



VILLAGE OF ESTERO  
*Zoning*  
STAFF REPORT

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PROJECT NAME: WEST BAY CLUB-DOG PARK  
CASE TYPE: FINAL PLAN APPROVAL  
CASE NUMBER: ADD2017-E008  
PLANNING & ZONING BOARD DATE: JANUARY 16, 2018

**REQUEST AND STAFF RECOMMENDATION**

This is a request to obtain final plan approval with one deviation for the development of a dog park with recreational amenities including pickle ball and bocce ball in the West Bay Club development located at the intersection of Williams Road and Kings Road. Staff recommends approval with conditions.

**APPLICATION SUMMARY**

Applicant: West Bay Club Community Association, Inc.  
Request: Final plan zoning approval for the development of a dog park and other recreational amenities.  
Location: The property is located in the southwest quadrant of the intersection of Williams Road and Kings Road within the West Bay Club Development. The applicant indicates the STRAP number is 05-47-25-E1-07000.001A.

**FUTURE LAND USE**

Suburban

**PUBLIC INFORMATION MEETING**

A Public Informational meeting was held at the Planning and Zoning Board on November 14, 2017. Meeting minutes from the applicant are attached (Attachment A).

**PROJECT HISTORY**

The property is 2.78 acres of a larger 864 acre development located at the intersection of Williams Road and Kings Road. This development was originally rezoned by Lee County in Resolution Z-96-005 from Agricultural (AG-2), Commercial (C-2), Special Commercial Office (CS-1) and Residential Multiple Family (RM-2) to Residential Planned Development (RPD). Several subsequent amendments have been approved and include: FPA98-087, PD-98-003,

FPA-98-088, ADD1999-00056, ADD2002-00042, ADD2003-00182, ADD2005-00022, Z-05-010, ADD2006-00043, ADD2008-00076, Z-09-030 and ADD2011-00087.

A limited Development Order was submitted to the Village and is currently under review by Village Staff.

## **STAFF ANALYSIS**

### *Project Description*

The West Bay Club development consists of approximately 864 acres which is located at the westerly terminus of Williams Road off US 41. The development was rezoned to Residential Planned Development in 1996. Due to the overall size of the development and limited specificity of the plan, Condition #2 of resolution Z-96-005 requires an application for final zoning plan approval to be submitted for local development orders consisting of vertical development within West Bay Club to ensure compliance with the resolution and the Land Development Code.

The proposed recreation area is less than 3 acres and will be located south of the intersection of Riverbrooke Run and Williams Road. Residential development is located to the north and east, a portion of the West Bay Golf Course is located to the northeast, agricultural and commercial zoned properties are located to the south and residentially developed properties are located to the west of the proposed dog park/recreational area. The recreational area will consist of five phases and will include the following:

- 1) Infrastructure parking, dog park area, four pickle ball courts and a 6 foot high perimeter fence;
- 2) Pickle ball court;
- 3) Pickle ball court;
- 4) Bocce ball court; and
- 5) Restroom facility.

### *Neighborhood Compatibility*

The properties located to the north are within the West Bay Club development and are residential single family dwellings. A portion of the West Bay Golf Course is located to the northeast. Residential RS-2 properties are located to the west and are not part of the West Bay Club Development. The property to the south of the proposed project is zoned as Agricultural AG-2 and Commercial Planned Development and is a landscaping business. Residential properties are located to the west and are part of the West Bay Club RPD.

Staff had some concerns about the proximity of the dog park and other recreational amenities in relation to the off-site residential homes. The proposed project is located approximately 150 feet from the nearest residential home located to the east. This area is zoned as Residential. Noise and lighting from the dog park and pickle ball courts could impact the property. In order to eliminate negative impacts, the applicant has indicated that the hours of operation for the dog park and other amenities (including pickle ball and bocce ball) will be from 8:00 am to dusk. The applicant confirmed that there will be no outdoor lighting for the dog park and other amenities.

Staff has conditioned the hours of operation from 8:00 am to dusk and added a condition that does not allow the use of outdoor lighting for the dog park and other amenities (including pickle ball and bocce ball). The conditions are listed in the resolution.

The applicant currently is in the process of meeting with nearby residential property owners to discuss the proposed project's impact and location. The applicant has indicated that they will submit a signed Letter of No Objection from the nearest property owner. A letter of "No Objection" from the West Bay Club Home Owners Association was previously submitted to Staff (copy attached as Attachment D).

An agricultural AG-2 zoned property (existing landscaping business) is located to the south. A 5 foot landscaping buffer is proposed along the southerly property line which separates the West Bay Club development from this property. This buffer consists of Slash Pines, Florida Flame Red Maple and Red Tip Coco Plum shrubs.

The proposed dog park with other amenities as conditioned would be generally compatible with the surrounding developments within the area.

### Final Plan Approval

The applicant requested Final Plan Approval for the proposed dog park and other recreational amenities on a parcel which was designated as "Residential" on the Master Concept Plan.

*As stated in Condition 2 of Resolution Z-96-005, "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 Final Plan Approval process is to ensure compliance with the zoning resolution and Land Development Code (LDC), to allow detailed review of deviations conceptually approved herein, while allowing the developer the flexibility to respond to changing conditions. Any substantial change in 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."*

Staff reviewed the schedule of uses in Resolution Z-96-005 for Residential and found that Parks, Private and, Group I "Parks" [Section 34-622 (c) (32)] were listed as permitted uses. Group I parks include community gardens and neighborhood parks. The proposed project is compliant with Section 34-622 (c) (32) of the Land Development Code (LDC).

The proposed project design was reviewed by Staff as part of the Limited Development Order. The overall project design was compliant with the LDC with the exception of the proposed grass parking area. A deviation was requested by the applicant and discussed below in this report. A copy of the resolution with the approved MCP is attached (Attachment E).

### Deviation

The applicant has requested a deviation from Section 34-2017 (a) (2) of the Land Development Code which requires that all parking spaces must have a paved, dust free, all-weather surface from the aisle to the parking block or curb, to allow grass parking spaces. A total of twenty-four (24) parking spaces are required by Section 34-2020(a) of the Land Development Code (LDC). The applicant will be providing 30 spaces and 2 handicap parking spaces meeting ADA requirements.

The applicant indicated at the November 14, 2017 Planning and Zoning Board Public Informational meeting that the grass parking area will consist of 12 inches of stabilized subgrade, 6 inches of compacted lime rock and 2 inches of top soil with sod at the surface.

A Limited Development Order (LDO) for the dog park and other amenities (including pickle ball and bocce ball) is currently under review by Village Staff. The grass parking space specifications

shown on the LDO site plans are compliant with those which were mentioned at the November 14, 2017 Planning Zoning Board meeting.

As mentioned in the applicant's deviation narrative, the benefits of green parking areas include the enhancement of water quality by filtering contaminants before entering the West Bay Club master storm water system, and the reduction of surface heat typically caused by asphalt parking areas.

Staff recommends partial approval of the deviation request for grass parking spaces with the condition that asphalt be provided for parking aisles and concrete parking blocks for grass parking spaces. A copy of the applicant's deviation request narrative is attached.

### **CONCLUSION**

Staff recommends approval of the request and the deviation with the conditions listed in the attached resolution.

### **ATTACHMENTS**

- A. Applicant's Meeting Minutes
- B. Zoning Map
- C. Applicant's Deviation Request
- D. Letter of No Objection
- E. Resolution Z-96-005

# **ATTACHMENT A**

November 29, 2017

Mark Muraczewski, AICP, CFM  
Village of Estero  
Department of Community Development  
9401 Corkscrew Palms Circle  
Estero, Florida 33928

RECEIVED  
NOV 29 2017  
VILLAGE OF ESTERO

**Re: West Bay Club – Dog Park  
ADD2017-E008**

Dear Mark:

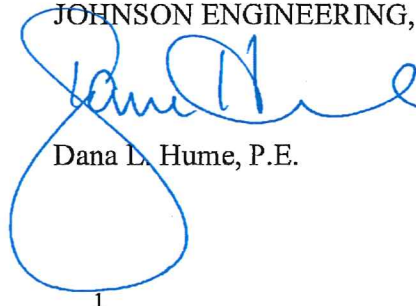
Please find this letter in reply to your November 21, 2017 correspondence requesting additional information pursuant to the November 14, 2017 Planning and Zoning Board Public Informational Meeting.

1. Please remove golf cart usage from grass parking deviation request supporting justification.  
**Response:** The golf cart usage language was removed from the deviation justification and was submitted as part of the November 21, 2017 RAI response package to the Village under ADD2017-E008. A copy is attached.
2. Please indicate which of the adjacent neighbors were informed of the proposed “Dog Park/Amenity Area” project.  
**Response:** As indicated at the November 14, 2017 meeting, the applicant will contact the adjoining residential units to discuss the project and its location.
3. Please indicate how the grass parking area is going to be stabilized.  
**Response:** As discussed in the November 14, 2017 meeting. The grass parking lot will be stabilized with 12” stabilized subgrade, 6” compacted limerock, 2” top soil and then the sod. This is a typical local roadway cross section with the 2” top soil and grass replacing the asphalt.

Should you have questions or require additional information please do not hesitate to contact me.

Sincerely,

JOHNSON ENGINEERING, INC.



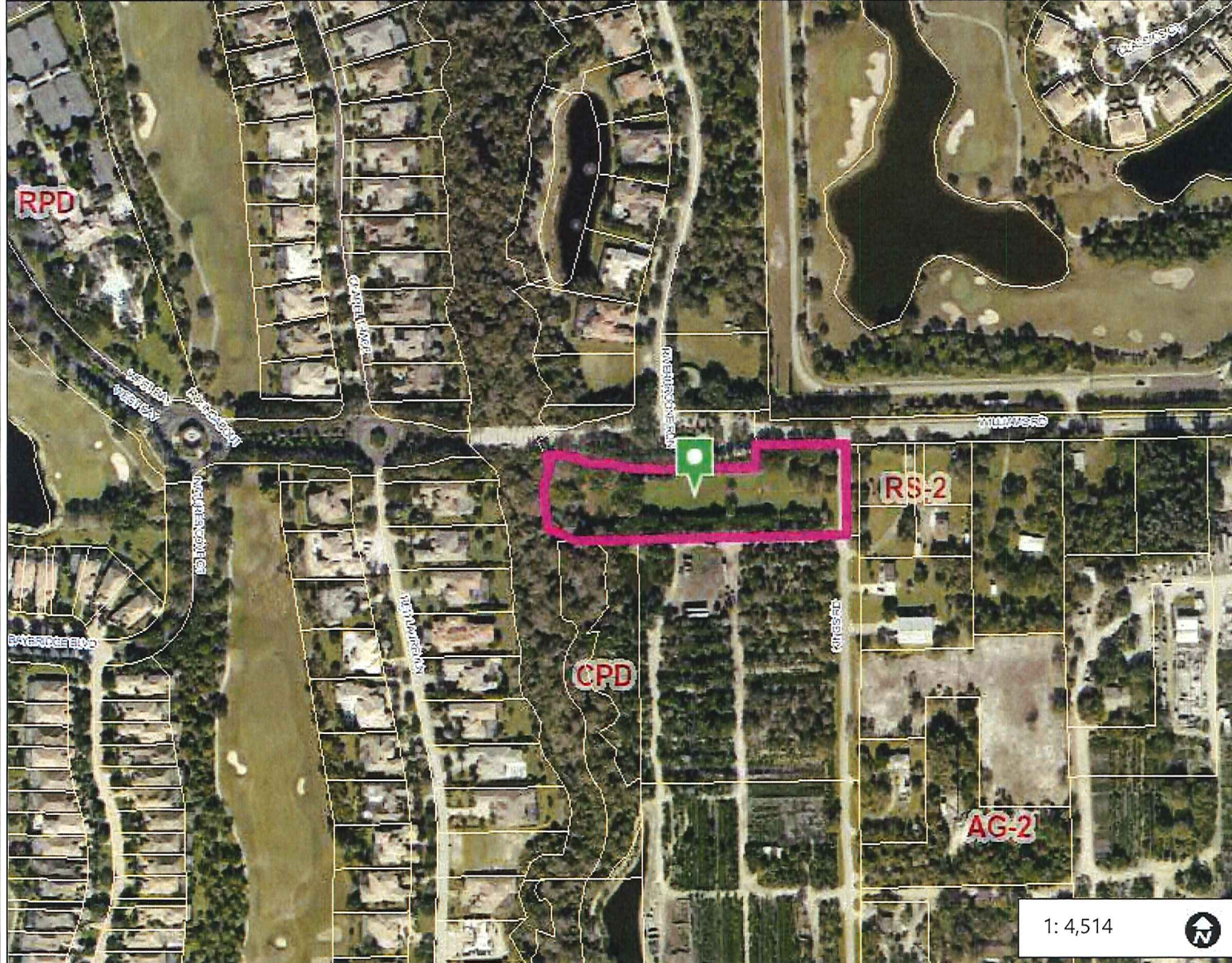
Dana L. Hume, P.E.

20170195  
cc: Kevin Ammon

# **ATTACHMENT B**



# ZONING MAP



### Legend

- Property
- City Boundary
- Low Resolution 15m Imagery

1: 4,514



0.1 0 0.07 0.1 Miles

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS A QUICK VIEW PRESENTED BY CGA

Notes



# ATTACHMENT C

West Bay Club Dog Park  
Deviation Request

**Deviation (17) from LDC Section 34-2017(a)(2)** which requires that all parking spaces must have a paved, dustfree, all-weather surface from the aisle to the parking block or curb, **to allow grass parking spaces.**

**Justification:**

The proposed grass parking spaces will allow the dog park/amenity area to maintain the unique natural setting which West Bay Club is known for. West Bay Club is a private community and the amenity area will be for the use of residences' only. Natural grass was selected as the parking lot surface in an effort to keep the project as "green" as possible while providing the essential parking spaces, incorporating the benefits of a grass area. Those benefits include, but are not limited to, increasing water quality by having the grass treat or purify the water by filtration prior to going into the West Bay Club master storm water system for additional treatment prior to any discharge. The grass parking also reduces surface heat typically caused by asphalt parking lots or buildings, reduces the overall cost of the project by reducing the need for additional storm structures and drainage pipe and finally, helps create the small town, community feel that West Bay Club strives to promote. The required handicap parking space will be constructed per ADA requirements. The alternate design of the proposed parking spaces will not be hazardous or detrimental to the residents. There will be no negative effect on the health, safety or welfare of the residents or adjacent properties.

# ATTACHMENT D

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WEST BAY  
BEACH & GOLF CLUB

December 22, 2017

Mark Muraczewski  
Senior Planner  
Village of Estero  
9401 Corkscrew Palms Circle  
Estero, FL 33928

Subject: West Bay Club – Dog Park Project

Dear Mark,

Per your request, please accept this letter as verification that we have discussed with our adjacent neighbors the project details related to the above subject. They are fine with the project plan and no objections or concerns.

In addition, the above project has been shared with our community residents and there has been no objections or concerns.

If you require any additional information, please let me know.

Sincerely,

*Bill Darkoch*

Bill Darkoch  
President Board of Directors  
West Bay Club Community Association

Cc: Dana Hume – Johnson Engineering

## ATTACHMENT E

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;

continued...

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)

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.

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 permissible 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 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 boardwalks, 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: *Charlie Green*  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: *John E. Manning*  
Chairman

Approved as to form by:

*Ann Marie Collins*  
County Attorney's Office

FILED

MAR 25 1996

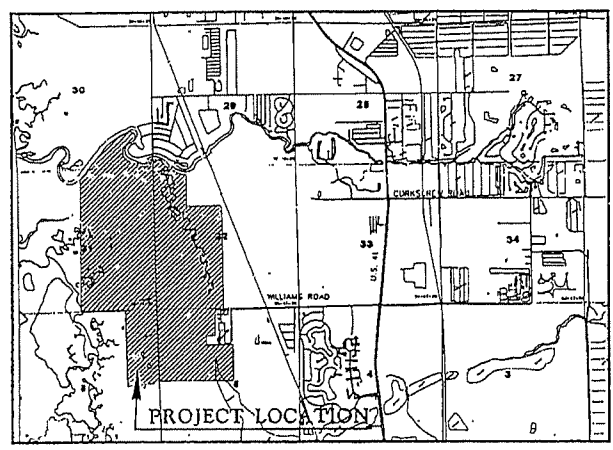
CLERK CIRCUIT COURT  
BY *J.P.* D.C.

# MASTER CONCEPT PLAN FOR ESTERO POINTE RPD

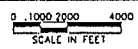
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SECTIONS 5/6, TOWNSHIP 47 S., RANGE 25 E.  
BONITA SPRINGS, LEE COUNTY, FLORIDA

**INDEX OF PLANS**

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	MASTER CONCEPT PLAN
3	MILKWEED LOCATIONS & MANAGEMENT PLAN
4-5	DOCUMENTATION



**LOCATION MAP**



**PREPARED BY**  
**JOHNSON ENGINEERING, INC.**  
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

**APPLICANT**

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

**STRAP NUMBERS**

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32-46-25-01-00093.0000	32-46-25-01-00100.0000

**APPROVED**

Master Concept Plan  
Site Plan & Easement Prop. L. 11/95  
Subject to conditions in Resolution 20-955  
Zoning Code 7-15-96-012.000

**ZONING**

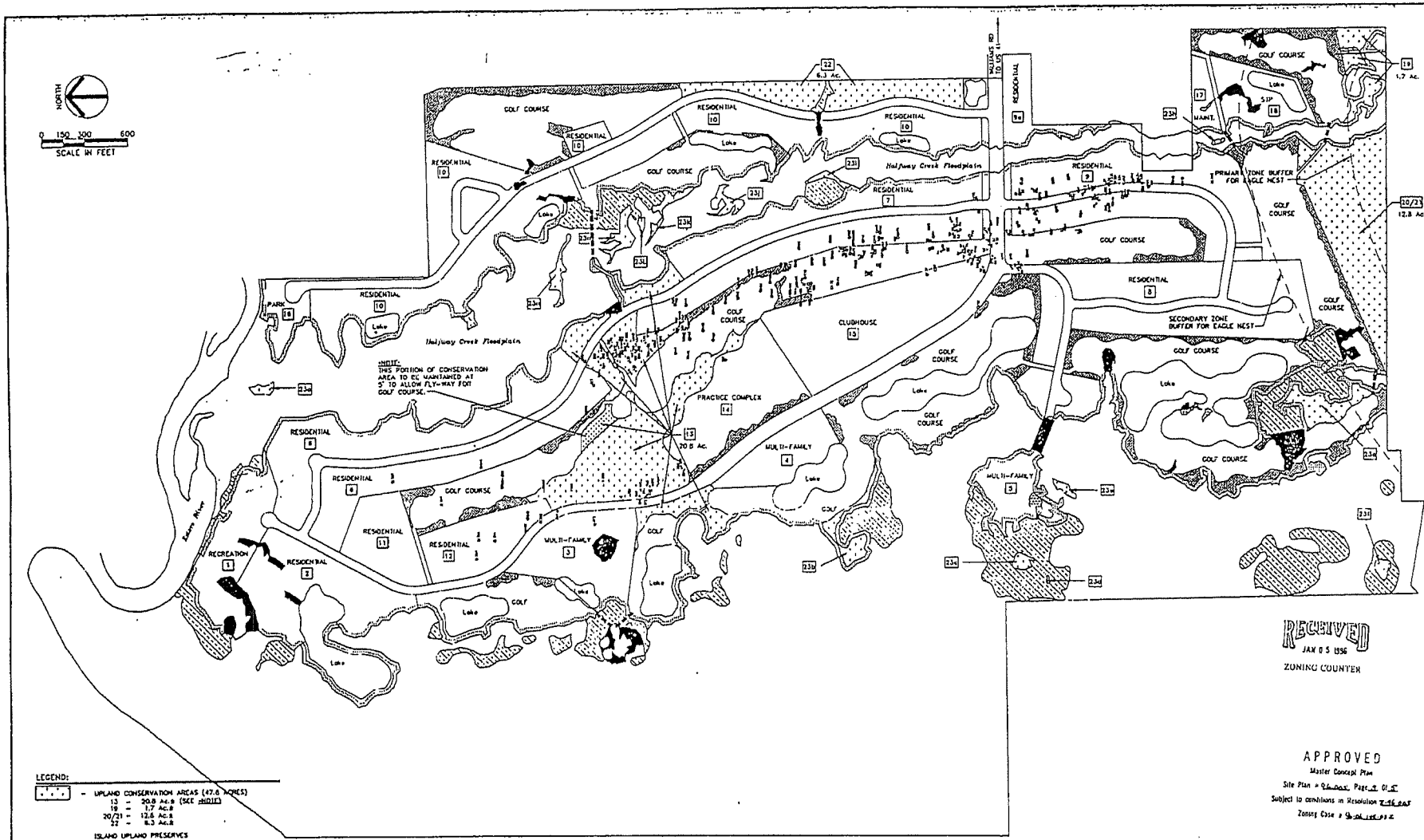
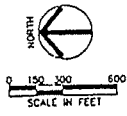
AG-2, C-2 & CS-1 TO RPD



PROJECT # 95-26-14B-032  
PROJECT TYPE 12 ZONING COUNTER







NOTE: THIS PORTION OF CONSERVATION AREA TO BE MAINTAINED AT 5' TO ALLOW FLY-WAY FOR GOLF COURSE.

RECEIVED  
JAN 05 1996  
ZONING COUNCIL

APPROVED  
Master Concept Plan  
Site Plan = 06-0000, Page 11 of 12  
Subject to conditions in Resolution 20853 and  
Zoning Code # 5.30.000.010

ATLANTIC GULF COMMUNITIES

ESTERO PONTE  
MILKWEED LOCATIONS & MANAGEMENT PLAN

JOHNSON ENGINEERING, INC.  
ENGINEERS, SURVEYORS AND GEOLOGISTS  
2134 JOHNSON STREET, P.O. BOX 1930, FORT WALKER, FLORIDA 32607-1930, PHONE (911) 334-0044

DATE	PROJECT NO.	FILE NO.	SHEET	TOTAL SHEETS
AUG. 1993	20853	30-45-25	1	3

REV. FOR SEPT. AND SUPPLEMENT

- LEGEND:**
- UPLAND CONSERVATION AREAS (47.0 ACRES)
    - 10 = 30.8 AC. (SEE 20112)
    - 19 = 1.7 AC.
    - 20/21 = 12.6 AC.
    - 22 = 6.3 AC.
  - ISLAND UPLAND PRESERVES  
23a thru 23c = 6.2 AC.
  - WETLAND PRESERVATION & ENHANCEMENT AREAS (31.0 ACRES)
  - WETLAND PRESERVATION AREAS (APPROX. 358.6 ACRES)
  - GOLF COURSE ROUGH UPLAND PRESERVATION AREAS (21.8 ACRES)
  - PROTECTED WETLAND BUFFER (UPLANDS) (22.0 ACRES)
  - JURISDICTIONAL FILL AREAS
  - JURISDICTIONAL EXCAVATION AREAS

- MILKWEED LOCATION LEGEND:**
- 129 = 70 PLANTS TO BE PRESERVED
  - 129 = 70 PLANTS TO BE RELOCATED
  - 129 = 135 PLANTS TO BE REMOVED

12-12-1993 10:51 AM ET 2085300-010



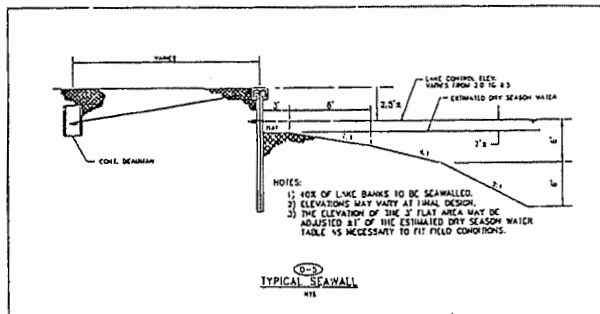
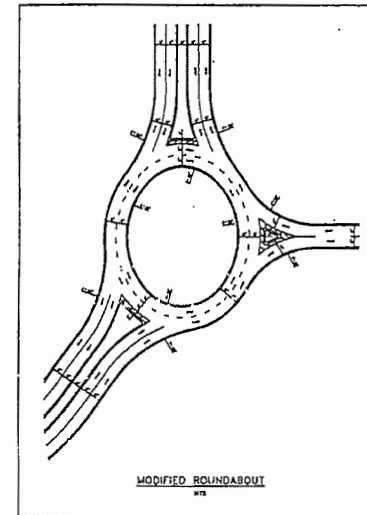
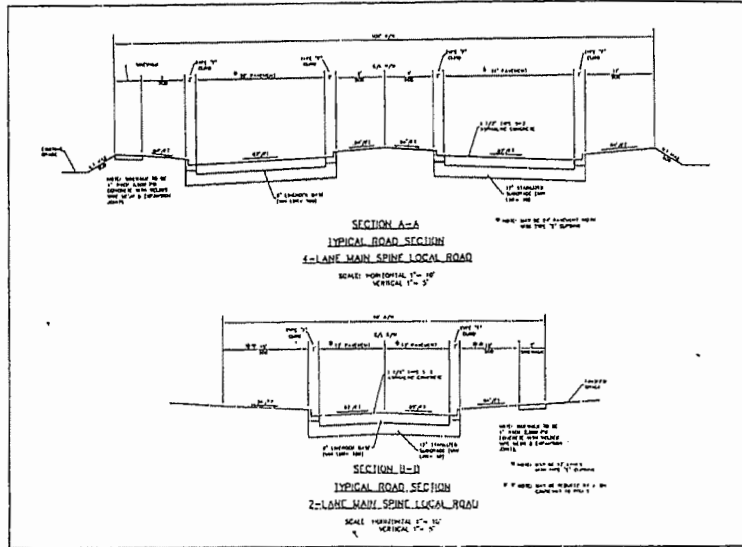
PROPERTY DEVELOPMENT REGULATIONS  
for  
ESTERO POINTE RPD (D-11)

	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  
ZONING COUNTY

APPROVED  
Master Concept Plan  
Site Plan + Grading, Final D.C.S.  
Subject to conditions in Resolution Z-95-002  
Zoning Case # 95-00-118-002

DOCUMENTATION  
ESTERO POINTE RPD

JOHNSON ENGINEERING, INC.				
ENGINEERS, SURVEYORS AND ECOLOGISTS				
3114 ANDERSON STREET, P.O. BOX 1330, FORT WORTH, FLORIDA 33607-1330, PHONE (714) 331-0044				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
December 1995	20520	30-46-25	NTS	3

REVISED: 11-19-95

12-13-1995 MCM DOT 20202002.DWG