

Administrative Variance

23721 Stonyriver Place, Estero, FL 34135

RECEIVED
MAY 30 2018
VILLAGE OF ESTERO

VARIANCE REQUEST

Spring Run at the Brooks, Phase One, is a Residential Planned Development approved by Lee County Developmental Services. The Plat for the Development is recorded at Plat Book 61, Pages 60-66, Public Records of Lee County, Florida. Pursuant to the approval of the Development and the recorded Plat, the side set back is 5.0 feet.

The applicant requests a variance of the side set back for the residence's violation of the 5.0' set back on the Southerly side of the residence, which is 4.9' from the property line.

The residence is 4.9' rather than 5.0' from the common lot line between 23721 Stonyriver Place and 23733 Stonyriver Place, Estero, FL 34135.

The building was properly permitted and issued a Certificate of Occupancy on April 29, 1999 under Permit Number RES199900720. A copy of the Certificate of Occupancy is attached herewith.

Based on the foregoing, the applicant requests a variance to allow the residence to be 4.9 feet rather than 5.0 feet from the common property line.

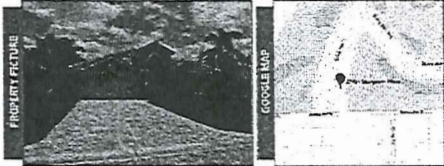
LAW OFFICE OF JOHN D. SPEAR

9420 BONITA BEACH ROAD, SUITE 100
 BONITA SPRINGS, FL 34135
 PHONE 339-947-1102

FIELD WORK DATE: 5/7/2018 REVISION DATES: (REV1 5/8/2018)

PROPERTY ADDRESS SURVEY NUMBER 1805.1015

23721 STONYRIVER PLACE, ESTERO, FLORIDA 34135



CLIENT ORDER NUMBER: DATE: 05/08/18

BUYER: Randall C. Blanton and Susan E. Blanton

SELLER:

CERTIFIED TO:
 RANDALL C. BLANTON AND SUSAN E. BLANTON ; LAW
 OFFICES OF JOHN D. SPEAR, P.A.; OLD REPUBLIC NATIONAL
 TITLE INSURANCE COMPANY

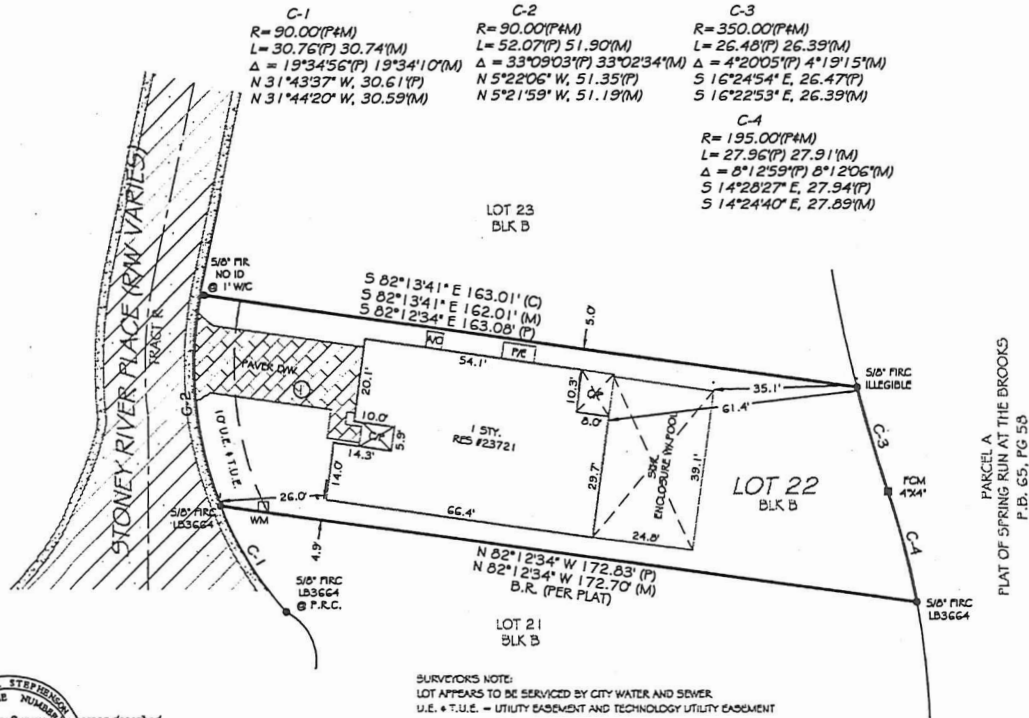
LEGAL DESCRIPTION:
 LOT 22, BLOCK B, SPRING RUN AT THE BROOKS, PHASE ONE,
 ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT
 BOOK 61, PAGE 60, OF THE PUBLIC RECORDS OF LEE COUNTY,
 FLORIDA.

POINTS OF INTEREST:
 1. PAVER DRIVEWAY OVER 10' U.E. AND T.U.E.

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING
 MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO
 BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN THE
 VILLAGE OF ESTERO, COMMUNITY NUMBER 120260, DATED
 08/29/08.

THE BEARING REFERENCE OF NORTH 82 DEGREES 12 MINUTES
 34 SECONDS WEST IS BASED ON THE SOUTHERLY PROPERTY
 LINE OF LOT 22, BLOCK B, LOCATED WITHIN SPRING RUN AT
 THE BROOKS, PHASE ONE, ACCORDING TO THE PLAT
 THEREOF, AS RECORDED IN PLAT BOOK 61, PAGE 60, OF THE
 PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

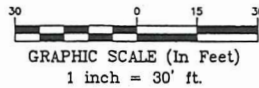
18051015
 BOUNDARY SURVEY
 LEE COUNTY



I hereby certify that this Boundary Survey of the person described
 property has been made under my direction, and to the best of my
 knowledge and belief it is a true and correct representation of a
 survey that meets the Standards of Practice set forth by the Florida
 Board of Professional Surveyors and Mappers in Chapter 5J-17 of the
 Florida Administrative Code.

KEITH A. STEPHENSON
 State of Florida Professional Surveyor and Mapper
 License No. 6521

SURVEYOR'S NOTE:
 LOT APPEARS TO BE SERVICED BY CITY WATER AND SEWER
 U.E. + T.U.E. = UTILITY EASEMENT AND TECHNOLOGY UTILITY EASEMENT



SURVEYOR'S LEGEND

| | |
|-----|---|
| 1 | BOUNDARY |
| 2 | ADJACENT BOUNDARY |
| 3 | ADJACENT BOUNDARY - UNDEVELOPED |
| 4 | ADJACENT BOUNDARY - DEVELOPED |
| 5 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 6 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 7 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 8 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 9 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 10 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 11 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 12 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 13 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 14 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 15 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 16 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 17 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 18 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 19 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 20 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 21 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 22 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 23 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 24 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 25 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 26 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 27 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 28 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 29 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 30 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 31 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 32 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 33 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 34 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 35 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 36 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 37 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 38 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 39 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 40 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 41 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 42 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 43 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 44 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 45 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 46 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 47 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 48 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 49 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 50 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 51 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 52 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 53 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 54 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 55 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 56 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 57 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 58 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 59 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 60 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 61 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 62 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 63 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 64 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 65 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 66 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 67 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 68 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 69 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 70 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 71 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 72 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 73 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 74 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 75 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 76 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 77 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 78 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 79 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 80 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 81 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 82 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 83 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 84 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 85 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 86 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 87 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 88 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 89 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 90 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 91 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 92 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 93 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 94 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 95 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 96 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |
| 97 | ADJACENT BOUNDARY - UNDEVELOPED - UNDEVELOPED |
| 98 | ADJACENT BOUNDARY - DEVELOPED - UNDEVELOPED |
| 99 | ADJACENT BOUNDARY - UNDEVELOPED - DEVELOPED |
| 100 | ADJACENT BOUNDARY - DEVELOPED - DEVELOPED |

Florida Land Title Association
AFFILIATE MEMBERS

Phone 866.735.1916
 Fax 866.744.2882
 www.exactland.com

EXACTA LAND SURVEYORS

11940 Fairway Lakes Drive • Suite 1 • Ft. Myers, FL 33913

RECEIVED
 MAY 30 2018
 VILLAGE OF ESTERO



Lee County, Florida
Division of Development Services
Certificate of Occupancy
Single Family

DUPLICATE

Date: 04/29/1999 PERMIT NUMBER: RES199900720

Owner Name and Address: PULTE HOME CORPORATION
9220 BONITA BEACH RD STE 215 BONITA SPRINGS, FL 34

Job Address: 23721 STONYRIVER PL

Contractor
/Address: 9220 BONITA BEACH ROAD
SUITE 215
BONITA SPRINGS FL 34135

Description: SFR /LT 22 BLKB 98-S429976

RECEIVED
MAY 30 2018
VILLAGE OF ESTERO

Project Name:

Strap: 10-47-25-02-0000B.0220

Zoning: MPD

Fire District: Estero

Flood Elevation:

Flood Zone: B

Type of Construction : V 1Hr-Protected

Occupancy Class :

BUILDING OFFICIAL

RESOLUTION NUMBER Z-97-037

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

WHEREAS, Long Bay Partners LLC and Edward J. McArdle, Trustee, in reference to The Brooks of Bonita Springs, filed an application for:

- a) Consideration of the Application for Development Approval (ADA) for a Development of Regional Impact (DRI) known as The Brooks of Bonita Springs, on 2,492± acres, State DRI #07-9697-133; and
- b) A rezoning from Agricultural (AG-2) to Mixed Use Planned Development (MPD); and

WHEREAS, the subject property is located at 23301 South Tamiami Trail, Bonita Springs, and is described more particularly as:

LEGAL DESCRIPTION: In Sections 02, 03, 09, 10 and 11, Township 47 South, Range 25 East, Lee County, Florida:

PARCEL 1

A portion of the South Half (S½) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows: Commence at the Southeast corner of Section 09, Township 47 South, Range 25 East, Lee County Florida;

THENCE run N00°57'23"W along the East line of said Section 09 for a distance of 2,542.33 feet;

THENCE run S88°02'34"W for a distance of 1,221.61 feet to the POINT OF BEGINNING of the herein described parcel of land;

THENCE continue S88°02'34"W for a distance of 750.33 feet to a point on the Easterly right-of-way line of US Highway No. 41 (State Road No. 45, a 200-foot right-of-way);

THENCE run S00°15'56"E along said Easterly right-of-way line for a distance of 553.06 feet to the beginning of a tangential circular curve, concave Easterly;

THENCE run Southerly along said Easterly right-of-way line, and along the arc of said curve to the left, having a radius of 5,605.39 feet, through a central angle of 06°12'58", subtended by a chord of 607.83 feet, at a bearing of S03°22'24"E, for a distance of 608.13 feet;

THENCE run N88°07'51"E for a distance of 747.23 feet to a point of intersection with a non-tangential circular curve, concave Easterly, whose radius point bears N82°31'42"E a distance of 3,909.60 feet therefrom;

THENCE run Northerly along the arc of said curve to the right having a radius of 3,909.60 feet through a central angle of 08°29'31", subtended by a chord of 578.92 feet, at a bearing of N03°13'32"W, for a distance of 579.45 feet to the end of said curve;

THENCE run N00°15'56"W for a distance of 583.09 feet to the POINT OF BEGINNING.

Containing 19.948 acres, more or less.

Bearings hereinabove mentioned are based on the East line of the Southeast Quarter (SE¼) of Section 09, Township 47 South, Range 25 East as being N00°57'23"W; and

PARCEL 2

A portion of the North Half (N½) of Section 09, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows: Commence at the Southeast corner of Section 09, Township 47 South, Range 25 East, Lee County Florida;

THENCE run N00°57'23"W along the East line of said Section 09 for a distance of 2,674.19 feet to the East Quarter corner of said Section 09; THENCE run N01°15'50"W along the East line of said Section 09 for a distance of 68.17 feet;

THENCE run S88°02'34"W for a distance of 1,555.19 feet to the POINT OF BEGINNING of the herein described parcel of land;

THENCE continue S88°02'34"W for a distance of 413.96 feet to a point on the Easterly right-of-way line of US Highway 41 (State Road No. 45, a 200 foot right-of-way);

THENCE run N00°15'56"W along said Easterly right-of-way line for a distance of 415.00 feet;

THENCE run S46°02'16"E for a distance of 577.45 feet to the POINT OF BEGINNING.

Containing 1.971 acres, more or less.

Bearings hereinabove mentioned are based on the East line of the Southeast Quarter (SE¼) of Section 09, Township 47 South, Range 25 East as being N00°57'23"W; and

PARCEL 3

A parcel of land located in Sections 02, 03, 10, and 11, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commence at the Northwest corner of Section 03, Township 47 South, Range 25 East, Lee County, Florida;

THENCE run S00°46'22"E along the West line of the Northwest Quarter (NW¼) of said Section 03 for a distance of 100.02 feet to a point 100.00 feet South of, as measured at right angles to, the North line of the Northwest Quarter (NW¼) of said Section 03;

THENCE run N89°51'03"E parallel with the North line of the Northwest Quarter (NW¼) of said Section 03 for a distance of 23.35 feet to a point on the South right-of-way line of Williams Road, a 100.00 foot right-of-way,

the same being the POINT OF BEGINNING of the parcel of land herein described;

THENCE continue N89°51'03"E along said parallel line and along said South right-of-way line for a distance of 2,623.11 feet;

THENCE run N89°51'33"E parallel with the North line of the Northeast Quarter (NE¼) of said Section 03 and along said right-of-way line for a distance of 975.29 feet;

THENCE run N00°08'27"W along said right-of-way line for a distance of 100.00 feet to a point on the North line of the Northeast Quarter (NE¼) of said Section 03;

THENCE run N89°51'33"E along the North line of the Northeast Quarter (NE¼) of said Section 03 for a distance of 1,664.48 feet to the Northeast corner of said Section 03, the same being the Northwest corner of Section 02; Township 47 South, Range 25 East;

THENCE run N89°51'16"E along the North line of the Northwest Quarter (NW¼) of said Section 02 for a distance of 2,641.95 feet;

THENCE run N89°50'12"E along the North line of the Northeast Quarter (NE¼) of said Section 02 for a distance of 2,026.48 feet to a point on the West right-of-way line of Interstate 75, a 410-foot right-of-way, the same being a point on a circular curve, concave Westerly, whose radius point bears S79°55'57"W a distance of 5,567.58 feet therefrom;

THENCE run Southerly along said right-of-way line and along the arc of said curve to the right, having a radius of 5,567.58 feet, through a central angle of 08°30'06", subtended by a chord of 825.37 feet, at a bearing of S05°49'00"E for a distance of 826.13 feet to the end of said curve;

THENCE run S01°33'57"E along said right-of-way line for a distance of 4,512.58 feet to a point on the North line of the Northeast Quarter (NE¼) of Section 11, Township 47 South, Range 25 East;

THENCE continue S01°33'57"E along said right-of-way line for a distance of 5,977.28 feet to a point on the South line of said Section 11;

THENCE run N82°32'38"W along the South line of the Southeast Quarter (SE¼) of said Section 11 for a distance of 2,165.51 feet;

THENCE run N82°29'27"W along the South line of the Southwest Quarter (SW¼) of Section 11 for a distance of 2,698.44 feet to the Southwest corner of said Section 11, the same being the Southeast corner of Section 10, Township 47 South, Range 25 East;

THENCE run S88°50'19"W along the South line of the Southeast Quarter (SE¼) of said Section 10 for a distance of 2,664.18 feet;

THENCE run S88°50'37"W along the South line of the Southwest Quarter (SW¼) of said Section 10 for a distance of 2,540.14 feet to a point on the Easterly right-of-way line of the Seaboard Coastline Railroad right-of-way, a 130.00 foot right-of-way;

THENCE run N00°59'47"W along said Easterly right-of-way line for a distance of 5,341.51 feet to a point on the North line of the Northwest Quarter (NW¼) of said Section 10;

THENCE continue N00°59'47"W along said Easterly right-of-way line for a distance of 2,692.12 feet;
THENCE run N00°56'59"W along said Easterly right-of-way line for a distance of 1,590.73 feet to the beginning of a tangential circular curve, concave Westerly;
THENCE run Northerly along said Easterly right-of-way line and along the arc of said curve to the left, having a radius of 5,771.38 feet through a central angle of 09°31'27", subtended by a chord of 958.37 feet at a bearing of N05°42'42"W for a distance of 959.37 feet to the end of said curve;
THENCE run N10°28'26"W along said Easterly right-of-way line for a distance of 77.72 feet to the POINT OF BEGINNING.
Containing 2,470.384 acres, more or less.

Bearings hereinabove mentioned refer to the North line of the Northwest Quarter (NW¼) of Section 03, Township 47 South, Range 25 East, Lee County Florida, as being N89°51'03"; and

WHEREAS, the applicant has indicated the property's current STRAP numbers are: 02-47-25-00-00001.0000, 02-47-25-00-00001.0010, 03-47-25-00-00002.0000, 03-47-25-00-00002.0010, 09-47-25-00-00001.0010 (portion of), 09-47-25-00-00001.001A, 09-47-25-00-00001.001B, 10-47-25-00-00002.0000, 10-47-25-00-00002.0010, 11-47-25-00-00001.0000, and 09-47-25-00-00001.0010; and

WHEREAS, Long Bay Partners LLC and Edward J. McArdle, Trustee, the owners of the subject parcels, authorized Wilson, Miller, Barton & Peek, Inc. and Pavese, Garner, Haverfield, Dalton, Harrison & Jensen to act as agents to pursue this zoning application; and

WHEREAS, a public hearing was advertised and held on June 4, 1997 and subsequently continued on June 10, 1997 in Case #'s 96-07-030.03Z 01.01 and 96-07-030.04Z 01.01, before the Lee County Hearing Examiner who gave full consideration to the evidence available; and

WHEREAS, a public hearing was advertised and held on July 21, 1997 and subsequently continued to August 25, 1997 before the Lee County Board of County Commissioners who gave full and complete consideration to the recommendations of staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS, that the Board:

- a) **APPROVES** the Application for Development Approval (ADA) for a Development of Regional Impact (DRI) known as The Brooks of Bonita Springs, on 2,492± acres, State DRI #07-9697-133; and

b) **APPROVES with conditions** the requested rezoning from AG-2 to MPD as follows:

SECTION A. CONDITIONS:

The MPD zoning and Master Concept Plan are subject to the following conditions:

- 1.a. The development of the subject property shall be in accordance with the four-page Master Concept Plan for the project, entitled "Master Concept Plan prepared for Long Bay Partners, L.L.C.", prepared by Wilson, Miller, Barton & Peek, Inc., Project #0774-03, printed May 30, 1997, stamped "Received May 30, 1997" by the Permit Counter, except as modified herein. Unless specifically approved as part of this rezoning, development must be in accordance with all applicable local development regulations, including the Development of Regional Impact Development Order. No deviations from the Land Development Code are granted unless specifically identified herein.
- 1.b. Final Plan Approval (FPA) will be required only when the parcel development includes vertical (structural) development or when additional deviations are requested. If FPA is required, then the Developer must file an application prior to, or simultaneous with, a local Development Order that proposes vertical development. The purpose of this process is to ensure that vertical development of The Brooks is generally in compliance with The Brooks Zoning Resolution, Master Concept Plan and DRI Development Order, while at the same time allowing flexibility in response to changing development practices. Once the application is determined to be sufficient, a decision by Lee County will be rendered within 21 calendar days.
- 1.c. The following information must be provided in the application for Final Plan Approval:
 - 1) the type and amount of uses, i.e., the number of residential dwelling units or square feet of commercial uses;
 - 2) an ongoing tabulation of the total number of residential dwelling units, commercial square footage, and community uses that have received local Development Order approval;
 - 3) location and dimensions of access points;
 - 4) location and dimensions of internal roadways;
 - 5) location and dimensions of buildings/structures and parking spaces/areas;
 - 6) setbacks and building heights;
 - 7) boundary of development tract;
 - 8) adjacent zoning and land uses;
 - 9) buffers and landscape strips required or proposed;
 - 10) open space, including an ongoing tabulation of required open space; and
 - 11) detail drawings showing the application of deviations.

2. Schedule of Uses:

a. **RESIDENTIAL "R"**

1) Permitted Principal Uses and Structures

Administrative Offices

Assisted Living Facility - Density in accordance with Section 34-1494

Churches, Synagogues, and other Places of Worship

Civic and Cultural Facilities

Clubs: Country, Private - the following ancillary uses are allowed in the clubhouse:

- Beauty Shops
- Health Clubs
- Massage Establishments
- Specialty Retail

Consumption on Premises, limited to clubhouse(s) and golf course uses

Customary accessory uses and structures, including but not limited to private garages and swimming pools

Dwelling Units:

- Single Family, attached
- Single Family, detached
- Model Homes, Model Units and Model Display Center (limited to residential uses within The Brooks, Speculative Homes)
- Townhouse
- Two-Family and Multi-Family dwelling and customary accessory uses
- Two-Family attached, Residential Accessory Uses, including but not limited to:
 - Private garages, carports and parking areas
 - Private swimming pools and enclosures
 - Private tennis courts
- Cluster housing, townhouses, patio houses, and zero lot lines

Day Care Centers and other Pre-School Facilities (when compatible with adjacent uses)

Entrance Gates and Gatehouses

Essential Service Facilities, Group I

Excavation - Water Retention

Golf Courses, Golf Course Accessory and Associated uses, including but not limited to:

- Clubhouse
- Locker Rooms
- Maintenance Facility
- Pro Shop
- Snack Bar and other uses normal and necessary to the golf course
- Snack Bar at the ninth hole or other appropriate location

Helistop - located on clubhouse parcel for emergency use only

Home Occupations (Subject to standards in LDC Section 34-1772)
 Irrigation Wells (Essential services)
 Public and private parks, playgrounds, play fields and commonly owned open space
 Real Estate Sales Office for The Brooks project only, (subject to Condition 34)
 Recreational Facilities, Private
 Recreational Hall, Private
 Signs, in compliance with The Brooks Sign Schedule
 Swimming Pools, Tennis Courts or other community recreational amenities
 Temporary Agricultural uses (subject to Condition 35)
 Temporary Sales and/or Construction Office
 Any residential activity comparable in nature with the foregoing uses and which the Director of the Lee County Department of Community Development determines to be compatible in "R" District

b. COMMERCIAL "C"

1) Permitted Principal Uses and Structures

Administrative Offices
 ALF (Assisted Living Facility) - Density in accordance with Section 34-1494
 Animals:
 - Clinic (Section 34-1321)
 - Animal Kennel, when enclosed within a building
 ATM (Automatic Teller Machine)
 Automobile Repair and Service, Group 1 [Section 34-622(c)(2)]
 Banks and Financial Establishments, Groups I and II [Section 34-622(c)(3)]
 Bar or Cocktail Lounge - Limited to one (in compliance with LDC Section 34-1261 et seq.)
 Broadcast Studio, Commercial Radio and Television (Section 34-1441)
 Building Material Sales [Section 34-622(c)(4)]
 Business Services, Groups I and II [Section 34-622(c)(5)]
 Car Wash
 Caretaker's residence
 Caterers
 Civic and Governmental Services
 Cleaning and Maintenance Services [Section 34-622(c)(7)]
 Clothing Stores [Section 34-622(c)(7)]
 Clubs: Country, Commercial, Fraternal: The following ancillary uses are allowed in the clubhouse:
 - Beauty Shops
 - Health Clubs
 - Massage Establishments
 - Specialty Retail
 Consumption on Premises (in compliance with LDC Sec. 34-1261 et seq.)
 Contractors and Builders, Group I

Convenience Food and Beverage Stores
 Cultural Facilities [Section 34-622(c)(10)]
 Day Care Center: Adult, Child
 Department Store
 Drive-Through Facility for any Permitted Use
 Drugstore, Pharmacy
 Emergency Medical Service (ambulance station)
 Emergency Operations Center
 Essential Services [Section 34-1611]
 Essential Service Facilities, Group I [Sections 34-622(c)(13) and 34-1611]
 Excavation:
 - Water Retention [Section 34-1651]
 Fences, Walls
 Fire Station
 Food and Beverage Service, Limited
 Food Stores, Group I
 Gasoline Dispensing System, Special
 Hardware Store
 Health Care Facility, Groups I, II and III
 Health Club or Spa
 Helistop
 Hobby, Toy, Game Shops [Section 34-622(c)(21)]
 Hotel, Motel - limited to 120 rooms
 Household and Office Furnishings, Groups I and II
 Insurance Companies [Section 34-622(c)(23)]
 Irrigation Wells (Essential Services)
 Laundry & Dry Cleaning, Group II (excluding Plant)
 Massage Establishments
 Medical Office
 Message Answering Service
 Non-store Retailers, All Groups [Section 34-622(c)(30)]
 Outdoor Display of Merchandise (in compliance with LDC Section 34-3004)
 Package Store (in compliance with LDC Section 34-1261)
 Paint, Glass, and Wallpaper
 Parcel and Express Service
 Parks, Public or Private, Groups I and II
 Parking Lot:
 - Accessory
 - Garage, Public Parking
 Personal Services, Groups I and III
 Pet Services
 Pet Shop
 Photo Finishing Laboratory
 Place of Worship
 Police or Sheriff's Station

Post Office
 Printing and Publishing [Section 34-622(c)(38)]
 Real Estate Sales and Rental, for The Brooks project only
 Religious Facilities [Section 34-2051]
 Rental or Leasing Establishments: Group II
 Repair Shops, Groups I, II and III
 Research & Development Laboratories, Groups II & IV [Section 34-622(c)(41)]
 Restaurants, Fast Food
 Restaurants, Groups I, II, III and IV
 Schools, Commercial [Section 34-622(c)(45)]
 Schools, Non-commercial
 - Lee County School District
 - Other
 Self-service Fuel Pumps and Station
 Signs, in compliance with The Brooks Sign Schedule
 Specialty Retail Shops, Groups I and II
 Storage, Indoor only
 Studios [Section 34-622(c)(49)]
 Supermarket
 Temporary Uses excluding flea markets (Section 34-3041)
 Theater, Indoor
 Towers, Communication - only when accessory to a permitted use: 50 feet or less
 in height
 Variety Store
 Wholesale Establishment, Group III
 Any commercial use or professional service comparable in nature with the
 foregoing uses and which the Director of the Lee County Department of
 Community Development determines to be compatible in the "C" district

2) Permitted Accessory Uses and Structures

Accessory uses and structures customarily associated with the uses permitted
in this district

c. TOWN CENTER "TC"

1) Permitted Principal Uses and Structures:

Administrative Offices
 ALF (Assisted Living Facility) - Density in accordance with Section 34-1494
 Animals:
 - Clinic
 ATM (Automatic Teller Machine)
 Banks and Financial Establishments, Groups I and II
 Bar and Cocktail Lounge - Limited to one (in compliance with LDC
 Section 34-1261 et seq.)

Business Services, Groups I and II
 Car Wash
 Caretaker's Residence
 Caterers
 Civic and Governmental Services
 Cleaning and Maintenance Services
 Clothing Stores, General
 Clubs: Country, Commercial, Fraternal, Private - the following ancillary uses are allowed in the clubhouse:
 - Beauty Shops
 - Health Clubs
 - Massage Establishments
 - Specialty Retail
 Consumption on Premises (In compliance with LDC Section 34-1261 et seq.)
 Convenience Food and Beverage Stores
 Cultural Facilities
 Day Care Center, Adult, Child
 Department Store
 Drive-Through Facility for any permitted use
 Drug Store, Pharmacy
 Dwelling Units:
 Multi-Family Low Rise (minimum setback of 100 feet from the northeast property line)
 Other Residential uses may be permitted as ancillary only to any permitted commercial use subject to review at Final Plan Approval
 Entrance Gate, Gatehouse
 Essential Services
 Essential Service Facilities, Group I
 Excavation:
 - Water Retention
 Fences, Walls
 Food and Beverage Services, limited
 Food Stores, Group I
 Gasoline Dispensing System, Special
 General and Professional Offices
 Hardware Store
 Health Care Facility, Group III
 Health Club or Spa
 Helistop - limited to emergency use only
 Hobby, Toy, Game Shops
 Hotel, Motel - limited to 120 rooms
 Insurance Companies
 Irrigation Wells (Essential services)
 Laundry or Dry Cleaning, Group II - excluding Plant
 Massage Establishments

Medical Office
 Message Answering Service
 Package Store
 Parcel and Express Services
 Parks, Public or Private, All Groups
 Parking Lot:
 - Accessory
 - Garage, Public Parking - limited to two stories and not abutting residential
 land use
 Personal Services, Groups I and III
 Pet Services
 Pet Shop
 Photo Finishing Laboratory
 Place of Worship
 Post Office
 Real Estate Sales Office for The Brooks project only (subject to Condition 34)
 Recreation - Personal, Private or Public
 Recreation Hall
 Religious Facilities
 Rental or Leasing Establishments, Group II
 Restaurants, Groups I, II, III and IV
 Restaurants, Fast Food
 Self-Service Fuel Pumps and Station
 Signs, in compliance with The Brooks Sign Schedule
 Specialty Retail Shops, Groups I and II
 Studios
 Supermarket
 Temporary Agricultural Uses (subject to Condition 35)
 Theater, Indoor or Outdoor
 Variety Store
 Any commercial use or professional service which is comparable in nature with
 the foregoing uses and which the Director of the Lee County Department of
 Community Development determines to be compatible in "TC" District

2) Permitted Accessory Uses and Structures

Accessory uses and structures customarily associated with the uses permitted
in this district

d. RECREATION, OPEN SPACE, GOLF COURSE, BUFFERS & LAKES "RO"

1) Permitted Principal Uses and Structures

Athletic Club
 Biking, hiking, fishing piers and nature trails
 Clubs, Private

Consumption on premises, limited to clubs and golf course uses
 Equestrian and jogging paths
 Golf Clubhouse - the following ancillary uses are allowed in the clubhouse:
 - Beauty Shops
 - Health Clubs
 - Massage Establishments
 - Specialty Retail
 Golf Course
 Golf Maintenance Facility
 Irrigation Wells
 Parks, Playgrounds, Observation Towers, etc.
 Pump Station
 Real Estate Sales Office for The Brooks project only (subject to Condition 34)
 Shelters, Restrooms, Showers, etc.
 Temporary Agricultural Uses (subject to Condition 35)
 Tennis and Basketball Courts, etc.
 Tennis Clubhouses
 Water Management Facilities
 Any open space activity which is comparable in nature with the foregoing uses
 and which the Director of the Lee County Department of Community
 Development determines to be compatible in "RO" District

2) Permitted Accessory Uses and Structures

Ancillary Commercial Establishments - including gift shops, golf and tennis
 equipment sales, restaurants, cocktail lounges, and similar uses located
 within the clubhouse(s)
 Maintenance Shops and Equipment Storage
 Pro-Shop, Practice Driving Range and other customary accessory uses of golf
 courses, tennis clubs or other recreational facilities
 Shuffleboard Courts, Swimming Pools and other types of facilities intended for
 recreation
 Signs, in compliance with The Brooks Sign Schedule

e. CONSERVATION "CO"

1) Permitted Principal Uses and Structures

Interpretative centers, rain shelters, gazebos
 Nature and foot trails, including boardwalks and jogging paths
 Other activities for recreation, conservation and observation, when approved by
 the Director of the Lee County Department of Community Development
 Paths, boardwalks and bridges to provide access from the uplands to the wetland
 for pedestrians and minor maintenance equipment, and to allow fishing
 piers, observation towers and golf cart crossings
 Recreational shelters, restroom facilities, passive parks, picnic areas

Water Management Facilities

Wildlife Management

Any open space activity which is comparable in nature with the foregoing uses and which the Director of the Lee County Department of Community Development determines to be compatible in "CO" District

2) Permitted Accessory Uses and Structures

Accessory uses & structures customarily associated with the uses permitted in this district

Signs, in compliance with The Brooks Sign Schedule

3) Property Development Regulations:

a) Residential "R":

MINIMUM LOT DIMENSIONS

| Residential Uses | Area (sq.ft.) | Depth (ft.) | Width (ft.) |
|--|-----------------|-------------|-------------|
| Single-Family Detached | 5,500 | 100 | 55 |
| Patio Homes | 3,500 | 100 | 50 |
| Two-Family Attached | 4,000 | 100 | 35 |
| Zero Lot Line | 4,000 | 80 | 35 |
| Townhouse | 2,800 | 80 | 30 |
| Multi-Family: Low-Rise Mid-Rise | 6,500 10,000 | 80 100 | 80 100 |
| ALF (5) | 22,500 | 150 | 150 |
| Clubhouse Area/Recreational Facility | N/A | N/A | N/A |
| Accessory Structures | N/A | N/A | N/A |
| Pool Deck | N/A | N/A | N/A |
| Commercial/Office (per schedule of uses) | 7,500 | 75 | 100 |

MINIMUM SETBACKS

| Residential Uses | Side (ft.) | Rear (ft.) | Front/Road (ft.) | Waterbody (ft.) | Preserve (includes upland buffer) | Golf Course (ft.) |
|------------------------|------------|------------|------------------|-----------------|-----------------------------------|-------------------|
| Single-Family Detached | 5 | **10 | 20/*12 | 20 | 10 | **10 |
| Patio Homes | 0 | **10 | 20/*12 | 20 | 10 | **10 |
| Two-Family Attached | 0 | **10 | 20/*12 | 20 | 10 | **10 |
| Zero Lot Line | 0 | **10 | 20/*12 | 20 | 10 | **10 |
| 1st side | 0 | | | | | |
| 2nd side | 0 | **10 | *12 | 20 | 10 | **10 |
| Townhouse | | | | | | |
| 1st side | 0 | | | | | |
| 2nd side | | | | | | |
| Multi-Family | | | | | | |
| Low-Rise | 10 | 10 | 20 | 20 | 10 | **10 |
| Mid-Rise | 15 | 10 | 20 | 20 | 10 | **10 |
| ALF (5) | 15 | 20 | 20 | 0 | 15 | 25 |

| | | | | | | |
|---|----|----|----|---|----|---|
| Clubhouse area/ recreational area | 15 | 20 | 20 | 0 | 10 | 0 |
| Accessory structures | 5 | 5 | 10 | 0 | 10 | 0 |
| Pool Deck | 5 | 5 | 10 | 0 | 10 | 5 |
| Non residential uses (per schedule of uses) | 15 | 20 | 20 | 0 | 10 | 0 |

* with side entry garage ** 5 ft. for accessory structure (pool/lanai)

| Residential Uses | Maximum Height (ft.) | Number of Habitable Floors | Minimum Building Separation (ft.) | Maximum Lot Coverage (%) |
|---|----------------------|----------------------------|-----------------------------------|--------------------------|
| Single-Family Detached | 45 | 3 | 10 | 55 |
| Patio Homes | 45 | 3 | 10 | 55 |
| Two-Family Attached | 45 | 3 | 10 | 55 |
| Zero Lot Line | 45 | 3 | 10 | 55 |
| Townhouse | 45 | 3 | 20 | 55 |
| Multi-Family: Low-Rise High-Rise | 50 75 | 4 7 | 20 30 | 55 55 |
| ALF (5) | 65 | 5 | 20 | 55 |
| Clubhouse Area/ Recreational Facility | 45 | 3 | 15 | N/A |
| Accessory Structures | 45 | N/A | 10 | N/A |
| Pool Deck | N/A | N/A | N/A | N/A |
| Non residential uses (per Schedule of Uses) | 45 | 3 | 15 | 45 |

b. Commercial "C"

MINIMUM LOT DIMENSIONS

| Commercial | Area (sq.ft.) | Depth (ft.) | Width (ft.) |
|----------------------|---------------|-------------|-------------|
| Clubhouse Area | N/A | N/A | N/A |
| Accessory Structures | N/A | N/A | N/A |
| Pool Deck | N/A | N/A | N/A |
| Commercial Office | 7,500 | 100 | 75 |
| Retail | 7,500 | 100 | 75 |
| Hotel | 22,500 | 150 | 150 |
| Community Use | 7,500 | 100 | 75 |

MINIMUM SETBACKS

| Commercial | Side (ft.) | Rear (ft.) | Front/Road (ft.) | Water-body (ft.) | Preserve (includes upland buffer) | Golf Course (ft.) |
|----------------------|------------|------------|------------------|------------------|-----------------------------------|-------------------|
| Clubhouse area | 15 | 20 | 20 | 0 | 10 | 0 |
| Accessory structures | 5 | 5 | 10 | 0 | 10 | 0 |
| Pool Deck | 5 | 5 | 10 | 0 | 10 | 5 |
| Commercial Office | 15 | 20 | 20 | 0 | 10 | 20 |
| Retail | 15 | 20 | 20 | 0 | 10 | 20 |
| Hotel | 15 | 20 | 20 | 0 | 15 | 25 |
| Community Use | 15 | 20 | 20 | 0 | 10 | 20 |

| Commercial | Maximum Height (ft.) | No. of Habitable Floors | Minimum Building Separation (ft.) | Maximum Lot Coverage (%) |
|----------------------|----------------------|-------------------------|-----------------------------------|--------------------------|
| Clubhouse Area | 45 | 3 | 15 | N/A |
| Accessory Structures | 45 | N/A | 10 | N/A |
| Pool Deck | N/A | N/A | N/A | N/A |
| Commercial Office | 65 | 5 | 15 | 45 |
| Retail | 45 | 5 | 15 | 45 |
| Hotel | 75 | 5 | 20 | 45 |
| Community Use | 65 | 5 | 15 | 45 |

c. TOWN CENTER "TC":

MINIMUM LOT DIMENSIONS

| Town Center | Area (sq.ft.) | Depth (ft.) | Width (ft.) |
|------------------------|---------------|-------------|-------------|
| Clubhouse Area | N/A | N/A | N/A |
| Accessory Structures | N/A | N/A | N/A |
| Pool Deck | N/A | N/A | N/A |
| Commercial: | | | |
| Office | 7,500 | 100 | 75 |
| Retail | 7,500 | 100 | 75 |
| Hotel | 22,500 | 150 | 150 |
| Community Use | 7,500 | 100 | 75 |
| Multi-Family, Low-rise | 6,500 | 80 | 80 |
| ALF | 22,500 | 150 | 150 |

MINIMUM SETBACKS

| Town Center | Side (ft.) | Rear (ft.) | Front/Road (ft.) | Waterbody (ft.) | Preserve (includes upland buffer) | Golf Course (ft.) |
|-----------------------|------------|------------|------------------|-----------------|-----------------------------------|-------------------|
| Clubhouse area | 15 | 20 | 20 | 0 | 10 | 0 |
| Accessory structures | 5 | 5 | 10 | 5 | 10 | 0 |
| Pool Deck | 5 | 5 | 10 | 5 | 10 | 5 |
| Commercial: | | | | | | |
| Office | 15 | 20 | 20 | 0 | 10 | 20 |
| Retail | 15 | 20 | 20 | 0 | 10 | 20 |
| Hotel | 15 | 20 | 20 | 0 | 15 | 25 |
| Community Use | 15 | 20 | 20 | 0 | 10 | 20 |
| Multi-Family Low-rise | 10 | 10 | 20 | 20 | 10 | 10 |
| ALF | 15 | 20 | 20 | 0 | 15 | 25 |

| Town Center | Maximum Height (ft.) | Number of Habitable Floors | Minimum Building Separation (ft.) | Maximum Lot Coverage (%) |
|------------------------|----------------------|----------------------------|-----------------------------------|--------------------------|
| Clubhouse Area | 45 | 3 | 15 | N/A |
| Accessory Structures | 45 | N/A | 10 | N/A |
| Pool Deck | N/A | N/A | N/A | N/A |
| Commercial Office | 65 | 5 | 15 | 45 |
| Retail | 45 | 3 | 15 | 45 |
| Hotel | 65 | 5 | 20 | 45 |
| Community Use | 65 | 5 | 15 | 45 |
| Multi-Family, Low-rise | 50 | 4 | 20 | 55 |
| ALF | 65 | 5 | 20 | 55 |

d. **RECREATION, OPEN SPACE, GOLF COURSE, BUFFERS & LAKES -"RO":**

MINIMUM LOT DIMENSIONS

| Recreation, Open Space, Golf Course, Buffers & Lakes | Area (sq.ft.) | Depth (ft.) | Width (ft.) |
|--|---------------|-------------|-------------|
| Clubhouse Area | N/A | N/A | N/A |
| Accessory Structures | N/A | N/A | N/A |
| Pool Deck | N/A | N/A | N/A |
| Commercial/Office (per Schedule of Uses) | 7,500 | 100 | 75 |

MINIMUM SETBACKS

| Recreation, open space, golf course, buffers & lakes | Side (ft.) | Rear (ft.) | Front/Road (ft.) | Waterbody (ft.) | Preserve (includes upland buffer) | Golf Course (ft.) |
|--|------------|------------|------------------|-----------------|-----------------------------------|-------------------|
| Clubhouse area | 15 | 20 | 20 | 0 | 10 | 0 |
| Accessory structures | 5 | 5 | 10 | 0 | 10 | 5 |
| Pool Deck | 5 | 5 | 10 | 5 | 10 | 5 |
| Commercial/Office (per schedule of uses) | 15 | 20 | 20 | 0 | 10 | 0 |

| Recreation, Open Space, Golf Course, Buffers and Lakes | Maximum Height (ft.) | No. of Habitable Floors | Minimum Building Separation (ft.) | Maximum Lot Coverage (%) |
|--|----------------------|-------------------------|-----------------------------------|--------------------------|
| Clubhouse Area | 45 | 3 | 15 | N/A |
| Accessory Structures | 45 | N/A | 10 | N/A |
| Pool Deck | N/A | N/A | N/A | N/A |
| Commercial/Office per Schedule of Uses | 45 | 3 | 15 | 45 |

4. Deviation (1) requests relief from LDC Sections 10-8(2) (Traffic Pattern) and 34-2013(a) (Access) which require all parking lots to be designed to permit vehicles exiting the parking lot to enter the street right-of-way or easement in a forward motion, to allow individual parking spaces to back onto right-of-way or easement for common access drives and private local roads. The requested deviation is **APPROVED** subject to the following conditions:
- (a) this deviation will apply to private internal local roads and accessways only;
 - (b) the design and posted speed will be 20 mph or less;
 - (c) the visual clear zone will be in accordance with the visibility triangle criteria set forth in LDC Section 34-3131; and
 - (d) where determined to be practical by the design engineer, traffic calming devices as identified in the ITE Residential Street Design and Traffic Control book will be provided.
5. Deviation (2) seeks to deviate from LDC Section 10-285 (Connection Separation) which requires a minimum 125-foot spacing between driveway accesses to a local road, to allow two connections for each short cul-de-sac (eyebrows), at a spacing of less than 125 feet. The requested deviation is **APPROVED** with the condition that:
- (a) each "eyebrow" must be provided with signage indicating one-way traffic in a counter-clockwise direction;
 - (b) the minimum separation will be 60 feet;
 - (c) it applies only to private local roads; and
 - (d) it is approved only for those typical situations including, but not limited to, those designated in "Examples for Deviation (2)" attached as Exhibit E to the Staff Report.
6. Deviation (3) seeks to deviate from LDC Section 10-291(3)(b) (Access to Street) which requires, where practical, any residential development of least five± acres to provide

two or more means of ingress and egress, to allow only one means of ingress and egress. The requested deviation is **APPROVED** subject to the following conditions:

- (a) an emergency turnaround of adequate dimension is provided for emergency service providers within each development pod;
 - (b) each multi-family pod with one means of ingress and egress will not exceed 150 units; and
 - (c) the local Fire and Emergency Service District must provide a letter of approval prior to local Development Order approval.
7. Deviation (4) seeks to deviate from LDC Section 10-296(b), Table 3 (Specifications for Privately Maintained Streets) which requires a right-of-way width of 35 feet for a two-way closed drainage, rear lot drainage, or inverted crown, to allow a right-of-way width to coincide with the back of curb for local private roads. The requested deviation is **APPROVED** provided the required drainage and utility easements are located outside of the right-of-way and adequate provisions are made for road drainage and utilities.
8. Deviation (5) seeks to deviate from LDC Section 10-296, Table 4(7)(c) (Minimum Specifications for Street Improvements) which requires wearing surfaces for local and access roads for Class A development be 1½-inch asphaltic concrete of Florida Department of Transportation Type S-1, to allow for decorative pavers within private local and public arterial roadways. The requested deviation is **APPROVED for local, private roads** provided that the structural number of the proposed alternate cross-section will equal or exceed the structural number of a "standard" Class A local road flexible pavement cross-section. The requested deviation is **APPROVED for public arterial roads** subject to Lee County Division of Transportation approval.
9. Deviation (6) seeks to deviate from LDC Section 10-296(m)(4)(a) (Privately Maintained Accessways) which allows privately maintained accessways that meet criteria outlined in item (m)(4)(a) to be exempt from the minimum right-of-way widths specified in 10-296(b), to permit accessways that provide access up to 150 residential units and 300 parking spaces to be exempt from the minimum right-of-way widths as specified in 10-296(b). The requested deviation is **APPROVED** subject to the following conditions:
- (a) the design and posted speed will be 20 mph or less;
 - (b) each multi-family pod with one means of ingress and egress will not exceed 150 units;
 - (c) this deviation will apply to private internal local roads and accessways only; and,
 - (d) where determined to be practical by the design engineer, traffic calming devices as identified in the ITE Residential Street Design and Traffic Control book will be provided.

10. Deviation (7) seeks to deviate from LDC Section 10-329(e)(1)(a) (Excavations for Water Retention and Detention) to allow lake setbacks from rights-of-way as follows:
 - a. Where local private streets meet the requirements of this document, a 25-foot lake setback as measured from the back of curb to the edge of water control elevation will be provided; and
 - b. Where adequate elements for the protection of wayward vehicles are provided, a zero-foot setback from the back of the curb to the edge of the water control elevation will be provided.

The requested deviation is **APPROVED** with the condition that the Developer provides elements for the protection of wayward vehicles such as guardrails, berms, swales, non-mountable curbs, etc., as determined by the Director of Development Services.

11. Deviation (8) seeks to deviate from LDC Section 10-329(e)(3) (Excavations for Water Retention and Detention) which requires the maximum depth of excavation not to exceed 12 feet, to allow a depth not to exceed 20 feet as supported by the hydrogeological report identified in The Brooks ADA, Question 14. The requested deviation is **APPROVED** for a maximum lake depth of 20 feet or to the confining layer, whichever occurs first, subject to implementation of the lake management plan entitled "The Brooks of Bonita Springs Management Program For Lakes Excavated To A Depth Greater Than 12 Feet - June 5, 1997," zoning counter stamped June 5, 1997. This plan must be a component of the engineering and design of The Brooks of Bonita Springs, be incorporated into the local Development Order, and be implemented prior to approval of any Certificate of Compliance (CC) for any portion of the development to which it applies.
12. Deviation (9) seeks to deviate from LDC Section 10-329(e)(4) (Excavations for Water Retention and Detention) which requires excavations to be sloped at four horizontal to one vertical to a water depth of four feet below the dry season water table and two horizontal to one vertical thereafter, to allow for lake slope to conform to South Florida Water Management District (SFWMD) permit. The requested deviation is **APPROVED**.
13. Deviation (10) seeks to deviate from LDC Section 10-355(a)(1) (Easements, Location of Water and Sewer Lines) which requires a 10-foot-wide public utility easement on both sides of a roadway, to allow the public utility easement on one side only. The requested deviation is **APPROVED** if all of the applicable utility companies state, in writing, that the easement may be eliminated.
14. Deviation (11) seeks to deviate from LDC Sections and 10-417(b)(2)f. (Installation of Plant Materials; Protection from Encroachment) which requires that no portion of a buffer area consisting of trees and shrubs be located in an easement, to allow planted

buffers in easements. The requested deviation is **APPROVED** provided that, if any required buffer or landscape strip plantings installed within easements must be removed, then the Developer or homeowners' association must replace these plantings with like size and species at no expense to Lee County. The requirement must be clearly stated in the homeowners' documents.

15. Deviation (12) seeks to deviate from LDC Sections 10-415(b)(1), 10-415(b)(2) and 10-415(c)(1) (Landscaping) which prohibit buffers within the right-of-way, to allow landscaping to be located within rights-of-way that exceed the minimum requirements of this document by 10 feet or more. The requested deviation is **APPROVED** subject to Lee County Division of Transportation approval including, but not limited to, provisions for maintenance and compliance with clear zone regulations. These buffer areas may not be counted toward the required open space calculations.
16. Deviation (13) seeks relief from LDC Section 10-418 (Stormwater Ponds) to allow lake littoral planting requirements to be met on the project site on an overall basis. The requested deviation is **APPROVED** provided that lake littoral planting requirements must be met on the overall project site with each lake containing, at a minimum, 50 percent of its normal LDC requirement. Additionally, The Brooks mitigation area will include: the creation of a meandering flow-way interconnecting wetlands, provide shallow ponds with littoral shelves for wading birds and birds of prey, enhancement of existing herbaceous wetlands, construction of osprey platforms in hammocks, the establishment of willow areas and flag ponds, and the establishment of vegetated upland buffers along portions of the wetland system.
17. Deviation (14) seeks to deviate from LDC Chapter 30, Signs to allow signage in conformance with The Brooks Signage Program. The requested deviation is **APPROVED** subject to compliance with The Brooks Sign Schedule as attached.
18. Deviation (15) seeks to deviate from LDC Section 34-935(b)(2) (Minimum Setbacks of Structures, Buildings and Pavement from Development Perimeter Boundaries) which requires that internal pavement be no closer than 25 feet to the development perimeter, to allow a 15-foot minimum. The requested deviation is **APPROVED** but applies to development perimeter (external project boundary) only.
19. Structures which exceed three stories or 45 feet in height must be set back a minimum of 100 feet from the north project boundary.
20. Structures which exceed two stories or 35 feet in height must be set back a minimum of 100 feet from the south project boundary.
21. A Management Plan per the requirements of LDC Section 10-474 must be approved prior to local Development Order approval for any portion of The Brooks of Bonita Springs DRI site on which a Lee County listed species per LDC Appendix H has been identified.

22. The design for the golf course and residential areas will incorporate the retention of large slash pines for utilization as perch trees for bald eagles. This requirement will not be interpreted in a manner to impair good golf course design, nor may it result in the loss of residential lots.
23. The Open Space Table shown on the Master Concept Plan is hereby adopted. This table must be demonstrated in compliance at each local Development Order submittal. There can be no lessening of the indigenous open space areas as provided on this table. No parcel which has an open space requirement may provide less than 10 percent open space, and no water body may be used to meet this minimum 10 percent open space requirement.
24. Each multi-family development parcel which contains structures that exceed 45 feet in height must provide a minimum of five trees per 100 linear feet along each side lot line. Additionally, any lot line that abuts a single family or two-family residential development parcel must be planted with a 50 percent opaque landscape buffer that may incorporate the required trees. Setbacks for structures over 45 feet in height which abut non multi-family residential uses will be as follows:

| | |
|---------------|---------|
| Side Setback: | 50 feet |
| Rear Setback: | 35 feet |
| Front/Road: | 35 feet |
| Waterbody: | 25 feet |
| Golf Course: | 25 feet |
| Preserve: | 25 feet |
25. Access to the development over and across the existing Seminole Gulf Railway is subject to approval by Seminole Gulf Railway.
26. The maximum number of ALF (Assisted Living Facility) units shall not exceed 500 units or beds - density equivalents to be calculated in accordance with LDC Section 34-1494.
27. During the next four years, Lee County will undertake, to the extent legally permissible, any amendment to the 2010 Overlay, or its successor, necessary to accommodate the buildout of The Brooks as set forth in the DRI phasing schedule. Lee County will cause these amendments to occur in a timely manner so development of The Brooks will not be impeded by the 2010 Overlay, or its successor. Nothing in this condition will be interpreted to cause the County to be liable for a failure to accomplish these amendments if the failure is the result of a refusal by any State or Regional agency to approve such a change.
28. This development must comply with all of the requirements of the Lee County Land Development Code at the time of local Development Order approval, except as may be granted by deviation as part of this planned development.

29. Retail Commercial development at US 41 will be limited to the intensity allowed in Neighborhood Commercial Centers (100,000 square feet or less) until such time as the Coconut Road Extension has been designed and built to operate as an arterial road, and it has been connected to Three Oaks Parkway. It will then be allowed to develop to a maximum of 150,000 square feet of retail uses as delineated in the Schedule of Uses for this parcel.
30. Retail commercial development at the Town Center will be limited to the intensity allowed for Minor Commercial (30,000 square feet) until such time as the Coconut Road Extension is open and connected to Three Oaks Parkway, and the Town Center has access to Three Oaks Parkway and the Coconut Road Extension. It will then be allowed to develop to a maximum of 100,000 square feet of retail uses as delineated in the Schedule of uses for this parcel.
31. Internal improvement capital costs will be borne by the Developer, a UCDD, a private utility or some other legal entity which has the ability to levy an assessment or otherwise raise revenues to pay the internal improvement capital costs. The internal roads, landscaping, recreation areas, drainage, security, street lights and other on-site infrastructure shall be operated and maintained by the Developer, a UCDD, a property owners' association or some other legal entity which has the ability to levy an assessment or otherwise raise revenue to pay the capital cost of internal improvements.
32. The operating and maintenance costs of the water and sewer systems will be paid by the Developer who connects to the utility system, and the users of the system who pay the fees and tariffs levied by the utility. However, if the portion of the operating and maintenance costs of the water and sewer system attributable to the Developer who connects to the utility system, or the users of the system, falls below the requirements of the PDDO, the Developer of The Brooks, a UCDD, a property owners' association, or some other legal entity will be responsible for the payment. The internal roads, landscaping, recreation areas, drainage, security, street lights and other on-site infrastructure shall be operated and maintained by the Developer, a UCDD, a property owners' association or some other legal entity which has the ability to levy an assessment or otherwise raise revenue to pay the cost of operation and maintenance.
33. The Developer must provide the County with fiscal monitoring reports that identify the taxable value of the development by use codes. Taxable value means the actual taxable value assigned to the property in the development by the Lee County Property Appraisers Office. The report must be submitted when the certificate of occupancy for the 2600th unit is issued. A second report must be submitted at the end of the second 5-year period, which is the end of second phase, if the fiscal monitoring report at the end of the first phase indicates that the project is not fiscally positive and a second report is required as part of the mitigation condition.

These reports are intended to allow the County to determine whether the total taxable value is 25% less than, equal to, or exceeds the total taxable value of \$510,180,000.00, which was contained in the fiscal analysis tables that were attached to the June 2, 1997 letter from Fishkind & Associates, to the Division of Budget Services, Lee County.

If these reports demonstrate that the taxable values are 25% less than equal to, or exceeded, no further action is required. If these reports indicate that the actual taxable values are more than 25% below the taxable values projected in the tables, the Developer must conduct a new fiscal impact analysis (using the actual budgets of Lee County, including the Sheriff's budget, the Lee County District School Board, and the Estero Fire and Rescue District) utilizing the methodology of the modified per capita approach as outlined in the Applicants' document entitled "Revised Fiscal Impacts of The Brooks of Bonita Springs," prepared by Fishkind & Associates, Inc. and dated May 19, 1997 (Applicant's Exhibit 59).

If this new analysis indicates that the fiscal impact to the County is positive or neutral, no further action is required. If this new analysis indicates that the fiscal impact to the County is negative, the County, the Applicant and other affected parties will try to reach a mutually agreed upon fiscal mitigation plan which fully mitigates the negative fiscal impacts at the sole cost of the Developer and the property owners within the development. If the Developer or the property owners do not concur with the County Staff's fiscal mitigation plan, they have the right to avail themselves of any remedy allowed them under the County's LDC. No additional Development Orders will be issued to those portions of the project located within the Rural land use category, by the County, until the fiscal mitigation plan is implemented. If such a plan cannot be mutually agreed upon, the County reserves the right to create a taxing entity on the development, such as a Municipal Services Taxing Unit (MSTU) or Municipal Services Benefit Unit (MSBU), to address the identified negative fiscal impacts.

34. When the last or final certificate of occupancy for the last residential unit within a particular community or area is issued, the Real Estate Sales Office use located in or associated with that community must be discontinued. No sales for developments outside of The Brooks may occur within the residential real estate office.
35. Cattle grazing (which is an existing agricultural use on a portion of the property), and a proposed non-commercial tree nursery, for the exclusive use of The Brooks of Bonita Springs, are permitted within the following areas until these areas are developed: Residential (R), Recreation/Open Space/Golf/Buffer (RO), and Towncenter (TC). Cattle grazing is also permitted within the identified Conservation (CO) areas, until such time as the R, RO, or TC areas adjacent to the CO areas are developed. These agricultural uses are further limited to those portions of the site that have an existing agricultural tax exemption as of June 25, 1997.

The areas which have the tax exemption as of June 25, 1997 are legally identified as follows:

All of Sections 2, 3, 10 and 11, Township 47 South, Range 25 East, Lee County, Florida, lying east of the Seminole Gulf Railroad, west of Interstate Highway 75 and south of Williams Road.

LESS AND EXCEPT therefrom:

All that part of Sections 2, 3, 10 and 11, Township 47 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

BEGINNING at the southwest corner of said Section 10,

Thence along the south line of said Section 10 in the following two (2) described courses;

1. South 88°50'19" West 2664.18 feet;
2. South 88°50'37" West 2540.14 feet to the easterly right-of-way line of Seaboard Coastline Railroad;

Thence leaving said south line of Section 10, along said easterly right-of-way line of Seaboard Coastline Railroad, North 00°59'47" West 6010.75 feet;

Thence leaving said right-of-way line, South 73°35'15" East 457.66 feet;

Thence North 85°18'36" East 1675.18 feet;

Thence South 81°35'06" East 1297.84 feet;

Thence North 31°35'30" East 359.66 feet;

Thence Northeasterly and easterly 642.94 feet along the arc of a tangential circular curve concave to the southeast, having a radius of 800.00 feet, through a central angle of 46°02'41" and being subtended by a chord which bears North 54°36'55" East 625.78 feet;

Thence North 77°38'21" East 253.20 feet;

Thence North 13°14'05" East 538.91 feet;

Thence South 81°30'32" East 137.72 feet;

Thence North 82°07'16" East 160.18 feet;

Thence South 31°52'23" East 335.93 feet;

Thence North 40°23'26" East 382.59 feet;

Thence North 23°55'39" East 580.19 feet;

Thence North 45°00'00" East 684.13 feet to a point on the westerly right-of-way line of assumed Three Oaks Boulevard Extension;

Thence along said westerly right-of-way line in the following four (4) described courses;

1. South 45°00'00" East 803.17 feet;
2. Southeasterly, southerly and southwesterly, 3300.70 feet along the arc of a tangential circular curve concave to the west, having a radius of 2350.00 feet, through a central angle of 80°28'30" and being subtended by a chord which bears South 04°45'45" East 3036.00 feet to a point of reverse curvature;
3. Southwesterly and southerly, 1389.94 feet along the arc of a tangential circular curve concave to the southeast, having a radius of 2150.00 feet, through a central

angle of 37°02'27" and being subtended by a chord which bears South 16°57'17" West 1365.86 feet;

4. South 01°33'57" East 3238.37 feet to the south line of said Section 11; Thence leaving said westerly right-of-way line, along said south line of Section 11, North 82°29'27" West 1112.95 feet to the **POINT OF BEGINNING** of the parcel less and excepted;

Subject to easements and restrictions of record.

Containing 1,494.09 net acres more or less.

Bearings are based on the South line of said Section 11, being North 82°29'27" West.

No other type of agricultural use is permitted within these areas and no agricultural use is permitted elsewhere within The Brooks of Bonita Springs DRI.

CO areas that are utilized for cattle must be surveyed for the presence of tropical soda apple *Solanum viarum* (TSA) commencing from the date of zoning approval. Any TSA found must be immediately eradicated and all CO areas must be maintained free of TSA. No native tree removal, clearing & grubbing, excavation, or other development activities may occur unless such activity is reviewed and approved in accordance with all applicable Lee County regulations as if no agricultural uses.

SECTION C. Master Concept Plan:

A four-page reduced copy of the Master Concept Plan is attached and incorporated into this resolution by reference.

SECTION D. FINDINGS AND CONCLUSIONS:

The following findings and conclusions were made in conjunction with the approval of the requested MPD zoning:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the Land Development Code, and other applicable codes and regulations.
2. The MPD zoning:
 - a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c) is compatible with existing or planned uses in the surrounding area; and
 - d) will not adversely affect environmentally critical areas or natural resources.

3. Approval of the request will not unduly burden existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The proposed use or mix of uses is appropriate at the subject location.
6. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguards to the public interest.
7. The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
8. The deviations granted:
 - a) enhance the objectives of the planned development; and
 - b) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

The foregoing resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Manning, and seconded by Commissioner Judah and, upon being put to a vote, the result was as follows:

| | |
|----------------------|-----|
| John E. Manning | Aye |
| Douglas R. St. Cerny | Aye |
| Ray Judah | Aye |
| Andrew W. Coy | Aye |
| John E. Albion | Aye |

DULY PASSED AND ADOPTED this 25th day of August, 1997.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: *Ruth Injainen*
Deputy Clerk

BY: *[Signature]*
Chairman

FILED

Approved as to form by:

[Signature]
County Attorney's Office

SEP 9 1997

LEE COUNTY CIRCUIT COURT

CASE NO. 96-07-030.03Z 01.01 and 96-07-030.04Z 01.01 (Revised 9/04/97)
G:\LUZONINGREIBROOKRES.WPD

RESOLUTION NO. Z-97-037
Page 28 of 28

0002

THE BROOKS
SIGN SCHEDULE

RECEIVED
JUN 27 1997

| SIGN TYPE | MAX. HT SIGN AREA | MAX. COPY AREA | MAX. LETTER SIZE | ZONING COORDINATE | |
|-------------------------------------|----------------------|-------------------|---------------------|------------------------|--|
| | | | | SEE NOTES | LOCATIONS |
| A. MAIN IDENTITY - MAJOR | 16' - 0" | 210 SF | 36" | 4,5,6,8 | Intersection - US 41 and Coconut Road |
| B. MAIN IDENTITY - LESSER | 12' - 0" | 125 SF | 36" | 4,5,6,8 | Williams Rd./ River Ranch Three Oaks/North & South Property Line |
| C. COMMUNITY IDENTITY | 11' - 0" | 105 SF | 24' | 1,3,5,6,8, or 9, 18 | Individual Development Parcels |
| D. PARCEL/AREA ENTRY | 10' - 0" | 40 | 14" | 1,2,3,5,6,8, or 9,18 | Individual Parcels |
| E. TOWN CENTER IDENTITY | 18' - 0" | 200 SF | 24" | 1 or 2,3,5,6,11,12, 16 | Town Center |
| F. FACILITY ID/MAJOR AMENITY | 6' - 6" | 24 SF | 10" | 1,3,5,6,8,9 | Clubhouses/Major Amenities |
| G. VEHICULAR DIRECTIONAL | 5' - 3" | 13 SF | 6" | 2,3,5,6 | Throughout |
| H. PEDESTRIAN/GOLF CART DIRECTIONAL | 5' - 0" | 4 SF | 6" | 2,3,5,6 | Throughout |
| I. STREET IDENTITY | 10' - 0" | 2 SF | 6" | 2,5,6,19,20 | Throughout |
| J. VEHICULAR REGULATORY | 7' - 2" | 6.25 SF | 8" | 2,5,6,15,19,20 | Throughout |
| K. RETAIL/COMMERCIAL/OFFICE-MAJOR | 20' - 0" | 200 SF | 18" | 2,4,5,6,13,16 | US 41 |
| L. RETAIL/COMMERCIAL/OFFICE-LESSER | 14' - 0" | 200 SF | 16" | 2,3,5,6,14,16 | Coconut Road |

NOTES:

1. Zero foot setback from R.O.W. All identification signs proposed to be located zero feet from public right-of-way must be reviewed and approved by Lee County Department of Transportation (LDOT) at time of permitting.
2. Within the private R.O.W, only when located within a median of an internal non-county local road. These signs must be reviewed and approved by Lee County Development Services Division at time of local Development Order.
3. Signs will be setback a minimum of 30" from back of curb when located within the median of a private road or entrance.
4. Signs will be setback a minimum of 36" from public right-of-way.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.
7. Copy Area represents signage panel only (excluding logo).
8. Two single faced signs equal in size and located on each side of the entrance way.
9. In lieu of two single faced signs, a double faced sign equal in size on both faces located in a median and perpendicular to the right-of-way.
11. Two double faced signs with a maximum of 200 square feet of copy area each may be located on Coconut Road and one double faced sign with a maximum of 200 square feet may be permitted on Three Oaks Parkway. These signs may be located within a median at each entrance way into the Town Center.

BONITA BAY P&D

06/27/97 FRI 11:32 FAX 941498119

06/27/07 FRI 11:32 FAX 8414881.

BONITA BAY P&D

0003

12. In lieu of the double faced signs, single faced signs equal size and not to exceed 150 square feet of sign area may be located on each side of each entrance way. These Signs may be located zero feet from the right-of-way if approved by LDOT at time of permitting.
13. One double faced sign along U.S. 41 at Commercial Center.
14. One double face sign along Coconut Road at the Commercial Center.
15. The height of Vehicular Regulatory signs will be determined by the design speed of the roadway.
16. The identification Signage proposed for the U.S. 41 Commercial and the Town Center will serve as nonresidential subdivision identification signage only, and is not intended to preclude additional signage permitted in accordance with the LDC. Except that additional permanent ground mounted signage will not be permitted adjacent to U.S. 41, Coconut Road and Three Oaks Parkway. This does not prohibit the main identity signage for the overall Brooks development located at the intersection of U.S. 41 and Coconut Road.
17. All other signs shall meet the regulations set forth in Chapter 30 of the Land Development Code.
18. The Community identity and Parcel Area Entry are clarified as follows:
Community - Those residential development parcels (df per LDC) within The Brooks that are bounded by and identified at entrances from Coconut Road, Three Oaks Parkway and Williams Road.
Parcel - Those development parcels that are sub-units of the larger Communities as defined above.
19. Signs will be setback a minimum of 36" from back of curb.
20. To be standard LDOT signs within right-of-way of Coconut Road, Three Oaks Parkway and Williams Road. Any deviation from LDOT standards must be approved by LDOT.

A. MAIN IDENTITY - MAJOR

4. Signs will be setback a minimum of 36" from public right-of-way.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.
8. Two single faced signs equal in size and located on each side of the entrance way. Or:

B. MAIN IDENTITY - LESSER

4. Signs will be setback a minimum of 36" from public right-of-way.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.
8. Two single faced signs equal in size and located on each side of the entrance way. Or:

C. COMMUNITY IDENTITY

1. Zero foot setback from R.O.W. All identification signs proposed to be located zero feet from public right-of-way must be reviewed and approved by Lee County Department of Transportation (LDOT) at time of permitting.
3. Signs will be setback a minimum of 30" from back of curb when located within the median of a private road or entrance.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.
8. Two single faced signs equal in size and located on each side of the entrance way. Or:
9. In lieu of two single faced signs, a double faced sign equal in size on both faces located in a median and perpendicular to the right-of-way.
18. The Community identity and Parcel Area Entry are clarified as follows:
Community - Those residential development parcels (df per LDC) within The Brooks that are bounded by and identified at entrances from Coconut Road, Three Oaks Parkway and Williams Road.
Parcel - Those development parcels that are sub-units of the larger Communities as defined above.

D. PARCEL/AREA ENTRY

1. Zero foot setback from R.O.W. All identification signs proposed to be located zero feet from public right-of-way must be reviewed and approved by Lee County Department of Transportation (LDOT) at time of permitting.
2. Within the R.O.W. only when located within a median of an internal local road. These signs must be reviewed and approved by LDOT at time of permitting.
3. Signs will be setback a minimum of 30" from back of curb when located within the median of a private road or entrance.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.
8. Two single faced signs equal in size and located on each side of the entrance way. Or:
9. In lieu of two single faced signs, a double faced sign equal in size on both faces located in a median and perpendicular to the right-of-way.
18. The Community identity and Parcel Area Entry are clarified as follows:
Community - Those residential development parcels (df per LDC) within The Brooks that are bounded by and identified at entrances from Coconut Road, Three Oaks Parkway and Williams Road.
Parcel - Those development parcels that are sub-units of the larger Communities as defined above.

E. TOWN CENTER IDENTITY

1. Zero foot setback from R.O.W. All identification signs proposed to be located zero feet from public right-of-way must be reviewed and approved by Lee County Department of Transportation (LDOT) at time of permitting. Or:
2. Within the R.O.W. only when located within a median of an internal local road. These signs must be reviewed and approved by LDOT at time of permitting.
3. Signs will be setback a minimum of 30" from back of curb when located within the median.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.
11. Two double faced signs with a maximum of 200 square feet of copy area each may be located on Coconut Road and one double faced sign with a maximum of 200 square feet may be permitted on Three Oaks Parkway. These signs may be located within a median at each entrance way.
12. In lieu of the double faced signs, single faced signs equal size and not to exceed 150 square feet of sign area may be located on each side of each entrance way. These signs may be located zero feet from the right-of-way if approved by LDOT at time of permitting.
16. The identification Signage proposed for the U.S. 41 Commercial and the Town Center will serve as nonresidential subdivision identification signage only, and is not intended to preclude additional signage permitted in accordance with the LDC. Except that additional permanent ground mounted signage will not be permitted adjacent to U.S. 41, Coconut Road and Three Oaks Parkway. This does not prohibit the main identity signage for the overall Brooks development located at the intersection of U.S. 41 and Coconut Road.

F. FACILITY ID/MAJOR AMENITY

1. Zero foot setback from R.O.W. All identification signs proposed to be located zero feet from public right-of-way must be reviewed and approved by Lee County Department of Transportation (LDOT) at time of permitting.
3. Signs will be setback a minimum of 30" from back of curb when located within the median.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.
8. Two single faced signs equal in size and located on each side of the entrance way.
9. In lieu of two single faced signs, a double faced sign equal in size on both faces located in a median and perpendicular to the right-of-way.

G. VEHICULAR DIRECTIONAL

2. Within the R.O.W. only when located within a median of an internal local road. These signs must be reviewed and approved by LDOT at time of permitting.
3. Signs will be setback a minimum of 30" from back of curb when located within the median.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.

H. PEDESTRIAN/GOLF CART DIRECTIONAL

2. Within the R.O.W. only when located within a median of an internal local road. These signs must be reviewed and approved by LDOT at time of permitting.
3. Signs will be setback a minimum of 30" from back of curb when located within the median.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.

I. STREET IDENTITY

2. Within the R.O.W. only when located within a median of an internal local road. These signs must be reviewed and approved by LDOT at time of permitting.
4. Signs will be setback a minimum of 36" from back of curb.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.

19. Signs will be setback a minimum of 36" from back of curb.
20. To be standard LDOT signs within right-of-way of Coconut Road, Three Oaks Parkway and Williams Road. Any deviation from LDOT standards must be approved by LDOT.

J. VEHICULAR REGULATORY

2. Within the R.O.W. only when located within a median of an internal local road. These signs must be reviewed and approved by LDOT at time of permitting.
4. Signs will be setback a minimum of 36" from back of curb.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.
15. The height of Vehicular Regulatory signs will be determined by the design speed of the roadway.
19. Signs will be setback a minimum of 36" from back of curb.
20. To be standard LDOT signs within right-of-way of Coconut Road, Three Oaks Parkway and Williams Road. Any deviation from LDOT standards must be approved by LDOT.

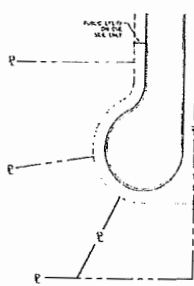
K. RETAIL/COMMERCIAL/OFFICE-MAJOR

2. Within the R.O.W. only when located within a median of an internal local road. These signs must be reviewed and approved by LDOT at time of permitting.
4. Signs will be setback a minimum of 36" for back of curb.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.
13. One double faced sign along U.S. 41 at Commercial Center.
16. The identification Signage proposed for the U.S. 41 Commercial and the Town Center will serve as nonresidential subdivision identification signage only, and is not intended to preclude additional signage permitted in accordance with the LDC. Except that additional permanent ground mounted signage will not be permitted adjacent to U.S. 41, Coconut Road and Three Oaks Parkway. This does not prohibit the main identity signage for the overall Brooks development located at the intersection of U.S. 41 and Coconut Road.

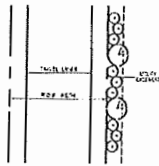
L. RETAIL/COMMERCIAL/OFFICE-LESSER

2. Within the R.O.W. only when located within a median of an internal local road. These signs must be reviewed and approved by LDOT at time of permitting.
3. Signs will be setback a minimum of 30" from back of curb when located within the median.
5. All signs must meet the visibility triangle requirements of Section 30-93, LDC.
6. Height of signs must be measured in accordance with Section 30-93 LDC.
14. One double face sign along Coconut Road at the Commercial Center.
16. The identification Signage proposed for the U.S. 41 Commercial and the Town Center will serve as nonresidential subdivision identification signage only, and is not intended to preclude additional signage permitted in accordance with the LDC. Except that additional permanent ground mounted signage will not be permitted adjacent to U.S. 41, Coconut Road and Three Oaks Parkway. This does not prohibit the main identity signage for the overall Brooks development located at the intersection of U.S. 41 and Coconut Road.

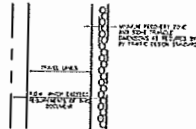
DEVIATION 9, EXHIBIT WILL BE PROVIDED AT
TIME OF WATER MANAGEMENT PERMIT ISSUANCE



DEVIATION 10
413



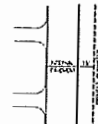
DEVIATION 11
413



DEVIATION 12
413

DEVIATION 13 ILLUSTRATION NOT REQUIRED

DEVIATION 14 ILLUSTRATION TO BE PROVIDED
IN BROOKS SIGNAGE PROGRAM



DEVIATION 15
413



**WILSON
MILLER
BARTON
& PREEK
INC.**

Planning
& Landscape
Architecture
Division

Engineers Surveyors
Environmental Consultants
Planners
Landscape Architects
Construction Managers

Corporate Headquarters
P.O. Box 10000
10000
10000
10000

BROOKS OF BONTA SPRINGS
 EXHIBIT N-F
 MASTER CONCEPT PLAN - REZONING
 PREPARED FOR: LONG BAY PARTNERS, L.L.C.

APPROVED

Master Concept Plan
Site Plan & Easement Package, U.S.
Subject to conditions in Resolution Z-22-113
Issued On 05/14/2013 10:12 AM

PROJECT #
PROJECT TYPE

RECEIVED
MAY 20 2013
PROJECT CONTROL

MAY 20 2013
WILSON MILLER BARTON & PREEK INC.
Checked by: [Signature]
Drawn by: [Signature]
Approved by: [Signature]
Scale: 1/2" = 1'-0"
Project #: [Number]
Sheet #: [Number]
Date: 05/14/2013

Administrative Variance

23721 Stonyriver Place, Estero, FL 34135

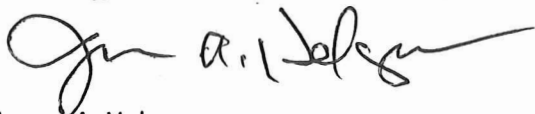
RECEIVED
MAY 30 2018
VILLAGE OF ESTERO

To Whom It May Concern:

I live at 23733 Stonyriver Place, Estero, FL 34135. I am a neighbor of Randall and Susan Blanton who are the owners of 23721 Stonyriver Place, Estero, FL 34135. I am informed that Mr. and Mrs. Blanton are requesting a variance from the Village of Estero for the residence's violation of the 5' set back on the Southerly side of the residence.

I have no objection to the granting of the variance allowing the residence to be 4.9' rather than 5.0' from the common lot line between 23721 Stonyriver Place, Estero, FL 34135 and 23733 Stonyriver Place, Estero, FL 34135.

Sincerely,



James A. Helgason