



RECEIVED  
MAR 07 2023

COMMUNITY DEVELOPMENT

March 6, 2023

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  
CPA2022-00010 AND CPA2022-00011**

Dear Brandon:

Enclosed please find responses to your insufficiency letter dated *December 22, 2022*. The following information has been provided to assist with the approval process:

1. Sufficiency Comment Response Letter
2. Revised Lee Plan Analysis (M11)
3. Revised Existing and Future Conditions (M16)
4. Revised Public Facilities Impact Analysis (M14)
5. Revised Survey, Sketch and Descriptions (M7)
6. Revised Environmental Report (M12)
7. Revised FLU Exhibit (M4)
8. Requested Letters of Availability from South Trail Fire District, Lee County School District, and Lee County Solid Waste (M17)
9. Exhibit of Map 1-C (part of revised FLU exhibit as well)

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

1. Staff acknowledges the revisions to the application to reference the expansion of the Mixed-use Overlay. Please provide a depiction of Map 1-C as it currently exists and a depiction of Map 1-C as it is proposed.

**RESPONSE: Exhibit of Map 1-C is included in submittal. It is part of the Exhibit M4 - Daniels Town Square CPA Current-Proposed FLU Map as additional pages and a stand-alone exhibit.**

2. Staff could not identify the letters of availability from South Trail Fire District, Lee County School District, and Lee County Solid Waste within the application material as referenced in the applicant's response letter. Please provide the letters of availability from these organizations and the correspondence from the applicant to each service provider when the request was made.

**RESPONSE: Requested letters are attached and within the Letters of Availability file. Spoke to South Trail Fire Chief Gene Rogers, Mr. Guzman from Lee County Schools and Justin Ligthall from LC Solid Waste. The resulting letters are attached as additional pages in the Exhibit M17 - Letters of Determination for Service document.**

3. Does the north/south ditch convey offsite flows through the property? Please provide an analysis of Lee Plan policy 126.1.4. The resubmittal did not address this comment.

**RESPONSE: According to Brown Collins the north/south ditch does not outflow. Below is a picture showing current circumstances.**

4. Please provide a topographic map depicting the property boundaries and 100-year flood prone areas (as identified by FEMA). The resubmittal did not contain this map.

**RESPONSE: Attached is the topo map.**

5. The FLUCCS description contained FLUCCS code 742 but was not identified on the FLUCCS map. Please identify where the 742 FLUCCS code is located on the property.

**RESPONSE: Figures have been changed in the revised Environmental Report**

6. Please provide a description of FLUCCS code 740 as one was not provided in the environmental assessment.

**RESPONSE: Figures have been changed in the revised Environmental Report**

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



February 17, 2023

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

**S: DANIELS TOWN SQUARE CPA  
Lee County Large-scale Comprehensive Plan Amendment Application –  
Text Amendment – CPA2022-00011**

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 1,351 Residential dwelling units (860 base density units and 491 bonus density units) made up of Multi-family and Independent Living. The project is a Town Center style layout. Enclosed please find a completed large-scale comprehensive plan amendment application.

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 (DCI2022-00059).

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**

A handwritten signature in blue ink that reads "Fred Drovdljic".

**Fred Drovdljic, 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

## Existing and Future Conditions Analysis

### 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), in case DCI2022-00059, for up to 500,000 square foot commercial development plus 300 hotel rooms and up to 1,351 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.

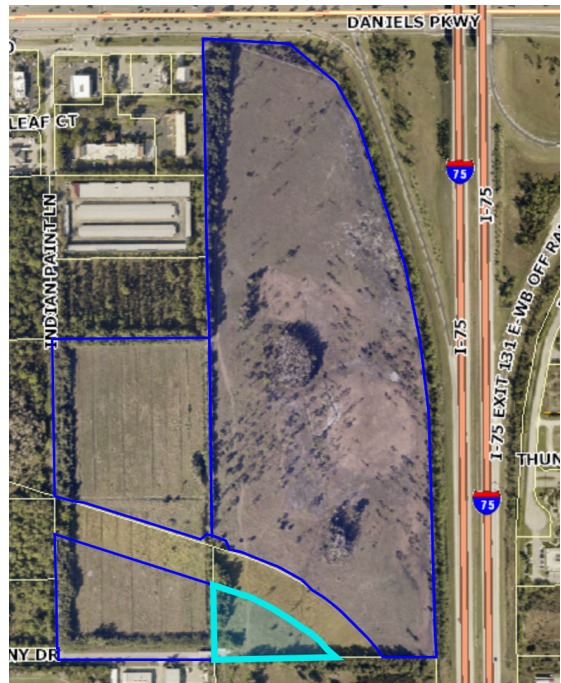
### II. PROPERTY HISTORY

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

#### Daniels Parkway JV Development

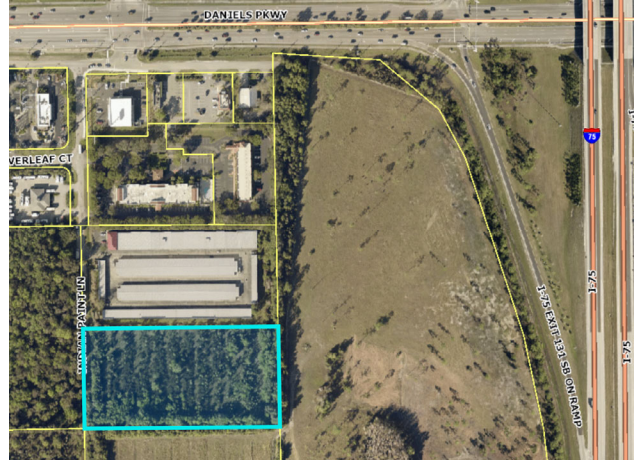
Four parcels make up the majority of the subject property covering 65.6 acres that border I-75 owned by Daniels Parkway JV Development, LLC. The properties have been owned by the group since 2007. They have been under an agricultural exemption since 2008 and have been maintained as a pasture for livestock. 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.



**III. 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 Country 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 densest 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/Palamin 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 to a signalized intersection at Three Oaks North Extension – Phase I is scheduled to reach the property by late 2024 or early 2025.

Most of the property is a pasture with an active agricultural exemption since 2008. The site contains some vegetation including two small wetlands central to the property and some small, scattered pines in the eastern central portion. The site's vegetation is mostly impacted and of lower quality containing invasive exotics. The most wooded parcel is the 5 acres south of the storage area along Indian Paint Lane easement. It is heavily wooded with invasive exotics and moderate-to low quality. Pending the ERP permit the site will be impacted as permitted and most likely used for storm water management.

#### **IV. FUTURE CONDITIONS**

The MCP that accompanies the zoning is proposing a mixed-use development of high intensity for up to a 500,000 square foot commercial development and up to 1,351 residential dwelling units. 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.

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 off-site improvements to the Indian Paint/Danport/Daniels 9300 intersection that will result in the removal of the PitStop Care Repair, vacation of the 9300 frontage road, and redevelopment of the Waffle House, Taco Bell and Fire Station parcels to have them served by a reverse frontage road that will also a boulevard style entrance to the project. The goal is 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.

#### **V. PUBLIC INFRASTRUCTURE**

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).

A new ERP is in progress as the applicant withdrew the older ERP (Application No. 220526-34567). The new application will address stormwater and drainage determines the jurisdictional wetlands and impacts that may be permitted to the Cypress heads and sensitive areas. 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.

## **VI. 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*

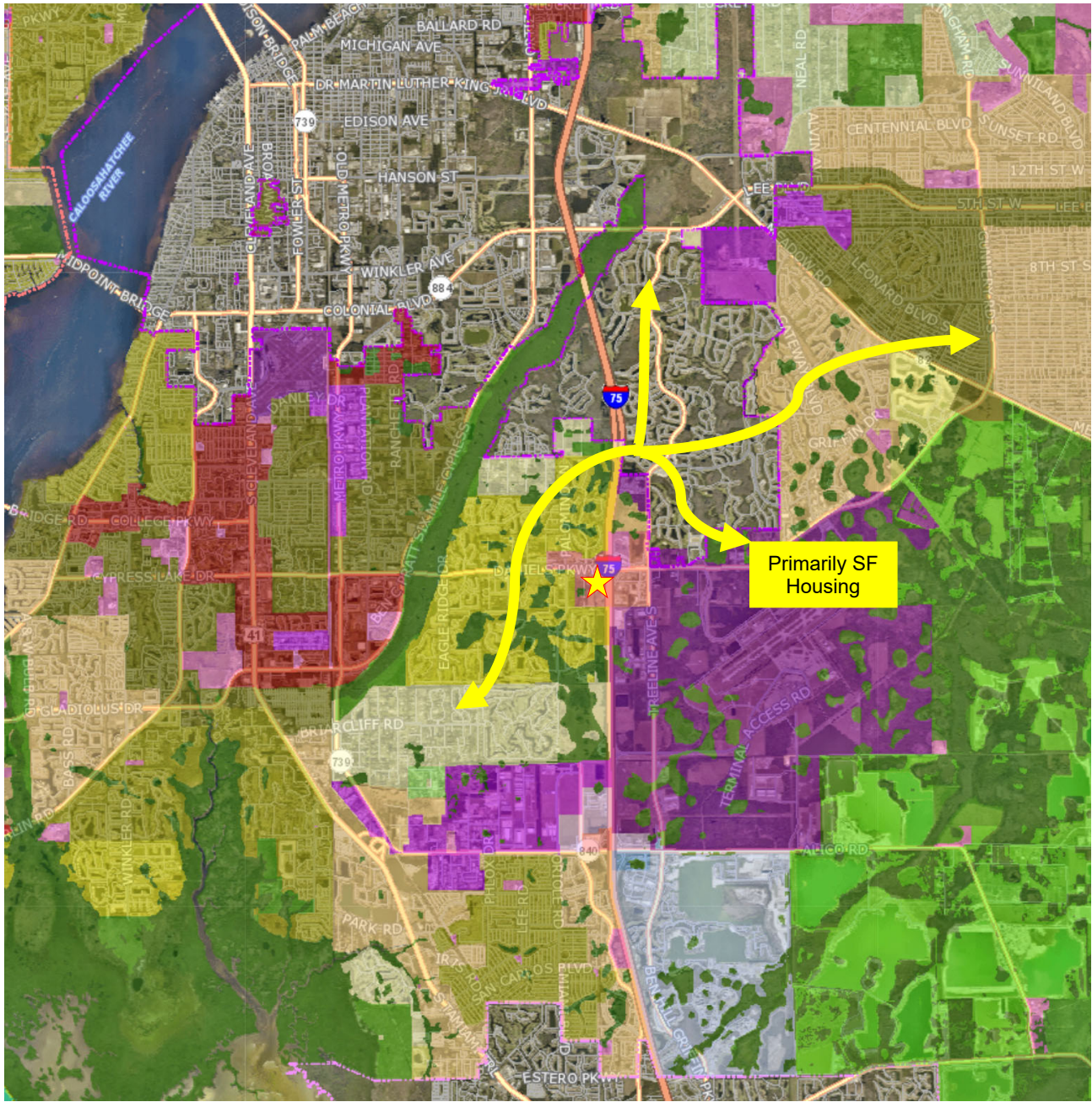
The road is largely developed from Treeline west to Cape Coral. The subject property is the last quadrant to be developed at the Daniels interchange to I-75. The interchange has long been identified as a service-oriented quadrant having been placed in the General Interchange FLUC. However, the north 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 Allico 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 1,351 Residential dwelling units (860 base density units and 491 bonus density units) made up of Multi-family and 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) in case DCI2022-00059.

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.

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

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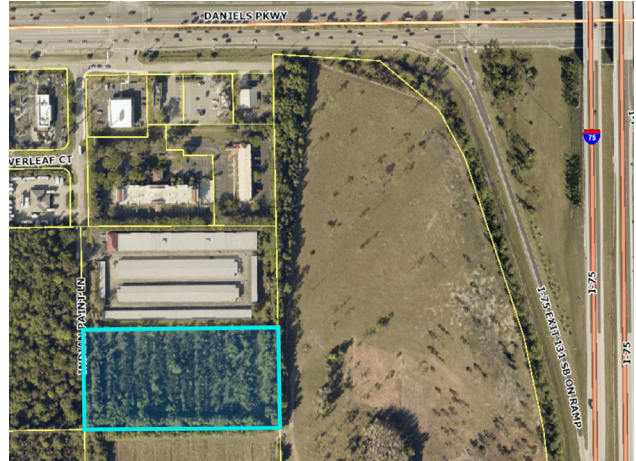
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The three properties were split from two parent parcels in 2021 to accommodate the Lee County right-of-way acquisition for the Three Oaks North extension/Fiddlesticks connector road. There is an active ERP Permit establishing the jurisdictional wetlands that have been identified.



**Fishboll**

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**III. 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 Country Club.

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<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 densest 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 to a signalized intersection at Three Oaks North Extension – Phase I is scheduled to reach the property by late 2024 or early 2025.

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#### **IV. FUTURE CONDITIONS**

The MCP that accompanies the zoning is proposing a mixed-use development of high intensity for up to a 500,000 square foot commercial development and up to 1,351 residential dwelling units. 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.

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
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#### **V. PUBLIC INFRASTRUCTURE**

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).

## VII. LEE PLAN COMPLIANCE

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, it's 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 includes up to 500,000 square feet of Non-Residential uses (Retail: Max 500,000 sf including Hotel: Max 300 rooms); and up to 1,351 Residential dwelling units (860 base density units and 491 bonus density units) made up of Multi-family and Independent Living). The project is a Town Center style layout. These uses are consistent with the General Interchange FLUC as described in this Objective.

*As proposed in companion applications for Map and Text Comprehensive Plan Amendments (CPA2022-0010 – 0011), 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 includes up to 500,000 square feet of Non-Residential uses (Retail: Max 500,000 sf including Hotel: Max 300 rooms); and up to 1,351 Residential dwelling units (860 base density units and 491 bonus density units) made up of Multi-family and 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.

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

The proposed rezoning will allow for a clustered and logical development pattern in an area readily serviced by public infrastructure, in direct compliance with the above policy. As outlined in detail within the application, the project represents an infill development within an urbanized area of Lee County where commercial development is encouraged along the Daniels Parkway corridor.

**OBJECTIVE 2.2: DEVELOPMENT TIMING.** Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.

The Applicant has provided letters of availability and a detailed explanation of the public facilities and services available to support future development of the Property. The proposed rezoning fully complies with the above policy's intent to direct new growth to appropriate Future Urban Areas of the county.

**POLICY 2.2.1: Rezoning's and Development of Regional Impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.**

The road network in the region has been specifically constructed to support large-scale employment centers and commercial activity that is dependent on access to major transportation networks. Daniels Parkway connects to I-75 and the Ben Hill Griffin Parkway, providing ample access to customers and employees. All other urban services are in place to support the request.

## **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 6 (COMMERCIAL LAND USES)**

### **POLICY 6.1.1**

#### **a. Traffic and access impacts;**

The gross floor area requested has been analyzed by TR Transportation.

#### **c. Screening and buffering;**

The project intends to meet the LDC requirements for buffering and screening without deviations.

#### **d. Availability and adequacy of services and facilities;**

This area is programmed to be a major mixed-use corridor. As such Lee County Utilities has adequate services for substantial commercial and high-density residential development as evident by the letters of utility availability contained in the comprehensive plan package.

#### **e. Impact on adjacent land uses and surrounding neighborhoods;**

The zoning conditions and LDC requirements have adequately addressed impacts on adjacent uses. Impacts are minimal due to the proximity of similar uses and bordering by major arterial corridors. All surrounding zonings and land uses are similar in intent and intensity.

#### **f. Proximity to other similar centers; and**

The subject property is one of four quadrants of an intersection of a major arterial and Interstate Highway. The northwest and southeast quadrants are intensely developed with a mix of residential, commercial and industrial development. Typically, similar quadrants to the north and south, at intersections like I-75 and SR82, SR80, Colonial, Alico Road, etc., develop with similar intensities and densities or mixed-use developments such as is being requested in this application.

#### **g. Environmental considerations.**

According to the Environmental Assessment produced by Brown Collins, Synecological Analysts, all native communities except the Cypress heads (FLUCCS 621) have been disturbed over an extended of time as a result of AG management practices. Disturbance influenced the considerable majority of this site and occurred in progressive fashion. A review of historical aerial photographs and comparing soil profiles with typic soil profiles for the series that originally comprised the site show that some areas were logged in the historic past and this logging activity continued into this decade.

Given the highly impacted nature of much of the site, the relative paucity of listed species is not surprising. The small and disjunct nature of many of the wooded communities and the almost total absence of any wildlife forage in all strata may account in large part of the absence of listed species. It is possible that some protected species might use the area, the likelihood of high forage or residence usage is unlikely because of extremely low habitat quality in all areas except the cypress heads.

**POLICY 6.1.4: Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.**

The property abuts commercial development to the west and north. To the east is I-75 and then the Jetport mixed-use commercial and industrial park. 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 6.1.5: The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to: frontage roads; clustering of activities; limiting access; sharing access; setbacks from existing rights-of-way; acceleration, deceleration and right-turn-only lanes; and, signalization and intersection improvements.**

As has been mentioned numerous times in this application, the current roadway system is not adequate to support the proposed development. In addition to the programmed roadway network improvements by the State and Lee County to Three Oaks, Daniels Parkway, and I-75, the developer is proposing offsite improvements such as connection/extending Indian Paint Land south from the Storage Area to connect with Three Oak future extension and an intention to improve the Daniels 9300/Daniels Parkway/Danport intersection. All other necessary improvements to carry the proposed volume of trips that will be necessary to handle in order to secure development orders for the development.

**POLICY 6.1.7: Prohibit commercial developments from locating in such a way as to open new areas to premature, scattered, or strip development; but permit commercial development to infill on small parcels in areas where existing commercial development would make a residential use clearly unreasonable.**

This policy does not exactly apply. The area is well-suited for a mixed-use development that is infill and appropriate for commercial and residential uses.

## **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 though 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  $\frac{1}{4}$  to  $\frac{1}{2}$  mile of the majority of the development. Lee Tran (served by Bus Stop #1554 via Route 50 on Daniels Parkway within  $\frac{1}{4}$  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  $\frac{1}{4}$  mile or 1,320 feet.
2. The second has been called the Long Pedestrian Shed or  $\frac{1}{2}$  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  $\frac{1}{4}$  or  $\frac{1}{2}$  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 form 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 progress for submittal for the project as the former application was withdrawn (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

**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 Mixed-use 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.

***LEE PLAN OBJECTIVE 60.3: Examine steps necessary to restore principal flow-way systems to assure the continued environmental function, value, and use of natural surface water flow-ways and associated wetland systems.***

The subject site is in the process of applying for a SFWMD ERP which takes into account the Six Mile watershed. The stormwater management system will route stormwater water via swales and pipe network into the proposed dry detention area and then through piping into the network of lakes (as shown on the exhibit) with eventual outfall into the existing system serving Olde Hickory Golf and Country Club. See the Surface Water Management Plan for a larger detail of the below exhibit.

***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 subject site is in the process of applying for a SFWMD ERP which takes into account the Six Mile watershed. The approved master drainage system through the ERP will be in compliance with this policy. Modifications will be made to the approved ERP for the final site design at time of DO.

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

The design of the surface water management systems with align with Best Management Practices including, but not limited to the following: grassed swales planted with native or Florida Friendly Landscaping vegetation, retention/detention lakes with littoral zones, and a restored indigenous area. The design will meet all requirements of the LDC (except where approved deviations occur) and all requirements of the ERP.

***POLICY 61.3.12: The design of shorelines of retention and detention areas and other excavations must be sinuous rather than straight.***

The lakes will be sinus in design. We are not seeking deviations which we understand are not available.



***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 Mixed use 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 they will provide capacity for the development.

***POLICY 123.2.2: Continue to provide regulations and incentives to prevent incompatible development in and around environmentally sensitive lands.***

The on potentially sensitive lands on site are the small FLUCCS 621 areas. Development activity must remain in compliance with applicable state wetland permits and applicable local development permits. If impacts to wetlands are not permitted by the State or if issued state wetland permits are inconsistent with proposed impacts to wetlands depicted within local development permit approvals, Developer must amend local development permit approvals to be consistent with issued state wetland permits or applicable Lee Plan and Land Development Code regulations pertaining to development within wetlands.

***POLICY 123.2.4. Encourage the protection of viable tracts of sensitive or high-quality natural plant communities within developments.***

The proposed Restoration Area and attendant Management Plan provide a viable tract of sensitive or high-quality natural plant community within this development.

***POLICY 124.1.1: Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII, and except that owners of wetlands adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban, and Sub-Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership (see Table 1(a)).***

The wetlands on site are proposed to be impacted are the two small cypress heads. The applicant understands that for development that proposes impacts to wetlands, construction may not commence until issuance of required state permits. Development activity must remain in compliance with applicable state wetland permits and applicable local development permits. If impacts to wetlands are not permitted by the State or if issued state wetland permits are inconsistent with proposed impacts to wetlands depicted within local development permit approvals, Developer must amend local development permit approvals to be consistent with issued state wetland permits or applicable Lee Plan and Land Development Code regulations pertaining to development within wetlands.

***POLICY 124.1.2 The County's wetland protection regulations must be consistent with policy items 1 - 6 of this section.***

For development that proposes impacts to wetlands, construction may not commence until issuance of required state permits. Development activity must remain in compliance with applicable state wetland permits and applicable local development permits. If impacts to wetlands are not permitted by the State or if issued state wetland permits are inconsistent with proposed impacts to wetlands depicted within local development permit approvals, Developer must amend local development permit approvals to be consistent with issued state wetland permits or applicable Lee Plan and Land Development Code regulations pertaining to development within wetlands.

The applicant's proposed project is designed and permitted to comply with sections 1-6 of this Policy.

***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 mixed-use 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 mixed-use 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 125.1.4: Developments which have the potential of lowering existing water quality below state and federal water quality standards will provide standardized appropriate monitoring data.***

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

## **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 a coastal high hazard area (CCHA).

- (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.