

ADMINISTRATIVE AMENDMENT (PD) ADD2023-00209

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Kelly Pearce with CPH Inc. filed an application for administrative deviation on a 21.07-acre property zoned Commercial Planned Development (CPD), for a project known as Daniels Crossing Shopping Center to request a deviation from:

- LDC Sec. 10-421(a), which requires light poles to be located outside of parking islands, to allow existing light poles within existing parking islands to remain and to allow new frontage parking islands to contain light poles (limited to two new light poles).

WHEREAS, the site is located at 6900 Daniels Parkway (STRAP: 19-45-25-15-00000.B000) (See Exhibit A); and

WHEREAS, the subject property is in the Intensive Development Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the subject property is located within the Mixed Overlay established by the Lee Plan; and

WHEREAS, the subject property is developed with a commercial retail shopping center and is permissible within the CPD zoning district; and

WHEREAS, the commercial retail was approved by ZAB-86-100, and was last amended by Resolution Z-14-001 (see Exhibit "C"); and

WHEREAS, LDO2011-00298 approved replacement trees located within parking islands that contained light poles; and

WHEREAS, an application for demolition of the existing shopping center has been filed to facilitate redevelopment of the shopping center (DEM2023-03543); and

WHEREAS, the applicant has indicated that existing parking islands will not be changed because of the demolition and subsequent redevelopment; and

WHEREAS, the applicant is proposing to allow the existing light poles to remain and to locate two new light poles in existing parking islands to provide ample lighting for customers; and

WHEREAS, LDC Section 10-421(a) requires light poles to be located outside of all parking islands containing required trees; and

WHEREAS, the applicant has requested Deviation #6 to allow an alternative plan which allows the use of existing light poles in existing parking islands, as well as two new light poles in parking islands along the frontage road (See Exhibit "B"); and

WHEREAS, Lee County Environmental staff has reviewed and offered no objection to Deviation #6; and

WHEREAS, an application for approval of an administrative deviation has been filed pursuant to LDC Section 34-174(h) and (i); and

WHEREAS, the subject application and plans have been reviewed by Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping, or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Commercial Planned Development is **APPROVED subject to the following conditions:**

1. **Development must be in substantial compliance with the Master Concept Plan entitled “S4322 Ft Myers FL Daniels Cross Master Concept Plan”, attached hereto as Exhibit “B.”**
2. **If any landscaping must be installed/replaced, planting material must consist of small canopy trees in compliance with 10-296(e)(1)d, and growth habit must be considered in advance of planting. The installation/replacement of trees is subject to the review and approval of Development Services staff.**
3. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 2/21/2024

Anthony R. Rodriguez, AICP, CPM, Zoning Manager

List of Exhibits:

- A- Legal Description**
- B- Master Concept Plan**
- C- Resolution Z-14-001**

Exhibit A

Legal Description

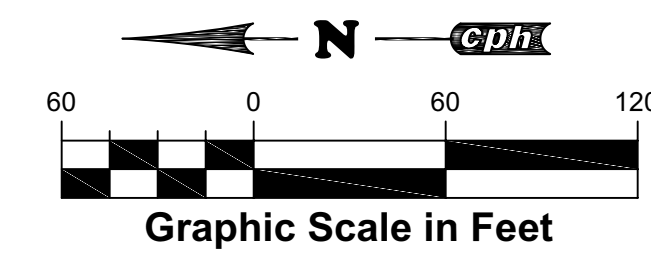
STILES HUNT
PB 46 PG 6
TR B SHOPPING CENTER SITE

STRAP
19-45-25-15-00000.B000

*REVIEWED
ADD2023-00199
Rick Burris, Principal
Planner
Lee County DCD/Planning
1/4/2024*

EXHIBIT
B

SIX MILE CYPRESS PARKWAY



Plans Prepared By:
CPH, LLC
A Full Service A & E Firm

AREA "A"
TOTAL ACREAGE: 21.07 AC.
RETAIL FLOOR AREA: 163,309 S.F.
OFFICE FLOOR AREA: 46,420 S.F.
TOTAL FLOOR AREA: 209,729 S.F.¹
PARKING PROVIDED: 458 SPACES²
PARKING REQUIRED: 555 SPACES²
MAX. BUILDING HEIGHT: 45 FT.²
MIN. OPEN SPACE: 30 PERCENT

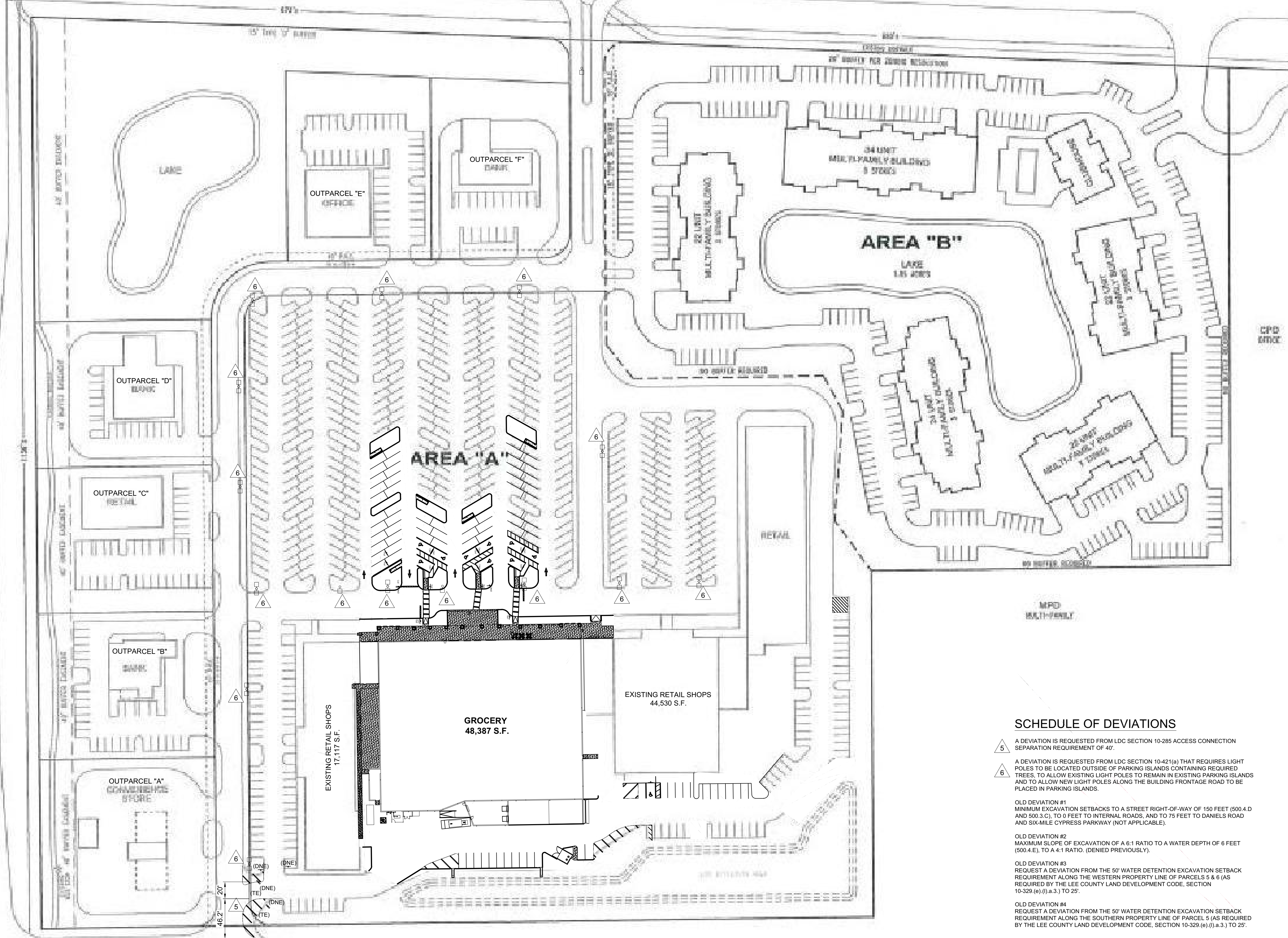
¹ MAX. BUILDING FLOOR AREA PER
ADD2015-00050 IS 300,000 S.F.

² 75 FEET FOR HOTEL / MOTEL

³ DOES NOT INCLUDE OUTPARCEL PARKING.
EACH OUTPARCEL PROVIDES ITS OWN
PARKING AND OPEN SPACE REQUIREMENTS
ACCORDING TO THE LEE COUNTY LAND
DEVELOPMENT CODE.

AREA "B"
TOTAL ACREAGE: 21.07 AC.
DWELLING UNITS: 124 UNITS²
RESIDENTIAL DENSITY: 13.89 DU / AC
PARKING REQUIRED: 273 SPACES
PARKING PROVIDED: 286 SPACES
MAX. BUILDING HEIGHT: 48 FT.
MIN. OPEN SPACE: 40 PERCENT

⁴ ALL SITE IMPROVEMENTS SHOWN IN AREA "B"
ARE EXISTING AND NO CHANGED TO AREA B
ARE BEING PROPOSED IN THIS AMENDMENT
APPLICATION.



SCHEDULE OF DEVIATIONS

- 5 A DEVIATION IS REQUESTED FROM LDC SECTION 10-285 ACCESS CONNECTION SEPARATION REQUIREMENT OF 40'.
- 6 A DEVIATION IS REQUESTED FROM LDC SECTION 10-421(a) THAT REQUIRES LIGHT POLES TO BE LOCATED OUTSIDE OF PARKING ISLANDS CONTAINING REQUIRED TREES, TO ALLOW EXISTING LIGHT POLES TO REMAIN IN EXISTING PARKING ISLANDS AND TO ALLOW NEW LIGHT POLES ALONG THE BUILDING FRONTAGE ROAD TO BE PLACED IN PARKING ISLANDS.
- OLD DEVIATION #1
MINIMUM EXCAVATION SETBACKS TO A STREET RIGHT-OF-WAY OF 150 FEET (500.4.D AND 500.3.C), TO 0 FEET TO INTERNAL ROADS, AND TO 75 FEET TO DANIELS ROAD AND SIX-MILE CYPRESS PARKWAY (NOT APPLICABLE).
- OLD DEVIATION #2
MAXIMUM SLOPE OF EXCAVATION OF A 6:1 RATIO TO A WATER DEPTH OF 6 FEET (500.4.E), TO A 4:1 RATIO, (DENIED PREVIOUSLY).
- OLD DEVIATION #3
REQUEST A DEVIATION FROM THE 50' WATER DETENTION EXCAVATION SETBACK REQUIREMENT ALONG THE WESTERN PROPERTY LINE OF PARCELS 5 & 6 (AS REQUIRED BY THE LEE COUNTY LAND DEVELOPMENT CODE, SECTION 10-329 (a), (i), a.3.) TO 25'.
- OLD DEVIATION #4
REQUEST A DEVIATION FROM THE 50' WATER DETENTION EXCAVATION SETBACK REQUIREMENT ALONG THE SOUTHERN PROPERTY LINE OF PARCEL 5 (AS REQUIRED BY THE LEE COUNTY LAND DEVELOPMENT CODE, SECTION 10-329 (a), (i), a.3.) TO 25'.

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Designed: A. LOPEZ
Drawn: J. ALLEN
Checked: A. LOPEZ
Job No.: S4322
Date: 07/29/2022 © 2023

MASTER CONCEPT PLAN
**DANIELS CROSSING SHOPPING
CENTER**
FORT MYERS / LEE COUNTY / FLORIDA

THIS SHEET NOT VALID FOR
CONSTRUCTION WITHOUT
COMPLETE SET OF PLANS.

EXHIBIT C

RESOLUTION NUMBER Z-14-001

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

WHEREAS, an application was filed by the property owner DRLP LTD to amend a Commercial Planned Development (CPD) zoning approval, in reference to Daniels Crossing; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on January 15, 2014; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2013-00016 and recommended approval of the Request; and

WHEREAS, a second public hearing was advertised and held on March 5, 2014 before the Lee County Board of Commissioners; and,

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

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

SECTION A. REQUEST

The applicant filed a request to amend existing CPD zoning approval for Daniels Crossing to allow 124 multi-family residential units on a vacant 8.93 acre development tract.

The property is located in the Intensive Development Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Codified Zoning Approval. This zoning approval supersedes and replaces Resolutions ZAB-86-100, Z-88-354, Z-89-063, and Z-00-059 (as amended by ADD2011-00044 and ADD2011-00059).
2. Master Concept Plan. Development of this project must be consistent with the 2-page Master Concept Plan (MCP), Page 1 entitled "Daniels Crossing Shopping Center, Phase II," prepared by Pokorny & Kareh, Inc., dated September 1, 1999, last revised 05/02/2000, date-stamped "Received Oct 25 2013 Community Development" attached as Exhibit C-1, and Page 2 entitled "Daniels Crossing" prepared by Gary F. Muller, AICP, dated 10/13,

Case No. DCI2013-00016

Z-14-001
Page 1 of 10

03-05-142

also date-stamped "Received Oct 25 2013 Community Development" and attached as Exhibit C-2, except as modified by the conditions below.

Development Alternative One:

The project development parameters in Areas A & B collectively may not exceed 300,000 square feet of commercial floor area as per the MCP, Exhibit C-1, attached hereto.

Development Alternative Two:

Area B may be developed with residential uses consistent with the alternative one-page MCP, Exhibit C-2, attached hereto, as modified by the conditions below. The project development parameters may not exceed 250,000 square feet of commercial floor area in Area "A" and 124 dwelling units in Area "B" under this development alternative.

3. Storm Water Management System. The outparcel containing the existing lake on the corner of Daniels Parkway and Ben C. Pratt/Six Mile Cypress Parkway must be maintained as part of the stormwater management system and landscaping/open space area previously approved under this planned development.
4. Compliance with Land Development Code. Development must comply with the LDC at time of local development order approval, unless deviations from the code are granted pursuant to planned development approval. If changes to the MCP are subsequently pursued, further approvals will be necessary.
5. Fire Impact Fees. New development is required to pay Fire Impact fees.
6. Retention Lake Setback. The retention lake shown on the April 23, 1986 site plan (received on April 24, 1986) may not be closer than 20 feet to internal road rights-of-way or easements. The 20-foot measurement will be measured from the edge of the right-of-way to the highest level on the excavation bank utilized for the storage of stormwater (Deviation 1). (Resolution ZAB-86-100)
7. Schedule of Uses

Alternative One :

Commercial Development in Areas "A" and "B" (no dwelling units):

Administrative offices

Aircraft landing facilities, private: new accessory buildings for lawfully existing:
facilities

Animal, Clinic

Assisted Living Facility (§§ 34-1491, *et seq.* and 34-1411)

ATM (automatic teller machine)

Auto parts store: with or without installation service

Automobile service station (limited to one outparcel)

Auto repair and service [§34-622(c)(2)]: Group I only

Bait and tackle shop

Banks and financial establishments [§34-622(c)(3)]: Groups I & II
 Bar/Cocktail Lounge
 Boat parts store
 Boat Ramp
 Boat rental
 Broadcast studio, commercial radio and television
 Business services [§34-622(c)(5)]: Group I only
 Car wash
 Cleaning and maintenance services [§34-622(c)(7)]
 Clothing stores, general [§34-622(c)(8)]
 Clubs: Commercial, Fraternal, Membership, Private
 Communication tower: 100 feet or less in height
 Consumption on Premises
 Contractors and builders [§34-622(c)(9)]: Groups I & II
 Convenience food and beverage store
 Daycare center, adult, child
 Department store
 Drive-through facility for any permitted use, except Restaurant, fast food
 Drugstore, pharmacy
 Entrance gates and gatehouse
 Essential services
 Essential service facilities [§34-622(c)(13)]: Group I only
 Excavation: Water retention
 Flea market: Indoor
 Food stores [§34-622(c)(16)]: Groups I & II
 Funeral home or mortuary: No cremation
 Hardware store
 Health care facility [§34-622(c)(20)]: Group III only
 Hobby, toy, game shops [§34-622(c)(21)]
 Hotel/Motel (§ 34-1801, *et seq.*)
 Household and office furnishings [§34-622(c)(22)]: Groups I & II
 Laundromat
 Laundry or dry cleaning [§34-622(c)(24)]: Group I
 Lawn and garden supply store
 Library
 Medical office
 Model Display Center
 Nightclub
 Nonstore retailers [§34-622(c)(30)], All Groups
 Package store
 Paint, glass and wallpaper
 Parks [§34-622(c)(32)], Group I only
 Parking lot: Accessory & Temporary
 Personal services [§34-622(c)(33)]: Groups I thru IV
 Pet Services (ADD2011-00059)
 Pet shop
 Pharmacy
 Place of worship

Recreation Facilities, Commercial [§34-622(c)(38)]: Group I & IV
 Recreational facilities: Private On-site
 Religious facilities
 Rental or leasing establishments [§34-622(c)(39)]: Groups I, II & III
 Repair shops [§34-622(c)(40)]: Groups I & II
 Research and development laboratories [LDC § 34-622(c)(41)]: Group II only
 Restaurants [§34-622(c)(43)]: All Groups, except Restaurant, fast food
 Schools, commercial [§34-622(c)(45)]
 Self-service fuel pumps
 Signs in accordance with Chapter 30
 Social services [§34-622(c)(46)]: Group I only
 Specialty retail shop [§34-622(c)(47)]: Groups I thru IV
 Storage: Indoor & Outdoor
 Studios [§34-622(c)(49)]
 Supermarket
 Temporary uses
 Theater: Indoor
 Transportation services [§34-622(c)(53)]: Group II only
 Used merchandise stores [§34-622(c)(54)]: Groups I, II & III
 Variety store
 Vehicle and equipment dealers [§34-622(c)(55)]: Group II only
 Warehouse (mini-warehouse, private, public) on Parcels 5, 6, and 7 only
 Wholesale establishment [§34-622(c)(56)]: Groups III & IV

Alternative Two: (Includes option to develop Area B with residential uses)

Area A:

All uses listed above. (No dwelling units).

Area B:

Accessory Uses and Structures
 Administrative Offices
 Dwelling Unit: Townhouse
 Multiple Family Building
 Entrance Gates and Gatehouses
 Essential Services
 Excavation: Water Retention
 Fences, Walls
 Home Occupation
 Model Unit
 Parking Lot: Accessory
 Recreation Facilities: Private-On Site
 Residential Accessory Uses

8. Impact Fees. Developer(s) of property are not required to pay road impact fees for the first 250,000 square feet of commercial floor area, because of a prior proportionate share payment of \$408,000. Impact fees consistent with county regulations in effect at the time of local development order approval must be paid for all other development on the site.
9. Access to Ben C. Pratt/Six Mile Cypress Parkway. Full access is approved at the southern entrance along Ben C. Pratt/Six Mile Cypress Parkway. This access point must be located near the southern project perimeter and must meet the required 660-foot intersection separation requirement. This access must be signalized and the developer is required to pay a pro rata share of the cost of the traffic signal when determined to be necessary by the Lee County Department of Transportation.
10. Outparcel Signs. Signs for outparcels on Daniels Parkway must be ground-mounted, and may not to exceed 36 square feet in size.
11. Prohibition of Fast Food Restaurants. Fast food restaurants and drive-thrus for fast food restaurants are prohibited.
12. Daniels Parkway Charette Design. The developer's site plan must conform to the "outstanding" charette design for Daniels Parkway along the project's Daniels Parkway frontage.
13. Roadside Berm and Sidewalk. The site plan must include a 2-foot-high undulating berm parallel to Daniels Parkway north of the outparcels, separated from Daniels Parkway by the 40-foot-wide sodded area and sidewalk. The sidewalk must meander through the 40-foot-wide buffer area (or the sodded area if retention requirements preclude that). In addition, the 2-foot-high undulating berm will be continued down Ben C. Pratt/Six Mile Cypress Parkway to the southern property line of the planned development. The berms must be landscaped.
14. Right of Way Buffers. The developer must provide and maintain a 40-foot-wide landscaped buffer along the Daniels Parkway right-of-way. The buffer will be landscaped with a double Type "D" vegetation (double the required vegetation for a 20-foot-wide buffer), as specified in LDC Chapter 10, in lieu of the required "A" type vegetation. The buffer must transition to a 20-foot-wide buffer with double Type "D" vegetation (10 trees per 100 lineal feet and hedge planted in double staggered rows) and continue along Ben C. Pratt/Six Mile Cypress Parkway (with the exception of the existing real estate office and bank located on Outparcels E and F of the Master Concept Plan).
15. Covenant for Architectural Building Design. All structures on the outparcels shown on the approved Master Concept Plan that front on Daniels Parkway or Ben C. Pratt/Six Mile Cypress Parkway will be bound by a covenant running with the property to an architectural design compatible with and similar to the main center buildings. This design applies to the building and roof materials and colors, and will be subject to approval by the Department of Community Development. This is to be more Spanish-style construction with barrel tile roofs, where possible.

16. Signs. Signs permitted on outparcels along Daniels Parkway will be limited to ground mounted signs located solely within the 40-foot-wide buffer area. It is the intent of the developer that all signs and outparcels on Daniels Parkway and Ben C. Pratt/Six Mile Cypress Parkway will be coordinated to give the center a fully integrated, well-designed look.
17. Required Vegetation. One hundred percent (100%) native vegetation must be used for the required vegetation. The developer may utilize additional non-native plantings for accent (such as palms, etc.) above the required plantings.
18. Commercial Intensity. The total overall commercial intensity is limited to 300,000 square feet, unless the developer pursues Development Alternative Two in Area B. In that event, commercial development in Area A is limited to 250,000 square feet and residential development in Area B is limited to 124 dwelling units. In addition to the above limitations, the following modifications may be granted administratively within Area A:
 - a. The developer may convert remaining retail square footage to office square footage at a rate of one square foot of retail use for each four square feet of office use (1:4).
 - b. The developer can convert remaining retail square footage to Assisted Living Facilities (ALF) at a rate of 1,000 square feet of retail floor area for each 29 ALF units. This may not exceed a maximum of 624 units and is limited to ALF units that do not contain cooking facilities.
 - c. The developer may convert remaining retail square footage to Hotel/Motel units at a rate of 1,000 square feet of retail floor area for each 12 hotel motel units. This may not exceed a maximum of 250 Hotel/Motel units.
 - d. The developer may convert remaining retail square footage to warehouse use at a ratio of one foot of retail use for each eleven feet of warehouse use (1:11).
19. Open Space. The approved development order plans must reflect 30% open space within all areas developed with commercial uses. If the developer pursues Alternative Two in Area B, the approved development order plans for Area B must reflect 40% open space.
20. Interconnection to the South. Prior to local development order approval, the plans must show the interconnection between this project and the project to the south as shown on the approved MCP. The developer must post signs at the interconnection stating that industrial truck and construction traffic is not allowed.
21. Vehicular and pedestrian Impacts. This zoning approval does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

22. Planning Communities Map and Acreage Allocations Table. This zoning approval does not give the developer an undeniable right to receive local development order approval.

Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).

23. Architectural Design. The buildings on Parcels 5 through 7 must be of similar architectural design as the existing shopping center, especially on the east side facing Ben C. Pratt/Six Mile Cypress Parkway. Features can include barrel tile roofs, stucco fronts, or complementary facades.
24. Development Alternative Two, Lighting. In the event the developer pursues Alternative Two and develops Area B with residential uses, the development order plans must depict the following:
- Lighting of pedestrian and parking areas must be directed internally to the site. Parking lot areas must be illuminated with enough intensity to create secure areas consistent with the LDC; and
 - Except as provided herein, parking lot lamps must be hooded or globed and may not exceed 20 feet in height. Parking lot lamps may not exceed 12 feet in height for the eastern-most parking lot visible to Six Mile Cypress Slough; and
 - Mercury vapor lamps/lights are prohibited
25. Development Alternative Two, Pedestrian Access. The development order plans for the residential development of Area B must include a direct pedestrian access within the boundaries of Area B to the commercial building at the southeast corner of the shopping center.

SECTION C. DEVIATIONS:

The following Deviations will remain effective for Areas A and B as previously granted for commercial development. No deviations have been granted for development Alternative Two. Residential uses must be developed in compliance with the LDC, unless deviations are subsequently granted through an amendment to the zoning approvals.

1. Open Space. Deviation (1) seeks relief from the §10-415(d)(2)c requirement to provide that artificial bodies of water may not exceed 25% of the minimum required open space, to allow for more than 25%, as shown on the MCP. (Deviation previously granted by the Board of County Commissioners on May 8, 1989). This deviation is APPROVED.
2. Water Retention Set Back. Deviation (2) seeks relief from the §10-329(e)(1)a.3.) requirement to provide a 50-foot setback for water retention or detention excavations, to allow a 25-foot setback from the western perimeter property line. This deviation is APPROVED.

3. Water Retention Set Back. Deviation (3) seeks relief from the §10-329(e)(1)(a.3.) requirement to provide a 50-foot setback from the southern perimeter property line for water retention or detention excavations; to allow a 25-foot setback. This deviation is APPROVED.
4. Dimensions of Garbage and Recyclable Collection Area. Deviation (4) seeks relief from the LDC §10-261(a) requirement to provide for 84 square feet of garbage and recyclable collection area (60 square feet for trash and 24 square feet for recyclable) for commercial buildings up to 5,000 square feet in area, to allow a 54-square-foot collection area. This deviation is APPROVED ONLY for a Bank development on Lot #2 of the CPD. Development must comply with all other requirements of §10-261. (Approved by ADD2011-00044).
5. Access Opening for Refuse and Solid Waste Disposal Facilities. Deviation (5) seeks relief from the LDC §10-261(b) requirement for a 12-foot-wide unobstructed access opening for refuse and solid waste disposal facilities, to allow an opening of 5 feet. This deviation is APPROVED ONLY for a Bank development on Lot #2 of the CPD. Development must comply with all other requirements of §10-261 (Approved by ADD2011-00044).

SECTION D. EXHIBITS:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C1: Master Concept Plan (Alternative One)
- Exhibit C2: Master Concept Plan (Alternative Two) (Residential in Area B)

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the amendment to the planned development by demonstrating compliance with the Lee Plan, the LDC, and other codes and regulations. Lee Plan Policy 1.1.2 and LDC §34-411.
2. The requested amendment to an approved CPD to incorporate the option to develop multifamily residential on an 8.93 acre tract:
 - a. Meets or exceeds the performance and location standards set forth for the residential uses proposed by the request; Lee Plan Policy 1.1.3, Goal 2, Objectives 2.1, 2.2 and 2.12, Goals 11 and 39, Objective 39.1, Policies 39.1.6, 39.1.1 and LDC §34-411.
 - b. Is consistent with the densities and general uses of the Intensive Development Future Land Use Category described in Lee Plan Policy 1.1.2.

- c. Is compatible with the uses in the area. Lee Plan Goal 5, Objectives 2.1, 2.2, 2.12, 5.1, Policies 1.1.2, 1.7.6, 2.1.1, 2.1.2, 2.12.3, 5.1.1, 5.1.2, 5.1.3, 5.1.5, 5.1.6, 5.1.7, 39.1.6 and 139.9.5.
 - d. Will not adversely affect environmentally critical areas or natural resources. (The site is cleared and vacant with no environmental features to protect).
- 3. Approval of the proposed development alternative will not place an undue burden upon existing transportation or planned infrastructure facilities. The site will be served by streets with the capacity to carry traffic generated by the development. The Levels of Service of the roadways adjacent to the property will not be degraded by the traffic generated by the proposed residential development alternative because it will generate less traffic than the originally proposed commercial alternative. Further, the site is accessible to mass transit and bicycle facilities. Lee Plan Goal 11, Standard 11.3, Goal 39, Objective 39.1 and Policies 5.1.3 and 39.1.1.
- 4. Urban services, as defined in the Lee Plan Glossary, are available and adequate to serve the proposed land use. Lee Plan Objective 2.2 and Policy 2.2.1.
- 5. The proposed uses are appropriate at the subject location. Lee Plan Objective 2.12, Policies 1.1.2, 1.7.6, 2.12.1, 2.12.3, 5.1.5, 39.1.6 and 135.1.9.
- 6. The recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. Lee Plan Goal 4, Policy 6.13. LDC §§10-610(d)(1) and 34-411c.
- 7. The recommended conditions are reasonably related to the impacts created by, or expected from the proposed development alternative.
- 8. The existing deviations continue to:
 - a. enhance the achievement of the objectives of the planned development; and
 - b. preserve and promote the general intent of LDC Chapter 34 to protect the public health, safety and welfare.

(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)

Commissioner John Manning made a motion to adopt the foregoing resolution, seconded by Commissioner Cecil L Pendergrass. The vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 5th day of March, 2014.

ATTEST:
LINDA DOGGETT, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Joyce Townsend
Deputy Clerk

BY: Brian Hamman
For Larry Kiker, Chair

Approved as to form by:

Neysa Berkert
Neysa Berkert
Assistant County Attorney
County Attorney's Office



RECEIVED
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Legal Description

Tract D, Stiles Hunt Subdivision located in Section 19, Township 45 South,
Range 25 East, Lee County, Florida as recorded in Plat Book 46, Pages 5-6 in
the Public Records of said County.

RECEIVED

SEP 06 2013

COMMUNITY DEVELOPMENT

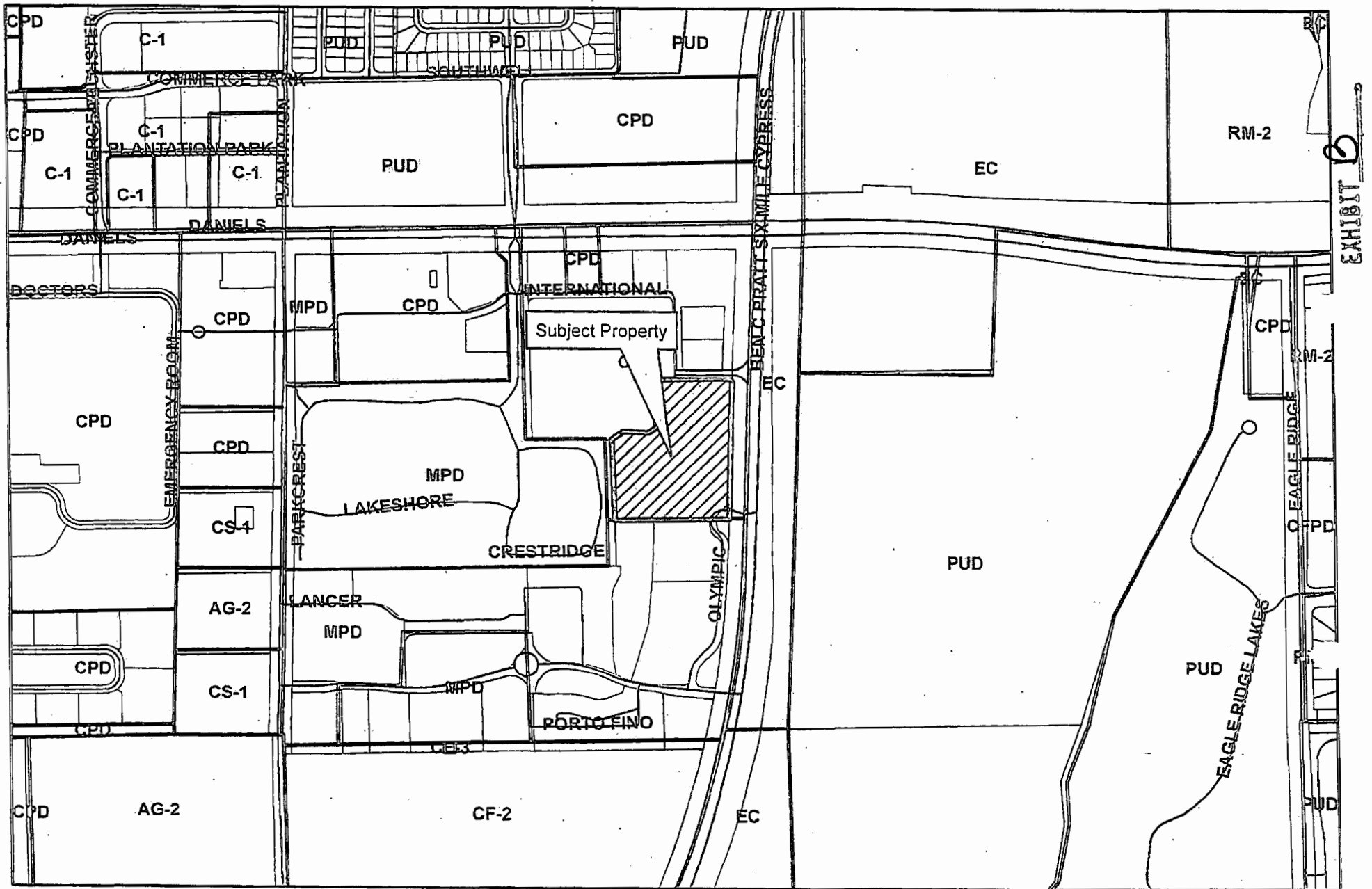
DCI 2013-00016

Applicant's Logal Checked
by C60 9/10/13

EXHIBIT A

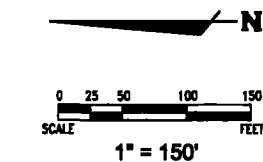
DCI2013-00016

Zoning Map



0 500 1,000 Feet

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AREA "A"¹
 TOTAL ACREAGE: 21.07 ACRES
 RETAIL FLOOR AREA: 164,280 S.F.
 OFFICE FLOOR AREA: 46,420 S.F.
 TOTAL FLOOR AREA: 210,670 S.F.
 MAX. BUILDING HEIGHT: 45 FEET²
 MIN. OPEN SPACE: 30 PERCENT

¹ ALL SITE IMPROVEMENTS SHOW IN AREA "A" ARE EXISTING AND NO CHANGES TO AREA "A" ARE BEING PROPOSED IN THIS AMENDMENT APPLICATION.
² 75 FEET FOR HOTEL/MOTEL

AREA "B"
 TOTAL ACREAGE: 8.93 ACRES
 DWELLING UNITS: 124 UNITS¹
 RESIDENTIAL DENSITY: 13.89 DU/AC
 PARKING REQUIRED: 273 SPACES
 PARKING PROVIDED: 286 SPACES
 MAX. BUILDING HEIGHT: 48 FEET
 MIN. OPEN SPACE: 40 PERCENT

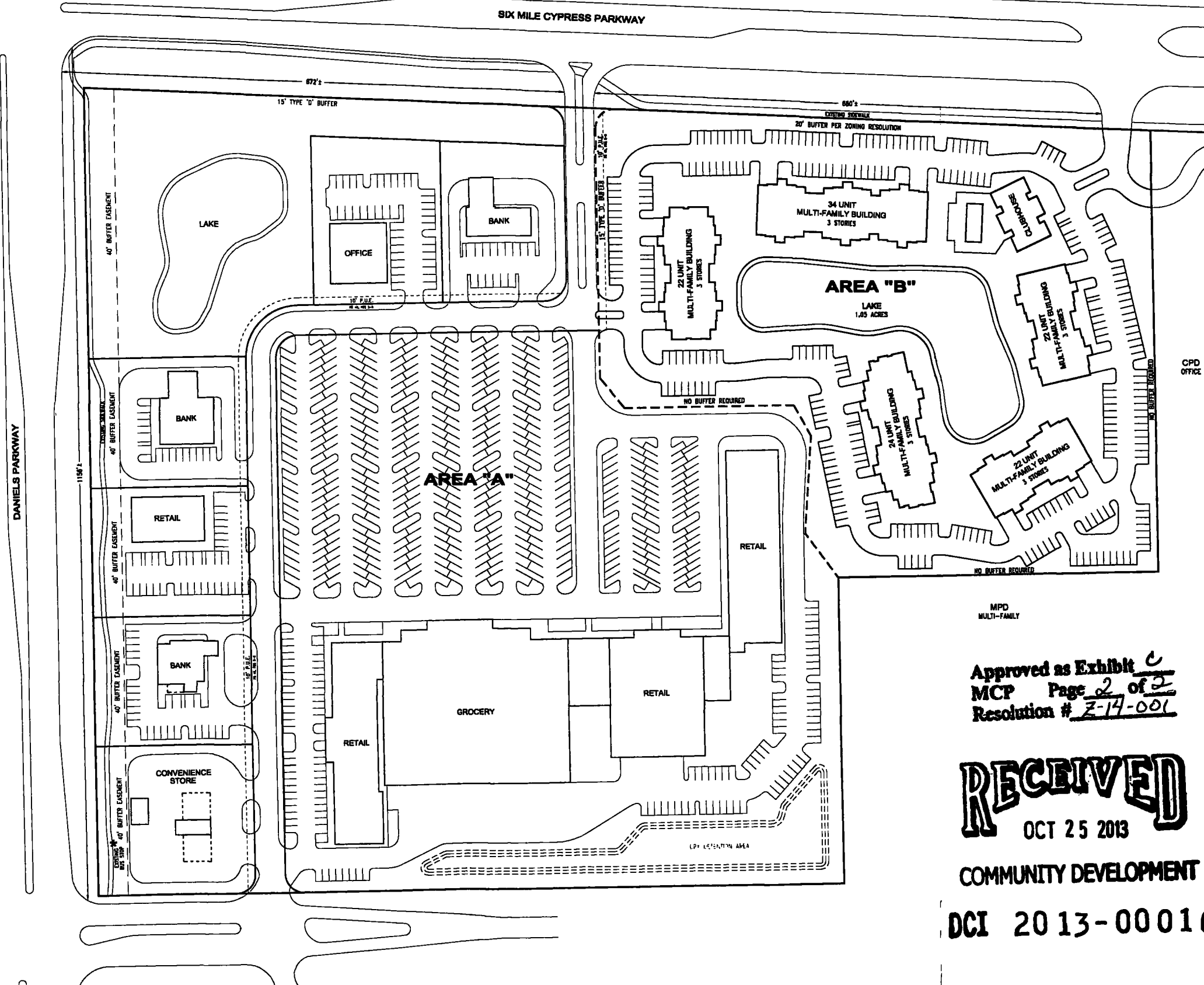
¹ EITHER MULTIPLE FAMILY OR TOWNHOUSE UNITS OR ANY COMBINATION OF THE TWO, NOT TO EXCEED A MAXIMUM OF 124 TOTAL DWELLING UNITS.

AREA "B" OPEN SPACE CALCULATIONS
 REQUIRED: 8.93 ACRES X 40% = 3.57 ACRES
 PROVIDED:
 LAKE AREA: 0.89 ACRES¹
 OTHER: 3.53 ACRES²
 TOTAL: 4.42 ACRES

¹ 25% OF REQUIRED OPEN SPACE.
² ALL AREAS EXCLUDING BUILDING AND PAVEMENT.

NOTES

- 1) AREA "B" DOES NOT CONTAIN ANY INDIGENOUS VEGETATION.
- 2) AREA "B" WILL PROVIDE THE REQUIRED FACILITIES FOR SOLID WASTE/RECYCLING STORAGE AND PICK UP IN ACCORDANCE WITH LDC SECTION 10-261.
- 3) PEDESTRIAN SIDEWALK CONNECTIONS FROM AREA "B" WILL BE PROVIDED TO THE COMMERCIAL DEVELOPMENT TO THE NORTH AND TO THE EXISTING SIDEWALK ALONG SIX MILE CYPRESS PARKWAY.



Approved as Exhibit C
 MCP Page 2 of 2
 Resolution # 2-14-001

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COMMUNITY DEVELOPMENT

DCI 2013-00016

MASTER CONCEPT PLAN
 DANIELS CROSSING

DWG. NO.
 1302

SEC 18, TWP 45S., RGE 25E.
 LEE COUNTY, FLORIDA



GARY F. MULLER, AICP
 1482 ARNOLD DRIVE • FT. MYERS, FLORIDA 33919 • (239) 939-0111

FILE #	1302RMCP
DATE	10/13
SCALE	NOTED
DESIGN	GFM
DRAWN	GFM
CHECK	GFM

EXHIBIT 17

EXHIBIT C-2