

Exhibit E

RESOLUTION NUMBER Z-22-015

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

WHEREAS, North Brook Holdings, LLC filed an application on behalf of the property owner, Stoneybrook North Community Development District, to amend the existing Brightwater Residential Planned Development (RPD) f/k/a Stoneybrook North, in reference to Brightwater RPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on April 28, 2022; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2021-00012 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on August 17, 2022 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The Applicant filed a request to amend the existing Brightwater RPD f/k/a Stoneybrook North to:

1. Reconfigure tracts;
2. Relocate dwelling units to the interior;
3. Add 'Dwelling Unit, Townhouse' to the approved schedule of uses;
4. Add Brightwater Country Club and allow limited non-resident access to the Crystal Lagoon amenity;
5. Add 225 dwelling units [increase maximum dwelling units from 1,275 to 1,500];
6. Convert 590 single-family dwelling units to senior adult housing;
7. Incorporate voluntary enhancements;
8. Allow fill material to be moved across Pritchett Parkway; and
9. Add two deviations.

The property is located in the General Interchange, Sub-Outlying Suburban and Wetlands Future Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Master Concept Plan (MCP) and Development Intensity

- a. MCP. Development must be consistent with the two-page MCP entitled "Master Concept Plan Brightwater RPD F/K/A, Stoneybrook North," prepared by Banks Engineering, Inc., last revised August 17, 2022 (Exhibit C), except where modified by the conditions below.
- b. Lee Plan and LDC. Development must comply with the LDC and Lee Plan at the time of local development order approval, except where deviations are approved herein. Subsequent amendments to this zoning resolution and MCP may be subject to further development approvals.
- c. Development Parameters. The RPD is permitted a maximum of 1,475 dwelling units, limited to the maximum calculated development density/intensity with respect to new trip generation utilizing the following development scenario based on the Institute of Transportation Engineers (ITE) report in effect at time of development order:
 - i. 885 detached single-family dwelling units, or a combination of detached single-family, townhouse, or two-family attached, with the trip generation equivalent to 910 single-family dwelling units;
 - ii. 590 detached or two-family attached senior adult dwelling units; and
 - iii. Brightwater Country Club (See Condition 34).

2. Uses and Site Development Regulations

a. Schedule of Uses

NOTE: Dwelling units are limited to a maximum 1,475 units (including North Brook Phase One's existing 258 units).

- R-1 – Single-Family Residence;
- R-1A – Single-Family Residence or Two-Family Attached; and
- TH – Townhouse, Single-Family Residence, or Two-Family Attached.

Tracts A, B, F1, J1, & 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

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, Private on-site
Parking lot, accessory
Residential Accessory Uses
Signs
Temporary uses

Tract B-1

Administrative Offices
Agriculture, *subject to* Condition 24
Accessory uses and structures
Club, Private
 Consumption on premises (LDC §34-1261 *et seq.*) Indoor and Outdoor
 (See Deviation 21)
 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
 Single-family Residence
 Two-family attached
 NOTE: Tract B-1 (along with Tracts A, B, C & D) is limited to adult senior
 housing (590 units - See Condition 33)
Entrance Gate and Gatehouse
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, Private on-site
Parking lot, accessory
Residential Accessory Uses
Signs
Temporary uses

Tracts C, D, E, F, F1, G, H, & I

Administrative Offices
Agriculture, *subject to* Condition 24
Accessory uses and structures
Dwelling 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)
Entrance Gate and Gatehouse

- 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, Private on-site
- Parking lot, accessory
- Residential Accessory Uses
- Signs
- Temporary uses

Tract J

- Administrative Offices
- Agriculture, *subject to* Condition 24
- Accessory uses and structures
- Dwelling Unit Conventional
 - Single-family Residence
 - Two-family attached
 - Townhouse
- Entrance Gate and Gatehouse, in compliance with LDC §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, Private on-site
- Parking lot, accessory
- Residential Accessory Uses
- Signs, in compliance with LDC Chapter 30 or as approved by deviation
- Temporary uses, in compliance with LDC §34-3041

Tract K

- Administrative Offices
- Agriculture, *subject to* Condition 24
- Accessory uses and structures
- Brightwater Country Club (See condition 34)
 - Consumption on premises (LDC §34-1261 *et seq.*) Indoor and Outdoor (See Deviation 21)
 - 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
- Specialty Retail Shop, Group I
- Communication Tower, limited to one on the north side of Tract K at a maximum 35 feet height
- Entrance Gate and Gatehouse

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, Private on-site
 Parking lot, accessory
 Residential Accessory Uses
 Signs
 Temporary uses

Tracts E1, N, and O

Drainage Excavation, water retention
 Fences/Walls
 Park, Group I, limited to nature preserve/passive or active recreation (No active recreation on Tract N)
 Signs (limited to existing billboard located on the southwest side of Tract O, Lake L1)
 Recreation Facilities, Personal, Private on-site, limited to nature preserve or passive recreation

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

Excavation, water retention

b. Site Development Regulations

See Exhibit D

3. Deleted.
4. Track K. The Tract K recreational area must include at a minimum: one multi-purpose field, a playground, and picnic area; or recreational water feature. Developer must provide facilities for safe passage of pedestrians/cyclists from one side of Pritchett Parkway to the other at the time of local development order, as determined by the Director of Development Services.
5. High Point Sewage Plant. 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 lots located on Tract G or H, Developer must include a 30-foot-wide Type F buffer around the perimeter of the plant's property lines, excluding the access easement.
6. Tree Preservation. Common area open space must be designed to incorporate as many native heritage trees and Sabal palms as possible. Preserved trees/ relocated palms must be delineated on development order plans. Preserved trees and relocated Sabal palms will receive protected tree credits per LDC §10-420(j).

7. Protected Species. 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 the RPD. The gopher tortoise management plan must include either a permanent fence or a continuous native shrub hedge where the gopher tortoise preserve abuts the road/park to protect tortoises from 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 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 development order plans.

8. Open Space. Developer must provide an open space table detailing the residential unit type with lot size per tract, required open space, provided open space, required indigenous preservation and provided indigenous preservation with development order application. The RPD must preserve at least 100.1± acres of conservation area. If more than 500 acres is developed with residential tracts (including roads and lakes) requiring open space, the development order must delineate additional required indigenous preservation for Lee County Development Services staff approval.
9. Cypress Mulch Prohibited. Cypress mulch is prohibited in preserve areas.
10. ADA Compliance. Preserve area boardwalk width may not exceed the minimum lot width requirements set forth by the Americans with Disabilities Act.
11. Boardwalks. Boardwalks within preserve areas must be designed to avoid mature native trees and protected species burrows, nests, or dens. Final layout of the boardwalks must be field verified by Lee County Development Services prior to construction. Minor adjustments to minimize impacts to native vegetation may be required.
12. Gazebos. Construction of gazebos or viewing platforms within conservation areas is limited to no more than two structures. Each gazebo/platform may have a footprint not larger than 200 square feet.
13. Vegetation Removal. Prior to site work for recreational use that requires vegetation removal 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. Littoral Plantings. Development order plans must include littoral planting areas in substantial compliance with the LDC. The planting area along the northern ditch expansion must also provide native wetland plants installed three feet on center.
15. Communication Tower. The Communication Tower denoted on the MCP must be of a monopole design limited to 35 foot height. The tower and associated maintenance buildings must be designed to minimize impacts to birds.
16. Lake 1. Lake 1 is existing and does not require additional plantings. Changes to Lake 1 in Tract O requires the following within the limits of the shoreline proposed to be revised:

- a. Littoral plantings within Tract O must be calculated at one littoral plant per linear foot of lake shoreline;
 - b. One 10-foot-tall tree or two three-gallon shrubs may be substituted for 10 herbaceous plants;
 - c. Trees and shrubs may be used to count toward up to 50 percent of the required lake littoral planting requirements;
 - d. A minimum of two native wetland tree species and four native herbaceous plant species must be installed in Lake 1 (contained within Tract O).
17. Vegetation within Easements. The placement of required vegetation within a utility, power, or drainage easement must be clearly delineated on an Alternate Landscape Betterment Plan per LDC §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 other affected Division (Utilities, Zoning, etc.). If the easement is granted to an entity other than Lee County, 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 local development order approval.
18. Bulkheads. Lake Bulkheads are limited to roads and the clubhouse area. Bulkheads are not permitted along residential boundaries and are subject to the following conditions:
 - a. Development order plans must show the location of 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 feet of bulkhead. For lakes that utilize bulkheads, littoral plants must be calculated at two plants per linear foot of shoreline clustered within the 8:1 slope portion of the lake.
 - b. The development order must include a typical cross-section detail of a bulkhead and rip-rap areas on the paving, grading, and landscape plan.
19. Deleted.
20. Intersection Improvements. Developer must provide intersection improvements to the intersection of Bayshore Road and Pritchett Parkway. Developer must coordinate with Lee County Department of Transportation and Florida Department of Transportation to find an acceptable improvements to the intersection that meet Florida Administrative Code (FAC) 14-97 standards.
21. Pedestrian/Bicycle Paths. Developer must construct an eight-foot-wide bicycle path or two five-foot-wide sidewalks along Pritchett Parkway from Bayshore Road to Rich Road. Staff and Developer will determine whether 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 when there is sufficient information to make such a determination.

22. Deleted.

23. Deleted.

24. Agricultural Uses:

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

- a. Existing bona fide agricultural uses 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 title of the Office of the County Attorney.

25. Deleted.

26. Popash/Bayshore Creeks Development.

- a. Prior to issuance of a development order (or early work, clearing, filling permits), Developer must submit the following information for approval by the Division of Lee County Natural Resources:
 - i. 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 development is later proposed within 50 feet of the top of creek bank, Developer must provide an updated HEX-RAS model pursuant to the same modeling parameters established during the rezoning process for Popash and Bayshore Creeks demonstrating that the development will not induce any rise to existing flood elevations, or any increases in velocities or transfer in overbank flows for the 10-, 25-, and 100-year storms.
 - ii. The location and extent of the existing and proposed cross sections from the HEC-RAS model on the development order plans, as well as the defined existing top of bank/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.

- iii. 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."
- iv. The above information must be submitted to the South Florida Water Management District (SFWMD) for review, consideration, and inclusion in their permit files.
- v. 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 the property limits. The easement may be part of any conservation easement dedicated to Lee County and the SFWMD, but must be consistent with the maintenance activities anticipated and outlined herein. 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, Developer agrees to a monthly maintenance schedule to include initial and ongoing maintenance for these creeks that must 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 areas is to remain in its current grassed condition. The relocation of onsite Sabal palms from other parts of the property onto 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 Division of Natural Resources during the platting process. The same drainage/maintenance easement language must be contained within the Community Development District (CDD) or Homeowners Association (HOA) documents.
- vi. All modifications and exotic vegetation removal outlined herein for Popash and Bayshore Creeks must be completed before issuance of the first development order.
- vii. 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 development order (or any early work, clearing, filling permits) containing the bridge crossing, Developer must provide complete construction plans for the bridge for review and approval by the Division of Lee County Natural Resources in accordance with the following:

- i. The bridge crossing of Popash Creek must be a pole-supported structure.
- ii. No more than two rows of pilings/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 the flood flows and each must have a maximum dimension of twenty-four inches.
- iii. 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 feet above the highest overbank elevation within the 50-foot offset areas (total of 100 feet $\pm$).
- iv. 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 the Lee County Division of 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:
 - i. 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 Pritchett Parkway and within the 50-foot offset from the existing top of bank.
 - ii. 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. Treatment Plant Disclosure. Developer must disclose the existence, location, and operation of the sewage treatment plant to 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). Agreements for the sale of property immediately adjacent to the 250-foot dimension must include the following disclosure statement. This 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 Brightwater RPD F/K/A Stoneybrook North (f/k/a Heritage Creek) Planned Development, must acknowledge the presence of the High Point Wastewater Treatment Plant.”
28. Surety. The maintenance of Popash and Bayshore Creeks within the property limits as 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 the issuance

of a Certificate of Compliance for the first development order for the drainage infrastructure for the project.

29. Drainage Easement. To cooperate in achieving reduction of the regional flooding problem, Developer must provide a drainage easement to Lee County for the drainage ditch along the north boundary of the property. The easement is to allow the existing ditch to accept the quantity of stormwater approved pursuant to a SFWMD permit addressing the regional flooding problem.
30. Perimeter Buffers. Except as otherwise noted on the MCP, perimeter buffers around the outside of the property require 10 trees per 100 linear feet and a double staggered hedge. The hedge must 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 baseball fields located on Tract K are prohibited.
 - b. Outdoor recreational lighting for amenities located on Tract K or B-1 (with the exception of ballfields where lighting is prohibited) and Tract B-1 must be on timers. Lighting impacts must be measured at the boundary of Tracts K and B-1, and not at the boundary of adjacent lakes or preserve areas.
32. Future Approvals. 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 2-A and Table 1(b).
33. 590 Senior Housing Units. Declaration of covenants and restrictions must be provided as an amendment to the Phase 2 development order to reflect 590 dwelling units limited to adult senior housing within Tracts A, B, B1, C & D. Amendment to this condition or relevant documentation must be considered through additional zoning process.
34. Brightwater Country Club. Brightwater Country Club consists of 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 reservation based system. Resident memberships in the Brightwater Country Club must be included in every purchase of a Brightwater home.
 - a. Access to Brightwater Crystal Lagoon must be fully gated;
 - b. Non-resident access to the Brightwater Country Club amenities and recreational facilities requires a reservation on a reservation portal website. 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;
 - c. Signage is required on Pritchett Parkway to notify the public that no parking is permitted on Pritchett Parkway;

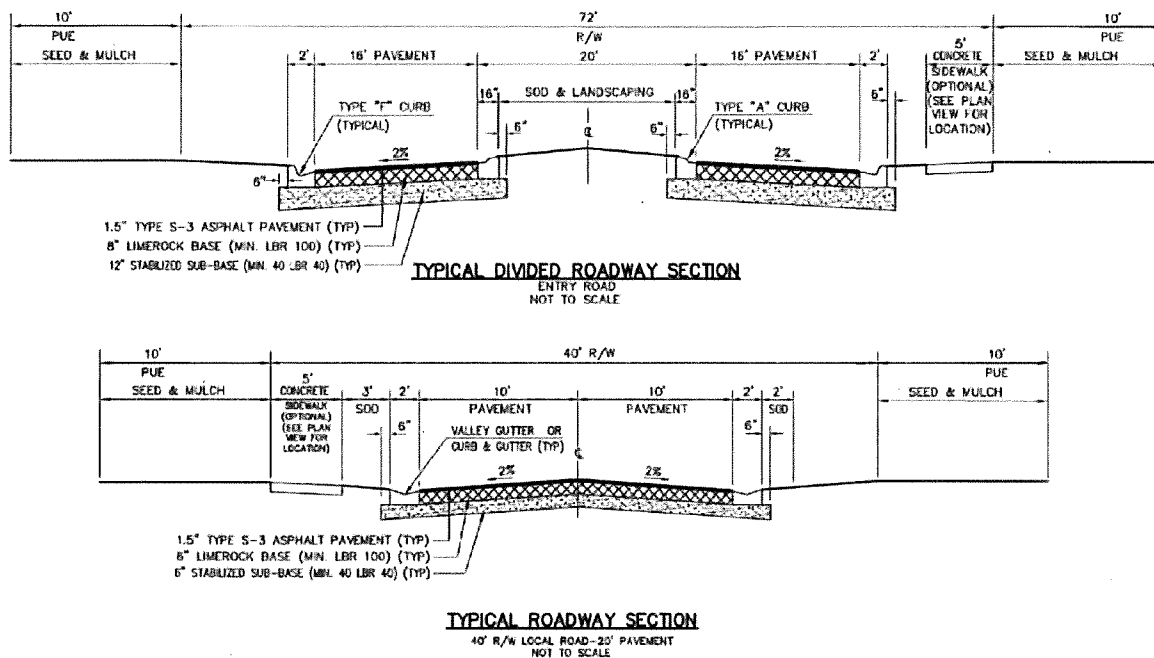
- d. The Brightwater Country Club parking lot (limited to Tract K) must provide a minimum of 180 parking spaces and a maximum of 400 parking spaces (including golf carts) of which a minimum of 33% shall be resident only spaces (including golf carts). Parking limited to Brightwater RPD residents only will be clearly marked and signed; and
 - e. Golf cart parking areas are available for exclusive use of Brightwater homeowners.
- 35. Fill Crossing Pritchett Parkway. Developer must comply with LDC §10-329 at development order approval. Access points for fill transported across Pritchett Parkway must be limited to a single location on both sides of Pritchett Parkway. Erosion control measures for Pritchett Parkway and the crossing area must be detailed in the development order for staff approval.
- 36. Voluntary Enhancements.
 - a. Tract E1 (±9.73 acres). Residential uses are removed from and density is transferred internal to site.
 - b. Tract N (±10.37 acres). Residential uses are removed from and density is transferred internal to site.
 - c. Tract O (±14.43 acres). Residential uses are removed from and density is transferred internal to site.
 - d. Tract D. Prior to construction certification of the westernmost lots abutting the Hunter's Glen property line, Developer must provide:
 - i. An easement to allow for Hunter's Glen's construction (at their option) of a turnaround for emergency, solid waste, and resident vehicles for the 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 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. Tract A's development order must demonstrate increased open space separation to lots (varying 35'± to 82'± setback between lot lines and perimeter) along western perimeter boundary as shown on the MCP.
 - f. Tract M. Prior to construction certification of easternmost lots in Tract M, Developer must 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. Water Quality Monitoring Program. 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 as needed to address current circumstances without requiring a zoning amendment.
38. Popash Creek Sidewalk. Developer must amend and demonstrate on development order plans that the constructed sidewalk within the natural waterway buffer and indigenous open space abutting Popash Creek complies with LDC §§ 10-415(d)(2)(d) and 10-416(d)(11)(b).
39. Development Permits. Issuance of a County development permit does not establish a right to obtain permits from state or federal agencies. Further, it does not establish liability on the part of the County if the Developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions that result in a violation of state or federal law.

SECTION C. DEVIATIONS:

1. Deviation (1) – Withdrawn
2. Deviation (2) – Withdrawn
3. Littoral Shelf. Deviation (3) seeks relief from the LDC §10-418(2)d, requirement to provide 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 O lake (Lake L1). This deviation is APPROVED, SUBJECT TO condition 16.
4. Deviation (4) – Withdrawn
5. Deviation (5) – Withdrawn
6. Deviation (6) – Withdrawn
7. Deviation (7) seeks relief from the LDC §10-329(d)(4), requirement to provide 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
8. Deviation (8) – Withdrawn
9. Deviation (9) – Withdrawn
10. Deviation (10) – Withdrawn
11. Deviation (11) – Withdrawn

12. Model Homes. Deviation (12) seeks relief from the LDC §34-1954(a)(1) requirement to provide 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. Model Home Parking. Deviation (13) seeks relief from the LDC §34-1954(f) requirement to provide 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:
 - a. The entrance apron into each parking lot would be paved;
 - b. the handicapped parking space(s) in each lot would be paved; and
 - e. the Applicant will keep the portion or the street in front of each model free from gravel or shell that may be tracked out of the model home parking area(s) by departing vehicles.
14. Subdivision Signs. Deviation (14) seeks relief from the LDC §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 [Developer's Name] Community," in addition to the name of the development. This deviation is APPROVED, SUBJECT TO the proposed project sign must be in substantial compliance with the rendering submitted in conjunction with the justification for Deviations 14 and 15, stamped "Received Apr 07 2003 Community Development."
15. Entrance Sign. Deviation (15) seeks relief from the LDC §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 LDC §30- 94(h) which restricts double faced signs with opposing faces to an interior angle of less than 30 degrees; to allow the [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 proposed project sign must be in substantial compliance with the rendering submitted in conjunction with the justification for Deviations 14 and 15 stamped "Received Apr 07 2003 Community Development."
16. Deviation (16) – Withdrawn
17. Planting Strip/Pedestrian Facility. Deviation (17) seeks relief from the LDC §§ 10-296(e)(2)h.5.ii. and iii., requirement to provide 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 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. Waterway Buffer. Deviation (18) seeks relief from the LDC §10-416(d)(9), requirement to provide 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 areas at the northwestern corner of the property within the required natural waterway buffer depicted on the MCP with annotations referencing Buffer Note 1 and Buffer Note 2 may not be planted.
19. Deviation (19) - Withdrawn
20. Street Terminus. Deviation (20) seeks relief from the LDC §10-296(k)(1), requirement to provide dead-end streets to provide a circular turnaround, to allow a dead-end street in Tract E as shown on the MCP. This deviation is APPROVED, SUBJECT TO at the time of development order submittal, Developer must provide a letter of no objection to the dead-end roadway in Tract E from the fire department having jurisdiction.
21. Consumption on Premises. Deviation (21) seeks relief from the LDC §34-1264 to allow outdoor consumption on premises to be located 466'± feet from a dwelling unit under separate ownership. This deviation is APPROVED, SUBJECT TO the following conditions:
 - a. This deviation is only applicable to consumption on premises in conjunction with the Brightwater Country Club use in the COP area delineated on the MCP.

- b. Live music or amplified sound is prohibited on the exterior portions of Consumption on Premises area after 10PM.

SECTION D. EXHIBITS:

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

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

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, The Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. *As conditioned herein*, the proposed amendment to the Brightwater RPD:
 - a. Complies with the Lee Plan. *See*, Lee Plan Goals 2, 4, 5, 18, 39, 60, 77, 124, 135, Objectives 1.5, 2.1, 2.2, 5.1, 18.1, 18.3, and Policies 1.1.11, 1.3.2, 1.5.1, 2.2.1, 5.1.2, 5.1.5, 5.1.10, 115.1.2; Lee Plan Maps 1A-B, 2A.
 - b. Complies with the LDC and other County regulations or qualifies for deviations. *See*, LDC Chapters 10 and 34;
 - c. Is compatible with existing and planned uses in the area. *See*, Lee Plan Policies 1.1.11, 1.3.2, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 135.1.9; LDC §§ 34-411(c), (i), and (j).
 - d. Provides sufficient access to support the proposed development intensity, with expected impacts on transportation facilities address by existing County regulations or conditions of approval;
 - e. Will not adversely affect environmentally critical areas and natural resources. *See*, Lee Plan Goals 77, Objectives 4.1, 77.1, Policy 1.5.1, Standard 4.1.4, LDC §34-411(h).
 - f. Will be served by urban services. *See*, Lee Plan Glossary, Map 4A-B, Goal 2; Objectives 2.1, 2.2, 4.1, 53.1, 56.1; Policies 2.2.1, and Standards 4.1.1 and 4.1.2; LDC §34-411(d).
2. The MCP reflects sufficient access to support the intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. *See*, Lee Plan Goal 39, Objective 39.1; LDC §34-411(d).
3. The proposed mix of uses is appropriate at the proposed location. *See*, Lee Plan Objective 18.1, Policies 1.1.11, 1.3.2, 2.1.1, 5.1.5, and 135.1.9.
4. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. *See*, Lee Plan Policies 5.1.5, 135.9.6; *See also*, LDC Chapters 10 and 34.

5. As conditioned herein, the deviations:

- a. Enhance the objectives of the planned development; and
- b. Promote the intent of the LDC to protect the public health, safety, and welfare. See, LDC §34-377(b)(4).

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

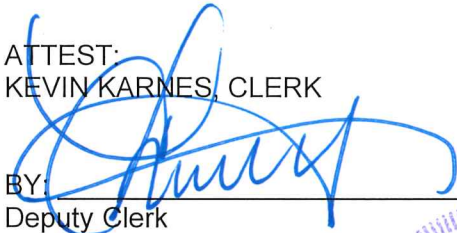
Commissioner Greenwell made a motion to adopt the foregoing resolution, seconded by Commissioner Hamman. The vote was as follows:

Adopted by unanimous consent.

Kevin Ruane	<u>Aye</u>
Cecil L Pendergrass	<u>Aye</u>
Raymond Sandelli	<u>Absent</u>
Brian Hamman	<u>Aye</u>
Mike Greenwell	<u>Aye</u>

DULY PASSED AND ADOPTED this 17th day of August 2022.

ATTEST:
KEVIN KARNES, CLERK

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Cecil L Pendergrass, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

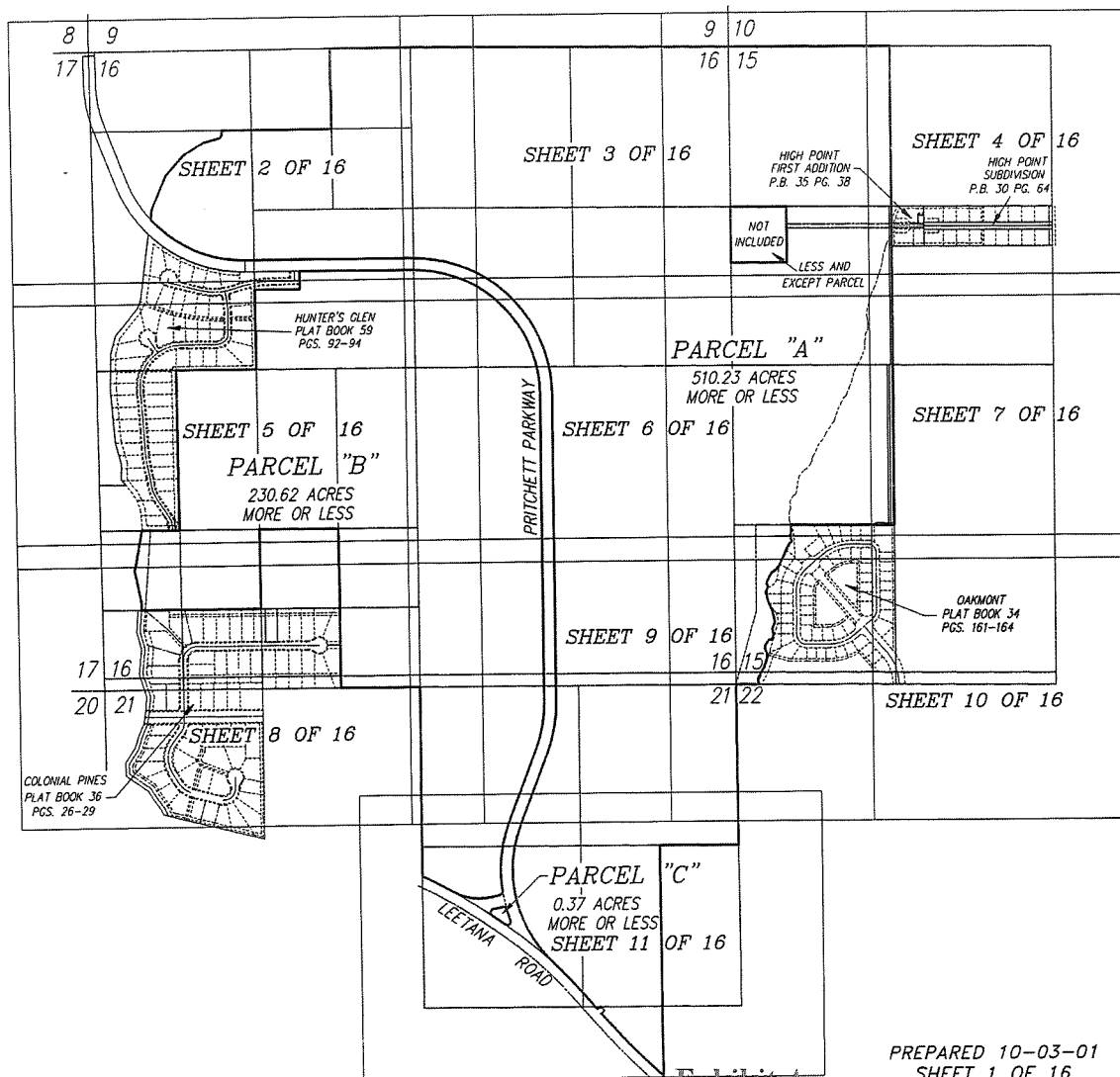

David W. Halverson
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE

2022 AUG 25 PM 3:43



1" = 1,200'



SKETCH OF DESCRIPTIONS

OF
PARCELS OF LAND LYING IN
SECTIONS 15, 16 AND 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA
(STONEBROOK NORTH)

LEGEND:

O.R. INDICATES OFFICIAL RECORDS BOOK
 PG. INDICATES PAGE.
 P.O.B INDICATES POINT OF BEGINNING
 P.O.C. INDICATES POINT OF COMMENCEMENT
 R/W INDICATES RIGHT-OF-WAY
 (1) INDICATES CURVE NUMBER 1 FROM THE CURVE TABLE
 L1 INDICATES LINE NUMBER 1 FROM THE LINE TABLE
 SUBDIV. INDICATES SUBDIVISION

NOTES:

- 1.) PARCEL SUBJECT TO EASEMENTS, RIGHTS-OF-WAY, RESTRICTIONS AND RESERVATIONS OF RECORD.
- 2.) BEARINGS ARE BASID ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 25 EAST AS BEARING S.89°29'37"E.
- 3.) PARCELS CONTAIN 741.22 ACRES MORE OR LESS.

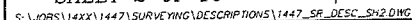
SEE SHEETS 13 THROUGH 16
 FOR DESCRIPTIONS.
 THIS SKETCH OF DESCRIPTIONS
 IS NOT A BOUNDARY SURVEY

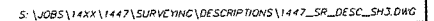
Richard M. Ritz
 RICHARD M. RITZ
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATION NO. 4909

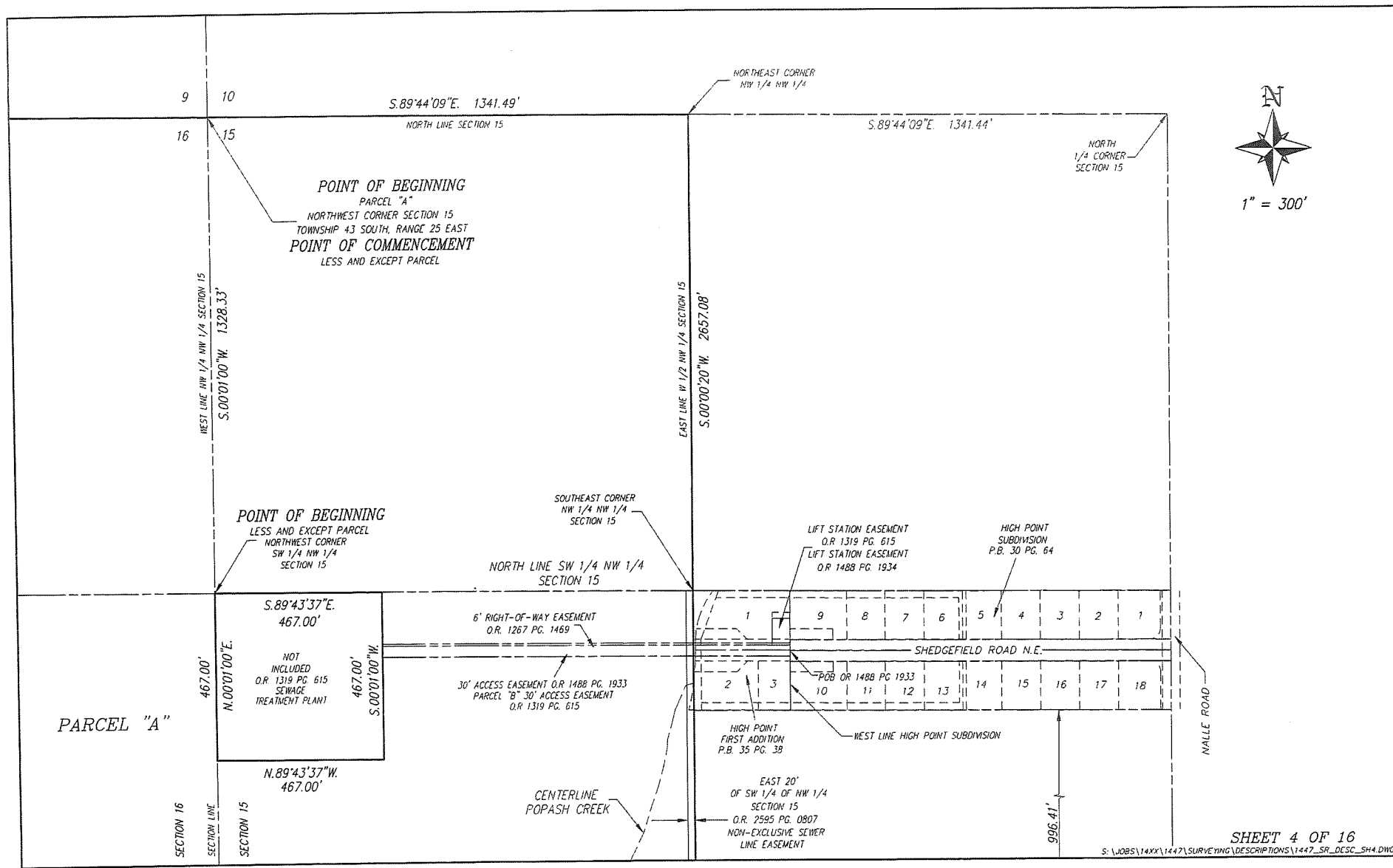
- THIS SKETCH OF DESCRIPTION IS NOT VALID
 WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
 SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

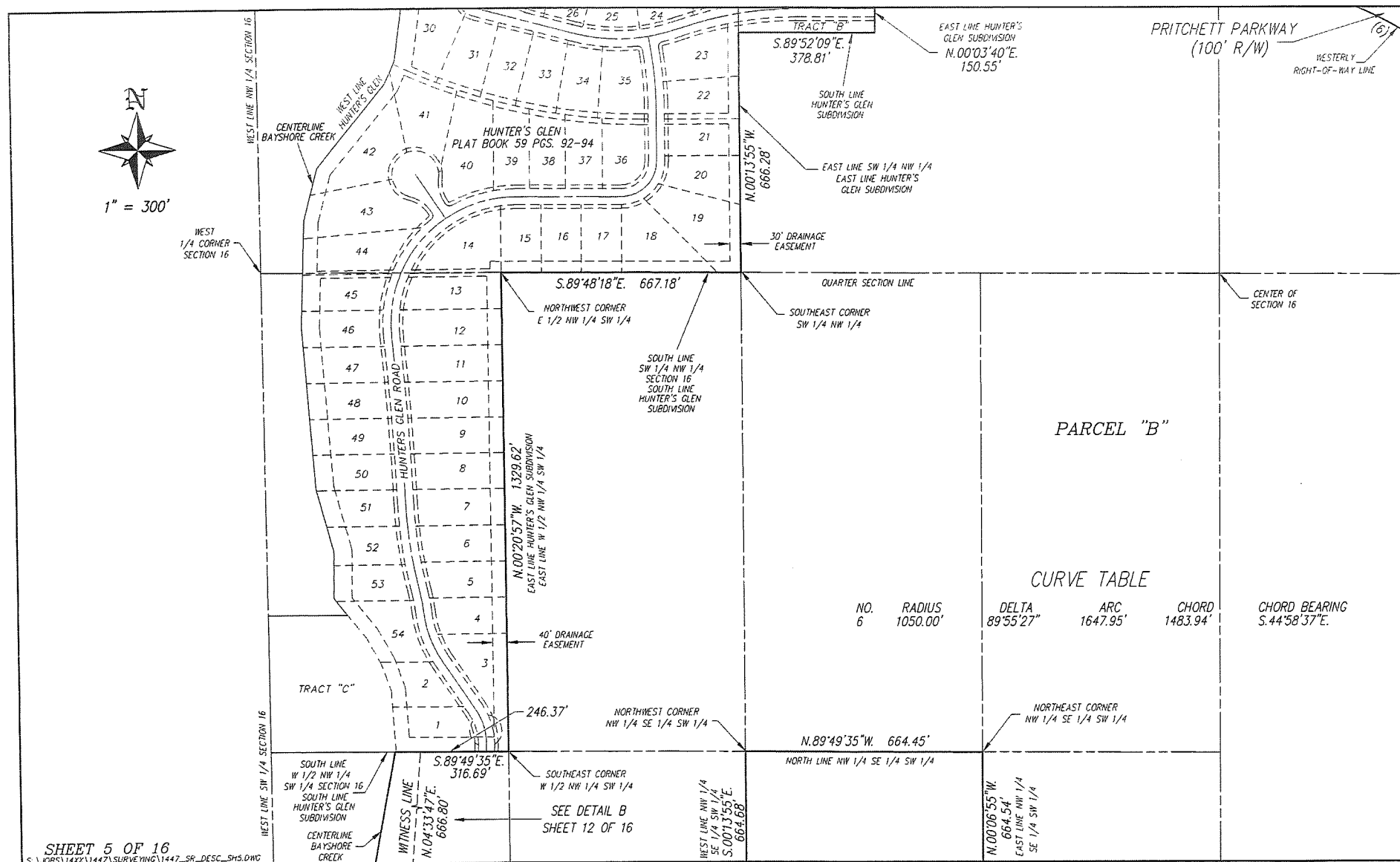
PREPARED 10-03-01
 SHEET 1 OF 16

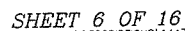
Exhibit A

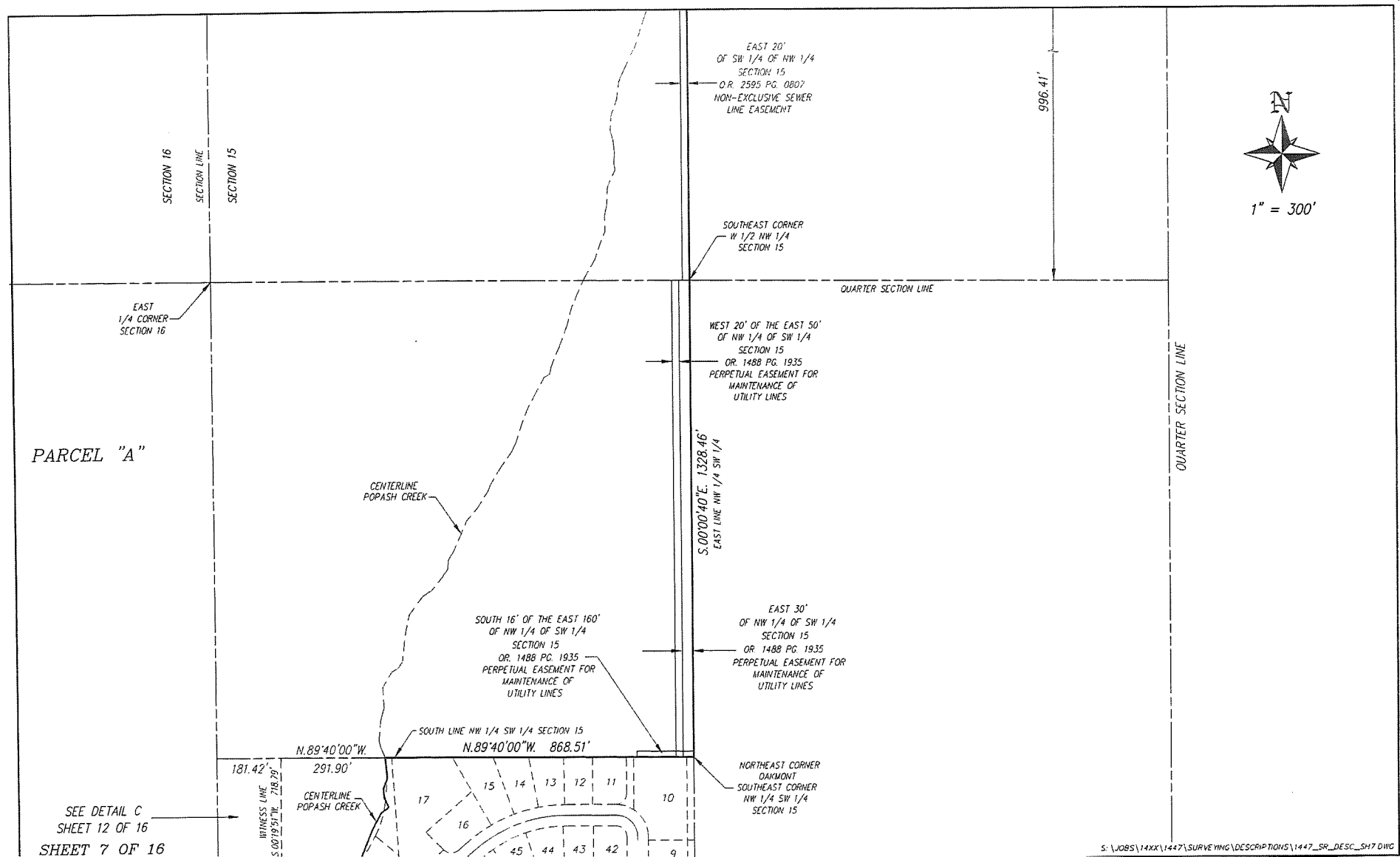


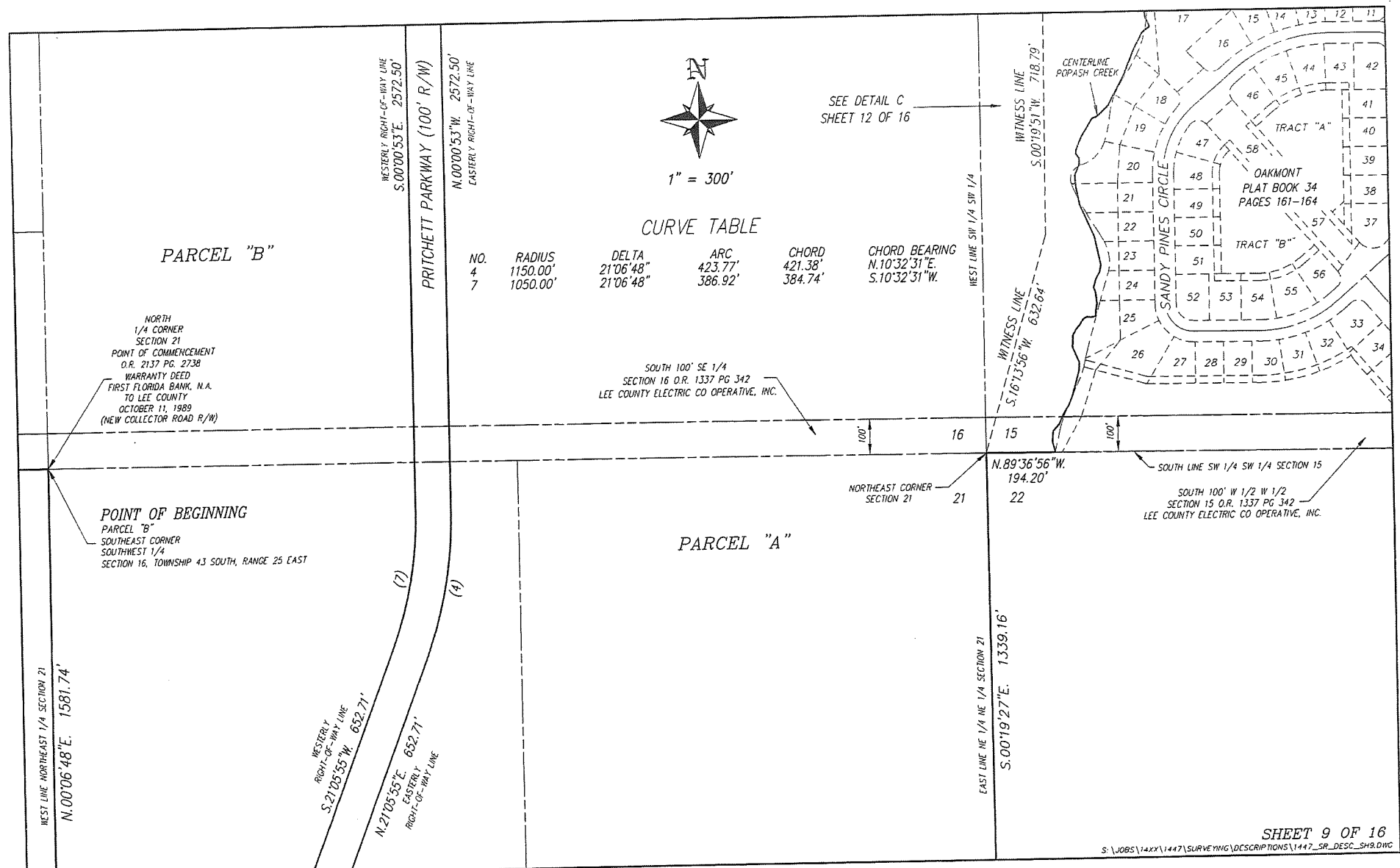


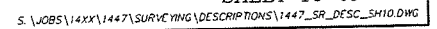


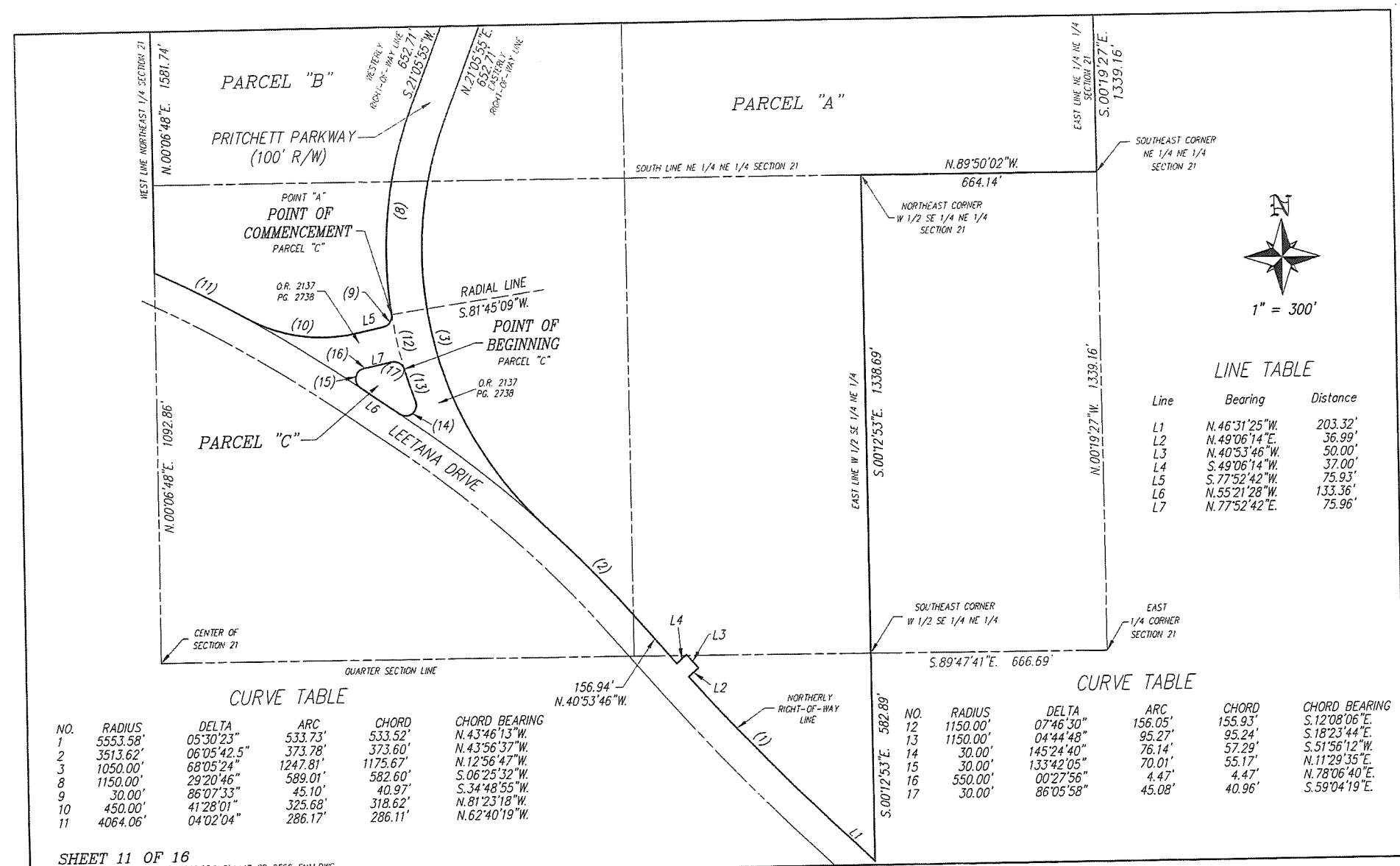


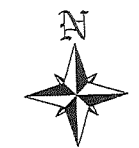




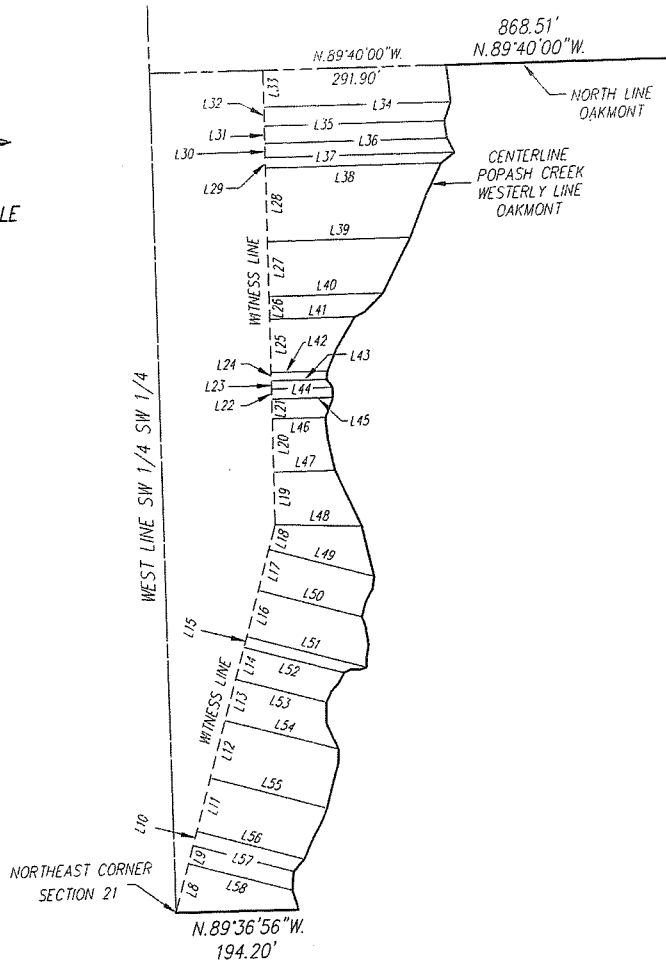








NOT TO SCALE

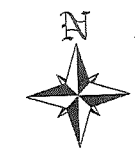


DETAIL C
NOT TO SCALE

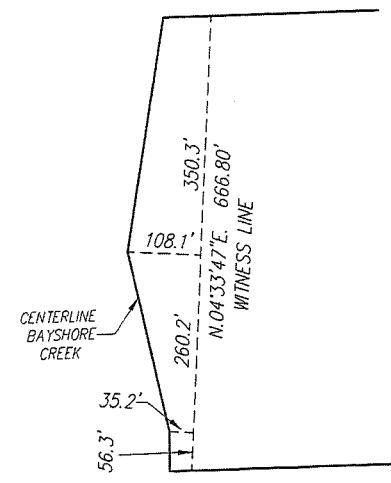
LINE TABLE

Line	Bearing	Distance
L8	N.16°13'56\"E.	79.4'
L9	N.16°13'56\"E.	29.6'
L10	N.16°13'56\"E.	23.1'
L11	N.16°13'56\"E.	86.7'
L12	N.16°13'56\"E.	94.4'
L13	N.16°13'56\"E.	67.3'
L14	N.16°13'56\"E.	52.6'
L15	N.16°13'56\"E.	17.2'
L16	N.16°13'56\"E.	75.4'
L17	N.16°13'56\"E.	66.6'
L18	N.16°13'56\"E.	40.3'
L19	N.00°19'51\"E.	83.1'
L20	N.00°19'51\"E.	83.7'
L21	N.00°19'51\"E.	31.8'
L22	N.00°19'51\"E.	16.0'
L23	N.00°19'51\"E.	12.6'
L24	N.00°19'51\"E.	13.2'
L25	N.00°19'51\"E.	84.6'
L26	N.00°19'51\"E.	35.8'
L27	N.00°19'51\"E.	87.0'
L28	N.00°19'51\"E.	116.4'
L29	N.00°19'51\"E.	16.7'
L30	N.00°19'51\"E.	22.7'
L31	N.00°19'51\"E.	27.4'
L32	N.00°19'51\"E.	29.4'
L33	N.00°19'51\"E.	58.4'
L34	S.89°40'09\"E.	297.3'
L35	S.89°40'09\"E.	286.4'
L36	S.89°40'09\"E.	289.9'
L37	S.89°40'09\"E.	301.4'
L38	S.89°40'09\"E.	279.0'
L39	S.89°40'09\"E.	227.1'
L40	S.89°40'09\"E.	181.1'
L41	S.89°40'09\"E.	135.2'
L42	S.89°40'09\"E.	89.7'
L43	S.89°40'09\"E.	88.0'
L44	S.89°40'09\"E.	97.6'
L45	S.89°40'09\"E.	97.8'
L46	S.89°40'09\"E.	84.3'
L47	S.89°40'09\"E.	97.7'
L48	S.87°00'59\"E.	137.8'
L49	S.73°46'04\"E.	172.6'
L50	S.73°46'04\"E.	169.4'
L51	S.73°46'04\"E.	196.7'
L52	S.73°46'04\"E.	164.5'
L53	S.73°46'04\"E.	148.4'
L54	S.73°46'04\"E.	185.7'
L55	S.73°46'04\"E.	191.1'
L56	S.73°46'04\"E.	176.0'
L57	S.73°46'04\"E.	164.7'
L58	S.73°46'04\"E.	170.2'

DETAIL SHEET



NOT TO SCALE



DETAIL B
NOT TO SCALE

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA

DESCRIPTION
OF
PARCELS OF LAND
LYING IN
SECTIONS 15, 16 AND 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

TRACTS OR PARCELS OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTIONS 15, 16 AND 21 TOWNSHIP 43 SOUTH, RANGE 25 EAST, BEING FURTHER DESCRIBED AS FOLLOWS:

PARCEL "A"

BEGINNING AT THE NORTHWEST CORNER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 25 EAST; THENCE S.89°44'09"E. ALONG THE NORTH LINE OF SAID SECTION 15 FOR 1341.49 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 15; THENCE S.00°00'20"W. ALONG THE EAST LINE OF SAID FRACTION FOR 2657.08 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE S.00°00'40"E. ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 15 FOR 1328.46 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION THE SAME BEING THE NORTHEAST CORNER OF OAKMONT, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 34 AT PAGES 161 THROUGH 164 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.89°40'00"W. ALONG THE SOUTH LINE OF SAID FRACTION AND THE NORTH LINE OF SAID OAKMONT FOR 868.51 FEET TO AN INTERSECTION WITH THE CENTERLINE OF POPASH CREEK AND THE WESTERLY LINE OF SAID OAKMONT; THENCE SOUTHWESTERLY ALONG SAID CENTERLINE AND SAID WESTERLY LINE TO AN INTERSECTION WITH THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 15 THE SAME BEING THE SOUTHWEST CORNER OF SAID OAKMONT; THENCE N.89°36'56"W. ALONG SAID SOUTH LINE FOR 194.20 FEET TO THE NORTHEAST CORNER OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST; THENCE S.00°19'27"E. ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 21 FOR 1339.16 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE N.89°50'02"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 664.14 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 21; THENCE S.00°12'53"E. ALONG THE EAST LINE OF SAID FRACTION FOR 1338.69 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE CONTINUE S.00°12'53"E. 582.89 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF LEETANA DRIVE (86 FEET WIDE); THENCE N.46°31'25"W. ALONG SAID NORTHERLY LINE FOR 203.32 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5553.58 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY LINE THROUGH A CENTRAL ANGLE OF 05°30'23.2" FOR 533.73 FEET; THENCE N.49°06'14"E. ALONG SAID NORTHERLY LINE FOR 36.99 FEET; THENCE N.40°53'46"W. ALONG SAID NORTHERLY LINE FOR 50.00 FEET; THENCE S.49°06'14"W. ALONG SAID NORTHERLY LINE FOR 37.00 FEET; THENCE N.40°53'46"W. ALONG SAID NORTHERLY LINE FOR 156.94 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 3513.62 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY LINE THROUGH A CENTRAL ANGLE OF 06°05'42.5" FOR 373.78 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF PRITCHETT PARKWAY (100 FEET WIDE) AND A POINT OF REVERSE CURVE HAVING A RADIUS OF 1050.00 FEET; THENCE

SHEET 13 OF 16

NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 68°05'24" FOR 1247.81 FEET; THENCE N.21°05'55"E. ALONG SAID EASTERLY LINE FOR 652.71 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 1150.00 FEET; THENCE NORTHERLY ALONG SAID CURVE AND SAID EASTERLY LINE THROUGH A CENTRAL ANGLE OF 21°06'48" FOR 423.77 FEET; THENCE N.00°00'53"W. ALONG SAID EASTERLY LINE FOR 2572.50 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 1150.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE AND SAID EASTERLY LINE THROUGH A CENTRAL ANGLE OF 89°55'27" FOR 1804.90 FEET; THENCE N.89°56'20"W. ALONG SAID EASTERLY LINE FOR 1399.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1050.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 47°47'50" FOR 875.93 FEET; TO AN INTERSECTION WITH THE CENTERLINE OF BAYSHORE CREEK; THENCE NORTHEASTERLY ALONG SAID CENTERLINE TO AN INTERSECTION WITH THE SOUTH LINE OF THE NORTH 1/2 OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 25 EAST; THENCE S.89°59'47"E. ALONG SAID SOUTH LINE FOR 915.24 FEET TO THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16; THENCE N.00°06'54"W. ALONG THE WEST LINE OF SAID FRACTION FOR 667.02 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID FRACTION; THENCE N.89°56'25"E. ALONG SAID NORTH LINE FOR 672.59 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 16; THENCE S.89°29'37"E. ALONG THE NORTH LINE OF SAID SECTION FOR 2646.16 FEET TO THE **POINT OF BEGINNING**.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL

COMMENCING AT NORTHWEST CORNER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 25 EAST; THENCE S.00°01'00"W. ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 15 FOR 1328.33 FEET TO THE POINT OF BEGINNING THE SAME BEING THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 15; THENCE S.89°43'37"E. ALONG THE NORTH LINE OF SAID FRACTION FOR 467.00 FEET; THENCE S.00°01'00"W. FOR 467.00 FEET; THENCE N.89°43'37"W. FOR 467.00 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID FRACTION; THENCE N.00°01'00"E. ALONG THE WEST LINE OF SAID FRACTION FOR 467.00 FEET TO THE POINT OF BEGINNING.

PARCEL "A" CONTAINS 510.23 ACRES MORE OR LESS.

AND: PARCEL "B"

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST 1/4 OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 25 EAST; THENCE N.89°50'53"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 661.74 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 16 THE SAME BEING A POINT ON THE EAST LINE OF COLONIAL PINES, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 36 AT PAGES 26 THROUGH 29 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.00°06'55"W. ALONG SAID EAST LINE FOR 664.54 FEET TO THE NORTHEAST CORNER OF SAID FRACTION AND SAID COLONIAL PINES; THENCE N.00°06'55"W. ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 16 FOR 664.54 FEET TO THE NORTHEAST CORNER OF SAID FRACTION; THENCE N.89°49'35"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 664.45 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE S.00°13'55"E. ALONG THE EAST LINE OF SAID FRACTION FOR 664.68 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION THE SAME BEING AN INTERSECTION WITH THE NORTH LINE OF SAID COLONIAL PINES; THENCE N.89°50'14"W. ALONG THE NORTH LINE OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SAID SECTION 16 AND THE NORTH LINE OF SAID COLONIAL PINES FOR 998.54 FEET TO AN INTERSECTION WITH THE CENTERLINE OF BAYSHORE

CREEK; THENCE NORTHERLY ALONG SAID CENTERLINE TO AN INTERSECTION WITH THE SOUTH LINE OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 16, THE SAME BEING THE SOUTH LINE OF HUNTER'S GLEN, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 59 AT PAGES 92 THROUGH 94 OF THE PUBLIC RECORDS OF LEE COUNTY FLORIDA; THENCE S.89°49'35"E. ALONG SAID SOUTH LINE FOR 316.69 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION AND SAID HUNTER'S GLEN; THENCE N.00°20'57"W. ALONG THE EAST LINE OF SAID FRACTION AND SAID HUNTER'S GLEN FOR 1329.62 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 16 AND SAID HUNTER'S GLEN; THENCE S.89°48'18"E. ALONG SAID SOUTH LINE FOR 667.18 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION AND AN INTERSECTION WITH THE EAST LINE OF SAID HUNTER'S GLEN; THENCE N.00°13'55"W. ALONG THE EAST LINE OF SAID FRACTION AND SAID HUNTER'S GLEN FOR 666.28 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID HUNTER'S GLEN; THENCE S.89°52'09"E. ALONG SAID SOUTH LINE FOR 378.81 FEET TO AN INTERSECTION WITH THE EAST LINE OF SAID HUNTER'S GLEN; THENCE N.00°03'40"E. ALONG SAID EAST LINE FOR 150.55 FEET TO THE NORTHEAST CORNER OF SAID HUNTER'S GLEN, THE SAME BEING AN INTERSECTION WITH THE WESTERLY LINE OF PRITCHETT PARKWAY (100 FEET WIDE); THENCE S.89°56'20"E. ALONG SAID WESTERLY LINE FOR 942.66 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1050.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE AND SAID WESTERLY LINE THROUGH A CENTRAL ANGLE OF 89°55'27" FOR 1647.95 FEET; THENCE S.00°00'53"E. ALONG SAID WESTERLY LINE FOR 2572.50 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1050.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE AND SAID WESTERLY LINE THROUGH A CENTRAL ANGLE OF 21°06'48" FOR 386.92 FEET; THENCE S.21°05'55"W. ALONG SAID WESTERLY LINE FOR 652.71 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 1150.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE AND SAID WESTERLY LINE THROUGH A CENTRAL ANGLE OF 29°20'46" FOR 589.01 FEET TO **POINT "A"** THE SAME BEING AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF SAID PRITCHETT PARKWAY AND A POINT OF REVERSE CURVE HAVING A RADIUS OF 30.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY LINE THROUGH A CENTRAL ANGLE OF 86°07'33" FOR 45.10 FEET; THENCE S.77°52'42"W. ALONG SAID NORTHERLY LINE FOR 75.93 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 450.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND SAID NORTHERLY LINE THROUGH A CENTRAL ANGLE OF 41°28'01" FOR 325.68 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF LEETANA DRIVE (86 FEET WIDE) AND A POINT OF REVERSE CURVE HAVING A RADIUS OF 4064.06 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE AND SAID NORTHERLY LINE THROUGH A CENTRAL ANGLE OF 04°02'04" FOR 286.17 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 21, TOWNSHIP 43 SOUTH, RANGE 25 EAST; THENCE N.00°06'48"E. ALONG SAID WEST LINE FOR 1581.74 FEET TO THE **POINT OF BEGINNING**.

PARCEL "B" CONTAINS 230.62 ACRES MORE OR LESS.

AND: PARCEL "C"

COMMENCING AT THE AFOREMENTIONED **POINT "A"** THE SAME BEING A POINT ON A CURVE TO THE LEFT HAVING A RADIUS OF 1150.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.81°45'09"W.; THENCE; SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 07°46'30" FOR 156.05 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE SOUTHERLY ALONG SAID CURVE AND THE WESTERLY RIGHT-OF-WAY LINE OF PRITCHETT PARKWAY (100 FEET WIDE) THROUGH A CENTRAL ANGLE OF 04°44'48" FOR 95.27 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 30.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE AND SAID WESTERLY LINE THROUGH A CENTRAL ANGLE OF 145°24'40" FOR 76.14 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF LEETANA DRIVE (86 FEET WIDE); THENCE N.55°21'28"W. ALONG SAID NORTHERLY LINE FOR 133.36 FEET TO AN INTERSECTION WITH THE

SOUTHERLY RIGHT-OF-WAY LINE OF PRITCHETT PARKWAY (100 FEET WIDE) AND THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET; THENCE NORTHERLY ALONG SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF 133°42'05" FOR 70.01 FEET TO A POINT OF REVERSE CURVE HAVING A RADIUS OF 550.00 FEET; THENCE EASTERLY ALONG SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF 00°27'56" FOR 4.47 FEET; THENCE N.77°52'42"E. ALONG SAID SOUTHERLY LINE FOR 75.96 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 30.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE AND SAID SOUTHERLY LINE THROUGH A CENTRAL ANGLE OF 86°05'58" FOR 45.08 FEET TO THE **POINT OF BEGINNING**.

PARCEL "C" CONTAINS 0.37 ACRES MORE OR LESS.

PARCELS CONTAIN 741.22 ACRES MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 16, TOWNSHIP 43 SOUTH, RANGE 25 EAST AS BEARING S.89°29'37"E.

DESCRIPTION PREPARED 10-03-01

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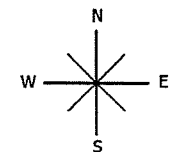


DCI2021-00012

Zoning

ATTACHMENT B

 Subject Property

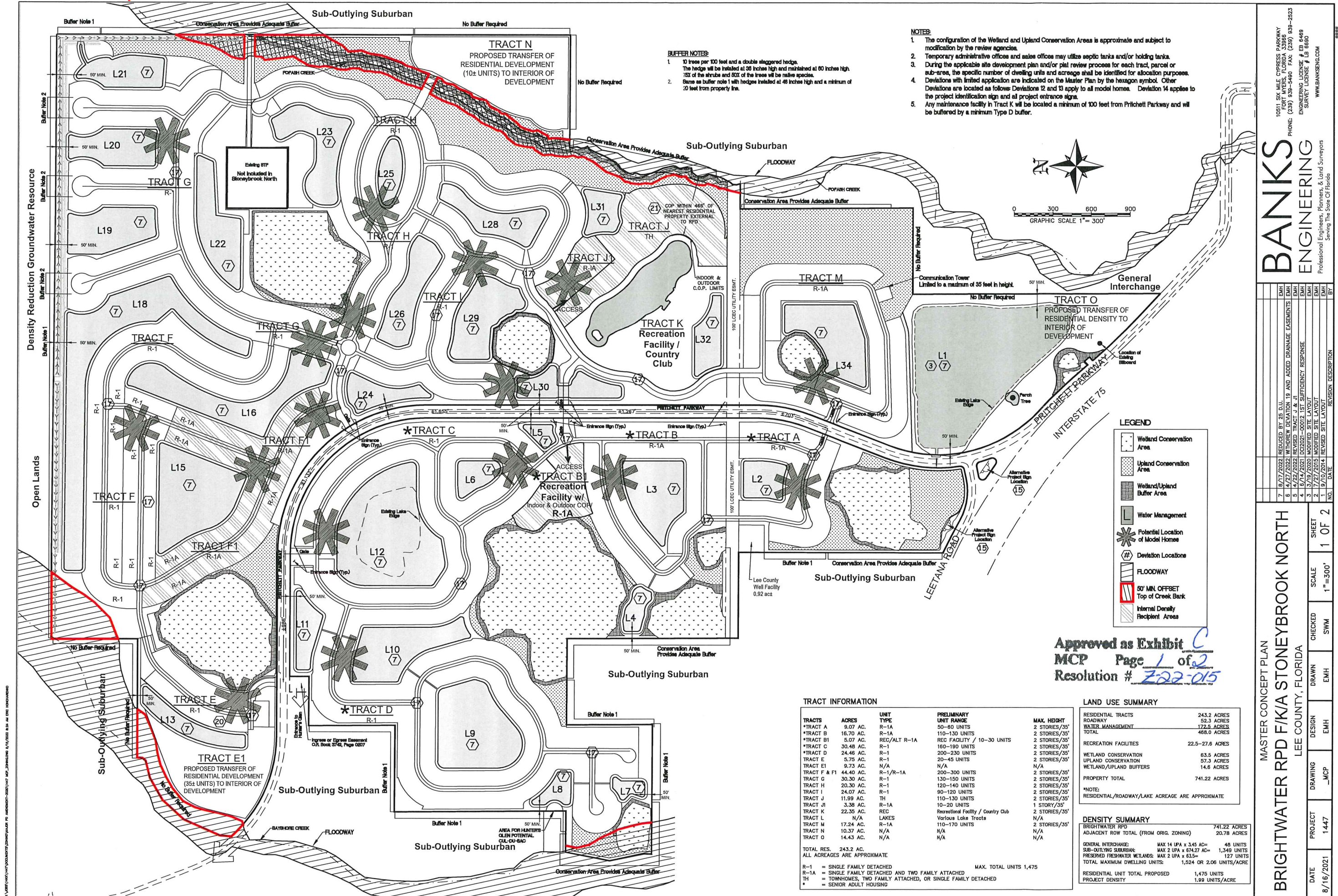


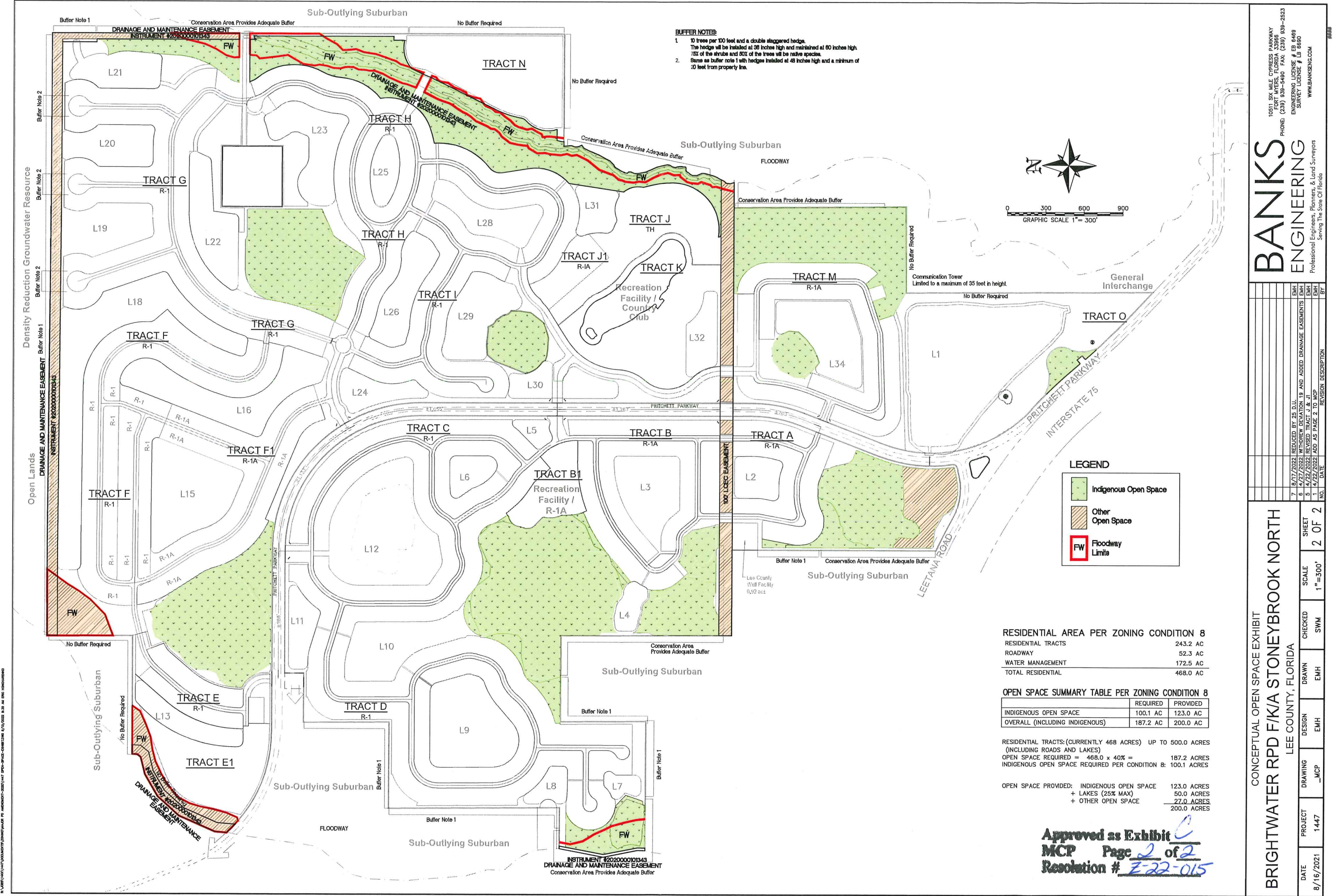
0 1,000 2,000 3,000
Feet



Lee County
Southwest Florida

Exhibit B





ATTACHMENT C-3

Property Development Regulations

LAND USES	Minimum Lot			Minimum Setback (ft.)							Max Building 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	Wetlands	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	10	N/A
Clubhouse	20,000	80	100	10	20	20	5	20	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 front yard.

† Lots located within 500 feet of the northern boundary of the project on Tracts F-1 and F-3 E 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.

*** Tract J1: 35 or 1-story

Exhibit D