



# EXHIBITS

from HEX hearing

CASE #: DC12004-00046

CASE NAME: West Bay Club

**Attach a copy of this form to the top of packet of the exhibits & place exhibits in case file.**

**ARE THERE ANY BOARD EXHIBITS?         YES    ☒ NO**

**LOCATION OF BOARDS:**

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**If there are any board exhibits, attach another copy of this form to boards for identification purposes.**

**LEE COUNTY, FLORIDA  
ZONING DIVISION  
STAFF REPORT**

**TYPE OF CASE: PLANNED DEVELOPMENT/DCI**

**CASE NUMBER: DCI2004-00046**

**HEARING EXAMINER DATE: January 19, 2005**

**I. APPLICATION SUMMARY:**

- A. Applicant: West Bay Club Development Corp. in ref. to West Bay Club RPD
- B. Request:
1. Change Area 3 from single family residential approved in Administrative Amendment ADD1999-00056 to a multi-family residential area as originally approved in Resolution Z-96-005, which will allow 20 stories over parking not to exceed a maximum height of 220 feet; and
  2. Add 1.6± acres to the West Bay Club RPD, Area 9, to allow for the addition of four single-family residential lots with no increase in the total number of dwelling units.
- C. Location: The subject property is located at West Bay Blvd, Estero, FL (US 41 south to Williams Rd. Williams Rd west approx 5412 feet to West Bay Club), in S31-T46S-25E, Lee County, FL. (District #03)
- D. Future Land Use Plan Designation, Current Zoning and Use of Subject Property:

Existing Zoning & Land Use

Residential development (Estero Pointe) , zoned residential planned development (RPD)

Future Land Use Map

Outlying Suburban, Suburban and Wetlands

E. Surrounding Land Use:

Existing Zoning & Land Use

North: Estero River, then existing single family residential development, zoned RS-1 and undeveloped lands zoned residential planned development (RPD - Estero River Bay), now owned by TIITF State of Florida.

Future Land Use Map

Suburban, Wetlands, and Conservation Lands - Uplands

East:	Residential development, zoned residential planned development (RPD - Pelican Sound); landscape nurseries and residential properties zoned agriculture (AG-2) and residential (RS-2)	Suburban and Outlying Suburban
South:	Developed lands zoned residential planned development (RPD) within Pelican Landing DRI	Outlying Suburban, Suburban and Wetlands
West:	Undeveloped lands, zoned agriculture (AG-2)	Conservation Lands - Wetlands

F. Size of Property: 866± acres

## II. **RECOMMENDATION:**

Staff recommends **APPROVAL** of the Applicant's request to:

1. Restore Area 3 to a multi-family residential area as originally approved in Resolution Z-96-005; and
2. Add 1.6± acres to the West Bay Club RPD, Area 9, referenced as Area 9B on the master concept plan, to allow for the addition of four single-family residential lots with no increase in the total number of dwelling units.

with the following conditions and deviations:

### A. **Conditions**

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

5. Development Area 3 must be in substantial compliance with the attached site plan, labeled Exhibit "A", and the terms and conditions of Resolution Z-96-005.
6. **Section A, Conditions: Condition Number 4, Resolution Z-96-005 and subsequent amending language in Administrative Amendment PD-98-003, Condition 3, is further amended as follows:**

The RPD is limited to a maximum total of ~~4,424~~ 1016 residential dwelling units with the following distribution:

- a. A maximum of ~~4,075~~ 970 dwelling units are permitted in the subject properties located within the Outlying Suburban Land Use Category, of which no more than 630 dwelling units are permitted within Development Areas 3, 4, and 5.
  - b. A maximum of 46 dwelling units are permitted within the subject properties in the suburban Land Use Category.
7. **Sheet three of the four page Master Concept Plan entitled "Master Concept plan for West Bay Club", formerly Estero Pointe RPD, stamped received by the permit counter on August 27, 2004, attached hereto as EXHIBIT "B", is amended by adding and deleting language as follows:**

An overall maximum of ~~six (6)~~ five (5) high-rise buildings may be located within multiple-family Pods 3, 4, and 5

**B. Deviations**

No additional deviations have been requested as part of the zoning action. Deviations approved by Resolution Z-96-005 remain in full force and effect, **however, Deviation 9 is revised as follows:**

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 were limited to a maximum height of 220 feet and were further limited to a maximum combined total of ~~six (6)~~ five (5) multi-family **high-rise** buildings: **a maximum of two high-rise buildings on Development areas 3 and 4; a maximum of one high-rise building on Development Area 5; and two areas of low rise villas on Development Area 3** with a maximum total of 630 dwelling units, **which includes 24 low-rise villas for Development Area 3.**

- 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 high-rise building and must provide a minimum of 60 percent open space.
- e. Ninety percent of the required parking in multiple-family Development Areas 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.

**LEE COUNTY, FLORIDA  
ZONING DIVISION  
STAFF REPORT**

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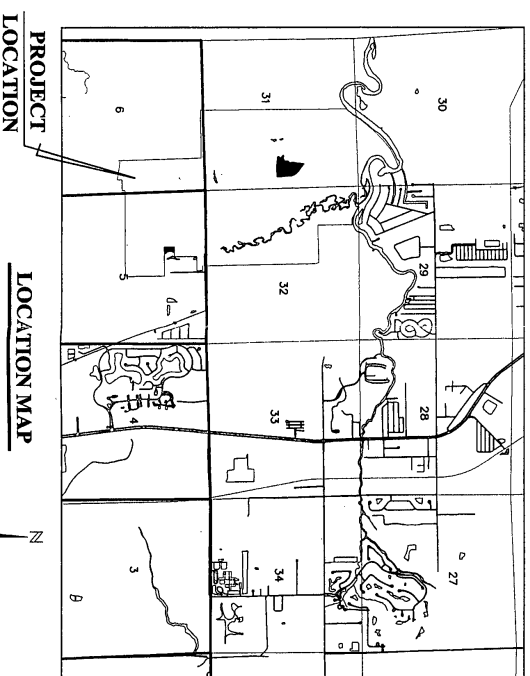
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# MASTER CONCEPT PLAN FOR **WEST BAY CLUB RPD** (FORMERLY ESTERO POINTE RPD)

SECTIONS 29/30/31/32, TOWNSHIP 46 S., RANGE 25 E.  
SECTIONS 5/6, TOWNSHIP 47 S., RANGE 25 E.  
BONITA SPRINGS, LEE COUNTY, FLORIDA

INDEX OF PLANS	
SHEET NO.	DESCRIPTION
1	COVER
2	MASTER CONCEPT PLAN
3	DOCUMENTATION, SOILS & FLUCRCS

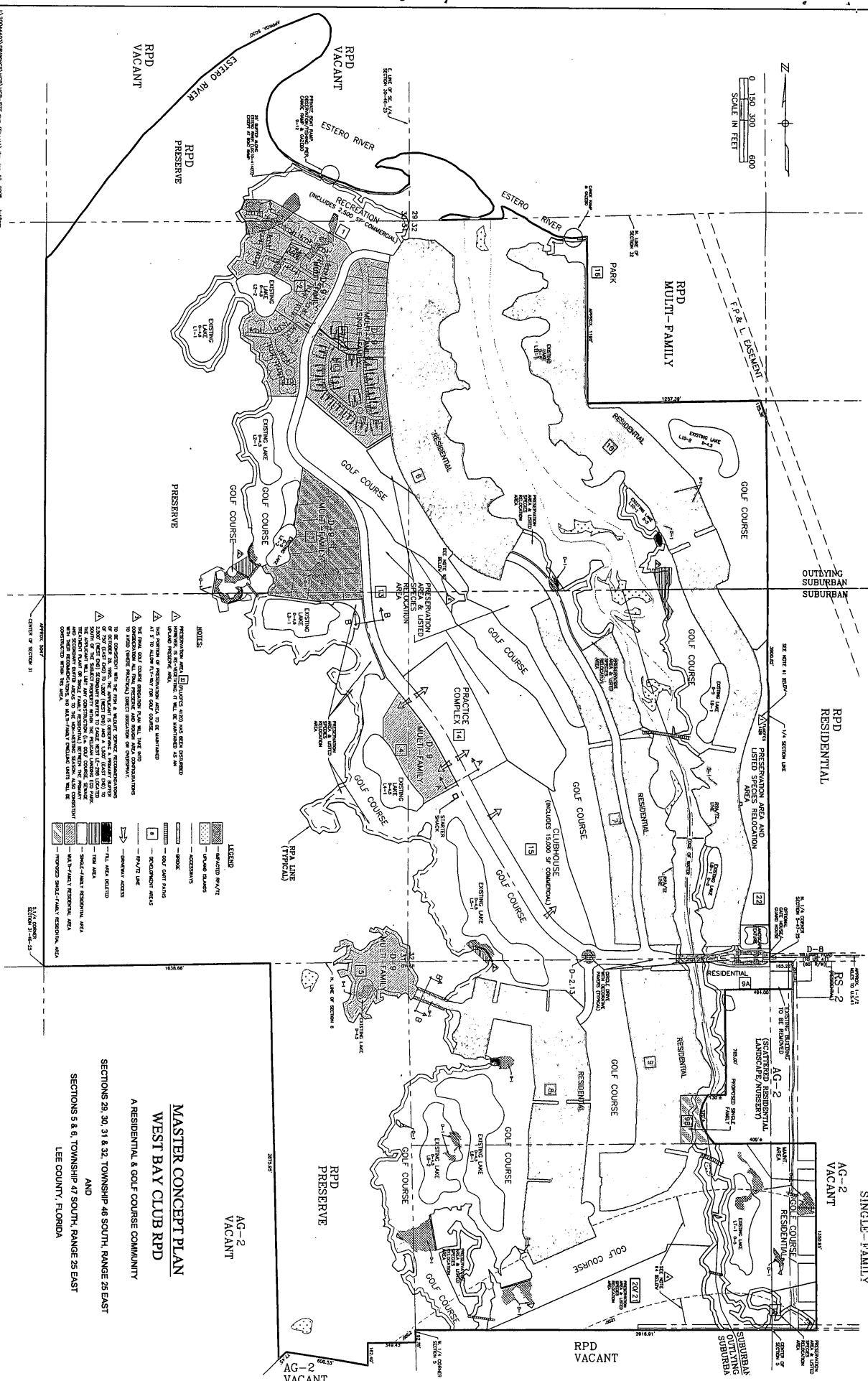
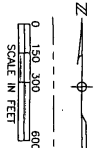


APRIL, 2004

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

**JOHNSON**  
ENGINEERING  
2126 JOHNSON STREET  
FORT MYERS, FLORIDA 33902-1500  
PHONE (239) 334-0046  
FAX (239) 334-0047  
E.B. #042 & L.B. #042

APPLICANT'S EXHIBIT



WEST BAY CLUB RPD  
LEE COUNTY, FLORIDA



2150 JOHNSON STREET  
FORT WORTH, TEXAS 76102-1550  
PHONE (817) 334-3646  
FAX (817) 334-3646  
E.B. #642 & L.B. #642

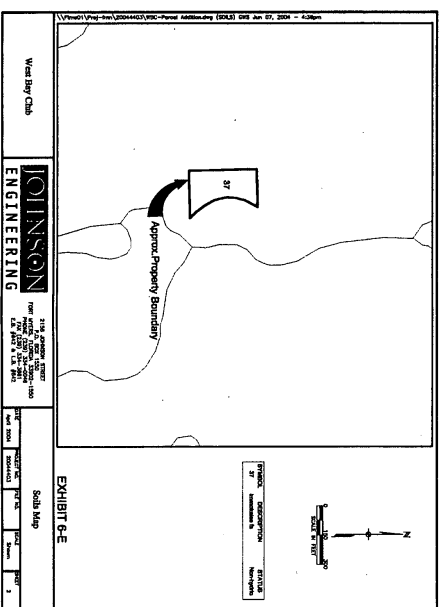
MASTER CONCEPT PLAN

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
04/06/04	20044410	29-46-25	1" = 300'	2

**MASTER CONCEPT PLAN**  
**WEST BAY CLUB 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

[illegible]

## SITE BREAKDOWN

[illegible]



Estero River

- Chapel Ridge  
Custom Single Family Homes
- Indigo Shores  
Luxury Cottage Homes
- Laurel Oaks  
Custom Single Family Homes
- Nature's Cove  
Single Family Homes
- RiverBrooke  
Custom Single Family Homes
- Sunset Trace  
Single Family Homes
- Turtle Pointe  
Cottage Homes
- Turtle Pointe Cove  
Prestige Villas
- Future Development

Estero Bay

Nature Preserve

Halfway Creek

Sunset Trace

Future Development

Goldmine

Chapel Ridge

RiverBrooke

West Bay Blvd

Lanchouse

Future Development

Nature's Cove

Laurel Oaks

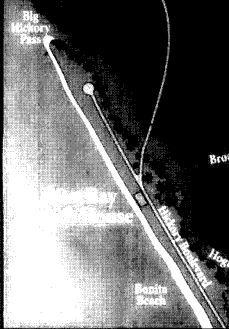
Natural Resource Management Center

To Estero River

Estero Bay

Broadway Channel

Home Channel



West Bay Club

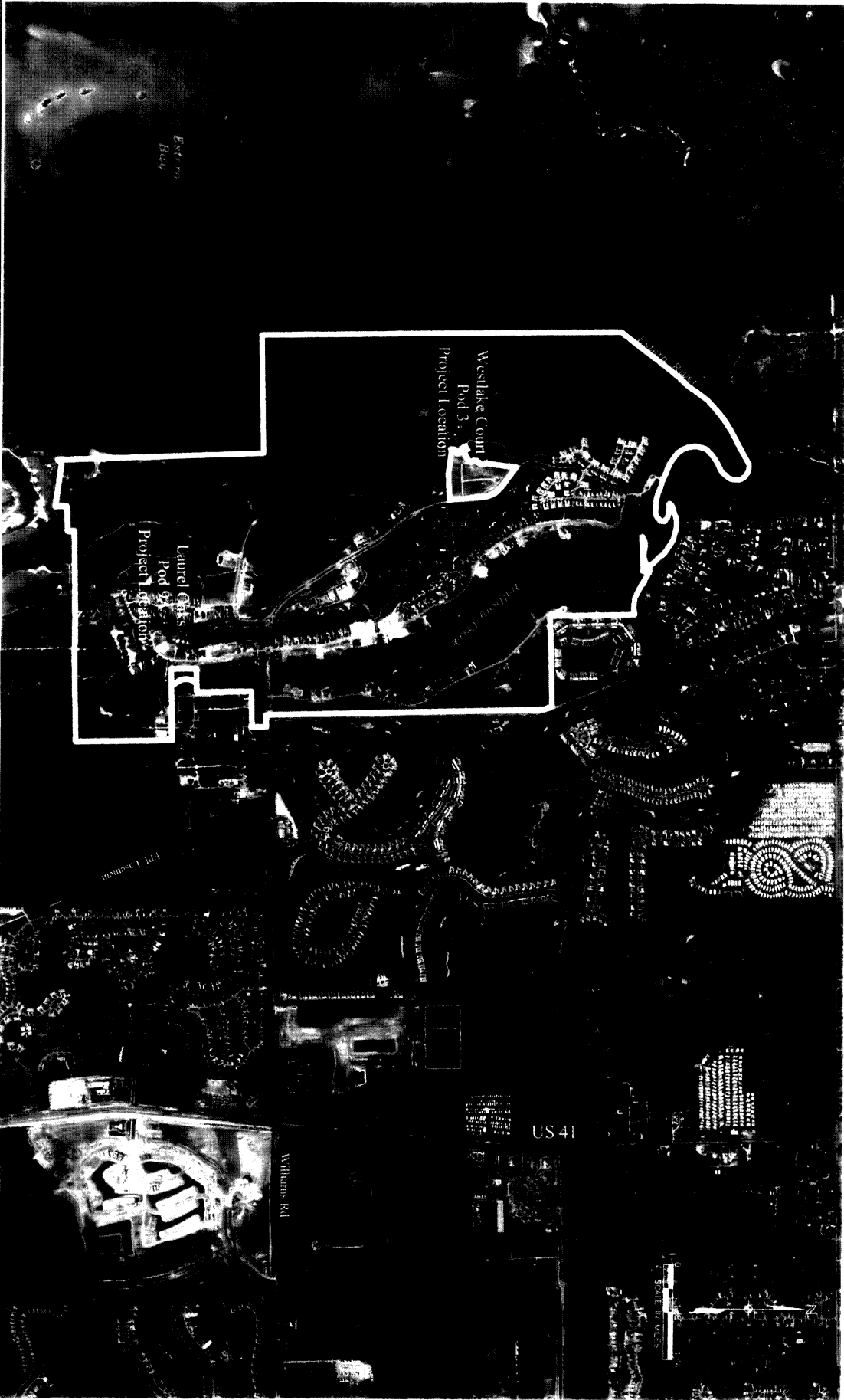
Lee County, Florida

**JOHNSON**  
ENGINEERING

2158 JOHNSON STREET  
P.O. BOX 1550  
FORT MEANS, FLORIDA 33002-1550  
PHONE (239) 334-3626  
FAX (239) 334-3661  
E.B. #542 & L.B. #542

Rezoning Exhibit  
Aerial Map

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
01/12/05	20023490	05-26-45	AS SHOWN	1 of 1



NOTE: Aerial image is from DigAir dated December 2004



West Bay Club

Westlake Court (Pod 3)  
Lee County, Florida

**JOHNSON**  
ENGINEERING

2156 JOHNSON STREET  
FORT WORTH, TEXAS 76102-1550  
PHONE (239) 334-0046  
FAX (239) 334-3661  
E.B. #42 & L.B. #42

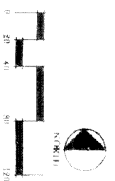
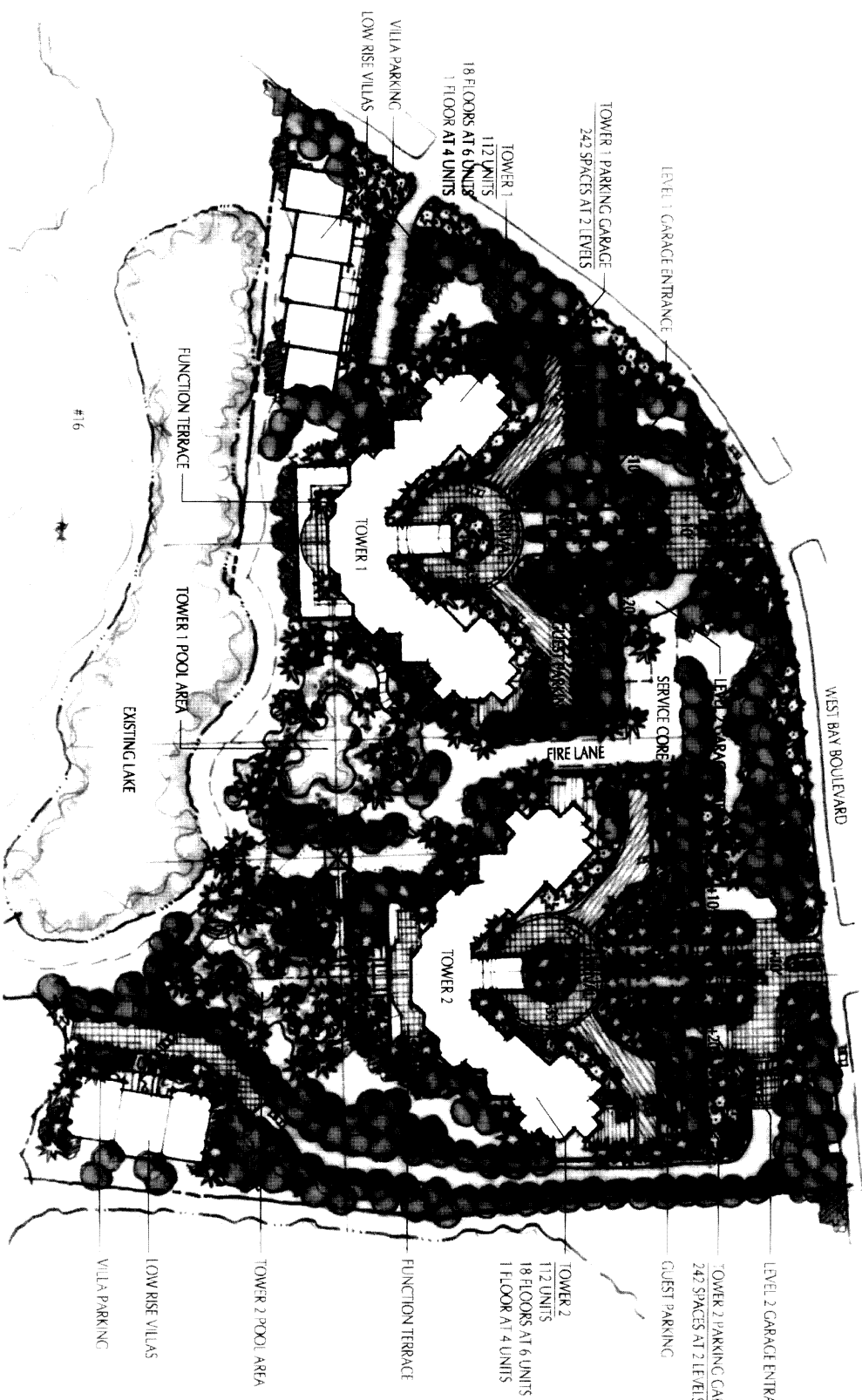
Rezoning Exhibit			
Aerial Map			
DATE	PROJECT NO.	REV. NO.	SHEET
01/12/05	20023490	05-26-45	1 of 1

WEST BAY CLUB

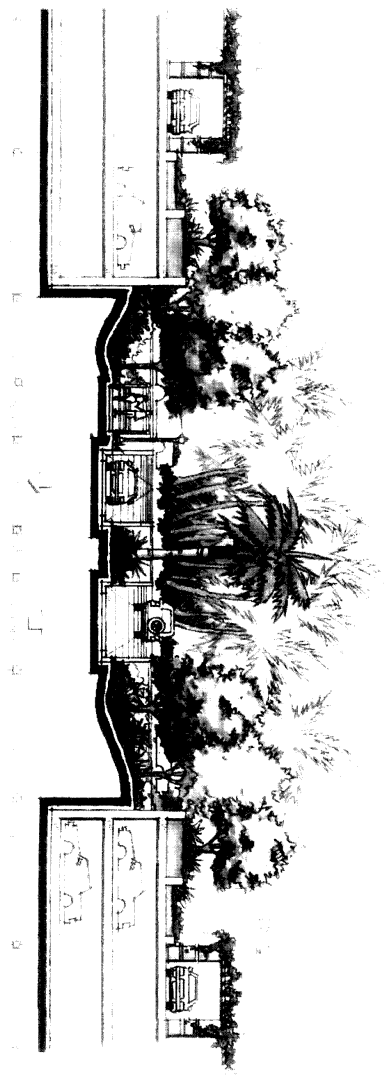


# WEST BAY CLUB

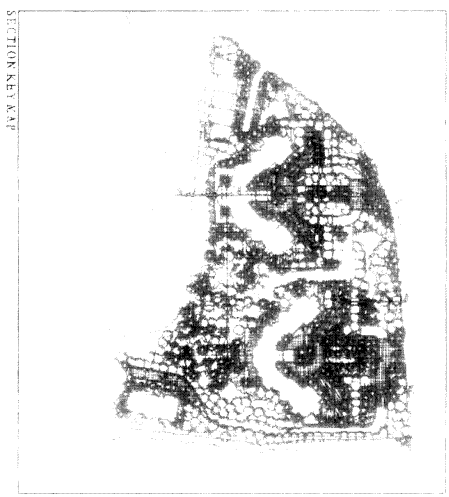
Estero, Florida  
WEST LAKE COURT



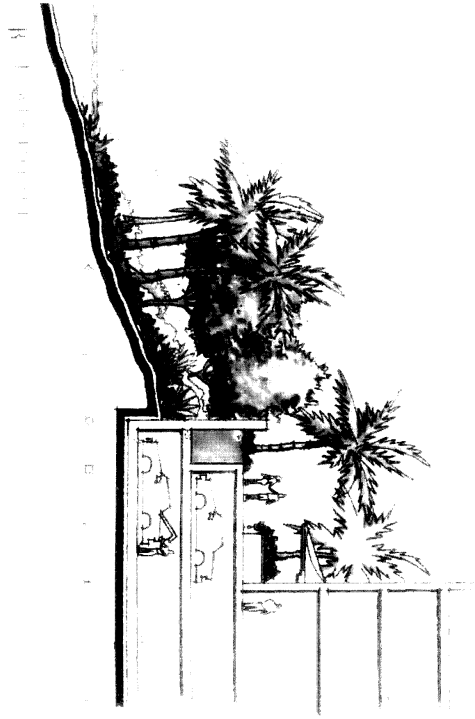
**EDSA**  
1512 E. BROWARD BLVD., SUITE 110  
FORT LAUDERDALE, FL 33304  
www.edsa.com  
2000-2001 EDSA Inc. All rights reserved.



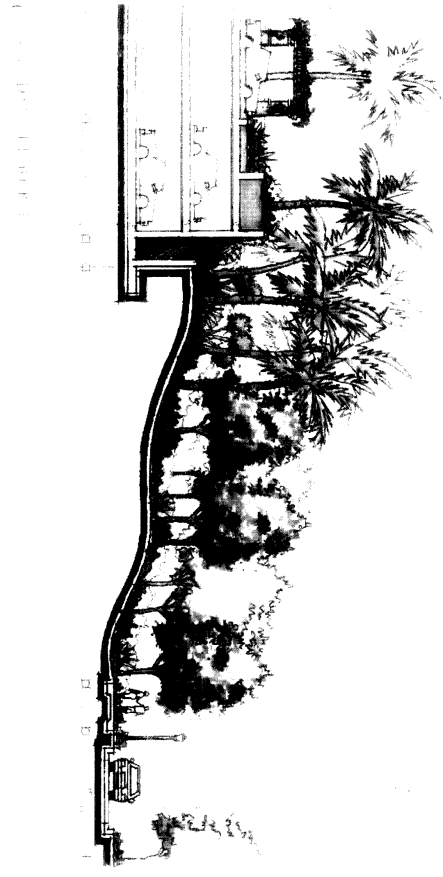
A. WEST BAY CLUB



SECTION A-A



B. WEST BAY CLUB



C. WEST BAY CLUB



WEST BAY CLUB

# WEST BAY CLUB

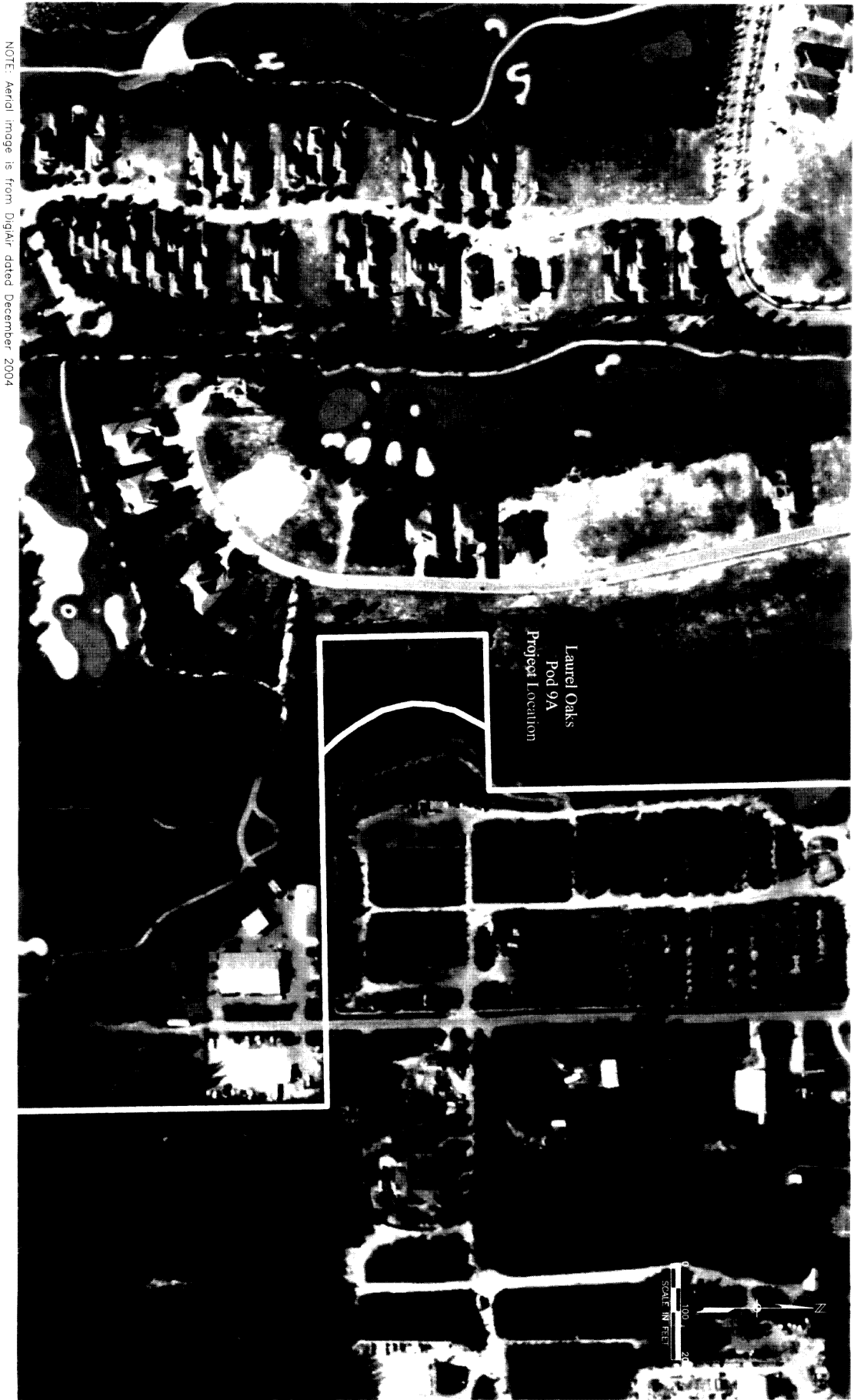
Estero, Florida

ORCHID BAY

January 14, 2005

EDSA

1515 E. Broadway Blvd., Suite 200  
Fort Lauderdale, FL 33301  
Phone: 754.466.1111  
Fax: 754.466.1112  
www.edsa.com



Laurel Oaks  
Pod 9A  
Project Location

NOTE: Aerial image is from DigAir dated December 2004

West Bay Club

Laurel Oaks (Pod 9A)  
Lee County, Florida

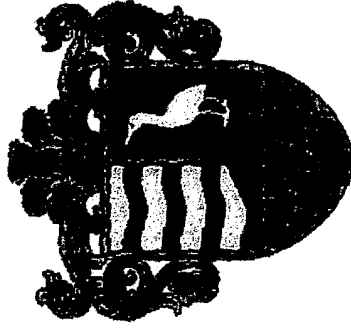
**JOHNSON**  
**ENGINEERING**

2196 JOHNSON STREET  
FORT MYERS, FL 33902-1550  
PHONE (239) 334-3006  
FAX (239) 334-3661  
E.B. #542 & L.B. #542

DATE				PROJECT NO.				REZONING EXHIBIT			
01/12/05				20023490				Aerial Map			
FILE NO.				TILE NO.				SCALE			
05-28-45				AS SHOWN				SHEET			
								1 of 1			

# ***Member Attitude & Perception Study***

***Prepared For:***



**WEST BAY CLUB  
January 5, 2004**



## ***Research Overview***

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- West Bay Club members were invited to participate in a member attitude and perception survey.
- 341 members households were mailed and/or e-mailed the survey and asked to return it within 2 weeks of its receipt.
- 325 members, representing approximately 202 households, returned or completed the survey for a 59% response rate. A coupon for one complimentary dinner at the Bay House was provided as an incentive to participate.
- Data collection took place between October 30, 2004 and November 22, 2004. (Fielding was extended to maximize survey returns.)



NOE

## Executive Summary

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### West Bay Club

Overall, West Bay Club members are generally satisfied with the community and the club. The vast majority (96%) suggest they would recommend buying a home and only a few (5%) indicate they will not retain their membership - mostly for reasons not directly involving the club or its operations (e.g., relocating closer to children, age and health, etc.)

The best aspects about West Bay Club, as suggested by those surveyed, are the golf course, its location and the natural beauty or aesthetics of the community. Additionally, many resident members also suggest that they like the community's small size, the people and its quiet, peaceful, tranquil atmosphere - all which help make West Bay what it is.

Referrals, walk-ins and realtor assistance all play a big part in bringing people to the community thus these should be the focal points of any future resident or new member acquisition efforts.

### Membership

While the majority (58%) of those responding to the survey categorized themselves as premier golf equity members, there were as many as one-quarter who didn't claim to have any type of membership affiliation. Of these non-members, approximately one-half claim they would be interested in purchasing a membership (predominantly signature or social) upon completion of the Golf House and The Niblick.

While this information is useful for determining opportunity, it is appropriate to be much more conservative with any estimating due to the likely overstatement of intended behavior. In any case, it will be important to devise a compelling strategy or plan with which to execute against that will help maximize the conversion effort. The amount of work that goes into this effort should parallel the importance of converting these non-members into members. It may also be as simple as just determining whether these non-members are interested in joining or not.

## Executive Summary (cont.)

### Value Perceptions

In terms of value perceptions of the annual dues and POA assessments, the majority of those responding feel they are at least a "fair" value or better. There are, however, as many as one-third of participants who report below average value perceptions. While there are no metrics to suggest the club is at risk for losing a third of its membership, it is important not to lose sight of delivering superior value. Improving value perceptions doesn't necessarily need to come in the form of lowering fees or assessments but rather a concerted effort to strengthen and reinforce the value proposition through service and communication.

### POA Initiatives

Among the several POA initiatives under consideration, only the Boat Shuttle yielded interest by more than one-half of survey respondents. Bus/trolley service and electric service in the Boat/RV storage area should be evaluated more carefully before assessing the entire membership. In terms of Boat Shuttle service, some members suggested possibly sharing a Boat Shuttle with Pelican Sound.

### Interest/Expected Usage of Other Amenities

Approximately 40% of respondents claim to be interested in massage sessions and 28% in personal trainer sessions, both of which are likely adequate enough where they would make for a nice *a la carte* offering. Regardless of the session type, most who are interested would expect to use monthly or less often. In terms of prioritizing fitness classes – yoga, pilates and water aerobics generate the most interest – albeit among only a small percentage of the membership (~10% or less).



## ***Executive Summary (cont.)***

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### **Club Usage**

As expected, the club is used most heavily in the winter months – January, February and March being the highest with nearly 90% utilization. While the seasonal nature of the resident population dictates this usage pattern, programs should be considered to improve usage during the summer months (June – September) if this is an objective of the club.

In terms of golf, West Bay Club achieves approximately 80% of their members' annual rounds. While this is satisfactory for a private club, efforts should remain focused on driving more member rounds to the club (or at least to the reciprocals). Bonita Bay is the most frequently mentioned course that is played outside of West Bay Club followed by Grey Oaks.

Golf members are largely happy with the overall course and personnel. Their main complaint was the golf house not being completed yet.

## ***Executive Summary (cont.)***

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### **Attribute Importance & Performance Perceptions**

Members place the greatest importance on the condition of the **golf course, quality of the food/beverage service and quality/friendliness of the staff** – all areas where West Bay Club is primarily meeting or exceeding expectations.

In particular, the golf staff is doing an exemplary job – exceeding expectations by more than half of those responding to the survey. While this may, in part, be explained by the familiarity or frequency in which members come in contact with the golf staff, it is still noteworthy as there may be aspects that can be gleaned or shared to improve other areas of the operation.

In terms of important items requiring improvement, West Bay Club can concentrate its efforts in the following areas:

#### **■ Management communications**

- Many respondents express disappointment in management communications (largely centered around the building project). They seek more open and forthright communication about the details - # of units, facility impact with increased residents.
- While the newsletter likely goes a long way to make sure members stay informed, other possible suggestions include using Channel 96 or the website to publicize important news about the community and development.
- Perhaps even more frequent, less formal communication would be appropriate.
- In terms of in-person meetings, some people mentioned potentially holding at different times so that everyone, including working residents/members have a chance to attend.

#### **■ Value of Food/Beverage & Menu Selection (Bay House & Beach House)**

- It is suggested that the high prices and limited menu selection is discouraging regular patronage, resulting in some of the membership turning to outside dining establishments. Based on this feedback and the performance ratings, West Bay Club should explore alternative/reduced pricing and menu items.

## Executive Summary (cont.)

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### Personnel Evaluation

All key club personnel are rated satisfactorily (*i.e.*, any rating of "7" or above would be considered good to excellent). All personnel fell under this category; however, a goal should be to improve upon current member relations, particularly for those with the greatest exposure to the membership.

### Community Development

The vast majority of members are pleased with Lehman Brothers & Indian Hill Partners. In fact, the general sentiment observed via many of the comments is that members are happy to see progress being made.

There is, however, concern about the "perceived" plans to increase density in West Bay Club. Many feel this will degrade the ambiance and charm of the community, ultimately affecting their enjoyment of the community and the property values. Despite the reservation, most (80%) are for some type of development (either two or three towers) on the West Lake Court site – with interest leaning more heavily toward two towers. The 20% who responded "no" or were undecided largely cited that they needed more information to make a decision.

Regardless of the specific development strategy, member and resident perceptions must be managed throughout the development process. For example, they will need reassurance that there will be adequate facilities to accommodate all West Bay Club residents and members and that their quality of life at West Bay Club will not be compromised.

In terms of development strategies, most members favor increasing demand or value of the golf membership as well as the property in the community. They are less concerned about keeping the size of the community small or maximizing utilization.

# Support for Multi-Family Residential Towers

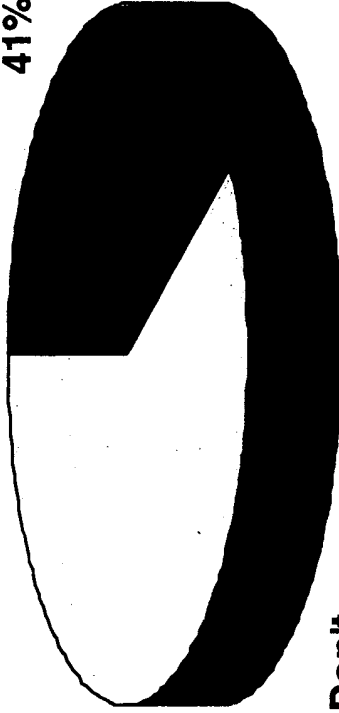


Support 3 Towers  
(330 total units)

Support 2 Towers  
(220 total units)

Among Those who Don't Support 3 Towers

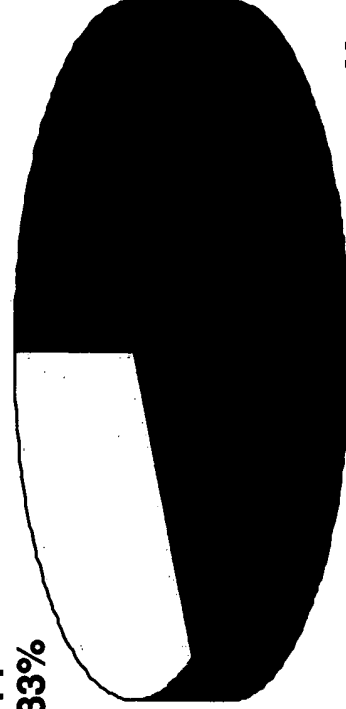
Yes/  
Support  
41%



No/ Don't  
Support  
59%

(N=325)

No/ Don't  
Support  
33%



Yes/  
Support  
67%

(N=192)

Q: Do you support the development of 3 residential towers of up to 330 total units on the West Lake Court site? IF NO: 2 towers?



**West Bay Club  
Resident Letter of Support**

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Richard L. Engbretson  
Name (Print)  
[Signature]  
Signature

Jeanene Engbretson  
Name (Print)  
[Signature]  
Signature

## Barbara Alderson

---

**From:** Dianne and Dieter Sander [ddsander40@hotmail.com]  
**Sent:** Monday, January 17, 2005 5:21 PM  
**To:** Barbara Alderson  
**Subject:** Re: West Lake Court Rezoning

Barbara:

Dieter and I support the proposal for two towers at West Lake Court.

Dianne and Dieter Sander  
Natures Cove Court

----- Original Message -----

**From:** Barbara Alderson  
**Sent:** Thursday, January 13, 2005 7:28 PM  
**Subject:** West Lake Court Rezoning

Residents: please take a minute and open the attachments. Thank you. Barbara

Barbara Alderson  
Membership Director  
West Bay Club  
4610 West Bay Blvd.  
Estero, FL 33928  
239-948-3481 \* 239-498-7771 Fax  
[www.westbayclub.com](http://www.westbayclub.com)

1/17/2005

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Robert J. Brice  
Name (Print)

Robert J. Brice  
Signature

ROSEMARY L. BRICE  
Name (Print)

Rosemary L. Brice  
Signature

16-102

10160 SHORES

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James Ries

Name (Print)

James Ries

Signature

Name (Print)

Signature

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RICHARD K. BOWMAN

Lois U Bowman

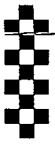
Name (Print)

Name (Print)

Richard K. Bowman  
Signature

Lois U Bowman  
Signature

1-15-05

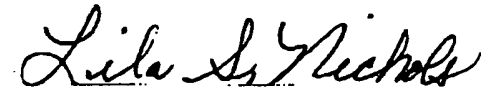


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K. David Nichols, Jr.

  
Lila S. Nichols

January 14, 2005

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Resident Letter of Support**

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Joseph W. Worthington  
Name (Print)

Joseph W. Worthington  
Signature

MARY S. WORTHINGTON  
Name (Print)

Mary S. Worthington  
Signature

**West Bay Club  
Resident Letter of Support**

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\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Signature

Lois J. Humble  
Name (Print)

Lois J. Humble  
Signature

**Barbara Alderson**

---

**From:** MWiley2458@aol.com  
**Sent:** Thursday, January 13, 2005 8:28 PM  
**To:** Barbara Alderson  
**Subject:** Fwd: West Lake Court Rezoning

barbara, mike and holly wiley support the two tower proposal for west lake court...thanks

1/14/2005

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Resident Letter of Support**

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Name (Print)        Nancy McCrory        Name (Print)

\_\_\_\_\_  
Signature

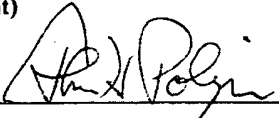
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Signature

**West Bay Club  
Resident Letter of Support**

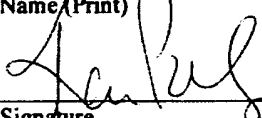
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Thomas Polignani  
Name (Print)

  
Signature

Karen Polignani  
Name (Print)

  
Signature

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DR. SHARELL L. MIKESELL  
Name (Print)

S L Mikesell  
Signature

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Signature

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DENNIS J. GLENN

Name (Print)

Dennis J. Glenn

Signature

SUSAN D. GLENN

Name (Print)

Susan D. Glenn

Signature



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Resident Letter of Support**

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John A. Insabert  
Name (Print)  
[Signature]  
Signature

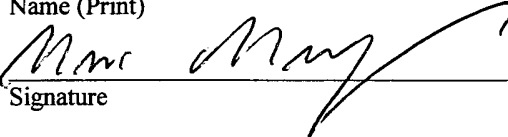
Carla J. Insabert  
Name (Print)  
[Signature]  
Signature

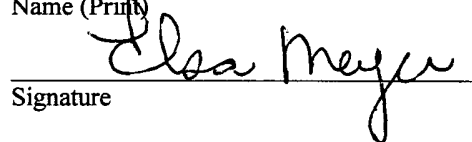
Box-239-498-7771

**West Bay Club  
Resident Letter of Support**

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UWE MEYER  
Name (Print)  
  
Signature

ELSA MEYER  
Name (Print)  
  
Signature

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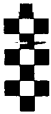
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PATRICIA L. HOLOBINKO  
Name (Print)

Patricia L. Holobinko  
Signature

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Signature



West Bay Club  
Resident Letter of Support

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Marvin & Wanda Silver  
22001 Red Laurel Lane  
Estero, Florida 33928

Name (Print)

Signature

Marvin & Wanda Silver  
22001 Red Laurel Lane  
Estero, Florida 33928

Name (Print)

Signature

**Barbara Alderson**

---

**From:** Tony O'Riordan [oriordana@eircom.net]  
**Sent:** Saturday, January 15, 2005 4:06 PM  
**To:** Barbara Alderson  
**Subject:** Re: West Lake Court Rezoning

**West Bay Club**  
**Resident Letter of Support**

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Anthony O'Riordan

Hilda O'Riordan

----- Original Message -----

**From:** Barbara Alderson  
**Sent:** Thursday, January 13, 2005 5:28 PM  
**Subject:** West Lake Court Rezoning

Residents: please take a minute and open the attachments. Thank you. Barbara

Barbara Alderson  
Membership Director  
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4610 West Bay Blvd.  
Estero, FL 33928  
239-948-3481 \* 239-498-7771 Fax  
[www.westbayclub.com](http://www.westbayclub.com)

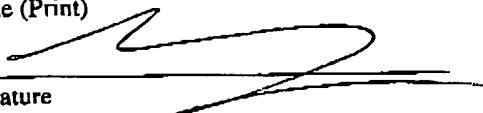
1/16/2005

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Frank J. Berenson  
Name (Print)

  
Signature

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Signature

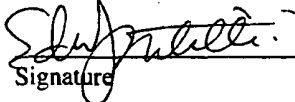


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Edward J. Militti  
Name (Print)

  
Signature

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Signature



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Diane Donnino  
Name (Print)

Diane Donnino  
Signature

Peter Donnino  
Name (Print)

Peter Donnino  
Signature

**West Bay Club  
Resident Letter of Support**

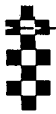
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JAMES WORLEY  
Name (Print)  
James A. Worley Jr.  
Signature

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Signature



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BENJAMIN F. PAYTON  
Name (Print)

*Benjamin F. Payton*  
Signature

THELMA P. PAYTON  
Name (Print)

*Thelma P. Payton*  
Signature

01/16/05

**West Bay Club  
Resident Letter of Support**

PAY to  
239-498-7711

As a resident of West Bay Club, located in Estero, FL, I support West Bay Club's request to Lee County to restore the West Lake Court site to a multi-family residential area. This plan will allow for **TWO TOWERS** and will strengthen the economic viability of our community.

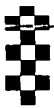
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Les DAKENS  
Name (Print)

[Signature]  
Signature

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Signature



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TACK KLUES  
Name (Print)  
[Signature]  
Signature

Beth Klues  
Name (Print)  
Beth Klues  
Signature



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Susan K. Simon  
Name (Print)

\_\_\_\_\_  
Name (Print)

Susan K. Simon  
Signature

\_\_\_\_\_  
Signature

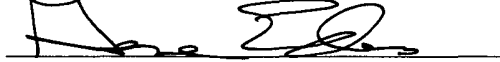
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Gene Edens

Name (Print)

  
Signature

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Signature

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ALISA E. EDENS  
Name (Print)

Alisa E. Edens  
Signature

\_\_\_\_\_  
Name (Print)

\_\_\_\_\_  
Signature

West Bay Club Property Owner's Assoc., Inc.  
P.O. Box 820  
Estero, FL 33928

January 18, 2005

Lee County Hearing Examiner  
Department of Community Development  
1500 Monroe Street  
Fort Myers, FL 33901

Subject: West Bay Club RPD, DC12004-00046

Our independent organization representing 100 property owners in the West Bay Club development have successfully completed an agreement with the West Bay Club Developers.

We would like to have the following section of our agreement attached to your files on this project:

2. Developer Commitments: Subject to the contingencies provided in paragraph 4 below, Developer hereby agrees and commits to the following:

- A. The total number of dwelling units to be constructed within the West Bay Club community, at buildout, will not exceed one thousand sixteen (1016) dwelling units. The general plan for development of the West Bay Club project is shown on Exhibit A attached hereto. In addition to committing to construct a maximum of 1016 dwelling units within West Bay Club, the Developer further commits that, with regard to the three proposed high-rise sites shown on Exhibit "A":
- (1) Site #1 (otherwise known as the "Island Site") will have a maximum of one high-rise building;
  - (2) Site #2 (otherwise known as the "Waters Edge Site") will have a maximum of two high-rise buildings; and
  - (3) Site #3 (otherwise known as the "Westlake Court Site") will have a maximum of two high-rise buildings.

The Developer agrees that these commitments may be incorporated into the zoning approval of its requested rezoning action, if deemed appropriate and acceptable by Lee County.

We favor their requested rezoning, and recommend your approval.

Wm. B. Parker, President  
WBCPOA, Inc.

*PARKER*  
EXHIBIT # 1