



Professional Engineers, Planners & Land Surveyors

August 25, 2021

Mr. Dirk A. Danley, Jr., AICP, Senior Planner
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, Florida 33901

REFERENCE: BRIGHTWATER RPD - DCI2021-00012
1st Sufficiency Response

Dear Dirk:

This letter is written in response to the review comments dated May 6, 2021, zoom meeting June 30, 2021, and follow up meeting July 21, 2021. With this letter we are submitting the following additional information requested for the project:

1. Revised Master Concept Plan (24"x36" & 11"x17")
2. Schedule of Deviations and Justifications
3. Drafted codified conditions and schedule of deviations from past zoning approvals with proposed revised schedule of uses, property development regulations and conditions in strike-through/underline format
4. Letter of Authorization and Disclosure of Interest from Brightwater Club, LLC.
5. Letter of Authorization and Disclosure of Interest from Stoneybrook North CDD.
6. Revised Disclosure of Interest from North Brook Holdings, LLC
7. Revised Planned Development Application Pages 1-4
8. Applicant Property Owner List & Map
9. Revised Density Calculations
10. Revised Narrative of Request
11. Conceptual Open Space Exhibit
12. DCI2001-00038 zoning file: Memorandum from Alvin Block to Hearing Examiner dated July 8, 2003 with attachments:
 - o Memorandum from Natural Resources, dated July 7, 2003
 - o Correspondence from Banks Engineering, received on June 26, 2003
13. Revised Legal Description & Sketch for property included in the application – to be submitted under separate cover

Presented below are responses to each review comment:

ZONING

Comment 1: LDC Section 34-201(a)(1)c. states that where a property is a subdivision, an application or petition may be initiated by no less than 75 percent of the total number of lot or parcel owners and the homeowners' associates, if applicable. Please provide evidence of compliance of this requirement.

• SERVING THE STATE OF FLORIDA •

Response: *The only portion of the application that is within a subdivision is North Brook Phase One as recorded in Instrument number 2019000172912 of the Public Records of Lee County. The only parcel within the platted subdivision that is affected by the application is TRACT-FD which will be included in Master Concept Plan Tract J. The remainder of the recorded subdivision and the number of existing platted lots within have been removed from the application. The Lee County well parcel identified as STRAP number 21-43-25-00-00002.0020 has also been removed from the application. Please see attached Applicant Property Owners List and Map providing a revised list of STRAP numbers. A revised Legal Description and Sketch of properties included in this amendment will be submitted under separate cover.*

Comment 2: The north arrow on the Master Concept Plan is not facing the correct direction, please correct.

Response: *The north arrow has been corrected on the revised MCP.*

Comment 3: On Tracts N and O, the proposed use is 'Potential Public Passive Recreational Area'. Please clarify the intended use and confirm a use that is defined in the Land Development Code. During this exercise, please confirm that the use is included in the schedule of uses.

Response: *The intent was previously to convey Tracts N, O and E1 to Lee County for use as Lee County deems appropriate. However, in response to the zoom meeting, the applicant has removed this from the request while still open to discussion if Lee County desires. See attached codified conditions and deviations with revised schedule of uses for Tracts N, O and E1 which identifies uses which remain after transferring density from these parcels internal to the development. Please also see proposed condition 36 a-c and revised Narrative of Request.*

Comment 4: On Tract J, there is a 500-foot marker that for the nearest residential property. It appears that there may be residential properties in Tract I that may be closer to the COP boundary. Please confirm.

Response: *The indoor and outdoor COP has been shown on the MCP and included in the schedule of uses since ADD2015-00134 with internal residences abutting the use within less than 500 feet. The marker was to depict that there were no external residential properties within 500 feet of the COP use. LDC Section 34-1264(a)(3)a. states, "No administrative approval is necessary where an individual establishment or other facility proposing consumption on the premises is explicitly designated on the master concept plan and is included on the schedule of uses." LDC Section 34-1264(b)(1)a.2 further clarifies that the 500' separation does not apply to dwelling units when approved as part of a planned development. The reconfigured MCP places a small portion of Tract K less than 500 feet from dwelling units under separate ownership to the east, so new Deviation 21 has been included to allow the outside consumption on premises within ± 466 feet of dwelling units under separate ownership external to the RPD. The area subject to the deviation will only be a small portion of the walking path around the water feature. See attached Schedule of Deviations and Justifications. Indoor and Outdoor COP has also*

been added to the potential recreation facility in Tract B1 which is internal to the development and is more than 500' from any dwelling units under separate ownership that are not part of the subject application.

Comment 5: Please clarify the intent of the parcel line that extends from the roadway in tract H to Tract N. Will this be a pedestrian or vehicular connection to Tract N?

Response: ***This area has been shown on the MCP since the Z-02-070 approval as a potential vehicular/pedestrian connection to Tract N. Developer has the right but not the obligation to construct vehicular or pedestrian access to the site.***

Comment 6: Please demonstrate points of ingress and egress for Tracts J and B1.

Response: ***The access for these tracts have been added to the revised MCP.***

Comment 7: Please provide a condition for consideration for the limitation of 590 dwelling units to adult senior housing.

Response: ***The applicant offers the following draft proposed condition 33 which is included in the attached codified conditions and deviations for consideration: Declaration of covenants and restrictions must be provided as an amendment to the Phase 2 development order to reflect [590 or TBD] dwelling units limited to adult senior housing within Tracts A, B, B1, C & D.***

Comment 8: Please amend the property development regulations to provide a foot note for townhouses and two-family attached so that in instances where the units cannot be adjoining then a minimum of 10-feet must be provided.

Response: ***Please see attached revised Property Development Regulations contained within the drafted codified conditions and deviations.***

Comment 9: Please provide a codified schedule of deviations and conditions from past zoning approvals for consideration.

Response: ***Please see attached drafted codified conditions and schedule of deviations from past zoning approvals which reflects proposed changes in strike-through/underline text for consideration.***

Comment 10: Please provide a condition for consideration regarding the public use of the Brightwater Country Club.

Response: ***Please see attached drafted codified conditions which include proposed Condition 34 regarding the Brightwater Country Club.***

Comment 11: Please provide a condition for consideration regarding the movement of fill across Pritchett Parkway.

Response: *The applicant proposes the following draft condition 35 which is included in the attached codified conditions and deviations: Access points for fill to be transported across Pritchett Parkway will be limited to a single location on both sides of Pritchett Parkway at any given time. Maintenance of Traffic (MOT) will be provided by the developer and will be in accordance with FDOT MOT specifications, including but not limited to advance warning signage and flagmen. A street sweeper will be present while material is actively being transported across Pritchett Parkway and will perform regularly scheduled sweeps and additionally sweep on an as needed basis to maintain a safe travel way. Erosion control measures for Pritchett Parkway and the crossing area will be detailed in the Development Order process for staff review and approval.*

PLANNING

Comment 1: Please provide letters of authorization for all properties within the areas to be amended. If letters cannot be provided, please remove the properties not owned by the applicant, and recalculate the density. Update applications as necessary.

Response: *Parcels within North Brook Phase One subdivision have been removed except for TRACT-FD which remains in the application as part of Tract J on the MCP. The remainder of the recorded subdivision and the number of existing platted lots within have been removed from the application. The Lee County well parcel identified as STRAP number 21-43-25-00-00002.0020 has also been removed from the application. Letters of authorization and disclosures of interest are attached for Brightwater Club, LLC and Stoneybrook North CDD for the appropriate included parcels. A revised disclosure of interest is provided from North Brook Holdings, LLC with updated STRAP numbers. The Planned Development Application, Density Calculations, List of STRAP numbers with map and Narrative of Request have been revised to reflect these changes. A revised legal description and sketch for the properties included in this application will be submitted under separate cover.*

DEVELOPMENT SERVICES

Comment 1: Please verify or correct the scale shown on the MCP.

Response: *The scale on the MCP has been verified/corrected.*

Comment 2: [10-296(k)(1)] Cul-de-Sacs. Dead-end streets, designed to be so permanently, must be closed at one end by a circular turnaround for vehicles and constructed in compliance with the LCLDC.

Tract E-1 has a dead-end ROW. If that is the case, please request a deviation for the dead-end as part of this amendment.

Response: *The dead-end right-of-way in Tract E is less than 100' long and is proposed to provide access to Tract E1. Please see deviation 20 in attached Schedule of Deviations and Justifications.*

Comment 3: [10-418(1) Surface water Management Systems. The design of the shoreline of excavations must be sinuous rather than straight.

Several of the lakes do not have a sinuous lake bank. A deviation may be requested as part of this application.

Response: *A deviation request (deviation 19) is attached for the lakes that are either existing or that have received SFWMD and Lee County DO approval to remain as permitted. Lake 1 is existing (L1) to remain as-is. The lakes within Phase 1 have been permitted through the SFWMD and Lee County DO and constructed (L23, L24, L25, L26, L28, L29, L30, L31). The lakes within Phase 2 have received Lee County DO approval and SFWMD approval (L2, L3, L4, L5, L6, L7, L8, L9, L10, L11, L12). The remaining Lakes not yet permitted for construction (L13, L15, L16, L18, L19, L20, L21, L22) will be revised to provide a sinuous lake bank. See attached Schedule of Deviations and Justifications.*

Comment 4: [10-329(d)(1)a.3.] Excavation Setback from Other Property. Excavations must be set back fifty (50) feet from any property line under separate ownership.

Please verify that L1, and L18-L20 meet this requirement. L4, L7, L8, L13 do not appear to meet this requirement.

Response: *The Lake setbacks have been checked and revised where necessary to be 50' minimum setback to property lines under separate ownership.*

Comment 5: [10-329(d)(1)a.2.] Excavation Setback from Existing Arterial or Collector Street. Excavations must be set back fifty (50) feet from any existing or proposed right-of-way line or easement for a collector or arterial street.

Pritchett Parkway is classified as a county maintained major collector. It appears based on the scale that L1, L5, L11, L24, and L30 don't meet this requirement.

Response: *The Lake setbacks have been checked and revised where necessary to be 50' minimum setback to the Pritchett Parkway right-of-way. Please note that existing lake L1 previously showed the top of bank as the water line on prior approved MCPs and the proposed MCP. No changes are proposed to existing lake L1.*

LEGAL DESCRIPTION

Comment 1: Sec. 34-202(a). Additional required submittals.

(6) Please provide a boundary survey in accordance with the requirements of Lee County LDC §34-202(a).

- Legal description provided on title insurance does not match the legal

description and sketch of the proposed development. Upon submittal of the boundary survey, remember that the survey must be based upon the title certification.

Response: *A waiver was approved from providing a boundary survey. A boundary survey is on file for the planned development property. The applicant submits that the boundary survey and title certification should be waved given the amount of existing information on file with Lee County.*

LDC Section 34-373(c) regarding amendments to built planned developments states, in part, that "The application may include a legal description and sketch of the portion of the overall planned development that will be directly affected by the rezoning request. The application must include a legal description and sketch of the entire planned development boundary." The applicant has submitted the previously approved legal description and sketch of the entire planned development boundary. A separate legal description and sketch of the portion of the development directly affected by the request is not specifically required and would not have any bearing on the review and processing of the application. The planned development zoning boundary is not proposed to be changed and it does not require any amendments to the existing GIS mapping. The application has been revised to remove the Lee County well parcel and North Brook Phase One subdivision except for TRACT-FD (part of Tract J on the MCP). A revised list of STRAP numbers showing addresses and ownership with a map of the properties included in the application is attached for reference. Due to follow up discussions with staff, a revised Legal Description and Sketch of the properties included in the application will be provided under separate cover.

ENVIRONMENTAL

Comment 1: Provide an overall open space exhibit depicting wetland and upland Indigenous preserves demonstrating compliance with indigenous definition per LDC Section 10-1), buffers (including 50-foot natural waterway buffers), and enhancement areas.

Response: *Per Condition 8, if the residential tracts total less than 500 acres then the project must preserve a minimum 100.1 acres of conservation area. The MCP depicts that the residential tracts total less than 500 acres and the Conservation areas exceed the minimum 100.1 acres. See attached conceptual open space exhibit.*

Comment 2: Demonstrate compliance with LDC Section 10-415(d)(2)(d & e) as they pertain to passive recreation such as nature trails, sidewalks, etc.

Response: *The development meets or exceeds these requirements. Even if 100% of the pervious passive recreation areas were removed from the open space calculations, the minimum required in the existing zoning conditions is still exceeded.*

Comment 3: Sheet 2 of 21 in the Narrative states that one of the requests is to allow

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increased open space separation to lots along the western perimeter boundary. Please clarify on the open space exhibit where this is located and if it is within common element, indigenous, or general open space.

Response: *The increased lot separation is within Tract A along the western property line. On the MCP the area between the lots and the property line is classified as Upland Conservation Area category, immediately south of the Lee County Well Facility.*

Comment 4: ADD2020-00046 approved or carried over conditions and deviations. Please specify if any of the conditions or deviations must be amended with the subject application. For instance, the narrative states that there is a proposed creek restoration/stabilization of the banks. Please explain if this impacts the existing vegetation being used to comply with the 50-foot natural water way buffer deviation.

Response: *It is not proposed to amend or deviate from the previously approved creek conditions or deviation 18, except to add clarifying language to condition 26.a.1 discussed below. No berming, filling, planting or other above ground construction is proposed within the 50' offset to the existing top of bank of Bayshore Creek and Popash Creek. Condition 26 requires maintenance activities along Bayshore and Popash Creeks. This maintenance work has been performed in compliance with the Condition. Condition 26 also requires spoil removal along a portion of Bayshore Creek to an elevation of 18.0 NGVD. This work has also been completed. Deviation 18 was previously approved and is not proposed to change as part of this request.*

NATURAL RESOURCES

Comment 1: Please provide, at a minimum, an analysis of Lee Plan policies 60.1.1, 60.4.1, 125.1.2, 125.1.4, and 125.1.6.

Response: *Prior to the initiation of Phase II construction, the Applicant, their consultants (Banks Engineering, WRA, and Water Science Associates), and Lee County Natural Resources (Mr. Werst, Mr. Molina, Ms. Romero, Ms. Reide, Ms. Hubbard, and Ms. Sweigert), had numerous Zoom conferences over several months to establish a site-wide monitoring network for groundwater and surface water for the Brightwater Development. The plan approved by Lee County Natural Resources and currently utilized by the Applicant addresses Lee County Policies 60.1.1, 60.4.1, 125.1.2, 125.1.4, and 125.1.6. The Site Wide Water Quality Monitoring Program on file with case number DOS2018-00034-A01 must be referenced on all development orders and may be amended from time to time as needed to address current circumstances without requiring a zoning amendment. See proposed condition 37.*

Comment 2: Please provide a site plan with the Wellfield protection zones overlaid on the site plan.

Response: *The applicant will abide by the wellfield protection ordinance.*

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Comment 3: Please provide a surface water and groundwater Water Quality Monitoring Plan for consistency with Lee plan Policy 125.1.4. The plan must establish a baseline, long term monitoring schedule, constituents, and be consistent with Wellfield Protection Ordinance.

Response: *The Brightwater Site-Wide Water Quality Monitoring Program was developed and presented to Lee County staff. The program was approved by Lee County Natural Resources, is on file with case number DOS2018-00034-A01 and is to be referenced on each Development Order application. See proposed condition 37.*

Comment 4: Please include all outfall locations on the MCP.

Response: *Outfall locations are not typically depicted on the MCP. The Outfall locations have been depicted on other documents such as the South Florida water Management District ERP and on the Brightwater Site-Wide Water Quality Monitoring Program referenced above.*

Comment 5: With the removal of the two crossings over Popash Creek and changes to the MCP, please update the HEC-RAS model accordingly per condition 26(a) of Z-02-070.

Response: *The applicant is not proposing to remove the Popash Creek box culvert. The applicant is identifying that it is providing access to the Highpoint Wastewater Treatment Plant through the Brightwater Community, providing an opportunity (at its option) for Lee County to remove the box culvert since access from Sedgfield Road may no longer be necessary. Further, the applicant is not proposing any encroachment within the 50' setback from the top of bank of Popash Creek, therefore, consistent with Zoning Condition 26 a new HEC-RAS model is not warranted.*

Comment 6: Please provide details on what the enhanced natural waterway buffer to Popash Creek will entail. What is being enhanced? Please expand on how the natural creek banks will be restored with the removal of the Popash Creek box culvert. Please expand on what is meant by "potential public water management compensation area for Bayshore Creek"?

Response: *This application is not proposing any work within the 50' setback from the top of bank of Popash Creek. This application is identifying that: 1. Tract N is proposed to transfer residential units off of Tract N to other areas interior to the development not adjacent to Popash Creek, creating an opportunity to widen the already provided natural waterway buffer along Popsah Creek within Tract N by remaining in its existing natural state, and 2. Access to the Lee County Highpoint Wastewater Treatment Plant (WWTP) is available from within the Brightwater development. This creates an opportunity but not obligation for Lee County to eliminate its access to the Highpoint WWTP across the Popash Creek box culvert located at Sedgfield Road. If this access is no longer needed, Lee County may elect to remove the box culvert. The applicant is not proposing to undertake this work.*

Comment 7: The project narrative indicates certain enhancements are being provided to the creeks but a HEC-RAS model and stormwater narrative are not provided. Staff cannot review the enhancements without additional information detailing the positive benefits of these enhancements.

Response: *All changes to the project's design have been internal and the development outer perimeter continues to remain well outside of the HEC-RAS modeled, FEMA approved floodway limits. Consistent with the Natural Resources memo dated July 7, 2003 and applicant document dated June 26, 2003, documentation demonstrated that the HEC-RAS model "analyzed an encroachment of 50 feet only on the project side of the creeks. This is conservative as the Master Concept Plan shows a minimum 50-foot setback from the top of creek banks." A red line was previously added to the MCP depicting a 50-foot minimum setback to the creek top of bank. The depicted development limits remain clearly well outside of the 50-foot setback line for Popash and Bayshore Creeks. Please see also attached following exhibits from the DCI2001-00038 zoning file.*

- *Memorandum from Alvin Block to Hearing Examiner dated July 8, 2003 with attachments:*

- o *Memorandum from Natural Resources, dated July 7, 2003*

- o *Correspondence from Banks Engineering, received on June 26, 2003*

Additionally, please note the very first portion of Condition 26 reads, "a. Prior to issuance of the first Development Order (or any early work, clearing, filling permits), the applicant must submit the following information for review and approval by the Lee County Natural Resources Division:..." This condition was complied with prior to the issuance of the first development order and the proposed development parameters have not deviated from the parameters established during the zoning.

The applicant respectfully requests rewording of the condition language to clarify the intent. Proposed revision to Condition 26.a.1):

"If the The HEC-RAS model was based upon the absence of development within 50 feet from the top of creek bank. No development is proposed within 50 feet from top of creek bank with the exception of an at-grade walking path. If any development is later proposed within 50 feet of the top of creek bank, then developer must provide an updated HEC-RAS model pursuant to the same modeling parameters established during the rezoning process for the Popash and Bayshore Creeks demonstrating that the revised development will not induce any rise to the existing flood elevations, nor any increases in velocities, nor any transfer in overbank flows for the 10-, 25-, and 100-year storms." This proposed language is included in the attached proposed conditions and deviations.

Comment 8: Please provide further details on the voluntary enhancements to benefit adjacent communities. How will the voluntary enhancements provide positive benefits for drainage, water quality, and environmental impacts?

Response: *Some of the voluntary enhancements are along the outside of the development, and along Popash and Bayshore Creeks. It is proposed to eliminate residential development within Tract N which is adjacent to Popash Creek. This would eliminate residential development adjacent to the existing*

Oakmont subdivision. The area not developed as residential may remain in its natural wooded state. It is also proposed to eliminate residential development within the western portion of Tract E, adjacent to Bayshore Creek (Tract E1). This area is immediately across Pritchett Parkway from the Hunter's Glen subdivision. If the residential development is eliminated, there is an opportunity to let existing vegetation remain and/or to create a wider shelf and remove spoil along Bayshore Creek, providing additional capacity to Bayshore Creek. Please see proposed condition 36.

Additional voluntary enhancements/opportunities that benefit adjacent communities are provided as follows and are included in proposed condition 36:

- **Tract D- Prior to construction certification of the westernmost lots abutting the Hunter's Glen subdivision property line, developer will provide:**
 - i. **An easement to allow potential for Hunter's Glen's construction (at their option) of a turnaround for emergency, solid waste, and resident vehicles for Hunter's Glen subdivision. Developer has the right (but not the obligation) to construct this improvement.**
 - ii. **An easement and stubbed water mains to allow potential for Hunter's Glen's construction (at their option) of fire hydrants as enhancement to Hunter's Glen subdivision fire protection. Developer has the right (but not the obligation) to construct this improvement.**
- **Colonial Acres – single-family lots on Leetana Road: Development Order application and approval for Tract A must demonstrate increased open space separation to lots (varying $\pm 35'$ – $\pm 82'$ setback between lot lines and perimeter) along western perimeter boundary as shown on the Master Concept Plan.**
- **Popash Creek and Seminole Campground: Provide opportunities for enhanced water quality for Popash Creek and increased fire protection for Seminole Campground by providing the following condition: Tract M – Prior to construction certification of easternmost lots in Tract M, developer will provide a utility easement for Seminole Campground to allow (at their option):**
 - i. **Connection to central sewer to take the Seminole Campground WWTP off-line; and**
 - ii. **Opportunity for water main looping for increased fire protection.****Developer has the right (but not the obligation) to construct this improvement.**

Comment 9: How will Tract N be accessed.

Response: ***If residential development is removed from Tract N, vehicular access is no longer required. Developer retains the right but not the obligation to provide passive recreation or to construct vehicular or pedestrian access to the site.***

Comment 10: Where is the 4.5-acre wetland creation area as called out in the Land Use Summary table on the site plan.?

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Response: *The area previously proposed for wetland creation was south of Tract A, adjacent to the Leetana Road and Pritchett Parkway road rights-of-way. The 4.5 acres is now re listed as Upland Conservation Area category.*

Comment 11: The narrative state that 63.5 acres of wetlands are preserved but the Land Use Summary table on the site plan only identifies 60.6 acres, please address.

Response: *Please see attached revised MCP.*

If you have any questions or I may be of further assistance, please feel free to contact me at (239) 770-2527 or shewitt@bankseng.com.

Sincerely,
BANKS ENGINEERING



Stacy Ellis Hewitt, AICP
Director of Planning

SEH:jms



APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: Brightwater RPD f/k/a Stoneybrook North/Heritage Creek

Request: Rezone from: _____ To: _____

Type: ☐ Major PD ☐ Minor PD ☐ DRI w/Rezoning ☐ PRFPD
☐ Major PD Amendment ☒ Minor PD Amendment

Bonus Density included? ☒ NO ☐ YES¹ for: _____ Bonus Units

¹ If YES, submit additional fee required by LDC 2-147(A)(3)

Summary of Project:

Amendment to a built RPD to update the MCP & schedule of uses to 1) reconfigure tracts, 2) relocate dwelling units to the interior, 3) add townhouse use, 4) add Brightwater Country Club to allow limited non-resident access, 5) add 225 dwelling units [increase maximum from 1,275 to 1,500], 6) convert ±590 single-family dwellings to senior adult housing, 7) incorporate voluntary enhancements and 8) allow fill material to cross Pritchett Parkway.

PART 1 APPLICANT/AGENT INFORMATION

A. Name of Applicant: North Brook Holdings, LLC
Address: 2502 N. Rocky Pointe Drive, Suite 1050
City, State, Zip: Tampa, FL 33607
Phone Number: 813-600-0117
E-mail Address: kartik@metrodg.com

B. Relationship of Applicant to owner (check one) and provide [Affidavit of Authorization](#) form:

- ☐ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]
- ☒ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(a)(3)]
- ☐ Application is County initiated. Attach BOCC authorization.

C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(a)(4)]

1. Company Name: Banks Engineering
Contact Person: Stacy Ellis Hewitt, AICP
Address: 10511 Six Mile Cypress Parkway, Suite 101
City, State, Zip: Fort Myers, FL 33966
Phone Number: 239-770-2527/239-939-5490 **Email:** shewitt@bankseng.com

2. [Additional Agent\(s\)](#): Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]

LEE COUNTY COMMUNITY DEVELOPMENT
 PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
 PHONE (239) 533-8585

**PART 2
PROPERTY OWNERSHIP**

A. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-202(a)(2)]

Name: See Attached

Address: _____

City, State, Zip: _____

Phone Number: _____

Email: _____

B. Disclosure of Interest [34-202(a)(2)]:

☒ Attach [Disclosure of Interest](#) Form.

C. Multiple parcels:

☒ Property owners list. [34-202(a)(8)]

☒ Property owners map. [34-202(a)(8)]

D. Certification of Title and Encumbrances [34-202(a)(7)]

1. Title certification document, no greater than 90 days old.

2. Date property was acquired by present owner(s): 11/30/2007

**PART 3
PROPERTY INFORMATION**

A. STRAP Number(s): [Attach extra sheets if additional space is needed.] [34-203(a)(5)]

See attached list

B. Street Address of Property: See attached list

C. Legal Description (must submit) [34-202(a)(5)]:

☒ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.

OR

☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ([Click here](#) to see an example of a legal description with no metes and bounds.)

AND

Boundary Survey [34-202(a)(6)]:

☐ A Boundary survey, tied to the state plane coordinate system.

OR

☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

D. Surrounding property owners (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request):

1. ☒ List of surrounding property owners. [34-202(a)(9)]

2. ☒ Map of surrounding property owners. [34-202(a)(9)]

3. ☒ One set of mailing labels. [34-202(a)(9)]

Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.

E. Current Zoning of Property: RPD

☒ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property.

F. Use(s) of Property:

1. Current uses of property are: Residential and amenities

2. Intended uses of property are: Residential and amenities with limited non-resident access

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G. Future Land Use Classification (Lee Plan):		Application/Total PD	Application/Total PD
Sub-Outlying Suburban		<u>571.22±/674.27±</u> Acres	<u>±89.5/±91</u> % of Total
Wetlands		<u>63.5±</u> Acres	<u>±10/±8.5</u> % of Total
General Interchange		<u>3.45±</u> Acres	<u>±0.5</u> % of Total

H. Property Dimensions:

1. Width (average if irregular parcel): 5000± Feet
2. Depth (average if irregular parcel): 1,000± Feet
3. Total area: 638.17± Acres or square feet of 741.22± ac overall PD
4. Frontage on road or street: 7,700± Feet on Pritchett Parkway Street
- 2nd Frontage on road or street: _____ Feet on _____ Street

I. Planning Communities/Community Plan Area Requirements: If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session.

- ☒ Not Applicable
- ☐ Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]
- ☐ North (Upper) Captiva Community Plan area. [33-1711]
- ☐ Boca Grande Planning Community. [Lee Plan Policy 22.1.5]
- ☐ Caloosahatchee Shores Community Plan area. [33-1482(a)&(b); Lee Plan Policy 21.6.3]
- ☐ Page Park Community Plan area. [33-1203(a) & (b); Lee Plan Policy 27.11.2]
- ☐ Palm Beach Boulevard Community Plan area. [Lee Plan Policy 23.5.2]
- ☐ Buckingham Planning Community. [Lee Plan Policy 17.7.2]
- ☐ Pine Island Planning Community. [33-1004(a) & (b); Lee Plan Policy 14.7.1]
- ☐ Lehigh Acres Planning Community. [33-1401(a)&(b); Lee Plan Policy 32.12.2]
- ☐ North Fort Myers Planning Community. [33-1532(a)&(b)]
- ☐ North Olga Community Plan area. [33-1663(a)&(b)]

J. Waivers from Application Submission Requirements: Attach waivers, if any, approved by the Director of Zoning. [34-201(c)]

PART 4
TYPES OF LAND AREA ON PROPERTY

- A. Gross Acres (total area within described parcel)** ±741.22 Acres
1. Submerged land subject to tidal influence _____ Acres
 2. a. Preserved freshwater wetlands ±63.5 Acres
 - b. Impacted wetlands _____ Acres
 - c. Preserved saltwater wetlands _____ Acres
 - d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.) ±63.5 Acres
 3. R-O-W providing access to non-residential uses _____ Acres
 4. Non-residential use areas ^{(1) (2)} _____ Acres
- B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.).** 0 Acres
- C. Gross residential acres. (A minus B) ⁽³⁾** ±741.22 Acres
- D. Gross residential acres (by Land Use Category)**
1. a. Intensive Development – upland _____ Acres
 - b. Intensive Development – preserved freshwater wetlands _____ Acres
 - c. Intensive Development – impacted wetlands _____ Acres
 2. a. Central Urban – upland _____ Acres
 - b. Central Urban – preserved freshwater wetlands _____ Acres
 - c. Central Urban – impacted wetlands _____ Acres
 3. a. Urban Community or Suburban – upland _____ Acres
 - b. Urban Community or Suburban – preserved freshwater wetlands _____ Acres
 - c. Urban Community or Suburban – impacted wetlands _____ Acres

4.	a.	Suburban – upland	_____	Acres
	b.	Suburban – preserved freshwater wetlands	_____	Acres
	c.	Suburban – impacted wetlands	_____	Acres
5.	a.	Outlying Suburban – upland	_____	Acres
	b.	Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Outlying Suburban – impacted wetlands	_____	Acres
6.	a.	Sub-Outlying Suburban – upland	<u>571.22±/</u>	Acres (app)
			<u>674.27±</u>	Acres (PD)
	b.	Sub-Outlying Suburban – preserved freshwater wetlands	<u>±63.5</u>	Acres
	c.	Sub-Outlying Suburban – impacted wetlands	_____	Acres
7.	a.	Rural, Outer Island, Rural Community Preserve – upland	_____	Acres
	b.	Rural, Outer Island, Rural Community Preserve – wetlands	_____	Acres
8.	a.	Open Lands – upland	_____	Acres
	b.	Open Lands – wetlands	_____	Acres
9.	a.	Resource – upland	_____	Acres
	b.	Resource – wetlands	_____	Acres
10.	a.	Wetlands	_____	Acres
11.	a.	New Community – upland	_____	Acres
	b.	New Community – wetlands	_____	Acres
12.	a.	University Community – upland	_____	Acres
	b.	University Community – wetlands	_____	Acres
13.	a.	Coastal Rural – upland	_____	Acres
	b.	Coastal Rural – wetlands	_____	Acres
			+3.45 Ac General Interchange	
TOTAL (should equal "C" above)			<u>±741.22</u>	Acres

Notes:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed-Use Overlay {see Note (2) below}.
- (2) Within the Mixed-Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.
- (3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

PART 5**RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS**

- i. Complete only if living units are proposed in a Future Land Use Category.
- ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.
- iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Future Land Use Category: Sub-Outlying Suburban, Wetlands & General Interchange
– See attached Preliminary Density Calculations

		Lee Plan Table 1(a)		Units
		Max. standard density		
1.	Standard Units			
a.	Total upland acres (from Part 4, D.)	_____	x _____ equals	_____
b.	Total preserved freshwater wetlands acres (from Part 4, D.)	_____	x _____ equals	_____
c.	Total impacted wetlands acres (from Part 4, D.)	_____	x _____ equals	_____
d.	Total Allowed Standard Units ⁽¹⁾			_____
2.	Bonus Units [2-143]			
a.	Site-built Affordable Housing			N/A
b.	Transferrable Dwelling Units			N/A
c.	Sub-total			N/A
3.	Total Permitted Units ⁽¹⁾			

Note:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Mike Lawson, Chairman of Stoneybrook North Community Development District, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at STRAP Nos. 15-43-25-L1-U1959.5681; 15-43-25-L1-U1973.5709; 15-43-25-L1-U1980.5727; 16-43-25-00-U1793.5667; 16-43-25-L1-U1807.5768 & 16-43-25-L2-U1929.5791 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
N/A	

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.



Property Owner

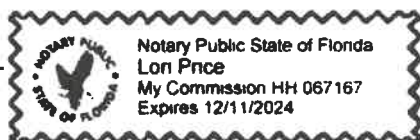
Mike Lawson, Chairman of Stoneybrook North CDD
Print Name

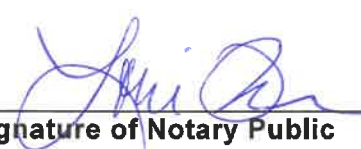
*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF ~~LEE~~ Hillsborough

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on 6/16/2021 (date) by Michael Lawson (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL





Signature of Notary Public

LETTER OF AUTHORIZATION

The undersigned hereby acknowledges to be the Owner of the real property described below and further authorizes **North Brook Holdings, LLC, REALVIZORY, LLC, Pavese Law Firm & Banks Engineering** to act as agent in order to apply for all necessary permits for development of the subject property.

BY: Stoneybrook North Community Development District

Mike Lawson

Print Name

Chairman

Title



Signature

6-16-21

Date

STRAP Numbers: 15-43-25-L1-U1959.5681; 15-43-25-L1-U1973.5709; 15-43-25-L1-U1980.5727; 16-43-25-00-U1793.5667; 16-43-25-L1-U1807.5768 & 16-43-25-L2-U1929.5791

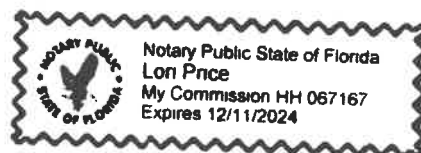
ATTEST/NOTARY

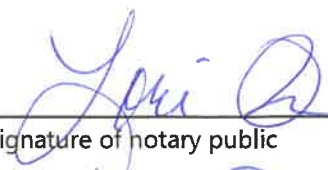
State of Florida

County of Hillsborough

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 16th day of June, 20 21, by Michael Lawson (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

(SEAL)





Signature of notary public

Lori Price

Printed name of notary public

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared John M. Ryan, Manager of Brightwater Club, LLC,
who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at STRAP No. 16-43-25-L3-U1922.5661 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
N/A	

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.



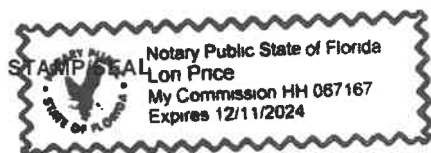
Property Owner

John M. Ryan, Manager of Brightwater Club, LLC
Print Name

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on August 24, 2021 (date) by John Ryan (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.





Signature of Notary Public

LETTER OF AUTHORIZATION

The undersigned hereby acknowledges to be the Owner of the real property described below and further authorizes **North Brook Holdings, LLC, REALVIZORY, LLC, Pavese Law Firm & Banks Engineering** to act as agent in order to apply for all necessary permits for development of the subject property.

BY: Brightwater Club, LLC

John M. Ryan

Print Name



Signature

Manager

Title

8/24/21

Date

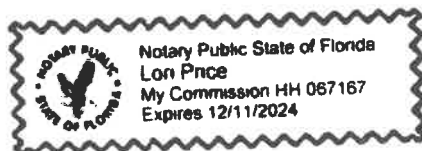
STRAP Numbers: 16-43-25-L3-U1922.5661

ATTEST/NOTARY

State of Florida
County of Hillsborough

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 24th day of August, 2021, by John Ryan (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

(SEAL)



Signature of notary public

Printed name of notary public

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared John M. Ryan, Manager of North Brook Holdings, LLC, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at See attached list of STRAPS and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

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6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
N/A	

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

North Brook Holdings, LLC,
a Florida limited liability company



Property Owner

John M. Ryan, Manager

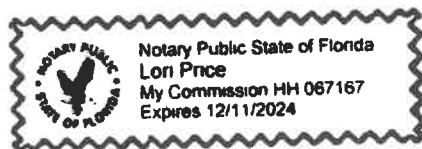
Print Name

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on August 24, 2021 (date) by John Ryan (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL





Signature of Notary Public

STRAP NUMBERS

Owner	Address	City	STRAP
NORTH BROOK HOLDINGS LLC	NORTH BROOK C/E	NORTH FORT MYERS	16-43-25-00-00003.0150
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00001.006A
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	15-43-25-L1-U1947.5648
NORTH BROOK HOLDINGS LLC	NORTH BROOK C/E	NORTH FORT MYERS	16-43-25-00-00003.015A
NORTH BROOK HOLDINGS LLC	17400 PRITCHETT PKWY	NORTH FORT MYERS	21-43-25-00-00006.0020
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00003.0080
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00003.0040
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00003.0120
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	21-43-25-00-00001.1030
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00001.0100
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	15-43-25-L1-U1947.5636
NORTH BROOK HOLDINGS LLC	17640 PRITCHETT PKWY	NORTH FORT MYERS	21-43-25-00-00002.0000
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00001.006C
NORTH BROOK HOLDINGS LLC	NORTH BROOK C/E	NORTH FORT MYERS	16-43-25-00-00003.0160
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	21-43-25-00-00001.1000
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00003.0020
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00001.006B
NORTH BROOK HOLDINGS LLC	RIGHT OF WAY	NORTH FORT MYERS	21-43-25-00-00001.1020
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00003.0140
NORTH BROOK HOLDINGS LLC	NORTH BROOK C/E	NORTH FORT MYERS	16-43-25-L3-050FD.0000
NORTH BROOK HOLDINGS LLC	NORTH BROOK C/E	NORTH FORT MYERS	15-43-25-L1-U1965.5770
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00003.0070
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00003.0010
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	15-43-25-L1-U1977.5692
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00003.0060
NORTH BROOK HOLDINGS LLC	18900 PRITCHETT PKWY	NORTH FORT MYERS	16-43-25-00-00003.0050
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00003.0130
NORTH BROOK HOLDINGS LLC	17641 PRITCHETT PKWY	NORTH FORT MYERS	21-43-25-00-00002.0010
NORTH BROOK HOLDINGS LLC	8350 RICH RD	NORTH FORT MYERS	16-43-25-00-00001.0060
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00002.0000



Professional Engineers, Planners & Land Surveyors

Brightwater RPD f/k/a Stoneybrook North Amendment to Planned Development Narrative of Request

**DCI2021-00012
Revised August 2021**

Request Summary

The applicant is seeking an amendment to ± 638.17 acres of the built ± 741.22 -acre Brightwater (f/k/a Stoneybrook North/Heritage Creek) Residential Planned Development (RPD) located along both sides of Pritchett Parkway in the northeast quadrant of I-75 and Bayshore Road. The request seeks to update the Master Concept Plan (MCP) and schedule of uses to 1) reconfigure tracts, 2) relocate dwelling units to the interior, 3) add townhouse use, 4) add Brightwater Country Club to allow limited non-resident access, 5) add 225 dwelling units [increase maximum dwelling units from 1,275 to 1,500], 6) convert ± 590 single-family cross dwellings to senior adult housing, 7) incorporate voluntary enhancements and 8) allow fill material to Pritchett Parkway. These proposed amendments include only minor updates to the existing approved deviations and include 3 new deviation requests.

Details of the specific requests are outlined in more detail below:

1. Reconfigure Tracts;
 - Revise configuration of I, J and K
 - Label Recreation Facility area west of Pritchett Parkway as Tract B1 and allow optional conversion to R-1A (± 10 -30 units). Clarify schedule of uses including potential indoor and outdoor consumption on premises for Recreation Facility use.
 - Tract F: Revise southern portion from "R-1" to "R-1A" to allow optional two-family attached units and relabel to Tract F1
 - i. Does not change restriction of minimum 7,500 SF single-family detached units within 500' of north boundary
2. Transfer ± 45 units to internal Tracts F1, J and B1 from Tract O and Tracts E and N adjacent to Popash and Bayshore Creeks;
3. Tract J: Add Townhouse use (maximum 150 units/35' height) (Existing $\pm 85'$ -150' wide Popash Creek trail preserve buffer on east);
4. Tract K: Change Club, Private to Brightwater Country Club to allow limited non-resident access (internal to Tract J and Popash Creek buffer) [See below detail];

• SERVING THE STATE OF FLORIDA •

5. Increase maximum dwelling units from 1,275 to 1,500 (increase of 225 dwelling units including 48 dwelling units from General Interchange and 177 dwelling units, offset by change to adult senior housing);
6. Tracts A, B, B1, C & D: Convert ± 590 Single-family units to adult senior housing (reduces traffic equivalent to ± 440 homes and offsets additional units);
 - o Unit mix at time of development order must not exceed maximum trips approved as part of this zoning request.
7. Incorporate voluntary enhancements/opportunities to benefit adjacent communities:
 - o Tract E1 (± 9.73 -acres on Bayshore Creek) Removal of ± 35 d.u. from perimeter to transfer internal to the site (Tracts F, J or B1) and limit uses to: Drainage; Excavation, water retention; Fences/Walls; Park, Group I limited to nature preserve or passive or active recreation; Park, private; Recreation, Streets and street rights of way; and Utility rights-of-way. This area is immediately across Pritchett Parkway from the Hunter's Glen subdivision. If the residential development is eliminated, there is an opportunity to let existing vegetation remain and/or to create a wider shelf and remove spoil along Bayshore Creek, providing additional capacity to Bayshore Creek.
 - o Oakmont Subdivision: Remove residential development from Tract N (± 10.37 acres east of Popash Creek) which abuts the north property boundary of Oakmont Subdivision. Removal of ± 10 d.u. from perimeter to transfer to internal Tracts F, J or B1 and limit uses to: Drainage; Excavation, water retention; Fences/Walls; Park, Group I limited to limited to nature preserve or passive recreation; Park, private; Recreation, Streets and street rights of way; and Utility rights-of-way. The area not developed as residential may remain in its natural wooded state.
 - o Tract O (± 14.43 acres around existing Lake L1) Transfer residential density to internal Tracts F, J or B1 and limit uses to: Drainage; Excavation, water retention; Fences/Walls; Park, Group I limited to limited to nature preserve or passive or active recreation; Park, private; Recreation, Streets and street rights of way; and Utility rights-of-way.
 - o Tract D will provide opportunity for enhanced fire safety for Hunter's Glen by including the following condition (36.d): Prior to construction certification of the westernmost lots abutting the Hunter's Glen subdivision property line, developer will provide:
 - i. An easement to allow potential for Hunter's Glen's construction (at their option) of a turnaround for emergency, solid waste, and resident vehicles for Hunter's Glen subdivision. Developer has the right (but not the obligation) to construct this improvement. ;
 - ii. An easement and stubbed water mains to allow potential for Hunter's Glen's construction (at their option) of fire hydrants as enhancement to Hunter's Glen subdivision fire protection. Developer has the right (but not the obligation) to construct this improvement.

- Colonial Acres – Leetana Road: Provide additional separation between proposed lots and the western perimeter boundary abutting single-family lots on Leetana Road (Colonial Acres) by including the following condition (36.e): Development Order application and approval for Tract A must demonstrate increased open space separation to lots (varying $\pm 35'$ - $\pm 82'$ setback between lot lines and perimeter) along western perimeter boundary as shown on the Master Concept Plan.
 - Popash Creek and Seminole Campground: Provide opportunities for enhanced water quality for Popash Creek and increased fire protection for Seminole Campground by providing the following condition (36.f): Tract M – Prior to construction certification of easternmost lots in Tract M, developer will provide a utility easement for Seminole Campground to allow (at their option):
 - i. Connection to central sewer to take the Seminole Campground WWTP off-line; and
 - ii. Opportunity for water main looping for increased fire protection.
 - iii. Developer has the right (but not the obligation) to construct this improvement.
8. Add proposed condition 35 to allow transporting fill material across Pritchett Parkway at an intersection to other portions of the project.

The requested amendments result in the transfer of ± 45 units to internal tracts from tracts adjacent to Popash and Bayshore Creeks and residential density transfer from the southern portion of the development resulting in an increase of ± 34.53 acres of non-residential area for potential use for active or passive parks as well as the opportunity for additional water storage and water quality enhancements by Bayshore Creek and Popash Creek. Trips associated with the density increase, addition of townhouses and limited non-resident access to the Brightwater Country Club are offset by the adult senior housing conversion. These requested changes are isolated to the interior of the planned development and result in the ability to provide multiple enhancements/opportunities to the subject and surrounding community with a more sustainable development plan. The applicant conducted a meeting with some of the neighboring property owners on September 23, 2020 to obtain community feedback and discuss the voluntary community enhancements/opportunities. Requested amendments will provide opportunities for positive benefits for traffic, drainage, utility, fire safety, lighting, water quality and environmental impacts.

RPD Background

The original Heritage Creek a/k/a Stoneybrook North RPD was approved on February 16, 2004 by zoning Resolution Z-02-070 which allowed 1,275 single-family and two-family attached dwelling units. The RPD has been administratively amended four times as follows:

- Administrative Amendment ADD2013-00083 was approved on November 13, 2014 which reconfigured the development tracts and added two more vehicular connections to Pritchett Parkway providing for:
 - New Master Concept Plan
 - Updated tract numbering in Schedule of Uses and Condition 4
 - Updated Condition 14 new littoral planting exhibits E & F
- ADD2014-00074 created the Stoneybrook North Community Development District.
- Administrative Amendment ADD2015-00134 was approved on October 20, 2015 to reconfigure the internal development tracts, lakes, roadways, open space and update recreational facilities internal to the development, amend the schedule of uses and update the littoral exhibits providing for:
 - Amended Condition 2 of ADD2013-00083 for New Master Concept Plan
 - Amended Condition 3 of ADD2013-00083 for amended Schedule of Uses
 - Amended Condition 4 of ADD2013-00083 for recreational area
 - Amended Condition 5 of ADD2013-00083 for new littoral planting exhibits E & F
 - Updated tract numbering in Condition 16 of Z-02-070
 - Amended Condition 31 of Z-02-070
 - Updated tract numbering in Deviation 3
- Administrative Amendment ADD2020-00046 was approved on August 20, 2020 to amend the Master Concept Plan and Schedule of Uses, update certain conditions of approval and corresponding exhibits, and correct certain typographical errors in prior zoning actions providing for a codification of earlier ADD approvals. **This approval supersedes the prior administrative amendments and controls along with the original zoning resolution.** This amendment provided:
 - New Master Concept Plan
 - Eliminated a shared access
 - Amended Schedule of Uses
 - Amended Condition 6 of Z-02-070 regarding sabal palms
 - Clarified Condition 7 of Z-02-070 regarding gopher tortoise preserves
 - Amended Condition 8 of Z-02-070 regarding conservation areas
 - Amended Condition 14 of Z-02-070 for exhibits E and F
 - Added Deviations 17 and 18 for roadway standard and natural waterway buffer

Development Status

Development order approval has been issued for the environmental preservation areas and the first phase of lots with additional phases submitted and currently under review. SFWMD has issued a construction permit for the entire planned development. Phase 1 (Tracts H & I) residential area is completed and consists of 258 lots east of Pritchett Parkway. Phase 2 (Tracts A, B, B1, C & D consisting of 590 +/- homes) and Phase 3 (Tract G consisting of 154 +/- homes) have begun permitting for site development. The

85-foot perimeter ditch and berm separation along the north provided in section A-A on Exhibit E was built and an easement granted to Lee County for future public drainage connection. The required maintenance and enhancements have been performed on Popash and Bayshore Creeks which improved drainage and removed obstacles to flow. Sabal palm relocation has occurred within the first phase limits. Exotics have been removed from the Phase 1 on-site preserve areas.

Privately funded water and sewer lines were extended to the site from Bayshore along Pritchett Parkway and then dedicated to the public which has provided increased fire protection to the area. This also allows the opportunity for Lee County (at their option) to connect Lee County Highpoint WWTP to central sewer served by Government Services Group, Inc./FGUA. Access to the Highpoint WWTP is provided through the Brightwater site allowing Lee County (at their option) to potentially remove the Popash Creek box culvert at Sedgefield Road and restore the natural creek bank.

Proposed Brightwater Country Club with Crystal Lagoon

[Land Development Code (LDC) Section 34-933, permitted uses within Planned Developments notes, in part: “Uses that are not specifically listed in Section 34-934 may also be permitted if, in the opinion of the Director, they are substantially similar to a listed permitted use.”]

Stoneybrook North is a Residential Planned Development (RPD), approved by Resolution #Z-02-070, as amended by ADD2020-00046 (the “**Existing Zoning**”), for 1,275 units. The existing zoning contains the following within the approved Schedule of Uses:

Club, Private (Limited to Tract K)

Consumption on Premises (LDC Section 34-1261 et. seq.) Indoor and Outdoor

Food and beverage service, limited

Health Club and Spa

Parking lot, accessory

Rental or leasing establishment, Group I – limited to bicycles, tennis rackets and other small equipment for use by members of the private club

Recreation facilities, private on-site.

The Brightwater Country Club will be privately owned and operated with a fully gated Crystal Lagoon recreational water amenity to serve the residents and guests of the RPD as a semi-private recreation facility serving the amenity and lifestyle needs of the Brightwater community. Resident memberships in the Brightwater Country Club will be included in every purchase of a Brightwater home. The number of homeowner memberships will be limited to the same number of approved dwelling units.

Non-resident access to the Brightwater Country Club amenities and recreational facilities requires purchasing reservations on the Brightwater Country Club portal website that will function similarly to the reservation portal website at

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lagooninformation.com. In addition to online reservations through the portal, daily reservations to non-residents will be limited based upon parking availability in the parking lot adjacent to the Brightwater Country Club which will be monitored and controlled by Staff of the Brightwater Country Club who will ensure that the parking lots will not exceed capacity. Signage on Pritchett Parkway will notify the public that no parking is permitted on Pritchett Parkway. The Brightwater Country Club parking lot is required to provide a minimum of 180 parking spaces. Golf cart parking areas shall be available for exclusive use of Brightwater homeowners.

Pursuant to LDC Sec. 34-933 outlined above, the applicant respectfully requests the Director to qualify the “**Brightwater Country Club**” as a use substantially similar to Club, Country, which is currently a permitted use in the Land Development Code under RPD District, as defined in LDC Sec. 34-2:

- *Club, country means a building and associated recreational facilities constructed in conjunction with a golf course (but not including the golf course itself), open only to members and their guests for a membership fee. Occasionally such facilities may be leased to outsiders for banquets, weddings, etc.*

Substantially similar to the LDC definition for a Country Club, the Brightwater Country Club is proposed as follows:

- *Brightwater Country Club means a building and associated recreational facilities constructed in conjunction with the Brightwater Crystal Lagoon, open to members and their guests for a membership fee, and also includes daily non-resident reservations based on available parking capacity at the time of online reservation. Occasionally such facilities may be leased to outsiders for banquets, weddings, etc.*

The essential difference between the existing LDC Country Club definition and the proposed Brightwater Country Club definition is that the recreation facility serving the Country Club is a Crystal Lagoon and not a golf course.

Like the use and function of a country club and golf course, non-resident use of the Brightwater Country Club and its associated amenities requires purchasing daily reservations by making online reservations similar to non-resident reservations or memberships associated with country clubs and golf courses. Online reservations to the Brightwater Country Club are made on a first come, first served basis based on the number of available parking spaces. Therefore, if the Brightwater Country Club parking spaces are full, no additional reservations will be allowed. This is similar to golf course tee time reservations limited to only those available and not reserved by resident members.

In addition to online reservations through the portal, non-resident access to the Brightwater Country Club will be monitored and controlled by Staff of the Brightwater Country Club who will ensure that the parking lots will not exceed capacity.

Given the clear similarities between the "Club, Country" LDC definition and use and function of a country club/golf course in general, compared to the proposed definition and use/function of the Brightwater Country Club, the applicant respectfully requests that the Director issue an Opinion approving the Brightwater Country Club definition as a permitted use (with applicable conditions) in the RPD Zoning Amendment.

Lee Plan Consistency Analysis

The Lee Plan has changed since the 2004 Heritage Creek aka Stoneybrook North RPD approval. At the time of the original approval, the site was located in the Outlying Suburban, Wetlands and Interchange future land use categories. Density calculations included one-half of the adjacent road right-of-way at that time, which is no longer included under current regulations. The Outlying Suburban future land use category was limited to 2 dwelling units per acre in the Bayshore Community and the Interchange future land use category only allowed non-residential development. The former Outlying Suburban portion of the property is now Sub-Outlying Suburban remaining at the 2 dwelling units per acre and the former Interchange portion of the property is now General Interchange which allows multi-family development at a standard density up to 14 dwelling units per acre and bonus density up to 22 dwelling units per acre. The existing approval allowed 1,275 dwelling units. The total maximum standard density based on the current various future land use categories for the entire RPD zoning is 1,524 DU. This proposed amendment will allow 1,500 DU on 741.22 acres for a gross density of 2.03 dwelling units per acre. This amendment excludes ± 102.13 -acres of North Brook Phase One as recorded in Instrument number 2019000172912 of the Public Records of Lee County (258 existing residential lots) except includes TRACT-FD. The Lee County well parcel identified as STRAP number 21-43-25-00-00002.0020 (± 0.92 -acre) has also been removed from the application. This amendment includes ± 638.17 acres of the overall ± 741.22 acre Planned Development zoning. There are 258 existing residential lots within North Brook Phase One. The maximum density permitted for the amendment area is 1,318 dwelling units and the request includes 1,242 dwelling units which equates to a gross density of 1.95 dwelling units per acre.

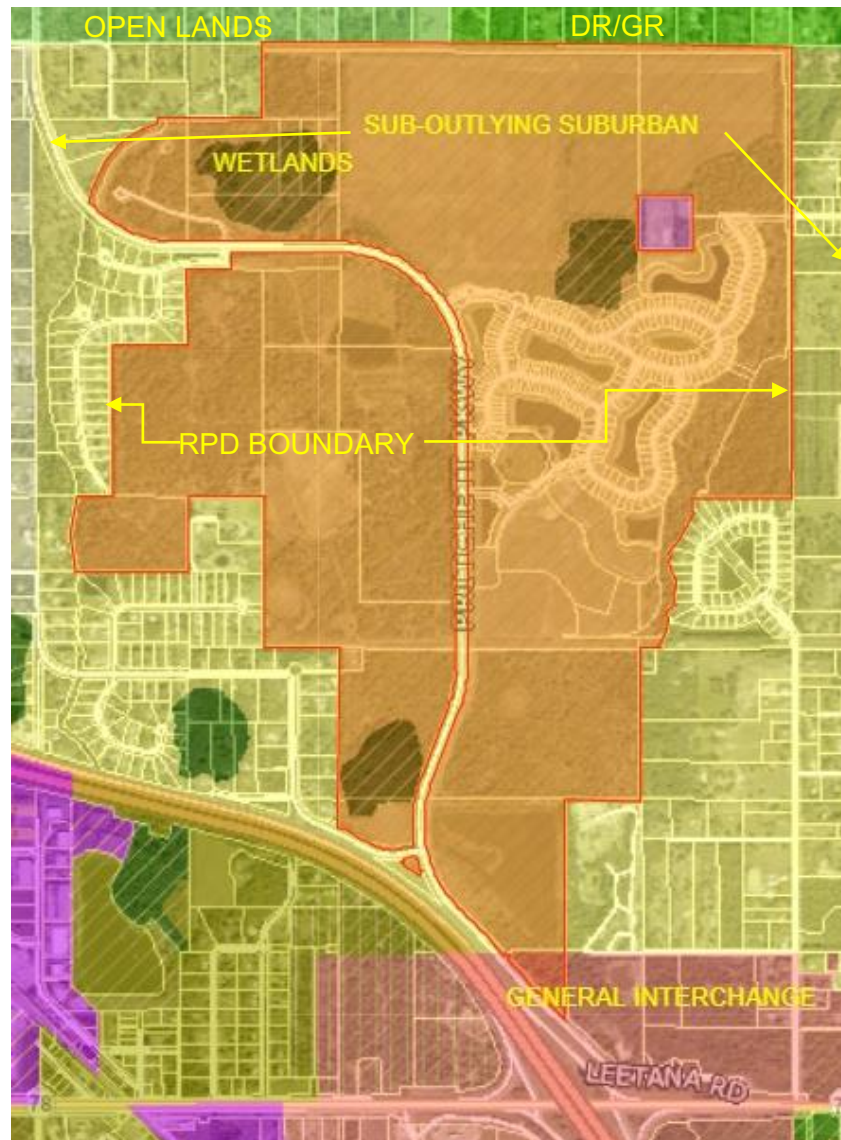
The subject property is located within the Bayshore planning community which is described in the Lee Plan Vision Statement as follows:

Bayshore - The Bayshore Community, bounded by I-75, SR 31, the Caloosahatchee River and Charlotte County, is predominantly a rural residential area of single family homes on large acreages, small horse farms, citrus groves, and plant nurseries, interspersed by some larger cattle grazing operations. There are also scattered single-family subdivisions and mobile homes on smaller lots, which provide for a full range of housing prices. There is limited urban infrastructure and commercial uses. By and large, the residents of Bayshore want to see this land use pattern maintained. The vision of the future would include slow but steady growth with the building of larger single family homes on 2½ to 5 acre tracts, as well as some higher density development in the Outlying Suburban category (i.e. up to two units per acre with proper zoning), and continued support

for the infrastructure necessary for the owners and breeders of horses. The protection of environmental resources and the maintenance of a wholesome family atmosphere is desired, as well as the protection of existing agricultural and equestrian activities. One community project that could serve these ends would be the development of an equestrian park in the community.

The proposed amendment to the built RPD allows for additional infill development within the previously approved smaller lot subdivision. The site is part of the higher density development in the former Outlying Suburban category. The requested internal additional 225 dwelling units including approximately 150 townhouses and the conversion of 590 dwelling units to senior adult housing will add to the full range of housing options and prices in the Bayshore Community while providing several community enhancements/opportunities. The subdivision was previously reviewed, approved and found consistent with the Bayshore Community and approval of the amendment will continue to further the vision statement.

The subject property is located in the Sub-Outlying Suburban, Wetlands and General Interchange future land use categories as shown in the following image.



Property to the north is within the Open Lands and Density Reduction/Groundwater Resource (DR/GR) future land use categories and is zoned AG-2 with vacant, single-family and agricultural grazing lands uses. Properties to the west are within the Sub-Outlying Suburban and General Interchange future land use categories and zoned AG-2 and AG-3 with single-family and agricultural uses and Bayshore Creek, then vacant land zoned CPD across I-75. Properties to the east are within the Sub-Outlying Suburban and General Interchange future land use categories and zoned AG-2, RV-3 and RS-1 with vacant, Seminole Campground, single-family and agricultural grazing lands uses and Popash Creek. Properties to the south are within the General Interchange future land use category and I-75 and Leetana Road.

The site complies with the requirements of Policy 5.1.10 discussed further in this analysis which allows the sum of the allowable densities for each land use category for each portion of the land to be allocated across the land. The Lee Plan describes the Sub-Outlying Suburban, General Interchange and Wetlands future land use categories as follows:

POLICY 1.1.11: The Sub-Outlying Suburban future land use category is characterized by low density residential areas. Generally, the infrastructure needed for higher density development is not planned or in place. This future land use category will be placed in areas where higher densities would be incompatible or where there is a desire to retain a low-density community character. Industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1 du/acre) to two dwelling units per acre (2 du/acre). Bonus densities are not allowed.

The original rezoning approval was a carefully crafted project that evolved over 2 years including several applicant adjustments to accommodate nearby resident and county concerns which resulted in a well-planned clustered project with extensive conditions that was found consistent with the Lee Plan and compatible with the surrounding neighborhood. Approximately 674.27 acres ($\pm 91\%$) of the residential planned development are within the Sub-Outlying Suburban future land use category which allows up to 2 dwelling units per acre or 1,349 dwelling units towards the site's allowable density. The requested amendment is consistent with Policy 1.1.11.

POLICY 1.3.2: The General Interchange areas are intended primarily for land uses that serve the traveling public: service stations, hotel, motel, restaurants, and gift shops. But because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial, light industrial/commercial, and multi-family dwelling units. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre).

The General Interchange future land use category was amended in 2016 to allow multi-family residential uses, which were not permitted at the time of the original zoning approval. The ± 3.45 acres ($\pm 0.5\%$) of the residential planned development at the southern tip of the site that previously did not generate any residential density now adds up to 14 standard dwelling units per acre (48 dwelling units) with an additional 8 units

per acre available for bonus density (28 dwelling units). The requested amendment does not include bonus density but does propose to add the additional 48 multi-family dwelling unit density toward the site's allowable density internal to the project on Tract J adjacent to the amenity area to allow for townhouses where it is separated by an existing heavily vegetated Popash Creek trail preserve buffer on the east varying between $\pm 85'$ - $150'$ in width. As part of the amendment, this southern tip of the property area around Lake L1 (Tract O) is proposed to transfer residential density internal and limit uses to: Drainage; Excavation, water retention; Fences/Walls; Park, Group I limited to limited to nature preserve or passive or active recreation; Park, private; Recreation, Streets and street rights of way; and Utility rights-of-way. The requested amendment is consistent with Policy 1.3.2.

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low-density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.

Footnote 8 of Table 1(a): Higher densities may be allowed under the following circumstances where wetlands are preserved on the subject site:

- (a) If the dwelling units are relocated off-site through the provision of Transfer of Development Rights Ordinance 86-18, as amended or replaced; or*
- (b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, and New Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands. Impacted wetlands will be calculated at the standard Wetlands density of 1 dwelling units per 20 acres. Planned Developments or Development Orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.*

The subject property includes preservation of the ± 63.5 acres ($\pm 8.5\%$) of the residential planned development freshwater wetlands with no impacts which are already within recorded conservation easements. The original zoning approval included ± 5 acres of wetland impacts that are no longer proposed and all existing wetlands are preserved. The density for this acreage can be relocated to developable contiguous uplands designated Sub-Outlying Suburban at the same underlying density of 2 dwelling units per acre accounting for 127 dwelling units of the site's allowable density. The wetlands within the existing conservation easements are being enhanced as the adjacent uplands are constructed. Phase 1 enhancements have already been completed. The requested amendment is consistent with Policy 1.5.1.

The combined maximum density calculation from each future land use category is provided below and in the attached density calculations:

Sub-Outlying Suburban:

$$674.27 \text{ ac} \times 2 = 1,348.5 \text{ DU}$$

Preserved Freshwater Wetlands:

$$63.5 \text{ ac} @ 2 = 127 \text{ DU}$$

General Interchange Standard Density:

3.45 ac X 14 = 48.3 DU

General Interchange Bonus Density (not included with request)

3.45 ac X 8 = 27.6 DU

Total Maximum Standard Density that could be requested: 1,524 DU

The request under this proposed amendment is for 1,500 dwelling units on 741.22 acres resulting in a gross density of 2.03 dwelling units per acre. This amendment includes ±638.17 acres of the overall ±741.22 acre Planned Development zoning. There are 258 existing residential lots within North Brook Phase One. The maximum density permitted for the amendment area is 1,318 dwelling units and the request includes 1,242 dwelling units which equates to a gross density of 1.95 dwelling units per acre. The requested amendment to the RPD is consistent with Policies 1.1.11, 1.3.2 and 1.5.1.

POLICY 1.7.6: The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2030. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded.

The requested amendment does not change the existing acreage allocation and remains consistent with Policy 1.7.6.

OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.

POLICY 2.1.1: Most residential, commercial, industrial, and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.

The subject property is located on Pritchett Parkway (a 2-lane arterial roadway) (in the northeast quadrant of the intersection of Interstate 75 and Bayshore Road), in Section 15, 16 and 21, Township 43 South, Range 25 East, Lee County, Florida (District #4). This site has been deemed appropriate for development since 2004 as evidenced by the prior approvals. The site is within a designated Future Suburban Area with the southern ±3.45 acres in a Future Urban Area and not within a future non-urban category. The proposed amendment to the RPD continues to promote a contiguous and compact growth pattern by adjusting the density, unit types and recreational facilities and Brightwater Country Club use internal to the project while incorporating nonresidential areas along the perimeter. The balance of adding 225 dwelling units including a maximum 150 townhouses and allowing the limited non-resident use of the recreational facilities and Brightwater Country Club while converting 590 units to senior

adult housing allows incorporation of multiple voluntary enhancements/opportunities to allow benefits to the adjacent communities and remains consistent with Objective 2.1 and Policy 2.1.1.

OBJECTIVE 4.1: WATER, SEWER, AND ENVIRONMENTAL STANDARDS. *Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order.*

STANDARD 4.1.1: WATER. *1 Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a “community” water system as that is defined by Chapter 62-550, F.A.C.).*

STANDARD 4.1.2: SEWER. *1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*

The development is served by Lee County Utilities for potable water and FGUA/GSG for sanitary sewer. A letter of availability has been provided with the application demonstrating that Lee County Utilities and FGUA/GSG have sufficient capacity to service the development. Privately funded water and sewer were extended to the site from Bayshore along Pritchett Parkway and then dedicated to the public as part of development of the property. The requested rezoning is consistent with Objective 4.1, Standard 4.1.1, and Standard 4.1.2.

STANDARD 4.1.4: ENVIRONMENTAL FACTORS. *1. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.*

The development plan includes preservation of ±63.5 acres of the subject property as freshwater wetlands with no impacts and ±57.3 acres of uplands which are already within recorded conservation easements. The original zoning approval included impacts to ±5 acres of wetlands that are no longer proposed. The wetlands within the existing conservation easements are being enhanced as the adjacent lots are constructed. Phase 1 enhancements have already been completed. Environmental reports will be provided with new development order applications when the site is constructed. The requested amendment to the RPD remains consistent with Standard 4.1.4.

GOAL 5: RESIDENTIAL LAND USES. *To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in*

the year 2030 in attractive and safe neighborhoods with a variety of price ranges and housing types.

OBJECTIVE 5.1: All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.

POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned residential developments.

The proposed amendment to the RPD is consistent with Goal 4 as demonstrated above. The requested amendment will result in additional housing types and a variety of price ranges within the existing attractive and safe neighborhood and remains consistent with Goal 5, Objective 5.1, Policy 5.1.1.

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.

The existing planned development approval deemed the project compatible with the adjacent uses and included conditions requiring clustered development with enhanced preservation areas, buffering with 10 trees per 100 linear feet and a double staggered hedge or conservation areas and included improvements to and maintenance of Popash and Bayshore Creeks. The requested amendment remains consistent with Policy 5.1.5 by proposing a ± 10.37 acre tract with limited use and no residential development along Popash Creek, ± 9.73 -acre parcel with limited use and no residential development with an opportunity for stormwater management compensation along Bayshore Creek and a ± 14.43 acre limited use area around Lake L1 (Tract O) which abuts the perimeter while providing a balance of adding 225 dwelling units including a maximum 150 townhouses internal to the site and allowing the limited non-resident use of the recreational facilities and Brightwater Country Club while converting ± 590 units to senior adult housing and proposing multiple voluntary enhancements/opportunities to allow benefits to the adjacent communities.

POLICY 5.1.6: Maintain development regulations that require high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design.

POLICY 5.1.7: Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space.

The existing clustered planned development and the proposed amendment exceed the required open space, buffering and landscaping requirements and provide recreation opportunities on both sides of Pritchett Parkway appropriate for the design and density proposed. The site provides internal sidewalks and will connect to existing sidewalks on Pritchett Parkway. The proposed townhouses will have directly accessible common open space areas and are located adjacent to the recreational facilities. The proposed density transfers support Policy 5.1.6 by clustering development and moving it internal to the site. The proposed amendment is consistent with Policies 5.1.6 and 5.1.7.

POLICY 5.1.10: In those instances where land under single ownership is divided into two or more land use categories by the adoption or revision of the Future Land Use Map, the allowable density under this Plan will be the sum of the allowable densities for each land use category for each portion of the land. This density can be allocated across the property provided that:

- a. The planned development zoning is utilized; and*
- b. No density is allocated to lands designated as non-urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and*
- c. The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and*
- d. The resultant planned development affords further protection to environmentally sensitive lands if they exist on the property.*

The subject property is divided into three future land use categories and qualifies for the density to be allocated across the property. Residential Planned Development zoning is utilized and no density is allocated to lands designated as non-urban or Environmentally Critical. The southern portion of the development where the density allocation across the property from the southern tip designated General Interchange and Tract J where the townhouses are proposed were under single ownership at the time this policy was adopted and is contiguous. These properties are included in Official Records Book 2267 at page 3619 dated December 30, 1991 and this policy was adopted August 7, 1992 by Ordinance 92-35. The resultant planned development affords further protection to environmentally sensitive lands that exist on the property by preserving all of the existing wetlands on site and providing upland preservation and enhancement

opportunities to Bayshore and Popash Creeks. The requested amendment and density allocation are consistent with Policy 5.1.10.

OBJECTIVE 18.1: LAND USE. The county will continue to enforce land development regulations that ensure separation of urban and rural land uses through the implementation of open space, buffers, and setback requirements that protect high quality environmental areas, such as creeks, oak hammocks, floodplains and wetlands from potential impacts of development. Planned developments, through appropriate conditions of approval, will be required to locate low residential densities along the perimeters of the development. Amendments to the future land use map that increase density or intensity must demonstrate compatibility through a concurrent planned development rezoning.

The original rezoning approval was a carefully crafted project that evolved over 2 years including several applicant adjustments to accommodate nearby resident and county concerns which resulted in a well-planned, clustered project with extensive conditions ensuring that the open space, buffers and setback requirements enhanced compatibility with the surrounding area. The zoning approval included conditions to improve, maintain and protect high quality environmental areas such as Bayshore and Popash Creek as well as the onsite wetlands. Although the original zoning allowed ± 5 acres of impacts to wetlands onsite, those impacts are no longer proposed and the existing ± 63.5 acres of freshwater wetlands are preserved. The proposed amendment will transfer density from Tract N on the east side of Popash Creek and Tract E1 adjacent to Bayshore Creek internal to the development which will add ± 20.1 acres of additional enhancement opportunity areas. This area consists of a ± 10.37 acre tract along Popash Creek that will have residential use removed and limited use and a ± 9.73 -acre tract that will have residential use removed and limited use along Bayshore Creek. These density transfers will lower the densities along the perimeters of the development. The requested amendment is consistent with Objective 18.1.

OBJECTIVE 18.3: SEWER AND WATER. Given the desire to maintain a low residential density, new central sewage service is not economically feasible and is discouraged north of Bayshore Road within the future non-urban land use categories. Central water service for enhanced fire protection will be encouraged where economically feasible.

The requested amendment is consistent with Objective 18.3. The project is not located in a future non-urban land use category. Privately funded water and sewer were extended to the site from Bayshore along Pritchett Parkway and then dedicated to the public which has provided increased fire protection to the area. The requested amendment includes the following voluntary enhancements/opportunities to the adjacent communities to further provide for enhanced fire protection and improved water and sewer opportunities:

- Tract D will provide opportunity for enhanced fire safety for Hunter's Glen by including the following condition (36.d): Prior to construction certification of the westernmost lots abutting the Hunter's Glen subdivision property line, developer will provide:

- i. An easement to allow potential for Hunter's Glen's construction (at their option) of a turnaround for emergency, solid waste, and resident vehicles for Hunter's Glen subdivision. Developer has the right (but not the obligation) to construct this improvement. ;
 - ii. An easement and stubbed water mains to allow potential for Hunter's Glen's construction (at their option) of fire hydrants as enhancement to Hunter's Glen subdivision fire protection. Developer has the right (but not the obligation) to construct this improvement.
- o Colonial Acres – Leetana Road: Provide additional separation between proposed lots and the western perimeter boundary abutting single-family lots on Leetana Road (Colonial Acres) by including the following condition (36.e): Development Order application and approval for Tract A must demonstrate increased open space separation to lots (varying $\pm 35'$ - $\pm 82'$ setback between lot lines and perimeter) along western perimeter boundary as shown on the Master Concept Plan.
- o Popash Creek and Seminole Campground: Provide opportunities for enhanced water quality for Popash Creek and increased fire protection for Seminole Campground by providing the following condition (36.f): Tract M – Prior to construction certification of easternmost lots in Tract M , developer will provide a utility easement for Seminole Campground to allow (at their option):
 - i. Connection to central sewer to take the Seminole Campground WWTP off-line; and
 - ii. Opportunity for water main looping for increased fire protection.
 - iii. Developer has the right (but not the obligation) to construct this improvement.

GOAL 59: PROTECTION OF LIFE AND PROPERTY. *To reduce the hazards to life, health, and property created by flooding due to rainfall in a manner consistent with the community's criteria for the preservation of environmental values and the conservation of natural resources.*

POLICY 59.1.5: *The county will, through appropriate land use and engineering regulations, continue to control the introduction of obstructions or impediments within floodways.*

GOAL 60: COORDINATED SURFACE WATER MANAGEMENT AND LAND USE PLANNING ON A WATERSHED BASIS. *To protect or improve the quality of receiving waters and surrounding natural areas and the functions of natural groundwater aquifer recharge areas while also providing flood protection for existing and future development.*

POLICY 60.1.2: *Incorporate, utilize, and where practicable restore natural surface water flowways and associated habitats.*

The original zoning approval included extensive conditions requiring enhancements and maintenance for improving Popash Creek and restoring Bayshore Creek which improved drainage and removed obstacles to flow. These required enhancements have been completed. As part of the requested amendment, a ±9.73-acre tract with the opportunity for potential stormwater management compensation is proposed along Bayshore Creek in Tract E1 for opportunities for improved water quality and additional drainage/flood storage, and the potential for active or passive park use. Additionally, the site provides access to the Highpoint WWTP through the Brightwater site allowing the opportunity for the Popash Creek box culvert at Sedgefield Road to be removed by Lee County (at their option) restoring the natural creek bank. The requested amendment is consistent with Goal 59, Policy 59.1.5, Goal 60 and Policy 60.1.2

OBJECTIVE 60.4: INCORPORATION OF NATURAL SYSTEMS INTO THE SURFACE WATER MANAGEMENT SYSTEM. *Incorporate natural systems into surface water management systems to improve water quality, air quality, water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief.*

POLICY 60.4.1: *Encourage new developments to design surface water management systems with Best Management Practices (BMPs) including, but not limited to, filtration marshes, grassed swales planted with native or Florida Friendly Landscaping vegetation, retention/detention lakes with enlarged littoral zones, preserved or restored wetlands, and meandering flow-ways.*

POLICY 60.4.2: *The county encourages new developments to design their surface water management system to incorporate existing wetland systems.*

The subject property includes preservation of the existing ±63.5 acres of freshwater wetlands onsite with no impacts which are already within recorded conservation easements. The original zoning approval included ±5 acres of wetland impacts that are no longer proposed and all existing wetlands are preserved. The wetlands within the existing conservation easements are being enhanced as the adjacent uplands are constructed. Phase 1 enhancements have already been completed. The requested amendment is consistent with Objective 60.4 and Policies 60.4.1 and 60.4.2.

POLICY 60.4.3: *The county encourages the preservation of existing natural flow-ways and the restoration of historic natural flow-ways.*

POLICY 60.4.5: *The county will continue to coordinate the review of flow-ways with the other regulatory agencies and assist in the development of incentives and /or credits for implementation of regional surface water management systems that address flood protection, water quality/environmental enhancement and water conservation.)*

POLICY 60.4.6: *Develop a capital improvements program to provide for the reconstruction and maintenance of all flow-ways and include incentives for private participation.*

OBJECTIVE 61.3: GENERAL SURFACE WATER MANAGEMENT STANDARDS. Lee County will continue to provide sufficient performance and/or design standards for development protective of the function of natural drainage systems.

POLICY 61.3.3: Keep floodways as unobstructed as possible.

POLICY 61.3.4: Natural flow patterns will be publicly restored where such action is of significant public or environmental benefit, and feasible.

As previously discussed, the applicant has already provided enhancements and maintenance for improving Popash Creek and restoring Bayshore Creek which improved drainage and removed obstacles to flow. As part of the requested amendment, a ±9.73-acre tract with the opportunity for potential stormwater management compensation is proposed along Bayshore Creek in Tract E1 for opportunities for improved water quality and additional drainage/flood storage and the potential for active or passive park use. Additionally, the site provides access to the Highpoint WWTP through the Brightwater site allowing the opportunity for the Popash Creek box culvert at Sedgefield Road to be removed by Lee County (at their option) restoring the natural creek bank. The requested amendment is consistent with Policy 60.4.3, Objective 61.3 and Policies 61.3.3 and 61.3.4. Approval of the amendment would be consistent with the incentives for private participation directed by Policies 60.4.5 and 60.4.6.

OBJECTIVE 124.1: Protect and conserve the natural functions of wetlands and wetland systems by maintaining wetland protection regulations.

POLICY 124.1.1: Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII of this plan, and except that owners of wetlands adjacent to Intensive Development, Central Urban, Urban Community, Suburban, New Community, and Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership in accordance with Footnote 8b of Table 1(a), Summary of Residential Densities. In Future Limerock Mining areas only (see Map 14), impacts to wetlands resulting from mining will be allowed when those impacts are offset through appropriate mitigation, preferably within Southeast Lee County (see also Policy 33.1.3). Appropriate wetland mitigation may be provided by preservation of high quality indigenous habitat, restoration or reconnection of historic flowways, connectivity to public conservation lands, and restoration of historic ecosystems or other mitigation measures as deemed sufficient by Lee County.

The subject property includes preservation of the ±63.5 acres (±8.5%) of the residential planned development freshwater wetlands with no impacts which are already within recorded conservation easements. The original zoning approval included ±5 acres of

wetland impacts that are no longer proposed and all existing wetlands are preserved. The density for this acreage can be relocated to developable contiguous uplands designated Sub-Outlying Suburban at the same underlying density of 2 dwelling units per acre adding 127 dwelling units towards the site's allowable density. The wetlands within the existing conservation easements are being enhanced as the adjacent uplands are constructed. Phase 1 enhancements have already been completed. The requested amendment is consistent with Objective 124.1 and Policy 124.1.1.

Land Development Code Analysis

The proposed amendment complies with the findings provided in the Land Development Code Section 34-145(d)(4)a.1 as follows:

a. Complies with the Lee Plan;

The request complies with the Lee Plan as demonstrated in the above analysis.

b. Meets this Code and other applicable County regulations or qualifies for deviations;

The existing RPD and proposed amendment is in compliance with the Lee Plan, the Land Development Code with existing approved deviations, as amended and proposed additional deviations.

c. Is compatible with existing and planned uses in the surrounding area;

The existing planned development approval deemed the project compatible with the adjacent uses and included conditions requiring clustered development with enhanced preservation areas, buffering with 10 trees per 100 linear feet and a double staggered hedge or conservation areas and included improvements to and maintenance of Popash and Bayshore Creeks. The requested amendment remains compatible and enhances compatibility by relocated residential development from ± 10.37 -acres along Popash Creek, ± 9.73 -acres with potential stormwater management compensation along Bayshore Creek and transferring density from ± 14.43 -acres around Lake L1 (Tract O) which abut the perimeter. This is balanced with adding 225 dwelling units including a maximum 150 townhouses internal to the site, allowing the semi-private use of the recreational facilities and Brightwater Country Club, converting ± 590 units to senior adult housing and incorporating multiple voluntary enhancements/opportunities to allow for benefits to the adjacent communities.

d. Will provide access sufficient to support the proposed development intensity;

Please see Traffic Impact Statement submitted with the application. The proposed amendment request does not change the currently approved access points which were found sufficient to support the existing approval. The requested amendment provides for a balance of additional density, unit type and limited non-resident access to the recreational facilities and Brightwater Country Club while adding age restrictions to

offset the traffic impacts resulting in no additional trips from what was considered in the original zoning approval.

e. The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

Please see Traffic Impact Statement provided with the application. The site related improvements will be addressed by existing County regulations and the project will pay road impact fees pursuant to the impact fee schedule in effect at the time of building permit.

f. Will not adversely affect environmentally critical or sensitive areas and natural resources; and

The proposed rezoning will not adversely affect environmentally critical or sensitive areas and will provide further enhancements. The subject property includes preservation of the existing ± 63.5 acres of freshwater wetlands onsite with no impacts which are already within recorded conservation easements. The original zoning approval included ± 5 acres of wetland impacts that are no longer proposed and all existing wetlands are preserved. The wetlands within the existing conservation easements are being enhanced as the adjacent uplands are constructed. Phase 1 enhancements have already been completed. The original zoning approval included extensive conditions requiring enhancements and maintenance for improving Popash Creek and restoring Bayshore Creek which improved drainage and removed obstacles to flow. These required enhancements have been completed. As part of the requested amendment, a ± 9.73 -acre area with potential stormwater management compensation is proposed along Bayshore Creek in Tract E1 for opportunities for improved water quality and additional drainage/flood storage and the potential for active or passive park use.

g. Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

The subject property is located along both sides of Pritchett Parkway in the northeast quadrant of I-75 and Bayshore Road within the majority of the property within a Future Suburban Area and the southern ± 3.45 acres within a Future Urban Area and has been previously deemed appropriate for development with existing urban services available to serve the site. The attached letters of availability demonstrate that Lee County Utilities has sufficient capacity to provide water and FGCU/GSG has sufficient capacity to provide sewer services to the site. Privately funded water and sewer were extended to the site from Bayshore along Pritchett Parkway and then dedicated to the public as part of development of the property. Solid waste currently services the site. Bayshore Fire Station #131 and EMS Medic 19 are located ± 1.4 miles from the site. Bayshore Elementary is ± 3.3 miles from the property and Oak Hammock Middle is ± 5.9 miles from the property.

2. Planned Development Rezonings. The Hearing Examiner must also find:

- a) The proposed use or mix of uses is appropriate at the proposed location;*
- b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.*
- c) If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:*
 - 1) Enhances the achievement of the objectives of the planned development; and*
 - 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.*

The proposed mix of uses is appropriate at the subject location. The balance of adding 225 dwelling units including a maximum 150 townhouses to the previously approved single-family and two-family attached dwelling units and allowing the semi-private use of the recreational facilities and Brightwater Country Club while converting 590 units to senior adult housing allows incorporation of multiple voluntary enhancements/opportunities to allow for benefits to the adjacent communities. The maximum height of all dwelling unit types remains as previously approved at 35 feet. The increased dwelling units are proposed internal to the project on Tract J adjacent to the amenity area and is separated by an existing heavily vegetate Popash Creek trail preserve buffer to the east varying between $\pm 85'$ -150 feet in width. The existing and proposed conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development. The applicant intends to retain the existing approved deviations and proposes 3 additional deviations which enhance the achievement of the objectives of the planned development and preserve and promote the general intent to protect the public health, safety and welfare.

In conclusion, the requested amendment to the built Brightwater RPD f/k/a Stoneybrook North seeks to update the MCP and schedule of uses to 1) reconfigure tracts, 2) relocate dwelling units to the interior, 3) add townhouse use, 4) add Brightwater Country Club to allow limited non-resident access, 5) add 225 dwelling units [increase maximum dwelling units from 1,275 to 1,500], 6) convert ± 590 single-family dwellings to senior adult housing, 7) incorporate voluntary enhancements and 8) allow fill material to cross Pritchett Parkway. The requested amendments result in the transfer of ± 45 units to internal tracts from tracts adjacent to Popash and Bayshore Creeks and limit uses on the southern portion of the development resulting in an increase of ± 34.53 acres of non-residential use on the perimeter with potential for parks as and the opportunity for potential additional water storage/water quality enhancements by Bayshore Creek. The request is in compliance with the Lee Plan, the Land Development Code together with approval of the deviations, and other applicable codes and regulations; is compatible with existing and planned uses in the surrounding area; will provide access sufficient to support the proposed development intensity; the expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval; will not adversely affect environmentally critical or sensitive areas and natural resources; efficiently uses and will be served by existing urban services, defined in the Lee Plan, and located in a Future Urban area category. The proposed use or mix of uses is appropriate at the proposed location; existing and proposed conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on

the public's interest expected from the proposed development. The existing and proposed deviations enhance the achievement of the objectives of the planned development and preserve and promote the general intent to protect the public health, safety and welfare. For these reasons, the applicant respectfully submits that the requested amendment to the RPD should be approved.

Drafted codification of ADD2020-00046 & Z-02-070 conditions with proposed amendments in strike-through/underline:

- 1) Development must be in compliance with the amended Master Concept Plan entitled Master Concept Plan, Stoneybrook North, prepared by Banks Engineering, Inc., dated May 6, 2014 and last revised July 17, 2020 August 16, 2021, a copy of which is attached hereto as Exhibit "B."
- 2) The following limits apply to the project and uses:
 - a)
 - ~~Administrative Offices~~
 - ~~Agriculture—SUBJECT TO Condition 24 of Resolution Z-02-070~~
 - ~~Accessory uses and structures~~
 - ~~Club, Private (Limited to Track K)~~
 - ~~Consumption on premises (LDC Section 34-1261 et seq.) Indoor and Outdoor~~
 - ~~Food and beverage service, limited~~
 - ~~Health Club and Spa~~
 - ~~Parking lot, accessory~~
 - ~~Rental or leasing establishment, Group I—limited to bicycles, tennis rackets and~~
 - ~~——other small equipment for use by members of the private club~~
 - ~~Specialty Retail Shop, Group I~~
 - ~~Communication Tower—limited to one on the north side of Tract K and limited to a maximum of 35 feet in height~~
 - ~~Dwelling Unit—limited to a maximum of 1,275 units consisting of:~~
 - ~~Conventional Single-family Residence~~
 - ~~(May be constructed on all R-1 residential tracts, see Note 1)~~
 - ~~Two-family attached~~
 - ~~——(Limited to Tracts A, B, J and M, see Note 1)~~
 - ~~Conventional Single-family Detached Residential lots located on the northern boundary of the project in Tracts F and G must be no less than 7,500 square feet in area within 500 feet of the northern boundary.~~
 - ~~——Entrance Gate and Gatehouse, in compliance with §34-1748~~
 - ~~Essential Services~~
 - ~~Essential Services Facilities, Group I~~
 - ~~Excavation, water retention~~
 - ~~Fences, walls~~
 - ~~Home occupation~~
 - ~~Model Home, Model Unit and Model Display Group~~
 - ~~Real Estate Sales Office (Temporary sales office limited to Tract K and limited to the sale of lots or units within the development only)~~
 - ~~Recreation Facilities, Personal~~
 - ~~Recreation Facilities, Private on-site~~
 - ~~Parking lot, accessory~~
 - ~~Residential Accessory Uses~~

~~Signs, including one existing billboard located on the southwest side of Lake L1, all in compliance with LDC Chapter 30 except as approved by deviation~~
~~Temporary uses (§34-3041)~~

~~Note 1: Single family dwelling units may be constructed on all R-1 and R-1A residential tracts. Two family attached dwelling units may be constructed only on R-1A residential tracts (Tracts A, B, J and M).~~

SCHEDULE OF USES

[NOTE: Dwelling Units are limited to a maximum of 1,500 units (including existing 258 units within North Brook Phase One).

- ***R-1= Single-family Residence;***
- ***R-1A= Single-family Residence or Two-family Attached; and***
- ***TH= Townhomes, Single-family Residence or Two-family Attached]***

TRACTS A, B, F1 & M

Administrative Offices

Agriculture – SUBJECT TO Condition 24

Accessory uses and structures

Dwelling Unit

Single-family Residence

Two-family attached

[NOTE: Tracts A & B (along with B-1, C & D) are limited to adult senior housing (±590 units - See Condition 33)]

Entrance Gate and Gatehouse, in compliance with §34-1748

Essential Services

Essential Services Facilities, Group I

Excavation, water retention

Fences, walls

Home occupation

Model Home, Model Unit and Model Display Group

Recreation Facilities, Personal

Recreation Facilities, Private on-site

Parking lot, accessory

Residential Accessory Uses

Signs in compliance with LDC Chapter 30 except as approved by deviation

Temporary uses (§34-3041)

TRACT B-1

Administrative OfficesAgriculture – SUBJECT TO Condition 24Accessory uses and structuresClub, Private

Consumption on premises (LDC Section 34-1261 et seq.) Indoor and Outdoor

Food and beverage service, limited

Health Club and Spa

Parking lot, accessory

Rental or leasing establishment, Group I – limited to bicycles, tennis rackets and other small equipment for use by members of the private club

Specialty Retail Shop, Group I

Dwelling Unit

[NOTE: Tract B-1 (along with Tracts A, B, C & D) is limited to adult senior housing (±590 units - See Condition 33)]

Single-family Residence

Two-family attached

Entrance Gate and Gatehouse, in compliance with §34-1748

Essential Services

Essential Services Facilities, Group I

Excavation, water retention

Fences, walls

Home occupation

Model Home, Model Unit and Model Display Group

Recreation Facilities, Personal Recreation Facilities, Private on-site

Parking lot, accessory

Residential Accessory Uses

Signs in compliance with LDC Chapter 30 except as approved by deviation

Temporary uses (§34-3041)

TRACTS C, D, E, F, G, H & IAdministrative OfficesAgriculture – SUBJECT TO Condition 24Accessory uses and structuresDwelling Unit

Single-family Residence

[NOTE 1: Tracts C & D (along with A, B & B1) are limited to adult senior housing (±590 units - See Condition 33)]

[NOTE 2: In Tracts F & G, lots within 500 feet of north boundary must be no less than 7,500 square feet in area.]

Entrance Gate and Gatehouse, in compliance with §34-1748

Essential Services

Essential Services Facilities, Group I
Excavation, water retention
Fences, walls
Home occupation
Model Home, Model Unit and Model Display Group
Recreation Facilities, Personal
Recreation Facilities, Private on-site
Parking lot, accessory
Residential Accessory Uses
Signs in compliance with LDC Chapter 30 except as approved by deviation
Temporary uses (§34-3041)

Tract J

Administrative Offices
Agriculture – SUBJECT TO Condition 24
Accessory uses and structures
Dwelling Unit
 Conventional Single-family Residence
 Two-family attached
 Townhouse (*Maximum 150*)
Entrance Gate and Gatehouse, in compliance with §34-1748
Essential Services
Essential Services Facilities, Group I
Excavation, water retention
Fences, walls
Home occupation
Model Home, Model Unit and Model Display Group
Recreation Facilities, Personal
Recreation Facilities, Private on-site
Parking lot, accessory
Residential Accessory Uses
Signs in compliance with LDC Chapter 30 except as approved by deviation
Temporary uses (§34-3041)

Tract K

Administrative Offices
Agriculture – SUBJECT TO Condition 24
Accessory uses and structures
Brightwater Country Club, Private (See condition 34)
 Consumption on premises (LDC Section 34-1261 et seq.) Indoor and
 Outdoor

Food and beverage service, limited
Health Club and Spa
Parking lot, accessory
Rental or leasing establishment, Group I – limited to bicycles, tennis rackets
and other small equipment for use **at the Brightwater Country Club by
members of the private club**
Specialty Retail Shop, Group I
Communication Tower – limited to one on the north side of Tract K and limited to a
maximum of 35 feet in height
Entrance Gate and Gatehouse, in compliance with §34-1748
Essential Services
Essential Services Facilities, Group I
Excavation, water retention
Fences, walls
Real Estate Sales Office (Temporary sales office limited to Tract K and limited to
the sale of lots or units within the development only)
Recreation Facilities, Personal
Recreation Facilities, Private on-site
Parking lot, accessory
Residential Accessory Uses
Signs, all in compliance with LDC Chapter 30 except as approved by deviation
Temporary uses (§34-3041)

Tracts E1, N and O

[NOTE: Density is transferred internal to site]

Drainage
Excavation, water retention
Fences/Walls
Park, Group I, limited to nature preserve or passive or active recreation (Tract
N limited to nature preserve or passive recreation)
Park, private
Recreation
Signs (limited to existing billboard located on the southwest side of Tract O, Lake L1)
Streets and street rights of way
Utility rights-of-way

Parcels L-1 through L-34 (Lake Parcels)

Excavation, water retention
Open Space

b) Site Development Regulations

LAND USES	Minimum Lot			Minimum Setback (ft.)							Max. Bldg. Height (ft.)	Min. Bid. Separation (ft.)	Max-Lot Coverage (%)
	Area (sq. ft.)	Min. Width (ft.)	Min. Depth (ft.)	Side-Including Corner Lots (ft.)*	Rear(ft.)			Front (ft.)		Water Body (ft.)			
					Lots	Wetland	Acc.	Front-Entry Garage	Bldg.-or- Side-Entry Garage				
Single-family-Detached	4,000	40	100	5	20	20	5	20	12	25	35-or-2 stories	10	45
Two-family-Attached	3,500 per unit	35 per unit	100	0-or-10	20	20	5	20	12	25	35-or-2 stories	10	45
Clubhouse	20,000	80	100	10	20	20	5	n/a	20	25	35-or-2 Stories	20	45
Accessory Recreation-Buildings	N/a	n/a	n/a	n/a	20	20	n/a	n/a	n/a	n/a	35-or-1 story	20	n/a

* Applies to lots of all widths and to corner lots. Each lot, including corner lots, will have only one front yard.

† Lots located within 500 feet of the northern boundary of the project on Tracts F-1 and F-3, must be no less than 7,500 square feet in area.

LAND USES	Minimum Lot			Minimum Setback (ft.)							Max. Bldg. Height (ft.)	Min. Bldg. Separation (ft.)	Max Lot Coverage (%)
	Area (sq. ft.)	Min. Width (ft.)	Min. Depth (ft.)	Side Including Corner Lots (ft.)*	Rear (ft.)			Front (ft.)		Water Body (ft.)			
					Lots	Wetland	Acc.	Front Entry Garage	Bldg. Or Side Entry Garage				
Single-family Detached	4,000†	40	100	5	20	20	5	20	12	25	35 or 2 stories	10	45
Two-family Attached	3,500 per unit	35 per Unit	100	0 or 10**	20	20	5	20	12	25	35 or 2 stories	10	45
Townhouse	2,000	22	80	0 or 10**	20	20	5	20	15	25	35	2010	N/A
Clubhouse	20,000	80	100	10	20	20	5	N/A	20	25	35 or 2 stories	20	45
Accessory Recreation Buildings	N/A	N/A	N/A	N/A	20	20	N/A	N/A	N/A	N/A	35 or 1 story	20	N/A

* Applies to lots of all widths and to corner lots. Each lot, including corner lots, will have only one front yard.

† Lots located within 500 feet of the northern boundary of the project on Tracts F-1 and F-3F and G, must be no less than 7,500 square feet in area.

**Townhouses and two-family attached must provide a minimum of 10 feet building separation where units are not adjoining.

3) DELETED

4) The Tract K recreational area must include at a minimum, one multi-purpose field, a

playground, and picnic area, or recreational water feature. Facilities for the safe passage of pedestrians and cyclists from one side of Pritchett Parkway to the other as determined by the Director of Development Services at the time of local development order submittal must be provided.

- 5) No residential lots may be located within 250 feet of the existing High Point sewage treatment plant property lines until the sewage treatment plant is no longer in operation. If the High Point sewage treatment plant is still in operation when the plat is approved for any lots located in Tracts ~~F-2H~~ and Tract G, the Applicant must include a 30-foot- wide Type F buffer around the perimeter of the High Point sewage treatment plant property lines, excluding the easement that provides access to the plant.
- 6) Common area open space must be designed to incorporate as many of the native heritage trees and Sabal palms as possible. Prior to local development order approval, the preserved trees and any relocated palms must be delineated on the plans. Preserved trees and relocated Sabal palms will receive protected tree credits per §10-420(j).
- 7) A detailed protected species management plan for gopher tortoises, Big Cypress fox squirrels, and wading birds must be submitted with the initial development order for any portion of this project. The gopher tortoise management plan must include either a permanent fence or a continuous hedge of native shrubs where the gopher tortoise preserve abuts the road and park to protect the tortoises from the vehicular traffic and active recreation area.

A pedestrian/bicycle trail, with a maximum four-foot width, is permissible within the gopher tortoise preserve located east of Tract M and south of the LCEC easement. The trail must be designed to avoid impacting gopher tortoise burrows and large native trees. Two (2) access points to the trail may be incorporated into the fence, provided the openings are designed to minimize the potential for tortoises to disperse from the preserve. Details of the trail and fence must be included in the development order plans.

- 8) Prior to any local development order approval, an open space table must be included that details the residential unit type with lot size per tract, required open space, provided open space, required indigenous preservation and provided indigenous preservation. The project must preserve at a minimum the approximately 100.1 acres of conservation area. If more than 500 acres of the project is developed with residential tracts (including roads and lakes) requiring open space, then the development order must delineate the additional required indigenous preservation for Lee County Development Services Section staff review and approval.
- 9) The use of cypress mulch is prohibited in preserve areas.
- 10) The maximum width of all boardwalks within the preserve areas may not exceed the minimum width requirements set forth by the Americans with Disabilities Act.
- 11) All boardwalks within the preserve areas must be designed to avoid mature native trees and protected species burrows, nests, or dens. The final layout of the boardwalks must be field verified by Lee County Development Services Section staff prior to construction. Minor adjustments to minimized impacts to native vegetation may be required.
- 12) The construction of gazebos or viewing platforms within conservation areas is limited to no more than two (2) structures, each having a footprint no larger than 200 square feet.
- 13) Prior to site work for any recreational use that requires the removal of vegetation within a

conservation area, a development order showing impacts to the conservation area must be submitted for review and approval of Development Services and other applicable County staff.

- 14) Prior to local development order approval, the development order plans must include littoral planting areas in substantial compliance **with the LDC**, ~~with the littoral planting exhibit entitled Northbrook Littoral Planting Exhibit, attached hereto as Exhibit "D."~~

~~All lake littoral zones must be constructed as depicted in Cross Section B-B. Littoral planting quantities must be consistent with the exhibit entitled Littoral Planting Exhibit "F", North Brook, attached hereto as Exhibit "D."~~ The planting area along the northern ditch expansion must also provide native wetland plants installed three feet on-center.

- 15) The Communication Tower as denoted on the Master Concept Plan must be of a monopole design and limited to 35 feet in height. The tower and its associated maintenance buildings must be designed to minimize impacts to birds.
- 16) **Lake 1 is existing and does not require additional plantings. Any changes to Lake 1 in Tract O will require the following within the limits of the shoreline proposed to be revised:** **Lake** littoral plantings within Tract **MO** must be calculated at one littoral plant per linear foot of lake shoreline. One 10-foot-tall tree or two (2) three-gallon shrubs may be substituted for 10 herbaceous plants. Trees and shrubs may be used to count toward up to 50 percent of the required lake littoral planting requirements. A minimum of two (2) native wetland tree species and four (4) native herbaceous plant species must be installed in the Lake 1 (contained within Tract **MO**).
- 17) The placement of any required vegetation within a utility, power, or drainage easement must be clearly delineated on an Alternate Landscape Betterment Plan as per §10-419 and submitted with the local development order. The placement of vegetation within any easement must be approved by Lee County Development Services staff and any other affected Division (Utilities, Zoning, etc.). If the easement is to an entity other than Lee County, then written approval of the location of vegetation from any affected easement holder must be submitted to Lee County Development Services staff as part of the development order. Approval from all affected parties must be obtained prior to approval of the local development order.
- 18) Lake bulkheads are limited to roads and the clubhouse area. Bulkheads are not permitted along residential boundaries.

Prior to local development order approval, the plans must show the location of the bulkheads to confirm that no more than 20 percent of each lake shoreline consists of bulkhead or rip-rap. Lakes where bulkheads are proposed must be designed to provide one linear foot of compensatory littoral zone with an 8:1 slope for each linear foot of bulkhead. For lakes that utilize bulkheads, littoral plants must be calculated at two (2) plants per linear foot of shoreline clustered within the 8:1 slope portion of the lake.

The development order must include a typical cross-section detail of bulkhead and rip-rap areas on the paving, grading and landscape plan.

- 19) Transportation Concurrency for this project will be measured pursuant to the Lee Plan and LDC standards in place at the time of the development order. This must include evaluating Bayshore Road from Nalle Road to 1-75 for transportation concurrency. Prior to development order approval, the developer must demonstrate that the Level of Service (LOS) will not fall below the

adopted level of service on the identified links. In determining that level of service, only road improvements with committed funding, as provided in FAC 9J-2.045, may be considered.

- 20) The developer must provide intersection improvements to the intersection of Bayshore Road and Pritchett Parkway. At a minimum, the developer will construct a southbound right turn lane as a site-related improvement, and not eligible for road impact fee credits. In cooperation with the Florida Department of Transportation and the County, the developer may realign Pritchett Parkway to address future operational problems caused by project traffic.
- 21) The developer must construct an eight-foot-wide bicycle path or two (2) five-foot- wide sidewalks along Pritchett Parkway from Bayshore Road to Rich Road. Whether the portions of the bicycle/pedestrian improvements constructed 1) between Bayshore Road and the southernmost site entrance, and 2) between Rich Road and the northernmost site entrance, will be eligible for road impact fee credits will be determined through negotiations between the Staff and the Applicant when there is sufficient information to make such a determination.
- 22) Blasting is prohibited on this project site.
- 23) The excavation of material from the lake areas does not constitute construction materials mining as defined under Section 552.30, Florida Statutes.
- 24) AGRICULTURAL USES:

Agriculture is not approved as a permanent use in the Schedule of Uses for this property. All agricultural uses must cease upon approval of the requested rezoning, EXCEPT as follows:

 - a) Existing bona fide agricultural uses, as shown in attached Exhibit H, may continue until approval of a local development order for the area of the project containing those uses.
 - b) Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.
 - c) The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The agricultural use must cease by December 31st of the calendar year in which the local development order is issued. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.
- 25) Deleted.
- 26) Development along Popash and Bayshore Creeks:

General Conditions:

- a) Prior to issuance of the first Development Order (or any early work, clearing, filling permits), the applicant must submit the following information for review and approval by the Lee County Natural Resources Division:
 - 1) ~~If the~~ **The HEC-RAS model was based upon the absence of development within 50 feet from the top of creek bank. No development is proposed within 50 feet from top of creek bank with the exception of an at-grade walking path. If any development is later proposed within 50 feet of the top of creek bank,** ~~development parameters change from those modeled and approved during the rezoning then developer must provide an~~ **updated** HEC-RAS model pursuant to the same modeling parameters established during the rezoning process for the Popash and Bayshore Creeks demonstrating that the revised development will not induce any rise to the existing flood elevations, nor any increases in velocities, nor any transfer in overbank flows for the 10-, 25-, and 100-year storms.
 - 2) Show the location and extent of the existing and proposed cross sections from the HEC-RAS model on the Development Order plans, as well as, defining the existing top of bank station/elevation, overbank elevations, roadway elevations, and bridge dimensions and elevations. Sufficient details or sections showing continuity and

- capacity of flows in the overbank must be clearly demonstrated.
- 3) All plans and documents related to the above must include the statement: "This is to certify that I am a duly qualified engineer licensed to practice in the State of Florida. It is to further certify that these design plans, drawings, and associated technical calculations and/or data demonstrate that no adverse effects to the existing flood elevations will occur as a result of this development."
 - 4) The above information must be submitted to the South Florida Water Management District (SFWMD) for review, consideration, and inclusion in their permit files.
 - 5) The developer or its assigns must dedicate a drainage/maintenance easement to Lee County for Popash and Bayshore Creeks for all portion(s) of the channel and its overbanks included in the HEC-RAS modeling and that lie within its property limits. The easement may be part of any conservation easement dedicated to Lee County and the South Florida Water Management District (SFWMD), but must be consistent with the maintenance activities anticipated and outlined in these conditions. The easement must also give the county the right, but not the obligation for maintenance and provide for maintenance access along the creeks. As a part of the easement, the developer agrees to a monthly maintenance schedule to include initial and ongoing maintenance for these creeks that is to include removal of all exotics including, but not limited to, grape vines (above three feet in height above ground) and rosary pea, any deposited debris, fencing, fallen trees, or eroded vegetation. The basic ground cover within the easement area is to remain in its current grassed condition. The relocation of onsite Sabal palms from other parts of the property to the easement area is permissible, but must not be collocated closer than a ten (10) foot spacing. No saw palmetto or shrubbery of any type is to be planted within the easement area. The easement must be reviewed and approved by the County Attorney and Natural Resources during the platting process. This same drainage/maintenance easement language must be contained within the Community Development District (CDD) or Home Owners Association (HOA) documents.
 - 6) All modifications and exotic vegetation removal outlined herein for Popash and Bayshore Creeks must be completed before the issuance of the first Certification of Completion for the first Development Order.
 - 7) The east-west ditch proposed along the northerly boundary of the development must have no interconnection between Popash and Bayshore Creeks.

Popash Creek:

- b) Prior to issuance of the first Development Order (or any early work, clearing, filling permits) containing the bridge crossing, the developer must provide complete construction plans for the bridge for review and approval by the Lee County Natural Resources Division and be in accordance with the following:
 - 1) The bridge crossing of Popash Creek must be a pile- supported structure.
 - 2) No more than two (2) rows of pilings (or supports) are permitted in the overbank and none may be closer than 10 feet to the existing top of bank. Each row must be perpendicular to the direction of flood flows and each must have a maximum dimension of twenty-four (24) inches.
 - 3) The low chord of the bridge must be at or above the 100- year floodwater surface elevation and the abutments for the bridge may not be closer than 50 feet to the existing top of bank. Additionally, the low chord must be at least two (2) feet above the highest overbank elevation within the 50-foot offset areas (total of 100 feet $\pm$).
 - 4) No berming, filling, planting, or other above ground construction/amenities are permitted within 50 feet of the existing top of banks for Popash Creek, unless permitted elsewhere in these conditions by Lee County Natural Resources.

Bayshore Creek:

- c) All modifications and exotic vegetation removal outlined below for Bayshore Creek must be completed before the issuance of the first Certification of Completion for the first

Development Order.

- 1) The spoil is to be removed down to an elevation of 18.0 feet NGVD and then sloped in conjunction with the perimeter berm along Bayshore Creek for that portion upstream of Prichett Parkway and within the 50-foot offset from the existing top of bank.
 - 2) No berming, filling, planting, or other above ground construction/amenities are permitted within 50 feet of the existing top of bank for Bayshore Creek, unless permitted elsewhere in these conditions by Lee County Natural Resources.
- 27) In light of the potential for the existing High Point Wastewater Treatment Plant (WWTP) to continue operation, the developer must disclose the existence, location and operation of the sewage treatment plant to any purchasers of property immediately adjacent to a line 250 feet from the perimeter boundary of the WWTP site (excluding that portion of the site containing the access road into the WWTP site).
- Any and all agreements for the sale of property immediately adjacent to the 250-foot dimension must include this disclosure statement. The following disclosure statement must appear in bold face and conspicuous type that is larger than the type in the remaining text of the contract:

"Lot owners immediately adjacent to the line, 250 feet from the perimeter boundary of the WWTP site within the Stoneybrook North (f/k/a Heritage Creek) Planned Development, must acknowledge the presence of the High Point Wastewater Treatment Plant."

- 28) The maintenance of Popash and Bayshore Creeks within the property limits, which is required in Condition 26, will be assured by the provision of a surety for the annual cost of maintenance. Evidence of the surety must be provided to the County prior to certificate of completion of the first development order for the drainage infrastructure for the project.
- 29) In an effort to cooperate in achieving the reduction of the regional flooding problem, the applicant must provide a drainage easement to Lee County for the drainage ditch along the north boundary of the property. This easement is for the purpose of allowing the existing ditch to accept the quantity of stormwater that is approved pursuant to a South Florida Water Management District permit addressing the regional flooding problem.
- 30) Except as otherwise noted on the MCP, perimeter buffers around the outside perimeter of the property will require 10 trees per 100 linear feet and a double staggered hedge. The hedge will be installed at 36 inches high and maintained at 60 inches high for areas annotated with Buffer Note 1 or installed at 48 inches high and a minimum of 20 feet from the property line for areas annotated with Buffer Note 2 except as modified by Deviation 18.
- 31) Lighting
 - a. Outdoor ballfield lights for any baseball field located on Tract K are prohibited.
 - b. Outdoor recreational lighting for any multi-purpose courts or fields located on Tract K (with the exception of ballfields where lighting is prohibited) and Tract M must be on timers. Lighting impacts will be measured at the boundary of Tracts K and M, and not at the boundary of any adjacent lakes or preserve areas.
- 32) 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 Allocations Table, Map 16 and Table 1(b).

PROPOSED ADDITIONAL CONDITIONS:

- 33) Declaration of covenants and restrictions must be provided as an amendment to the Phase 2 development order to reflect [590 or TBD] dwelling units limited to adult senior housing within Tracts A, B, B1, C & D.
- 34) A. “Brightwater Country Club” is an approved use in the Brightwater RPD (fka “Stoneybrook North”) determined to be substantially similar to the existing “Club, Country” use. “Brightwater Country Club” means the building(s) and associated recreational facilities constructed in conjunction with the Brightwater Crystal Lagoon, open to members and their guests for a membership fee, and also includes daily non-resident reservations based on available parking capacity at the time of online reservation. Similarly to other country club facilities, occasionally such facilities may be leased to outsiders for banquets, weddings, etc.
- B. The Brightwater Country Club will be privately owned and operated with a fully gated Crystal Lagoon recreational water amenity to serve the residents and guests of the RPD as a semi-private recreation facility serving the amenity and lifestyle needs of the Brightwater community. Resident memberships in the Brightwater Country Club will be included in every purchase of a Brightwater home. The number of homeowner memberships are limited to the same number as the approved dwelling units.
- C. Non-resident access to the Brightwater Country Club amenities and recreational facilities requires purchasing reservations on the Brightwater Country Club portal website that will function similarly to the reservation portal website at lagooninformation.com. In addition to online reservations through the portal, daily reservations to non-residents will be limited based upon parking availability in the parking lot adjacent to the Brightwater Country Club which will be monitored and controlled by Staff of the Brightwater Country Club who will ensure that the parking lots will not exceed capacity. Signage on Pritchett Parkway will notify the public that no parking is permitted on Pritchett Parkway.
- D. The Brightwater Country Club parking lot is required to provide a minimum of 180 parking spaces.
- E. Golf cart parking areas shall be available for exclusive use of Brightwater homeowners.
- 35) Access points for fill to be transported across Pritchett Parkway will be limited to a single location on both sides of Pritchett Parkway at any given time. Maintenance of Traffic (MOT) will be provided by the developer and will be in accordance with FDOT MOT specifications, including but not limited to advance warning signage and flagmen. A street sweeper will be present while material is actively being transported across Pritchett Parkway and will perform regularly scheduled sweeps and additionally sweep on an as needed basis to maintain a safe travel way. Erosion control measures for Pritchett Parkway and the crossing area will be detailed in the Development Order process for staff review and approval.
- 36) **Voluntary Enhancements:**
- a) Residential uses removed from and transferred internal to site Tract E1 (±9.73-acres).
 - b) Residential uses removed from and transferred internal to site Tract N (±10.37 acres).
 - c) No residential uses and density transferred internal to site Tract O (±14.43)
 - d) Tract D- Prior to construction certification of the westernmost lots abutting the Hunter’s Glen subdivision property line, developer will provide:
 - i) An easement to allow potential for Hunter’s Glen’s construction (at their option) of

- a turnaround for emergency, solid waste, and resident vehicles for Hunter's Glen subdivision. Developer has the right (but not the obligation) to construct this improvement.
- ii) An easement and stubbed water mains to allow potential for Hunter's Glen's construction (at their option) of fire hydrants as enhancement to Hunter's Glen subdivision fire protection. Developer has the right (but not the obligation) to construct this improvement.
- e) Development Order application and approval for Tract A must demonstrate increased open space separation to lots (varying $\pm 35'$ – $\pm 82'$ setback between lot lines and perimeter) along western perimeter boundary as shown on the Master Concept Plan.
- f) Tract M – Prior to construction certification of easternmost lots in Tract M, developer will provide a utility easement for Seminole Campground to allow (at their option):
i) Connection to central sewer to take the Seminole Campground WWTP off-line; and
ii) Opportunity for water main looping for increased fire protection.
Developer has the right (but not the obligation) to construct this improvement.
- 37) Each development order must reference the "Brightwater Site-wide Construction Water Quality Monitoring Program" on file with case number DOS2018-00034-A01 which may be amended from time to time as needed to address current circumstances without requiring a zoning amendment.

SECTION C. DEVIATIONS:

1. Deviation (1) - Withdrawn
2. Deviation (2) – Withdrawn
3. Deviation (3) seeks relief from §10-418(2)d, which requires the installation of native wetland herbaceous plants at a calculation of 25 percent of the total linear feet of shoreline multiplied by the 20-foot-wide planted littoral shelf and divided by four to obtain two-foot-on-center spacing, and where trees and shrubs can be substituted for up to 25 percent of the total number of herbaceous plants required; to allow the required plantings to include up to 50 percent trees in the Tract M Q lake (Lake L1). This deviation is APPROVED, SUBJECT TO Condition 16, ~~as amended by ADD2015-00134 and restated herein.~~
4. Deviation (4) - Withdrawn
5. Deviation (5) - Withdrawn
6. Deviation (6) – Withdrawn
7. Deviation (7) seeks relief from §10-329(d)(4), which requires excavations to be sloped at a ratio not greater than six (6) horizontal to one (1) vertical from the top of bank to a water depth of two feet below the dry season water table and a ratio of two (2) horizontal to one (1) vertical thereafter; to allow 40 percent of the lake bank slopes within the development to utilize vertical bulkheads or rip rap. This deviation is APPROVED, SUBJECT TO Condition 18 of Resolution Z-02-070.
8. Deviation (8) – Withdrawn

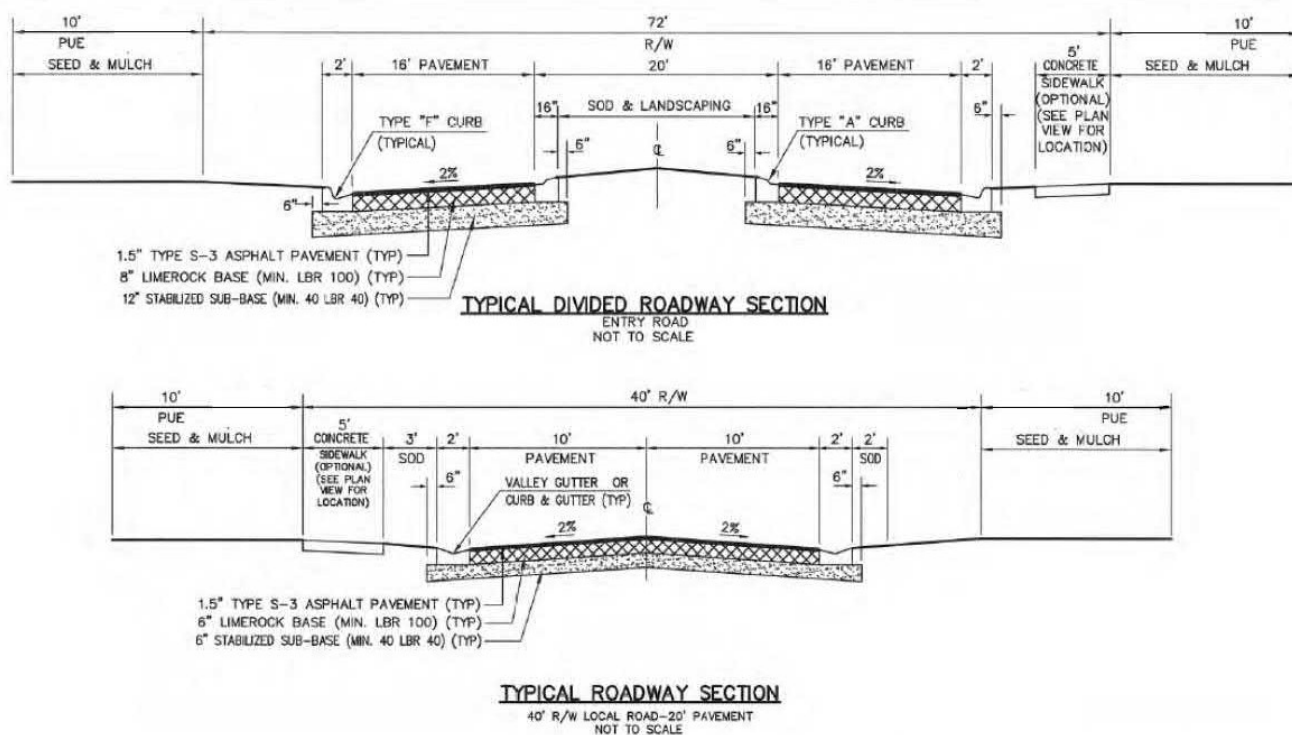
9. Deviation (9) – Withdrawn
10. Deviation (10) – Withdrawn
11. Deviation (11) – Withdrawn
12. Deviation (12) seeks relief from §34-1954(a)(1) which requires administrative approval of locations for model homes in new developments; to allow model homes by right in the locations within the development as shown on the MCP. This deviation is APPROVED.
13. Deviation (13) seeks relief from §34-1954(f) which requires parking for model homes or model units to be located on the same premises and in compliance with the type of dwelling unit being displayed; to permit the development of accessory parking for model homes as low turnover and therefore permit development of these lots with alternative surfaces. This deviation is APPROVED, SUBJECT TO the following conditions:
 1. The entrance apron into each parking lot would be paved.
 2. The handicapped parking space(s) in each lot would be paved.
 3. The Applicant will keep the portion of the street in front of each model free from gravel or shell that may be tracked out the model home parking area(s) by departing vehicles.
14. Deviation (14) seeks relief from §30-153(2)(a)(iv) which limits the text of additional subdivision or residential development identification signs to the subdivision or project name; to allow the additional signs for this project to include the notation "A US Home **Developer's Name** Community," in addition to the name of the development. This deviation is APPROVED, SUBJECT TO the following condition:

The proposed project sign must be in substantial compliance with the rendering submitted in conjunction with the justification for Deviations 14 and 15, which was stamped "Received Apr 07 2003 Community Development" and attached as **Exhibit G**.
15. Deviation (15) seeks relief from §30-152(2)(d) which limits the size of project entrance signs and which limits the size and number of additional project signs to allow all of the permitted square footage for the number of permitted signs to be combined into the main project entrance sign and a deviation from §30-94(h) which restricts double faced signs with opposing faces to an interior angle of less than 30 degrees; to allow the ~~Heritage Creek~~ **Community Name** project sign to have two sign faces of approximately 130 square feet in size and be located on a

curvilinear wall. This deviation is APPROVED, SUBJECT TO the following condition:

The proposed project sign must be in substantial compliance with the rendering submitted in conjunction with the justification for Deviations 14 and 15 which was stamped "Received Apr 07 2003 Community Development" and attached as Exhibit G.

16. Deviation (16) - Withdrawn
17. Deviation 17 seeks relief from LDC Section 10-296(e)(2)h.5.ii. and iii., which require Residential Suburban Local Streets to have a 5-foot planting strip and 5-foot pedestrian facility on both sides of the road, to allow internal roadways to be designed and constructed in accordance with the following cross sections approved by DOS2015-00083, as amended:



This deviation is APPROVED, SUBJECT TO the following condition:

- a. The developer must provide a pedestrian way along one side of all streets internal to the development and must extend each pedestrian way from intersection to intersection
18. Deviation 18 seeks relief from LDC Section 10-416(d)(9), which requires a 50-foot-wide vegetated natural waterway buffer containing six native canopy trees and 50 native shrubs per 100 linear feet, which may be met through credits from the existing native vegetation within the waterway buffer area at a 1:1 credit ratio, to allow existing vegetation to remain to meet the buffer requirements and to allow areas to remain in their natural state if no vegetation exists with no planting plan required. This deviation is APPROVED, SUBJECT TO the following condition:
 - a. The areas at the northwestern corner of the property within the required natural waterway buffer depicted on the Master Concept Plan with annotations referencing Buffer Note 1 and Buffer Note 2 may not be

planted.

19. Deviation 19 seeks relief from LDC Section 10-418(1), which requires shorelines to be sinuous rather than straight, to allow existing or permitted lakes to remain as designed.
20. Deviation 20 seeks relief from LDC Section 10-296(k)(1), which requires dead-end streets to provide a circular turnaround, to allow a dead-end street in Tract E as shown on MCP.
21. Deviation 21 seeks relief from LDC Section 34-1264 to allow outdoor consumption on premises to be located $\pm 466'$ feet from a dwelling unit under separate ownership.



Professional Engineers, Planners & Land Surveyors

Brightwater RPD

Schedule of Deviations and Justifications

DCI2021-00012

August 2021

The previous zoning approvals included eighteen (18) existing deviation requests and approved eight (8) (deviations 3 – Lake L1 herbaceous planting, 7-bulkhead or riprap, 12-model homes, 13-model home parking lots, 14-signage, 15-signage, 17-street section, and 18-natural waterway buffer) with the remaining being withdrawn. These deviations are requested to remain with minor revisions to 3, 14 and 15 as included in the drafted conditions and deviations document.

The subject request includes the following additional requested deviations:

Deviation (19): Deviation 19 seeks relief from LDC Section 10-418(1), which requires shorelines to be sinuous rather than straight, to allow existing or permitted lakes to remain as designed.

Justification: Since the original zoning approval in 2004, the property has received several development approvals. This deviation is requested for the lakes that are either existing or that have received SFWMD and Lee County DO approval to remain as permitted. Lake 1 is existing (L1) to remain as-is. The lakes within Phase 1 have been permitted through the SFWMD and Lee County DO and have been constructed (L23, L24, L25, L26, L28, L29, L30, L31). The lakes within Phase 2 have received Lee County DO approval and SFWMD approval (L2, L3, L4, L5, L6, L7, L8, L9, L10, L11, L12) and are proposed to remain as permitted. The remaining Lakes not yet permitted for construction (L13, L15, L16, L18, L19, L20, L21, L22) will be revised to provide a sinuous shoreline. If any of the existing permitted lakes are redesigned, they will provide a sinuous shoreline. The requested deviation is internal to the site and enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.

Deviation (20): Deviation 20 seeks relief from LDC Section 10-296(k)(1), which requires dead-end streets to provide a circular turnaround, to allow a dead-end street in Tract E as shown on MCP.

Justification: The requested deviation is included in LDC Section 10-104(a)(9) list of provisions where the Development Services Director is authorized to grant administrative deviations. This deviation is requested to allow a dead-end right-of-way in Tract E that is less than 100' long and is proposed to provide future access to Tract E1. Tract E1 is not proposed for any residential development and is limited to drainage; excavation, water retention; park, group I limited to nature preserve or passive or active recreation; park, private; recreation; streets and street rights of way; and utility rights-of-way. Tract E1 may

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remain in its existing state. The proposed access does not require a turn-around per NFPA standards. There is ample room with the short deadend to provide adequate access for emergency vehicles. At the time of development order approval, the applicant must demonstrate no objection from the Fire District and any future development of Tract E1 must demonstrate no objection from the Fire District. The requested deviation is internal to the site and enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare. The alternative proposed is based on sound engineering practices and is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested. The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision.

Deviation (21): Deviation 21 seeks relief from LDC Section 34-1264 to allow outdoor consumption on premises within Tract K to be located ± 466 feet from a dwelling unit under separate ownership external to the RPD.

Justification: This deviation is requested because the reconfigured MCP places a small portion of Tract K less than 500 feet from dwelling units under separate ownership external to the RPD. Only a very small portion of a walking path around the proposed water amenity lies within 500 feet of the external residence property line. In lieu of placing signs that allow no outdoor consumption on premises in this small area, the deviation is being requested. A portion of Tract J falls within this separation area which is anticipated for development with townhomes or may alternatively be developed with single-family or two-family attached dwelling units. There is an additional $\pm 85'$ - $\pm 150'$ separation between Tract J and the external residence property line that consists of a preservation area containing Popash Creek that provides a significant buffer. The indoor and outdoor COP has been shown on the MCP and included in the schedule of uses since ADD2015-00134 with internal residences abutting the use within less than 500 feet. The marker was to depict that there were no external residential properties within 500 feet of the COP use. LDC Section 34-1264(a)(3)a. states, "No administrative approval is necessary where an individual establishment or other facility proposing consumption on the premises is explicitly designated on the master concept plan and is included on the schedule of uses." LDC Section 34-1264(b)(1)a.2 further clarifies that the 500' separation does not apply to dwelling units when approved as part of a planned development. The requested deviation is internal to the site and enhances the achievement of the objectives of the planned development and will preserve and promote the general intent to protect the public health, safety and welfare.



Professional Engineers, Planners & Land Surveyors

Brightwater RPD f/k/a Stoneybrook North/Heritage Creek Minor Amendment to Planned Development Density Calculations

DCI2021-00012

(Revised July 2021)

The Overall Planned Development Zoning includes ±741.22 acres. This amendment excludes all of North Brook Phase One as recorded in Instrument number 2019000172912 of the Public Records of Lee County (258 existing residential lots) except includes TRACT-FD. The Lee County well parcel identified as STRAP number 21-43-25-00-00002.0020 has also been removed from the application. This amendment covers ±638.17 acres of the overall ±741.22 acre Planned Development. Calculations below show **subject application/overall PD zoning** for comparison of densities.

A. Future Land Use Category: Sub-Outlying Suburban

	Lee Plan Table 1(a) Max. standard density	Units
1. Standard Units		
a. Total upland acres (from Part 4, D.)	<u>571.22/</u> <u>674.27</u> x 2 equals	1,142.44/ 1,348.5
b. Total preserved freshwater wetlands acres (from Part 4, D.)	<u>63.5</u> x 2 equals	127
c. Total impacted wetlands acres (from Part 4, D.)	<u>0</u> x _____ equals	
d. Total Allowed Standard Units ⁽¹⁾		<u>1,269.44/</u> <u>1,475.5</u>
2. Bonus Units [2-143]		
a. Site-built Affordable Housing		N/A
b. Transferrable Dwelling Units		N/A
c. Sub-total		N/A

A. Future Land Use Category: General Interchange

	Lee Plan Table 1(a) Max. standard density	Units
1. Standard Units		
a. Total upland acres (from Part 4, D.)	<u>3.45</u> x 14 equals	48.3
b. Total preserved freshwater wetlands acres (from Part 4, D.)	<u>0</u> x _____ equals	
c. Total impacted wetlands acres (from Part 4, D.)	<u>0</u> x _____ equals	
d. Total Allowed Standard Units ⁽¹⁾		
2. Bonus Units [2-143]		
a. Site-built Affordable Housing		N/A
b. Transferrable Dwelling Units		N/A
c. Sub-total		N/A*
*NOT proposed, but additional 8 DU/acre eligible for bonus density: 27.6 DU not included below		
3. Total Permitted Units ⁽¹⁾		<u>1,318/</u> <u>1,524</u>

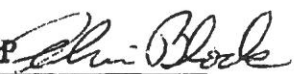
Request is for 1,500 Units total – existing 258 units = 1,242 units

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MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT - ZONING DIVISION

DATE: July 8, 2003

TO: Hearing Examiner

FROM: Alvin Block, AICP 

Principal Planner

RE: DCI2001-00038, Heritage Creek

The Natural Resources Division and the Division of Environmental Sciences have completed another site visit since the last hearing date. Attached you will find a Memorandum from the Natural Resources Division providing their recommended conditions, if the zoning approval is granted. This Natural Resources Division memorandum of July 7, 2003 replaces a memo previously prepared on June 17, 2003.

The Applicant's engineering firm supplied a document on June 26, 2003 entitled Stoneybrook North/Heritage Creek, HEC-RAS Model. This document is also attached.

Environmental Science advises that their comments and recommendations remain unchanged from Staff report for the June 18th and 19th hearing dates, as revised by their Memorandum dated June 17, 2003.

The remaining staff recommendations are unchanged and may be found in the Revised Staff Report prepared for the June 18th and 19th hearing dates.

attachments: Memorandum from Natural Resources, dated July 7, 2003
Correspondence with attachment from Banks Engineering, received on
June 26, 2003.

cc: Zoning/DCI Files
John Fredyma, Assistant County Attorney
Steve Hartsell, Applicant's agent
Ralf Brookes, attorney

M E M O R A N D U M
DEPARTMENT OF PUBLIC WORKS
NATURAL RESOURCES DIVISION

TO: Chip Block
Development Services Division

FROM: Bradley S. Vance



RE: HERITAGE CREEK (DCI2001-00038)

RECEIVED

JUL 07 2003

ZONING

DATE: July 7, 2003

Below are our conditions for the above project. The following conditions reflect the assumptions, methodologies, and input parameters associated with the modeling and the development activities anticipated and associated with the channel and overbanks for Popash and Bayshore Creeks.

GENERAL

1. Prior to issuance of the first Development Order (or any early work, clearing, filling permits), the applicant must submit the following information for review and approval by the Lee County Natural Resources Division:

a. If the development parameters change from those modeled and approved during the rezoning, then developer must provide an HEC-RAS model pursuant to the same modeling parameters established during the rezoning process for the Popash and Bayshore Creeks demonstrating that the revised development will not induce any rise to the existing flood elevations, nor any increases in velocities, nor any transfer in overbank flows for the 10-, 25-, and 100-year storms.

b. Show the location and extent of the existing and proposed cross sections from the HEC-RAS model on the Development Order plans, as well as, defining the existing top of bank station/elevation, overbank elevations, roadway elevations, and bridge dimensions and elevations. Sufficient details or sections showing continuity and capacity of flows in the overbank must be clearly demonstrated.

c. All plans and documents related to the above must include the statement: "This is to certify that I am a duly qualified engineer licensed to practice in the State of Florida. It is to further certify that these design plans, drawings, and associated technical calculations and/or data demonstrate that no adverse affects to the existing flood elevations will occur as a result of this development".

d. The above information must be submitted to the South Florida Water Management District (SFWMD) for review, consideration, and inclusion in their permit files.

e. The developer or its assigns must dedicate a drainage/maintenance easement to Lee County for Popash and Bayshore Creeks for all that portion(s) of the channel and its overbanks included in the HEC-RAS modeling and that lie within its property limits. The easement may be apart of any conservation easement dedicated to Lee County and the South Florida Water Management District (SFWMD), but must be consistent with the maintenance activities anticipated and outlined in these conditions. The easement must also give the county the right, but not the obligation of maintenance and provide for maintenance access along the creeks. As a part of the easement, the developer agrees to a monthly maintenance schedule to include an initial and ongoing maintenance for these creeks that is to include removal of all exotics including, but not limited to, grape vines (above three feet in height above ground) and rosary pea, any deposited debris, fencing, fallen trees, or eroded vegetation. The basic ground cover within the easement area is to remain in its current grassed condition. The relocation of onsite sabal palms from other parts of the property to the easement area is permissible, but must not be collocated closer than a ten (10) foot spacing. No saw palmetto or shrubbery of any type is to be planted within the easement area. Said easement must be reviewed and approved by the County Attorney and Natural Resources during the platting process. This same drainage/maintenance easement language must be contained within the Community Development District or Home Owners Association documents (eg: CDD, HOA, etc).

f. All modifications and exotic vegetation removal outlined herein for Popash and Bayshore Creeks must be completed before the issuance of the first Certification of Completion for the first Development Order.

g. The east-west ditch proposed along the northerly boundary of the development must not provide for an interconnection between Popash and Bayshore Creeks.

POPASH CREEK

2. Prior to issuance of the first Development Order (or any early work, clearing, filling permits), containing the bridged crossing, the developer must provide complete construction plans for the bridge for review and approval by the Lee County Natural Resources Division and be in accordance with the following:

a. The bridge crossing of Popash Creek must be a pile supported structure.

b. No more that 2 rows of pilings (or supports) are permitted in the overbank and none may be closer than 10 feet to the existing top of bank. Each row must be perpendicular to the direction of flood flows and each must have a maximum dimension of twenty-four inches (24").

c. The low chord of the bridge must be at or above the 100-year floodwater surface elevation and the abutments for the bridge may not be closer than fifty feet (50') to the existing top of bank. Additionally, the low chord must be at least two feet (2') above the highest overbank elevation within the fifty foot offset areas (total of 100'+).

d. No berming, filling, planting, or other above ground construction/amenities are permitted within fifty feet (50') of the existing top of banks for Popash Creek, except as elsewhere permitted in these conditions by Lee County Natural Resources.

BAYSHORE CREEK

3. All modifications and exotic vegetation removal outlined below for Bayshore Creek must be completed before the issuance of the first Certification of Completion for the first Development Order.

a. Along Bayshore Creek for that portion upstream of Prichett Parkway and within the fifty (50) foot offset from the existing top of bank, the spoil is to be removed down to an elevation of 18.0 feet NGVD and then sloped in conjunction with the perimeter berm.

b. No berming, filling, planting, or other above ground construction/amenities are permitted within fifty feet (50') of the existing top of bank for Bayshore Creek, except as elsewhere permitted in these conditions by Lee County Natural Resources.

Banks Engineering, Inc.Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

June 26, 2003

Mr. Alvin "Chip" Block
Lee County Planning Department
1500 Monroe Street
Fort Myers, Florida 33901Reference: Stoneybrook North/Heritage Creek
HEC-RAS Model

DCI - 2001 - 00038

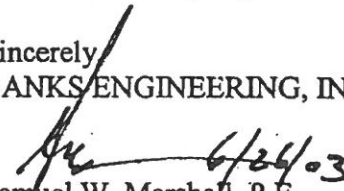
Dear Chip:

Attached are the HEC-RAS model output files for Popash and Bayshore Creeks. Based upon a field review with the applicant, consultants and County staff, the models analyzed an encroachment of 50 feet only on the project side of the creeks. This is conservative as the Master Concept Plan shows a *minimum* 50 foot setback from the top of creek banks. The roughness coefficients, representing the state of vegetation which impedes flow along the creeks were entered as follows:

Bayshore Creek Existing Channel	0.060
Bayshore Creek Existing Overbank	0.110
Popash Creek Existing Channel	0.050
Popash Creek Existing Overbank	0.150

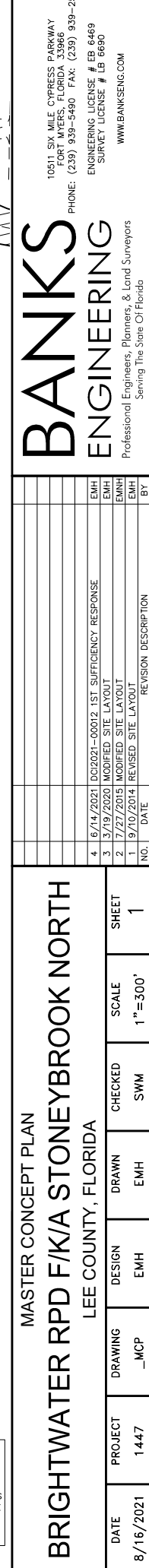
Bayshore Creek Proposed Channel	0.050
Bayshore Creek Proposed Overbank	0.075
Popash Creek Proposed Channel	0.040
Popash Creek Proposed Overbank	0.100

The complete electronic files have been e-mailed to Lee County Natural Resources, attention Brad Vance, P.E.

Sincerely,
BANKS ENGINEERING, INC.
Samuel W. Marshall, P.E.
Project ManagerCC: Brad Vance
Deno Benetis
Steve Hartsell

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JUN 26 2003
PERMIT COUNTER

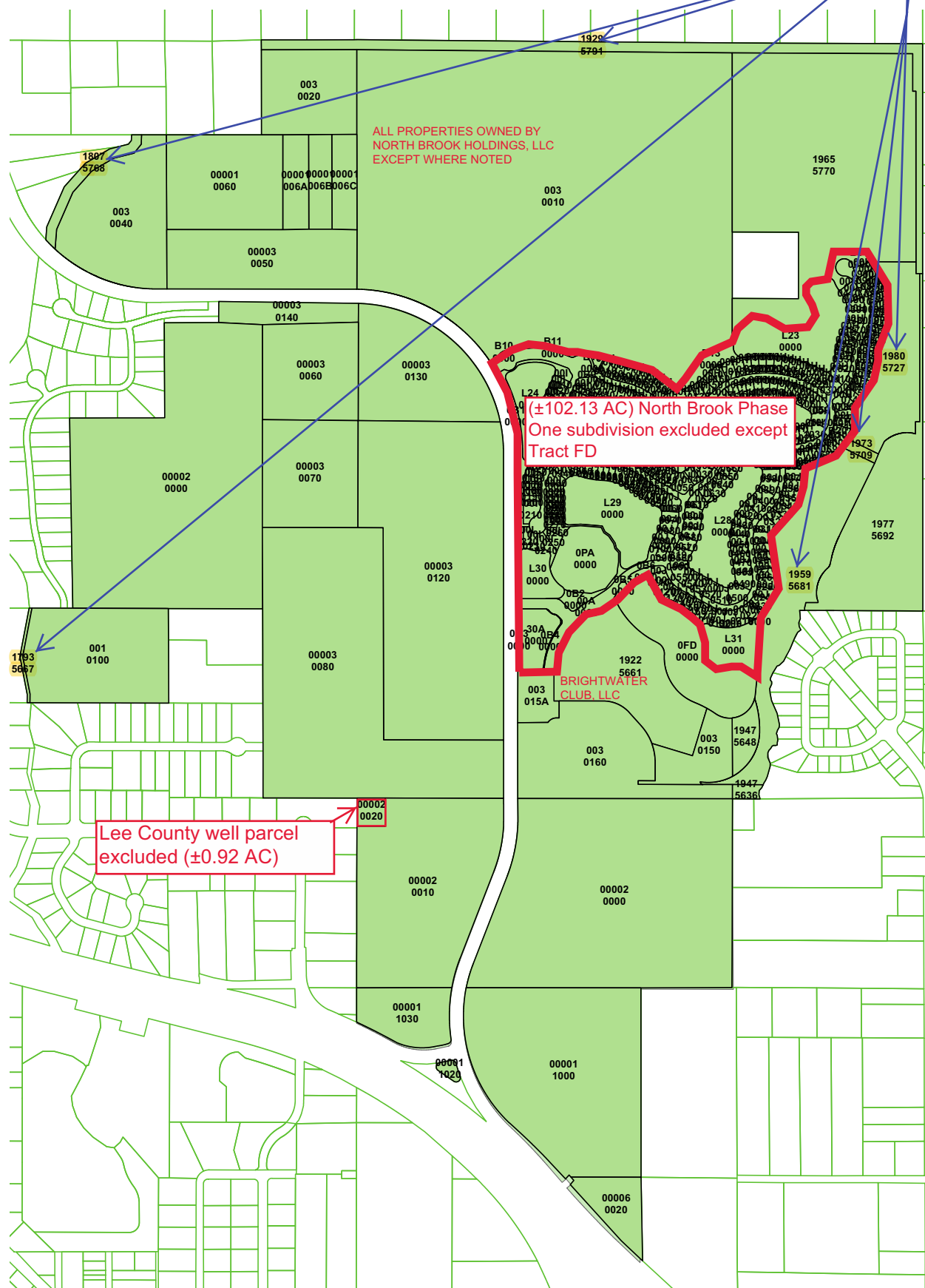






Applicant Property Owner Map and List

 STONEYBROOK
NORTH CDD



Lee County well parcel
excluded (± 0.92 AC)

(±102.13 AC) North Brook Phase
One subdivision excluded except
Tract FD



1,200 900 600 300 0

1,200 Feet

STRAP NUMBERS

Owner	Address	City	STRAP
NORTH BROOK HOLDINGS LLC	NORTH BROOK C/E	NORTH FORT MYERS	16-43-25-00-00003.0150
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00001.006A
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	15-43-25-L1-U1947.5648
NORTH BROOK HOLDINGS LLC	NORTH BROOK C/E	NORTH FORT MYERS	16-43-25-00-00003.015A
NORTH BROOK HOLDINGS LLC	17400 PRITCHETT PKWY	NORTH FORT MYERS	21-43-25-00-00006.0020
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00003.0080
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00003.0040
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00003.0120
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	21-43-25-00-00001.1030
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00001.0100
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	15-43-25-L1-U1947.5636
NORTH BROOK HOLDINGS LLC	17640 PRITCHETT PKWY	NORTH FORT MYERS	21-43-25-00-00002.0000
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00001.006C
NORTH BROOK HOLDINGS LLC	NORTH BROOK C/E	NORTH FORT MYERS	16-43-25-00-00003.0160
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	21-43-25-00-00001.1000
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00003.0020
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00001.006B
NORTH BROOK HOLDINGS LLC	RIGHT OF WAY	NORTH FORT MYERS	21-43-25-00-00001.1020
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00003.0140
NORTH BROOK HOLDINGS LLC	NORTH BROOK C/E	NORTH FORT MYERS	16-43-25-L3-050FD.0000
NORTH BROOK HOLDINGS LLC	NORTH BROOK C/E	NORTH FORT MYERS	15-43-25-L1-U1965.5770
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00003.0070
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00003.0010
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	15-43-25-L1-U1977.5692
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00003.0060
NORTH BROOK HOLDINGS LLC	18900 PRITCHETT PKWY	NORTH FORT MYERS	16-43-25-00-00003.0050
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00003.0130
NORTH BROOK HOLDINGS LLC	17641 PRITCHETT PKWY	NORTH FORT MYERS	21-43-25-00-00002.0010
NORTH BROOK HOLDINGS LLC	8350 RICH RD	NORTH FORT MYERS	16-43-25-00-00001.0060
NORTH BROOK HOLDINGS LLC	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-00002.0000
STONEBROOK NORTH CDD	STONEBROOK NORTH C/E	NORTH FORT MYERS	15-43-25-L1-U1959.5681
STONEBROOK NORTH CDD	NORTH BROOK C/E	NORTH FORT MYERS	15-43-25-L1-U1973.5709
STONEBROOK NORTH CDD	NORTH BROOK C/E	NORTH FORT MYERS	15-43-25-L1-U1980.5727
STONEBROOK NORTH CDD	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-00-U1793.5667
STONEBROOK NORTH CDD	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-L1-U1807.5768
STONEBROOK NORTH CDD	ACCESS UNDETERMINED	NORTH FORT MYERS	16-43-25-L2-U1929.5791
BRIGHTWATER CLUB LLC	NORTH BROOK C/E	NORTH FORT MYERS	16-43-25-L3-U1922.5661