

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

WHEREAS, an application was filed by the property owner, West Bay Club Development Corporation, to amend the existing Residential Planned Development (RPD) zoning to develop an accessory Residential Boat/RV storage area adjacent to existing maintenance facility off of Kings Road and add accessory uses of Boat Ramp & Dockage; and to rezone 2.0± acres from RPD to Commercial Planned Development (CPD), in reference to West Bay Club RPD & CPD (f/k/a Estero Point RPD, West Bay Club RPD); and

WHEREAS, a public hearing was advertised and held on September 2, 2009, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2008-00042; and

WHEREAS, a second public hearing was advertised and held on December 7, 2009, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to amend the existing RPD zoning to develop an accessory Residential Boat/RV storage area adjacent to existing maintenance facility off of Kings Road and add accessory uses of Boat Ramp & Dockage; and rezone 2.0± acres from RPD to CPD, to allow the existing plant nursery use. The property is located in the Outlying Suburban, Suburban and Wetlands Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Previous Actions

Development of this project must be consistent with the original zoning approval, as granted in Lee County Zoning Resolution No. Z-96-005, with subsequent amendments in PD-98-003, ADD1999-00024, ADD1999-00056, FPA-98-087, FPA-98-088, FPA-98-089, FPA-99-003, COP2000-00012, ADD2000-00016, ADD2000-00089, ADD2000-00189, ADD2000-00198, ADD2001-00007, VAR2002-00006, ADD2003-00182, COP2005-00021, ADD2005-00022, ADD2006-00043, Lee County Zoning Resolution No. Z-05-010, ADD2008-00076, and the actions contained herein.

2. Master Concept Plan/Development Parameters

The development of this project must be consistent with the 4-page Master Concept Plan (MCP) (and cover sheet) entitled "Master Concept Plan for West Bay Club RPD/CPD (formerly Estero Point RPD, West Bay Club RPD)," dated November 2008, date-stamped "Received Aug 17 2009 Community Development," except as modified by the conditions below.

This development must comply with all requirements of the 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 MCP are subsequently pursued, appropriate approvals will be necessary.

3. Uses and Site Development Regulations

The approved Schedule of Uses for this planned development is amended as follows:

a. Schedule of Uses

SCHEDULE OF USES - RPD

Accessory Uses and Structures

Accessory Apartment

Administrative Office

ATM

Bait and Tackle Shop

Banks and Financial Establishments - GROUP I only - §34-622(c)(3)

Boat Ramps and Dockage (not a Marina) - limited to one boat to be used as the beach shuttle vessel for the development

Business Services - GROUPS I & II - limited to lawn and garden services and swimming pool cleaning services - §34-622(c)(5)

Canoe Launch

Clubs, Country and Private

Consumption on Premises (COP) - §34-1261, *et seq.*

Convenience Food and Beverage Store

Daycare Center, Child

Drugstore

Dwelling Unit:

Single-Family

Semi-detached (Duplex)

Two-Family Attached

Townhouse

Multiple-Family Building

Zero Lot Line

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities - All Groups - §34-622(c)(13)

Excavation, Water Retention
 Fences, Walls
 Food and Beverage Service, Limited
 Food Stores - Group I only - §34-622(c)(16) - including a
 gourmet grocery store
 Gift and Souvenir Shop
 Golf Course and Accessory Facilities
 Golf Driving Range and Golf Training Facility
 Helistop
 Home Care Facility
 Home Occupation
 Laundry or Dry Cleaning - §34-622(c)(24)
 Model Home, Unit & Display Center
 Parks, Private - Group I - §34-622(c)(32)
 Parking Lot, Accessory
 Personal Services - Groups I & II - §34-622(c)(33)
 Pharmacy
 Post Office
 Private Boat Ramp and Observation/Fishing Pier
 Recreational Facilities, Personal & Private
 Real Estate Sales Office
 Residential Accessory Uses - §34-622(c)(42)
 Restaurants - Groups I, II & III - §34-622(c)(43)
 Signs, in accordance with LDC Chapter 30
 Specialty Retail Shops - Groups I & II - §34-622(c)(47)
 Storage, Open - limited to residents' boats and RV's - and further limited to being
 stored within the storage area identified on the approved MCP
 Temporary Uses
 Temporary Construction Trailer
 Temporary Sales Center
 Units of High Impact - including Time Share

SCHEDULE OF USES - CPD

Accessory Uses and Structures
 Administrative Offices
 Agricultural Uses and Accessory Agricultural Uses
 Business Services - Group II only - must be accessory to the primary use of
 the existing plant nursery and limited to Horticultural Services and
 Lawn and Garden Services
 Caretaker's Residence - for the existing plant nursery
 Entrance Gates and Gatehouse
 Essential Services
 Excavation, Water Retention
 Fences, Walls
 Lawn and Garden Equipment - must be accessory to the existing plant
 nursery (for small engine parts and repairs)
 Plant Nursery
 Storage, Open (accessory to the existing plant nursery)
 Temporary Uses

4. Boat/RV Landscape Plans

Prior to local development order approval for the 2.12± acre boat/RV storage area, landscape plans must depict the north and east property lines to provide an enhanced minimum 15-foot-wide Type C buffer with 5 native canopy trees and 2 sabal palms per 100 linear feet and native coco plum single hedge row planted at 36 inches and maintained at minimum 48 inches measured from berm elevation. An opaque fence may be used in lieu of the wall.

5. Conversion from Temporary to Permanent Boat Slip

Prior to converting the temporary wet slip to a permanent use, the Applicant must submit a Letter of Transmittal to Lee County Department of Community Development to be reviewed and approved by the Lee County Division of Environmental Sciences (ES) requesting conversion of the temporary use of the wet slip to a permanent use for the over night dockage of the 1 vessel (West Bay Club's beach shuttle vessel or rental recreational boat) only. Prior to the approval of the Letter of Transmittal, the Applicant must provide a modified South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) and submerged land lease (SSL) allowing the permanent use and all requirements of the Lee County Manatee Protection Plan (MPP), including any payments, must be met. The permanent use must be consistent with local and state approvals.

6. Vehicular and Pedestrian Impacts

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

7. Allocations Table

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table I(b).

SECTION C. DEVIATIONS:

1. Previously Approved Deviations: All previously approved Deviations for the RPD remain in full force and effect, SUBJECT TO the following with respect to previously approved Deviation 12:

Deviation 12.d. is revised to read as follows:

- d. One power boat ramp is approved with a maximum of 1 temporary mooring slip for the launching of vessels only and 1 permanent mooring slip for the overnight dockage of the West Bay Club's beach shuttle vessel or rental recreational boat only.

2. Fence or Wall - New Deviation 14

Deviation 14 requests relief from LDC §34-1744(b)(2)a, which requires a fence or wall to be located between a street Right-of-Way (ROW) or easement and the minimum required street setback line, not to exceed three or four feet in height, to allow a 4-foot-high fence along the west and south boundaries of the storage facility and along the two bisecting east-west access easements, and a 6-foot-high fence along the north and east boundaries. This deviation is APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP numbers for the subject property are: 05-47-25-07-00000.0010; 05-47-25-07-00000.001A; 05-47-25-07-00FD4.0000; 05-47-25-07-00FD6.0000; 30-46-25-07-00RC1.000E; 31-46-25-07-00C12.00CE; 31-46-25-07-00LK1.00CE; 31-46-25-07-00LS8.00CE; 31-46-25-07-00MF1.0000; 31-46-25-07-00MF1.0010; 31-46-25-07-00RD8.00CE; 31-46-25-08-00000.00CE 31-46-25-08-00001.0101; and 31-46-25-08-00001.0102

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area;
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
 - e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location;
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

Commissioner Ray Judah made a motion to adopt the foregoing resolution, seconded by Commissioner Frank Mann. The vote was as follows:

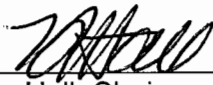
Robert P. Janes	Absent
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 7th day of December, 2009.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Deputy Clerk

BY: 
Tammara Hall, Chair

Approved as to form by:


John J. Fredyma
Assistant County Attorney

County Attorney's Office

RECEIVED
MINUTES OFFICE

WEST BAY CLUB RPD/CPD


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

A TRACT OR PARCEL OF LAND BEING ALL OF WEST BAY CLUB, A SUBDIVISION, AS RECORDED IN PLAT BOOK 62, PAGES 79 THROUGH 111, IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND ALL OF PARCEL ONE AS DESCRIBED IN OFFICIAL RECORD BOOK 3041, PAGE 3528, IN SAID PUBLIC RECORDS, LYING IN SECTIONS 29, 30, 31 AND 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND SECTIONS 5 AND 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE, COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 5, BEING A POINT ON THE CENTERLINE OF WILLIAMS ROAD (60.00 FEET WIDE); THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG THE BOUNDARY OF SAID WEST BAY CLUB: S 00° 40' 16" E FOR 30.00 FEET; N 89° 00' 18" E FOR 165.26 FEET; S 00° 36' 29" E FOR 200.00 FEET; S 89° 00' 18" W FOR 494.00 FEET; S 00° 47' 09" E FOR 765.00 FEET; S 88° 57' 37" W FOR 130 FEET, MORE OR LESS, TO THE MEAN HIGH WATER LINE OF HALFWAY CREEK; THENCE DEPARTING SAID BOUNDARY OF WEST BAY CLUB RUN SOUTHERLY ALONG SAID MEAN HIGH WATER LINE FOR 370 FEET, MORE OR LESS TO AND INTERSECTION WITH SAID BOUNDARY OF WEST BAY CLUB; THENCE RUN THE FOLLOWING COURSES AND DISTANCES ALONG SAID BOUNDARY: N 89° 15' 59" E FOR 409 FEET, MORE OR LESS TO THE NORTHEAST CORNER OF THE SOUTH HALF (S-1/2) OF THE NORTHWEST QUARTER (NW-1/4) OF SAID SECTION 5; N 89° 15' 52" E FOR 327.60 FEET; S 00° 32' 41" E FOR 1,350.95 FEET; S 89° 31' 44" W FOR 324.62 FEET; S 89° 34' 40" W FOR 2,592.29 FEET; S 01° 31' 46" E FOR 92.78 FEET; S 89° 10' 55" W FOR 349.43 FEET; S 00° 49' 50" E FOR 162.49 FEET; N 81° 20' 47" W FOR 600.53 FEET; S 46° 11' 51" W FOR 77.45 FEET; N 01° 35' 45" W FOR 2,875.95 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 31; S 88° 56' 02" W ALONG SAID SOUTH LINE AND ALONG SAID BOUNDARY LINE FOR 1,638.66 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 31; N 00° 22' 46" W ALONG THE NORTH/SOUTH QUARTER SECTION LINE FOR 2,656.37 FEET TO THE CENTER OF SAID SECTION 31; THENCE CONTINUE NORTHERLY ALONG SAID NORTH/SOUTH QUARTER SECTION LINE, FOR A DISTANCE OF 2,391 FEET, MORE OR LESS TO THE WATERS OF THE ESTERO RIVER; NORTHEASTERLY, SOUTHEASTERLY, SOUTHWESTERLY, SOUTHERLY, SOUTHEASTERLY AND NORTHEASTERLY ALONG SAID WATERS FOR 5,030 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE EAST LINE OF THE SOUTHEAST QUARTER (SE-1/4) OF SAID SECTION 30, TOWNSHIP 46 SOUTH, RANGE 25 EAST; N 00° 32' 05" W ALONG SAID EAST LINE FOR 62 FEET, MORE OR LESS TO SAID WATERS OF THE ESTERO RIVER; THENCE RUN WESTERLY, NORTHERLY, EASTERLY, SOUTHEASTERLY, SOUTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG SAID WATERS FOR 1,753 FEET, MORE OR LESS TO AN INTERSECTION WITH THE NORTH LINE OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST; N 87° 54' 53" E ALONG SAID NORTH LINE FOR 458 FEET, MORE OR LESS TO SAID WATERS; THENCE RUN NORTHERLY AND SOUTHEASTERLY ALONG SAID WATERS FOR 771 FEET, MORE OR LESS TO THE NORTHEAST CORNER OF SAID PLAT; S 00° 43' 04" E FOR 1,190 FEET, MORE OR LESS; N 88° 27' 02" E FOR 1,257.39 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY LINE OF A FLORIDA POWER AND LIGHT COMPANY TRANSMISSION LINE EASEMENT (100 FEET WIDE) AS DESCRIBED BY DEED RECORDED IN DEED BOOK 227 AT PAGE 261 OF SAID PUBLIC RECORDS; S 20° 51' 33" E ALONG SAID SOUTHWESTERLY LINE FOR 125.36 FEET TO AN INTERSECTION WITH THE NORTH/SOUTH QUARTER SECTION LINE OF SAID SECTION 32; S 00° 55' 53" E ALONG SAID QUARTER SECTION LINE FOR 1,226.63 FEET; S 00° 56' 02" E ALONG SAID NORTH/SOUTH QUARTER SECTION LINE FOR 2,644.19 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 866 ACRES, MORE OR LESS.

BEARINGS HEREIN ABOVE MENTIONED ARE BASED ON THE EAST LINE OF THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 32 TO BEAR S 00° 56' 02" E.


FRANCES L. SUMMERALL (FOR THE FIRM-LD #642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5652

DATE SIGNED: 3/23/09

DCI 2008-00042

Applicant's av 20 7/28/09

PH-3-C-1(A)



SHEATH 12/16/09

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

A TRACT OR PARCEL OF LAND BEING ALL OF WEST BAY CLUB, A
SUBDIVISION, AS RECORDED IN PLAT BOOK 62 AT PAGES 79 THROUGH 111
OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND ALL OF PARCEL
ONE AS DESCRIBED BY DEED RECORDED IN OFFICIAL RECORD BOOK 3041 AT
PAGE 3528 OF SAID PUBLIC RECORDS, LYING IN SECTIONS 29, 30, 31
AND 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND SECTIONS 5 & 6,
TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE, COUNTY, FLORIDA, DESCRIBED
AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION
5, BEING A POINT ON THE CENTERLINE OF WILLIAMS ROAD
(60.00 FEET WIDE); THENCE RUN THE FOLLOWING COURSES
AND DISTANCES ALONG THE BOUNDARY OF SAID WEST BAY
CLUB: SOUTH 00° 40' 16" EAST FOR 30.00 FEET;
NORTH 89° 00' 18" EAST FOR 165.26 FEET;
SOUTH 00° 36' 29" EAST FOR 200.00 FEET;
SOUTH 89° 00' 18" WEST FOR 672.00 FEET; TO AN
INTERSECTION WITH THE EASTERLY MEAN HIGH WATER LINE
OF HALFWAY CREEK, AS ESTABLISHED IN 1997 WITH AN
ELEVATION OF 1.47' NGVD, 1929; THENCE RUN THE FOLLOWING
COURSES ALONG SAID MEAN HIGH WATER LINE:
SOUTH 01° 32' 07" EAST FOR 118.40 FEET;
SOUTH 21° 09' 28" EAST FOR 360.52 FEET;
SOUTH 12° 13' 10" WEST FOR 316.66 FEET TO AN
INTERSECTION WITH A SOUTHERLY BOUNDARY LINE OF SAID
WEST BAY CLUB; THENCE RUN SOUTH 88° 57' 37" WEST
ALONG SAID BOUNDARY LINE FOR 8 FEET, MORE OR LESS,
TO THE MEAN HIGH WATER LINE OF HALFWAY CREEK; THENCE
DEPARTING SAID BOUNDARY OF WEST BAY CLUB RUN SOUTHERLY
ALONG SAID MEAN HIGH WATER LINE FOR 370 FEET, MORE OR
LESS TO AND INTERSECTION WITH SAID BOUNDARY OF WEST
BAY CLUB; THENCE RUN THE FOLLOWING COURSES AND
DISTANCES ALONG SAID BOUNDARY:
NORTH 89° 15' 59" EAST FOR 409 FEET, MORE OR LESS TO
THE NORTHEAST CORNER OF THE SOUTH HALF (S-1/2) OF THE
NORTHWEST QUARTER (NW-1/4) OF SAID SECTION 5;
NORTH 89° 15' 52" EAST FOR 327.60 FEET;
SOUTH 00° 32' 41" EAST FOR 1,350.95 FEET;
SOUTH 89° 31' 44" WEST FOR 324.62 FEET;
SOUTH 89° 34' 40" WEST FOR 2,592.29 FEET;
SOUTH 01° 31' 46" EAST FOR 92.78 FEET;
SOUTH 89° 10' 55" WEST FOR 349.43 FEET;
SOUTH 00° 49' 50" EAST FOR 162.49 FEET;
NORTH 81° 20' 47" WEST FOR 600.53 FEET;
SOUTH 46° 11' 51" WEST FOR 77.45 FEET;
NORTH 01° 35' 45" WEST FOR 2,875.95 FEET TO AN
INTERSECTION WITH THE SOUTH LINE OF THE SOUTHEAST
QUARTER (SE-1/4) OF SAID SECTION 31;
SOUTH 88° 56' 02" WEST ALONG SAID SOUTH LINE AND
ALONG SAID BOUNDARY LINE FOR 1,638.66 FEET TO THE
SOUTH QUARTER CORNER OF SAID SECTION 31;
NORTH 00° 22' 46" WEST ALONG THE NORTH/SOUTH QUARTER
SECTION LINE FOR 2,656.37 FEET TO THE CENTER OF SAID
SECTION 31; THENCE CONTINUE NORTHERLY ALONG SAID
NORTH/SOUTH QUARTER SECTION LINE, FOR A DISTANCE OF
2,391 FEET, MORE OR LESS TO THE WATERS OF THE ESTERO
RIVER; NORTHEASTERLY, SOUTHEASTERLY, SOUTHWESTERLY,
SOUTHERLY, SOUTHEASTERLY AND NORTHEASTERLY ALONG SAID
WATERS FOR 5,030 FEET, MORE OR LESS, TO AN


DCI 2008-00042

Applicant's Legal Checked

hv CG 7/28/09

INTERSECTION WITH THE EAST LINE OF THE SOUTHEAST
QUARTER (SE-1/4) OF SAID SECTION 30, TOWNSHIP 46
SOUTH, RANGE 25 EAST; NORTH 00° 32' 05" WEST ALONG
SAID EAST LINE FOR 62 FEET, MORE OR LESS TO SAID
WATERS OF THE ESTERO RIVER; THENCE RUN WESTERLY,
NORTHERLY, EASTERLY, SOUTHEASTERLY, SOUTHWESTERLY,
WESTERLY AND SOUTHWESTERLY ALONG SAID WATERS FOR 1,753
FEET, MORE OR LESS TO AN INTERSECTION WITH THE NORTH
LINE OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST;
NORTH 87° 54' 53" EAST ALONG SAID NORTH LINE FOR 458
FEET, MORE OR LESS TO SAID WATERS; THENCE RUN
NORTHERLY AND SOUTHEASTERLY ALONG SAID WATERS FOR 771
FEET, MORE OR LESS TO THE NORTHEAST CORNER OF SAID
PLAT; SOUTH 00° 43' 04" EAST FOR 1,190 FEET, MORE OR
LESS; NORTH 88° 27' 02" EAST FOR 1,257.39 FEET TO AN
INTERSECTION WITH THE SOUTHWESTERLY LINE OF A FLORIDA
POWER AND LIGHT COMPANY TRANSMISSION LINE EASEMENT
(100 FEET WIDE) AS DESCRIBED BY DEED RECORDED IN DEED
BOOK 227 AT PAGE 261 OF SAID PUBLIC RECORDS;
SOUTH 20° 51' 33" EAST ALONG SAID SOUTHWESTERLY LINE
FOR 125.36 FEET TO AN INTERSECTION WITH THE
NORTH/SOUTH QUARTER SECTION LINE OF SAID SECTION 32;
SOUTH 00° 55' 53" EAST ALONG SAID QUARTER SECTION
LINE FOR 1,226.63 FEET; SOUTH 00° 56' 02" EAST ALONG
SAID NORTH/SOUTH QUARTER SECTION LINE FOR 2,644.19
FEET TO THE POINT OF BEGINNING.
PARCEL CONTAINS 864 ACRES, MORE OR LESS.

BEARINGS HEREIN ABOVE MENTIONED ARE BASED ON THE EAST LINE OF
THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 32 TO BEAR
SOUTH 00° 56' 02" EAST.

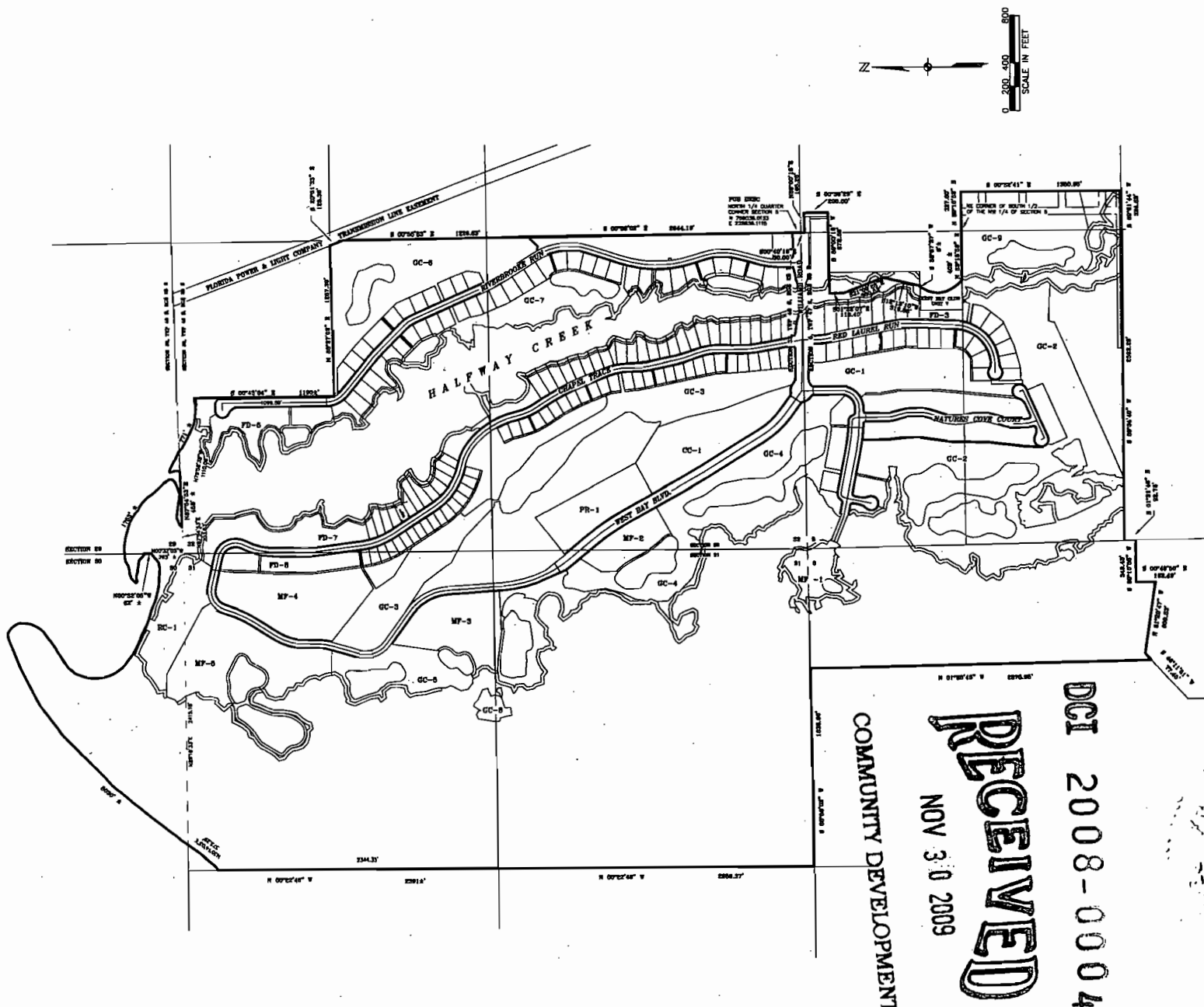

FRANCES L. SUMMERALL (FOR THE FIRM-LB #642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5652

DATE SIGNED: 3-23-09

DOI 2008-0604A

Applicant's Agent
By CA 7/28/09

PH-3-C-1(B)



DESCRIPTION

PARCEL 36
SECTIONS 29, 30, 31 & 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST &
SECTIONS 5 & 6, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND BEING ALL OF WEST BAY CLUB, A
SUBDIVISION, AS RECORDED IN PLAT BOOK 83 AT PAGES 70 THROUGH 111
OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, AND ALL OF PARCEL
ONE, AS DESCRIBED BY DEED RECORDED IN OFFICIAL RECORD BOOK 3041 AT
PAGE 2038 OF SAID PUBLIC RECORDS, LYING IN SECTIONS 29, 30, 31
AND 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND SECTIONS 5 & 6,
TOWNSHIP 47 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA, DESCRIBED
AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION
31, BEING A POINT ON THE CENTERLINE OF WILLIAMS ROAD
(660 FEET WIDE), THENCE RUN THE FOLLOWING COURSES
AND DISTANCES ALONG THE BOUNDARY OF SAID WEST BAY
CLUB: SOUTH 00° 45' 00" EAST FOR 30.00 FEET;
SOUTH 00° 00' 10" WEST FOR 10.00 FEET;
SOUTH 00° 36' 20" EAST FOR 200.00 FEET;
SOUTH 00° 00' 10" WEST FOR 672.00 FEET; TO AN
INTERSECTION WITH THE EASTERLY MEAN HIGH WATER LINE
OF HALFWAY CREEK, AS ESTABLISHED IN 1997 WITH AN
ELEVATION OF 1.47' NGVD, 1929; THENCE RUN THE FOLLOWING
COURSES ALONG SAID MEAN HIGH WATER LINE:
SOUTH 00° 33' 00" EAST FOR 116.00 FEET;
SOUTH 31° 00' 00" EAST FOR 300.00 FEET;
SOUTH 12° 15' 00" WEST FOR 316.00 FEET; TO AN
INTERSECTION WITH A SOUTHERLY BOUNDARY LINE OF SAID
WEST BAY CLUB, THENCE RUN SOUTH 00° 00' 30" WEST
ALONG SAID BOUNDARY LINE FOR 8 FEET, MORE OR LESS,
TO THE MEAN HIGH WATER LINE OF HALFWAY CREEK, THENCE
DEPARTING SAID BOUNDARY OF WEST BAY CLUB RUN SOUTHERLY
ALONG SAID MEAN HIGH WATER LINE OF HALFWAY CREEK, MORE OR
LESS, TO AN INTERSECTION WITH SAID BOUNDARY OF WEST
BAY CLUB, THENCE RUN THE FOLLOWING COURSES AND
DISTANCES ALONG SAID BOUNDARY:
NORTH 00° 10' 00" EAST FOR 400 FEET, MORE OR LESS TO
THE NORTHEAST CORNER OF THE SOUTH HALF (S-1/2) OF THE
NORTHWEST QUARTER (NW-1/4) OF SAID SECTION 31;
NORTH 00° 10' 00" EAST FOR 327.00 FEET;
SOUTH 00° 33' 44" EAST FOR 1,336.00 FEET;
SOUTH 00° 30' 44" WEST FOR 324.00 FEET;
SOUTH 00° 34' 40" WEST FOR 3,582.39 FEET;
SOUTH 00° 30' 44" EAST FOR 32.79 FEET;
SOUTH 00° 10' 00" WEST FOR 344.00 FEET;
SOUTH 00° 49' 00" WEST FOR 182.49 FEET;
NORTH 00° 27' 47" WEST FOR 180.00 FEET;
SOUTH 48° 11' 51" WEST FOR 77.45 FEET;
NORTH 00° 25' 45" WEST FOR 2,070.00 FEET TO AN
INTERSECTION WITH THE SOUTH LINE OF THE SOUTHEAST
QUARTER (SE-1/4) OF SAID SECTION 31;
SOUTH 00° 04' 00" WEST ALONG SAID SOUTH LINE TO THE
SOUTH QUARTER CORNER OF SAID SECTION 31;
NORTH 00° 27' 47" WEST ALONG THE NORTH/SOUTH QUARTER
SECTION LINE FOR 3,582.39 FEET TO THE CENTER OF SAID
SECTION 31; THENCE CONTINUE NORTHERLY ALONG SAID
NORTH/SOUTH QUARTER SECTION LINE FOR A DISTANCE OF
2,391 FEET, MORE OR LESS TO THE WATERS OF THE ESTERO
RIVER, NORTHEASTERLY AND NORTHEASTERLY ALONG SAID
WATERS FOR 400 FEET, MORE OR LESS, TO AN
INTERSECTION WITH THE EAST LINE OF THE SOUTHEAST
QUARTER (SE-1/4) OF SAID SECTION 30, TOWNSHIP 46
SOUTH, RANGE 25 EAST; NORTH 00° 33' 00" WEST ALONG
SAID EAST LINE FOR 100 FEET, MORE OR LESS TO SAID
WATERS OF THE ESTERO RIVER, THENCE RUN WESTERLY,
NORTHERLY AND SOUTHERLY ALONG SAID WATERS FOR 1,763
FEET, MORE OR LESS TO AN INTERSECTION WITH THE NORTH
LINE OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST;
NORTH 00° 04' 00" EAST ALONG SAID NORTH LINE FOR 400
FEET, MORE OR LESS TO SAID BOUNDARY, THENCE RUN
NORTHERLY AND SOUTHEASTERLY ALONG SAID BOUNDARY FOR 771
FEET, MORE OR LESS TO AN INTERSECTION WITH THE NORTH
LINE OF SECTION 32, TOWNSHIP 46 SOUTH, RANGE 25 EAST;
SOUTH 00° 00' 45' 00" EAST FOR 176 FEET, MORE OR
LESS, NORTH 00° 00' 27' 00" EAST FOR 1,072.00 FEET TO AN
INTERSECTION WITH THE SOUTHERLY LINE OF A FLORIDA
POWER AND LIGHT COMPANY TRANSMISSION CORRIDOR
(100 FEET WIDE) AS DESCRIBED BY DEED RECORDED IN DEED
BOOK 227 AT PAGE 881 OF SAID PUBLIC RECORDS;
SOUTH 20° 51' 53" EAST ALONG SAID SOUTHERLY LINE
FOR 120.00 FEET TO AN INTERSECTION WITH THE
NORTH/SOUTH QUARTER SECTION LINE OF SAID SECTION 32;
SOUTH 00° 50' 50" EAST ALONG SAID QUARTER SECTION
LINE FOR 1,200.00 FEET; SOUTH 00° 00' 00" EAST ALONG
SAID NORTH/SOUTH QUARTER SECTION LINE FOR 2,644.19
FEET TO THE POINT OF BEGINNING.

BEARING HEREON ABOVE MENTIONED ARE BASED ON THE EAST LINE OF
THE SOUTHWEST QUARTER (SW-1/4) OF SECTION 32 TO BEAR
SOUTH 00° 00' 00" EAST.

NOTES:

1. PARCEL CONTAINS 864 ACRES, MORE OR LESS.
2. OR = OFFICIAL RECORD BOOK
3. THIS SKETCH DOES NOT MAKE ANY REPRESENTATION AS TO
ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
4. PB = PLAT BOOK
5. PG = PAGE
6. LR = LAKE
7. MF = MULTI-FAMILY
8. CC = COUNTRY CLUB
9. PD = FUTURE DEVELOPMENT
10. PR = FRACTIONAL RANGE
11. RD = ROAD (RIGHT OF WAY)
12. RC = RECREATION
13. C = CONSERVATION
14. CC = COUNTRY CLUB
15. COORDINATES SHOWN ARE STATE PLANE COORDINATE, FLORIDA
WEST ZONE, NAD 83/90 ADJUSTMENT.

THIS IS NOT A SURVEY
FRANCIS L. SUMMERS, JR. (FOR THE FIRM-LB) #642
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5452
DATE: 3/23/09
SIGNED: [Signature]
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND
MAPPER.

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



**JOHNSON
ENGINEERING**

2115 W. JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0048
FAX (239) 334-3681
E.B. #642 & L.B. #642

SKETCH AND DESCRIPTION

WEST BAY CLUB RPD

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
FEB 2008	20087508	30-46-25	1" = 400'	1 OF 1




WEST BAY CLUB CPD
SECTION 5, TOWNSHIP 47 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND BEING ALL OF TRACTS FD-4 AND FD-6 AND PART OF TRACT C-1 (HALFWAY CREEK), AS SHOWN ON THE PLAT OF WEST BAY CLUB, RECORDED IN PLAT BOOK 62 AT PAGES 79 THROUGH 111, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LYING IN SECTION 5, TOWNSHIP 47 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID TRACT FD-4; THENCE RUN SOUTH 00°47'09" EAST ALONG THE EASTERLY LINE OF SAID TRACT FD-4 AND ALONG A EASTERLY LINE OF SAID WEST BAY CLUB FOR 765.00 FEET TO THE SE CORNER OF SAID TRACT FD-6; THENCE RUN SOUTH 88°57'37" WEST ALONG THE SOUTH LINE OF SAID TRACT FD-6 AND ALONG A SOUTHERLY BOUNDARY LINE OF SAID PLAT FOR 122.94 FEET TO AN INTERSECTION WITH THE EASTERLY MEAN HIGH WATER LINE OF HALFWAY CREEK AS ESTABLISHED IN 1997 WITH AN ELEVATION OF 1.47' NGVD, 1929; THENCE RUN THE FOLLOWING COURSES ALONG SAID MEAN HIGH WATER LINE: NORTH 12°13'10" EAST 316.66 FEET; NORTH 21°09'28" WEST FOR 360.52 FEET; NORTH 01°32'07" WEST FOR 118.40 FEET TO AN INTERSECTION WITH THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID TRACT FD-4; THENCE RUN NORTH 89°00'18" EAST ALONG SAID LINE FOR 178.73 FEET TO THE POINT OF BEGINNING.

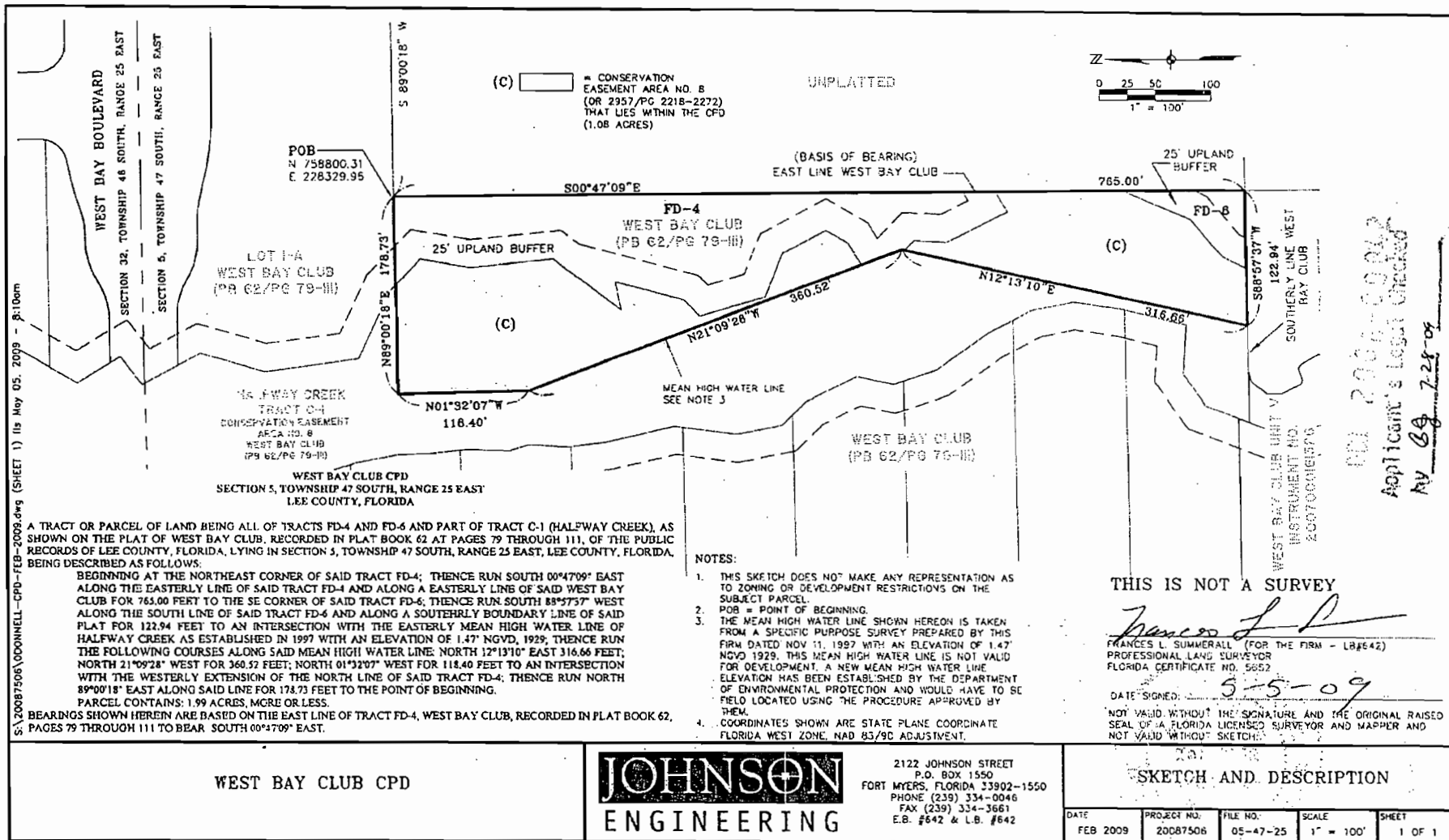
PARCEL CONTAINS: 1.99 ACRES, MORE OR LESS.

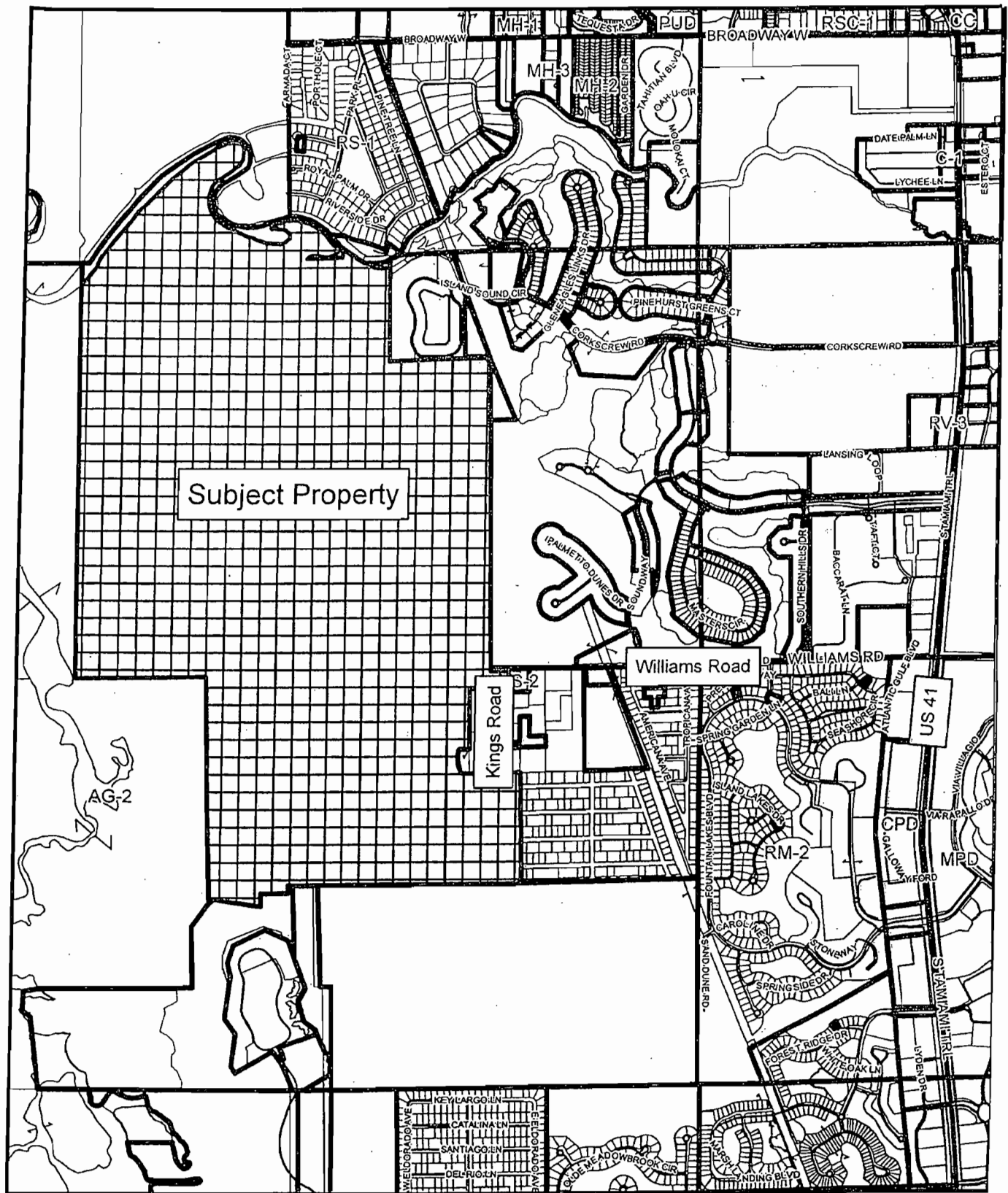
BEARINGS SHOWN HEREIN ARE BASED ON THE EAST LINE OF TRACT FD-4, WEST BAY CLUB, RECORDED IN PLAT BOOK 62, PAGES 79 THROUGH 111 TO BEAR SOUTH 00°47'09" EAST.


FRANCES L. SUMMERALL (FOR THE FIRM-LB #642)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5652

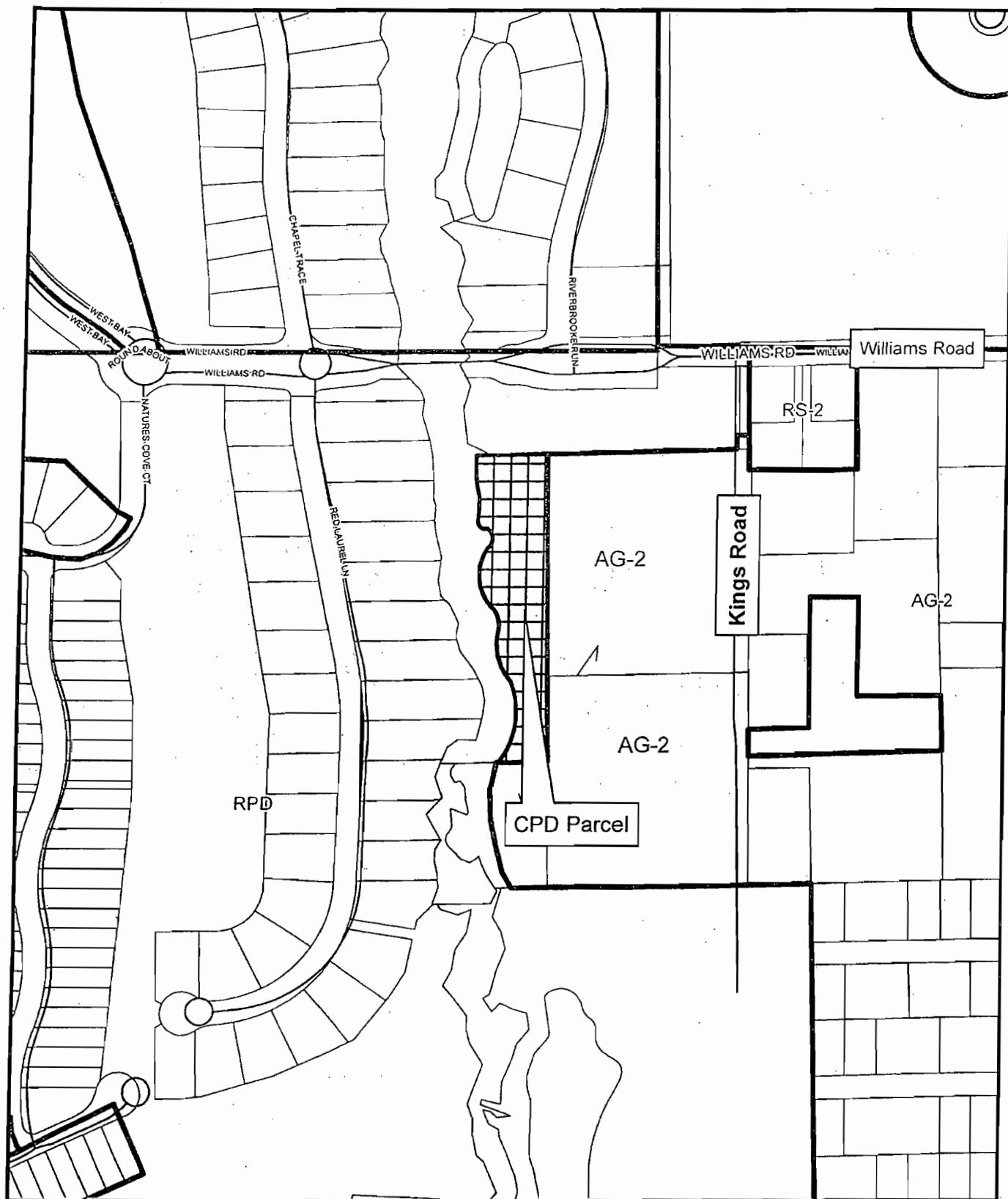
DATE SIGNED: 03/23/09

Applicant's Legal Checked
by CG 7-28-09





(overall property)



(CPD Parcel)

EXHIBIT "B"

(Page 2 of 2)

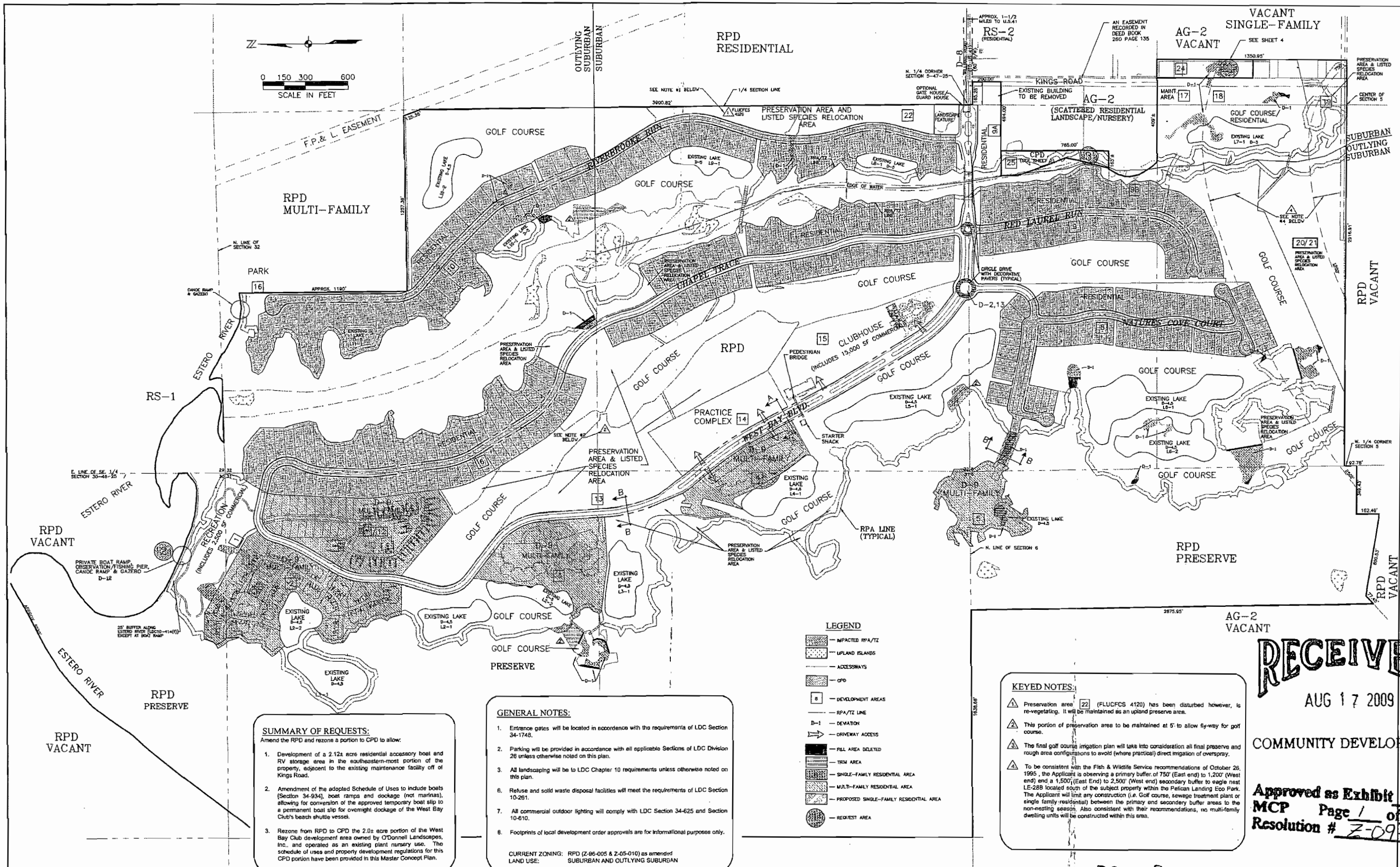


EXHIBIT "C"
(Page 1 of 4)

SUMMARY OF REQUESTS:
Amend the RPD and rezone a portion to CPD to allow:

- Development of a 2.12± acre residential accessory boat and RV storage area in the southeastern-most portion of the property, adjacent to the existing maintenance facility off of Kings Road.
- Amendment of the adopted Schedule of Uses to include boats (Section 34-934), boat ramps and dockage (not marinas), allowing for conversion of the approved temporary boat slip to a permanent boat slip for overnight dockage of the West Bay Club's beach shuttle vessel.
- Rezone from RPD to CPD the 2.0± acre portion of the West Bay Club development area owned by O'Donnell Landscapes, Inc., and operated as an existing plant nursery use. The schedule of uses and property development regulations for this CPD portion have been provided in this Master Concept Plan.

GENERAL NOTES:

- Entrance gates will be located in accordance with the requirements of LDC Section 34-1748.
- Parking will be provided in accordance with all applicable Sections of LDC Division 26 unless otherwise noted on this plan.
- All landscaping will be to LDC Chapter 10 requirements unless otherwise noted on this plan.
- Refuse and solid waste disposal facilities will meet the requirements of LDC Section 10-261.
- All commercial outdoor lighting will comply with LDC Section 34-625 and Section 10-610.
- Footprints of local development order approvals are for informational purposes only.

CURRENT ZONING: RPD (Z-96-005 & Z-05-010) as amended
LAND USE: SUBURBAN AND OUTLYING SUBURBAN

- LEGEND**
- IMPACTED RPA/TZ
 - UPLAND ISLANDS
 - ACCESSWAYS
 - CPD
 - DEVELOPMENT AREAS
 - RPA/TZ LINE
 - DEVIATION
 - DRIVEWAY ACCESS
 - FILL AREA DELAYED
 - TRIM AREA
 - SINGLE-FAMILY RESIDENTIAL AREA
 - MULTI-FAMILY RESIDENTIAL AREA
 - PROPOSED SINGLE-FAMILY RESIDENTIAL AREA
 - REQUEST AREA

KEYED NOTES:

- Preservation area 22 (FLUCFCS 4120) has been disturbed however, is re-vegetating. It will be maintained as an upland preserve area.
- This portion of preservation area to be maintained at 5' to allow fly-way for golf course.
- The final golf course irrigation plan will take into consideration all final preserve and rough area configurations to avoid (where practical) direct irrigation of overspray.
- To be consistent with the Fish & Wildlife Service recommendations of October 25, 1995, the Applicant is observing a primary buffer of 750' (East end) to 1,200' (West end) and a 1,500' (East end) to 2,500' (West end) secondary buffer to eagle nest LE-288 located south of the subject property within the Pelican Landing Eco Park. The Applicant will limit any construction (i.e. Golf course, sewage treatment plant or single family residential) between the primary and secondary buffer areas to the non-nesting season. Also consistent with their recommendations, no multi-family dwelling units will be constructed within this area.

RECEIVED
AUG 17 2009
COMMUNITY DEVELOPMENT
Approved as Exhibit C
MCP Page 1 of 4
Resolution # Z-09-030

PREVIOUS JEI NO. 20044403, 20066330
N:\20087506\Drawings-MCP\87506-MCP-SITE.dwg (SITE) bmg May 07, 2009 - 8:18am

REVISIONS

LEE COUNTY FLORIDA	WEST BAY CLUB RPD/CPD	JOHNSON ENGINEERING	2122 JOHNSON STREET P.O. BOX 1550 FORT MYERS, FLORIDA 33902-1550 PHONE (239) 334-0046 FAX (239) 334-3661 E.B. #642 & L.B. #642	DCI 2008-00042 EXHIBIT D-7-M.1	MASTER CONCEPT PLAN
DATE NOVEMBER 2008	PROJECT NO. 20087506	FILE NO. 29-46-25	SCALE 1" = 300'	SHEET 1	

PROPERTY REGULATIONS

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

ALL HOUSING TYPES

SEE LDC SECTIONS 34-1174, 34-1176, 34-2191 AND 34-2194
FOR ACCESSORY STRUCTURE SETBACKS
SETBACKS FOR ESTERO RIVER: 25 FEET

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

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

SITE DATA

DESCRIPTION OF AREAS	AREA (IN ACRES)
WETLANDS	397.8
GOLF COURSE	87.9
GOLF COURSE ROUGH	20.6
UPLAND BUFFER AREAS	42.5
LAKES	35.9
POD 1:	8.2
POD 2:	14.7
POD 3:	9.0
POD 4:	6.0
POD 5:	6.0
POD 6:	27.5
POD 7:	26.9
POD 8:	21.8
POD 9, 8A & 8B:	20.4
POD 10:	39.4
POD 11/12:	12.9
POD 13:	27.2
POD 14:	7.0
POD 15:	10.8
POD 16:	1.0
POD 17:	1.6
POD 18:	11.6
POD 19:	3.0
POD 20/21:	12.8
POD 22:	0.6
POD 23:	3.1
POD 24:	2.3
POD 25:	2.0
CPD	0.0
TOTAL ACRES	866.0

OPEN SPACE CALCULATIONS

PER ZONING RESOLUTION Z-96-005, AS AMENDED

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

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

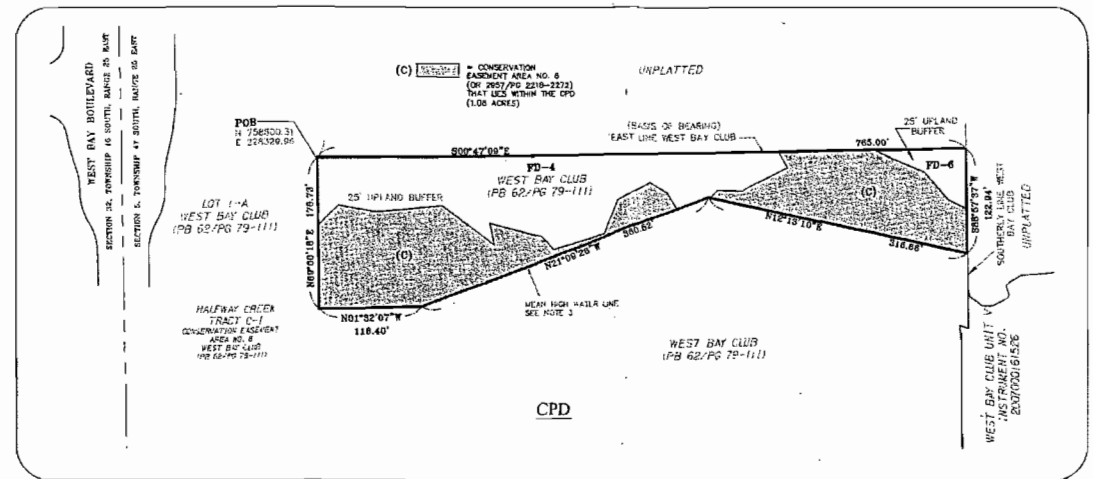
OPEN SPACE PROVIDED (AC±)	MCE (AC±)
WETLANDS	397.8
PRESERVATION AREA 13: 27.2 AC. X 1.6% = 43.5 AC. + 3.2 AC [10-413 (c)(2)(a)] =	46.7
PRESERVATION AREA 19	3.0
PRESERVATION AREA 20/21: 12.8 AC. X 1.6% [10-413 (c)(2)(b)] =	20.5
PRESERVATION AREA 22	0.6
UPLAND ISLAND PRESERVATION AREAS	85.9
GOLF COURSE	20.6
GOLF COURSE ROUGH	38.4
UPLAND BUFFER AREAS	1.0
PARK (AREA 16)	35.9
LAKES	0.6
RECREATIONAL AREA 1	2.2
MULTI-FAMILY POD 2:	8.2 x 80% =
MULTI-FAMILY POD 3:	14.7 x 15% =
MULTI-FAMILY POD 4:	9.6 x 35% =
MULTI-FAMILY POD 5:	6.0 x 35% =
MULTI-FAMILY POD 6:	5.0 x 60% =
SINGLE FAMILY POD 6:	27.5 x 10% =
SINGLE FAMILY POD 7:	26.9 x 10% =
SINGLE FAMILY POD 8:	21.8 x 10% =
RESIDENTIAL POD 9, 9A & 9B:	20.4 x 10% =
RESIDENTIAL POD 10:	39.4 x 10% =
MULTI-FAMILY POD 11 & 12:	12.9 x 15% =
PRACTICE AREA (POD 14)	7.0 x 80% =
CLUBHOUSE SITE (POD 15)	10.8 x 15% =
MAINTENANCE AREA (POD 17)	1.0 x 30% =
GOLF COURSE/FUTURE RESIDENTIAL (POD 18)	11.6 x 40% =
RV AND BOAT STORAGE (POD 24)	2.3 x 10% =
CPD PLANT NURSERY (POD 25)	2.0 x 55% =
TOTAL OPEN SPACE PROVIDED	705.6 (81%)
TOTAL INDIGENOUS OPEN SPACE PROVIDED	540.8 (62%)

SCHEDULE OF USES - RPD

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)]
BOAT RAMPS AND DOCKAGE (NOT MARINAS)
BUSINESS SERVICES, GROUP I, AND GROUP II IF LIMITED TO LAWN AND GARDEN SERVICES AND swimming pool cleaning services [Section 34-622(c)(5)]
CANCE 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 (DUPLICATE)
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
HOLISTOP (df)
HOME/CARE FACILITY (df)
HOME OCCUPATION
LAUNDRY OR DRY-CLEANING [Section 34-622(c)(24)]
MODEL HOME, UNIT, DISPLAY CENTER
PARKS, PRIVATE, GROUP I [Section 34-622(c)(32)]
PARKING LOT ACCESSORY (df)
PERSONAL SERVICES, GROUPS I AND II [Section 34-622(c)(33)]
PHARMACY (df)
POST OFFICE (df)
PRIVATE BOAT RAMP AND OBSERVATION/FISHING PIER
RECREATION FACILITIES
Personal (df)
Private (df)
REAL ESTATE SALES OFFICE
RESIDENTIAL ACCESSORY USES [Section 34-622(c)(42)]
RESTAURANTS, GROUP I, II AND III [Section 34-622(c)(43)]
SIGNS, IN ACCORDANCE WITH LDC CHAPTER 30
SPECIALTY RETAIL SHOPS, GROUPS I & II [Section 34-622(c)(47)]
TEMPORARY USES
TEMPORARY CONSTRUCTION TRAILER
TEMPORARY SALES CENTER
UNITS OF HIGH IMPACT (df) INCLUDING TIME SHARE

SCHEDULE OF USES - CPD*

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



Approved as Exhibit C
MCP Page 2 of 4
Resolution # 2-09-030

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AUG 17 2009

COMMUNITY DEVELOPMENT

DCI 2008-00012

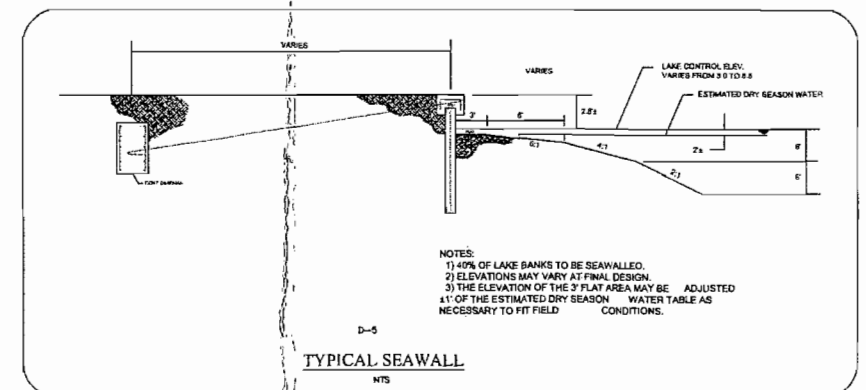


EXHIBIT D-7-P

PREVIOUS JET NO. 20044403, 20066330
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REVISIONS

NO.	DESCRIPTION
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LEE COUNTY
FLORIDA

WEST BAY CLUB
RPD/CPD

JOHNSON
ENGINEERING

2122 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3581
E.B. #642 & L.B. #642

PROPERTY DEVELOPMENT REGULATIONS
AND SCHEDULE OF USES

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
NOVEMBER 2008	20087506	29-46-25	As Shown	2

EXHIBIT "C"
(Page 2 of 4)

Deviations previously approved under Resolution Z-96-005

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

- a. Construction of recreational boardwalks and cart paths through RPA areas to access golf holes both by pedestrians and golf carts.
- b. Construction over various TZ and RPA areas to facilitate construction of a golf course.
- c. Construction over various TZ and RPA areas to facilitate construction of residential development.
- d. Construction of a road access to segmented ridge for construction of multi-family tract.
- e. Construction of a road access to the project site.

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

- a. Impacts are limited to a maximum of 8.79 acres of County jurisdictional wetlands. These impacts are as follows: 6.97 acres fill, 0.14 acres excavation, and 1.68 acres trimming. An approved wetland mitigation plan from the South Florida Water Management District must be submitted prior to local Development Order approval for any phase of development which contemplates wetland impacts. This mitigation will be considered part of the mitigation for Lee County and will be enforceable by the Division of Environmental Sciences. (DES).
- b. At a minimum Lee County's approval of the requested wetland impacts requires removal and maintenance of invasive exotic vegetation (as defined in LDC Section 10-413(f)) for the entire Estero Pointe RPD, and enhancement, restoration and creation of 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) 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 of various watery strata. The requested deviation is APPROVED subject to compliance with the following conditions:

- a. Lake depths for a maximum of 20 feet or the confining layer, whichever occurs first, are approved subject to the adoption and implementation of the "Estero Pointe Management Program for Lakes Excavated Greater than 12 Feet, Zoning counter date stamped 12/13/95.
- b. Prior to local Development Order approval for any area that contains lakes with depths greater than 12 feet, the Developer must submit an additional section of the management plan defining stratification and related lake problems for review and approval by Lee County staff.

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

- a. Lake bottom slope, at the toe of any bulkhead, may be no greater than 4:1.
- b. Bulkheads are subject to Lee County structural building permits.

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

- a. A minimum total of 76 percent open space and a minimum total of 57 percent indigenous open space must be provided.
- b. Prior to local Development Order approval, the exact location of the 21.8 acres of indigenous preservation within the golf course rough must be shown on plans for the golf course.

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

DEVIATION (8) WITHDRAWN by the Applicant.

DEVIATION (9) requests relief from LDC Section 34-935(f)(3)(c) which limits the height of buildings in the RPD zoning category within the Outlying Suburban land use category to 45 feet, to allow 20 stories over parking for Development Areas 2, 3, 4 and 5. The requested deviation is APPROVED subject to the following conditions:

- a. Development Area 2 is limited to a maximum height of 75 feet.
- b. Development Areas 3, 4, and 5 are limited to a maximum building height of 220 feet and are further limited to a maximum combined total of six multi-family buildings with a maximum total of 630 dwelling units.
- c. Development Areas 3 and 4 must provide a minimum of 35 percent open space.
- d. Development Area 5 is limited to one multi-family building and must provide a minimum of 60 percent open space.
- e. Ninety percent of the required parking in multi-family Development Areas 3, 4, and 5 must be provided under the principal building structure to limit the impacts of impervious areas created by open parking lots.
- f. All buildings over 45 feet in height must be set back an additional one-half foot for every foot of height over 45 feet along the external development perimeter.

DEVIATION (10) WITHDRAWN by the Applicant.

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

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

- a. Water management berms are prohibited within the 25-foot-wide buffer area. Other water management structures are approved as long as their impacts are limited to the minimum necessary to meet permitting requirements of the South Florida Water Management District.
- b. Gazebos are only approved on land locations within areas selected to avoid impacts to the greatest number of native trees and plants. Size is limited to 250 square feet. The gazebos must be constructed in a generally square or octagonal design. A maximum of two gazebos is approved.
- c. Two canoe launch areas are approved. One of the canoe launch areas must be located as near as appropriate to the boat ramp to avoid additional impacts. Storage of canoes on land and be outside of the 25-foot-wide buffer area. Each canoe launch area is limited to a width of 25 feet along the Estero River.
- d. One power boat ramp is approved with a maximum of two temporary mooring slips.
- e. As part of the power boat ramp mooring facility, an observation boardwalk structure may be constructed at a length not to exceed 30 feet from the shoreline for the total structure.
- f. The power boat ramp facility must be designed to include a swale, exfiltration trench, or other engineering device to prevent barge water and associated untreated parking lot run-off from flowing down the boat ramp and into the Estero River. The design must be approved as part of the building permit or local Development Order review for the boat ramp facility.
- g. The boat ramp, temporary mooring/observation boardwalk, single family board-walks, cart crossings, and canoe launches are subject to all permitting requirements of LDC Chapter 26.
- h. Gazebos, canoe launches and power boat ramp facilities are prohibited along Halfway Creek.
- i. A maximum of one boardwalk for each two single family lots is permitted on Halfway Creek. Boardwalks are prohibited on the Estero River, except as conditioned in g. above.

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

Deviations previously approved under Resolution Z-05-010

All deviations, except Deviation 9, approved by Resolution Z-96-005 remain in full force and effect. Deviation 9 is revised as follows:

DEVIATION (9) seeks relief from the LDC §34-935(f)(3)(c), requirement limiting the height of buildings in the RPD zoning category within the Outlying Suburban land use category to 45 feet, to allow 20 stories over parking for Development Areas (Pods) 2,3,4 and 5. This deviation is APPROVED, SUBJECT TO the following conditions:

Deviation APPROVED, SUBJECT TO the following conditions:

- a. Development Area (Pod) 2 is limited to a maximum height of 75 feet.
- b. Development Areas (Pods) 3,4, and 5 are limited to a maximum height of 220 feet and are further limited to a combined total of five multi-family high-rise buildings and 24 low-rise villa units for a combined total of 630 dwelling units: a maximum of two high-rise buildings on Development Areas (Pods) 3 and 4, and 24 low-rise villa units in Development Area (Pod) 3 only; and a maximum of one high-rise building on Development Area (Pod) 5.
- c. Development Areas (Pods) 3 and 4 must provide a minimum of 35 percent open space.
- d. Development Area (Pod) 5 is limited to one multi-family high-rise building and must provide a minimum of 60 percent open space.
- e. Ninety percent of the required parking in multiple-family Development Areas (Pods) 3, 4, and 5 must be provided under the principal building structure to limit the impacts of impervious areas created by open parking lots.
- f. All buildings over 45 feet in height must be set back an additional one-half foot for every foot of height over 45 feet along the external development perimeter.

Proposed Deviation

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

Approved as Exhibit C
MCP Page 3 of 4
Resolution # Z-09-030


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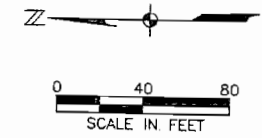
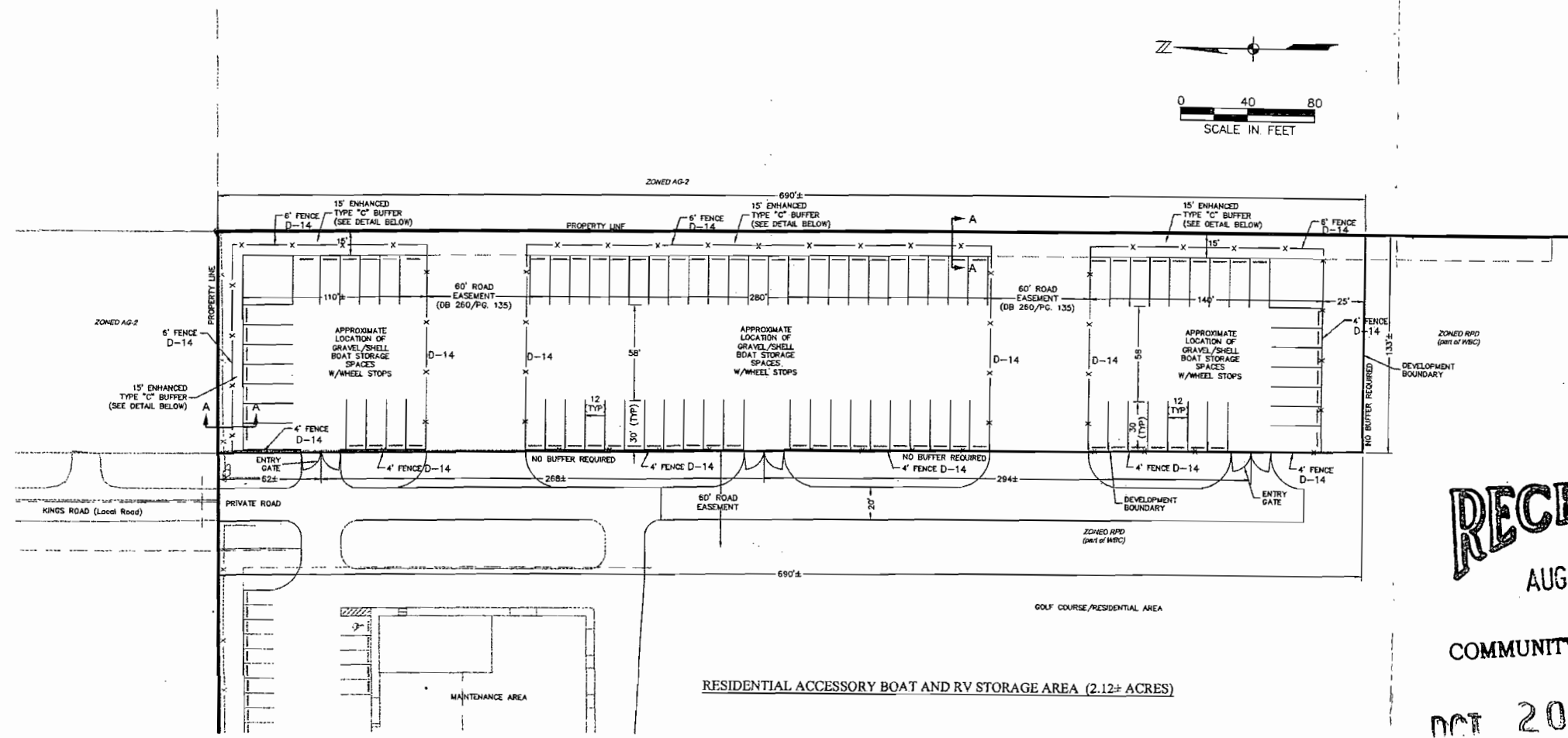
COMMUNITY DEVELOPMENT

NOT 2008-00042

EXHIBIT D-7-Q

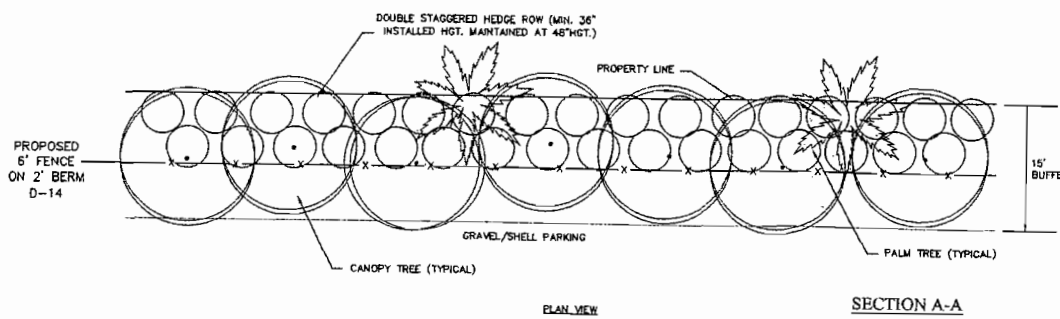
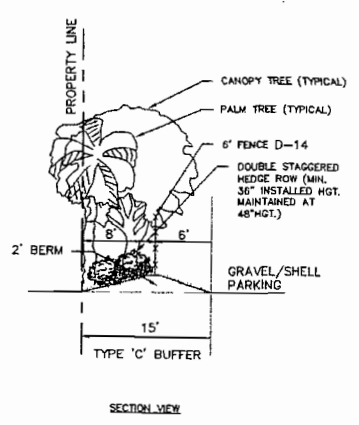
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REVISIONS			LEE COUNTY FLORIDA	WEST BAY CLUB RPD/CPD		2122 JOHNSON STREET P.O. BOX 1550 FORT MYERS, FLORIDA 33902-1550 PHONE (239) 334-0046 FAX (239) 334-3661 E.B. #642 & L.B. #642	SCHEDULE OF DEVIATIONS				
							DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
							NOVEMBER 2008	20087506	29-46-25	As Shown	3

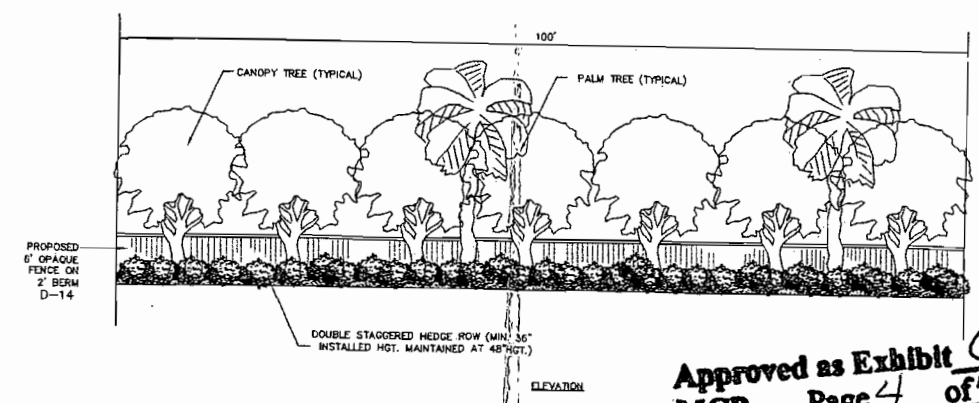


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COMMUNITY DEVELOPMENT
DCT 2008-00042



SECTION A-A
ENHANCED TYPE 'C' BUFFER
7 TREES PER 100 LINEAR FEET
2 PALM TREES PER 100 LINEAR FEET
33 SHRUBS PER 100 LINEAR FEET



Approved as Exhibit C
MCP Page 4 of 4
Resolution # Z-09-030

PREVIOUS JCI NO. 20044403, 20066330
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REVISIONS		

LEE COUNTY FLORIDA	WEST BAY CLUB RPD/CPD	 <p>2122 JOHNSON STREET P.O. BOX 1550 FORT MYERS, FLORIDA 33902-1550 PHONE (239) 334-0046 FAX (239) 334-3661 E.B. #642 & L.B. #642</p>	RESIDENTIAL ACCESSORY BOAT/RV STORAGE AREA PLAN				
			DATE NOVEMBER 2008	PROJECT NO. 20087506	FILE NO. 29-46-25	SCALE As Shown	SHEET 4

EXHIBIT "C"
(Page 4 of 4)