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 #DCl2004-00046; and

WHEREAS, a second public hearing was advertised and held on March 21, 2005, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to:

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

The subject property is located in the Outlying Suburban, Suburban and Wetlands Land Use Categories and legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.



SECTION B. CONDITIONS:

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

- 1. The development of this project must be consistent with the four page Master Concept Plan entitled "Master Concept Plan for West Bay Club", formerly Estero Pointe RPD, stamped received by the permit counter on August 27, 2004, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.
- 2. The terms and conditions of Resolution Z-96-005 and Amendments thereto remain in full force and effect except as amended herein.
- 3. Upon approval of this zoning action, Administrative Amendment ADD1999-00056 is null and void.
- 4. The four single-family residential lots added to Development Area (Pod) 9, referenced as Development Area (Pod) 9B on the Master Concept Plan, must be consistent with the Property Development Regulations adopted within Resolution Z-96-005 and Amendments thereto.
- 5. Development Area (Pod) 3 must be in substantial compliance with the attached site plan, labeled Exhibit C, and the terms and conditions of Resolution Z-96-005.
- 6. Condition Number 4 of Resolution Z-96-005, and its subsequent amendment in Administrative Amendment PD-98-003, Condition 3, is further amended as follows:

The RPD is limited to a maximum total of 1,016 residential dwelling units with the following distribution:

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

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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.

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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,
 - 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.

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- 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

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY:______

Approved as to form by:

Dawn E. Perry Lehnert County Attorney's Office

MINUTES OFFICE

2005 MAR 24 AM 10: 1.5

4

COUNTER

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 SUBDIMISION, 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:

BECOMING 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 DO" 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.

DrawingName

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

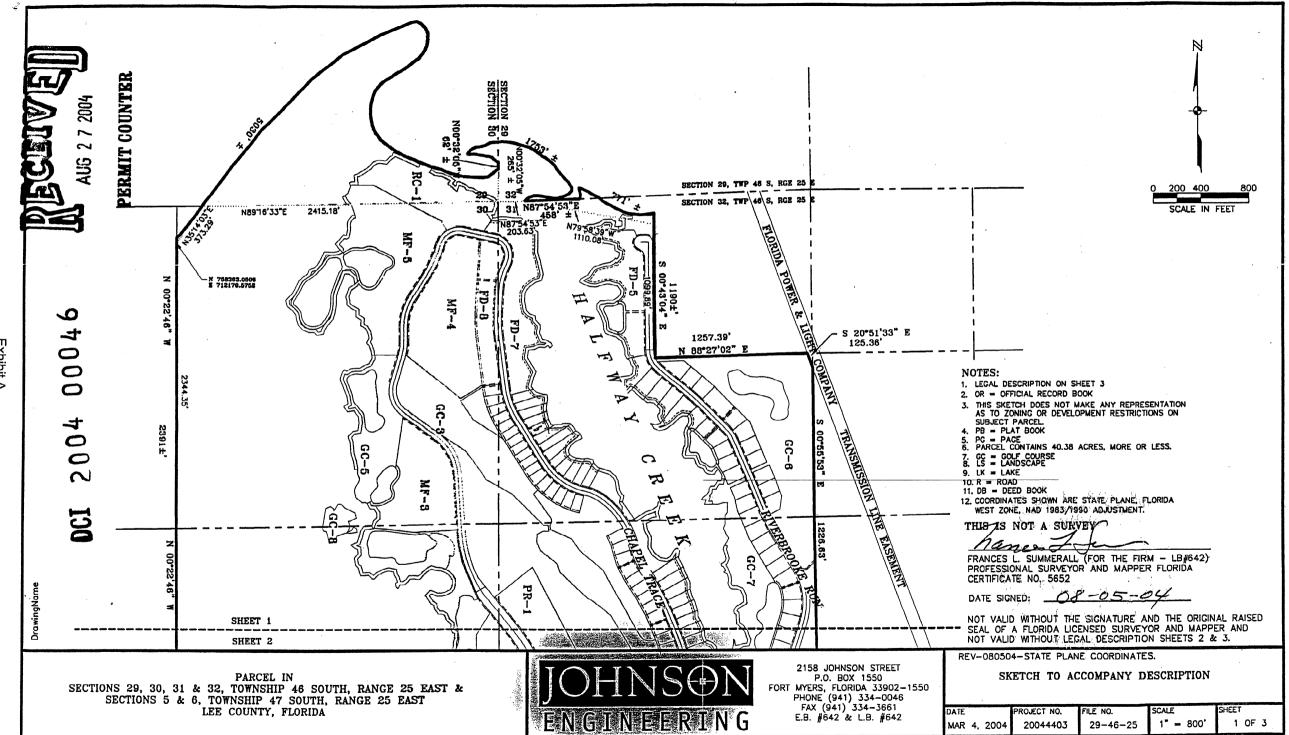


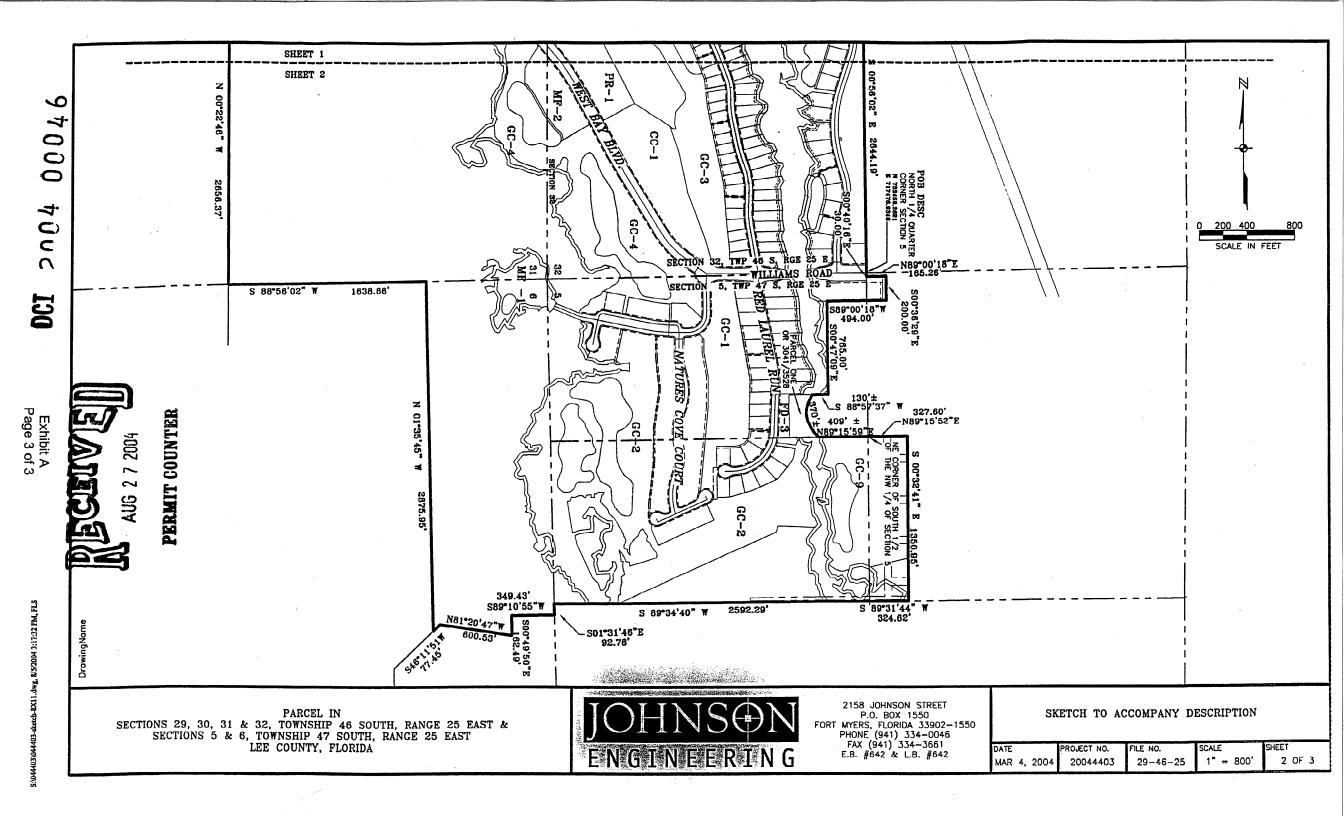
2158 JOHNSON STREET P.O. BOX 1550 FORT MYERS, FLORIDA 33902-1550 PHONE (941) 334-0046 FAX (941) 334-3661 E.B. #642 & L.B. #642

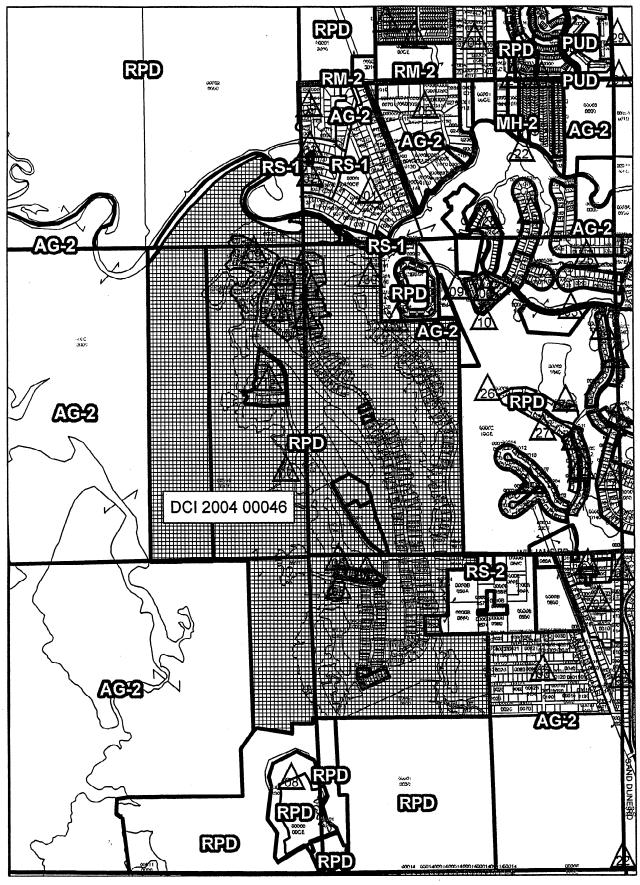
SKETCH TO ACCOMPANY DESCRIPTION

DATE PROJECT NO. FILE NO. SCALE SHEET

MAR 4, 2004 20044403 29-46-25 1" = 800' 3 OF 3





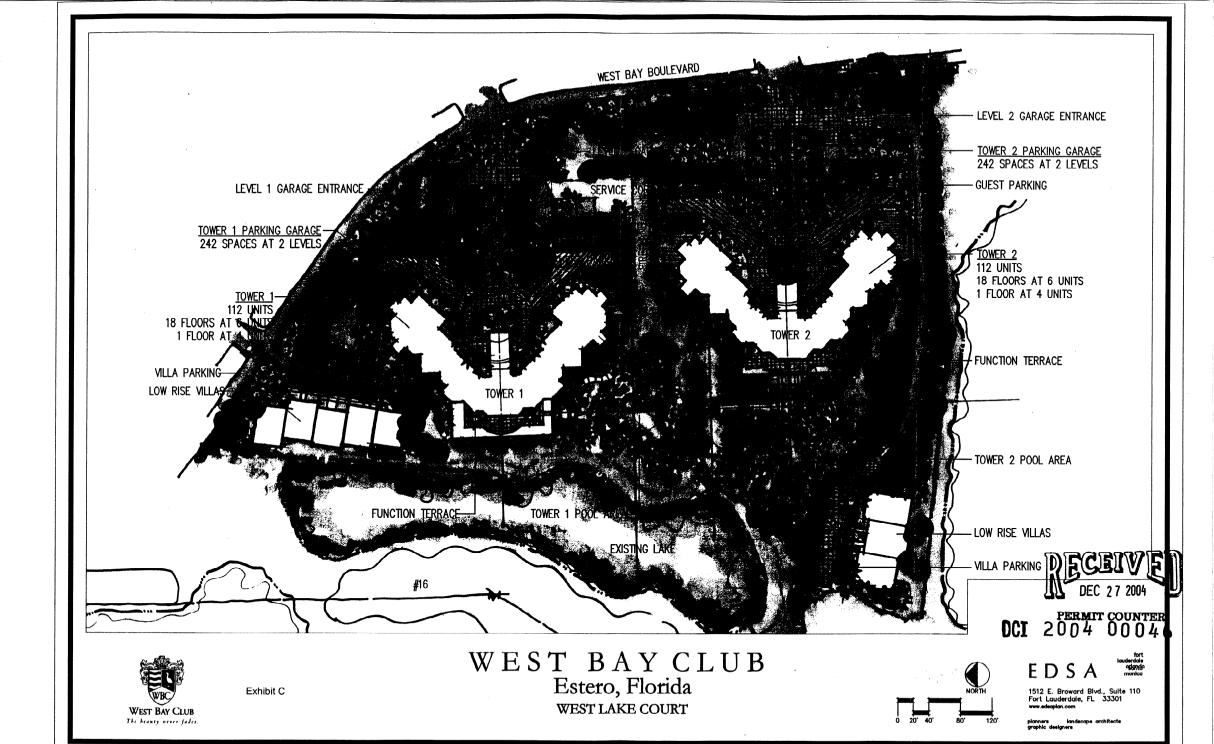


W E

EXHIBIT B

1,800 900 0

1,800 Feet



MASTER CONCEPT PLAN FOR

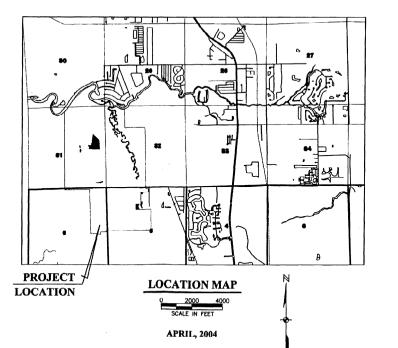
WEST BAY CLUB RPD

(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 & FLUCFCS



APPLICANT

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



2158 JOHNSON STREET P.O. BOX 1550 ORT IMPERS, FLORIDA 33902-1550 PHONE (239) 334-3046 FAX (239) 334-3661 E.B. #642 & L.B. #642

APPROVED

Bito Plan + D.S. - D.I.D. Page | Lot | 4 | Budglast to conditions in Resolution | 2 : 55 - D.I.D. Cases - D.C.T.A.C.C.H. - C.D.O.H.C.

DCI 2004-00046



SHEET

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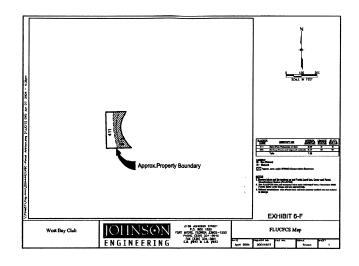
Exhibit D Page 2 of 4

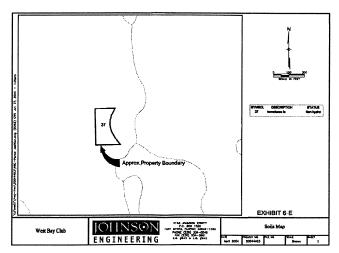
SINGLE-FAMILY

i	Minimum Lot			l	Minim	um Setb							L
RESIDENTIAL	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	Condo
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 7.5	15	20	20	45	3	15	Yes	Yes	Yes
Zero Lot Line 1st Side 2nd Side	4.500	80	45	0	15(*) (**)	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 3- for accessory Setbacks for Estero	structure	setbacks	2191 and 3	4-2194		•	perimeter	over parking. All buildings property line for every fool maximimum of FME (5) high	of elevation ove	r 45 feet.		,	t Bay Club
							Mid-rise o	ground level buildings can	be clusters in n	ulti-family Pods 2,3,4 and	16		
							Maximum	number of allached units: 6					

REQUIRED OPEN SPACE: 806:2 INDIGENOUS	AC. x 40%	-	346.4± AG. (40%)
	RECORDING	_	
OPEN SPACE PROVIDED (AC.±)			MCP (AC.±)
WETLANDS			397.8
PRESERVATION AREA 13: 22.0 AC	X 1.685-38.5 AC+ 3.2	WC110-413	(cX2Xe)] = 40.0
PRESERVATION AREA 19			2.6
PRESERVATION AREA 10 PRESERVATION AREA 20/21: 12 PRESERVATION AREA 22	8 AC. X 1.8K (10-413 (•Maxer1 -	20.5
PRESERVATION AREA 22			4.3
UPLAND ISLAND PRESERVATION	AREAS		3.1
GOLF COURSE ROUGH			85.9
UPLAND BUFFER AREAS			20.6
PARK (AREA 16)			38.4 1.0
LAKES			36.7
JACES RECREATIONAL AREA 1 BAILT-FAMILY POO 2: MAILT-FAMILY POO 3: MAILT-FAMILY POO 3: MAILT-FAMILY POO 4: MAILT-FAMILY POO 6: MAILT-FAMILY POO 7: MAILT-FAMILY POO 7: MAILT-FAMILY POO 7: MAILT-FAMILY POO 1: MAINT-MAILT OUT 600 FOURMENT	/en n en mont		8.2
RECREATIONAL AREA I	(10.2 AC. Y 80%)	-	1.9
MINTERANTY POD 1	05 -154	Ξ	3.3
MATE FAMILY BOO 4	47 - 359	=	1.6
ME D-FAMEY POD 5	80 × 80%	-	3.6
SINGLE FAMILY POD 6	20.3 - 10%	-	2.6
SINCLE FAMILY POD 7	24.1 × 10%	-	2.4
SINCLE FAMILY POD 8 :	24.6 x 10%	-	2.5
RESIDENTIAL POD 9. 9A & 98:	21.3 x 10%	-	2.1
RESIDENTIAL POD 10 :	44.0 x 10%	-	4.4
MULTI-FAMILY POD 11 & 12 :	13.8 x 15%	-	2.1
PRACTICE AREA (POD 14)	7.0 x 80%	-	5.0
CLUBHOUSE SITE (POD 15)	11.0 x 15%	-	1.7
MAINTEHANCE/ COURSE/			
FUTURE RESIDENTIAL (PODS 17	# 18) 14.3 x 40%		5.7
TOTAL OPEN SPACE PROVIDED		-	700.6 (81%)
			525.8 (61%)

DESCRIPTION OF AREAS		AREA (IN ACRES
Wetlands		397.8
Golf Course		85.0
Golf Course R		20.6
Upland Buffer	Areas	36.4
Lakes		36.7
Pod 1:	Recreation Area	10.2
Pod 2:	Multi Family	12.8
Pod &	Multi Family	9.5
Pad 4:	Multi Family	4.7
Ped 5:	Multi Family	6.0
Pod 6:	Residential	26.3
Pod 7:	Residential	24.1
Pod 8:	Residential	24.8
	98: Residential	22.4
Ped 10:	Residential	44.0
Pod 11/12	Multi Family	13.8
Ped 13:	Upland Preservation	26.5
Pod 14:	Practice Area	7.0
Ped 15:	Chabbause	11.0
Ped 16:	Park Area	1.0
Pod 17/18:	Maintenance Area & Residential/Golf Course	14.3
Pod 19:	Upland Preservation	2.6
Pod 20/21:	Upland Preservation	12.8
Ped 22:	Upland Preservation	8.3
Pod 23:	Upland Island Preservation	3.1
	POTAL:	886 ACRES





APPROVED Moster Concept Plan

Ste Pion • O5-O1O Page Z of 4
Subject to conditions in Resolution 2-O5-O1O
Case • OCT 2004 - OCO 46

DCI 2004-00046 RECEIVED

WEST BAY CLUB RPD

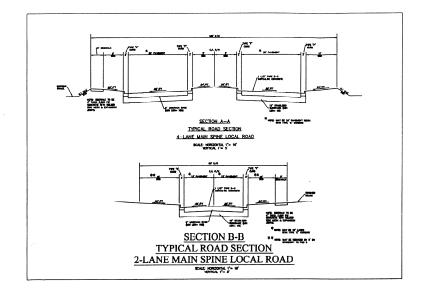


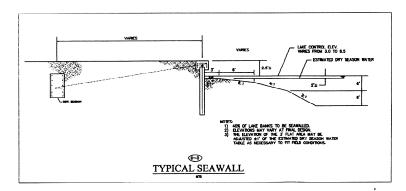
2158 JOHNSON STREET P.O. BOX 1550 FORT MYERS, FLORIDA 33902-1550 PHONE (239) 334-0046 FAX (239) 334-3661 E.B. #642 & L.B. #642

DOCUMENTATION

LEE COUNTY, FLORIDA

Exhibit D Page 3 of 4





APPROVED
Moster Concept Plas

Site Pien • C.5 -OID Page 4 no 4 Subject to conditions in Resolution 3-05-OID Case • D.C. I. Z.C.O.4 -O.O.O.4.10 DCI 2004-00046



WI LEE C

WEST BAY CLUB
LEE COUNTY, FLORIDA

ENGINEERING

2158 JOHNSON STREET P.O. BOX 1550 ORT MYERS, FLORIDA 33902-1550 PHONE (239) 334-9046 FAX (239) 334-3661 E.B. #642 & L.B. #642

DOCUMENTATION

DATE PROJECT NO. FILE NO. SCALE SHEET
04/06/04 20044403 29-46-25 As Shown 4

Exhibit D Page 4 of 4