

1 **VILLAGE OF ESTERO, FLORIDA**

2  
3 **ZONING RESOLUTION NO. 2022-22**

4  
5 **A RESOLUTION OF THE VILLAGE COUNCIL OF THE**  
6 **VILLAGE OF ESTERO, FLORIDA, APPROVING WITH**  
7 **CONDITIONS THE FINAL PLAN APPROVAL AND TWO**  
8 **DEVIATIONS FOR WEST BAY CLUB ISLAND HIGH RISE,**  
9 **LOCATED ON POD 5, WEST OF US 41 AT THE END OF**  
10 **WILLIAMS ROAD; PROVIDING FOR CONFLICTS;**  
11 **PROVIDING FOR SEVERABILITY; AND PROVIDING AN**  
12 **EFFECTIVE DATE.**

13  
14 **WHEREAS**, West Bay Hill, LLC represented by Johnson Engineering, Inc., (the  
15 “Applicant”), filed an application for Final Plan approval and two deviations for Pod 5 of the  
16 West Bay Club Residential Planned Development (RPD) for a proposed 88-unit high-rise  
17 building located west of US 41 at the end of Williams Road, Estero, FL, consisting of  
18 approximately 5 acres (the “Property”); and

19  
20 **WHEREAS**, the Property STRAP numbers are 06-47-25-E2-07MF1.0000 and  
21 06-47-25-E2-07LK5.02CE and legally described as:

22  
23 “All of Tract MF-1 and Tract LK 5-2 according to the plat of West Bay Club as  
24 recorded in Plat Book 62, Page 79 through 111 of the public records of Lee  
25 County Florida”; and

26  
27 **WHEREAS**, the property is a part of the West Bay Club RPD approved by Lee County in  
28 Resolution Z-96-005, as amended most recently by Lee County Resolution Z-05-010, and further  
29 amended by Estero Village Council Ordinance 2021-12; and

30  
31 **WHEREAS**, Condition 2 of Resolution Z-96-005 requires Final Plan approval prior to any  
32 development order approval for vertical development; and

33  
34 **WHEREAS**, the applicant applied for final Zoning Plan Approval for Pod 5, the high-  
35 rise site, and two deviations to eliminate the tree inventory and tree location plan, and tree  
36 health assessment requirements of the Code; and

37  
38 **WHEREAS**, a duly noticed public hearing was held before the Village Council on  
39 September 21, 2022, at which time the Village Council gave consideration to the evidence  
40 presented by the Applicant and the Village staff and the comments of the public.

41  
42 **NOW, THEREFORE**, be it resolved by the Village Council of the Village of Estero,  
43 Florida:

48  
49 **Section 1. Final Zoning Plan Approval.**  
50

51 The Village Council approves with conditions the Final Plan approval request and two  
52 deviations for the West Bay Club Island High Rise, subject to the following conditions.  
53

54 **Section 2. Conditions and Deviations.**  
55

- 56 1. Development must be in compliance with the 5-page site plan titled “Final Plan  
57 Approval for Island at West Bay” stamped received by Village of Estero, July 1,  
58 2022.  
59
- 60 2. All conditions of Ordinance 2021-12 and prior resolutions remain in effect, except  
61 as may be modified herein.  
62
- 63 3. Deviation 1, a request to deviate from LDC Section 5-404.E. to not provide a  
64 required tree inventory or tree health assessment is approved.  
65
- 66 4. Deviation 2, a request to deviate from LDC Section 5-405.C.1.A. to not provide the  
67 required tree location plan, is approved.  
68

69 **Section 3. Final Plan Approval Review Standards.**  
70

71 Based upon an analysis of the application and the standards for approval in the Land  
72 Development Code, and the conditions of approval, the Council finds and concludes  
73 that the proposed uses:  
74

- 75 A. Will be consistent with the goals, objectives, and policies of the  
76 comprehensive plan;  
77 B. Will comply with the zoning resolution and all applicable zoning district  
78 standards;  
79 C. Will comply with all standards in Chapter 4: Use Specific Standards;  
80 D. Will be appropriate for its location and is compatible with the general  
81 character of surrounding lands and the uses permitted in the zoning district;  
82 E. Will adequately screen, buffer, or otherwise minimize adverse visual  
83 impacts on adjacent lands;  
84 F. Will ensure that no site lighting source shall negatively impact adjacent  
85 properties and rights-of-way;  
86 G. Will maintain safe and convenient ingress and egress and traffic flow onto  
87 and through the site by vehicles and pedestrians, and safe road conditions  
88 around the site;  
89 H. Will avoid significant adverse odor, noise, glare, and vibration impacts on  
90 surrounding lands regarding refuse collection, service delivery, parking and  
91 loading, signs, lighting, and other site elements;



- I. Will not have an adverse impact on land values and the ability of neighboring lands to develop uses permitted in the zoning district;
- J. Will avoid significant deterioration of water and air resources, scenic resources, and other natural resources;
- K. Will not overburden existing public facilities and services, including but not limited to, streets and other transportation facilities, schools, potable water facilities, sewage disposal, storm water management, and police and fire protection facilities; and
- L. Will comply with all other relevant Village, state, and federal laws and regulations; and
- M. The deviations are justified due to the required upland conservation easement buffer around the perimeter, and the 60% open space requirement on the site.

**Section 4. Exhibit.**

The following exhibit is attached to this Resolution and incorporated by reference:

Exhibit A Site Plan (5 pages) titled "Final Plan Approval for Island at West Bay" stamped received by Village of Estero July 1, 2022

**Section 5. Severability.**

Should any section, paragraph, sentence, clause, phrase or other part of this Resolution subsequent to its effective date be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this Resolution as a whole or any portion thereof, other than the part so declared to be invalid.

**Section 5. Effective Date.**

This Resolution shall take effect immediately upon adoption.

**ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida on this 21<sup>st</sup> day of September, 2022.

Attest:

**VILLAGE OF ESTERO, FLORIDA**

By: 

Carol Sacco, Village Clerk

By: 

Katy Errington, Mayor

Reviewed for legal sufficiency:

By: 

Nancy E. Stroud, Village Land Use Attorney



UTILITIES PROVIDING SERVICE:

- WATER AND SEWER:

LEE COUNTY UTILITIES  
1500 MONROE ST  
FORT MYERS, FLORIDA 33901  
PHONE: (239) 533-8181
- TELEPHONE:

COMCAST  
12641 CORPORATE LAKES DRIVE  
FORT MYERS, FLORIDA 33913  
PHONE: (800) 266-2278
- CABLE:

COMCAST  
12641 CORPORATE LAKES DRIVE  
FORT MYERS, FLORIDA 33913  
PHONE: (800) 266-2278
- ELECTRIC:

FLORIDA POWER & LIGHT COMPANY  
15834 WINKLER ROAD  
FORT MYERS, FLORIDA 33908  
PHONE: (239) 415-1326
- GARBAGE COLLECTION:

WASTE PRO  
13110 RICKENBACKER PARKWAY  
FORT MYERS, FLORIDA 33913  
PHONE: (239) 337-0800  
FAX: (239) 225-2758
- FIRE CONTROL DISTRICT:

ESTERO FIRE DISTRICT  
21500 THREE OAKS PARKWAY  
ESTERO, FLORIDA 33928  
PHONE: (239) 390-8000
- GAS:

TECO PEOPLES GAS  
5901 ENTERPRISE PKWY  
FORT MYERS, FLORIDA 33905  
PHONE: (877) 832-6747

INDEX OF PLANS

SHEET NO.	DESCRIPTION
1	COVER
2	AERIAL PHOTOGRAPH
3	SITE PLAN - GROUND LEVEL
4	SITE PLAN - ARRIVAL DECK
5	LANDSCAPE CODE PLAN

# FINAL PLAN APPROVAL

## FOR

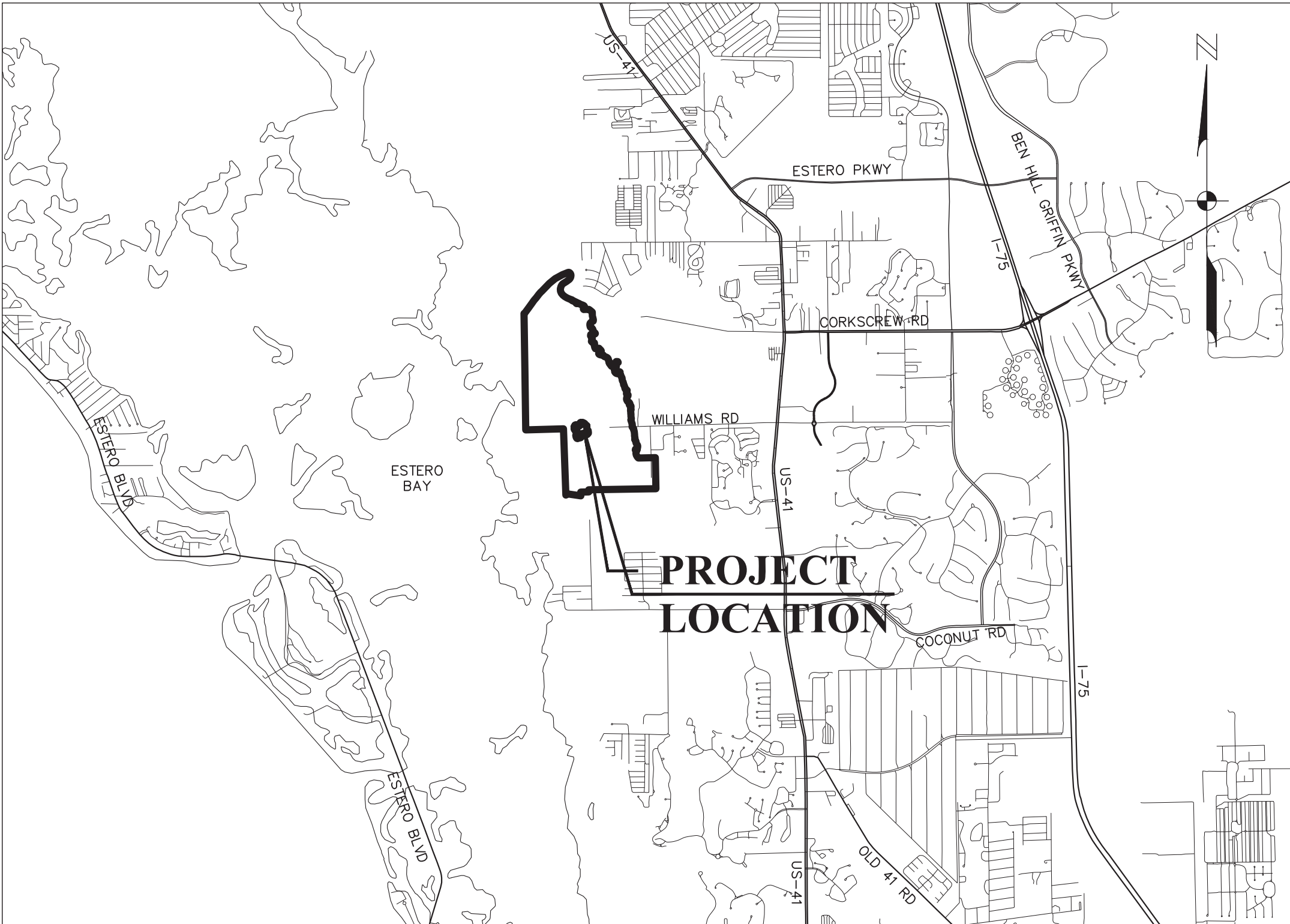


### West Bay Club®

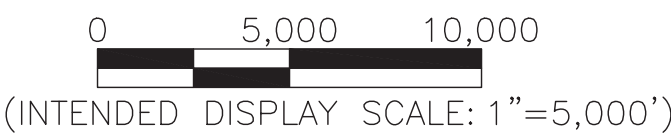
# ISLAND AT WEST BAY

## SECTION 06, TOWNSHIP 47 S., RANGE 25 E.

## LEE COUNTY, FLORIDA



LOCATION MAP



APRIL 2022

JUNE 2022

DEVELOPER/OWNER

WEST BAY HILL LLC  
20 NORTH WACKER DRIVE, SUITE 1922  
CHICAGO, IL 60606  
PHONE: (312) 422-5466

STRAP NUMBER

06-47-25-E2-07MF1.0000  
06-47-25-E2-07LK5.02CE

SIZE OF PARCEL

5.39 ACRES

ZONING

RPD (VOE-2021-12)

△ DEVIATIONS

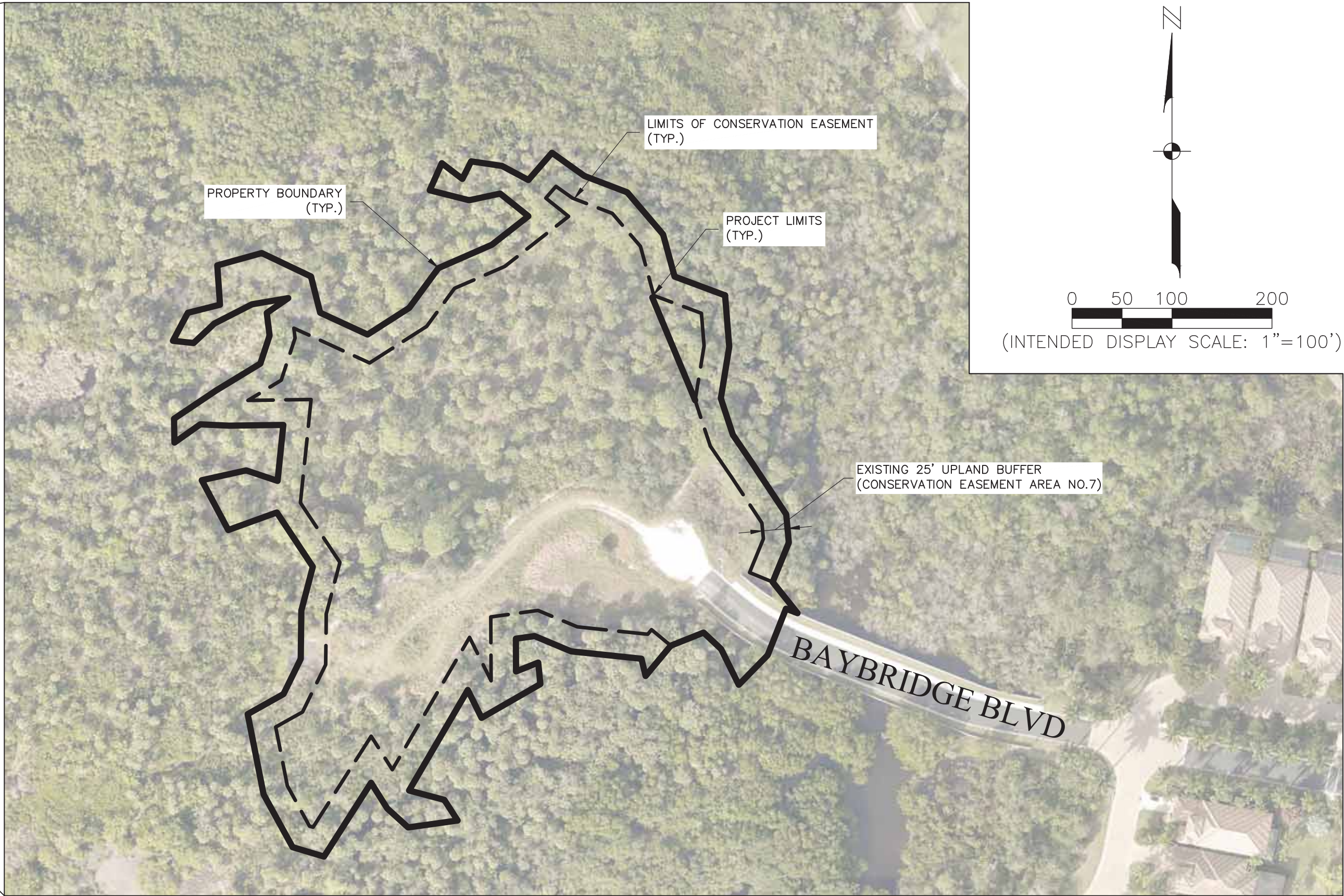
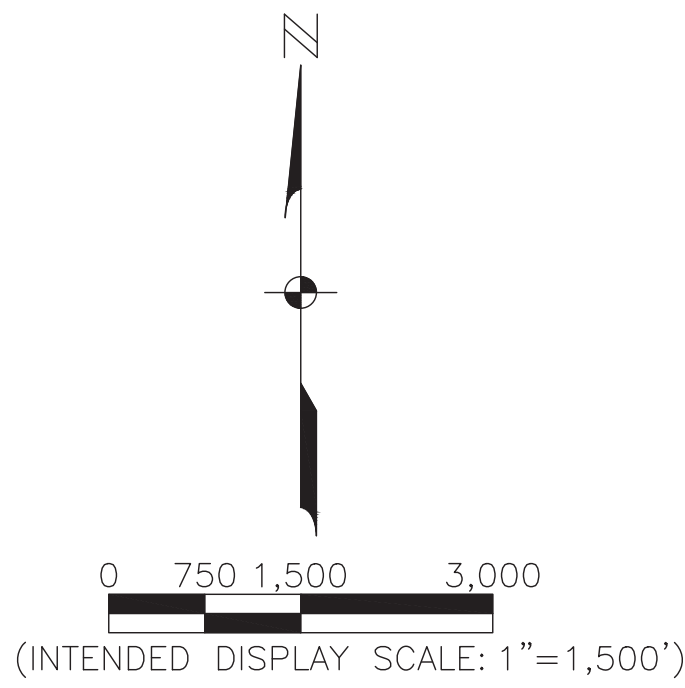
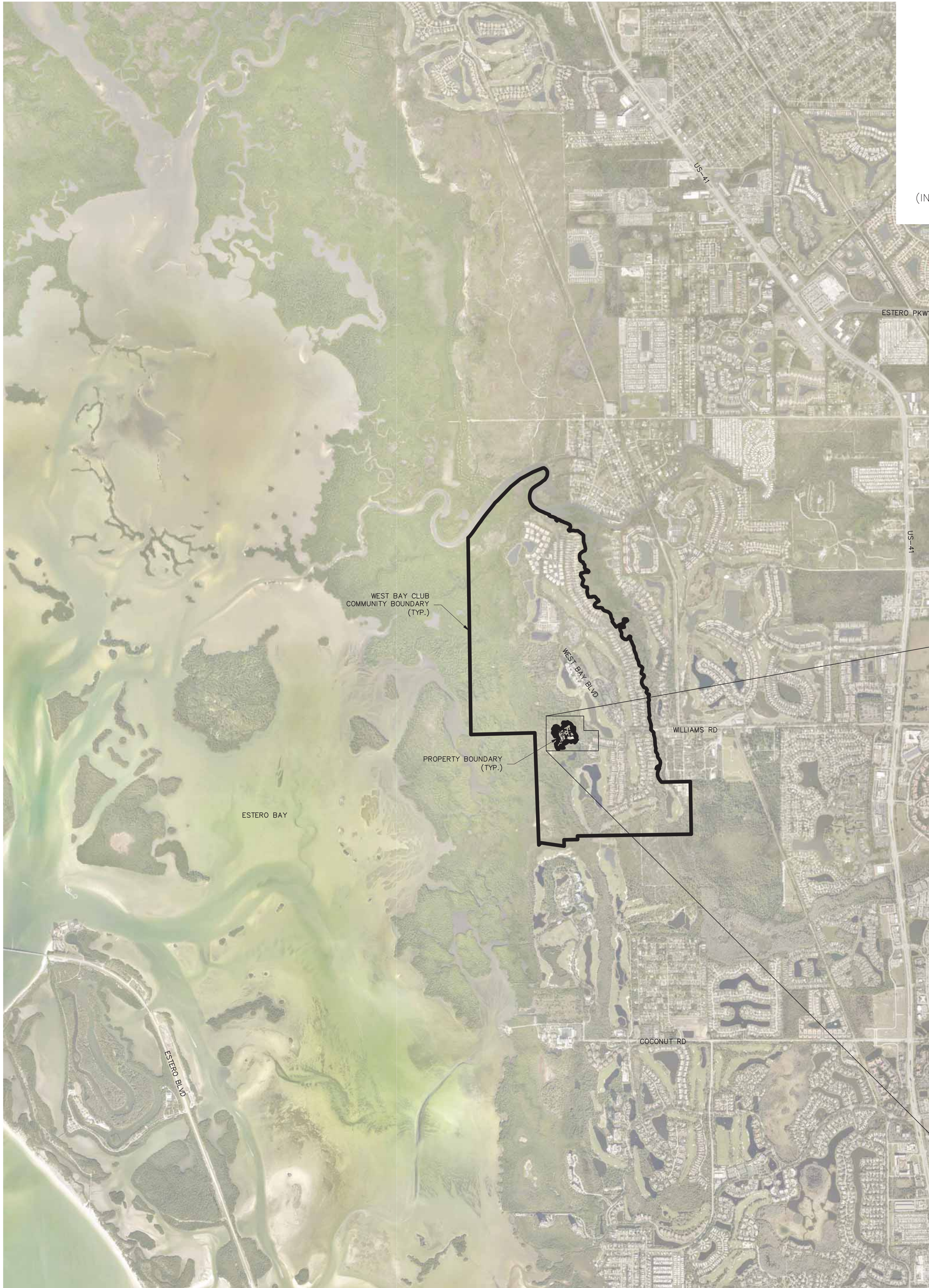
\* SEE SHEET 5

NOTICE TO ALL  
CONTRACTORS  
  
IT'S THE LAW IN FLORIDA  
2 BUSINESS DAYS BEFORE  
YOU DIG  
CALL SUNSHINE  
1-800-432-4770  
  
STATE, COUNTIES & CITIES  
ARE "NOT" PART OF THE  
ONE CALL SYSTEM THEY  
MUST BE CALLED  
INDIVIDUALLY.



JOHNSON ENGINEERING, INC.  
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





AERIAL PHOTOGRAPH SOURCE: MR SID - FLIGHT YEAR 2021

**AERIAL PHOTOGRAPH**  
SCALE: 1" = 100'

ELEVATIONS ARE REFERENCED TO NAVD 1988  
CONVERSION TO NGVD 1929 IS:  
NAVD 1988 + 1.19 = NGVD 1929





REVISIONS		DATE			
DESCRIPTION					
NO.					
		APRIL 2022			
		PROJECT NO. 20149683-004			
		FILE NO. 06-47-25			
		SCALE: As Shown			



**Residential Development Permitted as of April 2022:**

PROJECT	Outlying Suburban	Pods 3, 4 and 5 - no more than 630	Suburban
Riverbrooke Run	31 SF		20 SF
Westlake Court	26 SF	26 SF (POD 3)	
Jasmine Bay	218 MF	218 MF (POD 4)	
Laurel Oaks	34 SF		
Natures Cove	63 SF		
Bay Bridge	18 SF		
Chapel Trace	117 SF		
Indigo Shores	92 MF		
Turtle Point	64 MF		
Turtle Point Cove	19 SF		
<b>IN PERMITTING:</b>			
Island High Rise	86 MF	86 MF (POD 5)	
<b>TOTALS:</b>	768 SF/MF	330 SF/MF	20 SF
<b>REMAINING:</b>	226 DU		2 DU

**LEGEND**

	EXISTING CONCRETE
	EXISTING ASPHALT PAVEMENT
	PROPOSED PAVERS
	PROPOSED CONCRETE

WBC ISLAND HIGH RISE				
	EXISTING		PROPOSED	
	A.C.	%	A.C.	%
IMPERVIOUS	0.07	1%	0.45	8%
PERVIOUS	3.76	70%	2.07	38%
BUILDING	0.00	0%	1.31	24%
UPLAND BUFFER	1.56	29%	1.56	29%
<b>TOTAL</b>	<b>5.39</b>	<b>100%</b>	<b>5.39</b>	<b>100%</b>

60% OPEN SPACE REQUIRED (02-05-010):

140,873 SF REQUIRED  
141,800 SF PROVIDED

BUFFER REQUIREMENTS:

BUFFER TREES MET BY UTILIZING EXISTING TREES IN THE UPLAND BUFFER CONSERVATION EASEMENT.

NOTES:

SEE LANDSCAPING PLANS FOR PLANTER DETAILS.

SOLID WASTE CALCULATIONS:

86 UNITS X 3 YD PER UNIT = 258 YDS / 4 COMPACTION RATIO  
= 65 COMPACTOR YD / 2 YD SIZE OF CONTAINER = 32 CONTAINER PER WEEK / 4.3 WEEKS  
= 7.5 PER WEEK / 3 PICK PER DAY = 2.5 CONTAINER  
= 3 CONTAINER 3 TIME PER WEEK

NOTES:  
ALL SOLID WASTE AND RECYCLABLES WILL BE ROLLED OUTSIDE FOR PICKUP.  
WILKINSON HI-RISE CHUTE MANUFACTURE PROVIDED SOLID WASTE CONTAINER DETAILS  
SHOWN ON SHEET C15.

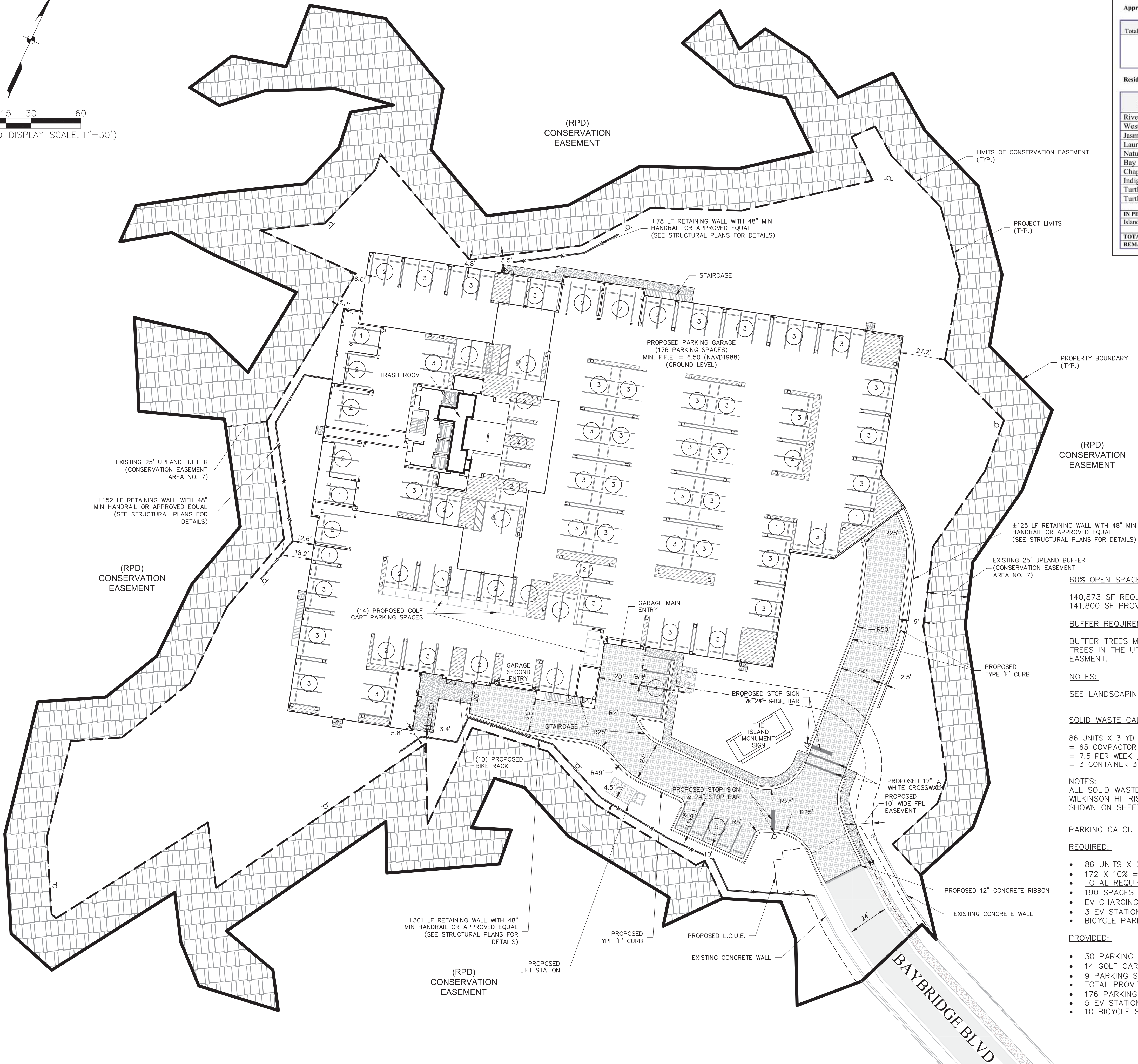
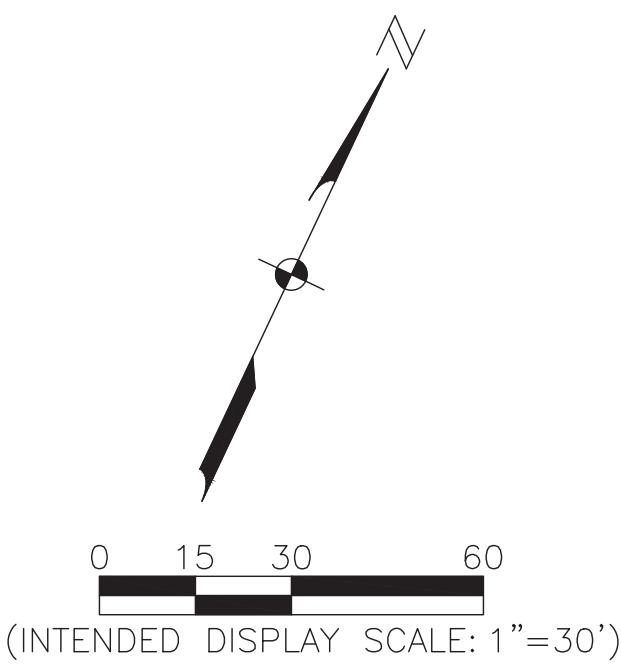
PARKING CALCULATION:REQUIRED:

- 86 UNITS X 2 SPACES = 172 SPACES
- 172 X 10% = 18 SPACES (VISITOR)
- TOTAL REQUIRED: 190 PARKING SPACES
- 190 SPACES X 90% TOTAL = 171 PARKING SPACES (PARKING GARAGE)
- EV CHARGING STATIONS (PER ESTERO LDC SEC 5-12, B.4)
- 3 EV STATIONS REQUIRED (> 150 PARKING SPACES)
- BICYCLE PARKING REQUIRED: 5% OF REQUIRED PARKING = 10 BICYCLE SPACES

PROVIDED:

- 30 PARKING SPACES, INCLUDING 4 ADA SPACES (ARRIVAL DECK)
- 14 GOLF CART PARKING SPACES (PARKING GARAGE)
- 9 PARKING SPACES (GROUND LEVEL)
- TOTAL PROVIDED: 215 PARKING SPACES
- 176 PARKING SPACES (PARKING GARAGE)
- 5 EV STATIONS PROVIDED
- 10 BICYCLE SPACES PROVIDED

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WEST BAY CLUB RESIDENTIAL DENSITY TABLE			
Approved Residential Density per ADD2008-00076:			
Total Dwelling Units	Outlying Suburban	<i>Pods 3, 4 and 5 - no more than</i>	Suburban
1,016	994	630	22
Residential Development Permitted as of April 2022:			
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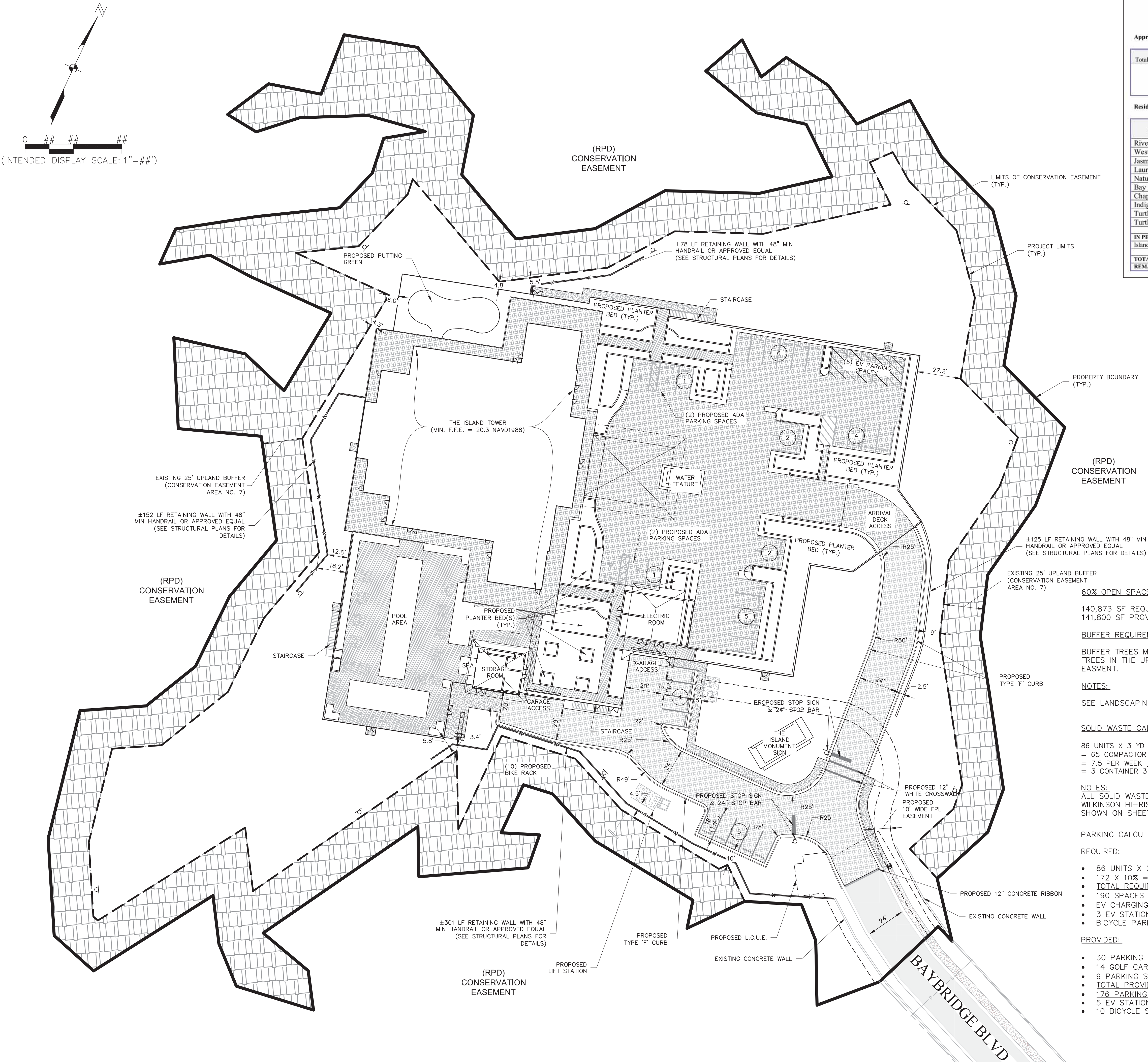
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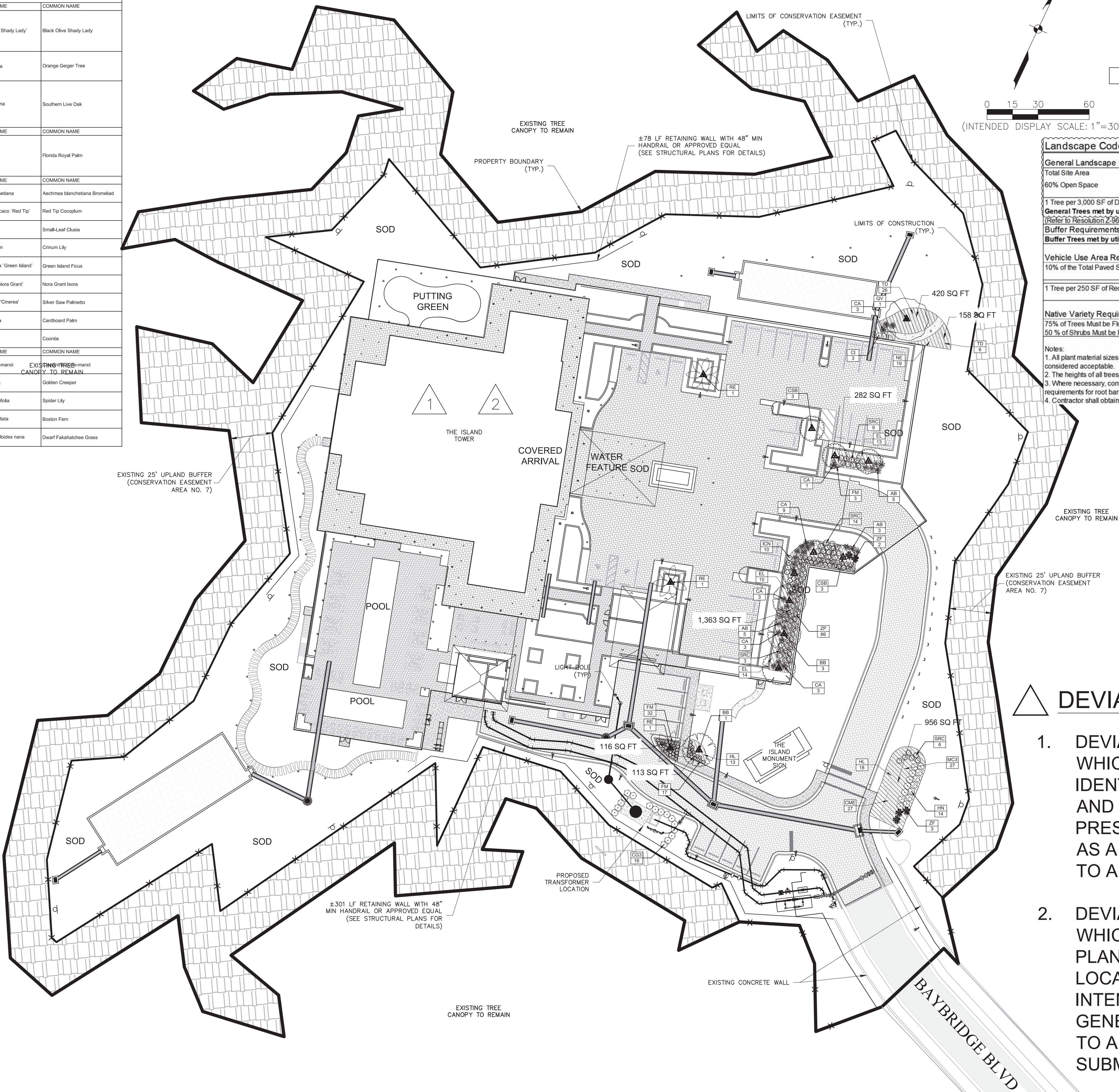
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*SEE SHEET L02 FOR COMPLETE PLANT SCHEDULE.		
PLANT KEY	BOTANICAL NAME	COMMON NAME
TREES		
	Bucida buceras	Black Olive Shady Lady
	Cordia sebestena	Orange Geiger Tree
	Quercus virginiana	Southern Live Oak
PALM TREES	BOTANICAL NAME	COMMON NAME
	Roystonea elata	Florida Royal Palm
SHRUBS	BOTANICAL NAME	COMMON NAME
	Aechmea blanchetiana	Aechmea blanchetiana Bromeliad
	Chrysobalanus icaco	Red Tip Coccolum
	Clusia guttifera	Small-Leaf Clusia
	Crinum augustum	Crinum Lily
	Ficus microcarpa	Green Island Ficus
	Isora coccinea	Nora Grant Isora
	Serenoa repens	Silver Saw Palmetto
	Zamia furfuracea	Cardboard Palm
	Zamia pumila	Coontie
GROUND COVERS	BOTANICAL NAME	COMMON NAME
	Ctenanthe bullenianii	EXISTING TREE CANOPY TO REMAIN
	Errodea litoralis	Golden Creeper
	Hymenocallis latifolia	Spider Lily
	Nephrolepis exaltata	Boston Fern
	Tripsacum dactyloides nana	Dwarf Fakahatchee Grass



Landscape Code Calculations	
General Landscape Requirements	Sec. 5-405
Total Site Area	5.39 ACRES / 234788.00 SF
60% Open Space	234788.00 SF x 0.60 SF = 140873 SF Required = 141800 SF Provided
1 Tree per 3,000 SF of Development Area	234788.00 SF ÷ 3000.00 SF = 79 Trees Required
General Trees met by utilizing existing trees in the upland buffer of conservation easement.	= 79 Trees Provided
(Refer to Resolution Z-96-005 establishing the areas of preservation as credited toward the community's general tree requirement.)	
Buffer Requirements	Sec. 5-406
Buffer Trees met by utilizing existing trees in the upland buffer of conservation easement.	
Vehicle Use Area Requirements	Sec. 5-409
10% of the Total Paved Surface Area:	34072.00 SF x 10% = 3407.20 SF Required = 3407.20 SF Provided
1 Tree per 250 SF of Required Area	@ 3407.20 SF = 14 Trees Required = 14 Trees Provided
Native Variety Requirement	Sec. 5-403(B)(2)
75% of Trees Must be Florida Native Species	14 of 14 Trees = 100% Native
50 % of Shrubs Must be Florida Native Species	274 of 406 Shrubs = 67% Native
Notes:	
1. All plant material sizes specified are considered minimum. All parts of the plant material specifications must be met for the material to be considered acceptable.	
2. The heights of all trees and shrubs shall be measured from the final grade of the project site.	
3. Where necessary, contractor shall install root barrier to protect sidewalks, utilities, etc. from root damage. See details for specific requirements for root barrier installation.	
4. Contractor shall obtain a tree removal/vegetation permit from the Village of Estero prior to commencement of any vegetation removal per	

## DEVIATIONS

- DEVIATION FROM SECTION LDC 5-404 E. WHICH REQUIRES A TREE INVENTORY IDENTIFYING THE LOCATION, SPECIES AND SIZES OF TREES "WORTHY OF PRESERVATION" ON THE SITE, AS WELL AS A TREE HEALTH ASSESSMENT. TO ALLOW: NO TREE INVENTORY PLAN.
- DEVIATION FROM SECTION 5-405 C.1.A. WHICH REQUIRES A TREE LOCATION PLAN BE SUBMITTED IDENTIFYING THE LOCATION, SPECIES AND SIZES OF TREES INTENDED FOR CREDIT TOWARDS GENERAL TREES. TO ALLOW: NO TREE LOCATION PLAN BE SUBMITTED.

REVISIONS	DATE
DESCRIPTION	
NO.	
DATE:	APRIL 2022
PROJECT NO.	20149683-004
FILE NO.	06-47-25
SCALE:	As Shown