



November 11, 2022

Lee County Community Development  
Planning Section  
1500 Monroe Street  
Fort Myer, FL 33908

RECEIVED  
NOV 22 2022

COMMUNITY DEVELOPMENT

**S: DANIELS TOWN SQUARE CPA  
Lee County Large-scale Comprehensive Plan Amendment Application –  
Text Amendment**

Dear Planning Staff:

The Meyers Group ("Applicant") seeks a Text Amendment application to change Table 1(b) to increase the acreage of the residential land in the Intensive Development FLU category of District 11, Daniels Parkway from 0 to 66 acres and remove the acreage from General Interchange. The 66.2+/- acre subject property is generally located on the southwest corner of Daniels Parkway and I-75 in unincorporated Lee County, Florida.

Additionally, amend Lee Plan Map 1-A, Future Land Use Map, and Lee Plan Map 1-C, Mixed-use Overlay, to change the Future Land Use Category (FLUC) from General Interchange to Intensive Development and be included in the Mixed-use Overlay (MUO).

The desired development program includes up to 500,000 square feet of Non-Residential uses (Retail: Max 500,000 sf plus Hotel: Max 300 rooms); and up to 1,456 Residential dwelling units (927 base density units and 529 bonus density units) made up of Multi-family and Senior Housing (ALF, Continuing Care, Independent Living). The project is a Town Center style layout.

Enclosed please find a completed large-scale comprehensive plan amendment application for a Text Amendment.

The CPA application is a companion request to a Mixed-use Planned Development rezoning application.

If you have any further questions, please do not hesitate to contact me directly at (239) 318-6707 or [fdrovdlic@rviplanning.com](mailto:fdrovdlic@rviplanning.com).

Sincerely,

**RVi** Planning + Landscape Architecture

**Fred Drovdlc, AICP**  
Planning Director



November 21, 2022

Brandon Dunn, AICP  
Principal Planner  
Lee County Community Development, Planning Section  
1500 Monroe Street  
Fort Myer, FL 33908

**Re: DANIELS TOWN SQUARE TEXT AND MAP AMENDMENTS  
1<sup>st</sup> INSUFFICIENCY RESPONSE LETTER  
DCI2022-00010 AND DCI2022-00011**

Dear Brandon:

Enclosed please find responses to your insufficiency letter dated *October 12, 2022*. The following information has been provided to assist with the approval process:

1. Sufficiency Comment Response Letter
2. Revised Lee Plan Analysis
3. Revised Existing and Future Conditions
4. Revised Justifications of Proposed Amendments
5. Revised Public Facilities Impact Analysis
6. Revised Sketch and Descriptions
7. Revised Map Exhibits
8. Revised Environmental Report
9. Traffic Impact Statement Response Memo

*\*NOTE: In addition to responding to insufficiency comments there has been a revision to the boundary included in the CPA. The boundary eliminated the Travel Inn property. Because of that change all exhibits that were affected have been revised and resubmitted in this response.*

The following is a list of staff comments with our responses in **bold**:

1. Please provide physical copies of the mailing labels.  
**RESPONSE: Dropped off at 2<sup>nd</sup> floor counter on November 23**
2. Please revise application materials to identify that Lee Plan Map 3C, showing the Mixed Use Overlay, is also requested to be amended.  
**RESPONSE: Revised Exhibits M1, M3, M4, M5, M6, M7, M8, M11, M14, M16, and M19 to include the correct references and the revised boundary.**
3. Please provide letters of availability from the following service providers: South Trail Fire District, Lee County School District, and Lee County Solid Waste. Additionally, please provide the correspondence to each of the service providers when the request for the letters was made.  
**RESPONSE: Included in resubmittal.**
4. Please provide additional Lee Plan analysis for Policy 11.2.1, Objective 1.3, and Policy 1.3.2. Additional Lee Plan analysis may be required based on Natural Resources review.

**RESPONSE: Revised Exhibit M11 and T6 to include the requested narratives.**

5. Transportation:

- a) In the trip generation calculation, the trip generation rate of multi-family (Mid-Rise) was used for the calculation, but it is mentioned the multi-family (Low-Rise) was used for the calculation. A correction is required.
- b) Treeline Ave from Daniels Pkwy to Colonial Blvd is not a controlled access facility. But, the service volumes of the controlled access facility were used in the Table 1A and 3A for this segment.
- c) The LOS analysis for Daniels Pkwy from Metro Pkwy to Six Mile Pkwy and Treeline Ave from Terminal Access Rd to Alice Rd in Table 2A are missing in the Table 4A.
- d) Daniels Pkwy from Chamberlin Pkwy to Gateway Blvd is within the 3 mile radius area and shall be included for LOS analysis.

**RESPONSE: Revised Traffic Report and included in submittal as Exhibit M15 - Traffic Analysis Response Memo 10-31-2022.**

6. The description for the north parcel does not close. Reversing the direction of line 23 does not correct the legal description. The sketch for the south parcel does not include state plane coordinates for the POB and opposing corner opposing corner.

**RESPONSE: Revised and included in submittal.**

7. Environmental and Natural Resources:

- a) The analysis of Lee Plan policy 54.1.6 references the Greater Pine Island Water Association. Please revise analysis accordingly.

**RESPONSE: The correction has been made to reference the correct agency which is Lee County Utilities.**

- b) There appears to be two north south ditches on the property. Please clarify if these ditches convey offsite flows. Please provide an analysis of Lee Plan policy 126.1.4.
- c) The FLUCCS map identified several 411 E3 areas and one 435 which are no longer present on the site per the 2022 aerials. Please expand on these onsite vegetation changes which occurred between 2021 and 2022.
- d) The 435 FLUCCS does not have a description. Please revise accordingly.
- e) The 510 FLUCCS label is not included on the FLUCCS map. Please revise accordingly.
- f) The Fishboll Inc. parcel was given a FLUCCS of 330E2, dead exotic trees, but the Request Statement states, "it likely contains a wetland area on much of the property". Please clarify.
- g) On page 5 of 9 the Environmental Assessment states that the State wetland determination process on the site is underway but on page 8 of 9 the Assessment states that SFWMD identified approximately 62 acres of wetlands. Please clarify and revise the Environmental Assessment as needed.
- h) Please provide a copy of the State wetland determination once it is received.

- i) Please provide a topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
- j) Please provide a map delineating the property boundaries on the most recent Flood Insurance Rate Map.
- k) Bald eagle nest LE-058 was last active during the 2018-2019 nesting season. In October of the 2019- 2020 nesting season nest material was still present in the tree per Lee County's data. The nest will be eligible to be declared "Lost" if the nest is not rebuilt during the 2022-2023 nesting season.

**RESPONSE: Brown Collins revised the Environmental Reports to adjust the boundary and address the aforementioned comments. The revised Exhibit M12 is included in the resubmittal.**

If you have any further questions, please do not hesitate to contact me directly at (239) 318-6707 or [fdrovdlic@rviplanning.com](mailto:fdrovdlic@rviplanning.com).

Sincerely,

**RVi** Planning + Landscape Architecture



**Fred Drovdllic, AICP**  
Planning Director



**4b. Planning Communities/Community Plan Area Requirements**

If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].

- N/A
- Bayshore [Goal 18]
- Boca Grande [Goal 19]
- Buckingham [Goal 20]
- Caloosahatchee Shores [Goal 21]
- Olga [Goal 22]
- Captiva [Goal 23]
- Greater Pine Island [Goal 24]
- Lehigh Acres [Goal 25]
- North Captiva [Goal 26]
- NE Lee County [Goal 27]
- Alva [Goal 28]
- North Olga [Goal 29]
- North Fort Myers [Goal 30]
- Page Park [Goal 31]
- San Carlos Island [Goal 32]
- Southeast Lee County [Goal 33]
- Tice [Goal 34]

**Public Facilities Impacts**

NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario. (See Exhibit M14-Public Facilities Analysis)

1. **Traffic Circulation Analysis:** Provide an analysis of the effect of the change on the Financially Feasible Transportation Plan/Map 3-A (20-year horizon) and on the Capital Improvements Element (5-year horizon). (See Exhibit M15-Traffic Circulation Analysis)
2. Provide an existing and future conditions analysis for the following (see Policy 95.1.3): (See Exhibit M11-Lee Plan Analysis)
  - a. Sanitary Sewer
  - b. Potable Water
  - c. Surface Water/Drainage Basins
  - d. Parks, Recreation, and Open Space
  - e. Public Schools

**Environmental Impacts**

Provide an overall analysis of potential environmental impacts (positive and negative). (See Exhibit M12-Environmental Impacts Analysis)

**Historic Resources Impacts**

Provide an overall analysis of potential historic impacts (positive and negative). (See Exhibit M13-Historic Resources Impact Analysis)

**Internal Consistency with the Lee Plan**

1. Discuss how the proposal affects established Lee County population projections, Lee Plan Table 1(b) and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan goals and policies, and Strategic Regional Policy Plan goals, strategies, actions and policies which are relevant to this plan amendment.

**Justify the proposed amendment based upon sound planning principles**

Support all conclusions made in this justification with adequate data and analysis.

**SUBMITTAL REQUIREMENTS**

*Clearly label all submittal documents with the exhibit name indicated below.*

**MINIMUM SUBMITTAL ITEMS**

<input checked="" type="checkbox"/>	Completed application (Exhibit – T1)
<input type="checkbox"/>	Filing Fee (Exhibit – T2)
<input checked="" type="checkbox"/>	Pre-Application Meeting (Exhibit – T3)
<input checked="" type="checkbox"/>	Proposed text changes (in strike through and underline format) (Exhibit – T4)
<input checked="" type="checkbox"/>	Analysis of impacts from proposed changes (Exhibit – T5)
<input checked="" type="checkbox"/>	Lee Plan Analysis (Exhibit – T6/ <b>M11</b> )
<input checked="" type="checkbox"/>	Traffic Circulation Analysis (Exhibit – T7/ <b>M15</b> )
<input checked="" type="checkbox"/>	Historic Resources Impacts Analysis (Exhibit – T8/ <b>M13</b> )
<input checked="" type="checkbox"/>	State Policy Plan Analysis (Exhibit – T9/ <b>M18</b> )
<input checked="" type="checkbox"/>	Strategic Regional Policy Plan Analysis (Exhibit – T10/ <b>M18</b> )



# DANIELS TOWN SQUARE CPA

## Justification of Proposed Amendment

### I. REQUEST

The contract purchaser for the 66.2+/- acre subject property, Meyers Group, LLC (“Applicant”), is requesting a Comprehensive Plan Amendment for three changes to Lee County’s Comprehensive Plan:

1. Amend Map 1-A – Future Land Use – from General Interchange to the Intensive Development Future Land Use Category (FLUC);
2. Amend Map 1-C – Mixed-use Overlay – to add the property to the Mixed-use Overlay (MUO); and
3. A Text Amendment to Lee Plan Table 1(b) to add the residential property acreage to Intensive Development and remove acreage from General Interchange.

Additionally, there is a companion zoning action being submitted to rezone from CPD/AG-2 to Mixed-use Planned Development (MPD) for up to 500,000 square foot commercial development plus 300 hotel rooms and up to 1,456 residential dwelling units. The intent is to use the property as a commercial retail and employment center including hotel and multifamily residential housing as well as senior living facilities.

### II. FLUC CHANGE JUSTIFICATION

The request is to increase the potential intensity by moving the property into the Intensive Development FLUC which allows greater height and include the property in the Mixed-use Overlay which allows density to be calculated over the commercial areas. The increased potential density/intensity is justified by the following analysis.

#### *Central Location*

In the captured image of the Lee County Future Land Use Map the subject property is marked with a yellow star. The significance of this regional view is to show the central location and significance of the Daniels Parkway intersection at I-75. The interchange marks the central Lee County east-west corridor between the Caloosahatchee River and Bonita Springs. The Daniels corridor is one of two primary connectors of Lehigh to the rest of the region, the accessway to the RSW airport and the Skyplex development, the primary road for service to the two spring training baseball stadiums, a connection to all major north-south arterials such as Treeline Avenue, Six Mile Cypress, Metro Parkway, US 41, McGregor Boulevard and Summerlin Road that serves access to Fort Myers Beach.

#### *Infill*

The road is largely developed from Treeline west to Cape Coral. The subject property is the last quadrant to be developed at the Daniels interchange to I-75. The interchange has long been identified as a service-oriented quadrant having been placed in the General Interchange FLUC. However, the north east corner is a public facility area for a truck rest area and traffic control facility. The northwest corner is built out with hotels and restaurants but mostly dominated by the Renaissance community and low-density housing. The southeast corner is a mixed use industrial and retail center that is largely built out.

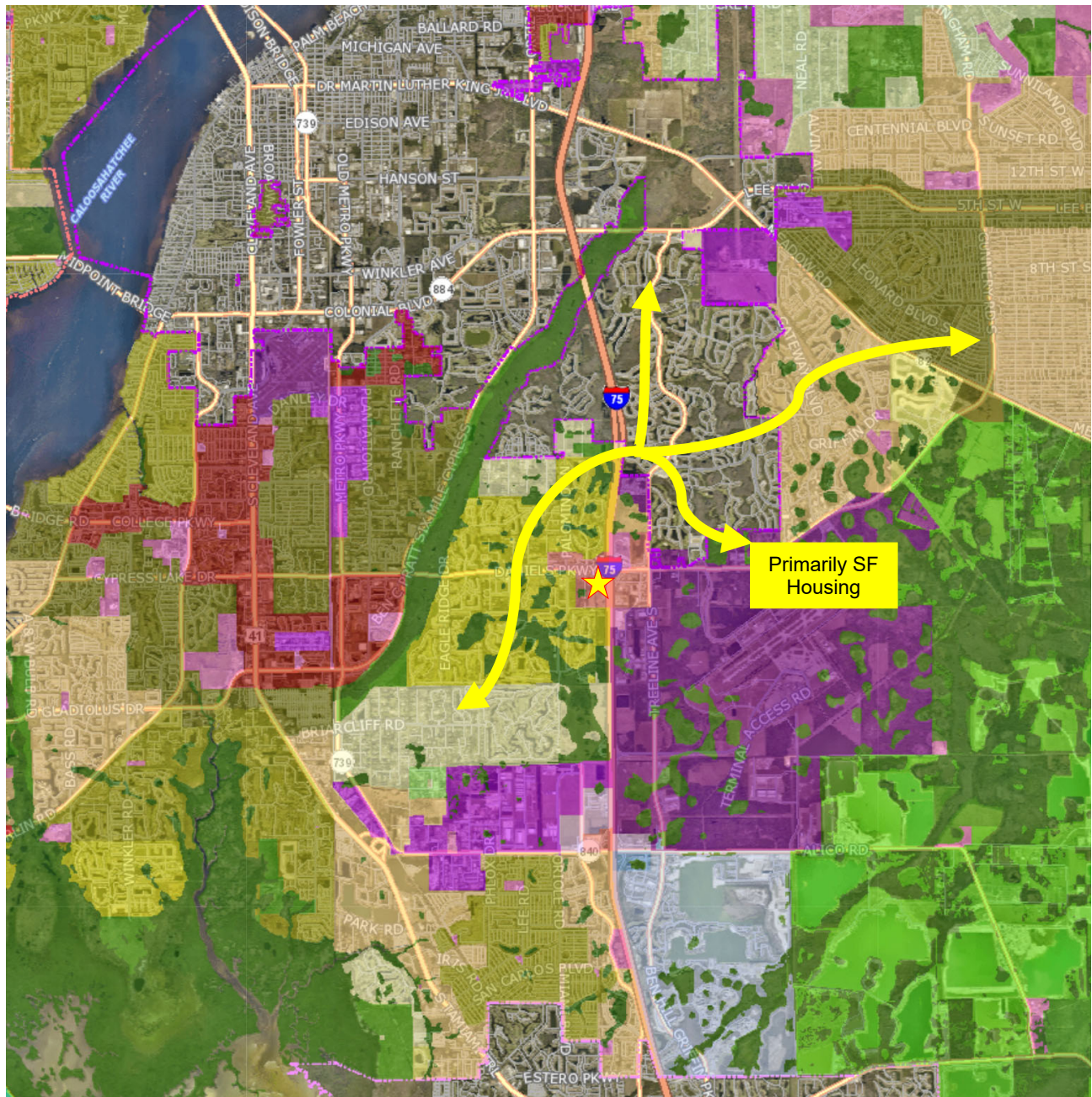


**Serves Residential Rooftops**

The interchange sits central to a region that has been developed with thousands of single-family dwelling units and is one of the nearest large-scale commercial service areas to thousands of homes including those as far east as Gateway and into Lehigh Acres.

**Infrastructure**

As has been discussed the property is currently served by all major Urban services and is in the Urban Services area for all service needs. The roadway infrastructure is planned to support an intense development by 2025-27 as identified in the Future Conditions section. The property will have access to Three Oaks North arterial which will connect the site directly to two other arterials – Daniels Parkway and Alico Road both of which have an interchange to I-75.



*Impacts of the Request*

The impacts of the requested amendments are compared to the existing by-right entitlements per the future land use designations. The density permitted for the development area is consistent between the current and proposed land use category at up to 22 units per acre. However, the difference lies in the fact that the density in the Mixed-use Overlay is allowed to be calculated over the commercial areas and the Intensive FLUC allows greater heights leading to the opportunity for greater overall development square footage to occur on sight.

The non-residential development intensity is not limited by floor area ratios in Lee County so the intensity per acre difference between the two categories is difficult to quantify. The uses between the two land use categories both allow for intense uses. The General Interchange FLUC encourages uses that best serve the travelling public and because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial, and multi-family dwelling units. The Intensive Development FLUC is also to be located along major arterial roads and similarly the available and potential levels of public services in both these areas are suited to accommodate high densities and intensities. However, in the Intensive Development category mixed use developments of high-density residential, commercial, limited light industrial, and office uses are encouraged.

Overall, the two land use categories, given the interchange location, have very similar intended permitted uses and allowances for similar intensities except that Intensive allows for up to 12 stories and 135 feet rather than 6 stories and 75 feet.

The primary difference in the request does not lie in the permitted uses or the type of non-residential public services that are encouraged by the land use categories, but in the request for Mixed-use Overlay. The MUO allows the residential density to be calculated over the entire development rather than only in the area dedicated to residential uses. Because of the additional height allowed in the Intensive Development FLUC and the site-wide density calculations the request potentially allows for more floor area to be constructed and more population to be located within the project, the quantity of which is cannot be precisely calculated as it is up to the final development plan.

<b>CURRENT FUTURE LAND USE</b>	<b>Acreage</b>	<b>Density</b>	<b>Residential Units</b>	<b>Non-Residential Intensity</b>
<b>General Interchange</b>	66.2+/-	14 du/acre (base); 8 du/acre (bonus)	1,456	Per code
		Density is calculated for the area dedicated to residential uses only.		
<b>PROPOSED FUTURE LAND USE</b>	<b>Acreage</b>	<b>Density</b>	<b>Residential Units</b>	<b>Non-Residential Intensity</b>
<b>Intensive Development and Mixed-use Overlay</b>	66.2+/-	14 du/acre (base); 8 du/acre (bonus)	1,456	Per code
		Density is calculated for the entire project area.		

*Conclusion*

Intense development is good in the correct location. The quadrant has been intended for intense development. The General Interchange and Intensive Development FLUC are both similar in commercial uses permitted and residential density. The move to Intensive Development will allow for vertical density and the Mixed-use overlay will allow the density, which is limited to multi-family, to be integrated into commercial services that will be proposed for the project.



# DANIELS TOWN SQUARE CPA

## Request Statement and Lee Plan Analysis

### I. REQUEST

The Meyers Group (“Applicant”) seeks to amend Lee Plan Map 1-A, Future Land Use Map, and Lee Plan Map 1-C, Mixed-use Overlay, to change the Future Land Use Category (FLUC) from General Interchange to Intensive Development and be included in the Mixed-use Overlay (MUO). The 66.2+/- acre subject property is generally located on the southwest corner of Daniels Parkway and I-75 in unincorporated Lee County, Florida.

Additionally, a Text Amendment application to change to Table 1(b) to increase the acreage of the residential land in the Intensive Development FLU category of District 11, Daniels Parkway from 0 to 66 acres and remove the acreage from General Interchange.

The desired development program includes up to 500,000 square feet of Non-Residential uses (Retail: Max 500,000sf plus Hotel: Max 300 rooms); and up to 1,456 Residential dwelling units (927 base density units and 529 bonus density units) made up of Multi-family and Senior Housing (ALF, Continuing Care, Independent Living). The project is a Town Center style layout.

Additionally, there is a companion zoning action to rezone from CPD / AG-2 to Mixed-use Planned Development (MPD).

The intent is to use the property as a commercial retail and employment center including office space and hotel and for multifamily residential housing as well as senior living facilities.

### II. PROPERTY HISTORY

The Property is made up of six parcels with different entitlement and development histories.

#### Daniels Parkway JV Development

Four parcels make up the majority of the subject property covering 65.6 acres that border I-75 owned by Daniels Parkway JV Development, LLC. The properties have been owned by the group since 2007. They have been under an agricultural exemption since 2008 and have been maintained as a pasture for livestock. In 2008 the property was rezoned from Agriculture (AG-2) to Commercial Planned Development (Z-08-043) to accommodate a development program of 50,000 square feet of Medical Office, 90,000 square feet of General Office, 250,000 square feet of Retail Commercial, and a 120-room hotel, with a maximum height of 75 feet. The zoning conditions and site plan included an active eagles nest which has since been vacated and released as a nest.

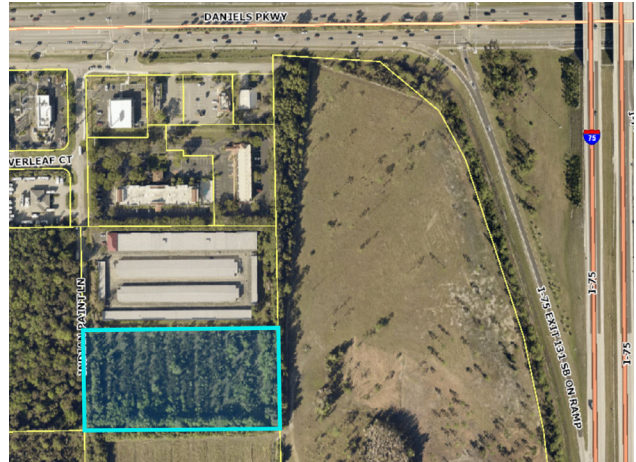
The four properties were split from two parent parcels in 2021 to accommodate the Lee County right-of-way acquisition for the Three Oaks North



extension/Fiddlesticks connector road. There is an active ERP Permit establishing the jurisdictional wetlands that have been identified.

**Fishboll**

The parcel owned by Fishboll, Inc., that is located south of the storage business on Indian Paint Lane, was first placed on the Lee County Tax Roles in 1969. It has never been developed. It was sold to the current owner in 2002. There have not been any permits or zoning actions taken. It is zoned AG-2 and had been under an agricultural exemption until 2017 but does not currently have any exemptions on the property. It likely contains a wetland area on much of the property that will be determined through the active ERP application to be complete by September 2022.



**Debary Hospitality**

The final parcel is currently occupied and operated as the Travel Inn hotel. It has been owned by Debary Hospitality since 2009. It has been a hotel since the early 2000's. The property is zoned Commercial Tourist and has access to Indian Paint Lane.



**II. EXISTING CONDITIONS**

The property is located at the southwest corner of Daniels Parkway/Daniels 9300 and I-75. The property is surrounded by a mix of commercial uses such as a former South Trail Fire Station, Taco Bell, Waffle House and PitStop Auto Repair at the northwest corner along the frontage road; two hotels and a storage business to the west with several undeveloped properties; and to the south and southwest is undeveloped properties and the Olde Hickory Golf and County Club.

**Table 1: Inventory of Surrounding Lands**

	<b>FUTURE LAND USE</b>	<b>ZONING</b>	<b>EXISTING LAND USE</b>
<b>NORTH</b>	General Interchange	CPD / CT / CG	Public Facilities, Commercial and Retail
<b>SOUTH</b>	Outlying Suburban	RPD	Vacant / Residential Development
<b>EAST</b>	General Interchange	MPD	Interstate 75 / Daniels/I-75 Commerce Center MPD
<b>WEST</b>	General Interchange / Wetlands	AG-2 / CPD/ CT/ CG	Vacant / Storage / Hotel / Retail

The property is in a dense area that is one of the two most intense and significant arterial interchanges in Lee County. Daniels Parkway traverses the County east to Lehigh Acres and west to Cape Coral with major developments from Gateway and the RSW airport west to the Caloosahatchee River. The subject property is central to the most dense allocations of allowances



for commercial and housing development and is the major arterial that leads to the Six Mile Cypress/Metro Parkway/Plantation Road area that is set aside as the intense development area considered to be the “downtown” of Lee County.

Public infrastructure is in place or slated to be expanded to serve intense development. The site has access to all major urban services including but not limited to sanitary sewer, water, fire, EMS, police, parks, public schools, solid waste, transit with nearby bus stops, and multi-use paths. Additionally, the site is in the process of being connected to the regional arterial and collector road system via Three Oaks North and will benefit from a major expansion of the I-75 interchange and Daniels Parkway. Daniels Parkway is going to see improvements to the intersections at Fiddlesticks/Palamino Lane and off-site improvements undertaken by the developer of this application will be made to the Daniels 9300/Danport Boulevard intersection that has been inadequate for nearly 20 years.

The Property will have access points onto Indian Paint Lane, Daniels 9300 (or alternative given proposed intersection improvements at Danport) and eventually direct connection and lighted intersection at Three Oaks North Extension.

Other than the Travel Inn hotel, which will be removed, the site is undeveloped. The majority of it is a pasture with an active agricultural exemption since 2008. The site contains some vegetation but other than the two wetlands central to the property and some small indigenous vegetation in the eastern central portion, the site’s vegetation is mostly impacted and of lower quality containing invasive exotics.

#### **IV. LEE PLAN CONSISTENCY**

The following is an analysis of the Comprehensive Plan Amendment, and the companion Mixed-use Planned Development, meets consistency with goals, objectives and policies of the Lee County Comprehensive Plan (Lee Plan).

***POLICY 1.1.2: The Intensive Development future land use category is located along major arterial roads. By virtue of their location, the County's current development patterns, and the available and potential levels of public services, areas with this designation are suited to accommodate high densities and intensities. Mixed use developments of high-density residential, commercial, limited light industrial, and office uses are encouraged to be developed as described in Objective 11.1, where appropriate. The standard density range is from eight dwelling units per acre (8 du/acre) to fourteen dwelling units per acre (14 du/acre), with a maximum total density of twenty-two dwelling units per acre (22 du/acre). The maximum total density may be increased to thirty dwelling units per acre (30 du/acre) utilizing Greater Pine Island Transfer of Development Units.***

The property is currently in the General Interchange FLUC at the southwest corner of two major arterials – Daniels Parkway (6-lane County Maintained Controlled Access Facility with expansion plans abutting the property) and I-75. The General Interchange FLUC allows for intense development with uses and density consistent with the Intensive Development FLUC being proposed in this amendment. The property is served by all categories of public infrastructure and is one of the major interchange and development areas in the County. It is central to population centers and serves as an accessible employment center and commercial services area. It is also appropriate for mixed use development allowing for multi-family density in both categories at up to 22 units per acre. The location is correct for dense

development that will promote the use of public infrastructure, capture vehicle trips and promote use of alternative forms of transportation. The Mixed-use Planned Development that accompanies this request is consistent with the goal of this FLUC.

**OBJECTIVE 1.3: INTERSTATE HIGHWAY INTERCHANGE AREAS. *Special areas adjacent to the interchanges of Interstate 75 that maximize critical access points will be designated on the Future Land Use Map. Development in these areas must minimize adverse traffic impacts and provide appropriate buffers, visual amenities, and safety measures. Each interchange area is designated for a specific primary role: General, General Commercial, Industrial Commercial, Industrial, and University Village. Residential uses are only permitted in these categories in accordance with Policy 1.3.2.***

The subject parcel was placed in the General Interchange FLUC because of its proximity to major population centers, its location next to I-75 and its frontage and access to a major east-west corridor known as Daniels Parkway. The uses that are permitted are a mix of high density residential and a full range of commercial from general commercial and offices to retail and tourist serving uses such as restaurants and hotels. The desired development program, as included in a companion MPD zoning application, includes up to 500,000 square feet of Non-Residential uses (Retail: Max 500,000sf plus Hotel: Max 300 rooms); and up to 1,456 Residential dwelling units (927 base density units and 529 bonus density units) made up of Multi-family and Senior Housing (ALF, Continuing Care, Independent Living). The project is a Town Center style layout. These uses are consistent with the General Interchange FLUC as described in this Objective.

The change from General Interchange to Intensive Development and the Mixed-use Overlay will serve to further the Objective by allowing for greater development intensity while maintaining similar uses that were deemed desirable in the General Interchange FLUC. Dense development is good in the proper locations where the parcels have access to major infrastructure that is designed for the intensity and can capture trips by serving local residential commercial needs, employment and tourist traffic.

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

The property is currently in the General Interchange FLUC at the southwest corner of two major arterials – Daniels Parkway (6-lane County Maintained Controlled Access Facility with expansion plans abutting the property) and I-75. The General Interchange FLUC allows for intense development with uses and density consistent with the Intensive Development FLUC being proposed in this amendment.

The property is served by all categories of public infrastructure and is one of the major interchange and development areas in the County. It is central to population centers and serves as an accessible employment center and commercial services area east to Gateway and Lehigh Acres and west regionally to the southern portion of the city boundaries through the US 41/Daniels Parkway intersection. It is appropriate for mixed use development allowing both tourist commercial, retail and multi-family density at up to 22 units per acre.

The desired development program, as included in a companion MPD zoning application, includes up to 500,000 square feet of Non-Residential uses (Retail: Max 500,000sf plus Hotel: Max 300 rooms); and up to 1,456 Residential dwelling units (927 base density units and 529 bonus density units) made up of Multi-family and Senior Housing (ALF, Continuing Care, Independent Living). The project is a Town Center style layout. These uses are consistent with the General Interchange FLUC as described in this policy.

***POLICY 1.6.5: The Planning Districts Map and Acreage Allocation Table (Map 1-B and Table 1(b)) depict the proposed distribution, extent, and location of generalized land uses through the Plan's horizon. Acreage totals are provided for land in each Planning District in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded. This policy will be implemented as follows:***

The property is located within District 11, Daniels Parkway. The district has allocated to it 58 acres of residential lands in General Interchange and 0 acres in Intensive Development.

Year 2045 Allocations also indicate that 1,483 acres are allocated for residential uses in the Daniels Parkway Planning Community.

The proposed Comprehensive Plan Text Amendment (CPA-T) application requests 66.2 acres of land be moved out of General Interchange and into the Intensive Development FLUC for consistency with this policy.

#### **GOAL 4**

##### **Standard 4.1.1 & 4.1.2: Water & Sewer**

Potable water and sanitary sewer services are available to service the development as outlined in the attached Availability Letter provided by Lee County Utilities.

##### **Standard 11.3. Transportation**

Approval of the request is based on the ultimate buildout of the subject property. The local transportation network is not currently in place to absorb the projected development program; however, the network is in various stages of completion that will serve the property with sufficient capacity.

Access to the site will be improved over time. There are four major actions that will likely be completed well before 2030:

1. I-75 Interchange efficiency and expansion improvements
2. Daniels Parkway widening and intersection improvements at Danport Boulevard/Daniels 9300, Fiddlestick/Palomino and Apaloosa Lane.
3. Three Oak Extension connecting to Fiddlesticks Boulevard, and
4. Developer initiated improvements to the Indian Paint/Danport/Daniels 9300 intersection that will result in the removal of the PitStop Care Repair to make room for stacking and circulation improvements for a boulevard type entrance into the subject property and overall safety improvements for all existing businesses on the Daniels 9300 frontage road.



**GOAL 11: MIXED USE.**

***POLICY 11.1.1: Developments located within the Intensive Development, Central Urban, or Urban Community future land use categories that have existing connectivity or can demonstrate that connectivity may be created to adjacent neighborhoods are strongly encouraged to be developed with two or more of the following uses: residential, commercial (including office), and light industrial (including research and development use). (Ord. No. 17-13)***

The subject parcel is in proposed to be in the Intensive Development FLUC and in the Mixed-Use overlay (MUO). The property is currently in the General Interchange FLUC and therefore has been consistent with this Goal as it allows multi-family and a wide range of commercial and light industrial uses. The move to Intensive Development FLUC and the MUO will serve to further codify the location as appropriate and desirable for mixed uses.

**OBJECTIVE 11.2: MIXED USE OVERLAY.**

***POLICY 11.2.1: The Mixed Use Overlay identifies locations where mixed use development will have a positive impact on transportation facilities through increased transit service, internal trip capture, and reduced travel distance. Requests to expand the Mixed Use Overlay will be evaluated based on all of the following criteria:***

***1. Located within the extended pedestrian shed of established transit routes; and,***

Transit is available within ¼ to ½ mile of the majority of the development. Lee Tran (served by Bus Stop #1554 via Route 50 on Daniels Parkway within ¼ mile of property).

There are two principal definitions for pedestrian sheds:

1. The first is commonly referred to as the Standard Pedestrian Shed, which is defined as a 5-minute walk or ¼ mile or 1,320 feet.
2. The second has been called the Long Pedestrian Shed or ½ mile radius or 2640 feet and a 10-minute walk, which has been used by transit-oriented development standards for access to work and play and by jurisdictions and advocacy groups to be the standard for access to recreational facilities such as parks and open space.

**ADDITIONAL DISCUSSION AND REFERENCES BY TRANSPORTATION AND PLANNING AUTHORITIES:**

***FDOT Florida Greenbook***

Transit-Oriented Development (TOD) - a regional center development with transit available or proposed. TODs are developments that are moderate to high density, mixed-use, and walkable development designed to facilitate transit and accommodate multiple modes of transportation. TODs generally encompass a radius of ¼ or ½ miles of a transit station, a distance most pedestrians are willing to walk.

<https://www.fdot.gov/docs/default-source/roadway/floridagreenbook/tnd-handbook.pdf>

***"Walkability Measures for Florida". Florida Resources and Environmental Analysis Center, Florida State University***

Walkability is "the extent to which the built environment supports and encourages walking by providing for pedestrian comfort and safety, connecting people with varied destinations within

a reasonable amount of time and effort and offering visual interest in journeys throughout the network”

Law Insider

Pedestrian Shed means an area, approximately circular, that is centered on a common destination. A Pedestrian Shed is applied to determine the approximate size of a neighborhood. A Standard Pedestrian Shed is ¼ mile radius or 1320 feet, about the distance of a five-minute walk at a leisurely pace. It has been shown that provided with a pedestrian environment, most people will walk this distance rather than drive. The outline of the shed must be refined according to actual site conditions, particularly along Thoroughfares.

A Long Pedestrian Shed is ½ mile radius or 2640 feet and may be used for mapping when transit is present or proposed. (Sometimes called a “walk- shed” or “walkable catchment.”)

Trust for Public Lands

The Department of Transportation agrees that most people can walk a half-mile in about 10 minutes. At The Trust for Public Land, we believe everyone should be able to reach a park in that amount of time—no matter what kind of neighborhood you live in.

<https://www.tpl.org/blog/why-the-10-minute-walk>

10MINUTEWALK.ORG, sponsored by ULI, NRPA and Trust for Public Land

Make the 100% Promise to ensure that everyone in your city has safe, easy access to a quality park within a 10-minute walk of home by 2050.

FDOT Traditional Neighborhood Design Handbook

Pedestrian shed - an area, approximately circular, that is centered on a common destination. A pedestrian shed is applied to determine the approximate size of a neighborhood. A standard pedestrian shed is ¼ mile radius, or 1320 feet, about the distance of a five-minute walk at a leisurely pace.

**2. Distinct pedestrian and automobile connections to adjacent uses can be achieved without accessing arterial roadways; and,**

Pedestrian interconnection will be made with sidewalks and multi-use paths along Three Oaks North Extension and Daniels Parkway. An internal sidewalk system will allow for residents of this project an alternative for mode of transportation to automobiles. The users of this project will be able to access local commercial uses via two local collectors: Danport 9300 and Indian Paint Lane without travelling onto Three Oaks North or Daniels Parkway.

**3. Located within the Intensive Development, Central Urban, or Urban Community future land use categories; and,**

The requested Map 1-C change in this application will add this property into the MUO, while the requested Map 1-A change in this application will amend the FLUC from General Interchange to Intensive Development creating consistency with this policy.

**4. Availability of adequate public facilities and infrastructure; and**

The Property has access to the necessary utilities to service the project and all urban services are adequate to serve the proposed development. Letters of availability have been secured from Lee County Utilities, Lee County Schools, Lee County Sheriff (Central District served by LCSO Headquarters 3.5 miles away on Six Mile Cypress), Lee County Parks and Recreation, South Trail Fire (Station #62 1.2 miles west on Daniels), Lee County Emergency Medical Services, Lee County Solid Waste, Lee Tran (served by Bus Stop #1554 via Route 50 on Daniels Parkway within ¼ mile of property).



There is an ERP in active review for the project (Application No. 220526-34567) for stormwater and drainage. Additionally, the site is in the process of being connected to the regional arterial and collector road system via Three Oaks North and will benefit from a major expansion of the I-75 interchange and Daniels Parkway. Daniels Parkway is going to see improvements to the intersections at Fiddlesticks/Palamino Lane and off-site improvements undertaken by the developer of this application will be made to the Daniels 9300/Danport Boulevard intersection that has been inadequate for nearly 20 years.

**5. Will not intrude into predominately single-family residential neighborhoods.**

To the south is the Olde Hickory Golf and Country Club. The residential area to the south is a lower density development than the applications request. Compatibility is achieved by the layout of the proposed Master Concept Plan (MCP) that places lakes and buffers between the Country Club and the closest multi-family building that is no less than 200 feet north. The most dense and intense commercial area is across the right-of-way for Three Oaks North. The area is programmed for centralized intensities that support commercial, retail, recreational, and hospitality uses in conformation of the mixed-use development.

**POLICY 11.2.4: Use of conventional zoning districts will be encouraged within the Mixed-Use Overlay in order to promote continued redevelopment. (Ord. No. 17-13)**

The proposed development is centrally located, as identified in the Lee Plan

**POLICY 158.1.9: Lee County, in response to current and projected needs of Lee County residents, will encourage a diverse mix of housing types, sizes, prices, and rents by maintaining mixed use land use categories in the Future Land Use Element. (Ord. No. 00-22)**

The proposed MPD integrates dense residential development and retail and commercial, which are true mixed-use buildings.

**DIVISION 2-BONUS DENSITY PROGRAM**

**Sec 2-145(b) Minimum Requirements**

**(1) The additional traffic will not be required to travel through areas with significantly lower densities before reaching the nearest collector or arterial road; and**

The proposed site will have direct access to Three Oaks Parkway North connecting to Fiddlesticks one mile from Daniels Parkway intersection (County Maintained Controlled Access Facility). The traffic from this site will either commute south to Alico Road and not through any residential areas or north to Daniels Parkway while only passing through developing commercial areas.

**(2) Existing and committed public facilities are not so overwhelmed that a density increase would be contrary to the overall public interest; and**

The proposed does not overwhelm the existing public facilities. There is a letter of availability from Lee County Utilities stating there is capacity for sanitary sewer and water. Transportation has been addressed as a current shortfall, but all plans are in place to accommodate the development program in timely fashion. The other urban services in the area available and designed for dense development.

**(3) Storm shelters or other appropriate mitigation is provided if the development is located within the coastal high hazard area as defined in section 2-483.**

The proposed site is not within the coastal high hazard area.

**(4) The resulting development will be compatible with existing and planned surrounding land uses.**

The surrounding land uses include intensive commercial development, dense multi-family, retail and restaurants, golf courses and master planned communities and other uses compatible with the requested schedule of uses and intensity and density.

**OBJECTIVE 39.7: COMMUNITY IMPACTS.**

**POLICY 39.7.1: Alignments of new and expanded roads and other transportation improvements will be selected to maximize the benefit/cost ratio while:**

- **Minimizing the number of businesses and residences displaced.**
- **Using major roads to define neighborhoods.**
- **Facilitating the development of Mixed Use Overlay areas, promoting infill and redevelopment.**
- **Distributing traffic loadings among available facilities.**

Improvements are being made publicly and will be added to by private improvements made by the developer and applicant.

**POLICY 61.1.1: Lee County recognizes that all fresh waters are a resource to be managed and allocated wisely, and will support allocations of the resource on the basis 1) of ensuring that sufficient water is available to maintain or restore valued natural systems, and 2) of assigning to any specified use or user the lowest quality freshwater compatible with that use, consistent with financial and technical constraints.**

The water retention, treatment and supply on site will be monitored by the ERP currently under review at SFWMD.

**LEE PLAN GOAL 54**

**POLICY 54.1.2: In developing and implementing local landscape regulations including the preservation, reforestation, and wetlands restoration requirements, preference will be given to native species which are adapted to the region's climatic regime.**

The development will be required to bring the landscaping up to current code and will comply with all native vegetation requirements as agreed to in conditions for the Commercial Planned Development.

**POLICY 54.1.6: Maintain development regulations that require new development to connect to a reuse water system if a system is near the development and has sufficient capacity.**

Reuse is available at this location according to Lee County Utilities and the project will connect.

***POLICY 95.1.3: LOS standards will be the basis for planning and provision of required public facilities and services within Lee County. Regulatory LOS standards will be the basis for determining the adequacy of public facilities for the purposes of permitting new development. Compliance with non-regulatory LOS standards will not be a requirement for continued development permitting, but will be used for facility planning purposes. The LOS will be the basis for facility design, for setting impact fees, and (where applicable) for the operation of the Concurrency Management System (CMS).***

- a. Sanitary Sewer – Lee County Utilities currently serves the site and has capacity. LCU has stated in a letter of availability that they have capacity to establish service.
- b. Potable Water – Lee County Utilities currently serves the site and has capacity. LCU has stated in a letter of availability that they have capacity to establish service.
- c. Surface Water/Drainage Basins – The property is intended to be developed as part of a Mixeduse Planned Development. The project will be required to meet all LDC provisions for surface water management, pre-treatment, storage and treatment including the System Requirement: Prevent the flooding of designated evacuation routes on The Lee Plan Map 15 from the 25-year, 3-day storm event (rainfall) for more than 24 hours.
- d. Parks, Recreation, and Open Space – The density has already been calculated as both land use categories allow for similar density, so there is no provision needed for parks, recreation or open space. Regardless, the County exceeds the available capacity needs:
  - Required Capacity - 5,202 acres of regional parks and 289 acres of community parks.
  - Available Capacity - 7,051 acres of regional parks and 832 acres of community parks.
- e. Public Schools – The density has already been calculated as both land use categories allow for similar density so there is no provision needed for public schools in the South Zone. Nevertheless, the Lee County School District has said the will provide capacity for the development.

***POLICY 125.1.2: New development and additions to existing development must not degrade surface and ground water quality.***

As mentioned, because it is being rezoned to a commercial planned development the site will now have to comply with water quality requirements according to the LDC at the time of local development order.

***POLICY 125.1.3: The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems.***

As mentioned, because it is being rezoned to a commercial planned development the site will now have to comply with water quality requirements according to the LDC at the time of local development order.