.01.2021". The Pattern Book is not conceptual. Photographic images may be illustrative, but the development must be in substantial compliance with the Pattern Book, including architecture. Minor variations of details or colors will be evaluated as part of development order approval.

6. The building footprint shall be generally consistent with the shadow study imagery depicted in the Pattern Book to ensure that there are no negative impacts to residences.

7. Solid waste details, hurricane preparedness requirements, green building standards, protected species and tree survey, and construction traffic management plan will be further reviewed at time of development order.

8. An independent, professional, geotechnical engineer with direct experience in South Florida high-rise construction will be retained to provide building foundation recommendations. Their report will be based on multiple borings within the future tower footprint that represents the soil profile in the ground. Their report will be signed and sealed by a licensed engineer and submitted for the foundation design to both the applicant's contractor and the Village, prior to approval of a building permit.

9. Non-reflective glass will be used in the building design.

ATTACHMENTS:

1. Location Map
2. Village of Estero Environmental Inspection Report
3. Port Authority Letter
4. School District Letter
5. Solid Waste Email
6. Applicant's Request Statement
7. Applicant's List of Zoning Resolutions and Approvals
8. Applicant's Additional Submittal Material Dated August 6, 2021 and September 10, 2021
9. Zoning Resolution Z-05-010
10. Zoning Resolution Z-96-005

Location Map

Attachment 1



Attachment 2

VILLAGE OF ESTERO
ENVIRONMENTAL INSPECTION REPORT

WEST BAY CLUB POD 5



Site Inspection August 18, 2021

Mighty Mangroves, LLC
Lori Vogt, Ecologist, PWS, ISA Certified Arborist
August 31, 2021

PLANNED DEVELOPMENT AMENDMENT DCI2021-E001

West Bay Hill, LLC is proposing a Planned Development Amendment to revise the maximum height for development area Pod 5 from 20 stories over parking to 23 stories over parking.

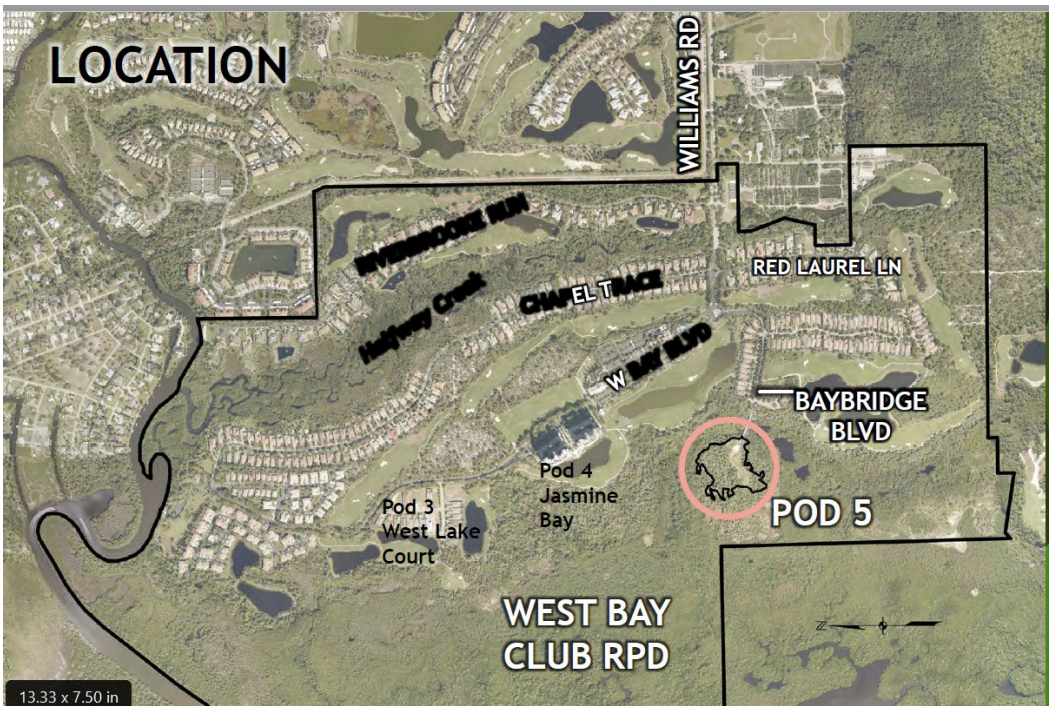
SITE VISIT

A site visit was coordinated with Johnson Engineering, the applicant's agent. The environmental field assessment of the parcel was performed with Village of Estero planning staff on the morning of Wednesday August 18th, 2021. The purpose of the inspection was to verify wetland limits and confirm that the current upland vegetation community in the Pod 5 development area is consistent with the previously approved documented uplands.

LOCATION

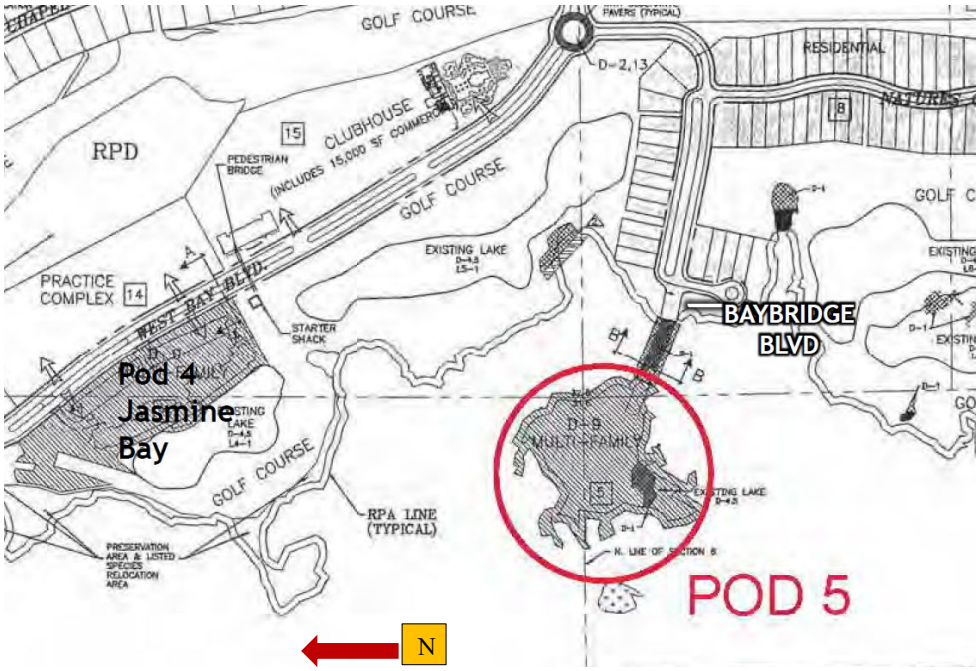
West Bay Club Pod 5 is the final development parcel located generally West of the West Bay Club entry roundabout.

Location Map



1998 Development Order approval for Pod 5

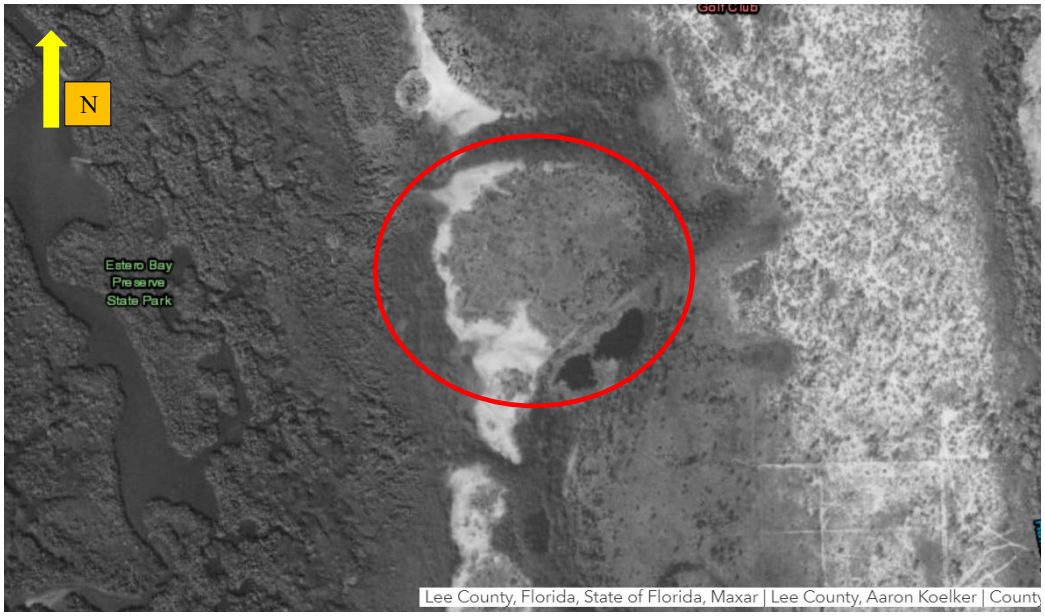
Lee County DOS98-11-227.00D was approved, stamped March 15, 1999. This approval includes the development area footprint for Pod 5.



2021 Aerial



1953 aerial



UPLAND VERIFICATION

The parcel designated for Pod 5 is uplands or disturbed uplands. The upland habitat community should be evaluated for listed species prior to the development order review process.

NATIVE VEGETATION

The pine flatwoods vegetation community includes native slash pine, live oak, cabbage palm, saw palmetto, wax myrtle, saltbush, wild coffee, and grape vine.

LISTED SPECIES

A formal Protected Species Survey will be needed to document the presence or absence of any listed species utilizing the property intended for future development. The vegetation community type could support protected species such as gopher tortoise (*Gopherus polyphemus*) and Curtiss milkweed (*Asclepia curtissii*).

RECOMMENDATIONS FOR DEVELOPMENT ORDER REVIEW

Applicant should:

- Compare the proposed development footprint area to the original development footprint area
- Provide an Open Space map with area calculations to meet 60% for the Development Order submittal
- Show cross sections in the Development Order submittal to include toe of fill slope, 25' upland buffer and surrounding features
- Submit a Protected Species Survey with updated FLUCCS map with the Development Order submittal
- Submit a tree survey to verify the absence or presence of Heritage trees as part of Development Order submittal

Upland inspection photos





Attachment 3

LEE COUNTY PORT AUTHORITY

Direct Dial: 239-590-4603
Fax: 239-590-4688

BENJAMIN R. SIEGEL, CPA, C.M.
EXECUTIVE DIRECTOR

RICHARD WM. WESCH
PORT AUTHORITY ATTORNEY

BOARD OF
PORT COMMISSIONERS

BRIAN HAMMAN

FRANK MANN

CECIL L PENDERGRASS

KEVIN RUANE

RAY SANDELLI

April 30, 2021

Ms. Mary Gibbs, FAICP
Community Development Director
Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928

Re: West Bay Club Pod 5
DCI2021-E001

Dear Ms. Gibbs:

The Lee County Port Authority (LCPA) has reviewed the proposed West Bay Club Pod 5 Major PD Amendment application and provides the following comment:

- Any object or structure (including temporary equipment used for construction) within an Airport Obstruction Notification Zone or proposed at a height greater than an imaginary surface extending outward and upward from any point of any SWFIA runway at a slope of 125 to 1 (one foot vertically for every 125 feet horizontally) for a distance up to a height of 125 feet above mean sea level and anything above 125 feet above mean sea level will require a Tall Structures Permit approved by the LCPA as described in sections 34-1107 of the Land Development Code and Lee County Administrative Code 13-7. Additionally, any proposed object or structure at a height greater than an imaginary surface extending outward and upward from any point of any SWFIA runway at a slope of 100 to 1 up to a height of 200 feet above mean sea level and anything above 200 feet above ground level will require the sponsor to acquire a determination of no hazard from the Federal Aviation Administration (FAA) pursuant to 14 CFR Part 77.

We appreciate the opportunity to comment on this matter. If you have any questions or require additional information, please do not hesitate to contact me at (239) 590-4603.

Sincerely,

LEE COUNTY PORT AUTHORITY

Ian Sikonia, AICP
Airport Planner

cc. Alicia Dixon – Director, Planning & Environmental Compliance, LCPA

SOUTHWEST FLORIDA INTERNATIONAL AIRPORT
11000 Terminal Access Road, Suite 8671 ▪ Fort Myers, Florida 33913-8213
www.flylcpa.com

Attachment 4

From: Ellis, Donna
To: Lisa Reitbauer; Ebaugh, Kathie
Subject: RE: Village of Estero DCI2021-E001 - West Bay Club Pod 5 Initial Submittal 4-21-2021
Date: Monday, May 17, 2021 1:15:42 PM
Attachments: image002.png
image003.png
image008.png
image001.png
image010.png
Response Letter Johnson West Bay Club Pod 5.pdf
Student Generation Johnson West Bay Club Pod 5.pdf

[**NOTICE:** This message originated outside of the Village of Estero -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Good Afternoon,

Attached you will find the concurrency review for West Bay Club Pod 5 DCI2021-E001

Please don't hesitate if you have any further questions.

Donna Ellis
Planning Specialist
2855 Colonial Blvd, Fort Myers, FL 33966
o: 239-335-1494
donnaje@leeschools.net
www.leeschools.net

THE SCHOOL DISTRICT OF LEE COUNTY
PERSONAL | PASSIONATE | PROGRESSIVE

From: Lisa Reitbauer <reitbauer@estero-fl.gov>
Sent: Tuesday, May 4, 2021 2:09 PM
To: Ellis, Donna <DonnaJE@LeeSchools.Net>; Ebaugh, Kathie <KathieE@LeeSchools.net>
Subject: FW: Village of Estero DCI2021-E001 - West Bay Club Pod 5 Initial Submittal 4-21-2021

NOTICE: This message originated outside of the District's network and MAY BE A SCAM. Please do not share personal information unless you are certain of the authenticity of the message.

Good afternoon,

As a follow-up to the email I received a short time ago regarding Dominic Gemelli's departure, below are credentials for DCI2021-E001, West Bay Club Pod 5. I know the review time is very short for you but we would appreciate your comments as soon as possible. The credentials are below.

Lisa Reitbauer
Administrative Assistant – Planning & Zoning
9401 Corkscrew Palms Circle
Estero, FL 33928
Office: (239) 319-2831
www.estero-fl.gov

From: Lisa Reitbauer
Sent: Friday, April 23, 2021 1:53 PM
To: 'jgenson@CityofBonitaSpringsCD.org' <jgenson@CityofBonitaSpringsCD.org>; Terry Kelley <tkelley2@leegov.com>; Nancy E. Stroud, PA <nstroud@nstroudpa.com>; Scott Danielson (danielson@esterofire.org) <danielson@esterofire.org>; Phil Green <green@esterofire.org>; Mark Clark <mark.clark@dot.state.fl.us>; Brigitte Kantor <bkantor@leegov.com>; Walter McCarthy <mccarthy@estero-fl.gov>; Jim Hart <hart@estero-fl.gov>; 'David Willlems' <willems@estero-fl.gov>; Matt Noble <noble@estero-fl.gov>; Kathy Eastley <eastley@estero-fl.gov>; Lee Mayfield <lmayfield@leegov.com>; Mikki Rozdolski <mrozdolski@leegov.com>; 'lindajsa@leeschools.net' <lindajsa@leeschools.net>; 'dominictg@leeschools.net' <dominictg@leeschools.net>; 'iosikonia@flylcpa.com' <iosikonia@flylcpa.com>
Cc: Mary Gibbs <gibbs@estero-fl.gov>
Subject: Village of Estero DCI2021-E001 - West Bay Club Pod 5 Initial Submittal 4-21-2021

Good afternoon,

Please review DCI2021-E001 for West Bay Club Pod 5, Initial Submittal 4-21-2021. The supporting documents and plans are uploaded to the Village of Estero FTP website.

Sufficiency review comments should be provided to me by **Wednesday, May 5, 2021** to allow time to prepare the response package and transmit it to the applicant.

The web address and log-in credentials to access the Village of Estero FTP website are:

Link: https://docshare.estero-fl.gov:8000

Username: WestBayClubPod5
Password: W3$tb@4pd$563

Lisa Reitbauer
Administrative Assistant – Planning & Zoning
9401 Corkscrew Palms Circle
Estero, FL 33928
Office: (239) 319-2831
www.estero-fl.gov



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PERSONAL | PASSIONATE | PROGRESSIVE

THE SCHOOL DISTRICT OF LEE COUNTY

May 17, 2021

Lisa Reitbauer
Village of Estero
9401 Corkscrew Palms Circle
Estero, FL 33928

RE: West Bay Club Pod 5

Dear Ms. Reitbauer:

This letter is in response to your request for Letter of Availability and Concurrency dated April 21, 2021 for the West Bay Club Pod 5 in regard to educational impact. The project is located in the South Choice Zone, S3.

This development is a request for 1016 single family housing units. With regard to the inter-local agreement for school concurrency the generation rates are created from the type of dwelling unit and further broken down by grade level.

For single-family homes, the generation rate is .297 and further broken down by grade level into the following, .149 for elementary, .071 for middle and .077 for high. A total of 302 school-aged children would be generated and utilized for the purpose of determining sufficient capacity to serve the development.

The Concurrency Analysis attached, displays the impact of this development. Capacity is not an issue within the Concurrency Service Area (CSA).

Thank you and if I may be of further assistance, please contact me at 239-335-1494

Sincerely,

Donna Ellis, Planning Specialist

BOARD MEMBERS: DEBBIE JORDAN, CHAIR, DISTRICT 4| **BETSY VAUGHN,** VICE CHAIR, DISTRICT 6 | **MARY FISCHER,** DISTRICT 1
MELISA W. GIOVANNELLI, DISTRICT 2 | **CHRIS N. PATRICCA,** DISTRICT 3 | **GWYNETTA S. GITTENS,** DISTRICT 5
CATHLEEN O'DANIEL MORGAN, DISTRICT 7 | **GREGORY K. ADKINS, Ed.D.**, SUPERINTENDENT | **KATHY DUPUY-BRUNO, ESQ.,** BOARD ATTORNEY

LEE COUNTY SCHOOL DISTRICT'S SCHOOL CONCURRENCY ANALYSIS

REVIEWING AUTHORITY	Lee County School District
NAME/CASE NUMBER	West Bay Club Pod 5
OWNER/AGENT	Johnson
ITEM DESCRIPTION	DCI all impacts in South CSA, sub area S3
LOCATION	06-47-25-E2-07MF1.0000
ACRES	866
CURRENT FLU	Suburban & Wetlands

PROPOSED DWELLING UNITS BY TYPE

Single Family	Multi Family	Mobile Home
1016	0	0

	Student Generation Rates			
STUDENT GENERATION	**SF**	**MF**	**MH**	**Projected Students**
Elementary School	0.149			151.38
Middle School	0.071			72.14
High School	0.077			78.23

Source: Lee County School District, September 7, 2018 letter

CSA SCHOOL NAME 2022/23	CSA Capacity (1)	CSA Projected Enrollment (2)	CSA Available Capacity	Projected Impact of Project	Available Capacity W/Impact	LOS is 100% Perm FISH Capacity	Adjacent CSA Available Capacity w/Impact
South CSA, Elementary	12,364	11,471	893	151	742	94%	
South CSA, Middle	5,911	5,543	368	72	296	95%	
South CSA, High	8,608	7,786	822	78	744	91%	

(1) Permanent Capacity as defined in the Interlocal Agreement and adopted in the five (5) years of the School District's Five Year Plan

(2) Projected Enrollment per the five (5) years of the School District's Five Year Plan plus any reserved capacity (development has a valid finding of capacity)

(3) Available Adjacent CSA capacity is subject to adjacency criteria as outlined in the Interlocal Agreement and the School District's School Concurrency Manual

Prepared by: Donna Ellis, Planning Specialist

Attachment 5

From: Kantor, Brigitte
To: Lisa Reitbauer
Subject: RE: Village of Estero DCI2021-E001 - West Bay Club Pod 5 Initial Submittal 4-21-2021
Date: Monday, April 26, 2021 4:47:21 PM
Attachments: image002.png

[**NOTICE:** This message originated outside of the Village of Estero -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hello Lisa and Jim,
I have reviewed the provided documents on behalf of the Solid Waste Department. We have no issue with the applicant moving forward with the project. However, in order to provide garbage and collection service and ensure the safety and well-being of the future residents we ask that the Village's response package please include for the applicant or his representative to provide information on:

- details about the disposal of solid waste and recycling – concierge service or resident taking care of it

This can include all and/or some of the following:

- plans for solid waste enclosures and or trash chutes
- for trash cutes have the applicant demonstrate sound and vibration control
- size of dumpster or size of compactor
- access to collection vehicle

Thank you.

Regards,

Lee County
Southwest Florida
Brigitte Kantor | Manager, Public Utilities
Solid Waste Department
6431 Topaz Court, Fort Myers, FL 33966
office: (239) 533-8000
cell: (239) 707-5137
Email: **BKantor@leegov.com**
Web: www.leegov.com/solidwaste

From: Lisa Reitbauer <reitbauer@estero-fl.gov>
Sent: Friday, April 23, 2021 1:53 PM
To: ext-Genson, Jacqueline (cityofbonitaspringscd.org) <jgenson@cityofbonitaspringscd.org>; Kelley, Terry <TKelley2@leegov.com>; Nancy E. Stroud, PA <nstroud@nstroudpa.com>; Scott Danielson

(danielson@esterofire.org) <danielson@esterofire.org>; Phil Green <green@esterofire.org>; Mark Clark <mark.clark@dot.state.fl.us>; Kantor, Brigitte <BKantor@leegov.com>; Walter McCarthy <mccarthy@estero-fl.gov>; Jim Hart <hart@estero-fl.gov>; David Willems <willems@estero-fl.gov>; Matt Noble <noble@estero-fl.gov>; Kathy Eastley <eastley@estero-fl.gov>; Mayfield, Lee <LMayfield@leegov.com>; Rozdolski, Mikki <MRozdolski@leegov.com>; lindajsa@leeschools.net; ext-Gemelli, Dominic (leeschools.net) <dominictg@leeschools.net>; iosikonia@flylcpa.com
Cc: Mary Gibbs <gibbs@estero-fl.gov>
Subject: Village of Estero DCI2021-E001 - West Bay Club Pod 5 Initial Submittal 4-21-2021

Good afternoon,

Please review DCI2021-E001 for West Bay Club Pod 5, Initial Submittal 4-21-2021. The supporting documents and plans are uploaded to the Village of Estero FTP website.

Sufficiency review comments should be provided to me by **Wednesday, May 5, 2021** to allow time to prepare the response package and transmit it to the applicant.

The web address and log-in credentials to access the Village of Estero FTP website are:

Link: https://docshare.estero-fl.gov:8000

Username: WestBayClubPod5
Password: W3$tb@4pd$563

Lisa Reitbauer
Administrative Assistant – Planning & Zoning
9401 Corkscrew Palms Circle
Estero, FL 33928
Office: (239) 319-2831
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Attachment 6

Request Statement

Attachment 7.A

West Bay Club Pod 5 – Planned Development Amendment

7.A Request Statement

Approval for the community now known as West Bay Club dates back to original rezoning to Residential Planned Development granted for the Estero Pointe project on March 18, 1996 by Resolution Z-96-005. Since original approval, the community has been subject to ongoing actions of zoning amendments, administrative amendments, and final plan approvals and development orders, and is nearing completion.

> The requested PD Amendment is to amend Deviation Number 9 granted by Resolution Z-05-010 for the West Bay Club Residential Planned Development (RPD) to revise the maximum height for Development Area (Pod) 5 from 20 stories over parking to 23 stories over parking. Development Pod 5 is a +/-5-acre existing development tract within West Bay Club RPD.

This proposed amendment is limited to the revision of the height deviation (Deviation 9) originally granted by Resolution Z-96-005 and refined in Resolution Z-05-010. No change is proposed to allowable number of units, density, access, open space, development areas, or environmental considerations. The RPD is nearing buildout and through the rezoning and South Florida Water Management District permitting process (Permit 36-03098-P), environmental preservation requirements have been fulfilled and all infrastructure is in place. Per the United States Army Corps of Engineers and SFWMD Permits, the Development area comprising Pod 5 is uplands designated for multifamily development.

The RPD comprises 866 acres, of which 2 acres was rezoned to CPD in 2009 by Resolution Z-09-030. Of the 866 acres, 397.8 acres remain as preserved wetlands, plus another 118.3 acres are in Preservation and Upland Buffer areas.

A total of 1,016 dwelling units are allowed within the RPD. Maximums are established for sub-areas within the project:

- land within the Outlying Suburban designation identified on the Master Concept Plan is allowed a maximum of 994 units
- land within the Suburban designation identified on the Master Concept Plan is allowed a maximum 22 units
- another limit was established for the Development “Pods” along the western edge of the RPD numbered 3, 4, and 5, which are allowed a maximum 630 units

Construction within West Bay Club has been completed in compliance with these limits as outlined in the chart on the following page:

Development Completed in West Bay Club RPD by Area				
Development	**Entire RPD (Total)**	**Outlying Suburban (Subarea)**	**Suburban (Subarea)**	**Pods 3, 4, & 5 (Subarea)**
Sunset Trace (SF)	66 units	66 units		
Chapel Ridge (SF)	53 units	53 units		
Laurel Oaks (SF)	34 units	34 units		
Riverbrooke (SF)	53 units	31 units	22 units	
Nature's Cove (SF)	81 units	81 units		
Indigo Shores (MF coach homes)	92 units	92 units		
Turtle Point (MF coach homes)	64 units	64 units		
Turtle Point Cove (SF)	19 units	19 units		
Westlake Court (SF) Pod 3	25 units	25 units		25 units
Jasmine Bay (MF) Pod 4	217 units	217 units		217 units
Subtotal – Constructed Units	**704 units**	**682 units**	**22 units**	**242 units**
Total Allowed	**Max. 1,016 units**	**Max. 994 units** per ADD2008-00076	**Max. 22 units** per ADD2008-00076	**Max. 630 units**

The requested PD Amendment is specific to a change to maximum height for one parcel designated Pod 5 on the Master Concept Plan. The requested deviation complies with the Village Land Development Code and the Comprehensive Plan. The allowance for 23 stories over parking is to achieve a higher quality product on the last remaining high rise development site within West Bay Club. Additional stories allow for construction of a more slender building footprint based on a four-unit per floor design, instead of a bulkier footprint of the six-unit per floor prototype. This design will result in fewer units, that are of higher quality. A maximum of 88 units are anticipated within this four-unit per floor design. Development will conform with industry trends toward increased ceiling heights from 9 feet to 10 feet to ensure quality construction and a quality final product. Shadow study imagery is included to demonstrate that the positioning of the building and the slender profile with four units per floor will have an improved effect and shadow cast will be limited to golf course and related facilities of West Bay Club.

The following revision is proposed to Deviation 9 as approved in Z-05-010, with underline indicating addition, and ~~strike-through~~ indicating deletion:

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, and 4 ~~and 5~~ and 23 stories over parking for Pod 5. This deviation is SUBJECT TO the following conditions:

a. Development Area (Pod) 2 is limited to a maximum height of 75 feet.

b. Development Areas (Pods) 3 ~~and~~ and 4~~, and 5~~ are limited to a maximum height of 220 feet and Pod 5 is limited to a maximum height of 23 stories over parking. Pods 3, 4 and 5 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.

Attachment 7

Past Zoning Resolutions and Approvals

Attachment 3.E

West Bay Club Pod 5 – Planned Development Amendment

List of Zoning Resolutions and Approvals

The following zoning resolutions and approvals are from Lee County. There is no record of any other resolutions or approvals in either Lee County or The Village of Estero since 2011.

Resolution	Case Number	Hearing/ Signature Date	Description
ADD2011-00087	ADD2011-00087	03/08/2012	Final Plan approval to allow development of an accessory residential boat/RV storage area
Z-09-030	DCI2008-00042	12/07/2009	Amend RPD to develop an accessory residential boat/RV storage area adjacent to existing maintenance facility off of Kings Road and add accessory uses of Boat Ramp & Dockage. Also rezone +/-2 acres from RPD to CPD.
ADD2008-00076	ADD2008-00076	12/01/2008	Changes the dwelling unit distribution by reducing the number of dwelling units within the Suburban future land use category to 22 while increasing the number of dwelling units with the Outlying Suburban future land use category to 994. Total remains **1,016 units**.
ADD2006-00043	ADD2006-00043	04/21/2006	Final Plan approval for Orchid Bay (Pod 3) for 232 Multi-Family units in two 20-story towers, 220 feet in height, 17 cabanas, a pavilion, a gazebo, parking, and other related amenities. A deviation for a reduction in water body setback from 25 to 20 feet. Note: Final development of Pod 3 was West Lake Court - 25 single family lots.
Z-05-010	DCI2004-00046	03/21/2005	Change the use of Development Area (Pod) 3 from single-family residential (approved in ADD1999-00056) to a multi-family residential area as originally approved in Resolution Z-96-005. Restate RPD max. **1,016 units** with max. 970 in Outlying Suburban; max. 46 units in Suburban area. Refined Deviation #9 allowing 20 stories over parking; max. height of 220 feet, limited to combined total of 5 high rise bldgs. and combined total of 630 dwellings for **Pods 3, 4 & 5; max. one high rise bldg. on Pod 5.**
ADD2005-00022	ADD2005-00022	03/15/2005	Final Plan approval for 220-unit Jasmine Bay (Development Pod 4) with deviations to allow a zero foot water body and property line setback between Parcel 4 and lake track 4-1

West Bay Club Pod 5 – Planned Development Amendment

List of Zoning Resolutions and Approvals

Resolution	Case Number	Hearing/ Signature Date	Description
			and a zero feet maintenance access easement at the swimming pool area stem wall.
ADD2003-00182	ADD2003-00182	02/16/2004	Allow zero foot setback from a private road for pedestrian elevated walkway; 16.47' setback from a private road for a 2nd floor clubhouse deck; final plan approval for an existing Starter Shack and Halfway House and for a golf clubhouse with parking and accessory structures.
ADD2002-00042	ADD2002-00042	06/04/2002	Turtle Point Cove (Phase 2) Final Plan Approval and change of the number and type of units from 40 multi-family units to 19 single family units.
ADD1999-00056	ADD1999-00056	02/23/2000	Change the use of Development Area (Pod) 3 from multi-family residential to single family residential
FPA-98-088	95-06-148.04 02.01	02/23/1999	Phase 3 Final Plan Approval
FPA-98-087	95-06-148.04 01.01	12/30/1998	Final Plan Approval for Golf Course Maintenance Facility
Admin. Amend. PD-98-003	95-06-148.13A 01.01	04/10/1998	1. Of the allowed **1,121 units**, change so that 46 are allowed in the Suburban area, and 1,075 in the Outlying Suburban area, with no more than 630 units in **Dev. Areas 3, 4 and 5**; 2. Eliminate the proposed sewer treatment plant in the southeast quadrant and in accordance with Condition 11 of Resolution Z-96-005 replaced with residential and/or golf course uses; 3. Move the existing bridge over Halfway Creek in the southeastern portion of the site to the north to function as a golf crossing; 4. Reduce the golf practice and clubhouse tracts, while increasing and reconfiguring the preservation and golf course area; 5. Enlarge and reconfigure the preservation area and Listed Species Relocation Area; 6. Combine and shift residential tracts 11 and 12 to accommodate the golf course design; 7. Expand northern portion of Tract IO by 2 single family lots, decrease the size of the

West Bay Club Pod 5 – Planned Development Amendment

List of Zoning Resolutions and Approvals

Resolution	Case Number	Hearing/ Signature Date	Description
			Park, and adjustment of lot lines in Tracts 6, 7, and 10; 8. Reconfigure Tract 10 and golf course lying west of the eastern boundary and north of the boundary line between the Outlying Suburban and Suburban land use categories; 9. Move the northernmost creek crossing south 10. Show the reconfigured lakes on the Master Concept Plan based upon the South Florida Water Management District permits and modifications; 11. Amend the approved Property Development regulations by excluding the "Estate" category; and 12. Amend the Open Space Table and Site Breakdown while still complying with Condition 6 of Resolution Z-96-005 for minimum total open space.
Z-96-005	95-06-148.03Z	03/18/1996	Rezone from AG-2, C-2, CS-1, & RM-2 to RPD "Estero Pointe" allowing **1,121 units**, including Deviation #9 allowing 20 stories over parking, max. height in **Development Areas 3, 4 and 5** of 220 feet and maximum combined total of six multifamily buildings with maximum total 630 units within **Development Areas 3, 4 and 5**

Attachment 8a.

August 6, 2021

- West Bay Club Community Meeting
- Estero Public Information Meeting Summary
- Sectional Building Comparison
- Email 07-09-21 from Structural Engineer
- 02-27-14 West Bay Density Covenant

JOHNSON ENGINEERING

SINCE 1946

West Bay Club Community Meeting
West Bay Club Planned Development Amendment
July 7, 2021
Jasmine Bay Club Room

West Bay Club residents were notified and invited on June 28, 2021 via email to attend a community meeting held by West Bay Hill, LLC in the Club Room at Jasmine Bay. The meeting was held on July 7, 2021 from 4:30 PM to roughly 5:45 PM, with over 50 attendees. The meeting was video recorded, and the video presentation was provided through the Club HOA for residents to view.

Display boards were positioned in the room, including the site plan, building renderings, typical floor plans and unit layouts, a shadow study comparing the proposed four-unit per floor 23 story over parking building and a six-unit per floor 20 story over parking building. A 3D physical model of the proposed building was also displayed.



Gary Chensoff of West Bay Hill began with a history of West Bay Club, noting that the development is nearly built out with 704 of the allowable 1,016 units constructed. He described the Island site as the one remaining site to be developed, already permitted for a high rise. Gary explained that he has weighed the options of developing a four-unit per floor building at 23 stories and 86 to 88 units or a six-unit-per-floor building at twenty stories and 101 units. Through back-and-forth efforts with the architect, the building has been designed to be a luxury high-rise with sunset views for all units. He explained anticipated high-end amenities include: rooftop pool deck, units ranging from 3,200 to 4,200 square feet, wrap around balconies, sunset views, and floor to ceiling heights over ten feet. He said he envisions a building that will be top of its class in the Estero area and all of Lee County, and the project should increase the property values of existing residential units in West Bay Club.

Laura explained the Planned Development Amendment process and that a public information meeting will be held at the Village Planning Zoning and Design Board on July 13 at 4:30. She summarized the site has been permitted for development through the County, Army Corps of Engineers and South Florida Water Management District, and the proposal is limited to amending the height deviation granted through past zoning actions to allow for an additional three stories in height with no increase in density.

2122 Johnson Street ▪ Post Office Box 1550 ▪ Fort Myers, Florida 33902-1550
(239) 334-0046 ▪ Fax (239) 334-3661

During the question-and-answer period, inquiries were made about the construction timeline which is expected to extend approximately 1-1/2 years starting in 2022, accommodation of construction traffic, if outdoor grills will be allowed on balconies, how units will be priced, and the timing and policies that apply to reserving a unit. An attendee asked about the design of the parking, and it was explained to be primarily enclosed in the podium or base of the structure, which is one level of parking. A resident along Bridge Run Court expressed concern for her and her neighbor's views, drainage, and shadows. Dana Hume explained the stormwater system must be designed and permitted to retain all stormwater onsite before discharging to the west. Gary explained that the site has always been known to be planned for a high rise, and the shadow study illustrates the limited extent of the shadow effect, noting the Island high rise will be at a distance from homes comparable to the proximity that Jasmine Bay buildings have to homes in the community. An attendee asked the distance from the end of Baybridge Road to the proposed building, and it was estimated to be 400-500 feet.

Chris Johnson of West Bay Hill advised that a website will be launched in the coming week to provide updates on the project (islandwestbay.com).





2122 Johnson Street ▪ Post Office Box 1550 ▪ Fort Myers, Florida 33902-1550
(239) 334-0046 ▪ Fax (239) 334-3661

West Bay Hill, Miromar Outlets and Colonnade projects among those reviewed by the Planning, Zoning & Design Board on July 13, 2021



The Board started their meeting conducting three public information meetings: West Bay Hill, Miromar Outlets and The Colonnade.

West Bay Hill is requesting to increase the height of a proposed high-rise building on a 5-acre lot from 20 stories to 23 stories over one level of parking. The applicant pointed out that additional floors would provide a more slender design and a more exclusive product. The four units per floor with two penthouse levels would provide 88 units. The building would include an amenity center and a rooftop pool. **(West Bay Presentation)**

The West Bay Club is located off of US 41 and Williams Road at 4606 West Bay Blvd.

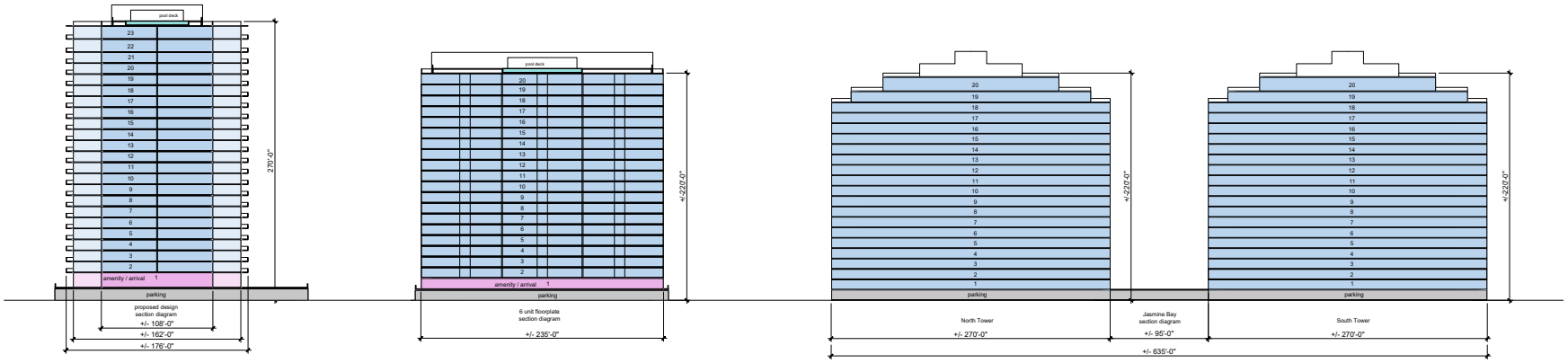
No voting occurs during public information meetings.

Miromar Outlets

Miromar Outlets is looking for a zoning amendment to adopt a new sign package to modernize its signs and make them more visible.

They plan to remove and replace the four existing signs. **(Miromar Outlets Presentation)**

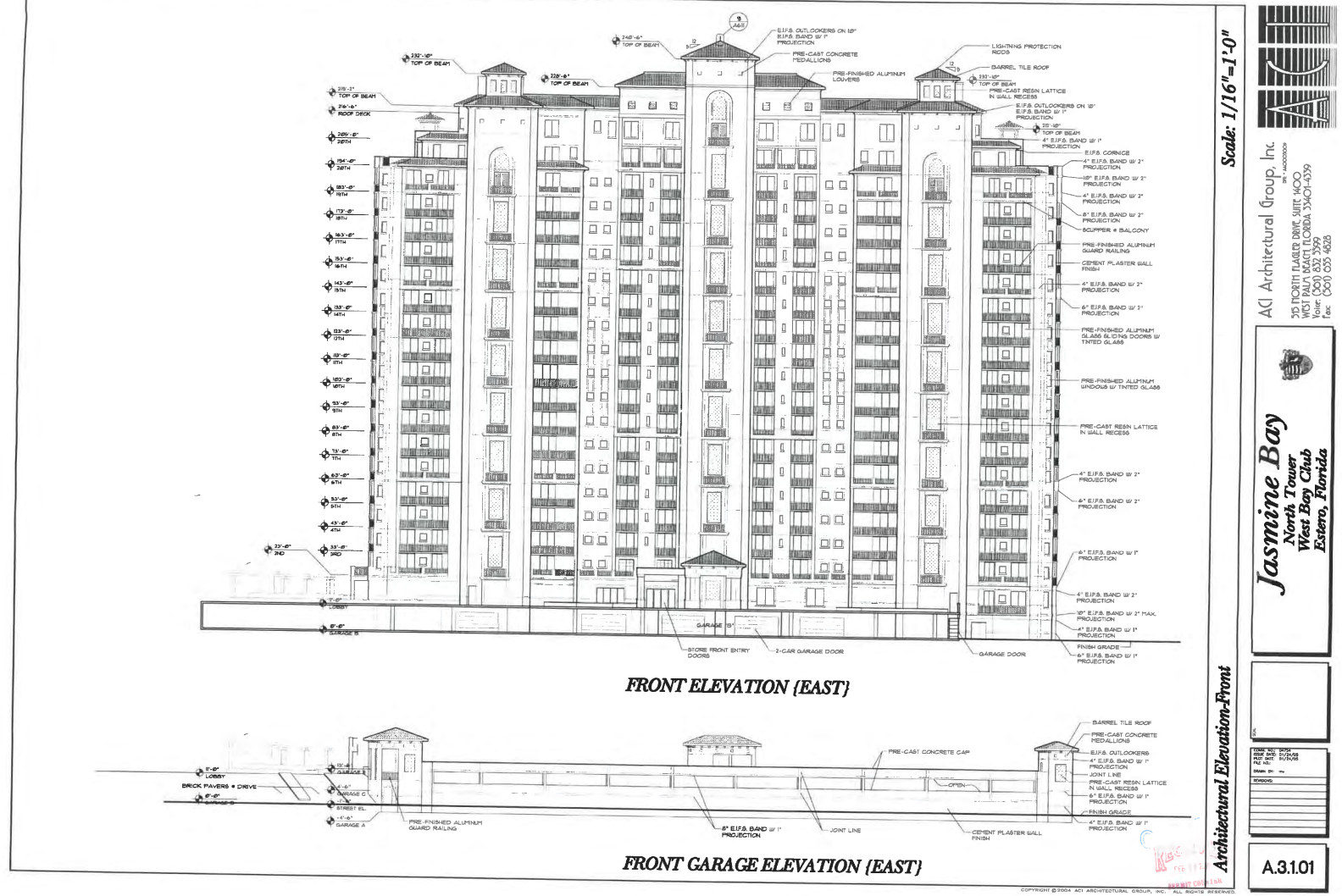
Miromar Outlets is located at the intersection of Corkscrew Road and Ben Hill Parkway.



THE ISLAND AT WEST BAY
ESTERO, FLORIDA

GARCIA STROMBERG
GS4studios

CONCEPT SECTION DIAGRAM - COMPARISON
07.23.2021


FRONT ELEVATION (EAST)
FRONT GARAGE ELEVATION (EAST)
Scale: 1/16"=1'-0"
Architectural Elevation-Front
ACI Architectural Group, Inc.
395 FIORITA FLAGLER DRIVE, SUITE 1400
WEST PALM BEACH, FLORIDA 33401-6539
Voice: (561) 832 3999
Fax: (561) 659 4025
Jasmine Bay
North Tower
West Bay Club
Estero, Florida
A.3.1.01
2005-00012
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Marina A. Guirguis

From: Marina A. Guirguis
Sent: Wednesday, July 28, 2021 8:35 AM
To: Marina A. Guirguis
Subject: FW: Miami Parking Garage video

From: Laura S. DeJohn
Sent: Monday, July 12, 2021 12:13 PM
To: AICP Mary Gibbs (gibbs@estero-fl.gov) <gibbs@estero-fl.gov>
Subject: FW: Miami Parking Garage video

Mary, see below for the explanation from the structural engineer for the WBC Island High Rise site.

Thanks,
Laura

Laura DeJohn, AICP
Director of Planning & Landscape Architecture
JOHNSON ENGINEERING, INC.
Cell: (239) 229-1726
ldejohn@johnsoneng.com

From: Sullivan, Andy <asullivan@mcsal.com>
Sent: Friday, July 9, 2021 5:37 PM
To: Jorge Garcia <jgarcia@garciastromberg.com>
Cc: C Johnson <ihpjohnson@gmail.com>; Laura S. DeJohn <LKS@johnsoneng.com>; Dana Hume <DLH@johnsoneng.com>; Marina A. Guirguis <mag@johnsoneng.com>; Gary Chensoff <ihpchensoff@gmail.com>; Roger Grave de Per <rgravedeperalta@garciastromberg.com>
Subject: Re: Miami Parking Garage video

Chris -

To start the team will be engaging a professional geotechnical engineer to provide foundation recommendations. Their report will be based on multiple borings within the future tower footprint that represents the soil profile in the ground. Their report will be signed and sealed by a license engineer and submitted to us for the foundation design.

Based on our experience towers typically bear on deep augercast piles ranging from 14 to 36” in diameter and depths ranging from 30 ft to 150 ft. For this project we will likely fall into the mid-range of those values. Scotty is generally correct that rock is most absent in the ground in Florida; however, the combination of pile diameter and depth result in a “skin” friction around the perimeter to develop the capacity into the sandy soils to support the high loads above.

In addition, it is also typical that a test pile be installed before the actual building piles are installed. This pile often gets tested to failure or to twice its capacity.

Hope that helps.

Andy

Andrew P. Sullivan, P.E., S.E
Principal

McNAMARA • SALVIA
STRUCTURAL ENGINEERS
One Biscayne Tower, Suite 3795 • 2 South Biscayne Boulevard, Miami, FL 33131
(O) 305-579-5765

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On Jul 9, 2021, at 4:38 PM, Jorge Garcia <jgarcia@garciastromberg.com> wrote:

Chris,
Although I have enough knowledge to address and give my opinion, for the more competent and detailed response I would defer to our structural engineer to provide a brief narrative. He's copied herein.

Jorge H. Garcia
CEO
jgarcia@garciastromberg.com

studio +1 561 478 5855
mobile +1 561 866 6179

G A R C I A S T R O M B E R G |GS4studios

2365 Vista Parkway Suite 16
West Palm Beach, FL 33411
www.garciastromberg.com

On Jul 9, 2021, at 2:39 PM, C Johnson <jhpjohnson@gmail.com> wrote:

Jorge - please see the public comment card that was sent to me below, and Laura's question as to whether you would be the appropriate party to speak on these issues at the hearing on Tuesday.

Thank you.

Chris Johnson
Indian Hill Partners
20 North Wacker Drive, Suite 1922
Chicago, IL 60606
312-422-5466
312-422-0363 (fax)

ihpjohnson@gmail.com

---------- Forwarded message ---------
From: **Laura S. DeJohn** <LKS@johnsoneng.com>
Date: Fri, Jul 9, 2021 at 12:00 PM
Subject: FW: Miami Parking Garage video
To: Dana Hume <DLH@johnsoneng.com>, ihpjohnson@gmail.com <ihpjohnson@gmail.com>
Cc: Marina A. Guirguis <mag@johnsoneng.com>

Chris – see below, could Jorge be the person to speak about construction questions like this?

Laura DeJohn, AICP

Director of Planning & Landscape Architecture

JOHNSON ENGINEERING, INC.

Cell: (239) 229-1726

ldejohn@johnsoneng.com

From: Mary Gibbs <gibbs@estero-fl.gov>
Sent: Friday, July 9, 2021 9:39 AM
To: Laura S. DeJohn <LKS@johnsoneng.com>
Subject: FW: Miami Parking Garage video

fyi

From: Scotty Wood [mailto:lew1761@gmail.com]
Sent: Wednesday, June 30, 2021 3:12 PM
To: Mary Gibbs <gibbs@estero-fl.gov>
Subject: Miami Parking Garage video

[**NOTICE:** This message originated outside of the Village of Estero -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Mary:

This is an email from a West Bay Jasmine Tower resident friend of mine expressing concern about the underpinning of Jasmine Towers. Nothing official but it bears watching.

Given the situation over at Surfside where the developer 40 years ago received a variance to go above the max height limit by building a penthouse, I think we need to be very careful about doing due diligence on the West Bay Hills "island site". I, for one, would want to receive a professional's presentation about how far down are pilings going and how stable is the deep underground. In the north, ala Chicago, the tall buildings take pilings down to granite bed rock (which probably doesn't exist in SW Florida).

Part of my concern is that the site sits basically in a preserve area that is mostly surrounded by wetlands. Maybe we could get some info from Collier County about the older high rises along Gulfshore Boulevard to see if worries are justified.

Lust a few thoughts for you.

Scotty

> Our tower residences are very concerned.
>
> We gave $9 to $11 million dollar expense coming!!!
>
> Sent from my iPhone
>
> > On Jun 30, 2021, at 1:43 PM, Scotty Wood <lew1761@gmail.com> wrote:
> >
> > The Surfside condo collapse could be "the Canary in the coal mine". Check out this video from another building

nearby but not part of the complex where the building collapsed.

https://twitter.com/billycorben/status/1409619091741036558?s=21

Scotty Wood

Scotty Wood

Email which is created or received by a Village of Estero employee or official in connection with the transaction of official business of the Village of Estero is considered public record and is subject to inspection and/or copying in accordance with Chapter 119, Florida Statutes and is subject to applicable state retention laws, unless exempted by law.

INSTR # 2014000093999, Doc Type AGR, Pages 7, Recorded 05/06/2014 at 12:30 PM, Linda Doggett, Lee County Clerk of Circuit Court, Rec. Fee $61.00 Deputy Clerk ERECORD

PREPARED BY:

Robert A. Cooper, Esq.
Hahn Loeser & Parks LLP
2400 First Street
Suite 300
Fort Myers, Florida 33901

WHEN RECORDED RETURN TO:

Jon Chassen, Esq.
Bilzin Sumberg Baena Price & Axelrod LLP
1450 Brickell Avenue, 23rd Floor
Miami, Florida 33131

RESTRICTIVE COVENANT

(Density Restriction)

THIS RESTRICTIVE COVENANT ("**Covenant**") is made effective this 27 day of February, 2014, by **WEST BAY HILL LLC**, a Florida limited liability company, having its principal office at 2000 Calusa Pines Drive, Naples, Florida 34120 ("**WBH**"), and **THE WEST BAY CLUB COMMUNITY ASSOCIATION, INC.**, a Florida not-for-profit corporation, having its principal office at 4606 West Bay Boulevard, Estero, Florida 33928 (the "**HOA**").

This Covenant is joined by IberiaBank, in its capacity as holder of a mortgage encumbering the Island Site Property and the Orchid Bay Site Property to signify its consent to the recording of this Covenant and the provisions set forth herein.

Pursuant to and in consideration of the terms, conditions and consideration set forth in that certain Agreement Regarding West Bay Club, dated February 6, 2014, by and among Indian Hill Partners, Inc. ("**IHP**"), The West Bay Club Property Owners Association, Inc. (the "**Advisory Group**"), and The West Bay Golf Club, Inc. (the "**IHP Agreement**", which was assigned by IHP to WBH), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, WBH and the HOA hereby agree as follows:

1. WBH is the owner of certain real property located in Estero, Lee County, Florida, as more particularly described by the legal description attached hereto as **Exhibit "A"** and incorporated herein by reference (the "**Island Site Property**").

2. WBH is the owner of certain real property located in Estero, Lee County, Florida, as more particularly described by the legal description attached hereto as **Exhibit "B"** and incorporated herein by reference (the "**Orchid Bay Site Property**").

3. The HOA is a homeowners association that, in accordance with that certain **Amended and Restated Master Declaration for West Bay Club, recorded as Instrument No. 5052604, in the Public Records of Lee County, Florida** (as amended from time to time, the "**Declaration**"), governs the West Bay Club residential community (the "**Community**") developed upon certain real property located in Estero, Lee County, Florida, as more particularly

described by the legal description attached hereto as **Exhibit "C"** and incorporated herein by reference (the "**West Bay Club Property**").

4. In accordance with the Declaration, WBH, as the successor Declarant of the Community pursuant to the Declaration, has the right, but not the obligation, to submit the Island Site Property and the Orchid Bay Site Property to the Community to be governed under the Declaration.

a. WBH and the HOA acknowledge that the Orchid Bay Site Property and the Island Site Property have not been submitted to the Community to be governed under the Declaration and that neither site has any existing setback or minimum square footage requirements prescribed by the Declaration or the Architectural Guidelines for the Community.

b. WBH and the HOA agree that, subject to more restrictive requirements that may be imposed by a governmental authority, as and when the Orchid Bay Site Property is submitted to the Community, to be governed by the Declaration as SUBJECT PROPERTY, single-family residential lots in the Orchid Bay Site Property shall have a side setback requirement of five (5) feet, a front setback requirement of twenty (20) feet, a rear setback requirement of fifteen (15) feet, and a minimum square footage requirement of 2,200 square feet.

5. Pursuant to Section 1.27 of the Declaration, WBH has the right to limit the number of Units to be constructed on the Island Site Property and the Orchid Bay Site Property.

6. As a material part of the consideration for the Advisory Group, on behalf, and for the benefit, of the HOA, to enter into the IHP Agreement, WBH hereby covenants and agrees that neither it nor any Successor Builder, as such term is defined in the IHP Agreement, will construct more than 50 Units, as such term is defined in the Declaration, on the Orchid Bay Site Property, and WBH further covenants and agrees that not more than 126 Units will be constructed in the aggregate between the Orchid Bay Site Property and the Island Site Property.

7. This Covenant is created to benefit and serve the HOA and its successors, assigns, members and owners of Units on the West Bay Club Property, and is binding on and burdens WBH and its successors, assigns and owners of Units on the Island Site Property and the Orchid Bay Site Property; it being the intention of the parties hereto that by execution and recording of this Covenant that this Covenant and the restrictions and covenants herein shall be covenants running with the land and shall be restricted and forever binding upon the successors in title.

8. The invalidity or unenforceability of any particular provision of this Covenant shall not affect the other provisions hereof, and this Covenant shall be construed in all respects as if such invalid or unenforceable provision were omitted.

9. In the event of any litigation arising from or related to this Covenant, the prevailing party shall be entitled to reimbursement of attorneys' fees and costs incurred at all proceedings, including, without limitation, before trial, at trial and all appellate levels, from the non-prevailing party.

10. This Covenant may not be altered or amended except in writing signed by the parties hereto and any mortgagee holding a mortgage encumbering the Island Site Property and/or the Orchid Bay Site Property, as applicable. No waiver of any provision of this Covenant shall be effective unless it is in writing signed by the party against whom it is asserted, and any waiver of any provision of this Covenant shall be applicable only to the specific instance to which it is related and shall not be deemed to be a continuing or future waiver as to such provision or a waiver as to any other provision.

11. No term, covenant or provision of this Covenant shall be construed against any party by reason of such party being deemed to have drafted or structured such term, covenant or provision.

12. Each of WBH and the HOA has full power and authority to execute and deliver this Covenant and to perform its obligations hereunder.

13. This Covenant is prepared without the benefit of title examination.

14. This Covenant does not and will not be deemed to constitute a partnership or joint venture between the parties, and neither party nor any of their respective shareholders, members, directors, managers, officers, employees, agents or representatives, will, by virtue of this Covenant, be deemed to be an agent or employee of the other party.

15. This Covenant may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Covenant.

[signature pages to follow]

IN WITNESSES WHEREOF, an authorized representative has executed this Agreement effective as of the date and year first above written.

WITNESSES:

(Signature) Lee D. Powar

(Print Name) LEE D. POWAR

(Signature) Lisa Valdespino

(Print Name) Lisa Valdespino

HOA:

THE WEST BAY CLUB COMMUNITY ASSOCIATION, INC., a Florida not-for-profit corporation

By: B. J. Schultz

Print Name: BRIAN J. SCHULTZ

Title: GEN. MGR.

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 18 day of February, 2014, by Brian Schultz, the General Manager of The West Bay Club Community Association, Inc., a Florida not-for-profit corporation, on behalf of the corporation, who is personally known to me or who has produced _____ as identification.

Seal

LISA VALDESPINO
MY COMMISSION # EE 842973
EXPIRES: October 11, 2016
Bonded Thru Notary Public Underwriters

Lisa Valdespino
Notary Public

Lisa Valdespino
Print Name of Notary Public

MIAMI 4035443.2 80433/42684

WITNESSES:

(Signature)

MARIA E. VAKOS
(Print Name)

(Signature)

George KOKKonas
(Print Name)

WBH:

WEST BAY HILL LLC, a Florida limited liability company

By: Christopher P. Johnson
Name: Christopher P. Johnson
Title: Manager

STATE OF Illinois
COUNTY OF Cook

The foregoing instrument was acknowledged before me this 12th day of February 2014, by Christopher P. Johnson, in his capacity as Manager of West Bay Hill LLC, a Florida limited liability company, on behalf of said corporation, who is personally known to me or who has produced _____ as identification.

Seal

Official Seal
Maria E Vakos
Notary Public State of Illinois
My Commission Expires 05/21/2014

Notary Public

MARIA E. VAKOS
Print Name of Notary Public

MIAMI 4035443.2 80433/42684

JOINDER BY IBERIABANK FOR THE LIMITED PURPOSES EXPRESSED

WITNESSES:

(Signature)
James F. Morey
(Print Name)
Nancy Brunette
(Signature)
Nancy Brunette
(Print Name)

IberiaBank

By: Brian Tinney
Name: Brian Tinney
Title: SVP

STATE OF FLORIDA
COUNTY OF COLLIER

The foregoing instrument was acknowledged before me this 13th day of February 2014, by Brian P. Tinney, in his/her capacity as Senior Vice President of IberiaBank, a Louisiana banking corporation, on behalf of said corporation, who is personally known to me or who has produced _____ as identification.

Seal

JAMES F. MOREY
MY COMMISSION # EE 217990
EXPIRES: August 29, 2016
Bonded Thru Notary Public Underwriters

Notary Public

James F. Morey
Print Name of Notary Public

MIAMI 4035443.2 80433/42684

EXHIBIT "A"
(Island Site Property)

TRACT MF-1, OF WEST BAY CLUB, A SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 62, PAGE 79, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

EXHIBIT "B"
(Orchid Bay Site Property)

TRACT MF-3, OF WEST BAY CLUB, A SUBDIVISION ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 62, PAGE 79, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

EXHIBIT "C"
(West Bay Club Property)

WEST BAY CLUB, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 62, AT PAGES 79 THROUGH 111, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AS AMENDED AND/OR REPLATTED.

Attachment 8b.

September 10, 2021

- West Bay ARC Manual Standards and Table
- West Bay Club Buildings and Styles
- West Bay Club Architectural Design

WEST BAY CLUB
ARCHITECTURAL GUIDELINES MANUAL
FOR EXTERIOR MODIFICATIONS

November 2020

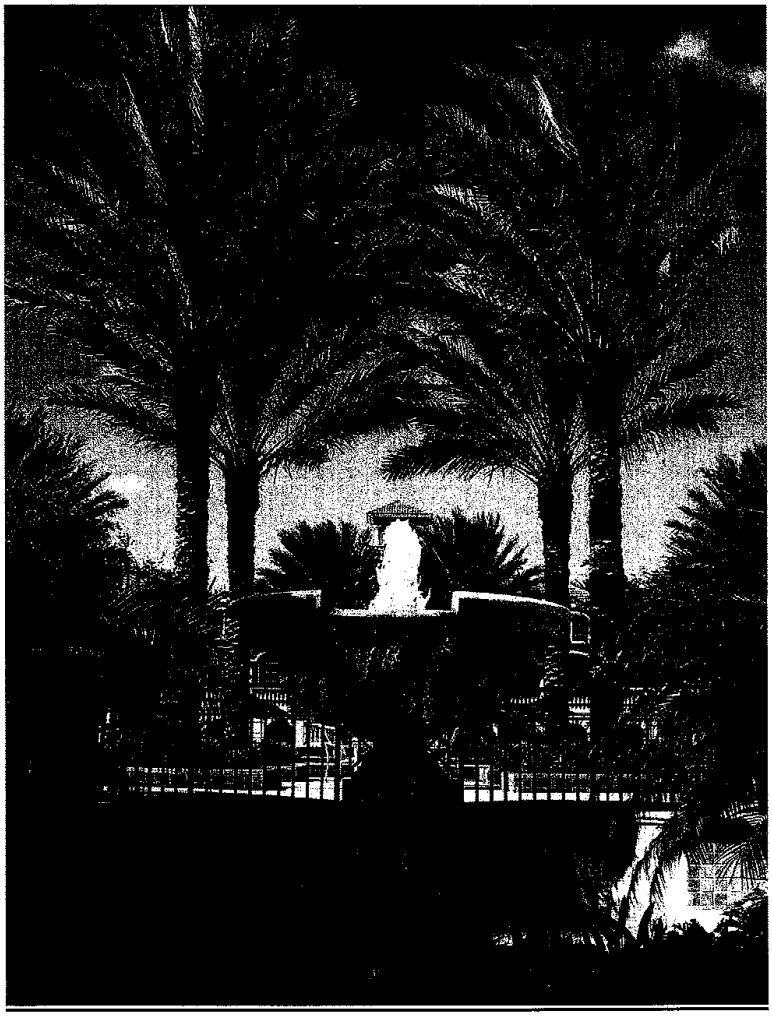


TABLE OF CONTENTS

Any proposed improvements, modifications, alterations, or additions to the exterior of any home, hardscape or landscape must be submitted to the ARC for approval, as outlined in these guidelines.

Section 1 – Introduction to the Architectural Review Committee (ARC)..... Page 2
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- **Scope of Authority**
- **Basic Responsibilities**
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- **How long will approval take**
- **Types of decisions**
- **Changes to application and design documents**
- **Written approval and oral statements**
- **Inspections**
- **Limiting Conditions**
- **ARC administration and design consultants**
- **Responsibilities of the Homeowner**

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- **What is covered**
- **Accessory Structures**
- **Awnings & Shutters**
- **Colors - Exterior**
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- **Miscellaneous Items Also Governed by the ARC**

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- **Conservation Areas**
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NOTE: For construction that does not fit the Exterior Modification definition, contact the Community Association Manager for the New Construction Guidelines on a Vacant Lot.

SECTION 2
DESIGN STANDARDS

Architectural Design

The underlying premise of West Bay Club is the establishment of an exclusive club community with high standards and aesthetic beauty that weaves individual neighborhoods into a naturally beautiful environment with adjacent views to the wetlands, winding creeks, pockets of preserved native vegetation, and woodlands.

The successful accomplishment of the concept has resulted in a master planned community that thoughtfully balances environmental issues with community and club amenities, optimizing the value of residential neighborhoods.

West Bay Club has established a specific character, style and direction as it relates to architectural design. The design originally selected for single-family homes was inspired by the architecture of Mediterranean Province, which has developed into, and includes, a comfortable and appealing style incorporating a lighter Mediterranean feel, as well as a Coastal Contemporary and Transitional style. As design evolves in new home construction and modification, design standards will be updated to incorporate a blend of the best mix of architectural styles.

Residential designs should consider the function of long-term practicality, rather than fashionable passing trends. The combination of materials, colors, and architectural details will create a unique exterior personality for each home, while at the same time be compatible with the surrounding community.

In an effort to preserve and maintain the unique similarities of Nature's Cove, Turtle Pointe Cove, and Westlake, the ARC must consider their inherent qualities regarding lot size, closeness to neighbors and setbacks when making decisions.

Bay House







Golf Niblick





Golf House



West Bay Club Buildings & Styles

Jasmine Bay









West Lake Court (single family)









West Bay Club Buildings & Styles

Red Laurel Lane (single family)





Nature's Cove (Single Family)



Turtle Pointe



Riverbrooke Run (single family)







Architectural Design

SECTION 4.1
PAGE 1
DATE 08-01-03

The underlying premise of West Bay Club is the establishment of an exclusive country club community that weaves individual neighborhoods with sensitivity into the fabric of a naturally beautiful environment with views to the wetlands, winding creeks, pockets of preserved native vegetation, and woodlands.

The successful accomplishment of the concept has resulted in a master planned community that thoughtfully balances environmental issues with community and club amenities, optimizing the value of residential neighborhoods.

West Bay Club has established a specific character, style and direction as it relates to architectural design. The design selected for single-family homes is inspired by the architecture of Mediterranean Province, a comfortable, appealing and distinctively crafted style, yet well seasoned with the spirit of the best Southwest Florida communities.

Its character is expressed through the use of architectural detailing, enriched accent treatments, and complementary colors in earthy shades of terra cotta, green, blue, and beige. Some homes will be reminiscent of the timeless designs of the past, while others will reflect a more relaxed style as long as the predominate characteristics and materials are appropriately exhibited.

Generally, the theme is a mixture of color and texture that welcomes and charms in a meaningful way. The style is eclectic and asymmetrical, but has a strong sense of cohesiveness based on the repetition of critical design elements.

Residential designs should be biased to the function of long-term practicality, rather than to fashionable passing trends. The combination of materials, colors, and architectural details will create a unique exterior personality for each home.

The theme of Mediterranean Province is conveyed in many ways throughout West Bay Club, from the treatment of neighborhood entries to the detailing of streetscapes. The design and management of these elements have been thoughtfully orchestrated to provide a sense of continuity among neighborhoods, yet each retains it own identity and character.

Attachment 9

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.

CASE NO: DCI2004-00046

COPY

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: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

SEAL

Approved as to form by:

_____
Dawn E. Perry-Lehnert
County Attorney's Office

RECEIVED
MINUTES OFFICE
2005 MAR 24 AM 10: 13

CASE NO: DCI2004-00046

Z-05-010
Page 5 of 5

RECEIVED
AUG 27 2004
PERMIT COUNTER
DCI 2004 00046

DESCRIPTION

WEST BAY CLUB
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

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 ALL OF PARCEL ONE AS DESCRIBED BY DEED RECORDED IN OFFICIAL RECORD BOOK 3041 AT PAGE 3528 OF SAID PUBLIC RECORDS, LYING IN 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 89° 00' 18" EAST FOR 165.26 FEET;
SOUTH 00° 36' 29" EAST FOR 200.00 FEET;
SOUTH 89° 00' 18" WEST FOR 494.00 FEET;
SOUTH 00° 47' 09" EAST FOR 765.00 FEET;
SOUTH 88° 57' 37" WEST FOR 130 FEET, MORE OR LESS, TO THE MEAN HIGH WATER LINE OF HALFWAY CREEK; THENCE DEPARTING SAID BOUNDARY OF WEST BAY CLUB RUN SOUTHERLY ALONG SAID MEAN HIGH WATER LINE FOR 370 FEET, MORE OR LESS TO AND INTERSECTION WITH SAID BOUNDARY OF WEST BAY CLUB; THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG SAID BOUNDARY:
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 324.62 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 WIT 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 1,638.66 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' 53" EAST ALONG SAID NORTH LINE FOR 458 FEET, MORE OR LESS TO SAID WATERS; THENCE RUN NORTHERLY AND SOUTHEASTERLY ALONG SAID WATERS FOR 771 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 1,257.39 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' 33" EAST ALONG SAID SOUTHWESTERLY LINE FOR 125.36 FEET TO AN INTERSECTION WITH THE NORTH/SOUTH QUARTER SECTION LINE OF SAID SECTION 32;
SOUTH 00° 55' 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.

Exhibit A
Page 1 of 3

DrawingName

S:\20440\3\44403-sketch-X311.dwg, 8/5/2004 11:24 PM, RLS

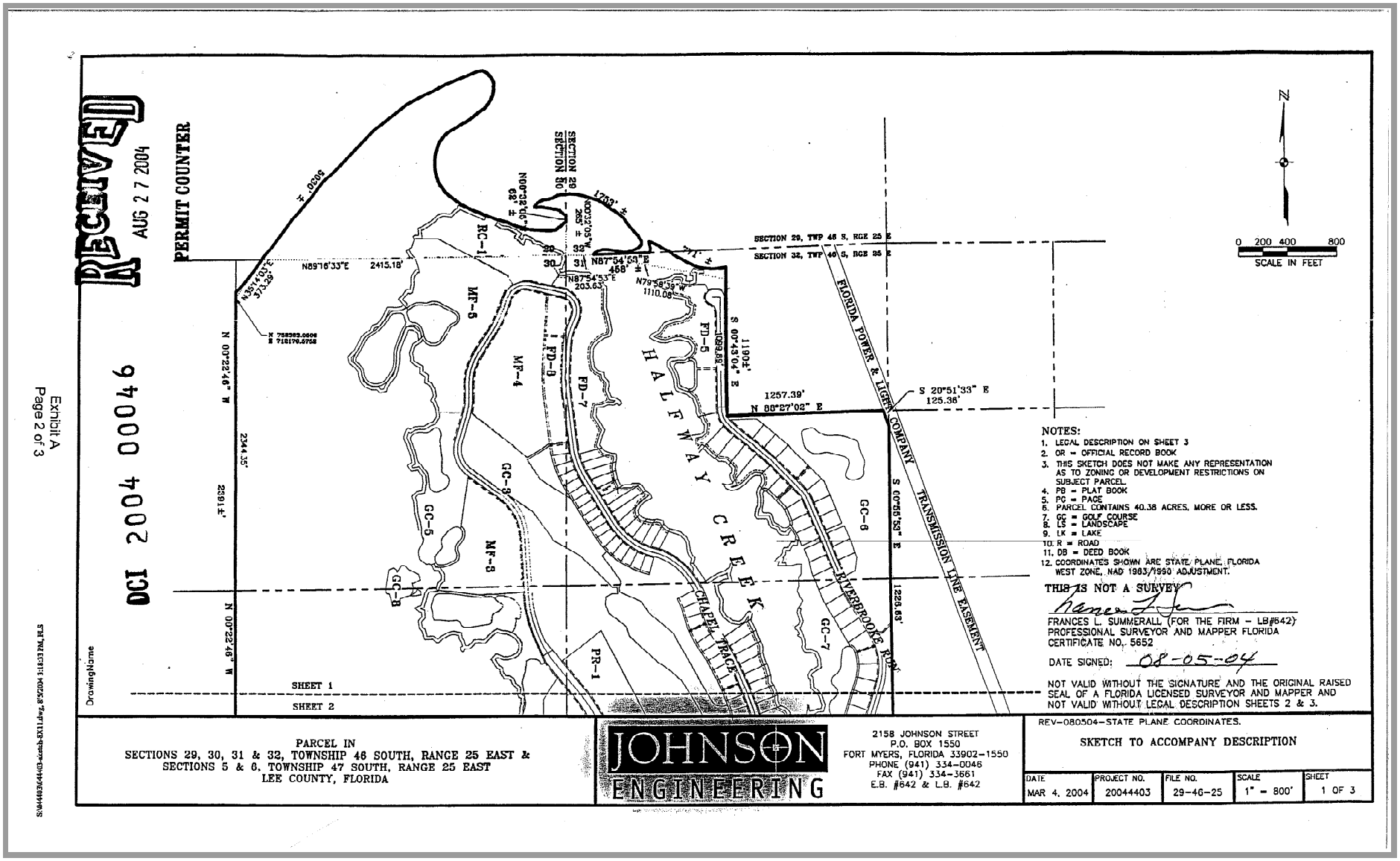
PARCEL IN
SECTIONS 29, 30, 31 & 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST &
SECTIONS 5 & 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

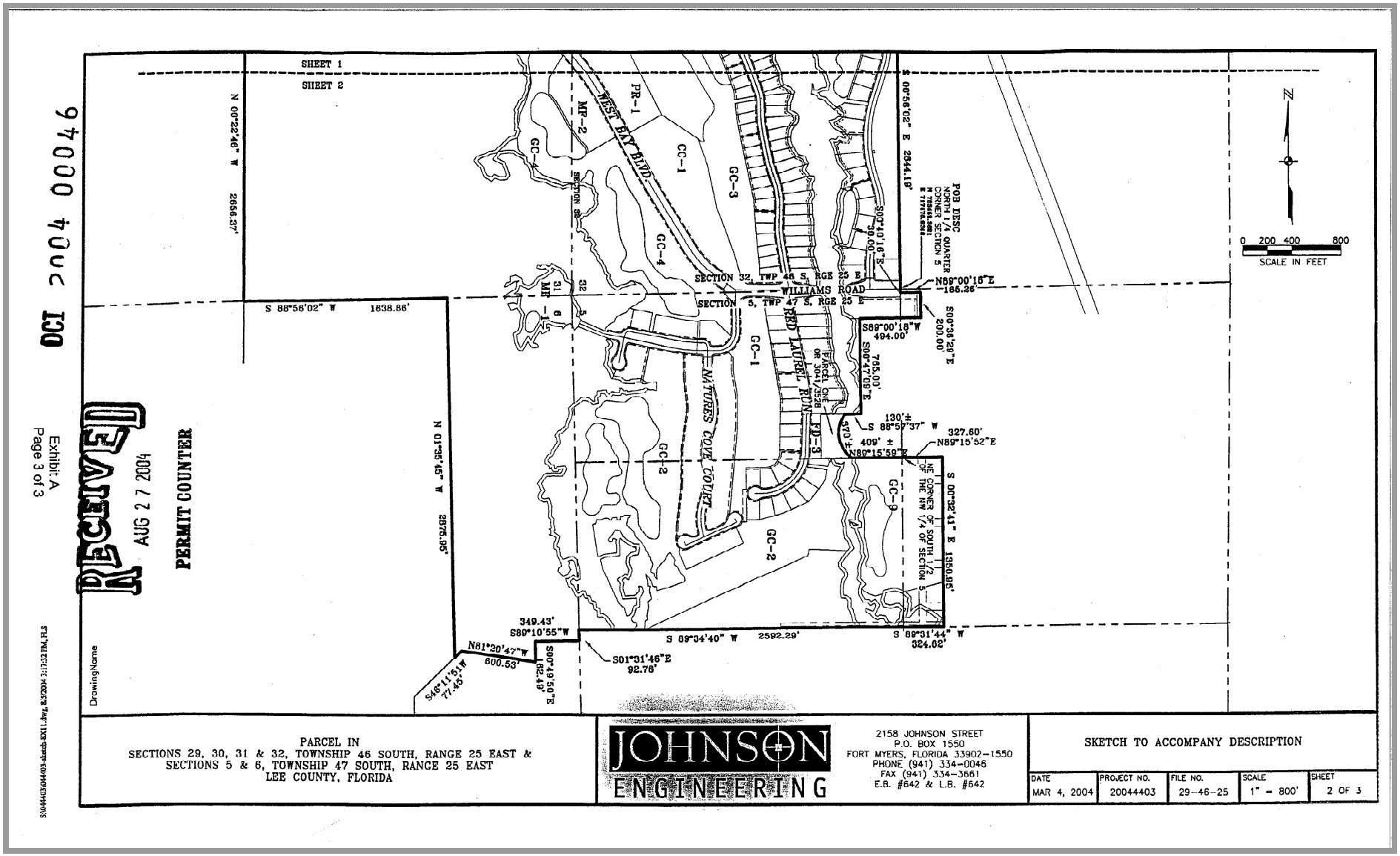
JOHNSON ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (941) 334-0046
FAX (941) 334-3661
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


RECEIVED
AUG 2 7 2004
PERMIT COUNTER
DCI 2004 00046
Exhibit A
Page 2 of 3
DrawingName
SECTION 29, TWP 46 S, RGE 25 E
SECTION 32, TWP 46 S, RGE 25 E
SECTION 5, TWP 47 S, RGE 25 E
SECTION 6, TWP 47 S, RGE 25 E
N89°16'33"E 2415.18'
N 00°22'46" W 2344.35'
N 00°22'46" W 2291.4'
N87°54'53"E 458'±
N87°54'53"E 203.63'
N79°58'39"W 1110.08'
S 00°43'04" E 1191.1'
1257.39'
N 88°27'02" E
S 20°51'33" E 125.38'
S 00°58'58" E 1228.63'
FLORIDA POWER & LIGHT COMPANY TRANSMISSION LINE EASEMENT
HALFWAY CREEK
CHAPEL TRACE
RIVERBROOKE RD.
RC-1
MF-6
MF-4
MF-8
FD-8
FD-7
FD-5
GC-8
GC-5
GC-7
PR-1
SHEET 1
SHEET 2
N
0 200 400 800
SCALE IN FEET
NOTES:
1. LEGAL DESCRIPTION ON SHEET 3
2. OR = OFFICIAL RECORD BOOK
3. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
4. PB = PLAT BOOK
5. PG = PAGE
6. PARCEL CONTAINS 40.38 ACRES, MORE OR LESS.
7. GC = GOLF COURSE
8. LS = LANDSCAPE
9. LK = LAKE
10. R = ROAD
11. DB = DEED BOOK
12. COORDINATES SHOWN ARE STATE PLANE, FLORIDA WEST ZONE, NAD 1983/1990 ADJUSTMENT.
THIS IS NOT A SURVEY
FRANCES L. SUMMERALL (FOR THE FIRM - LB#642)
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.
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) 334-3661
E.B. #642 & L.B. #642
REV-080504-STATE PLANE COORDINATES.
SKETCH TO ACCOMPANY DESCRIPTION
DATE MAR 4, 2004
PROJECT NO. 20044403
FILE NO. 29-46-25
SCALE 1" = 800'
SHEET 1 OF 3



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AUG 27 2004
PERMIT COUNTER

OCT 2004 00046

Exhibit A
Page 3 of 3

Drawing Name

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

JOHNSON ENGINEERING

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PHONE (941) 334-0046
FAX (941) 334-3661
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'	2 OF 3

ZONING INTAKE MAP

1/4/2005

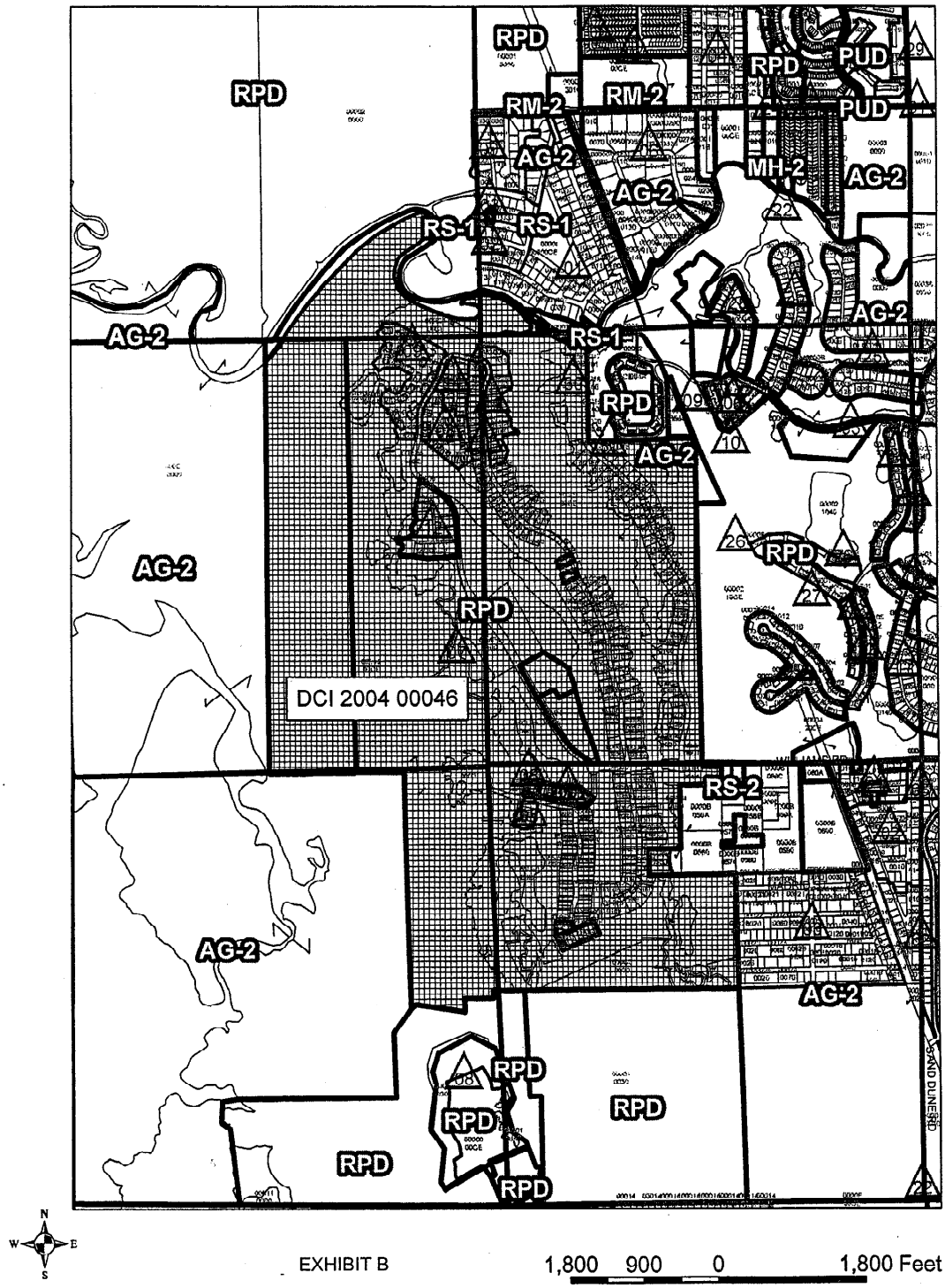
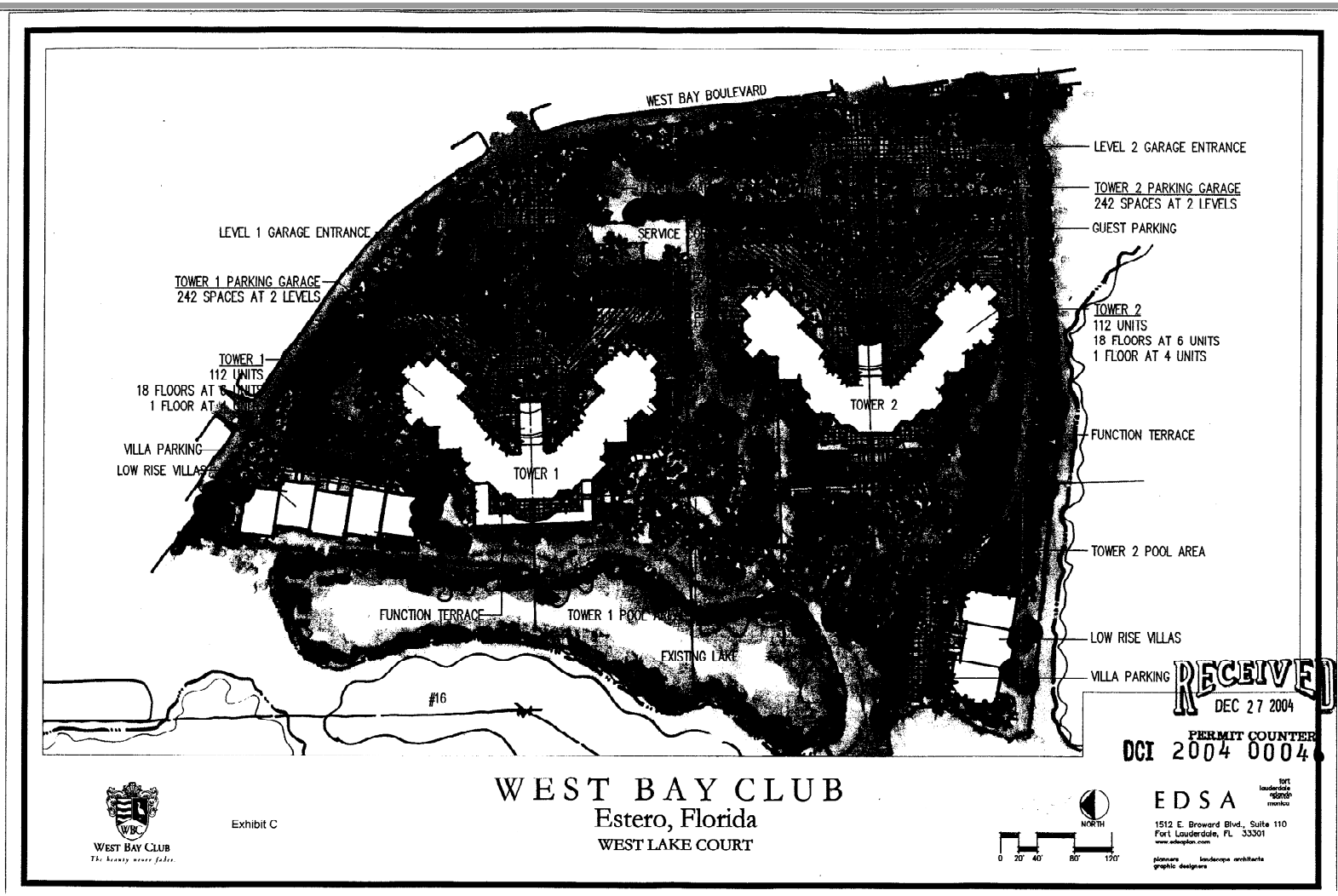


EXHIBIT B

1,800 900 0 1,800 Feet

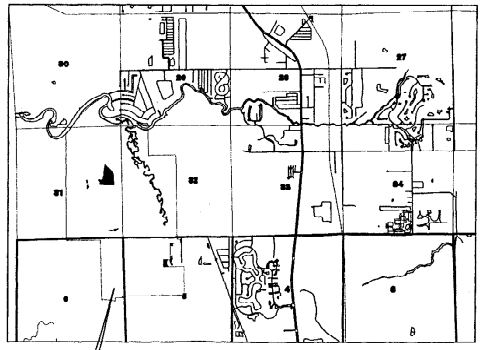

WEST BAY BOULEVARD
LEVEL 2 GARAGE ENTRANCE
TOWER 2 PARKING GARAGE
242 SPACES AT 2 LEVELS
GUEST PARKING
LEVEL 1 GARAGE ENTRANCE
SERVICE
TOWER 1 PARKING GARAGE
242 SPACES AT 2 LEVELS
TOWER 2
112 UNITS
18 FLOORS AT 6 UNITS
1 FLOOR AT 4 UNITS
TOWER 1
112 UNITS
18 FLOORS AT 6 UNITS
1 FLOOR AT 4 UNITS
TOWER 2
FUNCTION TERRACE
VILLA PARKING
LOW RISE VILLAS
TOWER 1
TOWER 2 POOL AREA
FUNCTION TERRACE
TOWER 1 POOL
EXISTING LAKE
LOW RISE VILLAS
VILLA PARKING
#16
RECEIVED
DEC 27 2004
PERMIT COUNTER
DCI 2004 0004
WEST BAY CLUB
The beauty never fades.
Exhibit C
WEST BAY CLUB
Estero, Florida
WEST LAKE COURT
NORTH
0 20' 40' 80' 120'
EDSA
1512 E. Broward Blvd., Suite 110
Fort Lauderdale, FL 33301
www.edsaplan.com
planners landscape architects
graphic designers

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 & FLUCPCS



LOCATION MAP

0 2000 4000
SCALE IN FEET

APRIL, 2004

APPLICANT

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

JOHNSON ENGINEERING
2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

APPROVED
Site Plan: DS-010 Page 1 of 4
Subject to conditions in Resolution: Z-05-010
Case: WEST BAY CLUB

OCT 2004-00046

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SHEET 1

Exhibit D
Page 1 of 4

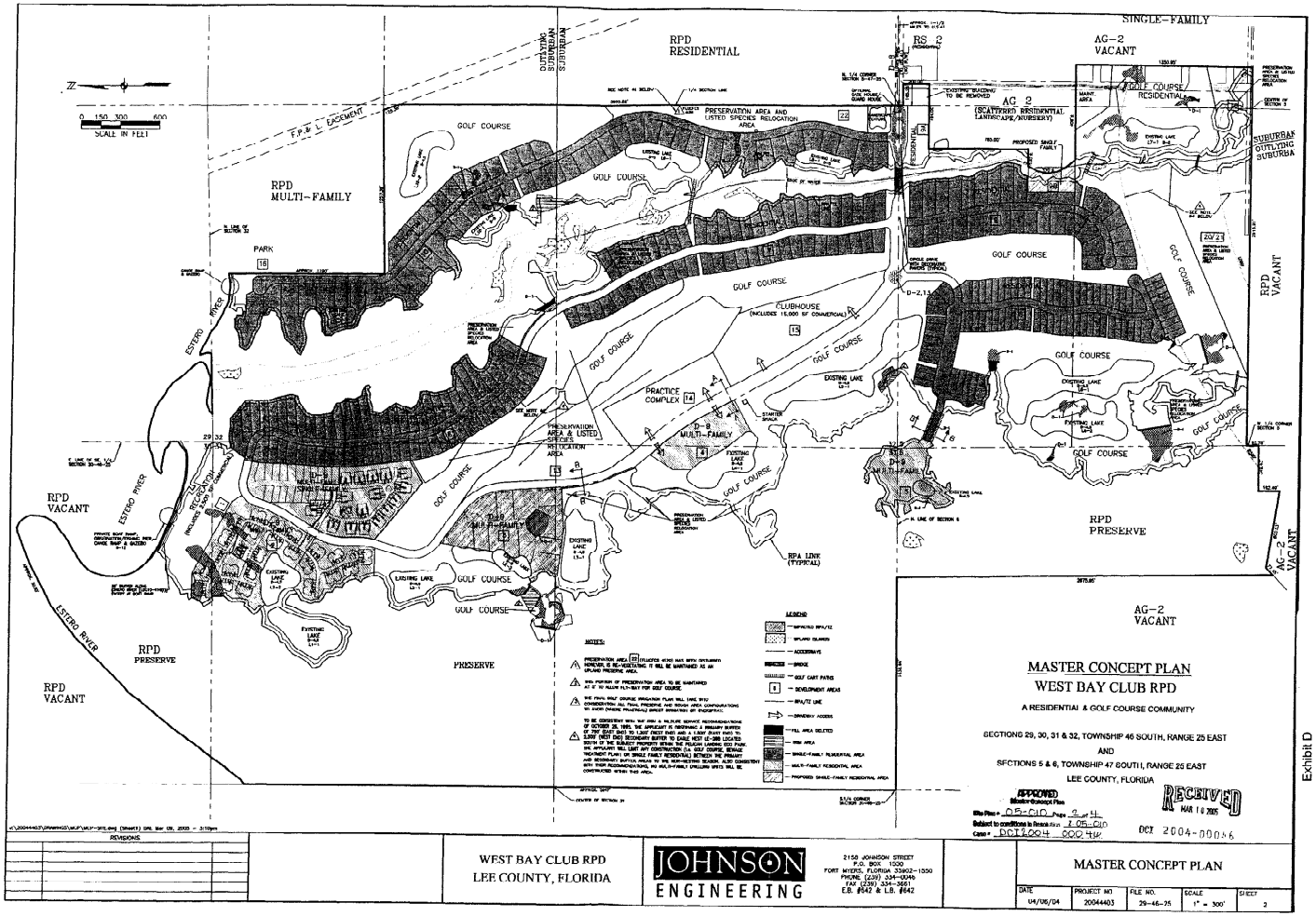


Exhibit D
Page 2 of 4

	Minimum Lot			Minimum Setback				Maximum Height (feet)	Number of Habitable Floors	Minimum Bldg. Separation	Subdivision	Condo	Condo
	Area (s.f.)	Depth (feet)	Width (feet)	Side (feet)	Rear (feet)	Road (feet)	Water Body (feet)						
RESIDENTIAL													
Single Family	5,500	100	55	5	10	20	20	45	3	10	Yes	Yes	Yes
Two Family Attac 1st Side 2nd Side	5,000	100	50	0 / 10	15	20	20	45	3	15	Yes	Yes	Yes
Zero Lot Line 1st Side 2nd Side	4,500	80	45	0 / 4	15[(c) (1)]	15	20	45	3	4	Yes	Yes	Yes
Townhouse 1st Side 2nd Side	2,800	80	35	0 / 0 or 10	20	20	20	45	3	** Complex Separation: 20	Yes	Yes	Yes
MULTI FAMILY													
Ground Level	10,000	100	100		20	20	25	45	3	20		Yes	Yes
Mid-Rise	10,000	100	100		20	20	25	75	7	20		Yes	Yes
High-Rise	10,000	100	100		20	20	25		20*	60		Yes	Yes
CLUBHOUSE AREA	40,000	200	200	15	20	20	20	45	2	15	Yes	Yes	Yes
PRACTICE COMPLEX	40,000	200	200	15	20	20	20	45	2	15	Yes	Yes	Yes

All Housing Types

See LDC Sections 34-1174, 34-1178, 34-2191 and 34-2194 for accessory structure setbacks

Setbacks for Golfers Rest: 50 feet

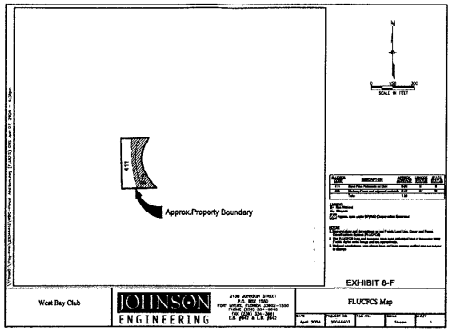
* 20 Stories over parking. All buildings over 45 ft shall provide one half foot setback from West Bay Club perimeter property line for every foot of elevation over 45 feet.

An overall maximum of FIVE (5) high-rise buildings may be located within multi-family Pods 3,4 and 5

Mid-rise or ground level buildings can be clusters in multi family Pods 3,3,4 and 6

** Maximum number of attached units: 6

Bay Club	
4 and 5	

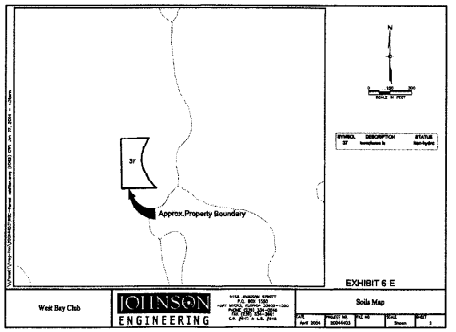


OPEN SPACE CALCULATIONS:

REQUIRED OPEN SPACE : 60KE AC. X 40%	=	240.KE AC. (60%)	
INDIGENOUS REQUIREMENT	=	170.2.c AC. (50%)	
OPEN SPACE PROVIDED (AC.s)		ACS (AC.s)	
WETLANDS		207.8	
PRESERVATION AREA 13: 22.6 AC. X 1.489=38.5 AC+ 3.2 AC(10-17 UXXXXs) =		41.7	
PRESERVATION AREA 15		3.6	
PRESERVATION AREA 20/21: 144.4c AC. X 1.489 [10 YR CLOSURE] =		90.2	
PRESERVATION AREA 22		10.1	
UPLAND ISLAND PRESERVATION AREAS		5.1	
GOLF COURSE		83.0	
GOLF COURSE BOUND		20.0	
UPLAND BUFFER AREAS		38.4	
PARK (AREA 16)		1.0	
LAKES		30.7	
RECREATIONAL AREA 1 (10.2 AC. + 80%)	=	8.2	
MULTI-FAMILY POD 3 : 17.8 x 150	=	1.6	
MULTI-FAMILY POD 3 : 8.5 x 200	=	1.7	
MULTI-FAMILY POD 4 : 4.7 x 300	=	1.4	
MULTI-FAMILY POD 5 : 8.5 x 150	=	2.6	
SINGLE FAMILY POD 5 : 20.3 x 105	=	4.4	
SINGLE FAMILY POD 6 : 12.5 x 105	=	2.6	
SINGLE FAMILY PODS 6 : 34.6 x 105	=	7.5	
RESIDENTIAL POD 8, 8A & 8B: 21.3 x 105	=	2.1	
RESIDENTIAL POD 10 : 44.0 x 105	=	6.4	
MULTI-FAMILY POD 11 & 12 : 13.8 x 105	=	2.1	
CLUBHOUSE SITE POD 14: 11.0 x 105	=	2.7	
CLUBHOUSE SITE POD 15: 17.0 x 105	=	3.9	
MAINTENANCE/ GOLF COURSE/ FUTURE RESIDENTIAL (PODS 17 & 18) 16.1 x .40E	=	5.7	
TOTAL OPEN SPACE PROVIDED	=	705.6 (61%)	
TOTAL INDIGENOUS OPEN SPACE PROVIDED	=	525.8 (51%)	

SITE BREAKDOWN

DESCRIPTION OF AREAS		AREA (IN ACRES)
Wetlands		207.8
Golf Course		83.0
Golf Course Rough		30.8
Upland Buffer Areas		38.4
Lakes		30.7
Pod 1:	Recreation Area	10.2
Pod 2:	Multi Family	12.8
Pod 3:	Multi Family	6.5
Pod 4:	Multi Family	4.7
Pod 5:	Multi Family	6.0
Pod 6:	Residential	26.2
Pod 7:	Recreation	24.1
Pod 8:	Residential	24.8
Pod 8, 8A & 8B:	Residential	22.4
Pod 10:	Residential	44.0
Pod 11/12:	Multi Family	13.8
Pod 13:	Upland Preservation	36.5
Pod 14:	Practice Area	7.1
Pod 15:	Clubhouse	11.0
Pod 16:	Park Area	1.0
Pod 17/18:	maintenance area & Practice Club/Golf Course	14.2
Pod 19:	Upland Preservation	2.0
Pod 20/21:	Upland Preservation	10.8
Pod 22:	Upland Preservation	6.1
Pod 23:	Upland Island Preservation	3.1
	TOTAL	366 ACRES



APPROVED
Master Concept Plan
Site Plan # DCI-010 Page 12 of 14
Subject to conditions in Resolution Z-05-010
Case # DCI 2004-00046

DCI 2004-00046
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Exhibit D
Page 3 of 4

REVISIONS

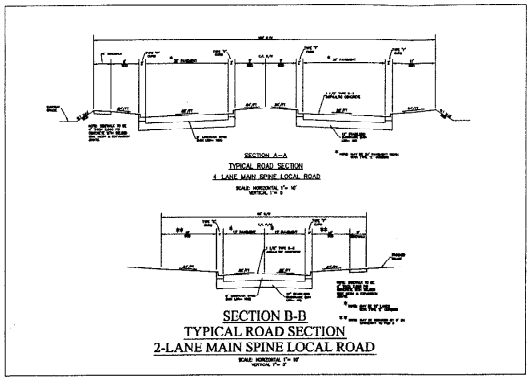
WEST BAY CLUB RPD
LEE COUNTY, FLORIDA

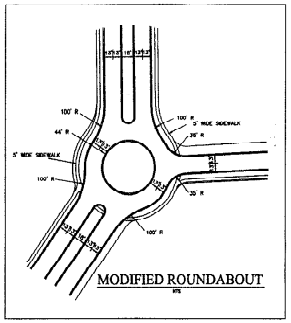
JOHNSON ENGINEERING

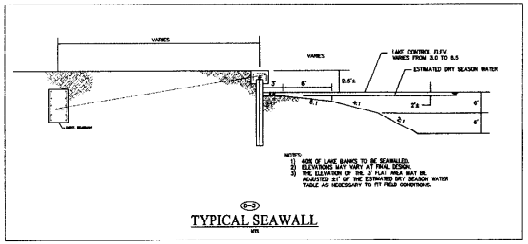
2100 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

DOCUMENTATION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
04/06/04	20044403	39-46-25	As Shown	3







APPROVED
Master Concept Plan
Site Plan - DCI-2010 Page 14 of 14
Subject to conditions in Resolution Z-05-010
Case - DCI2004-00046

DCI 2004-00046

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Exhibit D
Page 4 of 4

REVISIONS

WEST BAY CLUB
LEE COUNTY, FLORIDA

JOHNSON ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

DOCUMENTATION

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
04/05/04	20044403	29-40-25	As Shown	4

Attachment 10

RESOLUTION NUMBER Z-96-005

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

WHEREAS, Atlantic Gulf Communities Corporation filed an application for a rezoning from AG-2 (Agricultural), C-2 (Commercial), CS-1 (Special Commercial Office) and RM-2 (Residential Multiple Family) to Residential Planned Development, in reference to Estero Pointe; and

WHEREAS, the subject property is located at 4651 Williams Road, Estero, and is described more particularly as:

LEGAL DESCRIPTION: In Sections 29, 30, 31, and 32, Township 46 South, Range 25 East; and Sections 05 and 06, Township 47 South, Range 25 East, Lee County, Florida.

Beginning at the North Quarter Section corner of said Section 05, Township 47 South, Range 25 East, said point being the Northeast corner of Lot 56B of FLORIDA GULF LAND COMPANY SUBDIVISION as recorded in Plat Book 1 at Page 59, Lee County Records and run S00°40'16"E for 30.00 feet to the South right-of-way (ROW) line of Williams Road (60 feet wide);
THENCE run N89°00'18"E along said South line for 165.26 feet;
THENCE run S00°36'29" E for 200.00 feet to the Southeast corner of lands described in deed recorded in Official Record Book 2465 at Page 3044, Lee County Records;
THENCE run S89°00'18"W along the South line of said lands for 494.00 feet to an intersection with the East line of Lot 55B of said FLORIDA GULF LAND COMPANY SUBDIVISION;
THENCE run S00°47'09"E along said East line for 765.00 feet;
THENCE run S88°57'37"W for 327.43 feet to an intersection with the East line of Lot 54B;
THENCE run S00°54'02"E for 351.20 to the Southeast corner of Lot 54B;
THENCE run N89°15'52"E along the South line of Lots 55B and 56B for 653.45 feet;
THENCE run N89°15'52"E along the South line of Lot 57B for 327.60 feet;
THENCE run S00°32'41"E along the East line of Lot 40B for 1,350.95 feet;
THENCE run S89°31'44"W for 324.62 feet to the center of said Section 05, said point being the Southwest corner of said Lot 40B;
THENCE run S89°34'40"W for 2,592.29 feet to the West Quarter section corner of Section 05, said point being the Southwest corner of Lot 48B of said subdivision;

continued...

THENCE run S01°31'46"E for 92.78 feet to the Southeasterly corner of lands described in deed recorded in Official Record Book 2192 at Page 567, Lee County Records;
THENCE run along the South line of said lands the following courses:
S89°10'55"W for 349.43 feet;
S00°49'50"E for 162.49 feet;
N81°20'47"W for 600.53 feet;
S46°11'51"W for 77.45 feet;
THENCE run N01°35'45"W along the West line of said lands for 2,875.95 feet to an intersection with the North line of said Section 06;
THENCE run S88°56'02"W along the North line of said Section 06 for 1,638.66 feet to the Southwest corner of lands described in deed recorded in Official Record Book 1509 at Page 221, Lee County Records, said point also being the Southwest corner of Lot 8A of said FLORIDA GULF LAND COMPANY SUBDIVISION and the South Quarter (S¼) Section corner of Section 31, Township 46 South, Range 25 East;
THENCE run N00°22'46"W along the West line of said lands along the North/South Quarter (N/S¼) Section line for 2,656.37 feet to the Northwest corner of Lot 25A, said FLORIDA GULF LAND COMPANY SUBDIVISION;
THENCE continue N00°22'46"W along the West line of said lands and the West line of Lots 40A and 57A of said subdivision for 2,391 feet, more or less to the waters of the Estero River;
THENCE run 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 (SE¼) of said Section 30, Township 46 South, Range 25 East;
THENCE run N00°32'05"W along said East line for 224 feet, more or less to said waters;
THENCE run Southeasterly, Southwesterly, Westerly and Southwesterly along said waters for 1,213 feet, more or less to an intersection with the North line of said Section 32, Township 46 South, Range 25 East, said line being the North line of Lot 49A of said FLORIDA GULF LAND COMPANY SUBDIVISION;
THENCE run N87°54'53"E along said North line for 628 feet, more or less to said waters for 485 feet, more or less to an intersection with the East line of Lot 52A, said FLORIDA GULF LAND COMPANY SUBDIVISION;
THENCE run S00°43'04"E along said East line of Lot 52A for 1,190 feet, more or less to the Southeast corner of lands described in deed recorded in Official Record Book 1807 at Page 4091, Lee County Records, said point being the Southeast corner of said Lot 52A of said subdivision;
THENCE run N88°27'02"E along the North line of Lots 44A, 43A, 42A and 41A of said FLORIDA GULF LAND COMPANY SUBDIVISION for 1,257.39

continued...

feet to an intersection with the Southwesterly line of a Florida Power and Light Company transmission line easement (100) feet wide);
THENCE run S20°51'33"E along said Southwesterly line for 125.36 feet to an intersection with the North/South Quarter (N/S¼) Section line of said Section 32;
THENCE run S00°55'33E along said Quarter section line and along the corner of lands described in deed recorded in Official Record Book 1528 at Page 12, Lee County Records, said point also being the Southeast corner of said Lot 41A;
THENCE run S00°56'02"E along said North/South Quarter Section line and the East line of Lot 41A of said subdivision for 1,226.63 feet to the Southeast corner of lands described in deed recorded in Official Record Book 1528 at Page 12, Lee County Records, said point also being the Southeast corner of said Lot 41A;
THENCE run S00°56'02"E along said North/South Quarter Section line and the East line of Lots 24A and 9A of FLORIDA GULF LAND COMPANY SUBDIVISION for 2,644.19 feet to the POINT OF BEGINNING.

WHEREAS, the applicant has indicated the property's current STRAP numbers are:
29-46-25-01-0000G.0010 30-46-25-00-00002.0010 31-46-25-01-00001.0000
31-46-25-01-00002.0000 31-46-25-01-00003.0040 through .0060
31-46-25-01-00003.006B 31-46-25-01-00003.0080 31-46-25-01-00003.0380
32-46-25-01-00003.0110 32-46-25-01-00003.0120 32-46-25-01-00003.0140
32-46-25-01-00003.0500 32-46-25-01-00004.0000 32-46-25-01-00004.0010
32-46-25-01-00004.001A 32-46-25-01-00005.0000 32-46-25-01-00006.0000
32-46-25-01-00007.0000 32-46-25-01-00008.0000 32-46-25-01-00009.0000
32-46-25-01-00010.0000 32-46-25-01-00011.0000 05-47-25-01-00003.0130
05-47-25-01-00003.0400 05-47-25-01-00003.040A through .040D
05-47-25-01-00003.0510 05-47-25-01-00003.0520 05-47-25-01-00003.0540
05-47-25-01-00003.0550 05-47-25-01-00003.055C
05-47-25-01-00019.0000 through .0030 06-47-25-00-00002.0020;
and

WHEREAS, Atlantic Gulf Communities Corporation, the owner of the subject parcel, authorized Henderson, Franklin, Starnes & Holt, P.A. and Johnson Engineering, Inc. to act as agent to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on January 23, 1996 before the Lee County Hearing Examiner, who gave full consideration of the evidence available; and

WHEREAS, a public hearing was advertised and held on March 18, 1996 before the Lee County Board of County Commissioners, who gave full and complete consideration to the recommendations of staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board APPROVES with conditions the requested rezoning from AG-2, C-2, CS-1 and RM-2 to RPD.

SECTION A. CONDITIONS:

The RPD rezoning and Master Concept Plan are subject to the following conditions:

1. The development of this project must be in accordance with the five-page Master Concept Plan stamped received January 5, 1996, except as modified by the conditions below. This approval does not alleviate the need to comply with all state and county development regulations, except as specifically modified by this approval. Rezoning the subject property does not include those properties owned by the state, i.e., submerged lands.

2. Prior to any local Development Order approval for vertical development, the Developer must submit an application for Final Plan approval (FPA). The purpose of the FPA process is to ensure compliance with the Zoning Resolution and Land Development Code, to allow detailed review of deviations conceptually approved herein, while allowing the Developer the flexibility to respond to changing conditions. Any substantial change in the type, intensity or configuration of development within the RPD may require further review through a public hearing. Said determination shall be made by the Director of Community Development.

   The following information must be provided on the Final Plan:

   - uses: type and amount, i.e. number of dwelling units or square feet of commercial use
   - access
   - location and dimensions of internal roadways
   - location and dimensions of buildings/structures
   - boundary of development tract
   - adjacent zoning and land uses
   - detailed drawings showing the application of deviations
   - buffers and/or landscape strips
   - open space, including an ongoing tabulation of required open space
   - a cumulative analysis of the total number of dwelling units that have received local Development Order approval.

3. Permitted uses are limited to the following:

Accessory Uses and Structures
Accessory Apartment (df)
Administrative Office (df)

ATM
Bait and Tackle Shop
Banks and Financial establishments, Group I [Section 34-622(c)(3)]
Business Services, Group I, and Group II if limited to lawn and garden services and swimming pool cleaning services [Section 34-622(c)(5)]
Canoe Launch
Clubs
- Country (df)
- Private (df)

Consumption on Premises [Section 34-1261]
Convenience Food and Beverage Store (df)
Day Care Center, Child (df)
Drugstore (df), Pharmacy (df)
Dwelling Unit
Single Family (df)
Semi-Detached (duplex)
Two-Family Attached (df)
Townhouse (df)
Multiple Family Building (df)
Zero Lot Line (df)
Entrance Gates and Gatehouse (df)
Essential Services (df)
Essential Service Facilities, All Groups [Section 34-622(c)(13)]
Excavation - Water Retention
Fences, Walls
Food and Beverage Service, Limited (df)
Food Stores, Group I [Section 34-622(c)(16)] including a gourmet grocery store
Gift and Souvenir Shop (df)
Golf Course and Accessory Facilities
Golf Driving Range and Golf Training Facility
Helistop (df)
Home/Care Facility (df)
Home Occupation
Laundry or Dry Cleaning [Section 34-622(c)(24)
Model Home, Unit, Display Center
Parks, Private, Group I [Section 34-622(c)(32)]
Parking Lot Accessory (df)
Personal Services, Groups I and II [Section 34-622(c)(33)]
Pharmacy (df)
Post Office (df)
Private Boat Ramp and Observation/Fishing Pier
Recreational Facilities
- Personal (df)
- Private (df)

Real Estate Sales Office
Residential Accessory Uses [Section 34-622(c)(42)]
Restaurants, Groups I, II and III [Section 34-622(c)(43)]
Signs, in accordance with LDC Chapter 30
Specialty Retail Shops, Groups I & II [Section 34-622(c)(47)]
Temporary Uses
Temporary Construction Trailer
Temporary Sales Center
Units of High Impact (df) including time share

The approved commercial uses are prohibited east of Development Areas 6, 7, and 9, must comply with LDC Section 34-937, and are restricted to use by residents and their guests only.

4. The RPD is limited to a maximum total of 1,121 residential dwelling units with the following distribution:

   a. A maximum of 1,020 dwelling units are permitted in the subject properties located within the Outlying Suburban Land Use Category.

   b. A maximum of 630 dwelling units are permitted within Development Areas 3, 4, and 5.

5. The property development regulations must be in accordance with the attached table entitled "Property Development Regulations for Estero Pointe" stamped received January 5, 1996, except as modified herein. (See Attachment B)

6. The following conditions apply to the riverfront/recreational areas:

   a. Outdoor entertainment is prohibited at the restaurant;

   b. The service of alcoholic beverages in conjunction with outdoor seating at the restaurant is limited to the hours of 7:00 a.m. to 12:00 midnight.

   c. All lighting along the river must be arranged and directed away from adjacent properties and the river.

   d. The parking area for the restaurant and boat ramp must be landscaped for the purpose of screening headlights from the river. Existing native vegetation may be used in whole or in part to meet this requirement.

   e. A 75 percent opaque vegetative screen must be installed prior to issuance of a Certificate of Compliance for the restaurant. The vegetative screen for the restaurant must be located on the north and northeast side of the building.

The size, type and actual location of the vegetative screen will be reviewed through the Final Plan Approval process. Existing native vegetation may be used in whole or in part to meet this requirement.

f. Development Area 2 must provide a 50-foot-wide vegetative screen along the northeast boundary of the Development Area consisting of the following: five clusters of three palm trees with a minimum height of 18 feet at time of planting and 23 trees 12-foot on center with a minimum height of 14 feet and 2-1/2 inches in caliper at time of planting.

g. A total of 15 parking spaces are permitted for the boat ramp facility.

h. The restaurant is limited to a total of 2,500 square feet and must be set back a minimum of 75 feet from the mean high water line of the Estero River.

i. The restaurant may not exceed one story in height.

j. The restaurant must be located as shown on the "River Parks Site Plan" stamped received November 21, 1995.

k. The restaurant will be for use of the residents and their guests only.

l. Food and beverage services are limited to the restaurant facility.

m. Recreation Area I must provide a minimum of 80 percent open space.

n. Recreation Areas I and II are further limited by conditions of approval for Deviation 12.

7. The main roads that access Development Areas 2, 3, 4 and 5 must be constructed in accordance with the road cross-sections on page 5 of the MCP stamped "received January 5, 1996."

8. A minimum 25-foot-wide undisturbed buffer must be provided along the west jurisdictional wetland line.

9. The storm water management systems in Development Areas 2, 3, 4 and 5, and the golf course areas adjacent to the mangrove wetlands must be designed so that the storm water discharge rate will be approximately 70 percent of the calculated permittable run-off rate in accordance with SFWMD requirements.

10. The Developer must hook-up to public water and sewer services when services are constructed and available within one-quarter mile of the subject property. The

temporary on-site sewage treatment plant must be dismantled within six months of public sewer service availability to the entire site.

11. The sewage treatment plant parcel may be redeveloped with residential uses in accordance with the approved property development regulations. Access to and development of the parcel must be reviewed in accordance with Condition 2.

Hurricane Mitigation Conditions

12. The Developer must notify all purchasers of real property within the development of the potential for storm surge flooding. The restrictive covenants should include the Base Flood Elevation, according to the National Weather Services' storm surge model "SLOSH" and the National Flood Insurance Program and notify potential owners that the first habitable floor of all structures must be constructed above that elevation.

13. The Property Owner's Association must host an educational seminar and will be responsible for obtaining the site for the seminar and for providing the invitations to the homeowners. The time will be coordinated with the Lee County Emergency Management staff who will provide the education and information at the seminar and will advise the owners of the risks of natural hazards and the action they should take to mitigate the inherent dangers.

14. The Developer shall develop a Hurricane Evacuation Plan for the RPD. The Plan must address: a) operational procedures for the warning and notification of all residents and visitors prior to and during a hurricane watch and warning period; b) the educational program; c) hurricane evacuation; d) the method of advising residents and visitors of hurricane shelter alternatives including hotels and public hurricane shelter locations; e) identification of the person(s) responsible for imple-menting the Plan; and f) how the private security force will be integrated with the local Sheriff's personnel and the Division of Public Safety. The Plan will be developed in coordination with the Lee County Emergency Management officials.

15. The Developer, and any successor landowner, will pay any All Hazards Tax levied by Lee County to provide for shelter space, upgrades to shelters, and to address other natural disasters.

16. The Developer must comply with all duly adopted ordinances which address hurricane preparedness and all duly adopted Hurricane Shelter Impact Fee Ordinances in effect at the time of building permits or local Development Order approval, whichever is the operative time under the Ordinance.

17. Prior to a Certificate of Compliance of the first multi-family building, the Developer must provide one of the following options:

a. 8,940 square feet of shelter space on site in either the clubhouse building or among the multi-family structures as a "refuge of last resort"; or

b. hurricane shuttering at a school or other designated public shelter to provide an additional 8,940 square feet of shelter area; or

c. an emergency electrical generator for a school or other designated shelter off-site, with capacity to serve a minimum of 8,900 square feet of shelter space.

Fire and Emergency Medical Conditions

18. A helistop must be provided on-site. The location and specifications must be reviewed and approved by Lee County Division of Zoning and Development Services and Emergency Management. The Developer must provide a helistop at the same time the clubhouse/golf practice area is constructed.

19. Subject to a final determination of need by the Director of Zoning and Development Services, in consultation with the Estero Fire District, an emergency access may be required. The location would be determined prior to approval of the first Development Order.

20. All buildings over three stories must install an approved total coverage automatic fire sprinkler system.

21. A 20-foot-wide stabilized fire lane must be provided on at least two sides of all multi-family buildings over three stories in height.

22. All multi-family buildings over three stories must provide pressurized escape stairs unless an alternative is approved by the Estero Fire District and Lee County Codes and Building Services.

23. All 20-story or 220-foot-high buildings must install an emergency communication system internal to the building unless an alternative is approved by the Estero Fire District and Lee County Codes and Building Services.

24. The Developer must comply with all impact fee requirements in place at time of building permit approval.

25. Prior to the issuance of a local Development Order, the Developer must apply for and obtain an archaeological Certificate to Dig.

26. This zoning approval does not address the mitigation of the project's pedestrian and vehicular traffic impacts. Additional conditions may be required at the time of

issuance of a local Development Order per the Lee County LDC or other Lee County Ordinance.

27. Approval of this rezoning does not give the Developer the undeniable right to receive a local Development Order approval that exceeds the Year 2010 Overlay use allocation for the applicable district.

28. This development must comply with all requirements of the Lee County LDC at the time of local Development Order approval, except as may be granted by deviation as part of this planned development.

Environmental Conditions

29. As part of the submittal documents, and prior to approval, for any Estero Pointe Development Orders for Development Areas 6, 7, 9, 9A and 10, the Developer must comply with the requirements set forth in the document titled "Estero Pointe Proposal to Address Concerns with Lot Lines in Conservation/Preservation Areas," dated 12/20/95 (cover memo from Russell Schropp to George Parker and Rick Joyce, dated 12/22/95). The conservation easement must be provided at time of final plat approval. This approval is further limited to an allowance of one boardwalk per two single-family lots abutting Halfway Creek.

30. Prior to any local Development Order approval for any phase of the development which contains Florida coontie or Curtiss milkweed, the Developer must submit a detailed management plan indicating the preserve areas, relocation areas and propagation areas for review and approval by Lee County. Provisions of this plan must include all requirements of LDC Section 10-474.

31. Prior to any local Development Order approval, the Developer must submit a detailed management plan for tri-colored herons, meeting the requirements of LDC Section 10-474, for review and approval by Lee County.

32. Prior to local Development Order approval for any portion of the property which contains, or will contain through relocation, gopher tortoises, the Developer must submit a detailed management plan for gopher tortoises, meeting the requirements of LDC Section 10-474 and/or 10-475, for review and approval by Lee County. If the Florida Game and Fresh Water Fish Commission issues an incidental take permit, the Developer must implement a bucket trapping or excavation program to protect from entombment or other harm, the tortoises and commensal species found through implementation of the protection program. The Developer must move displaced tortoises to appropriate preservation areas on site.

33. The Developer and their successors in interest must maintain all areas shown on the Master Concept Plan (MCP) as "Preservation Area & Listed Species Relocation Area" as preservation areas allowing only management activities associated with the protection of the area as native vegetation preserve and listed species habitat. Preserve Area #13 has been promoted as a wildlife corridor across the site. The Developers and their successors in interest must take appropriate measures to protect wildlife from injury or death from traffic on the two roads which pass through this area.

    These protective measures should include, but are not limited to: culverts under the roads large enough to let small to medium size animals pass through; fencing to direct animals to culvert crossings; appropriate signs identifying the area as wildlife preserve; and lower speed limits through the preserve area. A plan which meets these requirements must be approved by Lee County prior to a local Development Order approval for roadways through Area #13.

34. Prior to local Development Order approval, the Developer must submit a final Eagle Management Plan, approved by the U.S. Fish and Wildlife Service, to Lee County. It is strongly encouraged that this plan be presented to the Lee County Eagle Technical Advisory Committee (ETAC) for their input and suggestions.

SECTION B. DEVIATIONS

The Master Concept Plan deviates from several Lee County development standards. The proposed deviations are granted or denied as set forth below:

DEVIATION (1) requests relief from LDC Sections 10-253, 14-298 and 34-1574 which prohibit or restrict alteration or development within Resource Protection Areas (RPA) to permit (as shown on the MCP):

a. Construction of recreational boardwalks and cart paths through RPA areas to access golf holes both by pedestrians and golf carts.

b. Construction over various TZ and RPA areas to facilitate construction of a golf course.

c. Construction over various TZ and RPA areas to facilitate construction of residential development.

d. Construction of a road access to segmented ridge for construction of multi-family tract.

e. Construction of a road access to the project site.

The requested deviation is APPROVED subject to compliance with the following conditions:

a. Impacts are limited to a maximum of 8.79 acres of County jurisdictional wetlands. These impacts are as follows: 6.97 acres fill, 0.14 acres excavation, and 1.68 acres trimming. An approved wetland mitigation plan from the South Florida Water Management District must be submitted prior to local Development Order approval for any phase of development which contemplates wetland impacts. This mitigation will be considered part of the mitigation for Lee County and will be enforceable by the Division of Environmental Sciences (DES).

b. At a minimum Lee County's approval of the requested wetland impacts requires removal and maintenance of invasive exotic vegetation [(as defined in LDC Section 10-413(f)] for the entire Estero Pointe RPD, and enhancement, restoration and creation of one acre wetland for each one acre of fill/excavation impact (1:1 ratio). Areas which are trimmed must be mitigated at a ratio of one-half acre creation, enhancement or restoration for each one acre impact (1/2:1).

c. No mangrove trimming or removal (except in cases of public safety) is permitted outside the areas of proposed impacts. This provision is considered part of the approved wetland mitigation plan for Lee County.

d. All mitigation requirements must be clearly indicated on the local Development Order plans and must be inspected by Lee County staff prior to issuance of a Certificate of Compliance (CC) for any applicable Development Order.

DEVIATION (2), requests relief from LDC Section 10-296, Table 4(7)(c) which requires that wearing surfaces for local and access road for Class A development must be 1-1/2 inch asphaltic concrete of Florida Department of Transportation Type S-1, to allow for decorative pavers within the privately maintained internal roadways. The requested deviation is APPROVED with the CONDITION that prior to local Development Order approval, the Developer demonstrate that the decorative pavers have the structural equivalency of the required standard pavement. The approval of this deviation is limited to privately maintained streets.

DEVIATION (3) was WITHDRAWN by the applicant.

DEVIATION (4) requests relief from LDC Section 10-329(e)(3) which requires the maximum retention depth for excavation be 12 feet, to allow a maximum excavation depth of 20 feet without any penetration through impervious soil or rock layer which presently prohibits intermingling or various watery strata. The requested deviation is APPROVED subject to compliance with the following conditions:

a. Lake depths for a maximum of 20 feet or the confining layer, whichever occurs first, are approved subject to the adoption and implementation of the "Estero Pointe Management Program for Lakes Excavated Greater than 12 Feet," Zoning counter date stamped 12/13/95.

b. Prior to local Development Order approval for any area that contains lakes with depths greater than 12 feet, the Developer must submit an additional section of the management plan defining stratification and related lake problems for review and approval by Lee County staff.

DEVIATION (5) requests relief from LDC Section 10-329(e)(4) which requires that excavation bank slopes be no greater than 4:1, to permit 40 percent of the lake banks to utilize vertical bulkheads. The requested deviation is APPROVED subject to the following conditions:

a. Lake bottom slope, at the toe of any bulkhead, may be no greater than 4:1.

b. Bulkheads are subject to Lee County structural building permits.

DEVIATION (6) requests relief from LDC Section 10-413(b)(2) which requires that residential developments provide 40 percent open space for large developments (50 percent of which must be indigenous plants for large developments), to allow the open space table provided. The requested deviation is APPROVED subject to the following conditions [see additional open space conditions for Deviation (9)]:

a. A minimum total of 76 percent open space and a minimum total of 57 percent indigenous open space must be provided.

b. Prior to local Development Order approval, the exact location of the 21.8 acres of indigenous preservation within the golf course rough must be shown on plans for the golf course.

DEVIATION (7) requests relief from LDC Section 10-414 which requires that no portion of a buffer area that consists of trees and shrubs be located in any easement, to allow planted buffers in easements. The requested deviation is APPROVED subject to the condition that if any required buffer or landscape strip vegetation which has been planted within an easement has to be removed, then the property owner must replace those plantings with like size and species at no cost to Lee County.

DEVIATION (8) was WITHDRAWN by the Applicant.

DEVIATION (9) requests relief from LDC Section 34-935(f)(3)(e) which limits 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 2, 3, 4 and 5. The requested deviation is APPROVED subject to the following conditions:

a. Development Area 2 is limited to a maximum height of 75 feet.

b. Development Areas 3, 4, and 5 are limited to a maximum building height of 220 feet and are further limited to a maximum combined total of six multi-family buildings with a maximum total of 630 dwelling units.

c. Development Areas 3 and 4 must provide a minimum of 35 percent open space.

d. Development Area 5 is limited to one multi-family building and must provide a minimum of 60 percent open space.

e. Ninety percent of the required parking in multi-family Development Areas 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.

DEVIATION (10) was WITHDRAWN by the Applicant.

DEVIATION (11) requests relief from the LDC Section 34-935 to allow the property development regu-lations for Estero Pointe RPD. The requested deviation is APPROVED subject to the condition that development of the permitted uses must be in accordance with the "Property Development Table for Estero Pointe," stamped received January 5, 1996 and as further limited in the conditions of approval.

DEVIATION (12) requests relief from LDC Section 10-414(f) which requires the Developer to provide a 25-foot-wide buffer landward from the mean high water line of all non-seawalled natural waterways, to allow construction of a boat ramp, fishing/observation pier, three gazebos and two canoe launches on the Estero River, and boardwalks and other crossings on Halfway Creek. The requested deviation is APPROVED subject to the following conditions:

a. Water management berms are prohibited within the 25-foot-wide buffer area. Other water management structures are approved as long as their impacts are limited to the minimum necessary to meet permitting requirements of the South Florida Water Management District.

b. Gazebos are only approved on land locations within areas selected to avoid impacts to the greatest number of native trees and plants. Size is limited to 250 square feet.

The gazebos must be constructed in a generally square or octagonal design. A maximum of two gazebos is approved.

c. Two canoe launch areas are approved. One of the canoe launch areas must be located as near as appropriate to the boat ramp to avoid additional impacts. Storage of canoes on land and must be outside of the 25-foot-wide buffer area. Each canoe launch area is limited to a width of 25 feet along the Estero River.

d. One power boat ramp is approved with a maximum of two temporary mooring slips.

e. As part of the power boat ramp mooring facility, an observation boardwalk structure may be constructed at a length not to exceed 30 feet from the shoreline for the total structure.

f. The power boat ramp facility must be designed to include a swale, exfiltration trench, or other engineering device to prevent bilge water and associated untreated parking lot run-off from flowing down the boat ramp and into the Estero River. The design must be approved as part of the building permit or local Development Order review for the boat ramp facility.

g. The boat ramp, temporary mooring/observation boardwalk, single family board-walks, cart crossings, and canoe launches are subject to all permitting requirements of LDC Chapter 26.

h. Gazebos, canoe launches and power boat ramp facilities are prohibited along Halfway Creek.

i. A maximum of one boardwalk for each two single family lots is permitted on Halfway Creek. Boardwalks are prohibited on the Estero River, except as conditioned in g. above.

DEVIATION (13) requests relief from the connection separation requirements of LDC Section 10-285(a), Table 2, to allow the connection separation shown on the "modified round-about" on the Master Concept Plan. The requested deviation is APPROVED subject to the condition that appropriate traffic signage be provided and the rotary intersection design is reviewed and approved by Lee County staff at time of local Development Order application.

SECTION C. MASTER CONCEPT PLAN:

A five-page reduced copy of the Master Concept Plan is attached to and incorporated into this Resolution by reference.

SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested zoning:

1. The proposed uses, as conditioned, are appropriate for the site and no changed or changing conditions make approval of this rezoning request inappropriate.

2. As conditioned, the RPD rezoning and approved deviations:

   a) will not have an adverse impact on the intent of the Land Development Code.

   b) are consistent with the goals, objectives, policies and intent of the Lee Plan and with the densities, intensities, and general uses set forth in the Lee Plan.

   c) meet or exceed all performance and locational standards set forth for the proposed uses.

   d) will protect, conserve or preserve environmentally critical areas and natural resources on or abutting the subject property.

   e) are compatible with existing or planned uses, and are not contrary to the public health, safety or welfare and will not cause damage, hazard, nuisance or other detriment to persons or property.

   f) do not place an undue burden upon existing transportation facilities, or other facilities or services.

   g) will comply with all applicable general zoning provisions and supplemental regulations pertaining to the uses set forth in the Land Development Code.

   h) enhance the achievement of the objectives of the RPD rezoning, and promote and preserve the protection of the public health, safety or welfare.

3. Urban services, as defined in the Lee Plan, are or will be available and adequate to serve the proposed uses.

4. The conditions imposed on the RPD zoning and the approved deviations are reasonably related to the impacts on the public's interest created by or expected from the proposed uses, and, in conjunction with other land development regulations, will protect the public's interest, health, safety and welfare.

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

John E. Manning	AYE
Douglas R. St. Cerny	ABSENT
Ray Judah	NAY
Andrew W. Coy	AYE
John E. Albion	AYE

DULY PASSED AND ADOPTED this 18th day of March, A.D., 1996.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____
County Attorney's Office

FILED

MAR 25 1996

CLERK CIRCUIT COURT
BY _____ D.C.

CASE NO. 95-06-148.03Z
A:\ESTEROPT.RES.

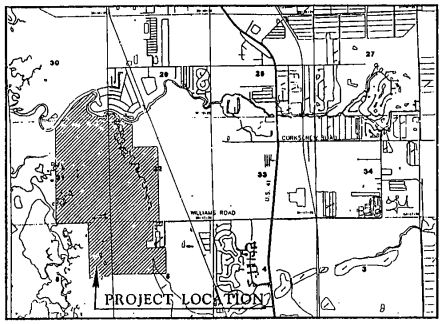
RESOLUTION NUMBER Z-96-005
Page 17 OF 17

MASTER CONCEPT PLAN
FOR
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 SHEET
2	MASTER CONCEPT PLAN
3	MILKWEED LOCATIONS & MANAGEMENT PLAN
4-5	DOCUMENTATION



LOCATION MAP

0 1000 2000 4000
SCALE IN FEET

NORTH

PREPARED BY

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS
2158 JOHNSON STREET
POST OFFICE BOX 1550
FORT MYERS, FLORIDA 33902
PHONE (813) 334-0046
FAX (813) 334-3661

J.E.I. PROJECT NO. 20520

DECEMBER 1995

APPLICANT

ATLANTIC GULF COMMUNITIES CORPORATION
2601 SOUTH BAYSHORE DRIVE
MIAMI, FLORIDA 33133
PHONE (305) 859-4390
FAX (D05) 859-4457

STRAP NUMBERS

30-46-25-00-00001.0010
30-46-25-00-00002.0010
31-46-25-01-00001.0000
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05-47-25-01-00018.0000
05-47-25-01-00018.0010
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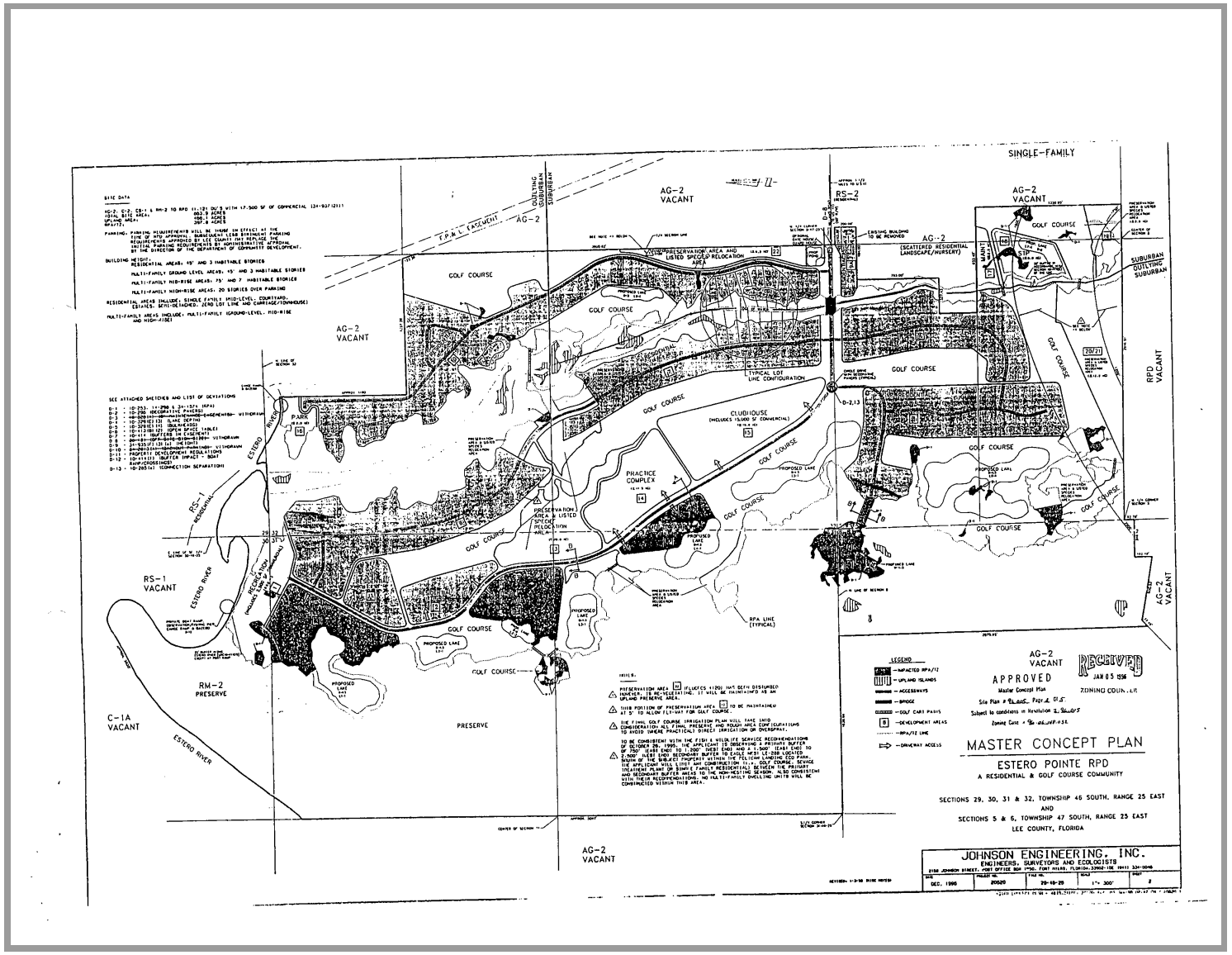
APPROVED
Master Concept Plan
Site Plan # Original Page 1 of 5
Subject to conditions of Resolution Z-96-005
Zoning Case # Z-96-005

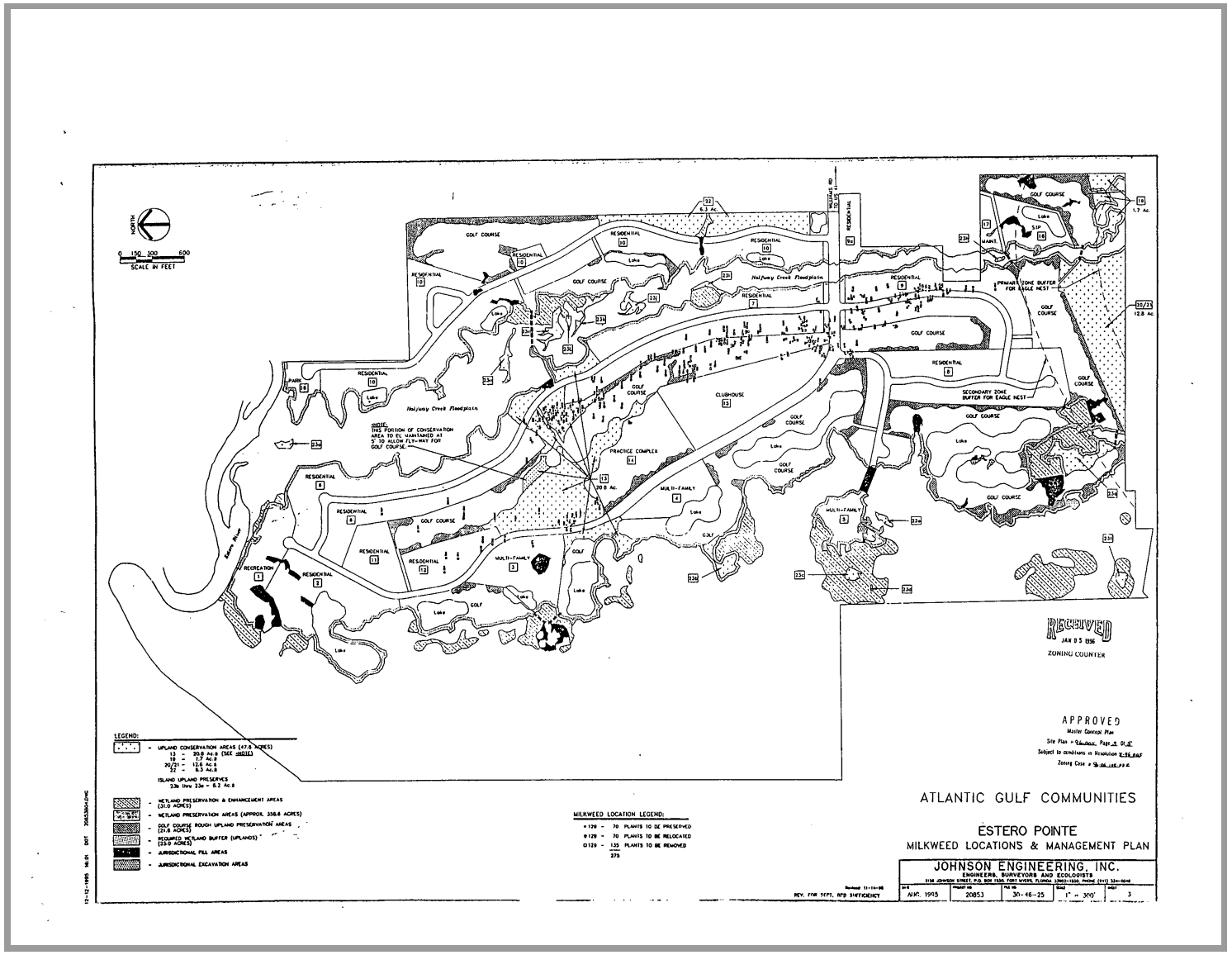
ZONING

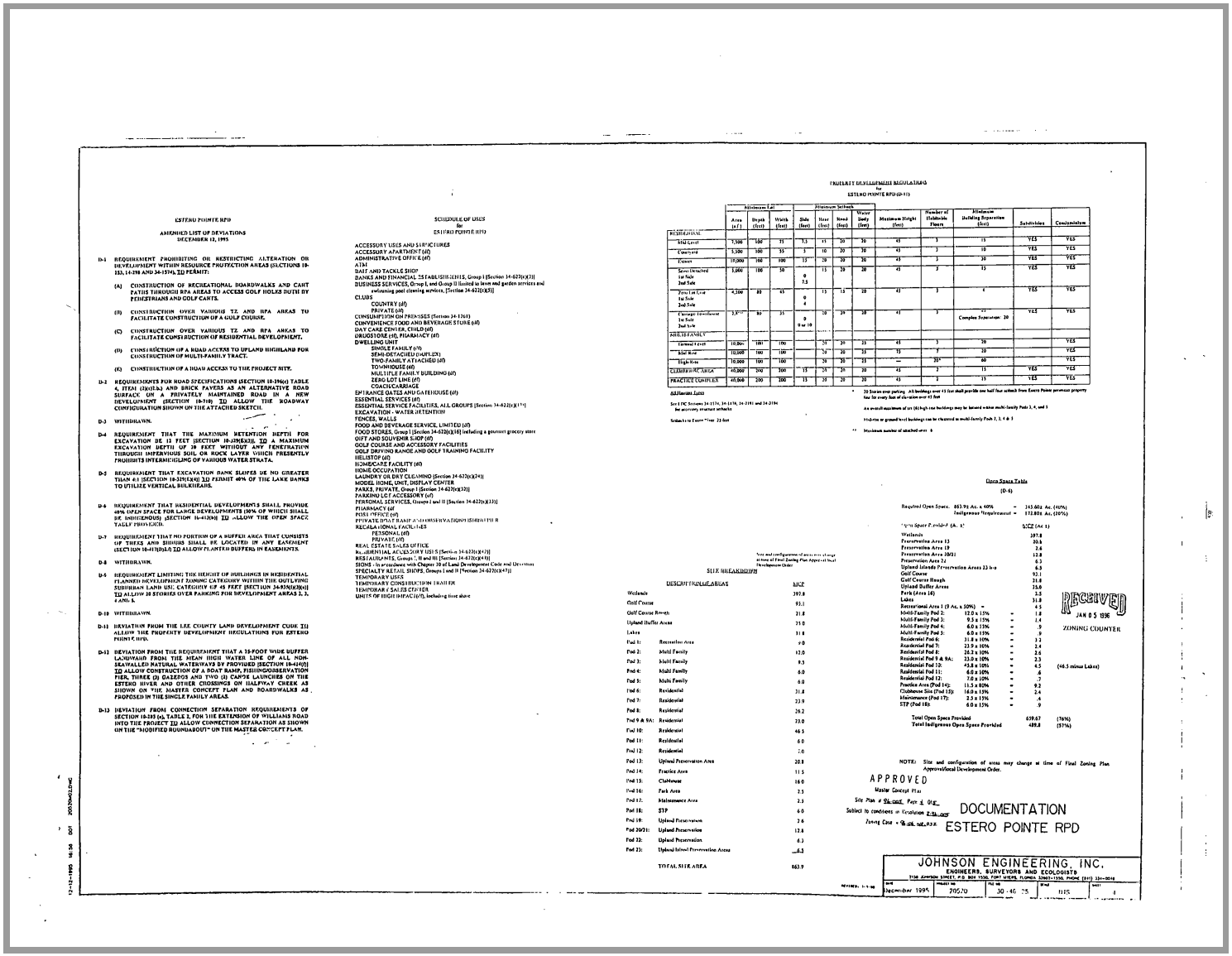
AG-2, C-2 & CS-1 TO RPD

RECEIVED
JAN 05 1996
ZONING COUNTER

PROJECT # 95-016-148.012
PROJECT TYPE 12


SINGLE-FAMILY
AG-2 VACANT
RS-2
AG-2 VACANT
GOLF COURSE
T.P.&L. EASEMENT
SUBURBAN OUTLYING SUBURBAN
PRESERVATION AREA AND LISTED SPECIES RELOCATION AREA
EXISTING BUILDING TO BE REMOVED
AG-2 (SCATTERED RESIDENTIAL LANDSCAPE/NURSERY)
RPD VACANT
TYPICAL LOT LINE CONFIGURATION
CLUBHOUSE
PRACTICE COMPLEX
PARK
ESTERO RIVER
RS-1 VACANT
RS-1 RESIDENTIAL
RM-2 PRESERVE
C-1A VACANT
PRESERVE
RPA LINE (TYPICAL)
PROPOSED LAKE
LEGEND
APPROVED
RECEIVED
JAN 05 1996
ZONING COUN. LIT
MASTER CONCEPT PLAN
ESTERO POINTE RPD
A RESIDENTIAL & GOLF COURSE COMMUNITY
SECTIONS 29, 30, 31 & 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST
AND
SECTIONS 5 & 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA
JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS
DEC. 1995
20520
29-46-25
1" = 300'


NORTH
0 150 300 600
SCALE IN FEET
GOLF COURSE
RESIDENTIAL
Halfway Creek Floodplain
CLUBHOUSE
PRACTICE COMPLEX
MULTI-FAMILY
RECREATION
Estero River
PRIMARY ZONE BUFFER FOR EAGLE NEST
SECONDARY ZONE BUFFER FOR EAGLE NEST
RECEIVED
JAN 05 1996
ZONING COUNTER
APPROVED
LEGEND:
UPLAND CONSERVATION AREAS (47.8 ACRES)
ISLAND UPLAND PRESERVES
WETLAND PRESERVATION & ENHANCEMENT AREAS (31.0 ACRES)
WETLAND PRESERVATION AREAS (APPROX. 358.8 ACRES)
GOLF COURSE ROUGH UPLAND PRESERVATION AREAS (21.8 ACRES)
REQUIRED WETLAND BUFFER (UPLANDS) (23.0 ACRES)
JURISDICTIONAL FILL AREAS
JURISDICTIONAL EXCAVATION AREAS
MILKWEED LOCATION LEGEND:
70 PLANTS TO BE PRESERVED
70 PLANTS TO BE RELOCATED
135 PLANTS TO BE REMOVED
275
ATLANTIC GULF COMMUNITIES
ESTERO POINTE
MILKWEED LOCATIONS & MANAGEMENT PLAN
JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS
MAY, 1995
20853
30-46-25
1" = 300'
3



ESTERO POINTE RPD

AMENDED LIST OF DEVIATIONS
DECEMBER 12, 1995

D-1 REQUIREMENT PROHIBITING OR RESTRICTING ALTERATION OR DEVELOPMENT WITHIN RESOURCE PROTECTION AREAS (SECTIONS 10-153, 14-298 AND 34-1574), TO PERMIT:

(A) CONSTRUCTION OF RECREATIONAL BOARDWALKS AND CART PATHS THROUGH RPA AREAS TO ACCESS GOLF HOLES BOTH BY PEDESTRIANS AND GOLF CARTS.

(B) CONSTRUCTION OVER VARIOUS TZ AND RPA AREAS TO FACILITATE CONSTRUCTION OF A GOLF COURSE.

(C) CONSTRUCTION OVER VARIOUS TZ AND RPA AREAS TO FACILITATE CONSTRUCTION OF RESIDENTIAL DEVELOPMENT.

(D) CONSTRUCTION OF A ROAD ACCESS TO UPLAND HIGHLAND FOR CONSTRUCTION OF MULTI-FAMILY TRACT.

(E) CONSTRUCTION OF A ROAD ACCESS TO THE PROJECT SITE.

D-2 REQUIREMENTS FOR ROAD SPECIFICATIONS (SECTION 10-296(c) TABLE 4, ITEM (3)(d)1.b.) AND BRICK PAVERS AS AN ALTERNATIVE ROAD SURFACE ON A PRIVATELY MAINTAINED ROAD IN A NEW DEVELOPMENT (SECTION 10-710) TO ALLOW THE ROADWAY CONFIGURATION SHOWN ON THE ATTACHED SKETCH.

D-3 WITHDRAWN.

D-4 REQUIREMENT THAT THE MAXIMUM RETENTION DEPTH FOR EXCAVATION BE 15 FEET (SECTION 10-329(d)3), TO A MAXIMUM EXCAVATION DEPTH OF 20 FEET WITHOUT ANY PENETRATION THROUGH IMPERVIOUS SOIL OR ROCK LAYER WHICH PRESENTLY PROHIBITS INTERMINGLING OF VARIOUS WATER STRATA.

D-5 REQUIREMENT THAT EXCAVATION BANK SLOPES BE NO GREATER THAN 4:1 (SECTION 10-329(d)4) TO PERMIT 40% OF THE LAKE BANKS TO UTILIZE VERTICAL BULKHEADS.

D-6 REQUIREMENT THAT RESIDENTIAL DEVELOPMENTS SHALL PROVIDE 40% OPEN SPACE FOR LARGE DEVELOPMENTS (50% OF WHICH SHALL BE INDIGENOUS) (SECTION 10-415(b)) TO ALLOW THE OPEN SPACE TABLE PROVIDED.

D-7 REQUIREMENT THAT NO PORTION OF A BUFFER AREA THAT CONSISTS OF TREES AND SHRUBS SHALL BE LOCATED IN ANY EASEMENT (SECTION 10-416(b)5.f) TO ALLOW PLANTED BUFFERS IN EASEMENTS.

D-8 WITHDRAWN.

D-9 REQUIREMENT LIMITING THE HEIGHT OF BUILDINGS IN RESIDENTIAL PLANNED DEVELOPMENT ZONING CATEGORY WITHIN THE OUTLYING SUBURBAN LAND USE CATEGORY OF 45 FEET (SECTION 34-935(b)(3)(b)(i)) TO ALLOW 20 STORIES OVER PARKING FOR DEVELOPMENT AREAS 2, 3, AND 6.

D-10 WITHDRAWN.

D-11 DEVIATION FROM THE LEE COUNTY LAND DEVELOPMENT CODE TO ALLOW THE PROPERTY DEVELOPMENT REGULATIONS FOR ESTERO POINTE RPD.

D-12 DEVIATION FROM THE REQUIREMENT THAT A 75-FOOT WIDE BUFFER LANDWARD FROM THE MEAN HIGH WATER LINE OF ALL NON-SEAWALLED NATURAL WATERWAYS BY PROVIDED (SECTION 10-414(1)) TO ALLOW CONSTRUCTION OF A BOAT RAMP, FISH/OBSERVATION PIER, THREE (3) GAZEBOS AND TWO (2) CANOE LAUNCHES ON THE ESTERO RIVER AND OTHER CROSSINGS OF HALFWAY CREEK AS SHOWN ON THE MASTER CONCEPT PLAN AND BOARDWALKS AS PROPOSED IN THE SINGLE FAMILY AREAS.

D-13 DEVIATION FROM CONNECTION SEPARATION REQUIREMENTS OF SECTION 10-285 (a), TABLE 1, FOR THE EXTENSION OF WILLIAMS ROAD INTO THE PROJECT TO ALLOW CONNECTION SEPARATION AS SHOWN ON THE "MODIFIED ROUNDABOUT" ON THE MASTER CONCEPT PLAN.

SCHEDULE OF USES
for
ESTERO POINTE RPD

ACCESSORY USES AND STRUCTURES
ACCESSORY APARTMENT (60)
ADMINISTRATIVE OFFICES (60)
ATM
BAIT AND TACKLE SHOP
BANKS AND FINANCIAL ESTABLISHMENTS, Group I [Section 34-622(c)(3)]
BUSINESS SERVICES, Group I, and Group II limited to lawn and garden services and swimming pool cleaning services, [Section 34-622(c)(3)]
CLUBS
COUNTRY (60)
PRIVATE (60)
CONSUMPTION ON PREMISES [Section 34-1261]
CONVENIENCE FOOD AND BEVERAGE STORE (60)
DAY CARE CENTER, CHILD (60)
DRUGSTORE (60), PHARMACY (60)
DWELLING UNIT
SINGLE FAMILY (60)
SEMI-DETACHED DUPLEX)
TWO-FAMILY ATTACHED (60)
TOWNHOUSE (60)
MULTIPLE FAMILY BUILDING (60)
ZERO LOT LINE (60)
COACH/CARRIAGE
ENTRANCE GATES AND GATEHOUSE (60)
ESSENTIAL SERVICES (60)
ESSENTIAL SERVICE FACILITIES, ALL GROUPS [Section 34-622(c)(1)(2)]
EXCAVATION - WATER RETENTION
FENCES, WALLS
FOOD AND BEVERAGE SERVICE, LIMITED (60)
FOOD STORES, Group I [Section 34-622(c)(16) including a gourmet grocery store
GIFT AND SOUVENIR SHOP (60)
GOLF COURSE AND ACCESSORY FACILITIES
GOLF DRIVING RANGE AND GOLF TRAINING FACILITY
HELISTOP (60)
HOME/CARE FACILITY (60)
HOME OCCUPATION
LAUNDRY OR DRY CLEANING [Section 34-622(c)(24)]
MODEL HOME, UNIT, DISPLAY CENTER
PARKS, PRIVATE, Group I [Section 34-622(c)(32)]
PARKING LOT ACCESSORY (60)
PERSONAL SERVICES, Groups I and II [Section 34-622(c)(33)]
PHARMACY (60)
POST OFFICE (60)
PRIVATE/PUBLIC PARK AND RESERVATION/OBSERVATION ESTABLISHMENT
RECREATIONAL FACILITIES
PERSONAL (60)
PRIVATE (60)
REAL ESTATE SALES OFFICE
RESIDENTIAL ACCESSORY USES [Section 34-622(c)(47)]
RESTAURANTS, Groups I, II and III [Section 34-622(c)(49)]
SIGNS - In accordance with Chapter 30 of Land Development Code and Ordinance
SPECIALTY RETAIL SHOPS, Groups I and II [Section 34-622(c)(47)]
TEMPORARY USES
TEMPORARY CONSTRUCTION TRAILER
TEMPORARY SALES OFFICE
UNITS OF HIGH IMPACT (60), including time share

PROPERTY DEVELOPMENT REGULATIONS
for
ESTERO POINTE RPD (D-11)

	Minimum Lot Area (s.f.)	Minimum Lot Depth (feet)	Minimum Lot Width (feet)	Minimum Setbacks Side (feet)	Minimum Setbacks Rear (feet)	Minimum Setbacks Road (feet)	Minimum Setbacks Water Body (feet)	Maximum Height (feet)	Number of Habitable Floors	Minimum Building Separation (feet)	Subdivision	Condominium
RESIDENTIAL												
Mid-Level	7,500	100	75	7.5	15	20	20	45	3	15	YES	YES
Courtyard	5,500	100	55	5	10	20	20	45	3	10	YES	YES
Cluster	10,000	100	100	15	20	20	20	45	3	20	YES	YES
Semi-Detached 1st Side 2nd Side	5,000	100	50	0 7.5	15	20	20	45	3	15	YES	YES
Zero Lot Line 1st Side 2nd Side	4,500	80	45	0 4	15	15	20	45	3	4	YES	YES
Carriage Townhouse 1st Side 2nd Side	3,500	80	35	0 0 or 10	10	20	20	45	3	** Complex Separation: 20	YES	YES
MULTI-FAMILY												
Terrace Level	10,000	100	100		25	20	25	45	3	20		YES
Mid-Rise	10,000	100	100		25	20	25	75	7	20		YES
High-Rise	10,000	100	100		30	20	25	—	20*	60		YES
CLUBHOUSE/CASA	40,000	200	200	15	25	20	20	45	2	15	YES	YES
PRACTICE COMPLEX	40,000	200	200	15	25	20	20	45	2	15	YES	YES

Additional Notes

See FDC Sections 34-1174, 34-1176, 34-2191 and 34-2194 for accessory structure setbacks

Setback to Estero River 75 feet

* 20 Stories over parking. All buildings over 45 feet shall provide one half foot setback from Estero Pointe perimeter property line for every foot of elevation over 45 feet

An overall maximum of six (6) high rise buildings may be located within multi-family Pods 2, 4, and 5

Mid-rise or ground level buildings may be clustered in multi-family Pods 2, 3, 4 & 5

** Maximum number of attached units 8

Note: Site and configuration of areas may change at time of Final Zoning Plan Approval/Local Development Order.

SITE BREAKDOWN

	DESCRIPTION/USE AREAS		ACRE
Wetlands			197.8
Golf Course			93.1
Golf Course Rough			31.8
Upland Buffer Areas			35.0
Lakes			31.8
Pod 1:	Recreation Area		9.0
Pod 2:	Multi Family		12.0
Pod 3:	Multi Family		9.5
Pod 4:	Multi Family		6.0
Pod 5:	Multi Family		6.0
Pod 6:	Residential		31.8
Pod 7:	Residential		23.9
Pod 8:	Residential		26.2
Pod 9 & 9A:	Residential		23.0
Pod 10:	Residential		46.5
Pod 11:	Residential		6.0
Pod 12:	Residential		7.0
Pod 13:	Upland Preservation Area		20.8
Pod 14:	Practice Area		11.5
Pod 15:	Clubhouse		16.0
Pod 16:	Park Area		2.3
Pod 17:	Maintenance Area		2.3
Pod 18:	STP		6.0
Pod 19:	Upland Preservation		2.6
Pod 20/21:	Upland Preservation		12.8
Pod 22:	Upland Preservation		6.3
Pod 23:	Upland Island Preservation Areas		6.3
	TOTAL SITE AREA		663.9

REVISED: 1-1-96

Open Space Table
(D-6)

Required Open Space: 663.92 Ac. x 40% = 265.568 Ac. (40%)
Indigenous Requirement = 132.804 Ac. (20%)

Open Space Provided (Ac. ±)	ACRE (Ac ±)
Wetlands	197.8
Preservation Area 13	30.6
Preservation Area 19	2.6
Preservation Area 20/21	12.8
Preservation Area 22	6.3
Upland Islands Preservation Areas 23 b-e	6.3
Golf Course	93.1
Golf Course Rough	31.8
Upland Buffer Areas	35.0
Park (Area 16)	2.3
Lakes	31.8
Recreational Area 1 (9 Ac. x 50%) =	4.5
Multi-Family Pod 2: 12.0 x 15% =	1.8
Multi-Family Pod 3: 9.5 x 15% =	1.4
Multi-Family Pod 4: 6.0 x 15% =	.9
Multi-Family Pod 5: 6.0 x 15% =	.9
Residential Pod 6: 31.8 x 10% =	3.2
Residential Pod 7: 23.9 x 10% =	2.4
Residential Pod 8: 26.2 x 10% =	2.6
Residential Pod 9 & 9A: 23.0 x 10% =	2.3
Residential Pod 10: 45.8 x 10% =	4.5
Residential Pod 11: 6.0 x 10% =	.6
Residential Pod 12: 7.0 x 10% =	.7
Practice Area (Pod 14): 11.5 x 80% =	9.2
Clubhouse Site (Pod 15): 16.0 x 15% =	2.4
Maintenance (Pod 17): 2.3 x 15% =	.4
STP (Pod 18): 6.0 x 15% =	.9
Total Open Space Provided	639.67 (76%)
Total Indigenous Open Space Provided	489.8 (57%)

NOTE: Site and configuration of areas may change at time of Final Zoning Plan Approval/Local Development Order.

APPROVED
Master Concept Plan
Site Plan # 96-005, Part 1 Orig.
Subject to conditions in Resolution Z-96-005
Zoning Case # 96-05-022

DOCUMENTATION
ESTERO POINTE RPD

RECEIVED
JAN 05 1996
ZONING COUNTER

(48.5 minus Lakes)

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS
7158 JOHNSON STREET, P.O. BOX 1550, FORT MYERS, FLORIDA 33902-1550, PHONE (941) 334-3048

Date	Project No.	File	Sheet
December 1995	20570	30-46-25	1 of 1

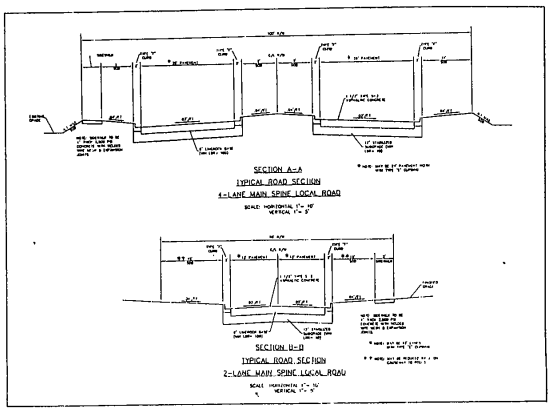
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PROPERTY DEVELOPMENT REGULATIONS
for
ESTERO POINTE RPD (D-11)

	Minimum Lot			Miuimum Setback								
	Area (s.f.)	Depth (feet)	Width (feet)	Side (feet)	Rear (feet)	Road (feet)	Water Body (feet)	Maximum Height (feet)	Number of Habitable Floors	Minimum Building Separation (feet)	Subdivision	Condominium
RESIDENTIAL												
Mid-Level	7,500	100	75	7.5	15	20	20	45	3	15	YES	YES
Courtyard	5,500	100	55	5	10	20	20	45	3	10	YES	YES
Estates	10,000	100	100	15	20	20	20	45	3	30	YES	YES
Semi-Detached 1st Side 2nd Side	5,000	100	50	 0 7.5	15	20	20	45	3	15	YES	YES
Zero Lot Line 1st Side 2nd Side	4,500	80	45	 0 4	15	15	20	45	3	4	YES	YES
Carriage/Townhouse 1st Side 2nd Side	2,800	80	35	 0 0 or 10	20	20	20	45	3	** Complex Separation: 20	YES	YES
MULTI-FAMILY												
Ground Level	10,000	100	100		20	20	25	45	3	20		YES
Mid-Rise	10,000	100	100		20	20	25	75	7	20		YES
High-Rise	10,000	100	100		20	20	25	—	20*	60		YES
CLUBHOUSE AREA	40,000	200	200	15	20	20	20	45	2	15	YES	YES
PRACTICE COMPLEX	40,000	200	200	15	20	20	20	45	2	15	YES	YES

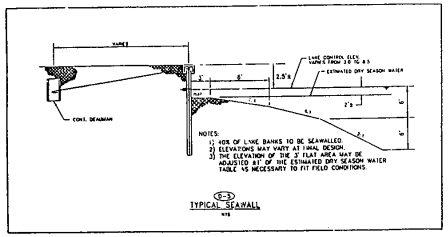
B

RECEIVED
JAN 05 1996
ZONING COUNTER

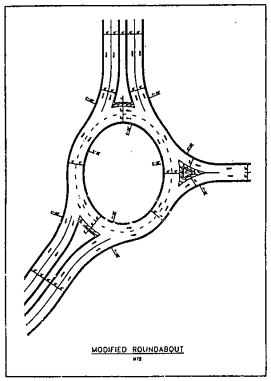


SECTION A-A
TYPICAL ROAD SECTION
4-LANE MAIN SPINE LOCAL ROAD

SECTION B-B
TYPICAL ROAD SECTION
2-LANE MAIN SPINE LOCAL ROAD



S-5
TYPICAL SEAWALL



MODIFIED ROUNDABOUT

RECEIVED
JAN 05 1996
ZONING COUNTY

APPROVED
Master Concept Plan
Site Plan + Sheets, Figure 6 of 6
Subject to conditions in Resolution Z-96-005
Zoning Case # 96-06-116.04 Z.

DOCUMENTATION
ESTERO POINTE RPD

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
December 1995	20520	30-46-25	NTS	5

Carol Sacco

Subject: FW: West Bay Condominium Development

On Nov 10, 2021, at 7:10 AM, Jeff Agee <ajeff1955@comcast.net> wrote:

[NOTICE: This message originated outside of the Village of Estero -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Village of Estero Council,

I am emailing to express my opposition both to a developer request for a "deviation" to a Village of Estero height restriction and a proposed design which is not consistent with the architectural guidelines for the Village or with that of existing residences within West Bay. The 50 foot increase in height is requested to allow 3 additional floors. No non economic evidence was presented to indicate three additional floors resulted in an "improved product" relative to a structure of 20 floors over parking (the limit to which the other condominium tower, Jasmine Bay, in West Bay had to adhere to).

If economic considerations are considered adequate justification for deviations from height and design regulations then substantiating evidence should be presented. There are over 700 property owners within West Bay and everyone one of them with the exception of this developer was required to conform to a specific architectural standard. The predominantly glass structure (despite the various adjectives advanced by the architect to convince otherwise) is clearly not visually consistent with existing architecture within West Bay or adjacent communities and an increased height serves only to magnify this discrepancy. A Jasmine Bay South HOA survey showed 85% of respondents were opposed to the increase in height and the modernist design. This result was confirmed by the percentage of negative comments received during the review by the PZD board.

I have included several images the first of which demonstrates no diminution in quality of the project (the relevant criteria for approval of a deviation) by conforming to the current height restriction. Additional images show a significant discrepancy with existing architecture within West Bay as well as the architectural standards accepted by the Village of Estero.



Prevailing architecture within West Bay







Example of architectural style (recently constructed tower in Bonita Bay) which is entirely consistent with West Bay Mediterranean style.



Your consideration with regard to this issue would be appreciated.

Jeffrey Agee
President Jasmine Bay South HOA

Sent from my iPad

PUBLIC COMMENT CARD : Entry # 25765

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Meir Kehila

Address

4751 West Bay blvd
804
Estero 33928
United States
Map It

Community

West Bay Club

Email

mkehila@aol.com

Phone

(239) 676-4706

Representing

Myself

Date

09/23/2021

Agenda Item No. or Topic

The island Tower

Comments

I object to the variance asked by the developer for 290 feet.
He should stick to the original 220 feet.

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added 17 hours ago

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 25752

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Steve Pierson

Address

4761 West Bay Blvd. Unit 2002
Estero 33928
United States
Map It

Community

West Bay

Email

steve@chromtech.com

Phone

(612) 702-6375

Representing

Self

Date

09/23/2021

Agenda Item No. or Topic

West Bay Hill Island Parcel Development

Comments

PUBLIC COMMENT CARD : Entry # 25752

Concerning the meeting before the Village of Estero Planning, Zoning and Design Committee, September 28 pertaining to the West Bay Hill Island Parcel development.

As a board member of the West Bay Community Association, I have taken the position that as a board we should remain neutral on this issue. As a resident of West Bay since 2009, and recently a resident in the Jasmine North Tower, I would like to express my personal opinion on this issue.

My wife Vicki and I moved from Natures Cove to Jasmine the first week of July this year. As new residents of Jasmine Bay North, we attended the July 7 meeting at Jasmine, where West Bay Hill presented their proposal for developing the Island Parcel. The developer presented information on their two potential options (6 units per floor and 4 units per floor), and also shadow studies for different times of the year. A concern we had was as new residents of Jasmine, how would this project affect our views from our condo? I reached out to Chris Johnson, the developer appointed board member, and asked for information on how the views from Jasmine would be affected. He responded that he would ask their architect to look into the issue.

It took a couple of weeks for the architect to produce the visual representations of views from both the Jasmine South and Jasmine North Towers, but I was impressed with the high quality images of views from both Jasmine Bay South and North towers. These visuals, I understand, are part of the package that West Bay Hill has prepared for the upcoming meeting.

Based on reviewing the architects representations of the views from the Jasmine Towers, the views were not affected to a great extent, and the 4 units per floor/higher tower, would be our preference over the wider 6 units per floor alternative.

Considering that this is the final chapter in the development of West Bay, we support the West Bay Hill proposed development plan for the “Island Parcel”, and believe it will be a welcome addition to not only West Bay, but also for Estero Village, and Lee County!

Best regards,

Steve and Vicki Pierson
4761 West Bay Blvd, unit 2002
Estero, FL 33928
steve@chromtech.com
vicki@chromtech.com

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added 22 hours ago

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 25743

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Village Council Meeting

Name

Lisa Marlow

Address

23143 Marsh Landing Blvd
City
Estero 33928
United States
Map It

Community

Marsh Landing

Email

marlowjourneys@gmail.com

Phone

(262) 470-7958

Representing

My family

Date

09/23/2021

Agenda Item No. or Topic

West Bay Tower

Comments

I am very opposed to allowing taller high rises. I think that the proposed 23 stories plus 20 feet for rooftop equipment by West Bay is extremely excessive. It ruins the natural beauty we all came to enjoy. I urge you to deny approval. The current regulations are already much too high.

I apologize if this was submitted twice; my computer was lagging and I wasn't sure if it was submitted

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 23, 2021 at 11:31 am

PUBLIC COMMENT CARD : Entry # 25742

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Lisa Marlow

Address

23143 Marsh Landing Blvd
City
Estero 33928
United States
Map It

Community

Marsh Landing

Email

marlowjourneys@gmail.com

Phone

(262) 470-7958

Representing

My family

Date

09/23/2021

Agenda Item No. or Topic

West Bay Tower

Comments

I am very opposed to allowing taller high rises. I think that the proposed 23 stories plus 20 feet for rooftop equipment by West Bay is extremely excessive. It ruins the natural beauty we all came to enjoy. I urge you to deny approval. The current regulations are already much too high.

I apologize if this was submitted twice; my computer was lagging and I wasn't sure if it was submitted

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 23, 2021 at 11:30 am

PUBLIC COMMENT CARD : Entry # 25741

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Village Council Meeting

Name

Lisa Marlow

Address

23143 Marsh Landing Blvd
City
Estero 33928
United States
Map It

Community

Marsh Landing

Email

marlowjourneys@gmail.com

Phone

(262) 470-7958

Representing

My family

Date

09/23/2021

Agenda Item No. or Topic

West Bay Tower

Comments

I am very opposed to allowing taller high rises. I think that the proposed 23 stories plus 20 feet for rooftop equipment by West Bay is extremely excessive. It ruins the natural beauty we all came to enjoy. I urge you to deny approval. The current regulations are already much too high.

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 23, 2021 at 11:28 am

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 25729

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Jim Botti

Address

4751 West Bay Blvd.
Unit 1203
Estero 33928
United States
Map It

Community

West Bay

Email

jim.botti56@gmail.com

Phone

(614) 562-7099

Representing

Myself and my wife

Date

09/28/2021

Agenda Item No. or Topic

West Bay Hill/Indian Hills Partners' Request for Variance on "Island Parcel"

Comments

My wife and I live in the Jasmine Bay South Tower at West Bay Club. We oppose the developer's request for variance on the so-called "Island Parcel" in order to increase the maximum height of their tower. We believe the current zoning's height restriction is more appropriate than their current request, in part because construction of such a taller building has the potential to impede our view from the north. In addition, we believe the architecture of the proposed tower should be “consistent with the existing residences” within West Bay as described in both our Turnover Agreement signed in 2014 and the revised Master Declaration signed in 2015. We therefore also oppose construction of a tower containing excessive glass, which could result in giving off too much glare.

Notes

PUBLIC COMMENT CARD : Entry # 25718

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

NORMAN STOCKMAN

Address

23124 Grassy Pine dr
Estero 33928
United States
Map It

Community

Estero

Email

norm140@hotmail.com

Phone

(239) 949-8584

Representing

Myself

Date

09/22/2021

Agenda Item No. or Topic

New high rise on williams

Comments

We oppose the new high rise plans on Williams road. 22 floors plus .
The look will ruin our small town feeling.
The height of Hurtz office building should be the max height and set the standards for future buildings.
The builders should go pay for the widening of Williams and the all damages to the current road due to the heavy truck traffic.
Widening the road before they dig the first hole.

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 22, 2021 at 1:43 pm

PUBLIC COMMENT CARD : Entry # 25710

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Lucien F & Cathy L Della Fera

Address

4751 West Bay Blvd., Unit 506
Estero 33928
United States
Map It

Community

West Bay

Email

lucien1@mindspring.com

Phone

(973) 477-1246

Representing

ourselves

Date

09/22/2021

Agenda Item No. or Topic

New Development within West Bay

Comments

As residents of Jasmine Bay we are very opposed to the proposed new development as proposed by the developer, West Bay Hill/Indian Hills Partners.
The new development should be limited in height and adhere to the current architectural style as it exits in the community. Although a very modernistic, beautiful looking building, our views toward the south would be diminished at the proposed height and the style would be an eyesore within the community. The building as proposed belongs in Miami Beach!!

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 22, 2021 at 11:35 am

PUBLIC COMMENT CARD : Entry # 25706

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Barbara Anderson

Address

20460 Riverbrooke Run
Estero 33928
United States
Map It

Community

West Bay Club

Email

barb@amazing-villas.com

Phone

(602) 819-2458

Representing

self

Date

09/28/2021

Agenda Item No. or Topic

West Bay Club Zoning Amendment

Comments

Estero does not need this eyesore, too tall and design is not consistent with surrounding community. Developer trying to maximize their bottom line at the expense of the Village and community. Williams Road will be problematic for construction crews and equipment as all must enter through resident lane. Past projects have caused back ups on Williams for all traffic, could be hazard for emergency vehicles and school buses. Village of Estero must control growth and avoid more high density projects. We don't want to be like Naples or the East Coast.

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 22, 2021 at 9:56 am

PUBLIC COMMENT CARD : Entry # 25698

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Debbie Hoffman

Address

4751 West Bay Blvd
Apt 306
Estero 33928
United States
Map It

Community

West Bay Club

Email

hoff1836@gmail.com

Phone

(440) 227-1642

Representing

Jasmine Bay South Tower

Date

09/21/2021

Agenda Item No. or Topic

Island Tower Proposal

Comments

We purchased our condo in February 2021. We loved the neighborhood and architectural details of all the homes and condo buildings. Imagine our surprise when we saw the drawings of the proposed Island Tower. It looks like a monstrosity, like it belongs in Miami, not quiet Estero, Florida. The proposed heights and mirrored exterior will not enhance our community, it will lessen the community appeal and the glare will ruin our peaceful views. Please do not let this building be built as proposed. Make it stay within the height and architectural restrictions already in place.
Thank you for your consideration.
Debbie Hoffman

Notes

PUBLIC COMMENT CARD : Entry # 25690

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Jeff & Jilene Framke

Address

4751 West Bay Blvd #305
Estero 33928
United States
Map It

Community

West Bay

Email

jframke@comcast.net

Phone

(952) 457-3848

Representing

Ourselves

Date

09/21/2021

Agenda Item No. or Topic

Height variance requested by the developer (West Bay Hill/Indian Hills Partners) for the Island Parcel located adjacent to the Nature's Cove subdivision within West Bay.

Comments

My wife and I just became recent residents of the West Bay community. We were attracted to the quaintness and overall feel of the West Bay community. It is because of these factors that we would recommend a "NO" vote to the proposed height variance requested by the developer.

Thank you.

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 21, 2021 at 3:30 pm

PUBLIC COMMENT CARD : Entry # 25689

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Daniel Anania

Address

4751 West Bay Blvd unit1405
Jasmine Bay South
Estero 33928
United States
Map It

Community

West Bay Club

Email

danania@aol.com

Phone

(614) 378-4398

Representing

Lavonne Anania

Date

09/21/2021

Agenda Item No. or Topic

West Bay proposed tower

Comments

I see no good reason why a zoning variance should be allowed on the height of the new tower proposed in West Bay. The developer should have been aware of the height restrictions as well as the community's preference for architectural consistency throughout the community.

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 21, 2021 at 3:04 pm

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 25685

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Chris Kanios

Address

4751 west bay blvd
Estero 33928
United States
Map It

Community

Westbay

Email

chriskanios@yahoo.com

Phone

(419) 882-1203

Representing

Self

Date

09/21/2021

Agenda Item No. or Topic

New tower in west bay

Comments

I don't mind the tower being equal in height to our existing towers but OPPOSE anything higher as it will adversely affect values , views, etc of our. Community

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 21, 2021 at 1:49 pm

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 25684

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Michael White

Address

306 Hidden Bottom St
Charleston 29492
United States
Map It

Community

Daniel Island

Email

mike.white@homesc.com

Phone

(843) 377-8383

Representing

Family Trust

Date

09/21/2021

Agenda Item No. or Topic

West Bay new tower height variance

Comments

We are in Full Support of the Developer's application to increase the height variance and modernize the design of the proposed, new tower at West Bay. This newly designed tower project will prove to be much more competitive with similar regional developments and become a highly valuable, tax-paying asset to the greater Estero community. A rising tide will lift all boats!

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 21, 2021 at 1:44 pm

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 25678

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

David Allen

Address

19904 Montserrat Lane
Estero 33928
United States
Map It

Community

West Bay Club

Email

dandgallen@comcast.net

Phone

(239) 300-1104

Representing

Myself

Date

09/21/2021

Agenda Item No. or Topic

The Island at West Bay Club

Comments

I am interested in purchasing a unit in the proposed high rise. Besides being a beautiful new building one of the reasons I am interested is because of the 10foot ceilings proposed in the application for a variance to the approved building.

I feel it is important for The Estero Village to keep up with the trends that have been approved at other high rise buildings nearby.

Please keep up with the times and approve the Island at West Bay Club project.

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 21, 2021 at 11:29 am

PUBLIC COMMENT CARD : Entry # 25642

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Elizabeth Dickerman

Address

22121 Natures Cove Court
Estero 33928
United States
Map It

Community

West Bay Club

Email

lizzied219@aol.com

Phone

(609) 529-0401

Representing

Myslef

Date

09/20/2021

Agenda Item No. or Topic

Proposed building of a new high rise in West Bay Club by West Hill Partners

Comments

PUBLIC COMMENT CARD : Entry # 25642

As a resident of West Bay Club and the Natures Cove Community I am opposed to the building of this tower as it is proposed. While I recognize the developers right to build on the property, the proposal height of this tower significantly exceeds the current zoning. A tower of this proposed height, essentially 290 feet, will significantly alter the architectural feel of our wonderful community. This applies to both West Bay Club and Estero in general. Once a building of this height is permitted it will open the door to other developers who want to change the “landscape” of the Village of Estero. In addition, based on the presentation by the developer, the architectural style does not conform to the required Mediterranean style, and as stated, size that was agreed upon in the 2014 turnover agreement between West Hill Partners (previously Indian Hill) and the homeowners of West Bay Club.

I am not opposed to growth and progress but not at the expense of the esthetics and “feel” of a community. I respectfully request the Zoning Board of Estero to refuse to approve any zoning change that would allow West Hill to build this tower as it has been proposed. West Hill needs to go back to the drawing board and propose a structure that will conform to the needs, requirements and integrity of the community.

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 20, 2021 at 12:36 pm

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 25617

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Lawrence Kronick

Address

4761 West Bay Blvd. #706
Estero 33928
United States
Map It

Community

West Bay Club

Email

larrykronick@yahoo.com

Phone

(216) 538-7404

Representing

Barbara and Lawrence Kronick

Date

09/19/2021

Agenda Item No. or Topic

West Bay Hill High Rise construction

Comments

We are opposed to changing the existing Village regulations Regarding the excessive height of the proposed new construction.
We would like to see alternative options from the developer regarding the height of the proposed building on the “island site “.
We believe the building height should be consistent with existing village regulations and not exceed 220 feet.
Please deny any variance for this new building.
Sincerely,

Lawrence and Barbara Kronick

Notes

Admin Notification (ID: 5e70ca9c71a8d)

PUBLIC COMMENT CARD : Entry # 25616

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Arthur Kuketz

Address

4751 West Bay Blvd. #904
Estero 33928
United States
Map It

Community

West Bay Club

Email

kuketz33@verizon.net

Phone

(508) 942-2528

Representing

Arthur Kuketz

Date

09/19/2021

Agenda Item No. or Topic

Variance by West Bay Hill for increased height and architectural design on planned high rise at West Bay Community

Comments

PUBLIC COMMENT CARD : Entry # 25616

I am against approval of this variance request. When I invested here in 2009, I was aware of the permitted high rise on that site and excepted that projection.
I understand that the current developer also excepted that permitted projection when they purchased that property. Now they want to change to a building I believe will not fit the current (LOOK) of West Bay that has a architectural committee that keeps that (LOOK) in tact.
Over the years that I have been here, I have seen how hard this committee has worked to keep it in tact including the painting of all residential mail delivery boxes the same (BLACK) color for consistency as an example of the attempt to keep everything similar.
This building surely does not look similar to any other high rise at West Bay.
This building planned is approximately 25% higher than current zoning permitted and if approved will stand out, not matching anything in Estero. It may also prove to be a burden on any fire or emergency situation occurring due to its additional height.
Special training might be needed for personal needed in this extra height for aid to injured or disabled people.
Further more, I question why is this extra height needed?

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 19, 2021 at 10:41 am

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 25615

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Maurizio Nisita

Address

22021 Red Laurel Lane
Estero 33928
United States
Map It

Community

West Bay Club

Email

nisita72@gmail.com

Phone

(239) 405-4775

Representing

myself

Date

09/19/2021

Agenda Item No. or Topic

zoning variance

Comments

I am against the requested height variance for the new planned building in the Nature Cove community of the West Bay Club. I believe that a building substantially taller than allowed by current regulations will detract from the attractiveness of the community. Alternative designs should be considered.

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 19, 2021 at 8:44 am

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 25614

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Glenn Tatangelo

Address

4930 Baybridge Blvd
Estero 33928
United States
Map It

Community

West Bay

Email

gtatangelo@snet.net

Phone

(203) 394-3164

Representing

Individual homeowner

Date

09/28/2021

Agenda Item No. or Topic

West Bay Hill application

Comments

PUBLIC COMMENT CARD : Entry # 25614

REVISED PLAN COMMENTS

After receiving revised plans I would like to make some additional comments

Page 8 : Why did the architect only show length of both building footprints and not depth ?

Page 9 : Revised plan is still requesting an increase in height of over 50' from existing regulation allowing 220' with no reason for a hardship

Page 10 : Developer stated at Jasmine Bay meeting that he would be using glare proof glass yet each rendering shows glare from sun. Can your committee make glare proof glass on windows and railings a condition of construction if approved ?

Page 12 : Shadow Study - The studies presented show March 21 and June 20 yet leave out April which would appear to have all 13 homes on Baybridge Blvd completely within the shadow. The developer should provide April 20 shadow study.
The three previous studies shown reference 1 hour before sunset yet May 1, June 20, and August 1 show times that are between 1 - 1/2 to 1 - 3/4 hours before sunset. This seems suspect and needs clarification why not show 1 hour before sunset to compare apples to apples.

Page 25 : The document provided "WBC Architectural Guideline Manual for Exterior Modification November 2020" only references single family homes and not a high rise.

Page 26 : Same document as above references in "Table of Contents" - states "Must be submitted to the Architectural Review Committee (ARC) for review and approval" . The developer has provided this document as an exhibit to imply that he must submit his plans for "review and approval" to the ARC yet has stated at the Jasmine presentation that he only needs to submit for "review only" and not for "approval" due to his interpretation of a 2014 agreement between the developer and WBC. This needs to be confirmed by your committee what his intentions for submitting to the WBC ARC are since he has provided this document as an exhibit.

Thank you for your time

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 19, 2021 at 7:13 am

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 25613

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Randi Wien

Address

4751 West Bay Blvd
Estero 33928
United States
Map It

Community

West Bay Club

Email

clubchamp2@aol.com

Phone

(216) 464-2782

Representing

Myself

Date

09/12/2021

Agenda Item No. or Topic

New tower to be built in our community

Comments

I am concerned about the proposed especially tall, mostly glass building the developer wants to build in my community West Bay. I moved to West bay because I loved the beautiful architecture theme of the community. I do not agree that a very very tall glass building fits in to our community or the village of Estero for that matter. Reminds me more of South Beach Miami. I am concerned about the blaring glare that may intrude on our daily lives with the reflection of the sun off this too tall mostly glass building. There has always been the understanding among us residents that a shorter building would be built with a style of architecture that would fit cohesively and be compatible to our neighborhood. A extremely tall glass building is an eyesore and intrusive. I hope the original structure I expected, will indeed be built as planned. Thank you for your time and attention to this matter.

Notes

Admin Notification (ID: 5e70ca9c71a8d)

PUBLIC COMMENT CARD : Entry # 25612

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Catherine Colgan

Address

4561 West Bay Blvd.
Unit 2101
Estero 33928
United States
Map It

Community

West Bay Blvd.

Email

colgan6@comcast.net

Phone

(630) 254-0390

Representing

Resident of West Bay

Date

09/20/2021

Agenda Item No. or Topic

West Bay Hills request for height variance

Comments

West Bay Hills Island site located within West.Bay. I am not against this project just the height variance request . Presently zoning for West Bay has a 220’ limitation. West Bay Hills calls for a 270’ tower with an additional 18 foot for utilities. I request denial of the application for a variance by West Bay Hills which would make this tower the tallest building permitted by the Village of Estero.

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 19, 2021 at 12:06 am

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 25610

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Paul Goldstein

Address

4751 West Bay Blvd
Unit # 905
estero 33928
United States
Map It

Community

West Bay

Email

Lawyer34@aol.com

Phone

(845) 235-9052

Representing

myself

Date

09/28/2021

Agenda Item No. or Topic

West Bay Hill

Comments

Total height of the building as proposed violates current zoning. The zoning ordinance is logical and will protect us all, and under no circumstances, should a variance be given under the circumstances. Please deny the application for a variance.
thank you.
Paul J. Goldstein

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 18, 2021 at 5:11 pm

PUBLIC COMMENT CARD : Entry # 25607

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Gary Cattel

Address

4751 West Bay Blvd.
#2001
Estero 33928
United States
Map It

Community

West bay

Email

gcattel@reicsi.com

Phone

(239) 220-3785

Representing

Myself

Date

09/18/2021

Agenda Item No. or Topic

West Bay Hill (formerly Indian Hill Partners)

Comments

Request that you deny a variance on height of the proposed high rise.
Excessive, unnecessary, obtrusive and not in keeping with the expectations when we purchased in this community.
No benefit to the area for this variance.

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 18, 2021 at 3:21 pm

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 25606

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Gary and Mary Ann Shamis

Address

4761 West Bay Blvd #406
Estero 33928
United States
Map It

Community

West Bay

Email

mhshamis@gmail.com

Phone

(440) 759-6602

Representing

Self

Date

09/18/2021

Agenda Item No. or Topic

West Bay Hill

Comments

While as West Bay residents we support the new tower to be built we are concerned with the proposed height. We request a denial for a height variance over that originally agreed upon
We want to be sure it is in the best interest of all of West Bay. Thank you.

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 18, 2021 at 3:04 pm

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 25603

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Rhoda Silverleib

Address

4954 Baybridge Blvd
Estero 33928
United States
Map It

Community

West Bay Club

Email

rsilverleib@gmail.com

Phone

(617) 645-4745

Representing

Ira and Rhoda Silverleib

Date

09/28/2021

Agenda Item No. or Topic

Request for variance by West Bay Hill

Comments

As long time residents of the Natures Cove area of West Bay Club, we would like to register our objection to the proposed plans for the development of the island site at the end of Nature's Cove by West Bay Hill. Although we are in favor of development of this site, our original understanding was that it would not exceed specifications established in 2014 . The proposal being submitted now is considerably higher than originally agreed to and in our opinion would not be an appropriate addition to West Bay or to the Village of Estero.. Our understanding is that this proposed structure will surpass Estero guidelines by a significant amount. Please do not grant this variance not only for its impact on West Bay Club but also because of the impact it will have on future construction in Estero.
Thank you
Rhoda and Ira Silverleib

Notes

PUBLIC COMMENT CARD : Entry # 25596

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Richard Arons

Address

22121 Natures Cove Ct
Estero 33928
United States
Map It

Community

West Bay Club

Email

aronsr@aol.com

Phone

(609) 865-7891

Representing

Self

Date

09/17/2021

Agenda Item No. or Topic

West Bay tower

Comments

The planned new tower at West Bay is excessively tall and not in keeping with the approved site plan nor an architectural design in keeping with the community. I strongly encourage rejection of the new plan.

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 17, 2021 at 5:42 pm

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 25585

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Bill Darkoch

Address

20351 Chapel Trace
Estero 33928
United States
Map It

Community

West Bay Club

Email

billdarkoch@yahoo.com

Phone

(973) 941-4058

Representing

self

Date

09/17/2021

Agenda Item No. or Topic

West Bay Hills - Island Site tower variance

Comments

This is to request that the Zoning & Design Board DENY the requested building height variance for West Bay Hills - Island site tower. The proposed tower would be a significant change to the existing skyline of West Bay Club and Village of Estero with the proposed building seeking a variance to be 32% higher than the existing regulations allow (290 total feet high versus the 220 feet regulation). In addition, the proposed design is NOT in keeping with the community architectural design theme as it is proposed to be a totally glass and steel structure with more of a modern Miami City look.
Please take these important factors into consideration as you review the application.

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 17, 2021 at 2:02 pm

PUBLIC COMMENT CARD : Entry # 25580

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Jeffrey Stamps

Address

4751 West Bay Blvd
Unit 1706
Estero 33928
United States
Map It

Community

West Bay

Email

jeffrey.stamps99@gmail.com

Phone

(513) 225-9005

Representing

Personal

Date

09/17/2021

Agenda Item No. or Topic

Exception for a tower greater than Estero current limits at West Bay

Comments

I am a resident at Jasmine Bay in the West Bay community. There is a proposal before the Estero Planning Committee for a variance to allow a tower to be built well above the current limit in Estero, Florida. I strongly OPPOSE any variance to the current limits and there is simply no justification for Estero to become "taller and taller". Jasmine Bay are two lovely building with great floor plans and 20 floors and meets the Estero regulations. There is no reason, other than developer greed, to build taller buildings in Estero. What will be next? A developer asking to build a 400 foot tall building. At some point, it is nothing more than an eyesore to what is a beautiful area currently. I request the variance being sought to be denied by the City of Estero.

Thank you.

Notes

PUBLIC COMMENT CARD : Entry # 25579

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Hilary Clements

Address

22080 Red Laurel Ln
Estero 33928
United States
Map It

Community

West Bay Club

Email

craigielea1118@yahoo.com

Phone

(239) 676-9388

Representing

Self, as owner

Date

09/17/2021

Agenda Item No. or Topic

West Bay Hill development proposal at West Bay Club

Comments

I am against granting West Bay Hill their request to exceed the height limit allowed for this project.
There is existing zoning height restrictions that must be upheld.

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 17, 2021 at 12:29 pm

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 25578

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

John Braive

Address

22080 Red Laurel Ln
Estero 33928
United States
Map It

Community

West Bay club

Email

jbraive48@gmail.com

Phone

(239) 676-9388

Representing

Self, as owner

Date

09/17/2021

Agenda Item No. or Topic

West Bay Hill development at West Bay

Comments

I vigorously oppose the request of West Bay Hill to exceed the zoning height restriction on this location.

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added September 17, 2021 at 12:24 pm

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 25568

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Glenn Tatangelo

Address

4930 Baybridge Blvd
Estero 33928
United States
Map It

Community

West Bay

Email

gtatangelo@snet.net

Phone

(203) 394-3164

Representing

Individual homeowner

Date

09/28/2021

Agenda Item No. or Topic

West Bay Hill application

Comments

I have lived at 4930 Baybridge Blvd , Estero for 17 years. My home is located in the West Bay Club. One of the many reasons I moved to the Village of Estero is the design standards both the Village and West Bay have in their regulations. I see no compelling reason to approve a variance to allow a private developer to increase the existing 220' height to a potential 290' with "utilities". I knew when I purchased that someday there could be a 220' high rise built at the end of our street. I never imagined that the Village would ever even consider increasing the maximum height. I am also not in favor of changing the design standards that the Village and West Bay have in place and allow a modern "South Beach" design. I understand the Hertz Corporate Headquarters deviated from the Villages design standards through the Lee County approval process. It is important to note that buffering or softening a three story building with landscaping is possible while trying to do the same to a 290' high rise is impossible.

I ask the committee to please deny the variance request.

From: Scotty Wood
To: Steve Pierson
Cc: Mary Gibbs; Tammy Duran
Subject: Re: West Bay Hill Island Parcel Development
Date: Thursday, September 23, 2021 2:11:18 PM

[NOTICE: This message originated outside of the Village of Estero -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hi Steve: Thank you for your email. We will see that it is part of the public record and will be considered by the Board. Regards, Scotty
> On Sep 23, 2021, at 2:01 PM, Steve Pierson <steve@chromtech.com> wrote:
>
> Scotty,
>
> Concerning the meeting before the Village of Estero Planning, Zoning and Design Committee, September 28 pertaining to the West Bay Hill Island Parcel development.
>
> As a board member of the West Bay Community Association, I have taken the position that as a board we should remain neutral on this issue. As a resident of West Bay since 2009, and recently a resident in the Jasmine North Tower, I would like to express my personal opinion on this issue.
>
> My wife Vicki and I moved from Natures Cove to Jasmine the first week of July this year. As new residents of Jasmine Bay North, we attended the July 7 meeting at Jasmine, where West Bay Hill presented their proposal for developing the Island Parcel. The developer presented information on their two potential options (6 units per floor and 4 units per floor), and also shadow studies for different times of the year. A concern we had was as new residents of Jasmine, how would this project affect our views from our condo? I reached out to Chris Johnson, the developer appointed board member, and asked for information on how the views from Jasmine would be affected. He responded that he would ask their architect to look into the issue.
>
> It took a couple of weeks for the architect to produce the visual representations of views from both the Jasmine South and Jasmine North Towers, but I was impressed with the high quality images of views from both Jasmine Bay South and North towers. These visuals, I understand, are part of the package that West Bay Hill has prepared for the upcoming meeting.
>
> Based on reviewing the architects representations of the views from the Jasmine Towers, the views were not affected to a great extent, and the 4 units per floor/higher tower, would be our preference over the wider 6 units per floor alternative.
>
> Considering that this is the final chapter in the development of West Bay, we support the West Bay Hill proposed development plan for the “Island Parcel”, and believe it will be a welcome addition to not only West Bay, but also for Estero Village, and Lee County!
>
> Best regards,
>
> Steve and Vicki Pierson
> 4761 West Bay Blvd, unit 2002
> Estero, FL 33928
> steve@chromtech.com
> vicki@chromtech.com

Scotty Wood

From: Scotty Wood
To: Brian Sclar
Cc: Mary Gibbs; Tammy Duran; scotty wood
Subject: Re: Tower construction
Date: Thursday, September 23, 2021 9:16:02 AM

HI Brain: Thank you for your email. We will see that it is part of the public record, and the Board will consider it.

Regards, Scotty

_____
From: Brian Sclar <brians3070@gmail.com>
Sent: Wednesday, September 22, 2021 11:11 AM
To: Scotty Wood
Subject: Tower construction

[NOTICE: This message originated outside of the Village of Estero -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Scottie,
Bobbie and I just wanted you to know that we believe the developer should be held to the original height and design agreements that they entered into years ago. Having stayed in a new center city Vegas hotel about 10 years ago, no one could sit at the pool in mid afternoon because the reflection of the sun off of the glass was unbearable.
Thank you for your time and consideration of this very important matter.
Stay well, Brian Sclar (1604s)

Sent from my iPhone

From: Scotty Wood
To: Lucien F Della Fera
Cc: Mary Gibbs; Tammy Duran; scotty wood
Subject: Re: Proposed New Development
Date: Thursday, September 23, 2021 9:18:13 AM

Hi Lucien: Thank you for your email. We will see that it is part of the public record and will be considered by the Board. Sincerely, Scotty Wood

From: Lucien F Della Fera <lucien1@mindspring.com>
Sent: Wednesday, September 22, 2021 11:53 AM
To: Scotty Wood
Subject: Proposed New Development

[**NOTICE:** This message originated outside of the Village of Estero -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]
Good morning Mr. Woods.

As residents of Jasmine Bay, both my wife Cathy & I are opposed to the purposed new development. There should be a limitation on allowable height as well as an adherence to the current architecture that is our community. While the community association is letting us down, I would hope that the residents of Jasmine Bay speak up and counter the builders proposal. The building as presented is one that is certainly beautiful, but belongs in Miami Beach not West Bay. One of the reasons Cathy & I purchased in West Bay was the understated charm and elegance of all the residences. Even the towers, although massive have retained the low key, simplistic design that we believe is representative of Southwest Florida. If we wanted "hip" we would be on the East Coast and not here in West Bay with our magnificent view.

Thank you for your time serving on this committee.

Sincerely

Lucien F. Della Fera
208 First Avenue
Newark, New Jersey 07107
973-482-5858
lucien1@mindspring.com

Virus-free. www.avg.com

From: Mary Gibbs
To: Tammy Duran
Subject: FW: West Bay Hill High Rise application
Date: Wednesday, September 22, 2021 5:19:51 PM

From: Scotty Wood [mailto:lew1761@gmail.com]
Sent: Friday, September 17, 2021 12:28 PM
To: Mary Gibbs <gibbs@estero-fl.gov>
Cc: Glenn Tatangelo <gtatangelo@snet.net>
Subject: West Bay Hill High Rise application

[**NOTICE:** This message originated outside of the Village of Estero -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

HI Mary-

Below is a message from a West Bay resident regarding the hi rise application. Please see that this is part of the public record. Thanks, Scotty

PS- to Glenn- fyi- Please note that I have not copied Marlene with this email. We are not allowed to have contacts with other Board members except in a public forum.

Begin forwarded message:

From: Glenn Tatangelo <gtatangelo@snet.net>
Subject: West Bay Hill High Rise application
Date: September 17, 2021 at 6:18:22 AM EDT
To: Scotty Wood <lew1761@gmail.com>, "Naratil@estero-fl.gov" <naratil@estero-fl.gov>

Scotty and Marlene,

I forwarded the comments below to the Village of Estero Planning, Zoning and Design Committee. I would like to thank the both of you for volunteering your time for helping shape our Village. I ask that you check out the website of the architect Garciastromberg.com . I do not see one building in his portfolio that would fit into the theme of our Village or West Bay. I took great offense when the architect presented to the Jasmine residents that the "Mediterranean style is dead". I think if we wanted to live in glass towers we would of chosen to live in Miami, Boca Raton or West Palm Beach. I am not opposed to having a tower built on the Island site. I believe denying the variance request will bring the developer, Gary Chensoff, to realize he must work with our community and not try to force an undesirable product down our throats.

Thanks again
Glenn Tatangelo

Sent via e comment :

I have lived at 4930 Baybridge Blvd , Estero for 17 years. My home is located in the West Bay Club. One of the many reasons I moved to the Village of Estero is the design standards both the Village and West Bay have in their regulations. I see no compelling reason to approve a variance to allow a private developer to increase the existing 220' height to a potential 290' with "utilities". I knew when I purchased that someday there could be a 220' high rise built at the end of our street. I never imagined that the Village would ever even consider increasing the maximum height. I am also not in favor of changing the design standards that the Village and West Bay have in place and allow a modern "South Beach" design. I understand the Hertz Corporate Headquarters deviated from the Villages design standards through the Lee County approval process. It is important to note that buffering or softening a three story building with landscaping is possible while trying to do the same to a 290' high rise is impossible.

I ask the committee to please deny the variance request.

Glenn Tatangelo cell 203-394-3164

Scotty Wood

From: Mary Gibbs
To: Tammy Duran
Subject: FW: Proposed Island Tower
Date: Wednesday, September 22, 2021 5:16:13 PM

From: Scotty Wood
Sent: Friday, September 17, 2021 4:03 PM
To: Mary Gibbs <gibbs@estero-fl.gov>
Subject: Fw: Proposed Island Tower

Hi Mary:

This is the email from West Bay resident Mr. Bartelstone. Please see that it is part of the public record.

Thanks, Scotty

From: Steven Bartelstone <sdbavon@aol.com>
Sent: Friday, September 17, 2021 9:53 AM
To: Scotty Wood
Cc: Marlene Naratil
Subject: FW: Proposed Island Tower

[**NOTICE:** This message originated outside of the Village of Estero -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Good Morning. As you may know I live in Jasmine Bay South and have a view almost directly at the Island Site. I am also a mostly retired attorney. I do not currently practice law in Florida but have been involved with real estate developers and entrepreneurs over the last almost 50 years. My former office and I represented real estate developers who were involved in many states including Florida. I believe that the relief being sought by West Bay Hill is extraordinarily aggressive. The sign posted on the property supposedly in conformity with the zoning regulations of the Village of Estero does not accurately reflect what is going on. The presentation before the community by West Bay Hill which I listened to and the sign itself does not accurately reflect what is being asked for. West Bay Hill is not merely asking for a height variance of a "couple of floors" but a variance of 50' at the roof line over what is currently permitted. It also appears that West Bay Hill is asking for an unspecified amendment to the zoning tables which could mean many things including expediting the process under which this very aggressive proposal is being heard. It is extremely important to maintain the current review and decision making process because a variance including

one within a change of zone requires a significant burden of proof by the applicant. It requires the showing a hardship. It is extraordinary relief. West Bay Hill under the regulations and Florida law cannot prove hardship. It can make a reasonable use of its land by designing a 220' building to the roof line with 22 or less floors depending on the height of the ceilings. The proposal is also very aggressive because the design of the building as a "predominately glass building" does not comply with either the existing architecture of West Bay or the zoning regulations of the Village of Estero. It is also important to maintain the current hearing process because our community board has been advised by its attorney to remain neutral. As a result, it will not be taking a position on this matter. Nor will it enforce the provisions of the 2014 development agreement that was signed with IHP the original Declarant. The development agreement states that: "IHP agrees on behalf of itself and any Successor Builder that the exterior architectural treatment of residential living units constructed on the Orchid Bay and Island Sites shall be consistent with the architecture of the existing residences within the Community , and subject to the architectural review standards as set forth in the Declaration." The existing architecture at the time of the signing of this agreement was Mediterranean and the coastal style of Jasmine Bay. There never have been any glass residential units at West Bay. There never have been any buildings in excess of 220" to the roof line at West Bay. The Declaration sets forth in Article 5 standards for review which includes approvals and appeals for any structure being developed or changed at West Bay. It begins with an application for approval. West Bay Hill, notwithstanding its agreement ,maintains it is not subject to approval of these plans by either the Architectural Review Committee or the Board. It maintains that it only needs to submit for "review" not approval and only when it is applying for a final building permit. Whether right or wrong this means you are the only real chance we have to have our concerns heard and addressed. West Bay Hill will not submit these plans for review by either the Community Board or the ARC. The application for a variance should be denied due to lack of hardship. The application should also be denied because it is not consistent with either the architecture of West Bay or the Village of Estero. We all chose to live in West Bay for a reason. It was like a small quaint and beautiful village. That is the theme not only of West Bay but of the Village of Estero. We did not choose to live in a community of glass towers or 300' buildings like in Bonita Springs, North Naples, or Fort Meyers. We did not choose to live in the similar buildings designed by this architect on the East Coast of Florida in the Miami and Fort Lauderdale areas. These buildings have a lot of the same exterior elements as contained in this proposal. The height and style of this building will forever change the nature of our community. I support development of this parcel but in my opinion this is the wrong project for both West Bay and the Village of Estero. Thank you for your consideration.

From: Scotty Wood
To: Mary Gibbs; Tammy Duran
Subject: Fw: West Bay proposed tower
Date: Tuesday, September 21, 2021 3:50:54 PM

Mary & Tammy- fyi. Scotty

From: Scotty Wood
Sent: Tuesday, September 21, 2021 3:49 PM
To: Daniel Anania
Subject: Re: West Bay proposed tower

Hi Daniel: Thank you your email regarding the West Bay proposed Hi Rise. We will see that your email is part of the public record, and it will be considered by the Board.

Regards, Scotty

From: Daniel Anania <danania@aol.com>
Sent: Tuesday, September 21, 2021 3:09 PM
To: Scotty Wood
Subject: West Bay proposed tower

[**NOTICE:** This message originated outside of the Village of Estero -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]
I think that the height restrictions and architectural preferences of the community make sense and that the developers request for a zoning variance should not be approved.

Sent from the all new AOL app for iOS

From: Scotty Wood
To: Michael Stevens
Cc: Mary Gibbs; Tammy Duran; scotty wood
Subject: Re: Hi Rise
Date: Tuesday, September 21, 2021 2:44:00 PM

Hi Mike-

Thank you for your email. We will see that it is part of the public record on this matter, and the Board will consider it.
Regards, Scotty

From: Michael Stevens <mstevens1@wi.rr.com>
Sent: Tuesday, September 21, 2021 1:49 PM
To: Scotty Wood; Marlene Naratil
Subject: Hi Rise

[NOTICE: This message originated outside of the Village of Estero -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Scotty, As a new resident of Jasmine Bay South Tower I am in favor of allowing the new tower to be 50' higher than the existing documents allow.

Sent from my iPhone

From: Scotty Wood
To: Geoffrey borda
Cc: Helen; Mary Gibbs; Tammy Duran; scotty wood
Subject: Re: West Bay Hill
Date: Monday, September 20, 2021 11:15:42 AM

Hi Geoff: Thanks for your email. We will see that it is part of the public record and will be considered by the Planning, Zoning and Design Board at its September 28, 2021 meeting.

Scotty

From: Geoffrey borda <geoffbborda@gmail.com>
Sent: Monday, September 20, 2021 10:37 AM
To: Scotty Wood
Cc: Helen; Geoffrey borda
Subject: West Bay Hill

[**NOTICE:** This message originated outside of the Village of Estero -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]
Hi Scotty,
Hope all is well with you and family.
I know that you are on the Planning and Zoning committee for Estero.

Scotty, we moved to West Bay because it had regulations that we thought were good because they included maximum height restrictions and an architectural design theme.
West Bay Hill is proposing a 270 foot tower with an approximate additional 18-20 feet of "utilities".
Existing zoning for West Bay has a height limitation of 220 feet. West Bay Hill estimates that the total height of the building to be approximately 290 feet - 70 feet higher than currently allowed.

Helen and I live in Jasmine as do many others. We do not want to look at a building that is 290 feet high which is 70 feet or 32% higher that is allowed. We love West Bay and we feel that the additional height is going to be an eyesore not only to us but to the entire community of West Bay.
The developers will still make plenty of money if they are required to build in accordance with current regulations.
Thanks for taking the time to listen to us.

Geoff and Helen Borda

From: Scotty Wood
To: Bob Kallman
Cc: Mary Gibbs; Tammy Duran; scotty wood
Subject: Re: New tower at West Bay
Date: Monday, September 20, 2021 11:11:36 AM

Hi Bob: Thanks for your email. We will see that it is part of the public record and will be considered by the Board.

Scotty

_____
From: Bob Kallman <kallmanbob@gmail.com>
Sent: Monday, September 20, 2021 10:00 AM
To: Scotty Wood
Subject: New tower at West Bay

[NOTICE: This message originated outside of the Village of Estero -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hi Scotty. I realize that the tower is a given but have concerns about allowing a variance for a building that will be approximately 50 ft taller than the Jasmine towers.
The beauty of our area is that the coast is not a wall of tall buildings as on the east coast. The developer should be able to find a way to make the project profitable without being detrimental to the current residents of West Bay.
Thanks for your consideration.
Regards,
Bob Kallman

From: Scotty Wood
To: Bob Kallman
Cc: Mary Gibbs; Tammy Duran; scotty wood
Subject: Re: New tower at West Bay
Date: Monday, September 20, 2021 11:11:36 AM

Hi Bob: Thanks for your email. We will see that it is part of the public record and will be considered by the Board.

Scotty

_____
From: Bob Kallman <kallmanbob@gmail.com>
Sent: Monday, September 20, 2021 10:00 AM
To: Scotty Wood
Subject: New tower at West Bay

[NOTICE: This message originated outside of the Village of Estero -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hi Scotty. I realize that the tower is a given but have concerns about allowing a variance for a building that will be approximately 50 ft taller than the Jasmine towers.
The beauty of our area is that the coast is not a wall of tall buildings as on the east coast. The developer should be able to find a way to make the project profitable without being detrimental to the current residents of West Bay.
Thanks for your consideration.
Regards,
Bob Kallman

From: Mary Gibbs
To: Tammy Duran
Subject: FW: West Bay Hill High Rise application
Date: Wednesday, September 22, 2021 5:19:51 PM

From: Scotty Wood [mailto:lew1761@gmail.com]
Sent: Friday, September 17, 2021 12:28 PM
To: Mary Gibbs <gibbs@estero-fl.gov>
Cc: Glenn Tatangelo <gtatangelo@snet.net>
Subject: West Bay Hill High Rise application

[**NOTICE:** This message originated outside of the Village of Estero -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

HI Mary-

Below is a message from a West Bay resident regarding the hi rise application. Please see that this is part of the public record. Thanks, Scotty

PS- to Glenn- fyi- Please note that I have not copied Marlene with this email. We are not allowed to have contacts with other Board members except in a public forum.

Begin forwarded message:

From: Glenn Tatangelo <gtatangelo@snet.net>
Subject: West Bay Hill High Rise application
Date: September 17, 2021 at 6:18:22 AM EDT
To: Scotty Wood <lew1761@gmail.com>, "Naratil@estero-fl.gov" <naratil@estero-fl.gov>

Scotty and Marlene,

I forwarded the comments below to the Village of Estero Planning, Zoning and Design Committee. I would like to thank the both of you for volunteering your time for helping shape our Village. I ask that you check out the website of the architect Garciastromberg.com . I do not see one building in his portfolio that would fit into the theme of our Village or West Bay. I took great offense when the architect presented to the Jasmine residents that the "Mediterranean style is dead". I think if we wanted to live in glass towers we would of chosen to live in Miami, Boca Raton or West Palm Beach. I am not opposed to having a tower built on the Island site. I believe denying the variance request will bring the developer, Gary Chensoff, to realize he must work with our community and not try to force an undesirable product down our throats.

Thanks again
Glenn Tatangelo

Sent via e comment :

I have lived at 4930 Baybridge Blvd , Estero for 17 years. My home is located in the West Bay Club. One of the many reasons I moved to the Village of Estero is the design standards both the Village and West Bay have in their regulations. I see no compelling reason to approve a variance to allow a private developer to increase the existing 220' height to a potential 290' with "utilities". I knew when I purchased that someday there could be a 220' high rise built at the end of our street. I never imagined that the Village would ever even consider increasing the maximum height. I am also not in favor of changing the design standards that the Village and West Bay have in place and allow a modern "South Beach" design. I understand the Hertz Corporate Headquarters deviated from the Villages design standards through the Lee County approval process. It is important to note that buffering or softening a three story building with landscaping is possible while trying to do the same to a 290' high rise is impossible.

I ask the committee to please deny the variance request.

Glenn Tatangelo cell 203-394-3164

Scotty Wood

From: Mary Gibbs
To: Tammy Duran
Subject: FW: Proposed Island Tower
Date: Wednesday, September 22, 2021 5:16:13 PM

From: Scotty Wood
Sent: Friday, September 17, 2021 4:03 PM
To: Mary Gibbs <gibbs@estero-fl.gov>
Subject: Fw: Proposed Island Tower

Hi Mary:

This is the email from West Bay resident Mr. Bartelstone. Please see that it is part of the public record.

Thanks, Scotty

From: Steven Bartelstone <sdbavon@aol.com>
Sent: Friday, September 17, 2021 9:53 AM
To: Scotty Wood
Cc: Marlene Naratil
Subject: FW: Proposed Island Tower

[**NOTICE:** This message originated outside of the Village of Estero -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Good Morning. As you may know I live in Jasmine Bay South and have a view almost directly at the Island Site. I am also a mostly retired attorney. I do not currently practice law in Florida but have been involved with real estate developers and entrepreneurs over the last almost 50 years. My former office and I represented real estate developers who were involved in many states including Florida. I believe that the relief being sought by West Bay Hill is extraordinarily aggressive. The sign posted on the property supposedly in conformity with the zoning regulations of the Village of Estero does not accurately reflect what is going on. The presentation before the community by West Bay Hill which I listened to and the sign itself does not accurately reflect what is being asked for. West Bay Hill is not merely asking for a height variance of a "couple of floors" but a variance of 50' at the roof line over what is currently permitted. It also appears that West Bay Hill is asking for an unspecified amendment to the zoning tables which could mean many things including expediting the process under which this very aggressive proposal is being heard. It is extremely important to maintain the current review and decision making process because a variance including

one within a change of zone requires a significant burden of proof by the applicant. It requires the showing a hardship. It is extraordinary relief. West Bay Hill under the regulations and Florida law cannot prove hardship. It can make a reasonable use of its land by designing a 220' building to the roof line with 22 or less floors depending on the height of the ceilings. The proposal is also very aggressive because the design of the building as a "predominately glass building" does not comply with either the existing architecture of West Bay or the zoning regulations of the Village of Estero. It is also important to maintain the current hearing process because our community board has been advised by its attorney to remain neutral. As a result, it will not be taking a position on this matter. Nor will it enforce the provisions of the 2014 development agreement that was signed with IHP the original Declarant. The development agreement states that: "IHP agrees on behalf of itself and any Successor Builder that the exterior architectural treatment of residential living units constructed on the Orchid Bay and Island Sites shall be consistent with the architecture of the existing residences within the Community , and subject to the architectural review standards as set forth in the Declaration." The existing architecture at the time of the signing of this agreement was Mediterranean and the coastal style of Jasmine Bay. There never have been any glass residential units at West Bay. There never have been any buildings in excess of 220" to the roof line at West Bay. The Declaration sets forth in Article 5 standards for review which includes approvals and appeals for any structure being developed or changed at West Bay. It begins with an application for approval. West Bay Hill, notwithstanding its agreement ,maintains it is not subject to approval of these plans by either the Architectural Review Committee or the Board. It maintains that it only needs to submit for "review" not approval and only when it is applying for a final building permit. Whether right or wrong this means you are the only real chance we have to have our concerns heard and addressed. West Bay Hill will not submit these plans for review by either the Community Board or the ARC. The application for a variance should be denied due to lack of hardship. The application should also be denied because it is not consistent with either the architecture of West Bay or the Village of Estero. We all chose to live in West Bay for a reason. It was like a small quaint and beautiful village. That is the theme not only of West Bay but of the Village of Estero. We did not choose to live in a community of glass towers or 300' buildings like in Bonita Springs, North Naples, or Fort Meyers. We did not choose to live in the similar buildings designed by this architect on the East Coast of Florida in the Miami and Fort Lauderdale areas. These buildings have a lot of the same exterior elements as contained in this proposal. The height and style of this building will forever change the nature of our community. I support development of this parcel but in my opinion this is the wrong project for both West Bay and the Village of Estero. Thank you for your consideration.

From: Mary Gibbs
To: Tammy Duran
Subject: FW: The Island at West Bay Club
Date: Wednesday, September 22, 2021 5:14:59 PM

-----Original Message-----
From: David Allen [mailto:djallen25@hotmail.com]
Sent: Tuesday, September 21, 2021 11:14 AM
To: Mary Gibbs <gibbs@estero-fl.gov>
Subject: The Island at West Bay Club

[NOTICE: This message originated outside of the Village of Estero -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Mary Gibbs
Director, Community Development

My name is David Allen and I am a resident of the West Bay Club in the WestLake Court section. I am writing to you because I have a great interest in purchasing a unit in the proposed Island project.

One of the main reasons I am interested in this unit is the proposed plans include 10 foot ceilings which make a great difference in the appearance and living conditions of a high rise building.

The proposed variation to the prior approval will make the building be competitive to the newer high rise buildings close to the West Bay Club and will enhance the Estero Village reputation as a community that is keeping up with the times and new trends of the surrounding communities.

I respectfully ask that this proposal be approved.

Thank you
Dave Allen
19904 Montserrat Lane
Estero
239-300-1104

Sent from my iPad

From: Mary Gibbs
To: Tammy Duran
Subject: FW: West Bay Island high rise
Date: Wednesday, September 22, 2021 5:14:05 PM

From: twelsh1785 [mailto:twelsh1785@aol.com]
Sent: Wednesday, September 22, 2021 11:21 AM
To: Mary Gibbs <gibbs@estero-fl.gov>
Subject: West Bay Island high rise

[**NOTICE:** This message originated outside of the Village of Estero -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

My name is Tom Welsh and I have been a year around resident of West Bay Community since January of 2007. I live on Natures Cove Ct and will have a view of the new high rise.
I hope we will have the best we can get and therefor I support the model with the additional height as it will add value to West Bay. The Shorter design would not be as attractive.
Most of the residents I speak with are in favor of the higher building. There may be a vocal minority, but they are vocal and a minority. Most probably don't live here full time.
We need this building to put the finishing touch on our community.
Thank you for listening.
Tom Welsh
22040 Natures Cove Ct
Estero Fl.

Sent from the all new AOL app for iOS

From: Mary Gibbs
To: Tammy Duran
Subject: FW: The Island at West Bay Club
Date: Wednesday, September 22, 2021 5:14:59 PM

-----Original Message-----
From: David Allen [mailto:djallen25@hotmail.com]
Sent: Tuesday, September 21, 2021 11:14 AM
To: Mary Gibbs <gibbs@estero-fl.gov>
Subject: The Island at West Bay Club

[NOTICE: This message originated outside of the Village of Estero -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Mary Gibbs
Director, Community Development

My name is David Allen and I am a resident of the West Bay Club in the WestLake Court section. I am writing to you because I have a great interest in purchasing a unit in the proposed Island project.

One of the main reasons I am interested in this unit is the proposed plans include 10 foot ceilings which make a great difference in the appearance and living conditions of a high rise building.

The proposed variation to the prior approval will make the building be competitive to the newer high rise buildings close to the West Bay Club and will enhance the Estero Village reputation as a community that is keeping up with the times and new trends of the surrounding communities.

I respectfully ask that this proposal be approved.

Thank you
Dave Allen
19904 Montserrat Lane
Estero
239-300-1104

Sent from my iPad

From: Mary Gibbs
To: Tammy Duran
Subject: FW: West Bay Island high rise
Date: Wednesday, September 22, 2021 5:14:05 PM

From: twelsh1785 [mailto:twelsh1785@aol.com]
Sent: Wednesday, September 22, 2021 11:21 AM
To: Mary Gibbs <gibbs@estero-fl.gov>
Subject: West Bay Island high rise

[**NOTICE:** This message originated outside of the Village of Estero -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

My name is Tom Welsh and I have been a year around resident of West Bay Community since January of 2007. I live on Natures Cove Ct and will have a view of the new high rise.
I hope we will have the best we can get and therefor I support the model with the additional height as it will add value to West Bay. The Shorter design would not be as attractive.
Most of the residents I speak with are in favor of the higher building. There may be a vocal minority, but they are vocal and a minority. Most probably don't live here full time.
We need this building to put the finishing touch on our community.
Thank you for listening.
Tom Welsh
22040 Natures Cove Ct
Estero Fl.

Sent from the all new AOL app for iOS

From: Mary Gibbs
To: Tammy Duran
Subject: FW: West Bay Club Island Site
Date: Wednesday, September 22, 2021 5:13:45 PM

-----Original Message-----
From: Gail Chensoff [mailto:gchens@aol.com]
Sent: Wednesday, September 22, 2021 11:39 AM
To: Mary Gibbs <gibbs@estero-fl.gov>
Subject: West Bay Club Island Site

[NOTICE: This message originated outside of the Village of Estero -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

We are residents of Natures Cove within The West Bay Club. Our backyard faces west. The building will be in our view and the additional height is of no concern. I have heard and seen the proposed plan for the Island site and am thrilled to see such a magnificent building being planned for our community. It has been a long time coming. The residents of West Bay deserve a quality building that is keeping up with other structures being built in South West Florida. The beauty of West Bay is there is a place for everyone. From townhomes, to zero lot line homes, to magnificent 4000+ square feet homes. From Jasmine Towers and hopefully in the near future a new, breathtaking high rise called the Island Club.

Please don't let a disgruntled few keep West Bay from moving forward.

Sincerely,

Gail Chensoff and Tom Welsh

From: Mary Gibbs
To: Tammy Duran
Subject: FW: New Project at West Bay
Date: Wednesday, September 22, 2021 5:13:28 PM

From: Derek Sutton [mailto:dmsutton@qhpltd.com]
Sent: Wednesday, September 22, 2021 12:34 PM
To: Mary Gibbs <gibbs@estero-fl.gov>
Subject: New Project at West Bay

[**NOTICE:** This message originated outside of the Village of Estero -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Mary Gibbs - Director of Community Development

Hi Mary. My name is Derek Sutton and my wife Marilyn and I are residents of the West Bay Club.

I would like to share with you our strong support for the new project as we believe it will enhance the image and value of all properties in West Bay and Estero. We have reviewed the presentations and designs- and overall, this building will be the finest in the area.

We understand the building will be slightly higher than the current towers in West Bay- but we believe the difference will not be discernible and shouldn't be a reason to reject or modify the current proposal.

We wholeheartedly support the proposal and hope the village of Estero will give its approval.

Best Regards,

Marilyn and Derek Sutton

416 454 6205 - cell
239 495 2606 - Estero

PUBLIC COMMENT CARD : Entry # 25820

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Jeffrey Agee

Address

4751 West Bay Blvd
Unit 901
Estero 33928
United States
Map It

Community

West Bay Club

Email

ajeff1955@comcast.net

Phone

(217) 520-1186

Representing

Jasmine Bay South Condominium

Date

09/24/2021

Agenda Item No. or Topic

Case# DC12021-E001

Comments

PUBLIC COMMENT CARD : Entry # 25833

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Mary Wilson

Address

22172 Natures Cove Ct
Estero 33928
United States
Map It

Community

West Bay Club

Email

mary.wilson1@me.com

Phone

(239) 839-2183

Representing

myself

Date

09/25/2021

Agenda Item No. or Topic

Requested Variance for The Island high-rise at West Bay Club

Comments

What compelling reason, other than the profit equation of the developer, exists for this Island tower to need to be approximately 70 feet higher than Estero's building code allows? (That's almost like putting 3 single family homes stacked on top of the currently existing Jasmine towers in West Bay.)

Do 3 more stories make the building more stable...or just more massive?

The site is basically on a "dead end" street (the "Bridge to Nowhere" as it is known in West Bay) with only one way in or out. Can this Committee explain to those of us, whose property view will be affected, what could possibly make the additional height necessary. The location of the building makes it very hard for getting in and out of the site…for all that construction traffic as well as for the people who will eventually live there. In the event of a fire, it could be an awful place to be… so why grant a variance for more height than the current Estero Zoning rules allow?

PUBLIC COMMENT CARD : Entry # 25839

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Patrick Kiely

Address

4918 BAYRIDGE BLVD
Estero 33928
United States
Map It

Community

West Bay Club

Email

pjk9134@aol.com

Phone

(317) 509-4467

Representing

Myself

Date

09/28/2021

Agenda Item No. or Topic

West Bay Club Pod 5 (DCI2021-E001) (District 1) Zoning Amendment to allow a height increase of a proposed high rise building on Pod 5 at West Bay Club Residential Planned Development.

Comments

PUBLIC COMMENT CARD : Entry # 25839

I sent comments about this project prior to the first hearing so I will be brief. Our home will be one of the closest to the project that is being built in an area of all single homes. Entry to the property is confined to a single two lane boulevard and bridge. Construction traffic will be an enormous traffic and noise problem that will last for a few years. When I purchased our home in January 2014 I was told that the area would be several smaller buildings (four floors) and that the tower was probably was not feasible because of lower condo prices in the other 2 towers. Obviously the change in prices and housing conditions have accelerated well beyond anyone's expectations. The Federal Reserve recently announced that they would increase rates around 7 times 2022 through 2023. Obviously that would have a major impact on mortgage rates and available buyers. We have no idea what the financial capability of Indian Hill Partners is and is of major concern.

I know of no reason other than profit enhancement of IHP to approve and additional 60-70 feet in height on a building that what approved for zoning in 2014 by Lee County. I oppose the variance/zoning amendment. They can go ahead and build the shorter building, quicker and get ahead of a likely real estate slow down. The quicker it can be built the better. Thank you for your consideration.

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added 15 hours ago

WordPress successfully passed the notification email to the sending server.

From: Scotty Wood
To: Jeff Agee
Cc: Mary Gibbs; Tammy Duran; scotty wood
Subject: Re: West Bay Pod 5 Variance/Deviation Request
Date: Saturday, September 25, 2021 10:17:34 PM

Hi Jeff: Thank you for your email. We will see that it is part of the public record. Scotty

_____
From: Jeff Agee <ajeff1955@comcast.net>
Sent: Friday, September 24, 2021 5:37 PM
To: Scotty Wood
Subject: West Bay Pod 5 Variance/Deviation Request

[NOTICE: This message originated outside of the Village of Estero -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Scotty,

The developer WBH/IHC choose to debut this project during low season at a meeting on July 7. Residents have always known that a high rise condominium building was to built on the site but the height was restricted to 220 feet and the number of units to a maximum of 101. There is no opposition to development of the site, rather to the building height and the design linked to it. Developer reasons for requesting a height variance/deviation include the ability to build a "more exclusive" product and decrease the number of units from 120 to 88.

Apart from a monetary incentive I find no compelling reason why the developer requires a height variance and I see no benefit to the WB community.

1). There is no reason a "higher quality" or "more exclusive" product has to be 23 instead of 20 stories. If this is allowed future developments will also come with increasing height requests.
2). The numbers of units allowed was never 120 but a maximum of 101 and the developer's belief the community would prefer 88 to 101 units is suspect (101 units would result in more HOA fees for the community).
3). In fact there has been no attempt on the part of the developer to ascertain community input on this project. The only survey performed was by the adjacent high rise (Jasmine Bay South) and though limited by a 33% response rate showed 84% of residents favored a 220' height restriction and an architecture consistent with existing residences within West Bay.
4). A taller tower will impact a pre-existing neighborhood. Despite claims to the contrary the developer's own shadow studies show the shadow of the higher tower crossing residences in the Nature's Cove neighborhood one hour prior to sunset between the months of March and June.
5). Glare from a taller predominantly glass building will have significant effect on adjacent neighborhoods in particular the Jasmine Bay development. Even the developer's own conceptual drawings submitted with his application show glare from the predominantly glass structure.
6). A taller structure allowing a predominately glass design is not consistent with the comprehensive community plan for West Bay nor consistent with existing architecture of the community. These are standards to which which everyone else in West Bay must conform when building or renovating an existing structure. No matter how many architectural adjectives are offered pictures show the structure proposed is clearly inconsistent with existing structures within West Bay.
7). The taller modernistic design does not complement surrounding West Bay developments, does not meet residential compatibility standards and is not in compliance with the Land Development Code of the Village of Estero protecting neighborhoods from incompatible encroachment.

Jeffrey Agee
Jasmine Bay South, Unit 901
President Jasmine Bay South HOA

Sent from my iPad

From: Scotty Wood
To: Joan Kayser
Cc: Mary Gibbs; Tammy Duran
Subject: Re: Island site height
Date: Saturday, September 25, 2021 12:42:47 PM

[NOTICE: This message originated outside of the Village of Estero -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]

Hi Joan- Thank you for your email. We will see that it is part of the public record.

Best to you and Norm.

Scotty

> On Sep 25, 2021, at 12:31 PM, Joan Kayser <joankayser@icloud.com> wrote:
>
> We have no objections to the proposed increase in height to the new high rise - the building will be beautiful at any height (!!!)
> Norm and Joan Kayser, Jasmine 801 South

Scotty Wood

PUBLIC COMMENT CARD : Entry # 25853

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Patrick Mattingly

Address

22216 St Barts Lane
Estero 33928
United States
Map It

Community

West Bay

Email

patrickwmattingly@gmail.com

Phone

(502) 387-0696

Representing

myself

Date

09/27/2021

Agenda Item No. or Topic

Island Tower height variance

Comments

Please count my voice among those supporting the height variance for the proposed Island Towers. The building, as proposed, will represent a beautiful addition to the community. Thank you.

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added 2 hours ago

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 25852

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Jill Force

Address

22216 St Barts Lane
Estero 33928
United States
Map It

Community

West Bay

Email

jillforce@gmail.com

Phone

(502) 387-0696

Representing

myself

Date

09/27/2021

Agenda Item No. or Topic

West Bay Island Tower

Comments

PUBLIC COMMENT CARD : Entry # 25852

I am the owner of a condo at Jasmine Bay Towers in the West Bay community. I would like to express my strong support for the height waiver requested with respect to the proposed Islands Tower at West Bay. Given that a tower will be built on the site, I believe that the taller, slender tower would be much more attractive than an alternative shorter, wider tower.

I also believe that the proposed design is in keeping with the West Bay community design standards. A small group of detractors have taken the position that the tower needs to be rejected because it does not meet narrowly defined Mediterranean design standards. They are mistaken. Our community features a wide variety of design styles. While early West Bay houses reflected a traditional Mediterranean style, any construction in the past 15 years is in a style that has evolved from the traditional Mediterranean style (as has all new development throughout southwest Florida). I would characterize the Jasmine Towers as a hybrid style (that is already starting to look dated). New housing construction and the entire new West Lake community within West Bay are done in the West Indies style. Many older homes are being renovated to “de-Tuscan” the Mediterranean features. And the significant renovations being completed on the Niblick building, Golf House building, Bay House community building, all recently approved by the community, clearly reflect a departure from traditional Mediterranean standards, to which the design committees for those projects can attest.

Our community is fortunate that the Island Tower developer has shown a commitment to good design and has proposed a tower that will be a signature building for the community. It is essential that our community (and the Village of Estero) continue to embrace evolving design standards or we risk being locked into a narrow, dated style. The plan is embraced by the overwhelming majority of West Bay residents. I urge you to approve the plan and grant the height waiver.

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added 2 hours ago

WordPress successfully passed the notification email to the sending server.

PUBLIC COMMENT CARD : Entry # 25846

Comments must be received by noon one day before the actual meeting and they will be distributed to the Council/Board but will not be read at the meeting.

Choose The Meeting You Are Commenting On

Planning Zoning and Design Board Meeting

Name

Todd Franklin

Address

4761 Wat Bay Blvd
Unit 1701
Estero 33928
United States
Map It

Community

West Bay Blub

Email

tbfscrap@yahoo.com

Phone

(269) 876-1471

Representing

Myself

Date

09/27/2021

Agenda Item No. or Topic

Height variance for proposed high rise condo

Comments

I feel that the proposed condo tower should not be granted a height variance. The new tower should be kept within the previously granted height of 220 feet. A height of 220 feet is in keeping with existing Jasmine Bay buildings. Also, the proposed building is not within the overall design used within the West Bay community. A design in keeping with the community would fit in much better..

Notes

Admin Notification (ID: 5e70ca9c71a8d)
added 4 hours ago

WordPress successfully passed the notification email to the sending server.

West Bay Club Pod 5 Planned Development Amendment

Village Council

Public Hearing

November 17, 2021

- **Applicant/Owner**
  West Bay Hill, LLC
- **Planning, Engineering, Environmental**
  Johnson Engineering, Inc.
- **Architecture**
  Garcia Stromberg / GS4 Studios

COMMUNITY OUTREACH

- July 7, 2021 meeting @ Jasmine Bay
  - Over 50 residents attended
  - Community email blast sharing video/info



Public Information Meeting

- July 13, 2021 Planning Zoning & Design Review Board
  - Consider West Bay Club architectural style and Mediterranean style application to high rise
  - Additional shadow studies requested

Planning Zoning & Design Review Board

- September 23, 2021
  - Unanimous recommendation for approval with added conditions for non-reflective glass and engineering

REQUEST

Amend Deviation 9 granted by Resolution Z-05-010 for the West Bay Club Residential Planned Development (RPD) to:

- revise the maximum height for Development Area Pod 5 from 20 stories over parking to 23 stories over parking
- make corresponding changes to the Property Development Regulation Table

Request to Amend the PD (Sheet 3 of MCP)

Deviations previously approved under Resolution Z-05-010

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:

23 stories over parking for Pod 5.

Deviation APPROVED, SUBJECT TO the following conditions:

Pod 5 is limited to a maximum height of 23 stories over parking. Pods 3, 4 and 5 not to exceed 270 feet (with an additional 20 feet for rooftop equipment).

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.

Request to Amend the PD (Sheet 2 of MCP)

PROPERTY REGULATIONS

	Minimum Lot			Minimum Setback								
	Area (s.f.)	Depth (feet)	Width (feet)	Side (feet)	Rear (feet)	Road (feet)	Water Body (feet)	Maximum Height (feet)	Number of Habitable Floors	Minimum Bldg. Separation	Subdivision	Condo
RESIDENTIAL												
Single Family	5,500	100	55	5	10	20	20	45	3	10	Yes	Yes
Two Family Attached 1st Side 2nd Side	5,000	100	50	 0 7.5	15	20	20	45	3	15	Yes	Yes
Zero Lot Line 1st Side 2nd Side	4,500	80	45	 0 4	15(*) (**)	15	20	45	3	4	Yes	Yes
Townhouse 1st Side 2nd Side	2,800	80	35	 0 0 or 10	20	20	20	45	3	**Complex Separation 20	Yes	Yes
MULTI-FAMILY												
Ground Level	10,000	100	100		20	20	25	45	3	20		Yes
Mid-Rise	10,000	100	100		20	20	25	75	7	20		Yes
High-Rise (Pod 2,3,4)	10,000	100	100		20	20	25		20*	60		Yes
High-Rise (Pod 5)	10,000	100	100		20	20	25		23*	60		Yes
CLUBHOUSE AREA	40,000	200	200	15	20	20	20	45	2	15	Yes	Yes
PRACTICE COMPLEX	40,000	200	200	15	20	20	20	45	2	15	Yes	Yes
CPD	-	-	-	25	25	25	25	35	1	25	No	-

Revision underlined

Revision underlined

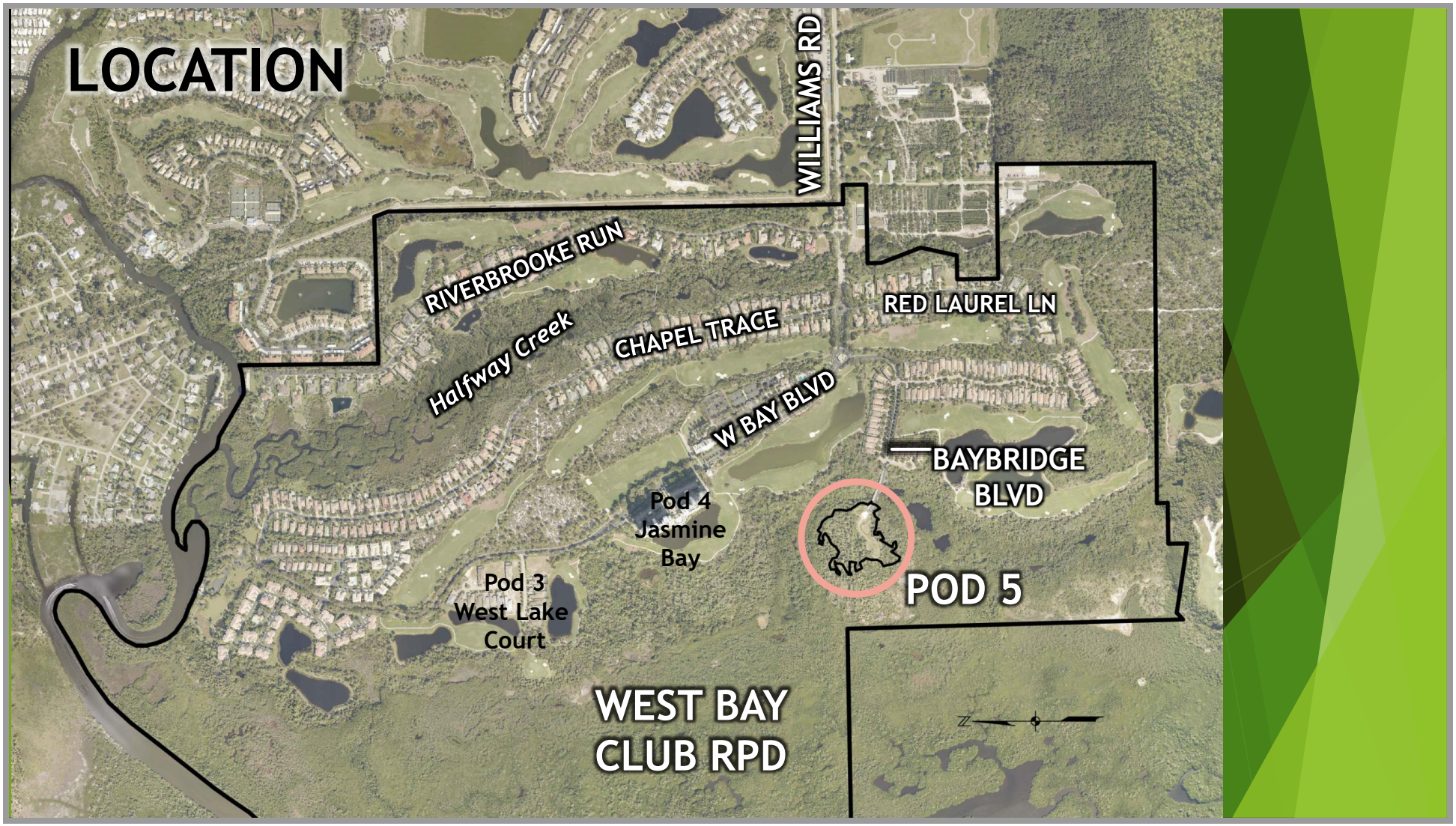
for Pod 2,3,4. 23 stories over parking for Pod 5.

ALL HOUSING TYPES

SEE LDC SECTIONS 34-1174, 34-1176, 34-2191 AND 34-2194
FOR ACCESSORY STRUCTURE SETBACKS
SETBACKS FOR ESTERO RIVER: 25 FEET

1) *20 STORIES OVER PARKING. ALL BUILDINGS OVER 45 FEET SHALL PROVIDE ONE HALF FOOT SETB FROM WEST BAY CLUB PERIMETER PROPERTY LINE FOR EVERY FOOT OF ELEVATION OVER 45 FEET.
2) AN OVERALL MAXIMUM OF FIVE (5) HIGH-RISE BUILDINGS MAY BE LOCATED WITHIN MULTI-FAMILY PODS 2, 3, 4 AND 5.
3) MID-RISE OR GROUND LEVEL BUILDINGS CAN BE CLUSTERS IN MULTI-FAMILY PODS 2, 3, 4 AND 5
4) ** MAXIMUM NUMBER OF ATTACHED UNITS: 6

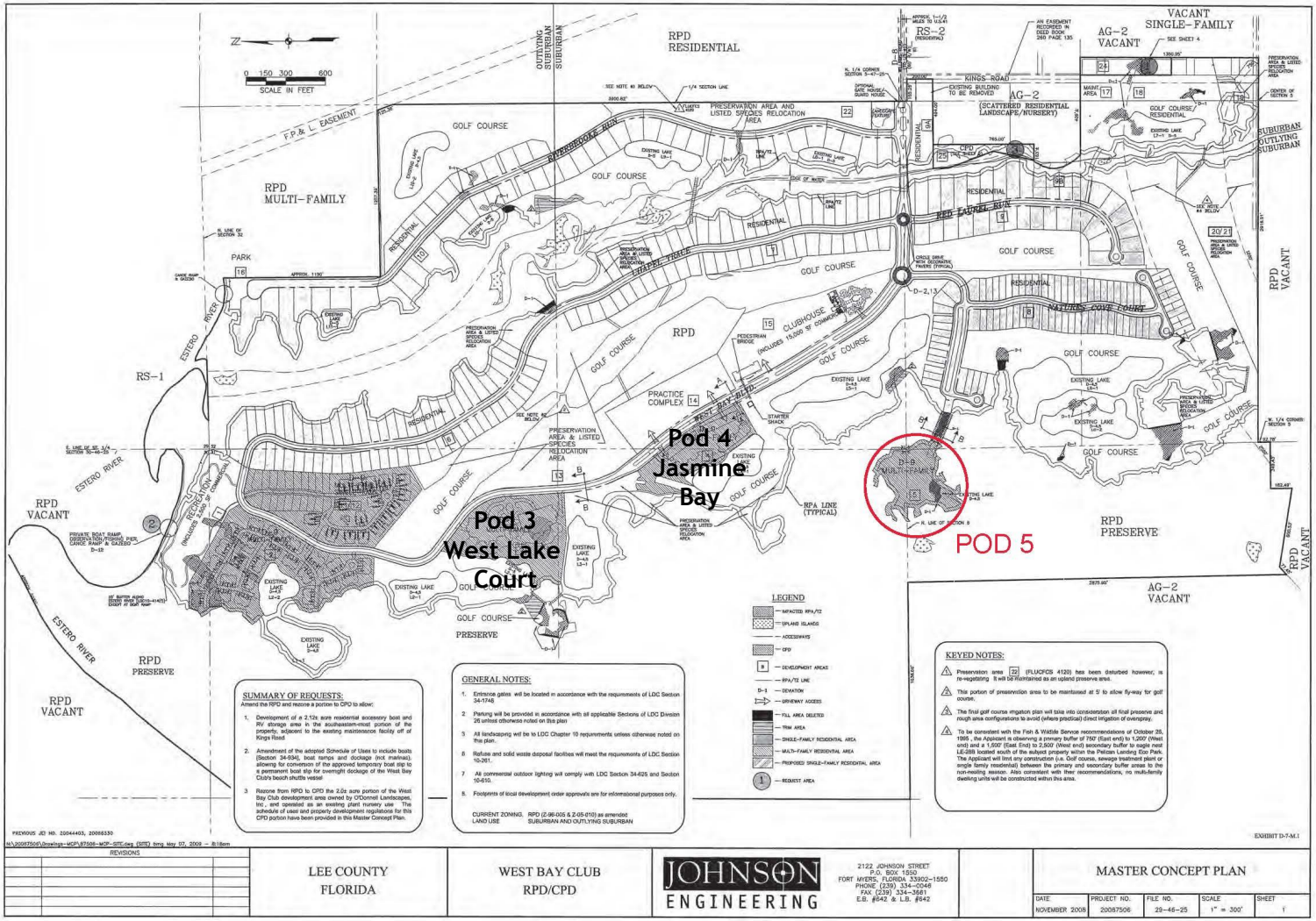
*AS ADOPTED UNDER RESOLUTION Z-96-005 AND Z-05-010, AS AMENDED.


LOCATION
WILLIAMS RD
RIVERBROOKE RUN
Halfway Creek
CHAPEL TRACE
RED LAUREL LN
W BAY BLVD
BAYBRIDGE BLVD
Pod 4 Jasmine Bay
Pod 3 West Lake Court
POD 5
WEST BAY CLUB RPD

West Bay Club

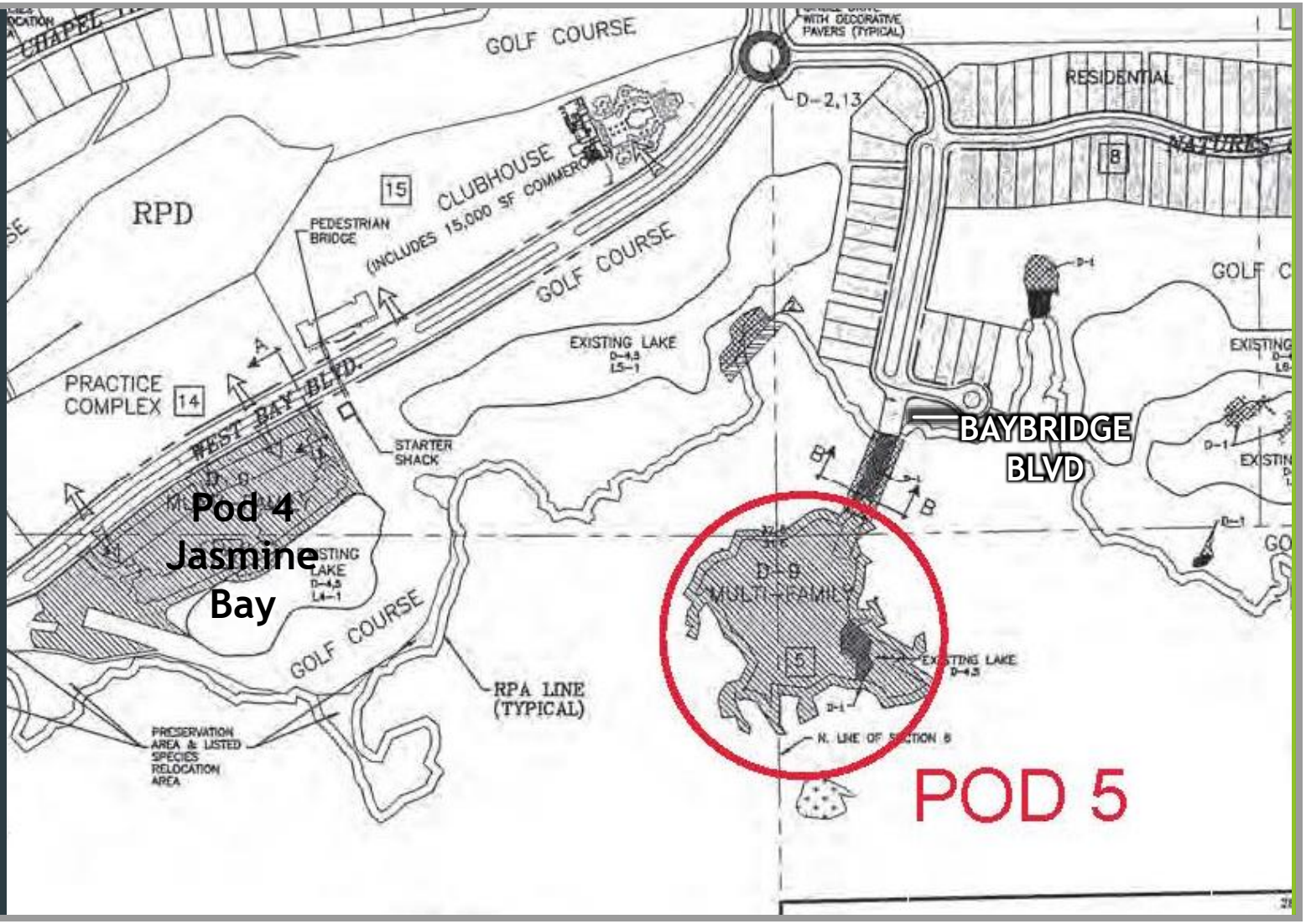
- 866 acres
- 540.8 acres indigenous preserve area
- Subject site: Pod 5 Multifamily

  5 acres



Subject Site:
Pod 5
Multifamily

5 acres



West Bay Club RPD - Units Completed / Unbuilt

Development Completed in West Bay Club RPD by Area		
Development	**Entire RPD (Total)**	**Pods 3, 4, & 5 (Subarea)**
Sunset Trace (SF)	66 units	
Chapel Ridge (SF)	53 units	
Laurel Oaks (SF)	34 units	
Riverbrooke (SF)	53 units	
Nature's Cove (SF)	81 units	
Indigo Shores (MF coach homes)	92 units	
Turtle Point (MF coach homes)	64 units	
Turtle Point Cove (SF)	19 units	
Westlake Court (SF) **Pod 3**	25 units	25 units
Jasmine Bay (MF) **Pod 4**	217 units	217 units
Subtotal – Constructed Units	**704 units**	**242 units**
Total Allowed per PD zoning	**Max. 1,016 units**	**Max. 630 units**

- 312 remaining units are allowed in PD
- Pod 5 limited to 101 units per private covenant
- 88 units are proposed on Pod 5

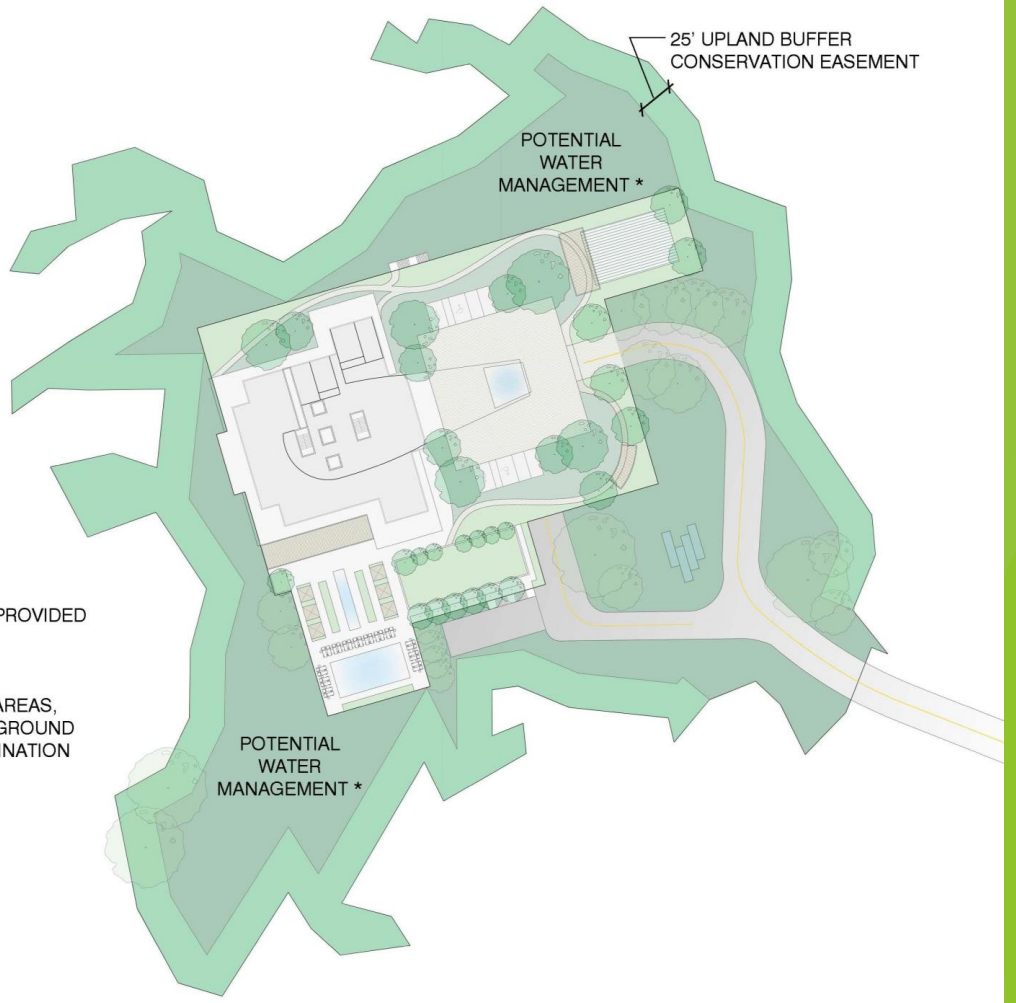
SITE PLAN



MIN. OPEN SPACE: 60%

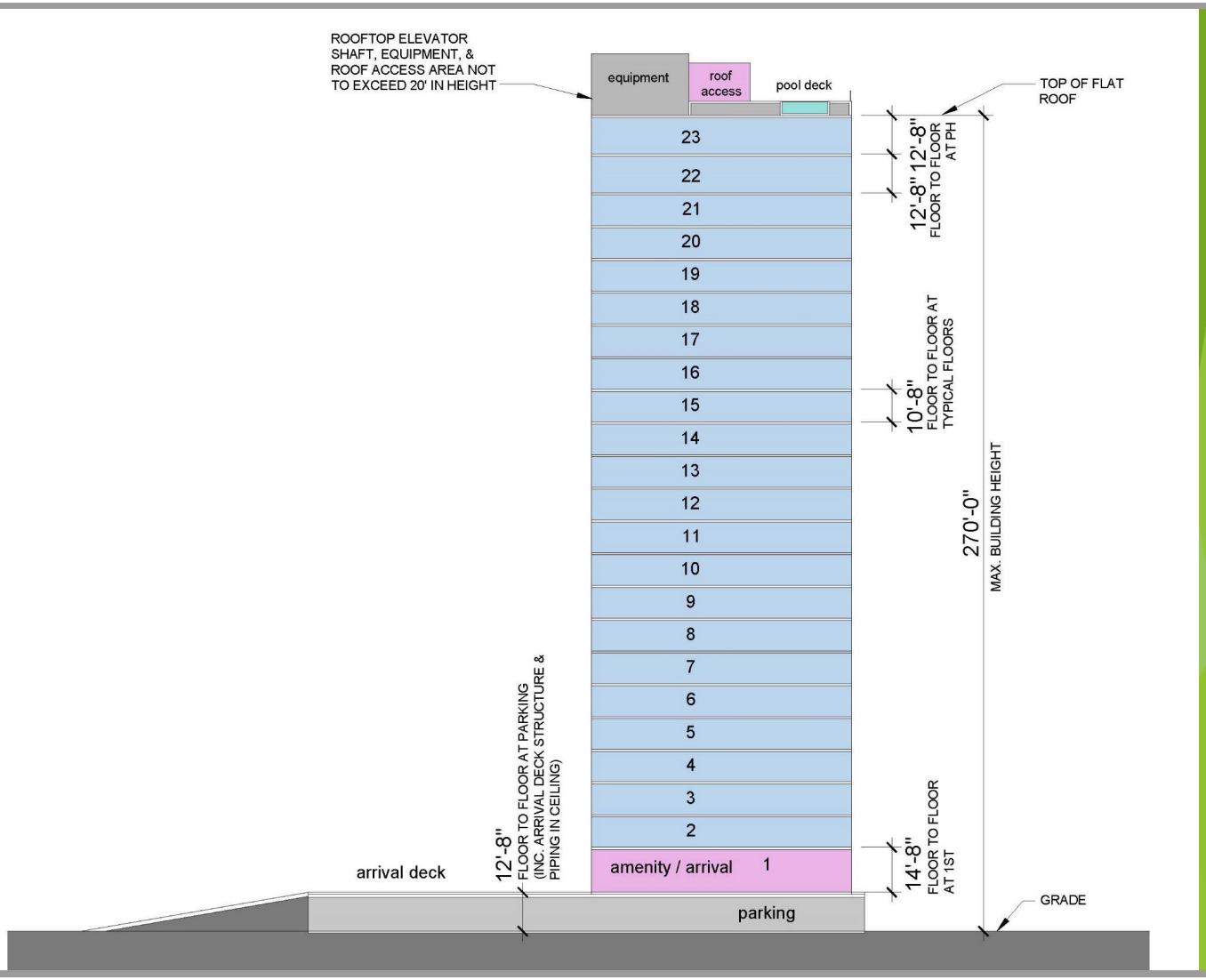
FINAL LANDSCAPE PLANS TO BE PROVIDED AT THE TIME OF FINAL PLAN AND DEVELOPMENT ORDER

* MAY INCLUDE DRY DETENTION AREAS, PERVIOUS PAVER AREAS, UNDERGROUND STORAGE CHAMBER, OR A COMBINATION OF THESE TREATMENTS



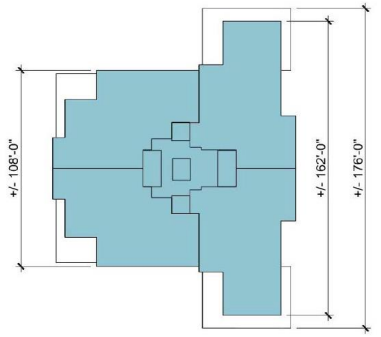
QUALITY DESIGN

- 23 floors over 1 level of parking
- Reduced from 6 to 4 units per floor
- Increased to 10’-8” typical floor to floor height
- 2 penthouse levels with 12’-8” floor to floor height
- Grade to top of roof: 270’

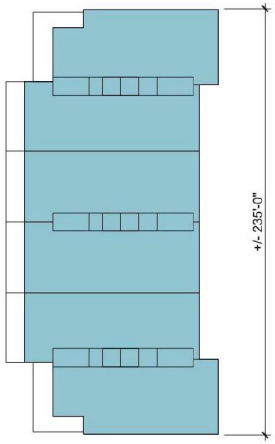


SHADOW COMPARISON

23 Story Building with 4 units per floor



4 unit per floor proposed plan diagram



6 unit per floor plan diagram

20 Story Building with 6 units per floor



PROPOSED 4 UNIT FLOORPLATE - SAMPLE SHADOW



6 UNIT FLOORPLATE - SAMPLE SHADOW

WEST BAY CLUB

Red Laurel Lane (single family)





Golf Niblick



Bay House



Jasmine Bay



WEST BAY CLUB ARCHITECTURAL THEME – NOV. 2020

West Bay Club Architectural Guidelines Manual for Exterior Modifications

Architectural Design

The underlying premise of West Bay Club is the establishment of an exclusive club community with high standards and aesthetic beauty that weaves individual neighborhoods into a naturally beautiful environment with adjacent views to the wetlands, winding creeks, pockets of preserved native vegetation, and woodlands.

The successful accomplishment of the concept has resulted in a master planned community that thoughtfully balances environmental issues with community and club amenities, optimizing the value of residential neighborhoods.

West Bay Club has established a specific character, style and direction as it relates to architectural design. The design originally selected for single-family homes was inspired by the architecture of Mediterranean Province, which has developed into, and includes, a comfortable and appealing style incorporating a lighter Mediterranean feel, as well as a Coastal Contemporary and Transitional style. As design evolves in new home construction and modification, design standards will be updated to incorporate a blend of the best mix of architectural styles.

FLORIDA VERNACULAR & MEDITERRANEAN REFERENCE IMAGES


1
Articulated massing


2
Wood trellis and detailing


3
Trellis building cap


4
Articulated base with simplified body


6
Window styles and mullion patterning


7
Wood siding and balcony details


8
Trellised covered outdoor areas


9
Thin column rhythm at projecting balconies, siding


10
Brackets at overhangs, exposed framing


11
Standing seem metal roof, rhythm of balcony columns, building base


12
Roof top elements, open truss gables, deep balconies creating outdoor rooms

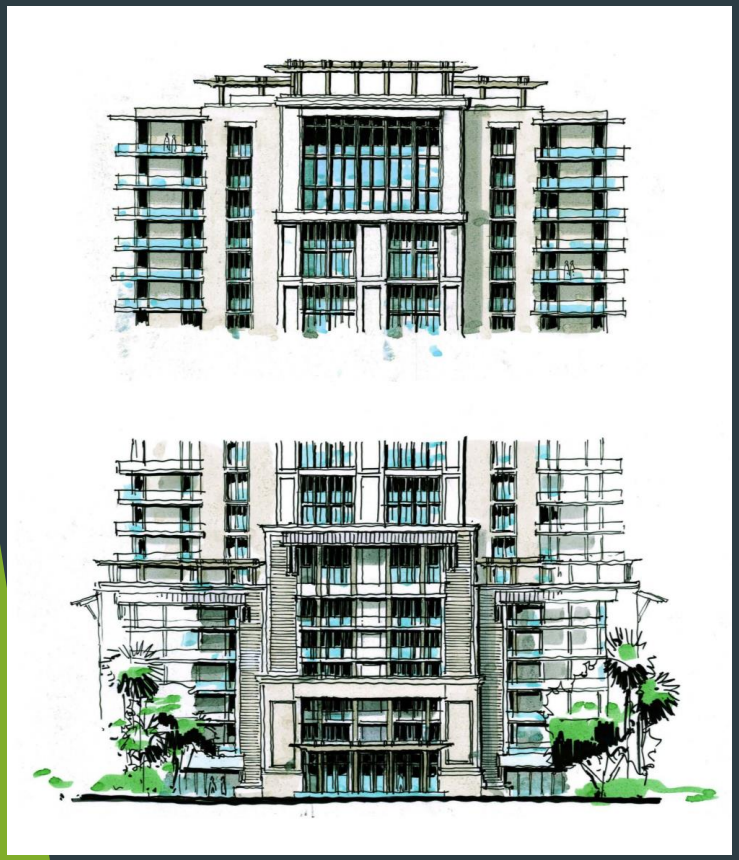

13
Thin column rhythm at deep balconies

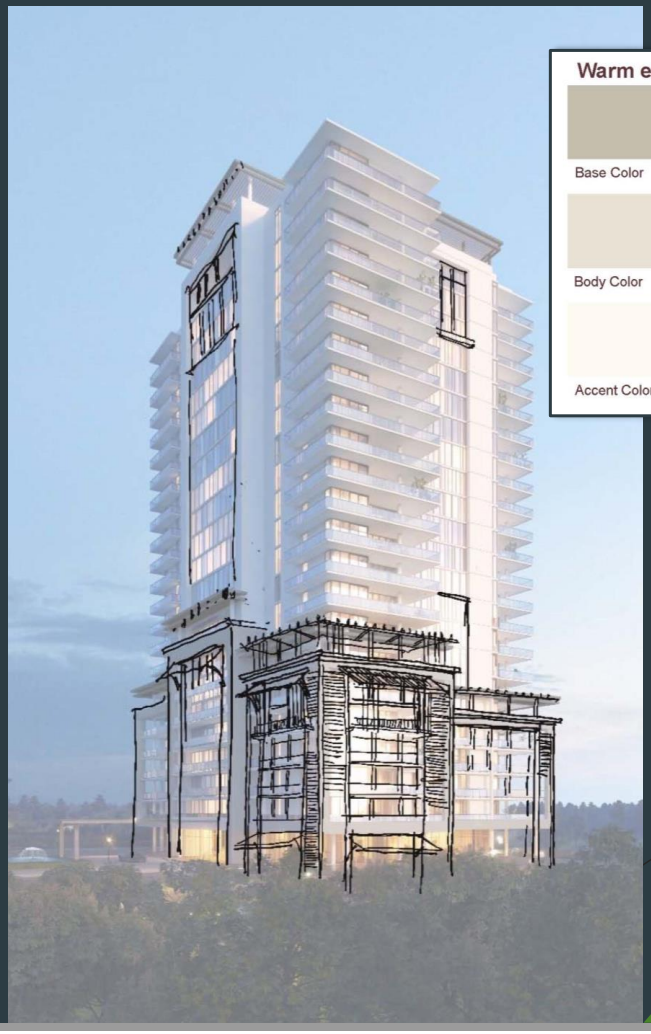

5
JASMINE BAY - WEST BAY CLUB
Accent edge bands, grey roofs

West Bay Club

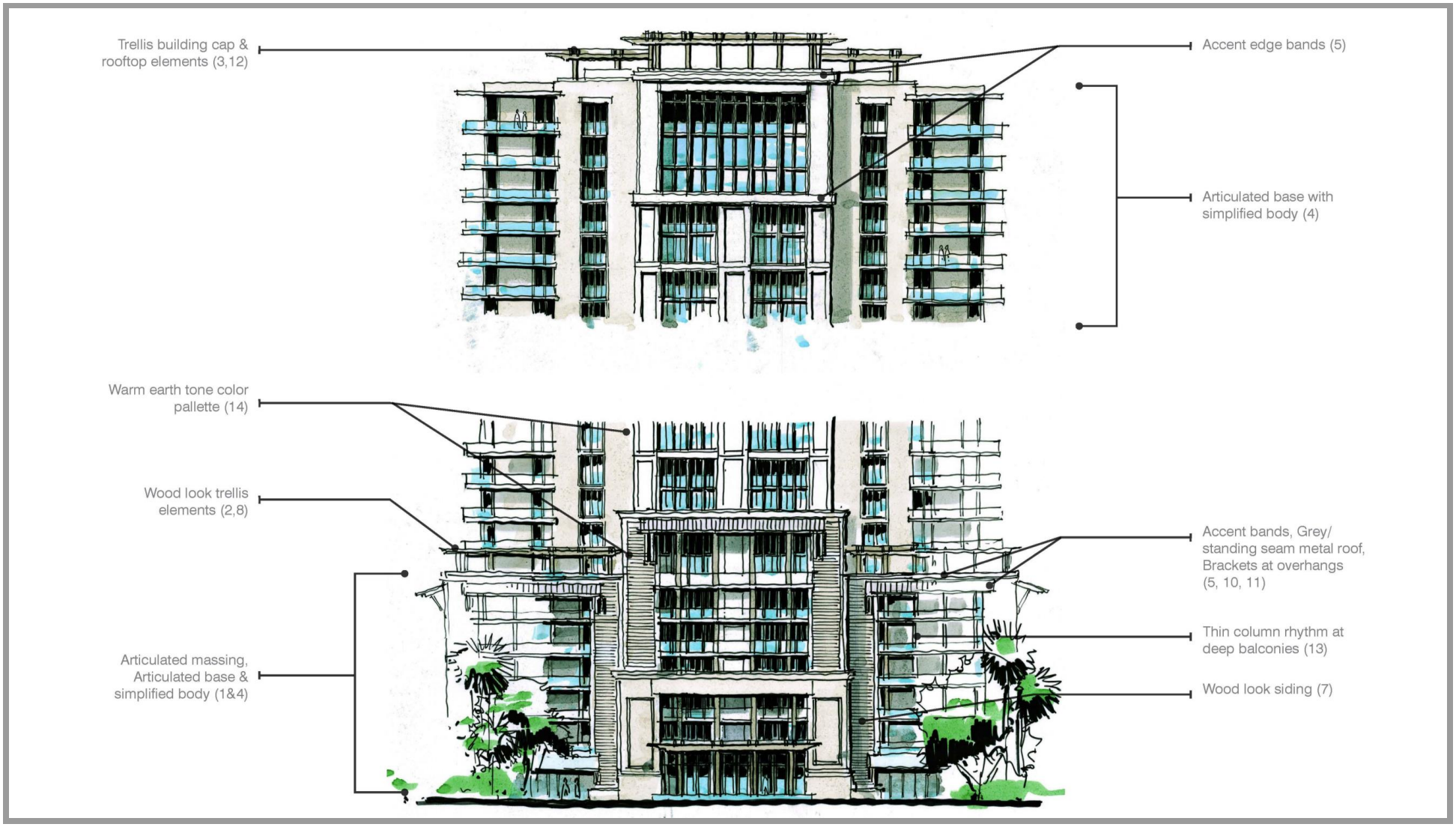

14
GOLF NIBLICK BUILDING - WEST BAY CLUB
Warm earth tone color palette, wood work at overhangs

DESIGN SKETCHES








Trellis building cap & rooftop elements (3,12)
Accent edge bands (5)
Articulated base with simplified body (4)
Warm earth tone color pallette (14)
Wood look trellis elements (2,8)
Articulated massing, Articulated base & simplified body (1&4)
Accent bands, Grey/ standing seam metal roof, Brackets at overhangs (5, 10, 11)
Thin column rhythm at deep balconies (13)
Wood look siding (7)



DESIGN SKETCHES



Previous Design

More glass

More white

More contemporary



Previously Provided South & West Elevation

Enhanced Design

Florida vernacular with Mediterranean influences

More articulation

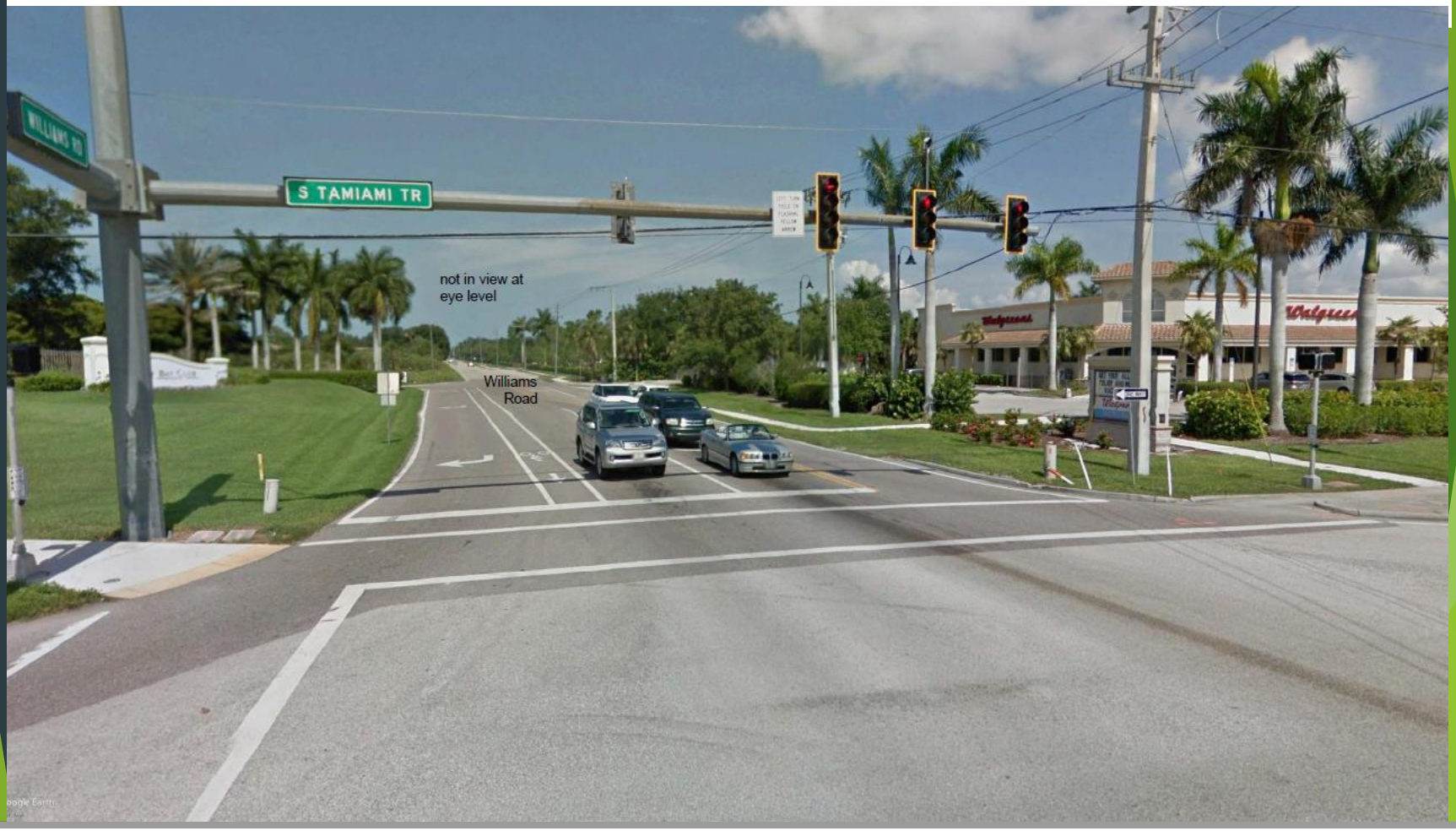
Warm neutral earth tones



Proposed South & West Elevation


GARCIA STROMBERG
GS4studios
NORTH & EAST ELEVATION

EXTERNAL VIEW - WILLIAMS ROAD & US 41 (NOT IN VIEW)



EXTERNAL VIEWS – PELICAN SOUND





PHOTOGRAPH FROM PELICAN SOUND LOOKING WEST



SIMILAR GOOGLE EARTH VIEW WITH THE ISLAND BUILDNG PROJECTED IN PLACE

SUMMARY

- Amendment is specific to Pod 5 to increase from 20 to 23 stories over parking
- Additional floors allow a more slender design - 4 units per floor versus bulkier 6 unit-per-floor design
- Result is fewer units and more exclusive product, total of 88 units versus 101 units
- Traffic Impact Analysis showed Williams Rd will operate at acceptable additional level of service
- Design has been a collaborative effort with VOE staff and PZDB
- Staff and PZDB recommended conditions are acceptable

WORKSHOP ITEM SUMMARY SHEET
VILLAGE COUNCIL MEETING
November 17, 2021

Agenda Item:

Ben Hill Griffin Parkway Landscaping Concept

Description:

The portion of Ben Hill Griffin Parkway located between Estero Parkway and Ben Hill Griffin Parkway is located within the Village of Estero but owned and maintained by Lee County. When originally constructed the landscaping along this section of Ben Hill Griffin Parkway was funded by the adjacent property owners through a Municipal Service Benefit District (MSBU). The same MSBU maintained the landscaping until a few years ago. The MSBU no longer exists and Lee County now maintains the landscaping. During the transition from MSBU to Lee County maintenance a significant amount of vegetation died and was never replaced.

The Village of Estero hired Bruce Howard and Associates to study the corridor and provide landscaping improvement recommendations. Bruce Howard will provide an update on the proposed landscaping concept.

Village Staff is requesting council input on the design and consensus on moving the project forward to prepare project construction plans based on the concept design.

Financial Impact:

The landscape improvements along Ben Hill Griffin Parkway are currently budgeted at $2.27 mil.

Attachments:

1. Presentation

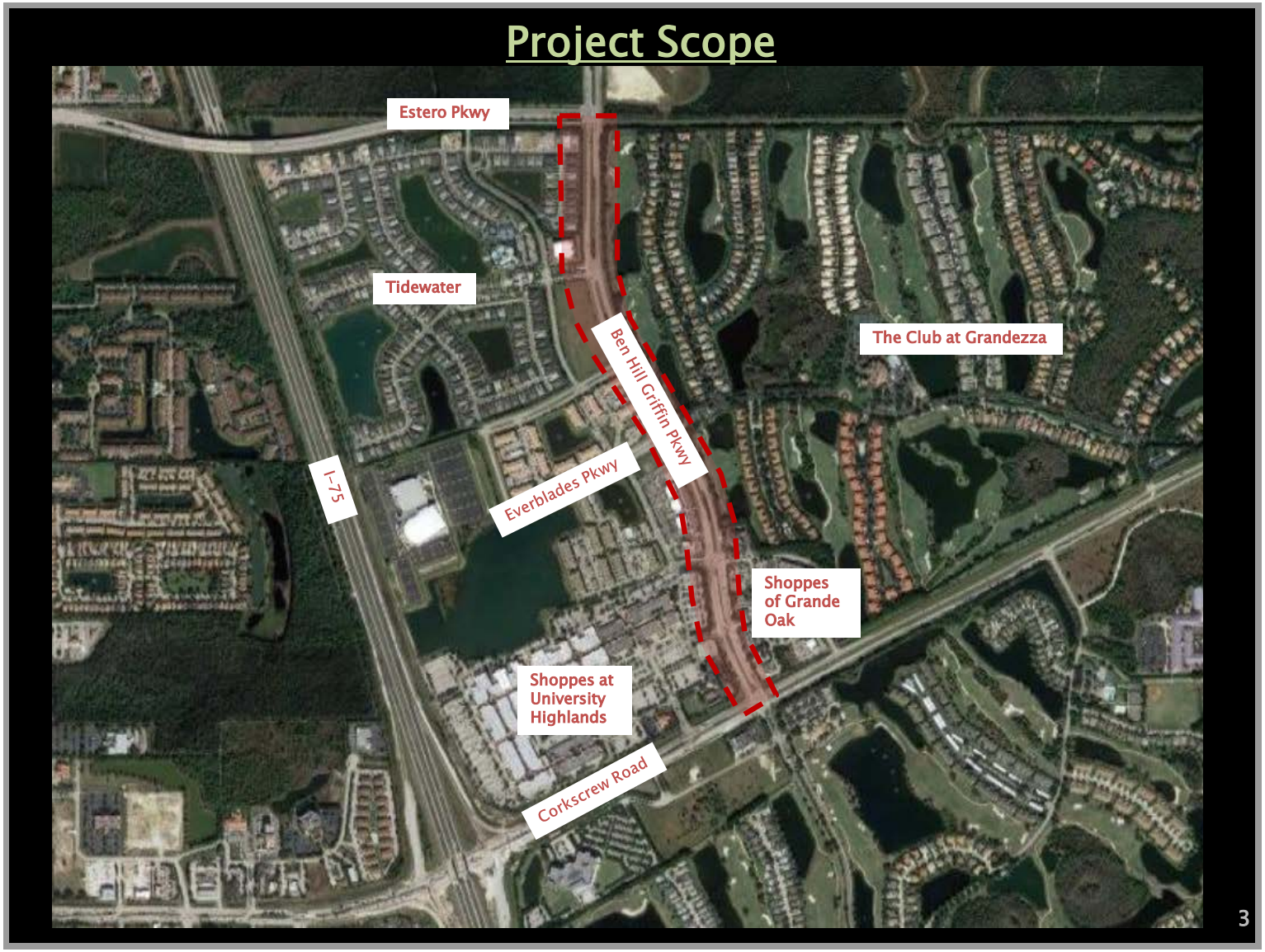

BH&A
BRUCE HOWARD &
ASSOCIATES, INC.
Landscape Architects, Site Planners
& Golf Course Designers

Ben Hill Griffin PARKWAY

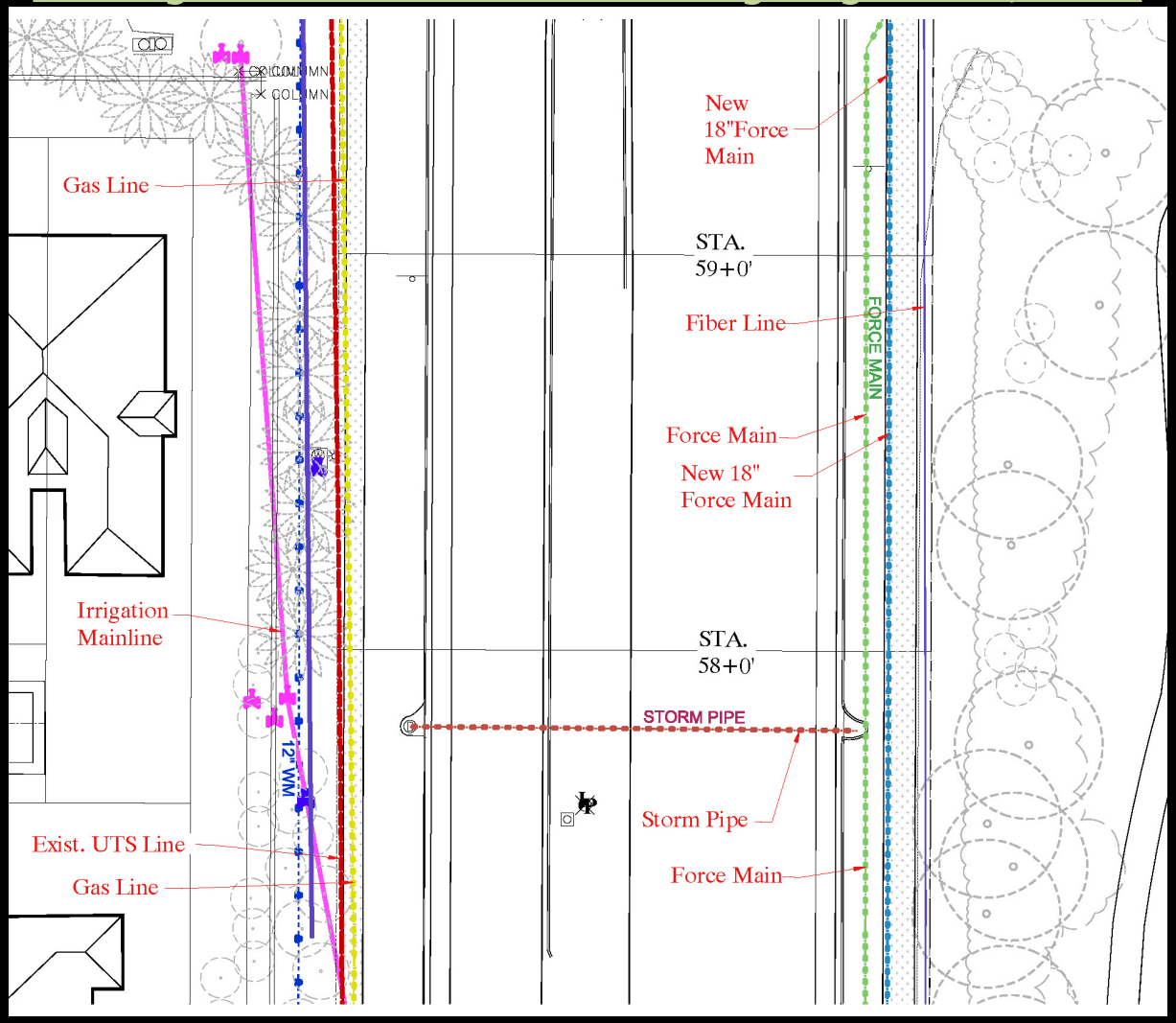
Village of Estero

Landscape Site Analysis and Conceptual Planting Design

2


Project Scope
Estero Pkwy
Tidewater
Ben Hill Griffin Pkwy
The Club at Grandezza
I-75
Everblades Pkwy
Shoppes of Grande Oak
Shoppes at University Highlands
Corkscrew Road
3

Existing Utilities that Prevent Planting Large Trees/Palms



4

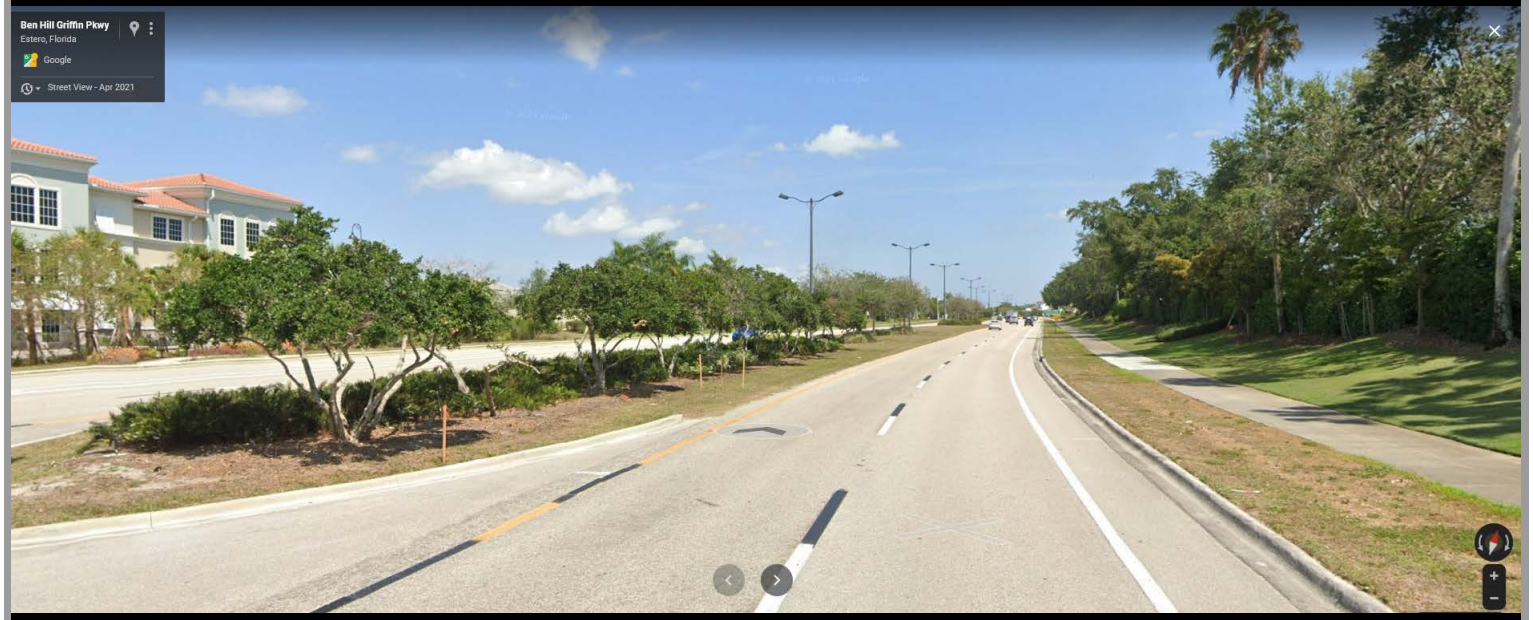
Existing View of Road – Northern Section Looking South



Most median plantings in poor condition and should be replaced. Along the sides there is only grass between the sidewalk and back of curb.

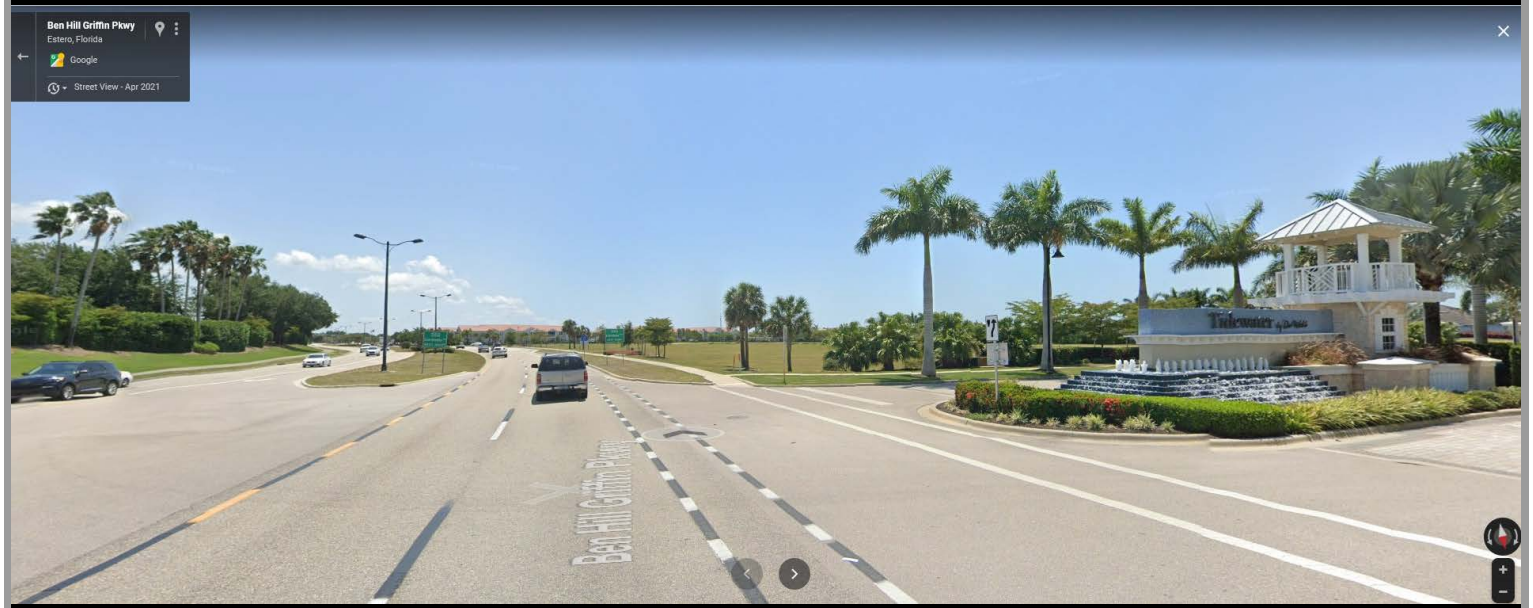
5

Existing View of Road – Tidewater Key Blvd. – View North on East Side



6

Existing View of Road – Tidewater Looking South



Build upon quality of planting established by Tidewater and Grandezza communities.

7

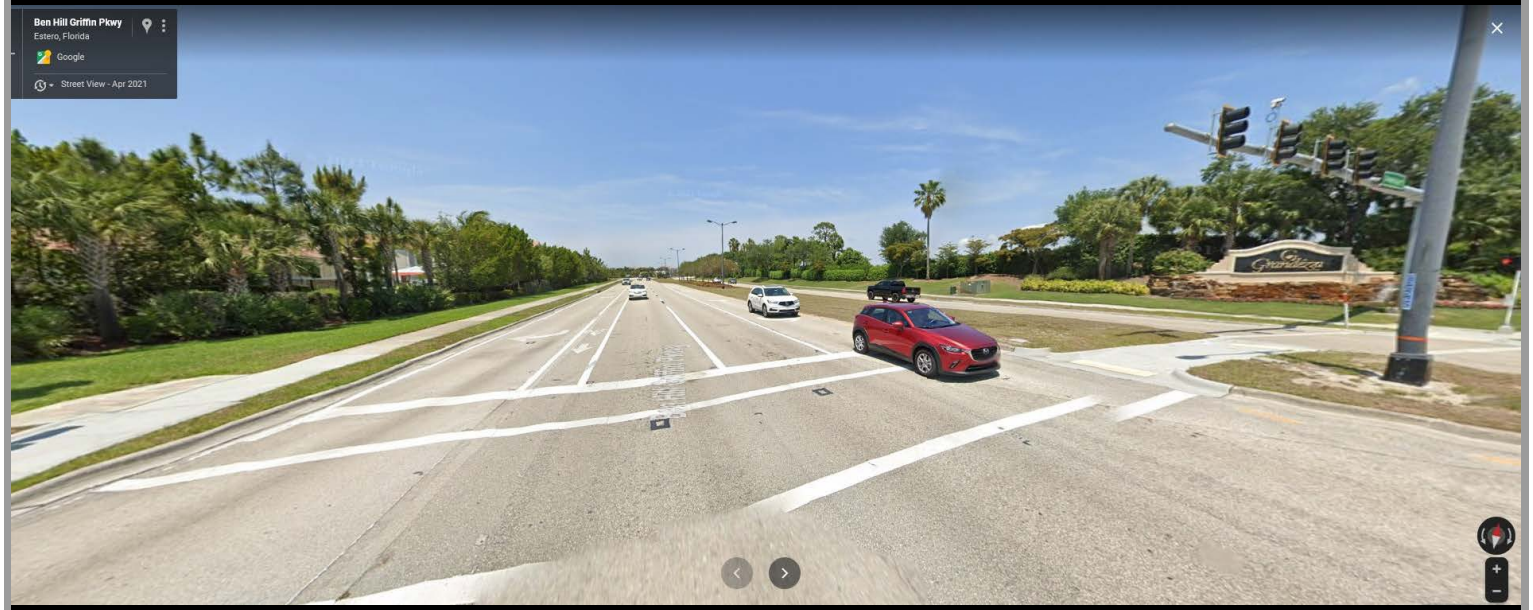
Existing View of Road – Everblades Parkway Looking South



Many of the medians have no planting.

8

Existing View of Road – Everblades Pkwy/Grandezza Looking North



9

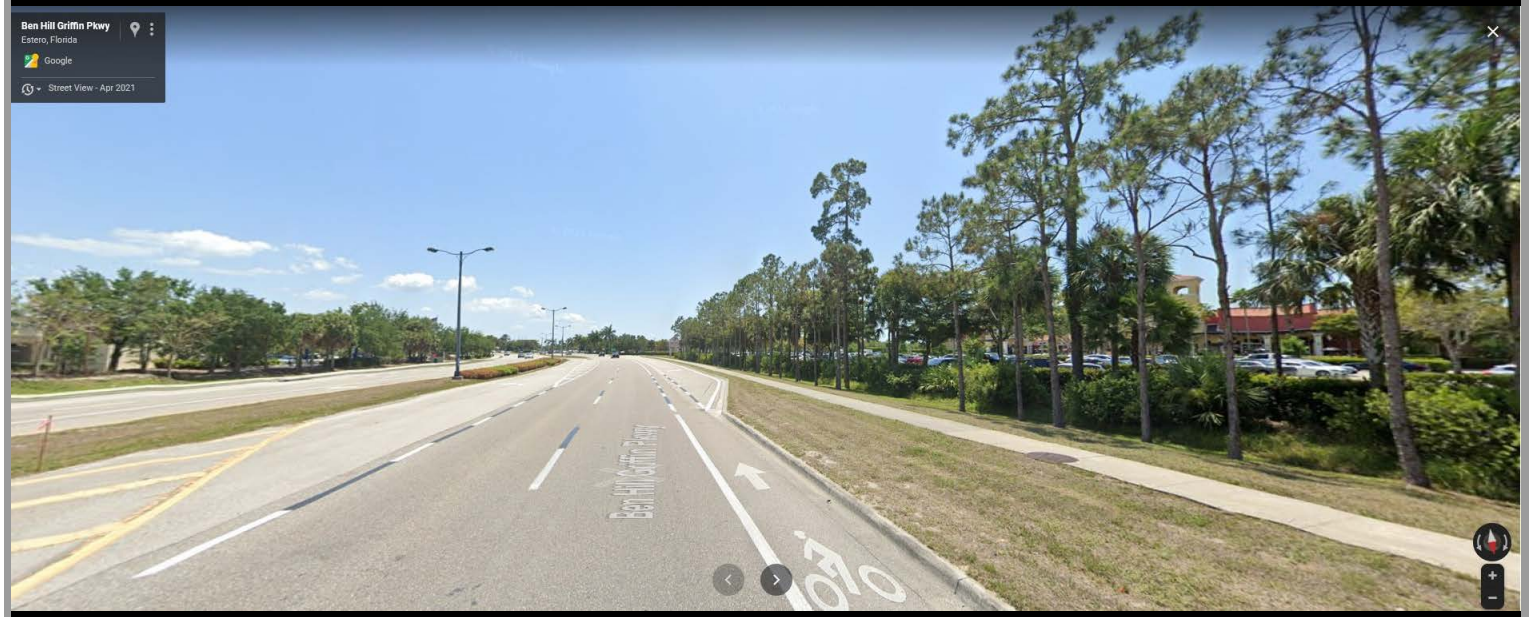
Existing View of Road – Shoppes at University Highlands Looking South (Royal Palms to Remain in Median)



Existing median palms of sufficient quality can remain. Will require under plantings.

10

Existing View of Road – Miromar Outlets Looking South



Nice area of existing pine flatwoods which road plantings can build off of.

11

Existing View of Road – Miromar Outlets & Grand Shops Intersection



With the amount of turning movements of traffic at this intersection, we will be limited to low ground cover only due to sight line triangles.

12

Existing View of Road – Corkscrew & Ben Hill Intersection Looking North



13

Summation of Analysis

-Utilities and sight lines will limit landscaping with large trees/palms
-Section of uncurbed medians require trees to be further back from edge of road
-Replace median landscaping except for quality palms and healthy native shrubs
-Build upon/enhance adjacent landscaping
-Existing irrigation to be expanded
-Constraints will not allow Estero Parkway level of planting, but will still be of similar quality



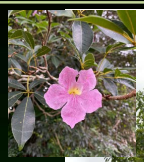
Example photo from Coconut Road.

14

Conceptual Plant Palette – Types of Trees That Can Be Used



Green and Silver Buttonwood



Pink Tabebuia



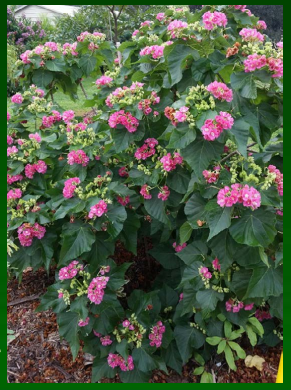
Live Oak





Dahoon Holly





Dombeya



Wax Myrtle



White Geiger

15

Examples of Palm Options

Sabal Palm



Royal Palm



King Alexander Palm



Thrinax Palm



Silver Saw Palmetto



16

Examples of Native Shrub Options

Dwarf Fakahatchee



Wild Coffee



Green and Silver Buttonwood







Muhly Grass

Coontie Fern



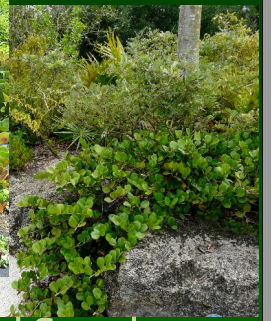


String Lily



Dwarf Porterweed





Red-tip and Horizontal Cocoplum

17

Other Shrub/Ground Cover Options

Bougainvilla



Carissa Emerald Blanket





Green Island Ficus

Frog Fruit





Panama Rose

Variegated Dwarf Scheflera



Variegated Asiatic Jasmine





Perennial Peanut

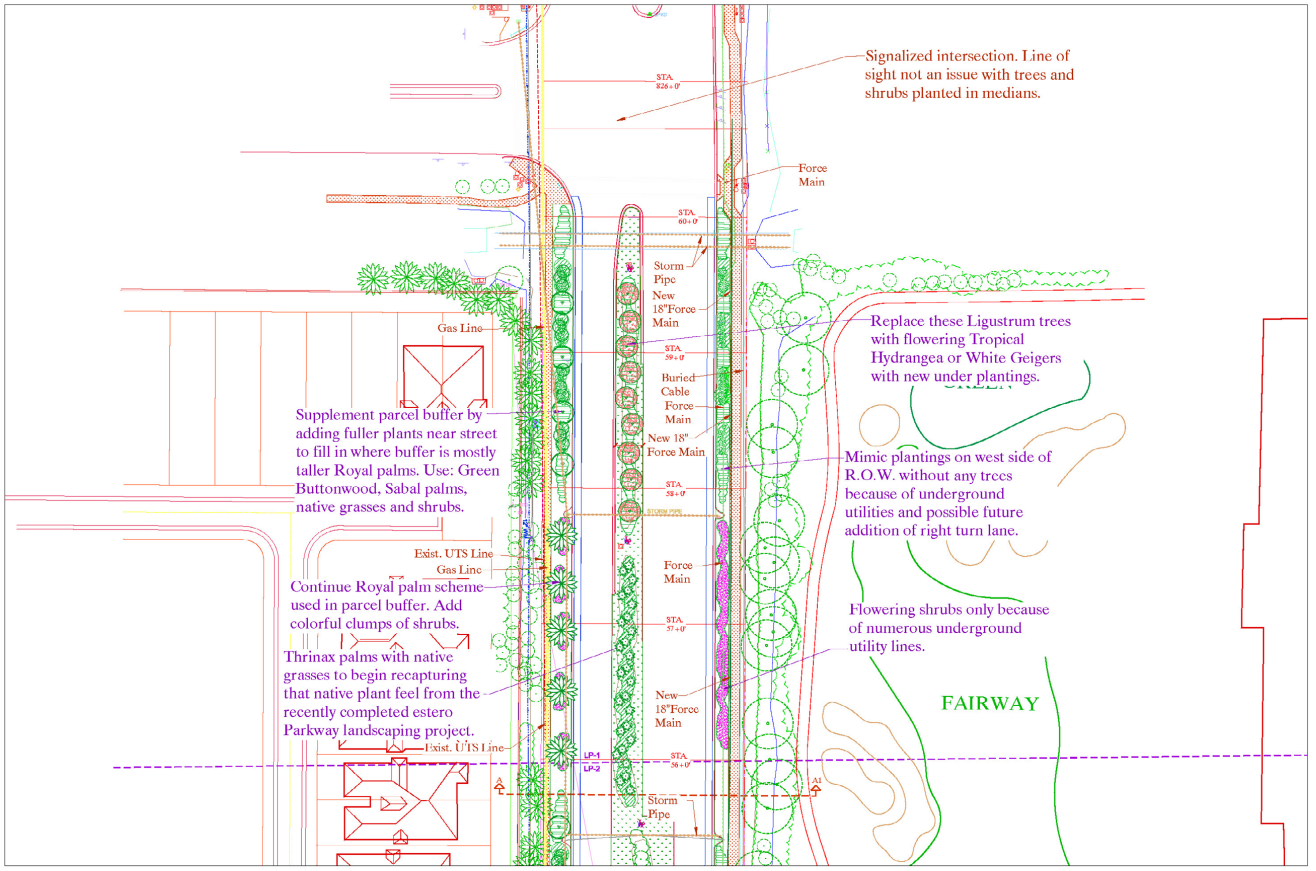




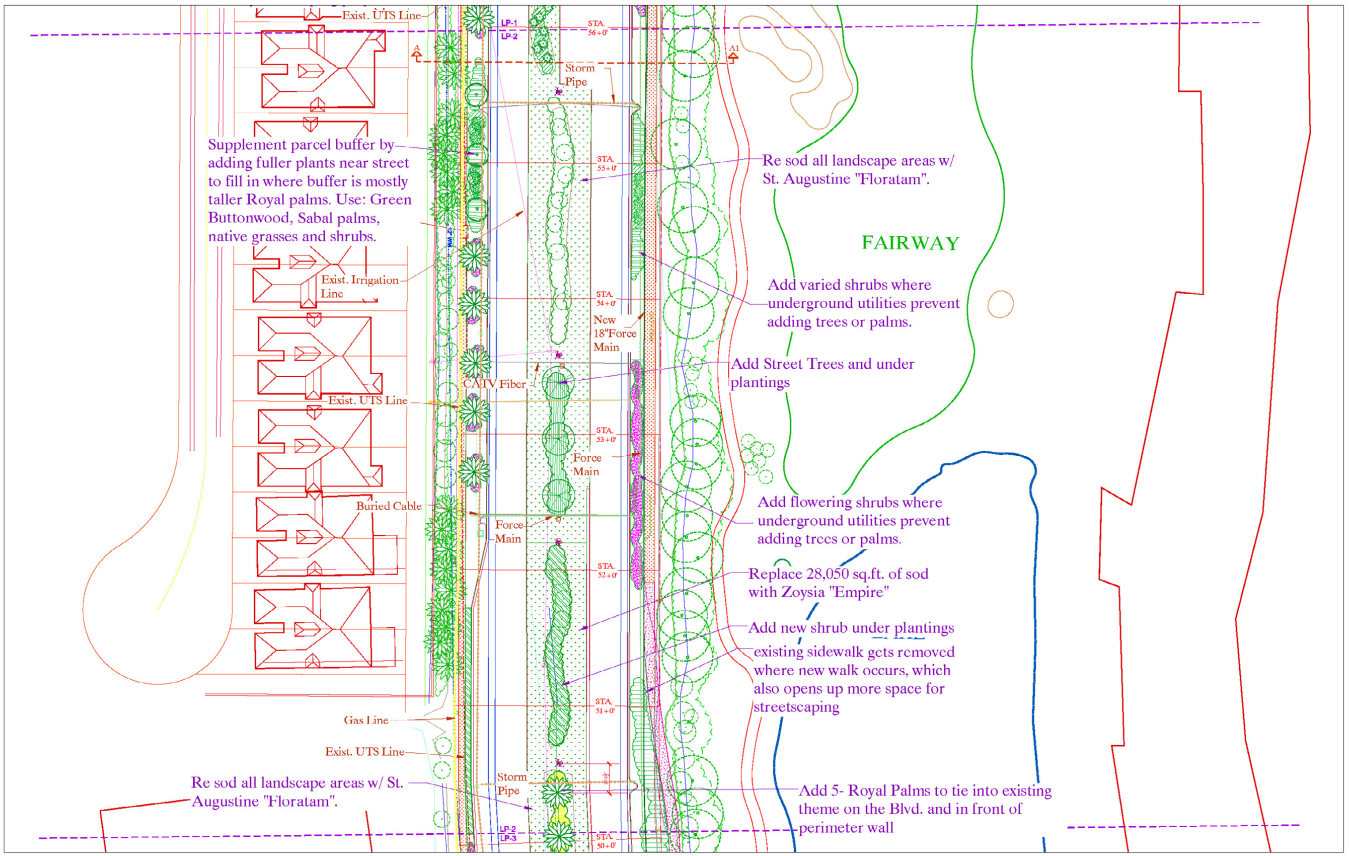
Wart Fern

18

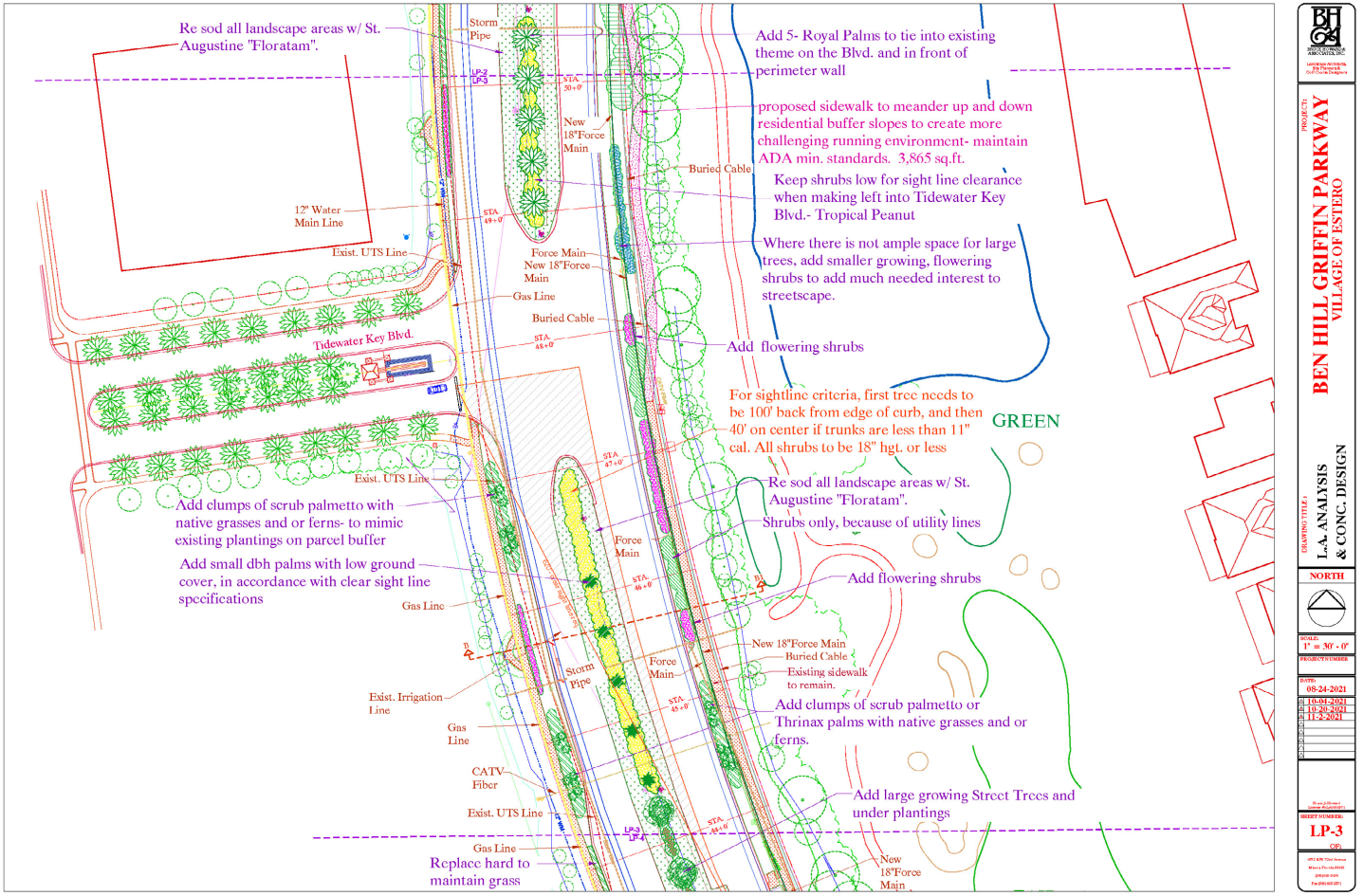
Proposed Conceptual Design



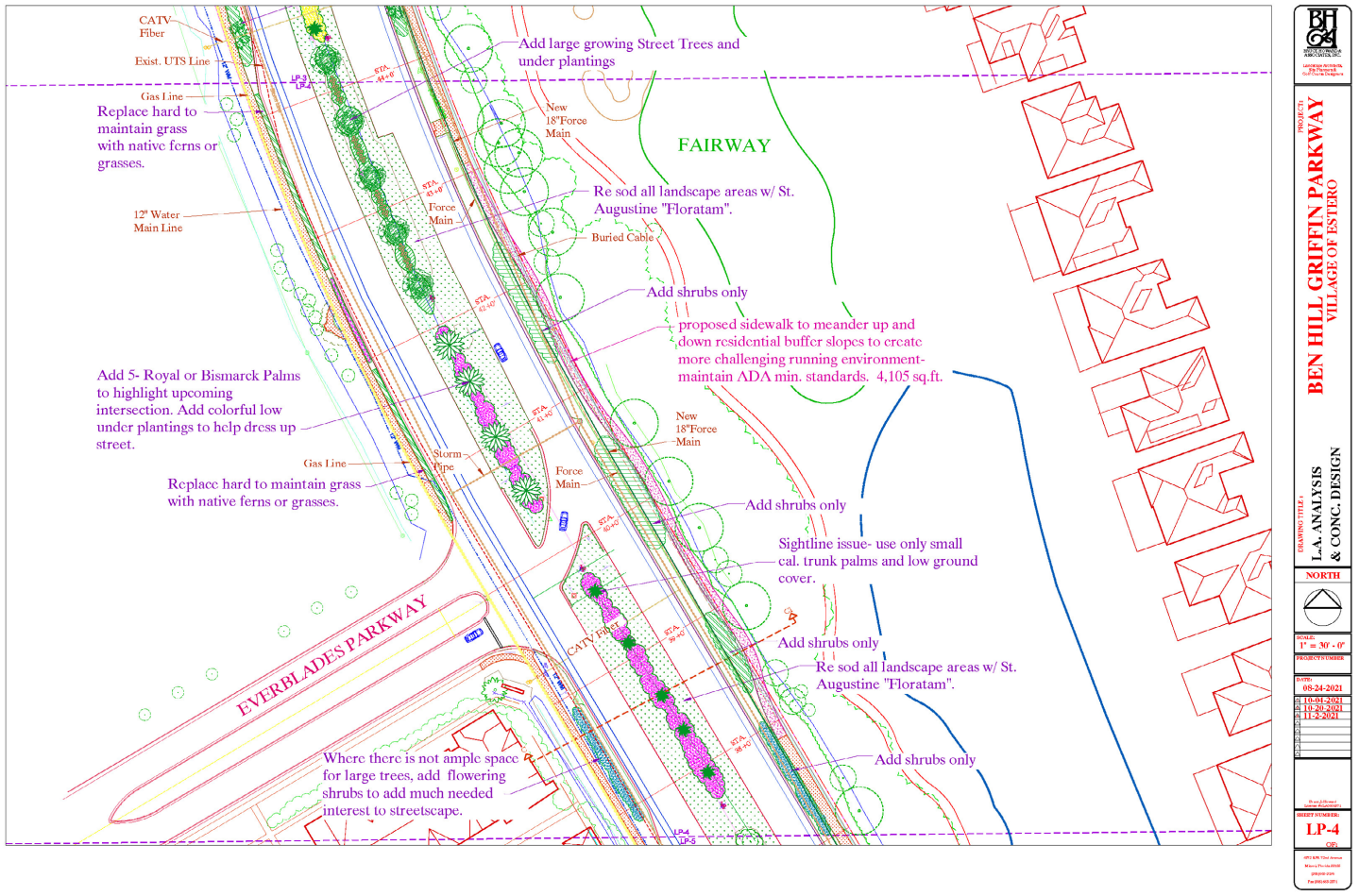
Proposed Conceptual Design



Proposed Conceptual Design

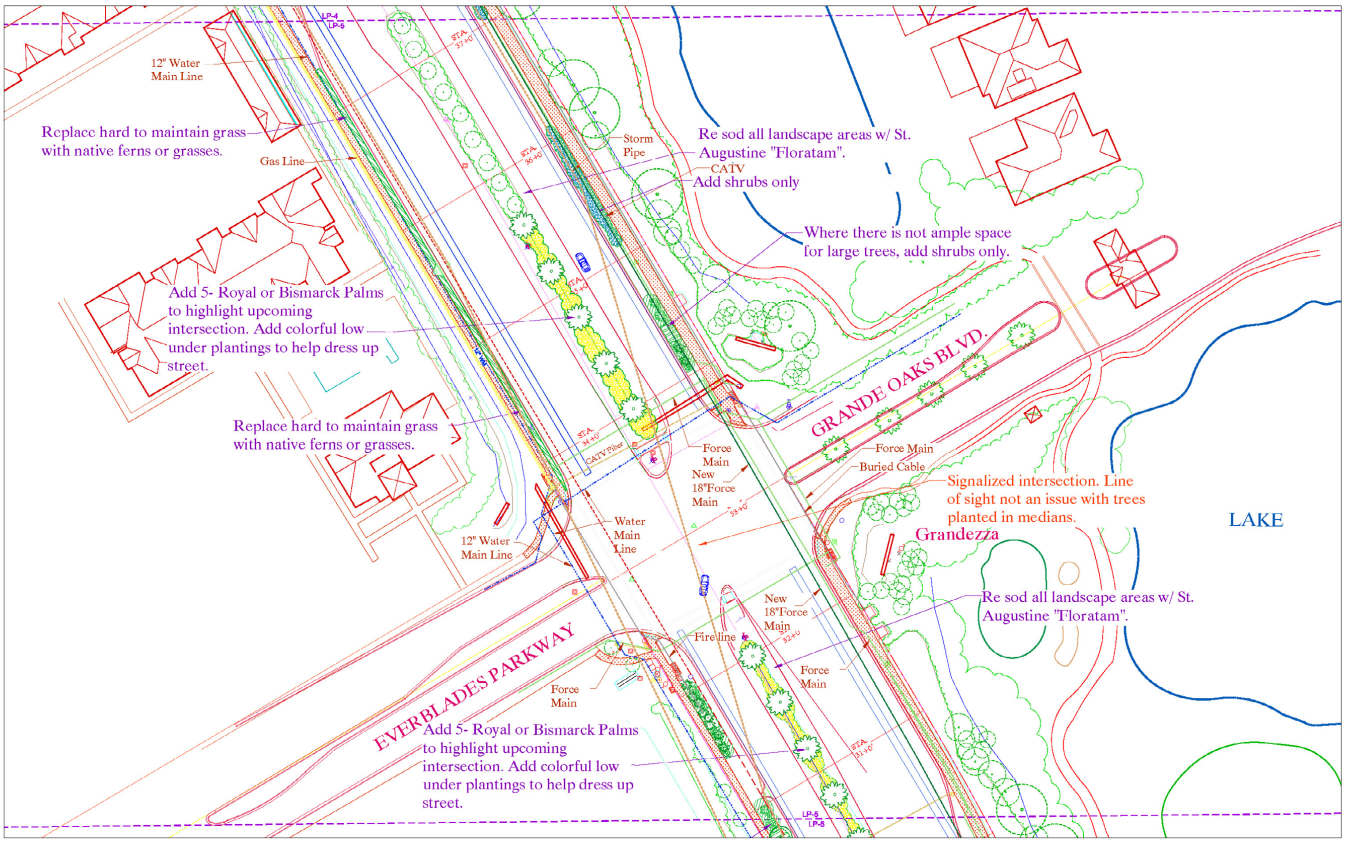


Proposed Conceptual Design



22

Proposed Conceptual Design



BEN HILL GRIFFIN PARKWAY
VILLAGE OF ESTERO

L.A. ANALYSIS & CONC. DESIGN

NORTH

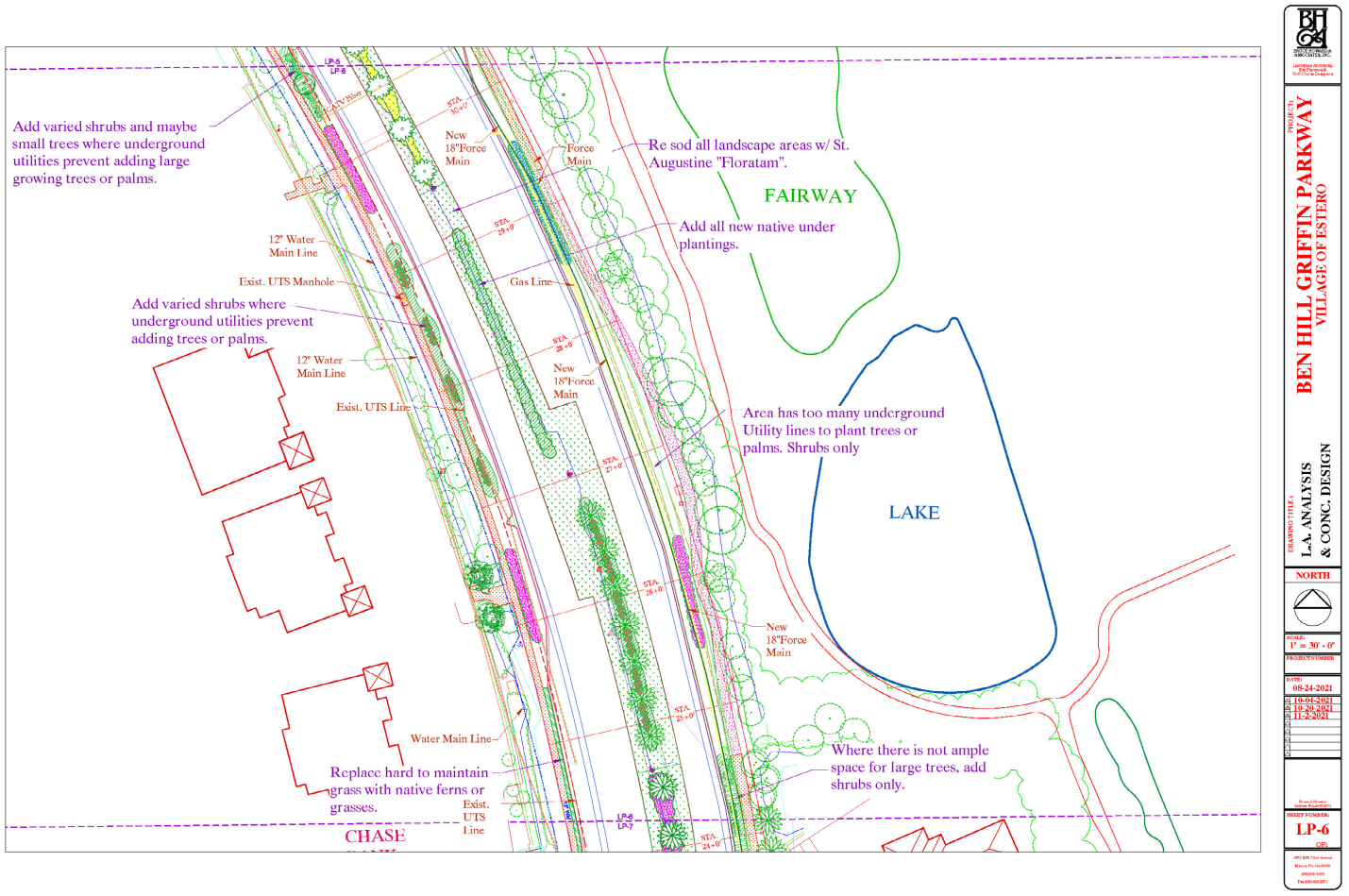
1" = 30' - 0"

08-24-2021
10-04-2021
10-20-2021
11-2-2021

LP-5

23

Proposed Conceptual Design



BEN HILL GRIFFIN PARKWAY
VILLAGE OF ESTERO

L.A. ANALYSIS & CONC. DESIGN

NORTH

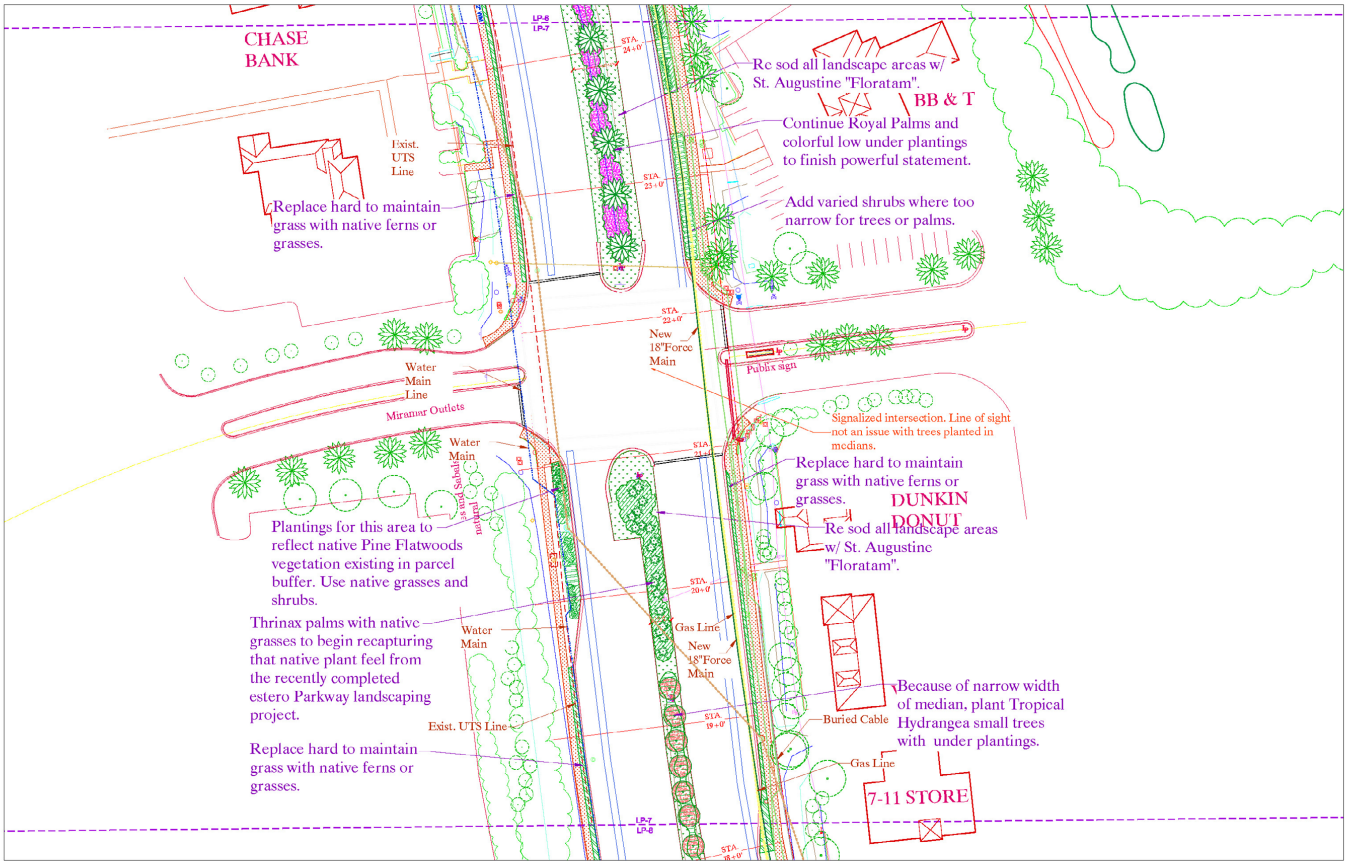
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10-20-2021
11-2-2021

LP-6

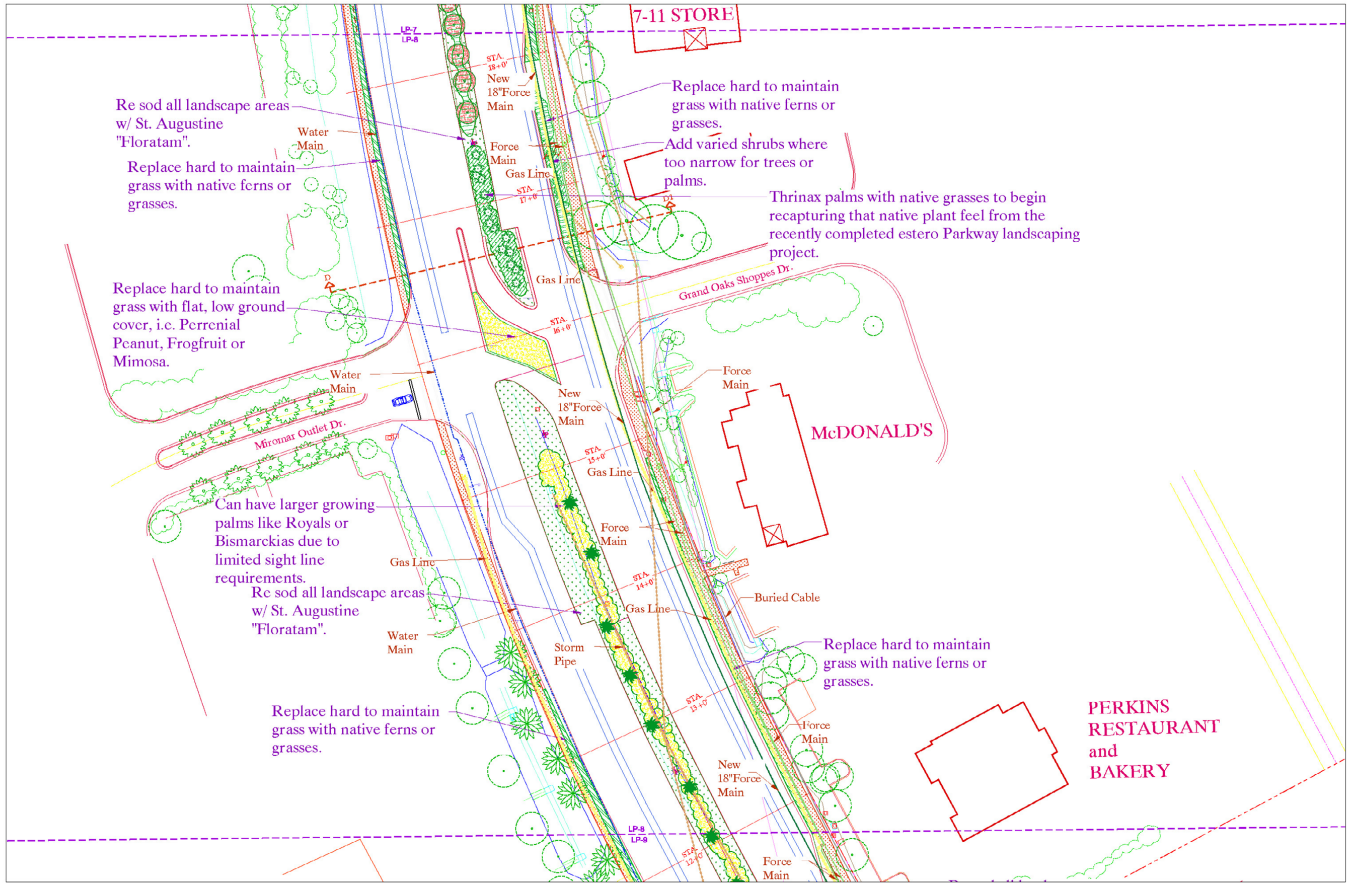
24

Proposed Conceptual Design

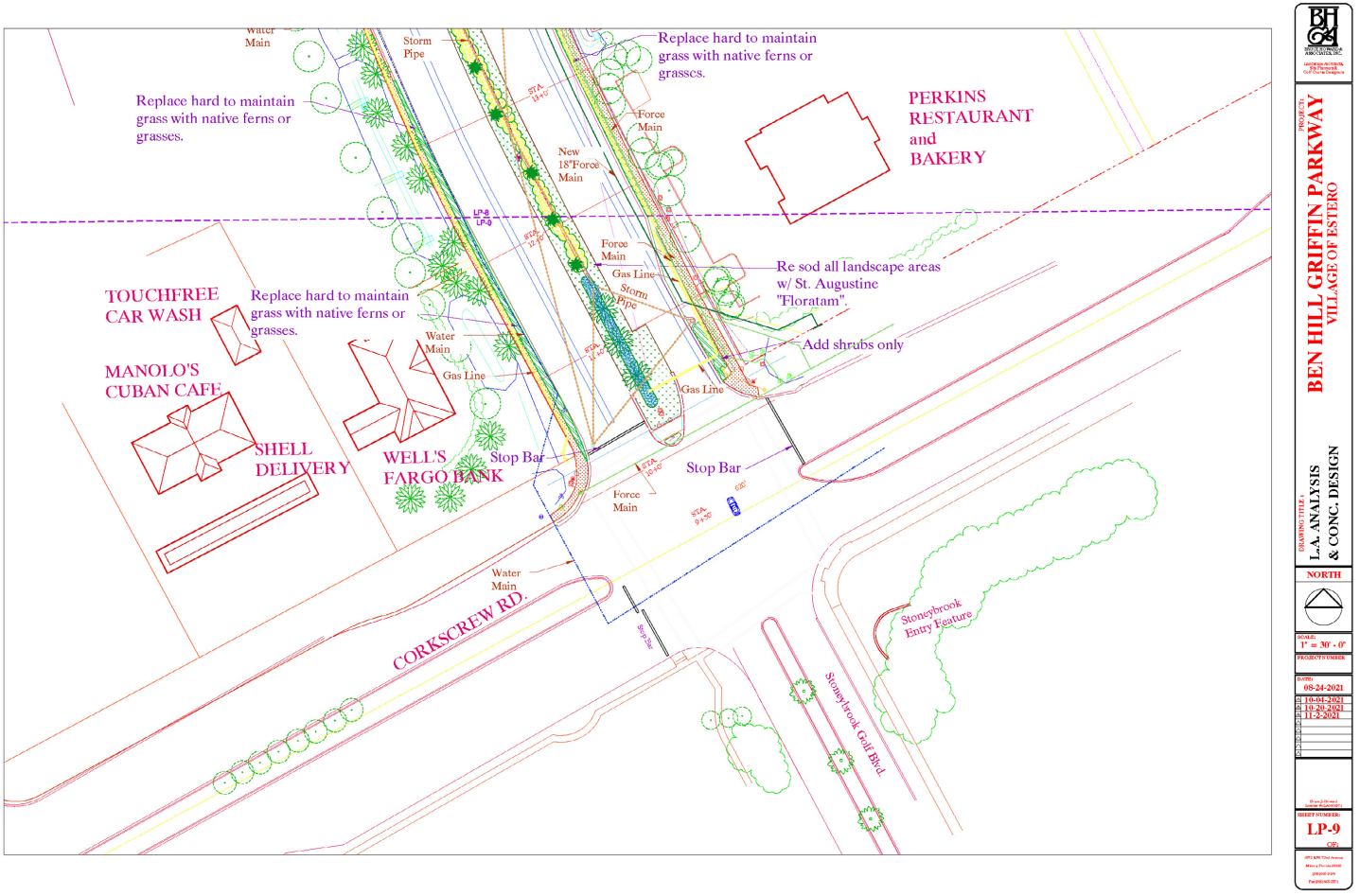


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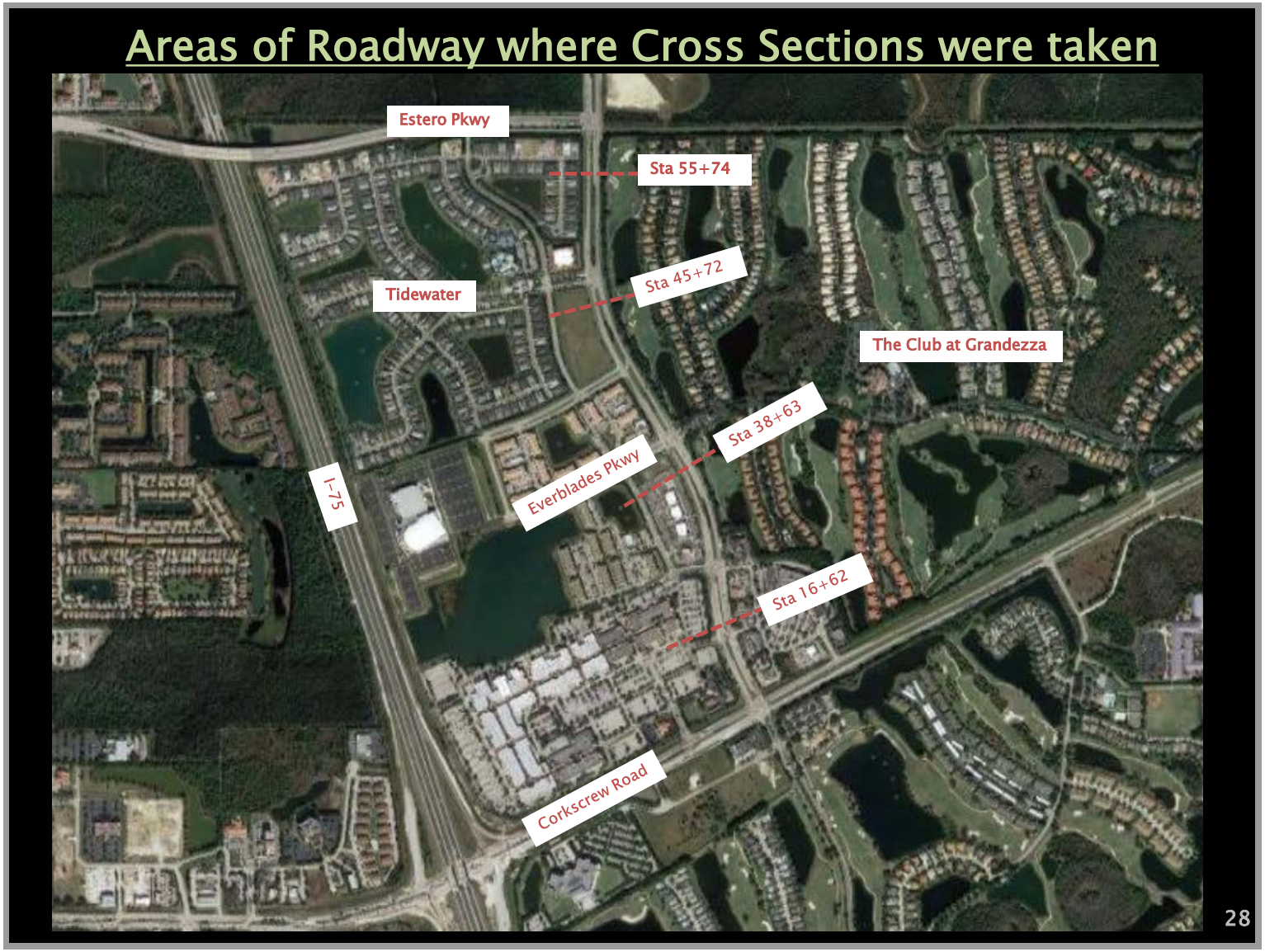
Proposed Conceptual Design



Proposed Conceptual Design



27


Areas of Roadway where Cross Sections were taken
Estero Pkwy
Sta 55+74
Tidewater
Sta 45+72
The Club at Grandezza
Sta 38+63
Everblades Pkwy
I-75
Sta 16+62
Corkscrew Road
28

Existing and Proposed Cross Section through R.O.W. @ Station 55+74



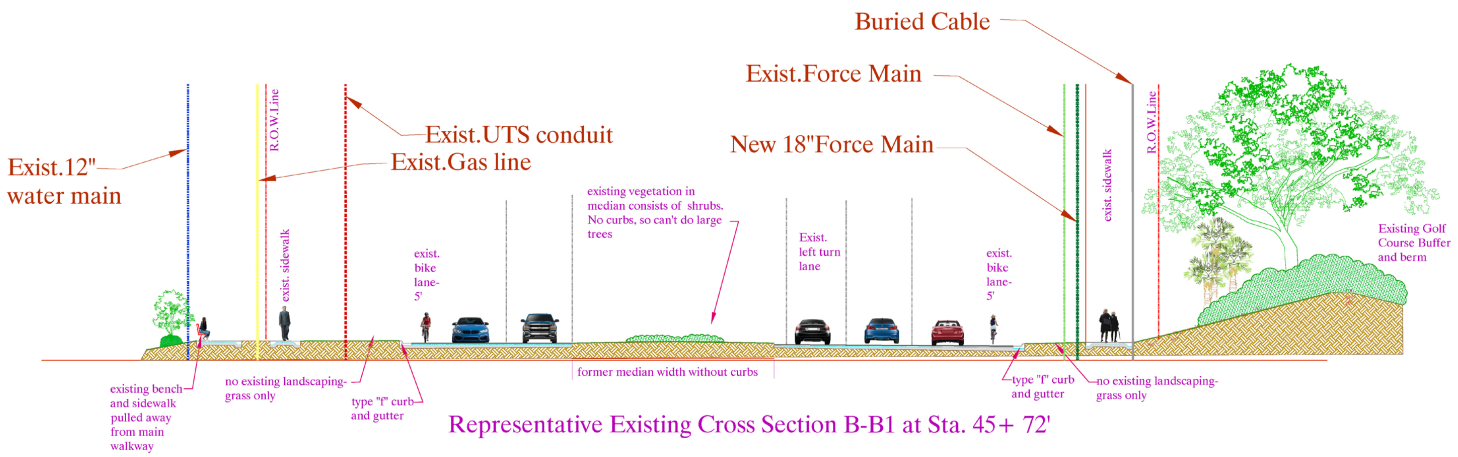
Representative Existing Cross Section A-A1 at Sta. 55+74'



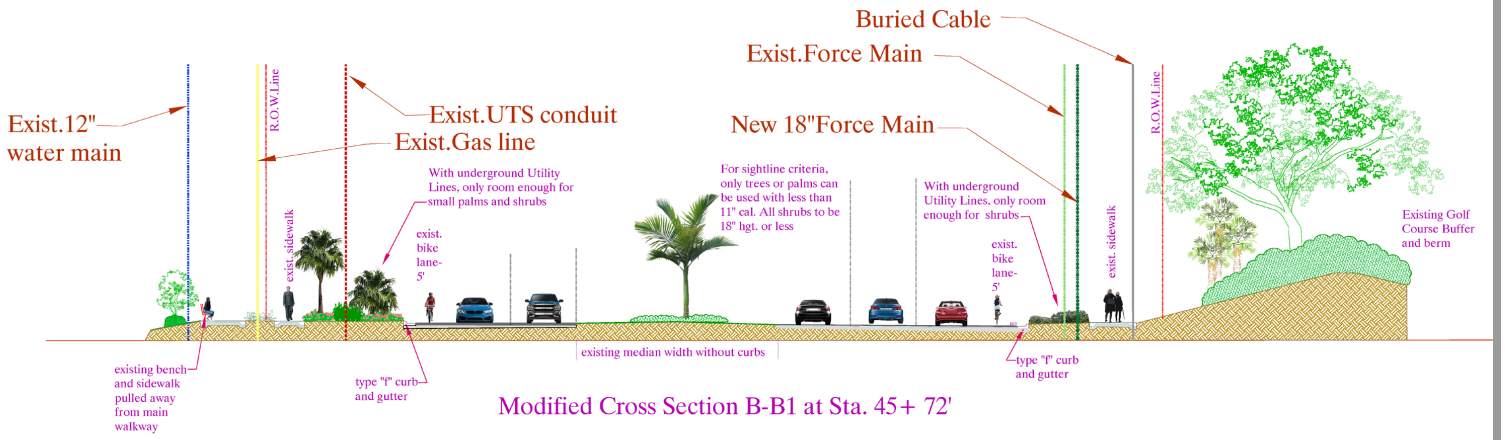
Modified Cross Section A-A1 at Sta. 55+74'

29

Existing and Proposed Cross Section through R.O.W. @ Station 45+72



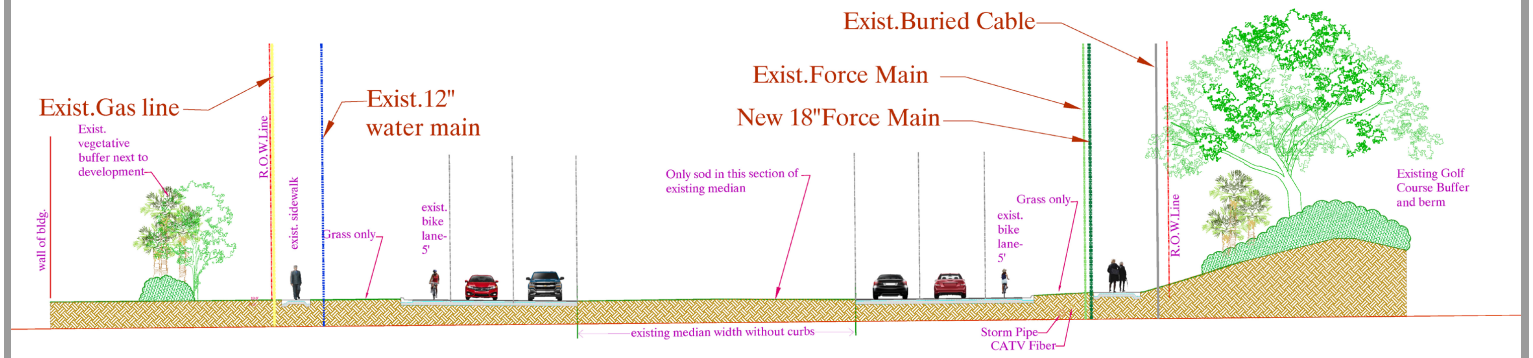
Representative Existing Cross Section B-B1 at Sta. 45+ 72'



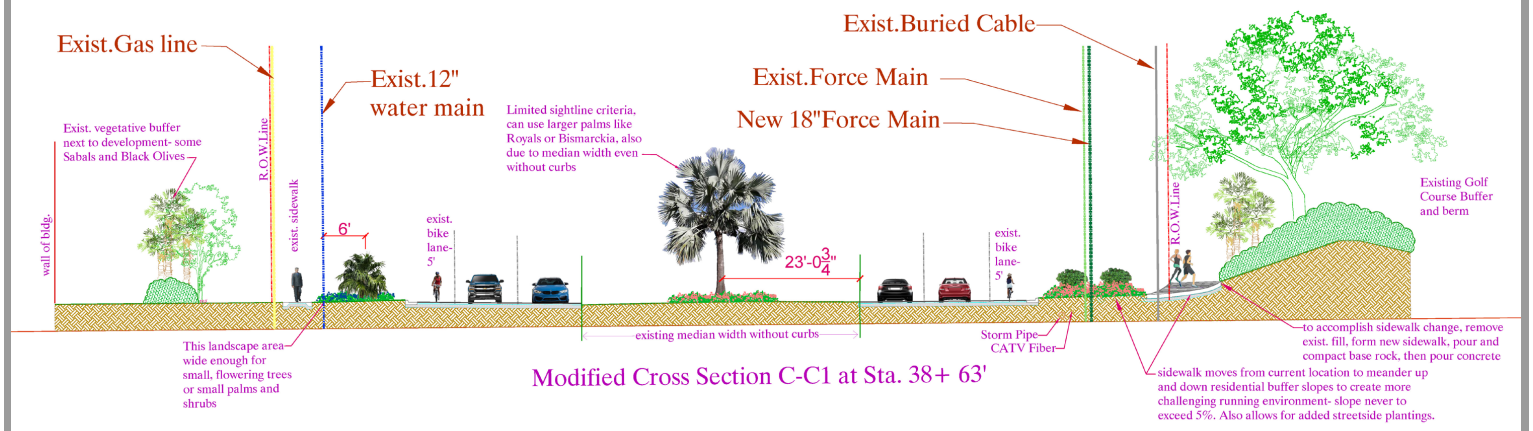
Modified Cross Section B-B1 at Sta. 45+ 72'

30

Existing and Proposed Cross Section through R.O.W. @ Station 38+63



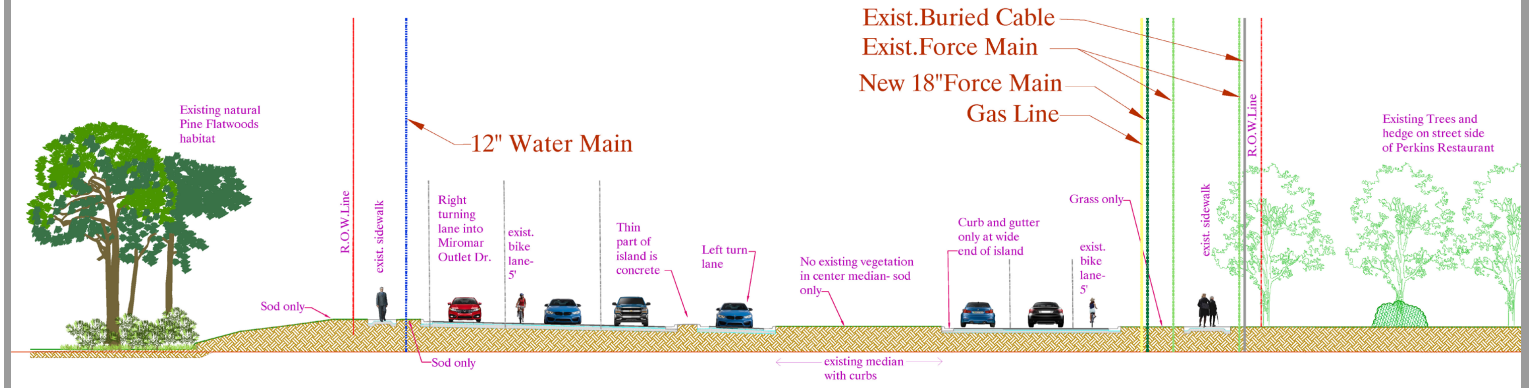
Representative Existing Cross Section C-C1 at Sta. 38+ 63'



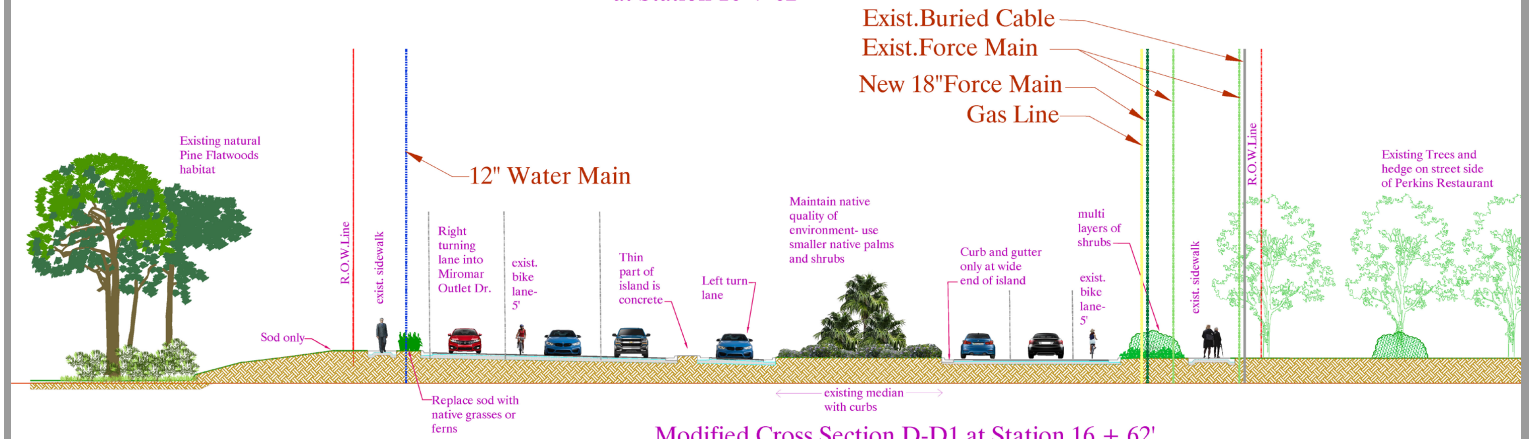
Modified Cross Section C-C1 at Sta. 38+ 63'

31

Existing and Proposed Cross Section through R.O.W. @ Station 16+62



Representative Existing Cross Section D-D1 at Station 16 + 62'



Modified Cross Section D-D1 at Station 16 + 62'

32


BH
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33