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RESOLUTION NUMBER Z-01-012

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

WHEREAS, Paula Davis, President of Keystone Customer Homes, Inc., filed an application on behalf of the property owner, Hermes Investment Company, Inc., to rezone a 314.6±-acre parcel from Agricultural (AG-2) to Mixed Use Planned Development (MPD), in reference to Estero Golf Resort MPD; and

WHEREAS, a public hearing was advertised and held before the Lee County Hearing Examiner on March 14, 2001. The Hearing Examiner left the record open for written submissions until March 30, 2001. The Lee County Zoning Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2000-00032; and

WHEREAS, a second public hearing was advertised and held on May 7, 2001, 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 interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 314.6±-acre parcel from AG-2 to MPD to allow: 1) a maximum of 820 dwelling units consisting of a mix of unit types and including up to 100 units within an assisted living facility; 2) a golf course; 3) up to 320,000 square feet of retail uses; and 4) 20,000 square feet of office use. The application also included a request for consumption on premises and buildings not to exceed 55 feet and four stories.

The property is located in the Urban Community, Suburban and Wetlands Land Use Categories and is 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. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Estero Golf Resort," last revised 5/8/01, stamped "Received May 9 2001," and the conditions set forth herein. (The MCP has been revised to reflect the Board's action on May 7, 2001.) If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

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

a. **SCHEDULE OF USES**

**(1) RESIDENTIAL PORTION - TRACTS 5-12**

Accessory Uses

Administrative Offices

Agricultural Uses, as limited by other conditions

Assisted Living Facility, limited to Tracts MPD-5 only-maximum 100 units

Club, Country including the following ancillary uses:

Consumption on Premises, limited to one for the clubhouse and one for the golf course only, includes outdoor seating

Food and Beverage Service

Golf Course Maintenance Facility, limited to MPD-7 only

Health Club and Spa

Restaurant, includes outdoor seating

Specialty Retail

Dwelling Units - single-, two-, and multi-family units, zero lot line units, and townhouses - limited to a maximum of 820 for the entire project; and a maximum of 340 units for MPD-5

Entrance Gates and Gatehouses

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention - Not to include the removal of excavated material from the site

Fences and Walls

Golf Course, including Practice Greens and Driving Range - subject to further review during the development order process to determine appropriate locations and possible additional buffering or screening required for the practice greens and driving range

Golf and Tennis Pro Shops (limited to ancillary use in clubhouse tract)

Home Occupation, as limited by the LDC

Model Homes, Model Units and Model Display Center

Real Estate Sales and Rental Office - limited to sales of lots, homes or units within the development, except as may be permitted in §34-1951 *et seq.* The location of, and approval for, the real estate sales office will be valid for a period of time not exceeding five years from the date the Certificate of Occupancy for the sales office is issued. The director may grant one 2-year extension at the same location.

Recreational Facilities, Personal and Private On-site, as defined and regulated by the LDC § 34

Signs, in compliance with the LDC

Storage, Open, recreational vehicles, boats and similar items for residents only, will only be permitted if administrative approval is sought showing the exact location of the use. Such uses, at a minimum, must be shielded behind a continuous visual screen at least eight feet in height when visible from any residential use, and six feet in

height when visible from any street right-of-way or street easement.  
Temporary uses - limited to a sales center and a construction office, in compliance with the LDC for temporary uses

**(2) COMMERCIAL PORTION - TRACTS 1-4**

Accessory Uses  
Administrative Offices  
Agricultural Uses, as further limited by other conditions  
Animal Clinic - outside kennels are prohibited  
Auto Parts Store, subject to permitted Use Note B - limited also by Condition 16  
Automobile Repair & Service, Group I only - subject to Permitted use Note B  
Banks and Financial Establishments, all Groups  
Broadcast Studio, Commercial Radio and Television - an on-site tower is prohibited  
Business Services, Groups I & II, Group II - outdoor storage prohibited  
Cleaning and Maintenance Services, no outdoor storage of vehicles  
Clothing Stores  
Computer and Data Processing  
Consumption on Premises, subject to Permitted Use Note set forth in 2.a.(3)(B)C  
Contractors and Builders, Group I only  
Cultural Facilities, limited to Art Galleries and Museums  
Daycare Center, Child and Adult  
Department Store  
Drive-through facility, must be located a minimum of 500 feet from any residential lot in The Vines  
Drug Store, limited to Permitted Use Note B  
Essential Services  
Essential Service Facilities, Group I  
Excavation, Water Retention - Not to include the removal of excavated material from the site  
Fences and Walls  
Food Stores, Groups I and II  
Gift and Souvenir Shop  
Hardware Store, limited to Permitted Use Note B  
Health Care Facility, Groups I, II and III  
Hobby, Toy and Game Shop  
Hospice  
Model Units and Model Display Centers - subject to conditions below  
Non-store Retailers, all Groups, outdoor storage is prohibited  
Offices, Medical  
Package Store, limited to:  
    Wine Shops, and  
    Package Stores in conjunction with a Drug Store use only  
Paint, Glass and Wallpaper Store

Personal Services, Group I, II - limited to Beauty Spas, Health Clubs or Spas, Reducing or Slenderizing Salons, Group III, and Group IV - limited to babysitting bureaus, debt counseling services, portrait copying, shopping services, and tax return preparation services

Pet Services

Pet Shop

Place of Worship

Real Estate Sales and Rental Office

Recreational Facilities, Personal and Private On-site only and only in conjunction with and on the same tract as any ancillary multi-family or townhouse uses

Rental and Leasing Establishments, Group II - outside storage is prohibited

Restaurants, Standard - Groups I, II, III & IV - subject to Permitted Use Note

A

Schools, Commercial

Shopping Center

Signs, in compliance with the LDC

Social Services, Group I only

Specialty Retail Shops, Groups I-IV

Storage, Indoor only and only as an ancillary use

Studios

Temporary uses - limited to sales center and construction offices, in compliance with LDC regulations regarding temporary uses

Variety Store

Wholesale Establishments, Group III only

**(3) ADDITIONAL USE CONDITIONS**

- (A) The following uses may be allowed in Wetland areas subject to review and approval by Environmental Sciences staff as part of development order review:

Interpretative centers, rain shelters gazebos

Nature and foot paths including pedestrian boardwalks

Wildlife management areas

Mitigation activities

Signs, limited to educational signs only

- (B) The following Permitted Use Notes, apply to the uses referenced above (referenced in the Schedule of Uses as A, B & C):

- A. Must be located a minimum of 200 feet from any off-site property zoned for residential purposes
- B. Limited to Tracts MPD-3 and MPD-4
- C. Consumption on Premises (COP) (Four total approved)

- (1) COPs are limited to a maximum of three for standard restaurants, one for the clubhouse and one for the

golf course.

- (2) COPs in Tract MPD-1 must first receive Special Exception or an Administrative Approval, whichever is deemed appropriate by the DCD Director. Since the proposed plan of development is only conceptual, this additional condition is necessary to ensure the placement of the COP use will be compatible with the surrounding land uses.

- (C) Uses in MPD Tract 1 are limited as follows:

Hours of operation for businesses open to the public are 7:00 a.m. until 10:00 p.m. Restaurants may be open until 11:00 p.m., Monday through Thursday and 12:00 midnight, Friday and Saturday

Deliveries are prohibited between the hours of 8:00 p.m. and 6:00 a.m.

Outside entertainment, speaker systems, loud speakers or public address systems are prohibited in MPD Tract 1.

b. **SITE DEVELOPMENT REGULATIONS**

Site Development Regulations are limited to the "Property Development Regulations," set forth in Exhibit B as revised on March 30, 2001:

- (A) General Project Square Footage Limitations:

- (1) Maximum overall commercial development is limited to 320,000 square feet of retail commercial uses, and 20,000 square feet of office uses, except as limited below; and
- (2) This project can be comprised of medical, general office, retail, or service uses (in compliance with the schedule above), or any combination of those uses, up to the maximum square footage, provided all limiting conditions, parking, open space, buffering, and water management requirements are met.
- (3) All special setback or development regulations contained in the LDC (as it may be amended) for any specific use must be met; and
- (4) The option to convert retail and office uses is approved with the limitation that no more than 21.94 acres of commercial acreage may be converted to office use; and
- (5) Retail Commercial square footage within the Suburban land

use category may not exceed 100,000 square feet. The development must provide cumulative totals for each development order submittal showing compliance with this condition.

(B) Outdoor Seating for COP uses:

- (1) Outdoor seating may not be located within 300 feet of a residential lot in The Vines; and
- (2) Outdoor seating must be located on the side of the principal structure that is opposite residentially zoned or used lot in The Vines; and
- (3) The outdoor seating must cease at 10:00 p.m., Monday through Thursday, and 11:00 p.m., Friday and Saturday;

3. Environmental Conditions: Prior to local development order approval, the developer must:

- a. Provide open space consistent with the Open Space and Indigenous Vegetation Table attached as Exhibit C. Each tract must provide a minimum of 10 percent open space.
- b. Submit development order plans that show a connection between the conservation area in the southeast corner of the MPD Tract-5 and the upland conservation area on the eastern side of the restored wetland. The wildlife connection will run under the road and include a set of two tunnels constructed of 36-inch-wide by 24-inch-high, elliptical concrete pipe. The plans will show the two elliptical wildlife connections placed under the road in a side by side position unless directed otherwise by Division of Planning/Environmental Sciences Staff. At a minimum, the bottom of the pipes will be placed no lower than the existing upland preserve grade to help prevent inundation within the pipes during the wet season.
- c. Submit a detailed wetland restoration plan to the Division of Planning/Environmental Sciences Staff for review and approval. Both the wetland restoration plan and littoral zones required by the LDC must be designed to provide foraging area for wood storks.
- d. Re-survey the potential Big Cypress fox squirrel nests on-site specifically for fox squirrel presence. The protected species survey must be prepared in accordance with LDC § 10-473 and submitted to the Division of Planning/Environmental Sciences for review and approval. If fox squirrel use of the site is verified, the developer must submit final management details in accordance with LDC § 10-474 including a phased exotic removal plan.
- e. Submit a detailed gopher tortoise management plan for review and approval by the Division of Planning/Environmental Sciences staff.
- f. Obtain a Vegetation Removal Permit to install barricades to protect preserves and conduct excavation of tortoise burrows to move the gopher tortoises within the

development tracts.

4. The Golf Driving Range is limited to operating during daylight hours.
5. Development order submittals must include a running inventory showing the overall number of units and commercial (retail and office) square footage that have been built, approved to be built, or are in the development approval process.
6. Sandy Lane Extension
  - a. As part of the first development order submittal, the developer must revise the MCP to reflect the planned extension of Sandy Lane along the eastern boundary of the site, consistent with the sketch set forth in the Lee County DOT Exhibit entitled, "Sketch and Description of Sandy Lane Extension," (Exhibit D) unless mutual agreement regarding a different alignment is reached between Lee County and the property owner(s). Lee County will compensate the property owner for the reservation of the property in accordance with the regulations set forth in Chapter 2 of the LDC; and
  - b. The minimum setback for a water retention lake from the road right-of-way must be no less than 25 feet from the western Sandy Lane right of way, consistent with LDC § 10-329(f)(1)a.2 and the sketch noted above, unless mutual agreement regarding a different alignment is reached between Lee County and the property owner(s). The developer must provide satisfactory elements for the protection of wayward vehicles. These elements may consist of fencing, berms, buffering or a combination of all three, however, the exact elements are subject to review and approval by Lee County; and
  - c. This project will be permitted one access point within the southern half of this project's frontage along the proposed Sandy Lane extension. This access point must align with the access point that is approved for the parcel on the tract on the east side of the Sandy Lane extension. (The access point onto Sandy Lane is not a required access point, except that at least one emergency access must be provided to a road other than Koreshan Boulevard as noted in Condition 11.)
7. Bona fide agricultural uses in existence at the time this resolution is finalized may continue until approval of the first local development order. However, no development activity of any kind may occur on the property, including clearing of vegetation or cutting of trees, unless that activity is reviewed and approved in accordance with the Lee County LDC regulations as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemption or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.
8. No excess excavated material may be removed from the site unless the developer can demonstrate to the Director of the Department of Community Development that the material to be removed: 1) is unsuitable material that cannot be used on-site; and 2) the material must be excavated to meet the minimum requirements necessary to accommodate a water

management system on the site. The purpose of this condition is to prohibit the voluntary creation of excess fill material for use off-site.

9. Model units and homes are permitted in compliance with the following conditions:

- a. Administrative approval must be obtained. Administrative Approval is subject to review and approval based upon potential negative impacts to nearby uses regarding, but not limited to, glare, noise, dust
- b. Each model must be a unique example. Multiple examples of the same unit are not permitted; and
- c. All model sites must be designated on the development order plans; and
- d. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat. The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for the project; and
- e. Dry models are prohibited.

10. Golf Course Conditions:

- a. The golf course developer must use fertilizers with a low leaching potential (slow release). Fertilizers must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels; and
- b. To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan that includes an integrated pest management (IPM) program and a nutrient management program such that nutrients and pesticides are used only when absolutely necessary. The program must address prevention, diagnosis, and limited treatment with pesticides when necessary rather than blanket treatment with broad spectrum pesticides as insurance against all pest species. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The IPM program must minimize the use of pesticides and must include the use of the U.S. Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. Turf managed areas (including fairways, tees, and greens) are prohibited within 35 feet of wetlands or preserve areas. The chemical management plan must be reviewed and approved by Lee County Natural Resources Division prior to development order approval.



- c. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.
- d. The Developer must utilize a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of IPM. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those same fertilizers into the groundwater.
- e. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.
- f.
  - 1) Prior to the issuance of local development order approval, the developer must demonstrate compliance with "Best Management Practices for Golf Course Maintenance Departments," prepared by the Florida Department of Environmental Protection, May 1995, as amended.
  - 2) The development order must demonstrate separate mixing and loading facilities for pesticides, and provide a separate pesticide storage area, in compliance with materials specified in the above referenced document. The development order must demonstrate separate mixing and loading facilities for fertilizer, and provide a separate fertilizer storage area, in compliance with materials specified in the above referenced document.
  - 3) The development order plans must specify the construction material for all buildings in compliance with "Best Management Practices for Golf Course Maintenance Departments."
  - 4) Equipment to apply pesticides and fertilizers must be stored in an area protected from rainfall.
- g. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, while requiring relatively low fertilizer use;
- h. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.
- i. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from underdrains must not discharge directly into a surface water management lake.
- j. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.
- k. The operator of the golf course must submit an annual monitoring report of ground water and surface water quality. The monitoring program must include: testing to

assess whether there are any herbicide, pesticide or fertilizer pollution of the water within the area of the golf course; identifying the locations for the ground water monitoring and testing on a map(s); setting forth the testing and recording requirements. The Developer must submit the test results with the monitoring report to the Lee County Natural Resources Division. The monitoring program will be established and operated at the expense of the Developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 62-302, F.A.C., water quality standards.

- l. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and if the pollution is caused by the application of fertilizers, herbicides or pesticides to the golf course, the application must cease until there is a revised management plan. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County must be implemented by the Developer.
  - m. Prior to development order approval for the golf course, the developer must conduct a pre-development groundwater and surface water analysis and submit the analysis to Lee County Division of Natural Resources. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals that are anticipated to be associated with the project. Prior to commencing this baseline study, the developer must submit the methodology for review, comment and approval by Lee County.
- 11. Prior to development order approval for any portion of the property, the developer must show an emergency access connecting to the existing Oriole Road to the north. Prior to the opening of the Sandy Lane extension that will connect to the existing Oriole Road, the developer must revise the emergency access so that it will be accessible from the future Sandy Lane extension.
- 12. Buildings exceeding 35 feet in height must maintain additional building separation or additional building setbacks consistent with LDC § 34-2174(a) and LDC § 935(e)4.
- 13. Lighting to serve uses within 200 feet of perimeter property allowing residential uses must be hooded, shuttered, or shielded and may not exceed 18 feet in height. Mercury vapor lamps/lights are prohibited, the lighting in this 200-foot area must be scaled so that no more than the minimum required number of light fixtures are erected. Individual building lighting must be of the lowest intensity to meet safety standards. The scale of the fixtures and the type of hooding, shuttering and shielding is subject to further review prior to the approval of a development order. The individual building fixtures must be either directly fixed to the building or placed on a post lamp standard not to exceed 10 feet in height. Incandescent lamps are encouraged. The use of mercury vapor lamps/lights is prohibited.
- 14. Approval of this zoning request does not address access onto U.S. 41, since Lee County has no jurisdiction over that roadway. The developer must pursue U.S. 41 access issues with the Florida Department of Transportation (FDOT). Approval of this zoning request does

not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order. Approval of this rezoning does not give the developer an undeniable right to receive local development order approval. Future development order approvals must satisfy concurrency requirements as required by Lee Plan Objective 2.2.

15. Approval of this rezoning does not guarantee local development order approval or vest present or future development rights for Lee Plan consistency. Development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b). In addition, development order applications must also be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.
16. Installation of any auto parts, either by employees or the general public, in conjunction with the Auto Parts Store is prohibited. Signs must be posted and maintained in the parking lot for this use advising customers that "self installation" is strictly prohibited on the premises.
17. This development must comply with all the requirements of the LDC, specifically including the requirements of LDC § 10-600 *et seq.*, at the time of local development order approval, except as may be granted by deviation as part of this planned development approval or subsequent amendments thereto.
18. Structures within Tract 5 are limited to 2-story height for a distance of 200 feet back from the perimeter property line that is shared with The Vines.
19. Development of this project must not exceed any DRI thresholds, as the impacts of same were not reviewed as part of the rezoning. The developer must provide a project-wide cumulative DRI threshold analysis with each local development order submittal.
20. If the lake shown in Tract 1 is relocated further away from the boundary shared with Tract 5, structures within Tract 1 must maintain a 100-foot setback from the shared property line between the two tracts.
21. Tract MPD-7 is approved in the internal location shown in the revised MCP dated March 30, 2001. The uses permitted in MPD-7 are Residential, Golf Course, and Maintenance. Direct access to Koreshan Boulevard from this tract is prohibited.

#### SECTION C. DEVIATIONS:

Deviation 1 - WITHDRAWN BY APPLICANT.

Deviation 2 seeks relief from the LDC §10-329(e)(1)(a)(3) requirement to provide a 50-foot minimum setback for water retention lakes, to allow a 25-foot setback for water retention lakes. This deviation is APPROVED SUBJECT TO the condition that, prior to development order approval, the developer must provide satisfactory elements to discourage access from the adjacent properties. These elements may consist of fencing, berms, buffering or a combination of all three. **This deviation is not approved along the eastern or northern boundary in the area identified**

**in the memo from LCDOT if Condition 6 requires the applicant to revise its MCP to reflect the planned extension of Sandy Lane. This deviation is approved without this condition if the applicant is not required to revise its MCP to reflect the reservation of the northerly extension of Sandy Lane.**

Deviation 3 seeks relief from the LDC § 10-296(d), Table 4(7)(c) requirement to provide wearing surfaces of local and access streets for category A development be constructed of 1½-inch asphaltic concrete, to allow for cement concrete or decorative pavers. This deviation is APPROVED SUBJECT TO the condition that, prior to development order approval, the developer must demonstrate that the pavers are structural equivalent to the asphaltic pavement standard of the LDC and equivalent to 2500 psi concrete.

Deviation 4 seeks relief from the LDC § 10-256(d)(3) requirement to provide wearing surfaces of sidewalks to be constructed of 1½-inch asphaltic concrete, to allow for cement concrete decorative pavers. This deviation is APPROVED SUBJECT TO the condition that, prior to development order approval, the developer must demonstrate that the pavers are structural equivalent to the asphaltic pavement standard of the LDC and equivalent to 2500 psi concrete.

Deviation 5.a - WITHDRAWN BY APPLICANT.

Deviation 5.b - WITHDRAWN BY APPLICANT.

Deviation 6 - WITHDRAWN BY APPLICANT.

Deviation 7 - WITHDRAWN BY APPLICANT.

Deviation 8 seeks relief from the LDC § 10-292(c) requirement to provide residential developments of more than five acres or any commercial development of more than ten acres provide two or more means of ingress or egress for the development, to allow the residential portion of the project that is separated by the railway right-of-way to have one means of ingress and egress. This deviation is APPROVED SUBJECT TO COMPLIANCE WITH CONDITION 11.

Deviation 9 - WITHDRAWN BY APPLICANT.

Deviation 10 - WITHDRAWN BY APPLICANT.

Deviation 11 seeks relief from the LDC §§ 34-2015(2)c and 34-2020(1)c requirements to prohibit the stacking of vehicles in multi-family development, to allow stacking of the vehicles when all of the following requirements are met:

1. The number of units in each multi-family building will be limited to eight units or less; and
2. The first parking space is in an individual garage with an individual driveway; and
3. Each individual driveway has a minimum 1-foot physical separation from any other driveway; and
4. It can be demonstrated at the time of development order application that safe sight distance triangles are met.

This deviation is APPROVED SUBJECT TO the above stated requirements.

Deviation 12 seeks relief from the LDC § 10-415(b)(1) requirement to establish open space requirements, to allow the adoption of an Open Space Table. This deviation is APPROVED SUBJECT TO Condition 3.

Deviation 13 seeks relief from the LDC § 34-1264(b)(1)a requirement to require a 500-foot separation distance between an establishment for the sale or service of alcoholic beverages from consumption on the premises, to allow a separation distance of 300 feet. This deviation is APPROVED SUBJECT TO the Permitted Use Notes set forth in Conditions 2.a.3(B)C and 2.a.3(C), above.

#### SECTION D. EXHIBITS:

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

- Exhibit A: The legal description and STRAP number of the property.
- Exhibit B: Project Development Regulations
- Exhibit C: Open Space and Indigenous Vegetation Table
- Exhibit D: Sketch and Description of Sandy Lane Extension
- Exhibit E: Zoning Map (subject parcel identified with shading)
- Exhibit F: The Master Concept Plan

#### SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable code and regulations.
2. The MPD rezoning, as conditioned:
  - 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 the site 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 approval of this rezoning request 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 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 Janes, 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
Andrew W. Coy	Absent
John E. Albion	Aye

DULY PASSED AND ADOPTED this 7<sup>th</sup> day of May 2001.

ATTEST:  
CHARLIE GREEN, CLERK

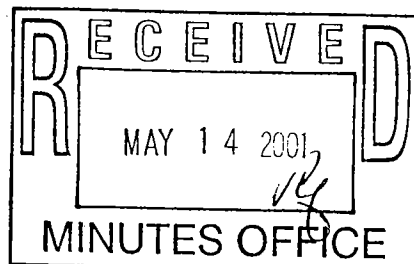
BY: *Charlie Green*  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *Robert P. Janes*  
Chairman

Approved as to form by:

*Annal Jane Collins*  
County Attorney's Office





A CECI GROUP COMPANY

CECI Group Services

Civil Engineering

Survey & Mapping

Coastal Engineering

Real Estate Appraisal

Environmental Assessment

Website: www.coastalengineering.com

EXHIBIT  
LEGAL DESCRIPTION  
PARCEL "A"  
ESTERO GOLF RESORT MPD

A TRACT OR PARCEL OF LAND IN SECTION 21, TOWNSHIP 46 SOUTH,  
RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED  
AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21, THENCE ALONG  
THE EAST LINE OF SECTION 21, N 00°46'45" W, A DISTANCE OF 94.98 FEET TO  
THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED  
IN O.R. BOOK 2183, PAGES 3461 - 3462) TO THE POINT OF BEGINNING;  
THENCE CONTINUE N 00°46'45" W, ALONG SAID EAST LINE OF SECTION 21, A  
DISTANCE OF 2555.79 FEET TO THE EAST QUARTER CORNER OF SAID SECTION  
21; THENCE N 00°53'22" W, A DISTANCE OF 2646.37 FEET TO THE NORTHEAST  
CORNER OF SAID SECTION 21; THENCE N 89°29'23" W, ALONG THE NORTH LINE  
OF SECTION 21, A DISTANCE OF 1322.73 FEET TO THE EAST LINE OF THE  
VINTAGE GOLF AND COUNTRY CLUB AS RECORDED IN PLAT BOOK 37, PAGE 38  
OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S 00°53'13" E,  
ALONG SAID EAST LINE OF THE VINTAGE GOLF AND COUNTRY CLUB, A DISTANCE  
OF 1317.90 FEET; THENCE S 44°54'53" W, A DISTANCE OF 2370.26 FEET;  
THENCE CONTINUE S 32°34'51" E, ALONG THE EASTERLY RIGHT-OF-WAY LINE  
OF THE SEABOARD COAST LINE RAILROAD A DISTANCE OF 2513.30 FEET;  
THENCE ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF KORESHAN BOULEVARD  
CONTINUE S 86°11'52" E A DISTANCE OF 1148.53 FEET TO A POINT OF CURVATURE,  
THENCE CONTINUE 552.84 FEET ALONG THE ARC OF SAID CURVE CONCAVE TO THE  
NORTHEAST, HAVING A RADIUS OF 11,425.00 FEET, A CENTRAL ANGLE OF 02°46'21",  
A CHORD DISTANCE OF 552.79 FEET, AND A CHORD BEARING OF S 87°35'02" E;  
TO SAID POINT OF BEGINNING.

PARCEL CONTAINS 240.4± ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

AND THOSE LANDS FURTHER DESCRIBED AS FOLLOWS:

PARCEL "A-1"  
ESTERO GOLF RESORT MPD

A TRACT OR PARCEL OF LAND IN SECTION 21 AND 28, TOWNSHIP 46 SOUTH, RANGE 25  
EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 21; THENCE ALONG THE EAST  
LINE OF SECTION 21, N 00°46'45" W, A DISTANCE OF 94.98 FEET TO THE NORTHERLY RIGHT-  
OF-WAY LINE OF KORESHAN BOULEVARD (AS DESCRIBED IN O.R. BOOK 2183, PAGES 3461-  
3462); THENCE CONTINUE ALONG THE NORTHERLY RIGHT-OF-WAY OF KORESHAN  
BOULEVARD 552.84 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE NORTHEAST;  
HAVING A RADIUS OF 11425.00 FEET, A CENTRAL ANGLE OF 02°46'21", A CHORD DISTANCE  
OF 552.79 FEET, AND A CHORD BEARING OF N 87°35'02" W TO A POINT OF TANGENCY;  
THENCE N 86°11'52" W, FOR A DISTANCE OF 1310.00 FEET TO THE POINT OF BEGINNING;  
THENCE CONTINUE N 86°11'52" W A DISTANCE OF 1166.17 FEET TO A POINT OF  
CURVATURE; THENCE 540.77 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE  
SOUTHWEST; HAVING A RADIUS OF 1175.00 FEET, A CENTRAL ANGLE OF 26°22'09", A  
CHORD DISTANCE OF 536.01 FEET, AND A CHORD BEARING OF S 80°36'51" W TO A POINT OF  
COMPOUND CURVATURE, THENCE CONTINUE 358.46' ALONG THE ARC OF CURVE CONCAVE  
TO THE SOUTHWEST; HAVING A RADIUS OF 1292.82 FEET, A CENTRAL ANGLE OF 15°53'11",  
A CHORD DISTANCE OF 357.31 FEET, AND A CHORD BEARING OF S 59°29'40" W, TO A POINT  
OF TANGENCY; THENCE S 51°33'05" W FOR A DISTANCE OF 261.89 FEET TO A POINT OF  
CURVATURE; THENCE CONTINUE 79.66 FEET ALONG THE ARC OF A CURVE CONCAVE TO  
THE NORTH; HAVING A RADIUS OF 50.00 FEET, A CENTRAL ANGLE OF 91°17'11", A CHORD  
DISTANCE OF 71.50 FEET, AND A CHORD BEARING OF N 82°48'27" W, TO A POINT OF  
TANGENCY; THENCE CONTINUE N 37°10'00" W A DISTANCE OF 955.60 FEET, THENCE  
CONTINUE N 37°45'31" W A DISTANCE OF 17.52 FEET; THENCE N 44°54'53" E FOR A  
DISTANCE OF 2235.13 FEET TO THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST  
LINE RAILROAD (AS RECORDED IN DEED BOOK 68, PAGE 78); THENCE CONTINUE ALONG  
THE WESTERLY RIGHT-OF-WAY OF THE SEABOARD COAST LINE RAILROAD S 32°34'52" E  
FOR A DISTANCE OF 2388.69 FEET TO POINT OF BEGINNING.

PARCEL CONTAINS 74.2± ACRES OF LAND MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

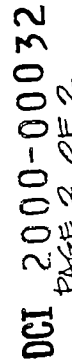
COASTAL ENGINEERING CONSULTANTS, INC.  
FLORIDA BUSINESS REGISTRATION NO. 09 2464  
DANA L. WORLEY  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5651  
NOT VALID WITHOUT THE SIGNATURE AND  
THE ORIGINAL PLASTIC SEAL OF A FLORIDA  
LICENSED SURVEYOR AND MAPPER  
CEC FILE NO. 97503  
DATE SIGNED: 07-21-01

Applicant's Legal Checked  
by *[Signature]* 3/17/01

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PAGE 1 OF 2

Page 2 of 2





**PROPERTY DEVELOPMENT REGULATIONS**  
March 29, 2001

LAND USES	Minimum Lot			Minimum Setback (ft)								Max Height (ft) <sup>2</sup>	Min Bldg Separation (ft) <sup>2</sup>	Max Lot Coverage (%)	
	Area (sq ft)	Min Width (ft)	Min Depth (ft)	Side <sup>1</sup> Incl. Corner Lots (ft)	Rear (ft)				Front (ft)		Water Body (ft)			East of railroad with Golf Option	East of Railroad without Golf Option
					Lots	Wetland	Golf	Acc.	Front Entry Garage	Bldg or Side Entry Garage					
Single Family Detached	5,000	50	100	5	20	20	0	5	20	12	25	35 or 2 stories	10	65	40
Zero Lot Line	5,000	50	100	0 or 7½	20	20	0	5	20	12	25	35 or 2 stories	10	65	40
Two Family Attached	3750	37½	100	0 or 10	20	20	0	5	20	12	25	35 or 2 stories	10	65	40
Townhouse	2,000	22	80	0 or 10	20	20	0	5	20	15	25	35 or 2 stories	½ bldg height but not less than 20	n/a	n/a
Multi-Family	10,000	100	100	10	20	20	0	5	20	20	25	55 or 4 stories	½ bldg height but not less than 20	70	40
Clubhouse	20,000	80	100	10	20	20	0	5	n/a	20	25	55 or 4 stories	½ bldg height but not less than 20	55	n/a
Commercial (MPD 1-4)	20,000	80	100	0 or 15 <sup>3</sup>	25 <sup>4</sup>	20	n/a	5	per LDC	per LDC	25	55 or 4 stories	½ bldg height but not less than 20	55	

- <sup>1</sup> Applies to lots of all widths and to corner lots.
- <sup>2</sup> Building height is limited to 35 feet or 2 stories within 200 feet of The Vines and San Carlos Park. Buildings exceeding 35 ft in height must maintain additional building separation or additional building setbacks consistent with LDC Section 34-2174(a) and LDC Section 935(e)4.
- <sup>3</sup> Should the subject property be subdivided, a 0' setback to any internal lot lines will be required.
- <sup>4</sup> Structures in MPD Tract 1 must maintain a 100 ft setback from the Tract 5 property line.

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**OPEN SPACE AND INDIGENOUS VEGETATION**  
**ESTERO GOLF RESORT**  
 March 21, 2001

Tracts	OPEN SPACE		INDIGENOUS	
		<u>Required</u>	<u>Provided</u>	<u>Required</u> <u>Provided</u>
MPD 1-4	34.06± acres	10.22± acres	5.00± acres	5.11± acres      0 acres
MPD 5	40.14± acres	16.06± acres	16.06± acres	8.03± acres      13.14± acres**
			5.22± acres*	
Total	74.20± acres	26.28± acres	26.28± acres	13.14± acres      13.14± acres
MPD 6-12	242.20± acres	96.16± acres	96.16± acres	n/a      n/a

\* Balance from Tracts MPD 1-4

\*\* Including restored wetland

\*\*\* This figure would be reduced if any qualifying lots (LDC 10-415) were developed.

**RECEIVED**  
 MAR 21 2001

PERMIT COUNTER

**001 20 00-0003**

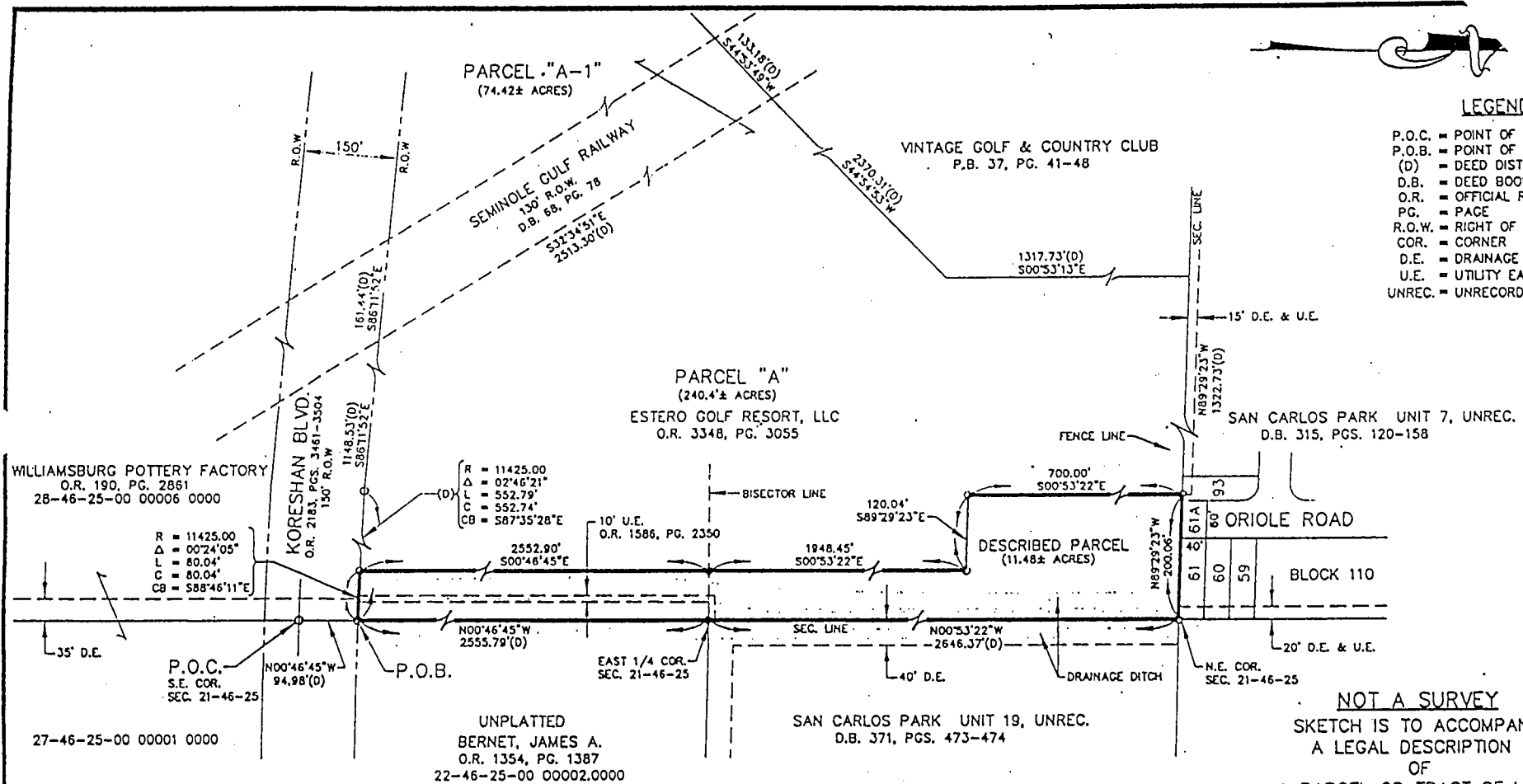


EXHIBIT D

#### SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION WAS MADE UNDER MY DIRECTION AND CONTROL AND TO THE BEST OF MY KNOWLEDGE AND BELIEF MEETS THE MINIMUM TECHNICAL STANDARDS IN ACCORDANCE WITH CHAPTER 81C17-6 FLORIDA ADMINISTRATIVE CODE PURSUANT TO CHAPTER 472.027 OF THE FLORIDA STATUTES.

DATE: 02/01

Arthur W. Parsons, County Surveyor  
Professional Surveyor & Mapper  
Florida Certificate No. LS-2987

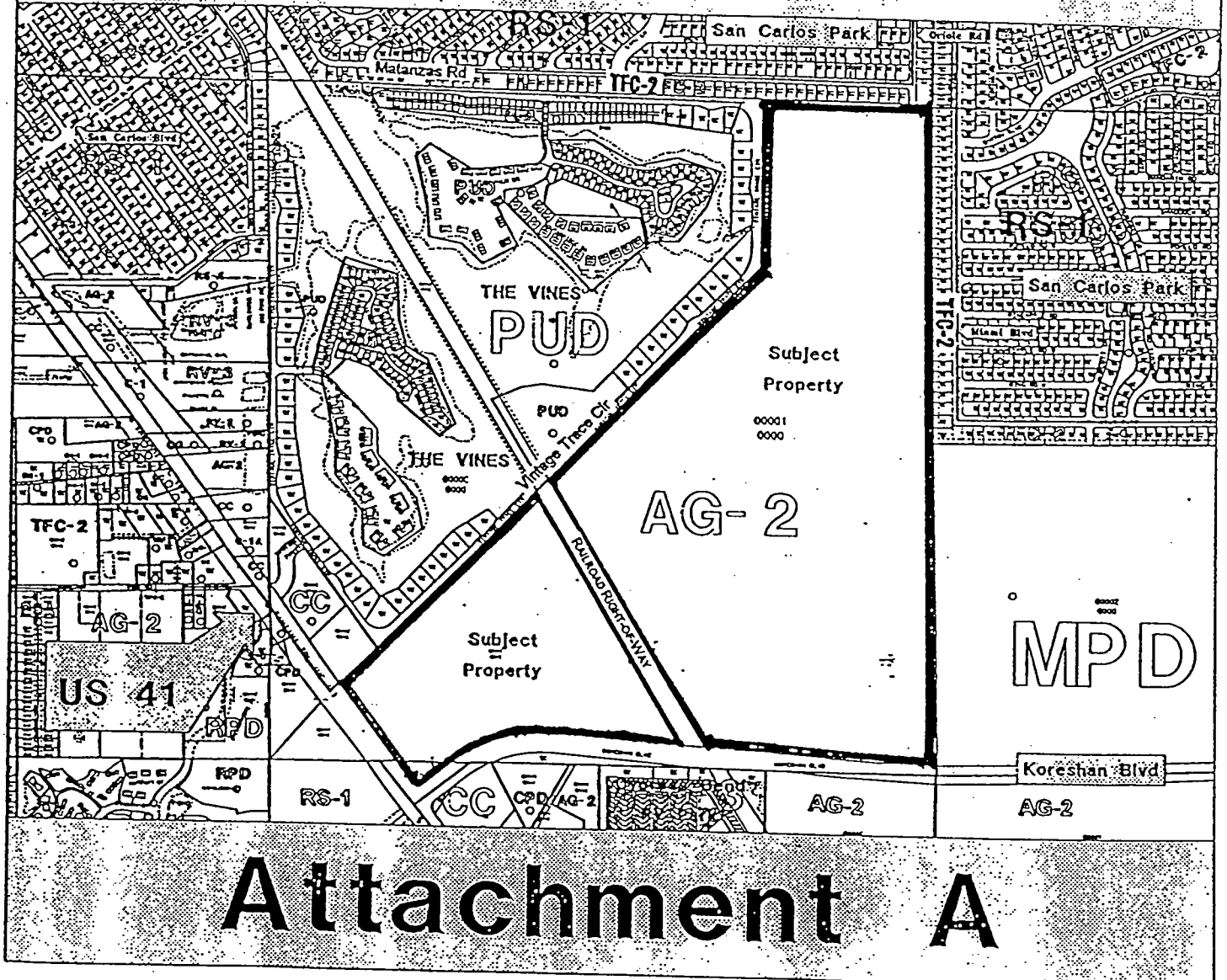
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL  
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR & MAPPER.

#### SURVEYOR'S NOTES

- 1.) DESCRIPTION FOR DESCRIBED PARCEL IS BASED ON DEED.
- 2.) TOPOGRAPHICAL FEATURES OR IMPROVEMETS LYING WITHIN DESCRIBED PARCEL WERE NOT SURVEYED OR LOCATED.
- 3.) NO RECORD OF OWNERSHIP HAS BEEN DETERMINED FOR PARCEL SHOWN AS LOT 61A, BLOCK 110, SAN CARLOS PARK UNIT 7.
- 4.) UNLESS OTHERWISE NOTED, DIMENSIONS ARE CALCULATED.

		SHEET NO.  2 of 2	
<b>DEPARTMENT OF PUBLIC WORKS</b> <b>TRANSPORTATION DIVISION</b>			
Designed by: A.W.P.	Date: 02/01		Disk 20001
Drawn by: D.O.K.	Date: 02/01		Scale: 1"=200'
Chk'd: A.W.P.	Date: 02/01	001572701	

# Zoning Map



### LAND USE SUMMARY

Land Uses	Acres	Units/Size
Commercial Tracts	32.00ac*	320,000 sq ft**
Office Tract	1.06ac*	20,000 sq ft
Residential & Club/Res Tracts	280.34ac*	820 units ***
<b>TOTAL</b>	<b>314.50ac</b>	

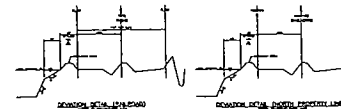
\* Acreage includes water management, roadways and open space for the use.  
 \*\* The developer retains the option of converting retail commerce to office at a ratio of 4 acres of commercial use : 3 acres of office use.

#### MASTER CONCEPT PLAN NOTES

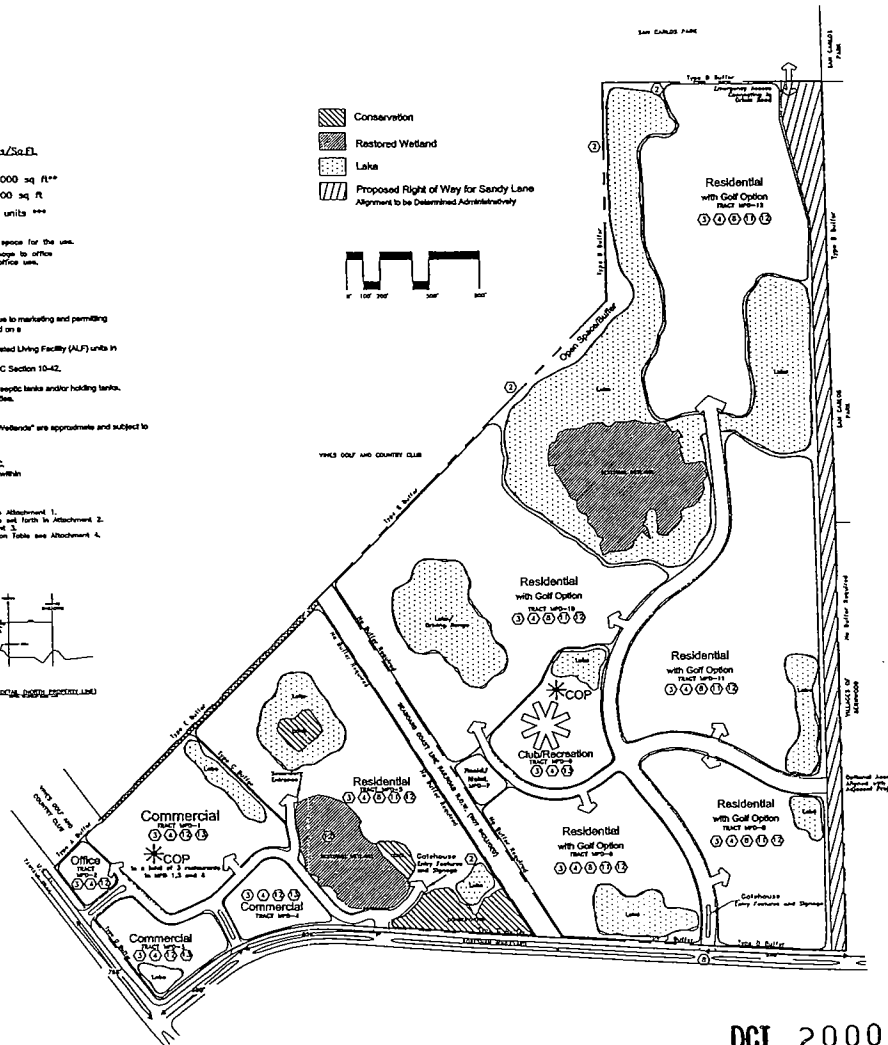
1. WITHDRAWN
2. The residential unit mix is preliminary and subject to change due to marketing and permitting considerations. Single and multi-family units may be converted on a 1:1 ratio.
3. Multi-family units may be converted to a maximum of 100 Assisted Living Facility (ALF) units in accordance LDC Section 34-1434.
4. Access to public transit will be provided in accordance with LDC Section 10-42.
5. Private covenants have not been developed for the project.
6. Temporary administration offices and sales offices may utilize specific lots and/or holding tanks. Permanent specific lots may be used for golf course maintenance facilities.
7. There are no structures on site.
8. This property will be developed in one phase.
9. The configuration of the "Conservation" areas and "Restored Wetlands" are approximate and subject to modification by the review agencies.

**PARKING**  
 Estero Golf Resort will meet the parking requirements of the LDC.  
 Parking will be calculated based on the specific uses developed within the project.

- NOTES**
1. Permitted Land Uses for Estero Golf Resort are set forth in Attachment 1.
  2. Property Development Regulations for Estero Golf Resort are set forth in Attachment 2.
  3. Dimensions for Estero Golf Resort are set forth in Attachment 3.
  4. For Estero Golf Resort Open Space and Indigenous Vegetation Tables see Attachment 4.



- Conservation
- Restored Wetland
- Lake
- Proposed Right of Way for Sandy Lane Alignment to be Determined Administratively



Survey and site information provided by:  
**COASTAL ENGINEERING CONSULTANTS, INC.**  
 Coastal & Civil Engineers  
 17342 S. TAMPA AVENUE, SUITE 102  
 TAMPA, FLORIDA 33613  
 PHONE NO.: (813) 880-9500 FAX NO.: (813) 880-9909

**FLORIDA LAND PLANNING, INC.**  
 1500 Avenue Drive, Suite E - Midland Professional Center  
 Fort Myers, Florida 33907  
 (813) 278-5222 - Fax (813) 278-4465



## ESTERO GOLF RESORT Master Concept Plan

Scale: 1" = 300'  
 Date: 03/16/2001  
 Rev: 03/16/2001  
 Rev: 03/16/2001  
 Rev: 03/16/2001

SEE PL TYPING PAGE



Sheet 1 of 1

**APPROVED**

Master Concept Plan

Site Plan 01-012 Page 1 of 1

Subject to conditions in Resolution 2-01-012

Zoning Case 012000-00032

DCI 2000-00032