

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;

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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°55'33"E 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 implementing 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 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 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.

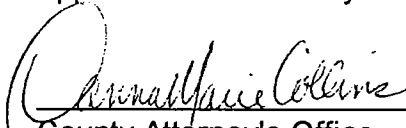
ATTEST:
CHARLIE GREEN, CLERK

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 JP D.C.

SHEET NO.
1

INDEX OF PLANS

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

[illegible]


APPROVED

Master Concept Plan
Site Plan # 916-0008 Page 1 of 5
Subject to conditions in Resolution 2-36-005
Zoning Case # 25-06-008.000

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

PROJECT # 95-06-198.032
PROJECT TYPE 12

RECEIVED
JAN 05 1996
ZONING COUNTY



0 1000 2000 4000
SCALE IN FEET



PREPARED BY

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

SITE DATA

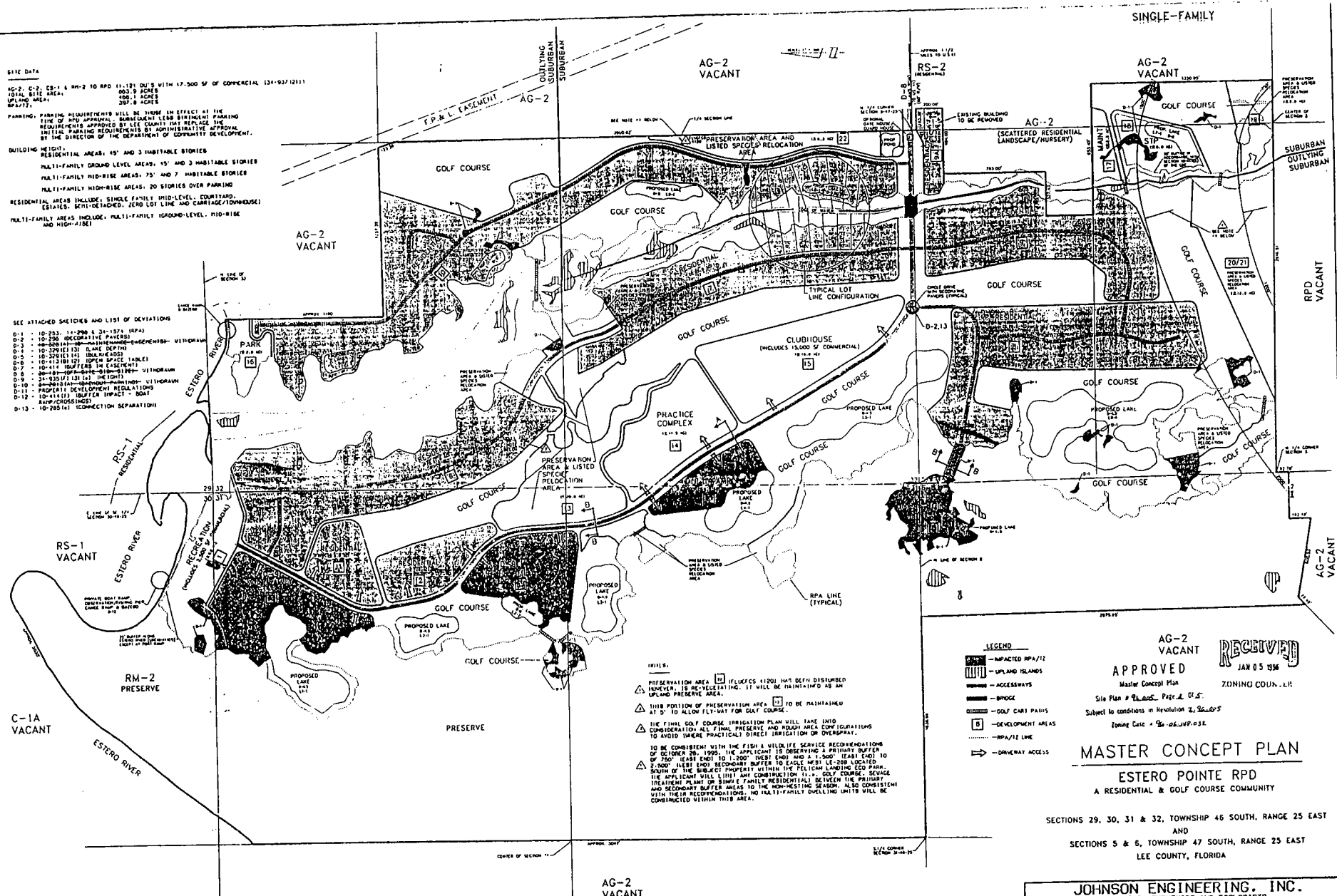
AG-2, C-1A, RS-1 & RM-2 TO RPD 11-121 D.U.'S WITH 17,500 SF OF COMMERCIAL 131-9271211
 TOTAL SITE AREA: 403.9 ACRES
 UPLAND AREA: 100.1 ACRES
 RPA/12: 307.8 ACRES

PARKING: PARKING REQUIREMENTS WILL BE THOSE IN EFFECT AT THE TIME OF RPD APPROVAL. SUBSEQUENT LESS STRINGENT PARKING REQUIREMENTS APPROVED BY LEE COUNTY MAY REPLACE THE INITIAL PARKING REQUIREMENTS BY ADMINISTRATIVE APPROVAL BY THE DIRECTOR OF THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

BUILDING HEIGHT:
 RESIDENTIAL AREAS: 45' AND 3 HABITABLE STORIES
 MULTI-FAMILY GROUND LEVEL AREAS: 45' AND 3 HABITABLE STORIES
 MULTI-FAMILY MID-RISE AREAS: 75' AND 7 HABITABLE STORIES
 MULTI-FAMILY HIGH-RISE AREAS: 20 STORIES OVER PARKING
 RESIDENTIAL AREAS INCLUDE: SINGLE FAMILY MID-LEVEL, COURTYARD ESTATES, SEMI-DETACHED, ZERO LOT LINE AND CARRIAGE/HOUSEHOUSES
 MULTI-FAMILY AREAS INCLUDE: MULTI-FAMILY GROUND-LEVEL, MID-RISE AND HIGH-RISE

SEE ATTACHED SKETCHES AND LIST OF DEVIATIONS

- D-1: 10-253, 14-290 & 24-1574 (RPA)
- D-2: 10-250 (DEVELOPMENT PLAN)
- D-3: 10-250 (DEVELOPMENT PLAN) - EASEMENTS - VITHORUM
- D-4: 10-250 (DEVELOPMENT PLAN) - EASEMENTS - VITHORUM
- D-5: 10-250 (DEVELOPMENT PLAN) - EASEMENTS - VITHORUM
- D-6: 10-250 (DEVELOPMENT PLAN) - EASEMENTS - VITHORUM
- D-7: 10-250 (DEVELOPMENT PLAN) - EASEMENTS - VITHORUM
- D-8: 10-250 (DEVELOPMENT PLAN) - EASEMENTS - VITHORUM
- D-9: 10-250 (DEVELOPMENT PLAN) - EASEMENTS - VITHORUM
- D-10: 10-250 (DEVELOPMENT PLAN) - EASEMENTS - VITHORUM
- D-11: 10-250 (DEVELOPMENT PLAN) - EASEMENTS - VITHORUM
- D-12: 10-250 (DEVELOPMENT PLAN) - EASEMENTS - VITHORUM
- D-13: 10-250 (DEVELOPMENT PLAN) - EASEMENTS - VITHORUM



C-1A
VACANT

RM-2
PRESERVE

AG-2
VACANT

AG-2
VACANT

SINGLE-FAMILY

AG-2
VACANT

RPD
VACANT

AG-2
VACANT

- LEGEND**
- IMPACTED RPA/12
 - UPLAND ISLANDS
 - ACCESSWAYS
 - BRIDGE
 - GOLF CART PATHS
 - DEVELOPMENT AREAS
 - RPA/12 LINE
 - DRIVEWAY ACCESS

AG-2
VACANT
APPROVED
 Master Concept Plan
 Site Plan & Release, Page 2 of 5
 Subject to conditions in Resolution 2-96-005
 Zoning Case # 96-06-JEP-032

RECEIVED
 JAN 05 1996
 ZONING COUN. LR

MASTER CONCEPT PLAN

ESTERO POINTE RPD
 A RESIDENTIAL & GOLF COURSE COMMUNITY

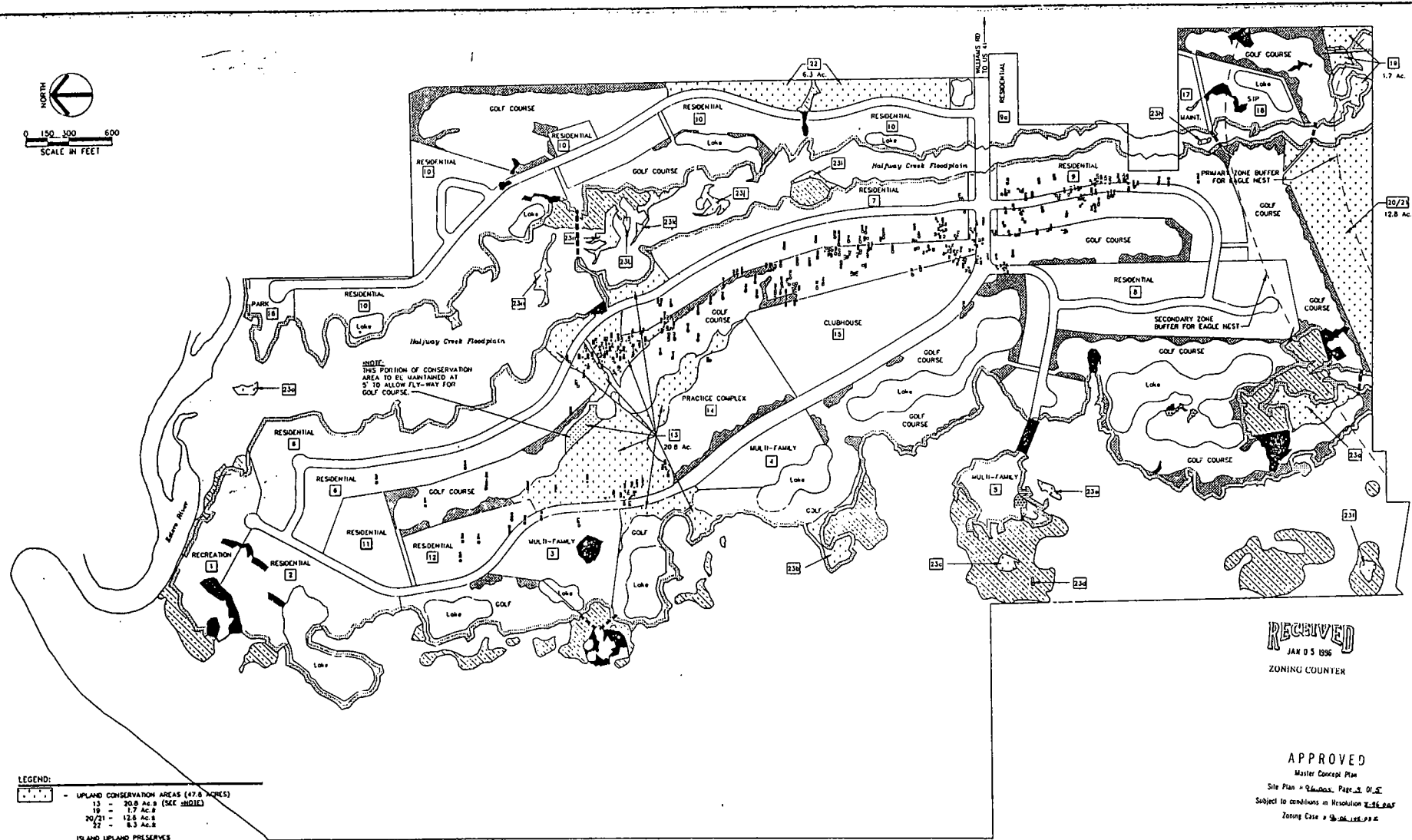
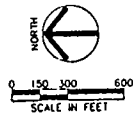
SECTIONS 29, 30, 31 & 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST
 AND
 SECTIONS 5 & 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST
 LEE COUNTY, FLORIDA

JOHNSON ENGINEERING, INC.
 ENGINEERS, SURVEYORS AND ECOLOGISTS

DATE	PROJECT NO.	FILE NO.	SHEET	TOTAL
DEC. 1990	20020	29-69-29	17	300

REVISION: 11-2-90 DRYE HINTER

"I hereby certify that I am a duly Licensed Professional Engineer in the State of Florida, License No. 10000, and that I am the author of the above-mentioned plan."



- LEGEND:**
- UPLAND CONSERVATION AREAS (47.8 ACRES)
 - 13 - 20.8 AC. (SAC 2001)
 - 19 - 1.7 AC. (SAC 2001)
 - 20/21 - 12.6 AC. (SAC 2001)
 - 22 - 6.3 AC. (SAC 2001)
 - ISLAND UPLAND PRESERVES
 - 23a thru 23e - 6.2 AC. (SAC 2001)
 - WETLAND PRESERVATION & ENHANCEMENT AREAS (31.0 ACRES)
 - WETLAND PRESERVATION AREAS (APPROX. 358.6 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:**
- 120 - 70 PLANTS TO BE PRESERVED
 - 120 - 70 PLANTS TO BE RELOCATED
 - 120 - 135 PLANTS TO BE REMOVED
 - 275

RECEIVED
JAN 05 1996
ZONING COUNTER

APPROVED
Master Concept Plan
Site Plan - 2nd Draft, Page 2 of 3
Subject to conditions in Resolution 2.56 PAS
Zoning Case # 96-001-19.0

ATLANTIC GULF COMMUNITIES
ESTERO POINTE
MILKWEED LOCATIONS & MANAGEMENT PLAN

JOHNSON ENGINEERING, INC.				
ENGINEERS, SURVEYORS AND ECOLOGISTS				
2150 JOHNSON STREET, P.O. BOX 1320, FORT WORTH, TEXAS 76101-1320 PHONE (817) 334-0040				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
APR. 1995	20053	30-46-25	1" = 300'	3

REV. FOR SEPT. AND SUFFICIENCY

ESTERO POINTE RPD
AMENDED LIST OF DEVIATIONS
DECEMBER 15, 1995

SCHEDULE OF USES
for
ESTERO POINTE RPD

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

	Minimum Lot				Minimum Setback			Maximum Height (feet)	Number of Habitable Floors	Minimum Building Separation (feet)	Subdivision	Covenants
	Area (± ft)	Depth (feet)	Width (feet)	Side (feet)	Front (feet)	Side (feet)	Water Depth (feet)					
RESIDENTIAL												
1st Level	3,300	100	75	7.5	15	20	20	45	3	15	YES	YES
2nd Level	3,300	100	55	5	10	20	20	45	3	10	YES	YES
3rd Level	16,000	100	100	15	20	20	20	45	3	30	YES	YES
4th Level	3,000	100	50	0	15	20	20	45	3	15	YES	YES
5th Level				0	7.5							
6th Level	4,300	80	45	0	15	15	20	45	3	4	YES	YES
7th Level				0	4							
8th Level	3,800	80	35	0	10	10	20	45	3	20	YES	YES
9th Level				0	0 or 10							
10th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
11th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
12th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
13th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
14th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
15th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
16th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
17th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
18th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
19th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
20th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
21st Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
22nd Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
23rd Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
24th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
25th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
26th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
27th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
28th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
29th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
30th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
31st Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
32nd Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
33rd Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
34th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
35th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
36th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
37th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
38th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
39th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
40th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
41st Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
42nd Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
43rd Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
44th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
45th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
46th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
47th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
48th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
49th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
50th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
51st Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
52nd Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
53rd Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
54th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
55th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
56th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
57th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
58th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
59th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
60th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
61st Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
62nd Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
63rd Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
64th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
65th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
66th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
67th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
68th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
69th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
70th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
71st Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
72nd Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
73rd Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
74th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
75th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
76th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
77th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
78th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
79th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
80th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
81st Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
82nd Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
83rd Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
84th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
85th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
86th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
87th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
88th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
89th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
90th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
91st Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
92nd Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
93rd Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
94th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
95th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
96th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
97th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
98th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
99th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
100th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
101st Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
102nd Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
103rd Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
104th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
105th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
106th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
107th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
108th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
109th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
110th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
111th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
112th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
113th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
114th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
115th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
116th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
117th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
118th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
119th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
120th Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
121st Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
122nd Level	10,000	100	100	20	20	20	20	45	3	20	YES	YES
123rd Level	10,000	100	1									

- D-1 REQUIREMENT PROHIBITING OR RESTRICTING ALTERATION OR DEVELOPMENT WITHIN RESOURCE PROTECTION AREAS (SECTIONS 18-15, 14-28 AND 34-1574) TO PERMIT:
- (A) CONSTRUCTION OF RECREATIONAL, BOARDWALKS AND CANAL 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.

ACCESSORY USES AND STRUCTURES
ACCESSORY APARTMENT (40)
ADMINISTRATIVE OFFICE (40)
AUXILIARY
BAIT AND TACKLE SHOP
BANKS AND FINANCIAL (25) (SECTION 34-622)(K)(3)
BUSINESS SERVICES, Group I, and Group II limited to lawn and garden services and swimming pool cleaning services, [Section 34-622)(K)(3)]
CLUBS
COUNTRY (40)
PRIVATE (40)
CONSUMPTION ON PREMISES (Section 34-1761)
CONVENIENCE FOOD AND BEVERAGE STORE (40)
DAY CARE CENTER, CHILD (40)
DRUGSTORE (40), PHARMACY (40)
DWELLING UNIT
SINGLE FAMILY (40)
SEMI-DETACHED (40) (K)
TWO-FAMILY ATTACHED (40)
TOWNHOUSE (40)
MULTIPLE FAMILY BUILDING (40)
ZERO LOT LINE (40)
COACH/CARTRIDGE
ENTRANCE GATES AND GATEHOUSE (40)
ESSENTIAL SERVICES (40)
ESSENTIAL SERVICE FACILITIES, ALL GROUPS [Section 34-622)(K)(1)]
EXCAVATION - WATER RETENTION
FENCES, WALLS
FOOD AND BEVERAGE SERVICE, LIMITED (40)
FOOD STORES, Group I [Section 34-622)(K)(16)] including a gourmet grocery store
GOLF COURSE AND ACCESSORY FACILITIES
GOLF DRIVING RANGE AND GOLF TRAINING FACILITY
HELISTOP (40)
HOMECARE FACILITY (40)
HOME OCCUPATION
LAUNDRY OR DRY CLEANING [Section 34-622)(K)(24)]
MODEL HOME, UNIT, DISPLAY CENTER
PARKS, PRIVATE, Group I [Section 34-622)(K)(37)]
PARKING LOT ACCESSORY (40)
PERSONAL SERVICES, Groups I and II [Section 34-622)(K)(33)]
PHARMACY (40)
POST OFFICE (40)
PRIVATE BOAT RAMP AND OBSERVATION (SHOULDER) RAMP
RECREATIONAL FACILITIES
PERSONAL (40)
PRIVATE (40)
REAL ESTATE SALES OFFICE
RESIDENTIAL ACCESSORY USES [Section 34-622)(K)(4)]
RESTAURANTS, Groups I, II and III [Section 34-622)(K)(4)]
SIGNS - In accordance with Chapter 10 of Land Development Code and Division
SPECIALTY RETAIL SHOPS, Groups I and II [Section 34-622)(K)(4)]
TEMPORARY USES
TEMPORARY CONSTRUCTION TRAILER
TEMPORARY SALES CENTER
UNIT OF HIGH IMPACT (40), including time share

- D-2 REQUIREMENTS FOR ROAD SPECIFICATIONS (SECTION 18-246) TABLE 4, ITEM 1 (K)(16) AND BRICK PAVES AS AN ALTERNATIVE ROAD SURFACE ON A PRIVATELY MAINTAINED ROAD IN A NEW DEVELOPMENT (SECTION 18-218) TO ALLOW THE ROADWAY CONFIGURATION SHOWN ON THE ATTACHED SKETCH.
- D-3 WITHDRAWN.
- D-4 REQUIREMENT THAT THE MAXIMUM RETENTION DEPTH FOR EXCAVATION BE 12 FEET (SECTION 18-236)(K)(16)) TO A MAXIMUM EXCAVATION DEPTH OF 20 FEET WITHOUT ANY PENETRATION THROUGH IMPERVIOUS SOIL OR ROCK LAYER WHICH PRESENTLY PROHIBITS INTERMIXING OF VARIOUS WATER STRATA.
- D-5 REQUIREMENT THAT EXCAVATION BANK SLOPES BE NO GREATER THAN 4:1 (SECTION 18-236)(K)(16)) 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 18-413)(K)(16)) 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 18-413)(K)(16)) 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 18-413)(K)(16)) TO ALLOW 18 STORIES OVER PARKING FOR DEVELOPMENT AREAS 2, 3, 4 AND 5.
- 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 15-FOOT WIDE BUFFER LANDSCAPE FROM THE MEAN HIGH WATER LINE OF ALL NON-SEAWALLED NATURAL WATERWAYS BY PROVIDED (SECTION 18-413)(K)(16)) TO ALLOW CONSTRUCTION OF A BOAT RAMP, FISHING/OBSERVATION PIER, THREE (3) CAZAROS AND TWO (2) CANOE LAUNCHES ON THE ESTERO RIVER AND OTHER CROSSINGS ON HALFWAY CREEK AS SHOWN ON THE MASTER CONCEPT PLAN AND BOARDWALKS AS PROPOSED IN THE SINGLE FAMILY AREA.
- D-13 DEVIATION FROM CONNECTION SEPARATION REQUIREMENTS OF SECTION 18-236 (K)(16) 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.

Additional Notes
See D-10 Section 34-1774, 34-1776, 34-1781 and 34-2184 for accessory structure setbacks
Setbacks to Water - 25 feet

- * 20 Stories over parking. All buildings over 45 feet shall provide one half four wheel from Estero Pointe perimeter property for every foot of elevation over 45 feet.
An overall maximum of six (6) high-rise buildings may be located within multi-family Pads 1, 4, and 5.
Indicate on ground level buildings can be clustered in multi-family Pads 1, 4 & 5.
** Maximum number of attached units: 6

Open Space Table
(D-4)

Required Open Space: 863.96 Ac. (40%) = 243,804 Ac. (40%)
Indigenous Requirement = 172,800 Ac. (30%)

Open Space Provided (Ac.): 397.8

Wetlands	Wetlands	Wetlands
Preservation Area 13	20.8	20.8
Preservation Area 19	2.6	2.6
Preservation Area 10(2)	12.8	12.8
Preservation Area 21	6.3	6.3
Upland Inside Preservation Areas 23 to 30	6.5	6.5
Golf Course	92.1	92.1
Golf Course Rough	31.8	31.8
Upland Buffer Areas	25.0	25.0
Park (Area 14)	2.5	2.5
Lakes	31.8	31.8
Recreational Area 1 (9 Ac. ± 50%)	4.5	4.5
Multi-Family Pod 1: 12.0 x 15%	1.8	1.8
Multi-Family Pod 2: 9.5 x 15%	1.4	1.4
Multi-Family Pod 3: 6.0 x 15%	0.9	0.9
Multi-Family Pod 4: 6.0 x 15%	0.9	0.9
Residential Pod 5: 31.8 x 10%	3.2	3.2
Residential Pod 6: 22.9 x 10%	2.3	2.3
Residential Pod 7: 22.9 x 10%	2.3	2.3
Residential Pod 8: 22.9 x 10%	2.3	2.3
Residential Pod 9 & 9A: 23.0 x 10%	2.3	2.3
Residential Pod 10: 45.8 x 10%	4.6	4.6
Residential Pod 11: 6.0 x 10%	0.6	0.6
Residential Pod 12: 7.0 x 10%	0.7	0.7
Practice Area (Pod 14): 11.5 x 80%	9.2	9.2
Clubhouse Site (Pod 15): 16.0 x 15%	2.4	2.4
Maintenance (Pod 17): 2.5 x 15%	0.4	0.4
STP (Pod 18): 6.0 x 15%	0.9	0.9
Total Open Space Provided	659.67	(76%)
Total Indigenous Open Space Provided	489.8	(57%)

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

APPROVED

Master Concept Plan

Site Plan # 9-10-00, Page 2 of 2
Subject to conditions in Resolution 2-10-00
Zoning Case # 9-10-00, 032

DOCUMENTATION
ESTERO POINTE RPD

SITE BREAKDOWN

DESCRIPTION/USE	ACRE
Wetlands	397.8
Golf Course	92.1
Golf Course Rough	31.8
Upland Buffer Areas	25.0
Lakes	31.8
Pod 1: Recreational Area	4.5
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	22.9
Pod 8: Residential	22.9
Pod 9 & 9A: Residential	23.0
Pod 10: Residential	45.8
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	2.5
Pod 17: Maintenance Area	2.5
Pod 18: STP	6.0
Pod 19: Upland Preservation	7.6
Pod 20: Upland Preservation	12.8
Pod 21: Upland Preservation	6.3
Pod 22: Upland Preservation	6.3
Pod 23: Upland Preservation Area	6.3
TOTAL SITE AREA	863.9

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS
1158 JOHNSON STREET, P.O. BOX 1330, FORT MYERS, FLORIDA 33902-1330, PHONE (813) 334-0018

DATE	REVISION	BY	DATE	REVISION	BY
December 1995	20520	JO	40	25	HTS

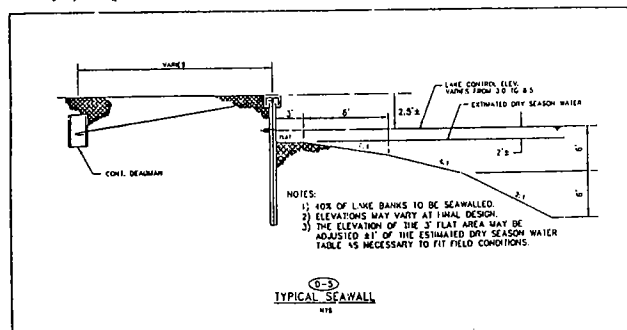
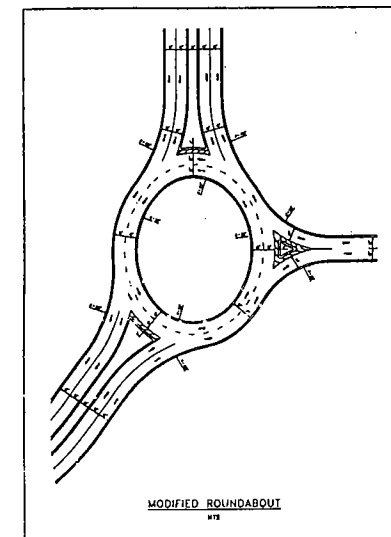
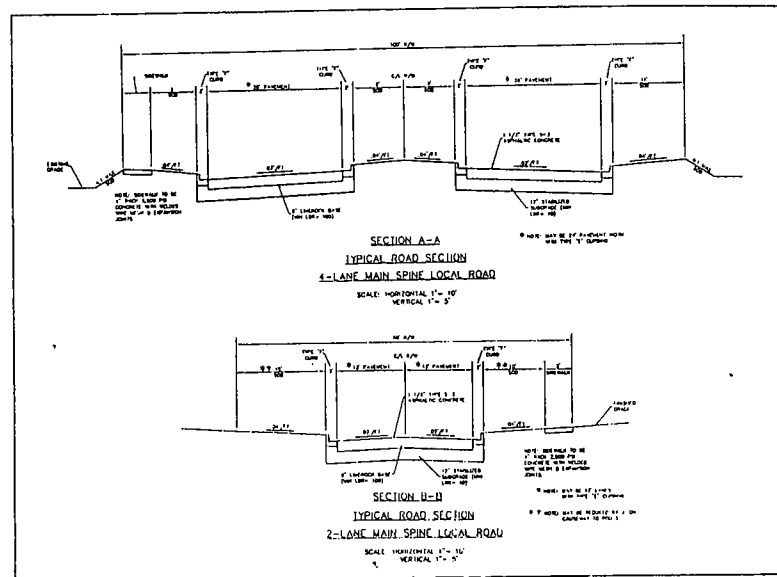
PROPERTY DEVELOPMENT REGULATIONS
for
ESTERO POINTE RPD (D-11)

	Minimum Lot			Minimum Setback				Maximum Height (feet)	Number of Habitable Floors	Minimum Building Separation (feet)	Subdivision	Condominium
	Area (s.f.)	Depth (feet)	Width (feet)	Side (feet)	Rear (feet)	Road (feet)	Water Body (feet)					
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



RECEIVED
JAN 05 1996
ZOHING COUNTY

APPROVED
Master Concept Plan

Site Plan - 30-46-25, P. 10-11, 12-13
Subject to conditions in Resolution 2-36-95
Zoning Case # 95-00-118, 019, 020

DOCUMENTATION
ESTERO POINTE RPD

JOHNSON ENGINEERING, INC.				
ENGINEERS, SURVEYORS AND ECOLOGISTS				
3130 JOHNSON STREET, P.O. BOX 1500, FORT MYERS, FLORIDA 33907-1500, PHONE (813) 334-0040				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
December 1995	20520	30-46-25	NTS	5