



February 22, 2024

Elizabeth A. Workman
Principal Planner
Lee County Community Development, Zoning Section
1500 Monroe Street
Fort Myer, FL 33908

**Re: Daniels Town Square MPD
4th INSUFFICIENCY RESPONSE LETTER
DCI2022-00059**

Dear Beth:

Enclosed please find responses to your insufficiency letter dated *October 27, 2023*. The following information has been provided to assist with the approval process:

1. Sufficiency Comment Response Letter
2. Revised Application
3. Revised Authorization and Disclosure
4. Revised Request Narrative & Lee Plan Compliance
5. Revised Schedule of Uses
6. Revised MCP
7. Revised Environmental Report
8. Revised Sketch and Description (pending)
9. Revised Surface Water Management Plan Statement and Exhibit

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

General Note:

- The land is under a new contract purchaser. The Meyers Group is no longer the applicant. The new applicant is Bison Property Holdings, LLC, represented by Chris Moore of Waypoint Development.
- The acreage has changed since Waypoint is not pursuing the 4.8-acre parcel known as 22-45-25-00-00002.1170. The acreage is now 61.26 acres. A revised sketch and description are attached pending.
- Density calculations have changed to 1,251 units as has required open space. The density for the site is based on a total of 56.86 acres (56.07 acres of uplands and 0.79 acres of preserved wetlands) at 22 units per acre, which equals 1,251 du. The density is broken down as 796 du (base) and 455 du (bonus). There are 5.19 acres of wetlands to be impacted on site pending final SFWMD wetland determination acreage on the current ERP application (#230220-37612).
- Commercial intensity has not changed.



- The southern parcel abutting Indian Pony Lane is a commercial parcel once again. Because of this we acknowledge that the southern parcel will NOT be in the Mixed-Use Overlay and must provide 30% open space.
- The height and density of Parcel 1 is lower in height and less intense.
- Added a connector road from the central spine road to Indian Paint south to the new Three Oaks Extension
- Items that have remained consistent:
 - Access points
 - Spine road location
 - Indigenous area
 - Buffers
 - General lake locations
 - Wetland acreage
 - Parcels 2-5 general design

Zoning Review

1. Indicate if "Excess Spoil Removal" needs to be added to the Schedule of Uses. It is unclear if the applicant is proposing vertical development on the southern parcel or if a stormwater lake is proposed. If fill is being moved from the southern parcel to the northern parcel, "Excess Spoil Removal" must be an allowable use. Please advise.

RESPONSE: Vertical development is indicated on the MCP on the southern triangle parcel as well as a stormwater lake. Fill may be moved to the northern parcel so Excess Spoil Removal has been added to the Schedule of Uses.

2. The Stormwater Management Plan depicts a different site plan than what is being proposed on the MCP.

RESPONSE: The stormwater plan is based on the current EPR and previous contract owner's development plan for phase 1. The ERP is within weeks of final approval. The ERP will need to be modified to represent the current plan, which we will undertake at the time of local development order. Nevertheless, the ERP plan is the worst-case scenario for a development that is much more intense than what is currently proposed but does capture the major components necessary for clarity at the zoning stage such as establishing the wetlands for mitigation or preservation, outfall, etc.

3. Revise the open space calculations to comply with LDC Section 10-415(d)(2)(c). Stormwater management areas may offset up to a maximum of 25 percent of the required open space. Currently, the open space exhibit and MCP depict more than 25 percent of the required open space.

RESPONSE: The table has been corrected.

4. Revise the open space calculations to provide 20 percent open space for the property north of Three Oaks Parkway and 30 percent open space for the property south of Three Oaks Parkway. The required indigenous open space acreage will need to be revised as well to demonstrate that

the required indigenous open space is 50 percent of the required open space. Staff understands that the onsite indigenous will not meet the amount that is required per the LDC and that the difference will be provided as open space.

RESPONSE: The opens space table on the MCP has been corrected to represent 30% on the southern parcel and 20% on the northern parcel. The required indigenous space is listed on the MCP as 2.44 AC (30% parcels 5 & 6) and 10.62 AC (20% parcels 1-4) for a total of 13.06 acres.

5. Provide a cross section drawn to scale depicting the multi-family building located on the parcel south of Three Oaks Parkway. The cross section must depict the building, 15-foot buffer without the wall, all easements, and Indian Pony Drive. Staff has some concerns about large trees being proposed and creating a conflict with the building.

RESPONSE: The southern parcels (8.13 acres) are now stormwater and commercial uses, nor residential propsoed.

Environmental Sciences

6. The applicant has removed the deviation from allowing restored areas to act as the indigenous open space requirement. The applicant is now preserving the indigenous wetland to meet the indigenous open space requirement. The applicant has alluded to a restoration plan being provided. Please note that an indigenous management plan is only required. Please indicate if the applicant is proposing a restoration plan along with the required indigenous management plan.

RESPONSE: We are not proposing a restoration plan at this time for the indigenous area. The narrative was incorrect. The correction has been made.

We are proposing a planting and maintenance plan for the littoral plantings as requested by staff as follows:

The littoral plantings will be installed within 60 days of completion of lake construction in a manner consistent with the Landscape Plans. If drought conditions impact lake level to the point water is a limiting factor for plant vigor and growth, supplemental water will be applied using a water truck.

Monitoring of littoral areas will be conducted in conjunction with annual monitoring report of the conservation areas. Littoral areas will be included in this report as a separate section along with documentary photos taken at representative locations along the littoral areas. Maintenance activities include removal and subsequent ongoing control of exotic Category I and II plant species using the Florida Exotic Pest Plant Council (EPPC). These exotic control events will be concurrent with treatment events as outlined in the Conservation Area Monitoring and Maintenance Plan submitted to the district.

7. If a restoration plan is not being provided, the environmental consultant must remove the supplemental planting list.

RESPONSE: The supplemental planting list has been removed from the report.

8. Please note that the management plan needs to discuss the monitoring reports for the "baseline", "time-zero", and 5 additional annual monitoring reports. If exotics are still present at the end of the 5th annual report, additional time will be included.

RESPONSE: The management plan has been corrected.

9. The applicant is undergoing a concurrent CPA to allow the northern piece of the property to be within the mixed-use overlay. The buffer to the west and south is normal buffering in accordance with 10-416(d) of the land development code.

RESPONSE: Understood. We are exceeding the Mixed-Use Overlay requirements.

10. The south buffer has a label stating, "15' Type C Buffer without wall along Indian Pony Easement". Multi-family to rights-of-way is a 15-foot Type D buffer. Please clarify if the applicant is requesting an additional deviation or will need to revise the MCP.

RESPONSE: We revised the plan to a Type D buffer.

Infrastructure Planning (DOT) Review

11. It is essential to note that LCDOT will not support Daniels 9300 as an egress point for the development. It is recommended to designate Daniels 9300 solely as an ingress point. To ensure consistency, please update the Master Concept Plan (MCP), and trip distribution-related data, and conduct any required analysis to reflect this adjustment.

RESPONSE: After a meeting with LCDOT on November 17, 2023, it was put forth that a condition will be written in zoning to provide the development full ingress and egress to Daniels 9300 with LCDOT reserving the right, if warranted for public health and safety, to restrict access to Daniels 9300 to ingress only after Three Oaks Parkway extension connects to Fiddlesticks at the Daniels Parkway intersection.

12. According to LDC Section 10-291(3), the property located on the south side of Three Oaks Parkway must have more than one means of ingress or egress. It is recommended to include Indian Pony Dr. as the second ingress or egress point and, if necessary, update the trip distribution-related figures and perform any relevant analysis to comply with this requirement.

RESPONSE: The southern parcel is a commercial parcel now eliminating the use for an access beyond the signalized intersection.

Traffic Impact Statement Review

13. Request statement mentioned about 1,342 multi-family dwelling units. However, TIS has been prepared based on 1,325 multi-family dwelling units. Clarify this inconsistency.

RESPONSE: The site plan has been moderately modified and the overall project acreage has been reduced by 4.9 acres lowering potential density. The revised zoning request is for up to 1,251 units rather than 1,325 as stated in the current TIS. The commercial intensity of the project has not changed and is accurate in the TIS. The nuances of the report are consistent with the proposed development. We ask that the report suffice for

sufficiency as it represents slightly greater trip count than what is being proposed but otherwise is accurate.

14. Schedule of Uses must mention the multi-family housing (mid-rise) instead of just multi-family housing.

RESPONSE: The schedule of uses has been revised to include multi-family housing (mid-rise).

15. Revise Table 1A; Daniels Pkwy (E. of Palomino Ln) is not an 8LD roadway segment. Provide specific calculations/references for the I-75 LOS standard.

RESPONSE: Daniels Parkway is funded for construction by Lee County and will be an 8-lane divided roadway in this segment. The I-75 Service Volumes were taken from the FDOT Quality/Level of Service Handbook that was available at the time the initial TIS was prepared (Table 7 – Generalized Peak Hour Directional Volumes for Florida’s Urbanized Areas), as noted at the bottom of Table 1A, dated January 2020.

16. Table 2A must be revised. Daniels Pkwy (E. of Palomino Ln) is not an 8LD roadway segment.

RESPONSE: See previous response.

17. The TIS must include intersection analysis for all the proposed site access to the development (e.g., Daniels 9300).

RESPONSE: The intersection analysis is included in the report. Daniels 9300 intersection is included in the analysis. The Daniels 9300 (the frontage road to Daniels Parkway) just to the south of Daniels Parkway is part of the functional intersection of Daniels Parkway and is not possible to analyze independently. This was discussed with Lee County DOT and DOT staff confirmed that there is no such analysis can be conducted of this frontage road connection within 50 feet of the signalized intersection of Daniels Parkway. No further analysis was provided.

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

Sincerely,

RVi Planning + Landscape Architecture



Fred Drovdllic, AICP
Planning Director



APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: Daniels Town Square MPD

Request

: Rezoning from: CPD To: MPD

Type: ☐ Major PD ☐ Minor PD ☐ DRI w/Rezoning ☐ PRFPD
☒ Major PD Amendment ☐ Minor PD Amendment

Bonus Density included? ☐ NO ☒ YES¹ for: 8 units per acre Bonus Units

¹ If **YES**, submit additional fee required by LDC 2-147(A)(3)

Summary of Project:

Bison Property Holdings, LLC ("Applicant") seeks to rezone 61.26+/- acres located on the southwest corner of Daniels Parkway and I-75 in unincorporated Lee County, Florida. The Applicant seeks to rezone from Commercial Planned Development (CPD) to Mixed-Use Planned Development (MPD). The desired development program is for up to 30,000 square feet of Non-Residential uses, a 200-room Hotel and Multifamily Residential. The density for the site is based on a total of 56.86 acres (56.07 acres of uplands and 0.79 acres of preserved wetlands) at 22 units per acre, which equals 1,251 du. The density is broken down as 796 du (base) and 455 du (bonus). There are 5.19 acres of wetlands to be impacted on site pending final SFWMD wetland determination acreage on the current ERP application (#230220-37612).

PART 1

APPLICANT/AGENT INFORMATION

A. Name of Applicant: Bison Property Holdings, LLC c/o Chris Moore

Address: 150 E. Palmetto Park Road

City, State, Zip: Boca Raton, FL 33432

Phone Number: (561) 452-8239

E-mail Address: cmoore@waypointresidential.com

B. Relationship of Applicant to owner (check one) and provide [Affidavit of Authorization](#) form:

☐ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]

☒ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(a)(3)]

☐ Application is County initiated. Attach BOCC authorization.

C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(a)(4)]

1. Company Name: RVi Planning + Landscape Architecture

Contact Person: Fred Drovdllic, AICP

Address: 1514 Broadway, Suite 201

City, State, Zip: Fort Myers, Florida, 33901

Phone Number: 239.318.6707

Email: fdrovdllic@rviplanning.com

2. **[Additional Agent\(s\)](#):** Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
PHONE (239) 533-8585

PART 2 PROPERTY OWNERSHIP

A. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list properties with owner interest. [34-202(a)(2)]

Name: DANIELS PARKWAY JV DEVELOPMENT

Address: 12731 NEW BRITTANY BLVD

City, State, Zip: FORT MYERS FL 33907

Phone Number: (239) 418-0999

Email: drjonathanfrantz@gmail.com

B. Disclosure of Interest [34-202(a)(2)]:

☒ Attach [Disclosure of Interest](#) Forms.

C. Multiple parcels:

☒ Property owners list. [34-202(a)(8)]

☒ Property owners map. [34-202(a)(8)]

D. Certification of Title and Encumbrances [34-202(a)(7)]

1. Title certification document, no greater than 90 days old.

2. Date property was acquired by present owner(s): JV Dev:2007-06-29

PART 3 PROPERTY INFORMATION

A. STRAP Number(s): [Attach extra sheets if additional space is needed.] [34-203(a)(5)]

22-45-25-L3-U2060.3612, 22-45-25-L3-U2053.357, 22-45-25-L4-U2037.3579, and
22-45-25-L4-U2038.3602

B. Street Address of Property: 13841 INDIAN PAINT LN, FORT MYERS

C. Legal Description (must submit) [34-202(a)(5)]:

☒ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.

OR

☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ([Click here](#) to see an example of a legal description with no metes and bounds.)

AND

Boundary Survey [34-202(a)(6)]:

☒ A Boundary survey, tied to the state plane coordinate system.

OR

☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

D. Surrounding property owners (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request):

1. ☒ List of surrounding property owners. [34-202(a)(9)]

2. ☒ Map of surrounding property owners. [34-202(a)(9)]

3. ☒ One set of mailing labels. [34-202(a)(9)]

Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.

E. Current Zoning of Property: CPD

☒ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property.

F. Use(s) of Property:

1. Current uses of property are: Vacant

2. Intended uses of property are: Multifamily Development with Commercial and Retail

G. Future Land Use Classification (Lee Plan):

General Interchange	<u>61.26+/-</u>	Acres	<u>100</u>	% of Total
		Acres		% of Total
		Acres		% of Total

H. Property Dimensions:

1. Width (average if irregular parcel):	<u>1400</u>	Feet		
2. Depth (average if irregular parcel):	<u>2450</u>	Feet		
3. Total area:	<u>61.26</u>	Acres or square feet		
4. Frontage on road or street:	<u>450+/-</u>	Feet on	<u>Daniels Parkway</u>	Street
2 nd Frontage on road or street:	<u>2300+/-</u>	Feet on	<u>I-75</u>	Street

I. 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.

- ☒ Not Applicable
- ☐ Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]
- ☐ North (Upper) Captiva Community Plan area. [33-1711]
- ☐ Boca Grande Planning Community. [Lee Plan Policy 22.1.5]
- ☐ Caloosahatchee Shores Community Plan area. [33-1482(a)&(b); Lee Plan Policy 21.6.3]
- ☐ Page Park Community Plan area. [33-1203(a) & (b); Lee Plan Policy 27.11.2]
- ☐ Palm Beach Boulevard Community Plan area. [Lee Plan Policy 23.5.2]
- ☐ Buckingham Planning Community. [Lee Plan Policy 17.7.2]
- ☐ Pine Island Planning Community. [33-1004(a) & (b); Lee Plan Policy 14.7.1]
- ☐ Lehigh Acres Planning Community. [33-1401(a)&(b); Lee Plan Policy 32.12.2]
- ☐ North Fort Myers Planning Community. [33-1532(a)&(b)]
- ☐ North Olga Community Plan area. [33-1663(a)&(b)]

J. Waivers from Application Submission Requirements: Attach waivers, if any, approved by the Director of Zoning. [34-201(c)]

PART 4
TYPES OF LAND AREA ON PROPERTY

A. Gross Acres (total area within described parcel)		<u>61.26</u>	Acres
1. Submerged land subject to tidal influence		<u> </u>	Acres
2. a. Preserved freshwater wetlands	<u>0.79</u>	Acres	
b. Impacted wetlands	<u>5.19</u>	Acres	
c. Preserved saltwater wetlands	<u> </u>	Acres	
d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.)		<u>5.98</u>	Acres
3. R-O-W providing access to non-residential uses		<u> </u>	Acres
4. Non-residential use areas ^{(1) (2)}		<u> </u>	Acres
B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.).		<u>5.19</u>	Acres
C. Gross residential acres. (A minus B) ⁽³⁾		<u>56.86</u>	Acres
D. Gross residential acres (by Land Use Category)			
1. a. Intensive Development – upland (currently General Interchange)	<u>61.26</u>	Acres	
b. Intensive Development – preserved freshwater wetlands	<u> </u>	Acres	
c. Intensive Development – impacted wetlands	<u>5.19</u>	Acres	
2. a. Central Urban – upland	<u> </u>	Acres	
b. Central Urban – preserved freshwater wetlands	<u> </u>	Acres	
c. Central Urban – impacted wetlands	<u> </u>	Acres	
3. a. Urban Community or Suburban – upland	<u> </u>	Acres	
b. Urban Community or Suburban – preserved freshwater wetlands	<u> </u>	Acres	
c. Urban Community or Suburban – impacted wetlands	<u> </u>	Acres	

4.	a.	Suburban – upland	_____	Acres
	b.	Suburban – preserved freshwater wetlands	_____	Acres
	c.	Suburban – impacted wetlands	_____	Acres
5.	a.	Outlying Suburban – upland	_____	Acres
	b.	Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Outlying Suburban – impacted wetlands	_____	Acres
6.	a.	Sub-Outlying Suburban – upland	_____	Acres
	b.	Sub-Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Sub-Outlying Suburban – impacted wetlands	_____	Acres
7.	a.	Rural, Outer Island, Rural Community Preserve – upland	_____	Acres
	b.	Rural, Outer Island, Rural Community Preserve – wetlands	_____	Acres
8.	a.	Open Lands – upland	_____	Acres
	b.	Open Lands – wetlands	_____	Acres
9.	a.	Resource – upland	_____	Acres
	b.	Resource – wetlands	_____	Acres
10.	a.	Wetlands	_____	Acres
11.	a.	New Community – upland	_____	Acres
	b.	New Community – wetlands	_____	Acres
12.	a.	University Community – upland	_____	Acres
	b.	University Community – wetlands	_____	Acres
13.	a.	Coastal Rural – upland	_____	Acres
	b.	Coastal Rural – wetlands	_____	Acres

TOTAL (should equal "C" above)

56.86 Acres

Notes:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay {see Note (2) below}.
- (2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.
- (3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

PART 5 RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS

- i. Complete only if living units are proposed in a Future Land Use Category.
- ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.
- iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Future Land Use Category: General Interchange (Proposed Intensive and MUO)

		Lee Plan Table 1(a)		
		Max. standard density		Units
1.	Standard Units			
	a.	Total upland acres (from Part 4, D.)	56.07 x 14 equals	784.98
	b.	Total preserved freshwater wetlands acres (from Part 4, D.)	0.79 x 14 equals	11.06
	c.	Total impacted wetlands acres (from Part 4, D.)	5.19 x .05 equals	0.26
	d.	Total Allowed Standard Units ⁽¹⁾		796.3 (796)
2.	Bonus Units [2-143]			
	a.	Site-built Affordable Housing		
	b.	Transferrable Dwelling Units (8 du/acre x 56.86)		454.88
	c.	Sub-total		455
3.	Total Permitted Units ⁽¹⁾			1,251

Note:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

**PART 6
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS
PRELIMINARY INTENSITY CALCUATIONS**

		Height	Total Floor Area (Square Feet)
A. Commercial			
1.	Medical		
2.	General Office		
3.	Retail	45	Up to 30,000
4.	Other: _____		
5.	TOTAL FLOOR AREA		Up to 30,000
B. Industrial		Height	Total Floor Area (Square Feet)
1.	Under Roof		
2.	Not Under Roof		
3.	TOTAL FLOOR AREA		
C. Mining		Depth	Total Acres
1.	Area to be excavated		
D. Assisted Living Facilities		Height	Total Beds/Units
1.	Dependent Living Units		
2.	Independent Living Units		
3.	TOTAL BEDS/UNITS		
E. Hotels/Motels (Room Size)		Height	Total Rental Units
1.	< 425 sq. ft.		
2.	426-725 sq. ft.		
3.	725 < sq. ft.		
4.	TOTAL UNITS	60	200

**PART 7
ACTION REQUESTED**

- A. Request Statement:** Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan, the Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. **[34-373(a)(5)]**
- B. Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. TIS is not required for an existing development. **[34-373(a)(7)]**
- C. Master Concept Plan:**
- Master Concept Plan, Non-PRFPD:** A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a. Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. In addition to the Master Concept Plan, an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by LDC Section 10-415(b) must be submitted. **[34-373(a)(6)]**
 - Schedule of Uses:** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8)]. **[34-373(a)(8)]**

3. **Schedule of Deviations and Written Justification:** A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be located/shown on the Master Concept Plan. [34-373(a)(9)]

D. Bonus Density: [34-202(a)(11)]

- ☐ Not Applicable
☒ Bonus Density will be used. Provide the number of Bonus Density units being requested and a narrative of how the request meets the requirements of LDC Section 2-146.

PART 8 ENVIRONMENTAL REQUIREMENTS

- A. Topography:** Describe the range of surface elevations of the property. Attach a county topographic map (if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)b.iv.]
 Attached - Quadrange Fort_Myers_SE_20210211
-
- B. Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473(f)].
 See Environmental Assessment
-
- C. Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:
 See Environmental Assessment
-
- D. Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:
 N/A
-
- E. Soils Map:** Attach maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. [34-373(a)(4)b.i.]
-
- F. FLUCCS Map:** A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)c.]
-
- G. Rare & Unique Upland Habitat Map:** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. [34-373(a)(4)b.iii.]
-
- H. Existing and Historic Flow-Ways Map:** Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. [34-373(a)(4)b.v.]

PART 9 SANITARY SEWER & POTABLE WATER FACILITIES

- A. Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:
 N/A
-
- B. Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:
1. Method and degree of treatment:
 N/A
 2. Quality of the effluent:
 N/A

3. Expected life of the facility:
N/A

4. Who will operate and maintain the internal collection and treatment facilities:
N/A

5. Receiving bodies or other means of effluent disposal:
N/A

C. Spray Irrigation: If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:
N/A

2. Current water table conditions:
N/A

3. Proposed rate of application:
N/A

4. Back-up system capacity:
N/A

PART 10 ADDITIONAL REQUIREMENTS

A. Major Planned Developments:

1. **Surface Water Management Plan.** A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1). **[34-373(b)(1)]**
2. **Phasing Program.** If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
3. **Protected Species Survey.** A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. **[34-373(b)(2)]**

B. Amendments to Built Planned Developments: The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. Attach proof of notice to other property. **[34-373(c)]**

C. Development of Regional Impact: Binding letter of interpretation from DCA or a complete and sufficient ADA. (See also Application for Public Hearing for DRI Form.) **[34-373(d)(9)]**

D. Private Recreational Facility Planned Developments (PRFPDs):

1. **Master Concept Plan, PRFPD.** Master Concept Plan showing and identifying information required by LDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-941(g)(1)]**
2. **Conceptual Surface Water Management Plan.** A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. **[34-941(d)(3)b.i.1]**
3. **Well Drawdown Information.** If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. **[34-941(d)(3)d.]**
4. **Preliminary Indigenous Restoration Plan.** A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. **[34-941(e)(5)f.iii.]**

5. **Environmental Assessment.** An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. **[34-941(g)(2)]**
6. **Demonstration of Compatibility.** Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. **[34-941(g)(4)]**
- E. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property?
- ☒ **YES** (Provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service.) **[34-202(a)(10)]**
- ☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) **[34-202(a)(10)]**
- F. **Existing Agricultural Use:** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application." **[34-202(a)(12)]**
- G. **Flood Hazard:**
- ☒ Not applicable
- ☐ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
- ☐ The minimum elevation required for the first habitable floor is _____ NAVD (MSL)
- H. **Excavations/Blasting:**
- ☒ No blasting will be used in the excavation of lakes or other site elements.
- ☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).
- I. **Hazardous Materials Emergency Plan for Port Facilities: [12-110(a)(16)]**
- ☒ Not Applicable
- ☐ Provide a Hazardous materials emergency plan.
- J. **Mobile Home Park: [34-174(h)]**
- ☒ Not Applicable
- ☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).
- K. **Airport Zones & Lee County Port Authority (LCPA) Requirements:**
- ☒ Not Applicable
- ☐ Property is located within _____ Airport Noise Zone: **[34-1104]**
- ☐ Property is located within Airport Runway Protection Zone. Indicate which Zone below. **[34-1105]**
- ☐ Property is located within Airport Residential and Educational Protection Zone: **[34-1106]**
- ☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1107]**
- ☐ A Tall Structures Permit is required. **[34-1108]**

PART 5 SUBMITTAL REQUIREMENT CHECKLIST		
<i>Clearly label your attachments as noted in bold below</i>		
Copies Required		SUBMITTAL ITEMS
3	☒	Completed application for Public Hearing [34-202(a)(1)]
1	☒	Filing Fee - [34-201(d)]
1	☒	Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]
3	☒	Affidavit of Authorization (notarized) Form [34-202(a)(3)]
3	☒	Additional Agents [34-202(a)(4)]
3	☒	Multiple Owners List (if applicable) [34-202(a)(2)]
3	☒	Disclosure of Interest Form (multiple owners) [34-202(a)(2)]
3	☒	Legal description (must submit) [34-202(a)(5)]
	☒	Legal description (metes and bounds) and sealed sketch of legal description
		OR
	☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
3	☒	Boundary Survey – not required if platted lot (2 originals required) [34-202(a)(6)]
3	☐	Property Owners list (if applicable) [34-202(a)(8)]
3	☐	Property Owners map (if applicable) [34-202(a)(8)]
3	☒	Confirmation of Ownership/Title Certification [34-202(a)(7)]
3	☒	STRAP Numbers (if additional sheet is required) [34-202(a)(5)]
1	☒	List of Surrounding Property Owners [34-202(a)(9)]
1	☒	Map of Surrounding Property Owners [34-202(a)(9)]
1	☒	Mailing labels [34-202(a)(9)]
3	☒	List of Zoning Resolutions and Approvals
3	☐	Summary of Public Informational Session (if applicable)
3	☐	Waivers from Application Submission Requirements (if applicable) [34-201(c)]
3	☒	Preliminary Density Calculations (if applicable)
3	☒	Request Statement [34-373(a)(5)]
3	☒	Traffic Impact Statement (TIS) (not required for existing development) [34-373(a)(7)]
3	☒	Master Concept Plan (MCP), Non-PRFPD [34-373(a)(6)]
3	☒	Schedule of Uses [34-373(a)(8)]
3	☒	Schedule of Deviations and Written Justification [34-373(a)(9)]
3	☒	Topography (if available) [34-373(a)(4)b.iv.]
3	☒	Soils Map [34-373(a)(4)b.9.]
3	☒	FLUCCS Map [34-373(a)(4)c.]
3	☒	Rare & Unique Upland Habitat Map [34-373(a)(4)b.iii.]
3	☐	Existing and Historic Flow-Ways Map [34-373(a)(4)b.v.]
3	☒	Surface Water Management Plan (if applicable) [34-373(b)(1)]
3	☒	Phasing Program (if applicable) [34-373(b)(3)]
3	☒	Protected Species Survey (if applicable) [34-373(b)(2)]
3	☐	Proof of Notice (if applicable) [34-373(c)]

3	☐	Binding Letter from DCA (if applicable) [34-373(d)(9)]
3	☐	Master Concept Plan (MCP), PRFPD (if applicable) [34-941(g)(1)]
3	☐	Conceptual Surface Water Management Plan (if applicable) [34-941(d)(3)b.i.1)]
3	☐	Well Drawdown Information (if applicable) [34-941(d)(3)d.]
3	☐	Preliminary Indigenous Restoration Plan (if applicable) [34-941(e)(5)f.iii.]
3	☒	Environmental Assessment (if applicable) [34-941(g)(2)]
3	☐	Demonstration of Compatibility (if applicable) [34-941(g)(4)]
3	☐	Potable Water & Sanitary Sewer. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)]
3	☐	Existing Agricultural Use Affidavit (if applicable) [34-202(a)(12)]
3	☐	Information Regarding Proposed Blasting (if applicable).
3	☐	Hazardous Materials Emergency Plan (if applicable)
3	☐	Mobile Home Park Dislocated Owners Information (if applicable) [34-202(b)(4)]
3	☐	Tall Structures Permit (if applicable) [34-1108]

DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Jim Lott as Authorized Signatory of Bison Property Holdings, LLC, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at STRAPS 22-45-25-L3-U2053.3576, 22-45-25-L4-U2037.3579, 22-45-25-L3-U2060.3612 and 22-45-25-L4-U2038.3602 and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

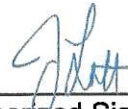
4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.



Authorized Signatory

Jim Lott

Print Name

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF GEORGIA
COUNTY OF CHEROKEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, on February 22, 2024 (date) by Jim Lott (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL



Signature of Notary Public

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Jim Lott (name), as Authorized Signatory (owner/title) of Bison Property Holdings, LLC (company/property), swear or affirm under oath, that I am the authorized representative of the owner(s) of the property and authorize the Meyers Group as the applicant and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

***Notes:**

- If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.
- If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.), then the documents should typically be signed by the Company's "Managing Member."
- If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.
- If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.
- If the applicant is a trustee, then they must include their title of "trustee."
- In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

Jim Lott
Authorized Signatory

2/22/24
Date

*****NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS*****
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF GEORGIA
COUNTY OF CHEROKEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 22 day of February, 2024, by

Jim Lott (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEA



Sheila Hamilton
Signature of Notary Public



DANIELS TOWN SQUARE MPD

Request Statement

I. REQUEST

Bison Property Holdings, LLC ("Applicant") seeks to rezone 61.26+/- acres located on the southwest corner of Daniels Parkway and I-75 in unincorporated Lee County, Florida. The Applicant seeks to rezone from Commercial Planned Development (CPD) to Mixed-Use Planned Development (MPD).

The desired development program is for up to 30,000 square feet of Non-Residential uses, a 200-room Hotel and Multifamily Residential. The density for the site is based on a total of 56.86 acres (56.07 acres of uplands and 0.79 acres of preserved wetlands) at 22 units per acre, which equals 1,251 du. The density is broken down as 796 du (base) and 455 du (bonus). There are 5.19 acres of wetlands to be impacted on site pending final SFWMD wetland determination acreage on the current ERP application (#230220-37612).

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

Additionally, there is a companion Comprehensive Plan Map and Text Amendments (CPA22-00010 and CPA22-00011):

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 north of Three Oaks Extension 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.

II. PROPERTY HISTORY

The Property is made up of five (5) parcels with different entitlement and development histories.

Daniels Parkway JV Development

Four parcels make up the majority of the subject property covering 61.26 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 eagle nest which has since been vacated and released as a nest.



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.

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 JSW 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

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

The property is in an 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 an intensive development area in that many consider to be the “downtown” of Lee County.

Public infrastructure is in place or slated to be expanded to serve intense development at this location. 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 Extension and will benefit from a major expansion of the I-75 interchange, additional lanes on Daniels Parkway, improvements to the intersections at Fiddlesticks/Palomino Lane and new signalization at Apaloosa Lane.

The Property will have access points onto Daniels 9300 and to a signalized intersection at Three Oaks North Extension – Phases I and II, which is scheduled to be completed to the property’s western boundary by early 2025. Phase III will be under construction with a tentative date for completion in mid to late 2026. This will connect the extension to Daniels Parkway at the Fiddlesticks intersection and complete the new north-south connection to Alico Road from Daniels Parkway.

Most of the property is a pasture with an active agricultural exemption since 2008. The site contains some vegetation including a primary cypress head wetland that is 0.79 acre in the center of the site (that is to be preserved), other scattered, small wetlands and scattered pines in the eastern and central portion. Other than the cypress head, 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 up to a 30,000 square foot of commercial development with a 200-room hotel and up to 1,342 residential dwelling units.

Access to the site will be improved over time with no project related occupancy prior to Phases I and II of the Three Oaks Expansion project being completed. There are three major actions that will likely be completed by 2029:

1. Three Oaks Extension, Phases I and II that extends Three Oaks north across the canal to the western property boundary of the subject property – early 2025
2. Three Oak Extension Phase III connecting Daniels to Alico Road via Fiddlesticks Boulevard – late 2026
3. Daniels Parkway lane widening and intersection improvements at Fiddlestick/Palomino and signalization at Apaloosa Lane – 2029 (dependent on FDOT coordination for I-75 interchange)
4. I-75 Interchange efficiency and expansion improvements – 2029-2030

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 (#220526-34567). The current application (#230220-37612) addresses stormwater and drainage and determines the jurisdictional wetlands and impacts that may be permitted to the site. It should be completed over the next two months. The state is waiting on the ERP for the Three Oaks Extension to be updated with revised right-of-way boundaries. This work is being conducted by Lee County subconsultant Avalon Engineering. This needs to be completed and then the approval can be made for our application.

VI. LDC COMPLIANCE

LDC 34-145(D)(4)A.1: FINDINGS/REVIEW CRITERIA FOR APPROVAL BY THE HEX

a) Complies with the Lee Plan;

The property is currently in the General Interchange FLUC which 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 proposed Map Amendment is to place the property in the Intensive Development FLUC which is also to be located along major arterial roads. Similarly, the available and potential levels of public services in both these areas are suited to accommodate high densities and intensities. The Intensive Development category encourages mixed use developments of high-density residential, commercial, limited light industrial, and office uses. The requested zoning's mix of residential and commercial retail uses in a Town Center design; therefore, is consistent with current Lee Plan FLUC and to a greater degree the Intensive Development FLUC.

Other policies within the Lee Plan are analyzed in later sections showing compliance with the following:

- 1.1.2, 1.3, 1.3.2, 1.6.5, 2.1, 2.2, 4.1.1, 4.1.2, 6.1.1, 6.1.4, 6.1.5, 6.1.7, 11.1.1, 11.1.2, 11.1.4, 39.7.1, 54.1.2, 54.1.6, 61.1.1, 60.3, 60.4.1, 61.3.12, 95.1.3, 123.2.2, 123.2.4, 124.1.2, 125.1.1, 125.1.2, and 125.1.3

b) Meets this Code and other applicable County regulations or qualifies for deviations;

There are four (4) deviations requested that pertain to lake sloping and littoral plantings as the site is within 10,000 feet of airport lands (RSW).

c) Is compatible with existing and planned uses in the surrounding area;

The Daniels Road corridor 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 northeast 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.

The interchange also 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.

**d) Will provide access sufficient to support the proposed development intensity; and
e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;**

The surrounding road network is not currently adequate to support the proposed development. Nevertheless, offsite improvements listed below will allow the road network to support the proposed development program as phases of improvements take place over the next 2-5 years. The TIS report outlines the ability of the network to handle the project as improvements take place which includes:

1. Three Oaks Extension, Phases I and II that extends Three Oaks north across the canal to the western property boundary of the subject property – early 2025
2. Three Oak Extension Phase III connecting Daniels to Allico Road via Fiddlesticks Boulevard – late 2026

3. Daniels Parkway lane widening and intersection improvements at Fiddlestick/Palomino and signalization at Apaloosa Lane – 2029 (dependent on FDOT coordination for I-75 interchange)
4. I-75 Interchange efficiency and expansion improvements – 2029-2030

It is noted that Lee County DOT is concerned about the use of Daniels 9300 as a primary access to the development. The applicant understands and agrees that this intersection is not adequate to handle increased traffic from this proposed development. Therefore, the applicant commits to not obtain any certificate of occupancy permits until the Three Oaks North Extension, Phases I and II, are complete and open to the public. It is our understanding that the roadway phases I and II complete the road from Alico Road to the western most boundary of the applicant' project and the applicant's access road will connect to Three oaks at that time.

Furthermore, the applicant is committed to design the site to encourage the use of Three Oaks Parkway as the primary ingress/egress for the entire project, particularly Phase I as shown on the master concept plan and phasing plan. The site plan shows a 4-lane boulevard style entrance with turn lanes from Three oaks to a terminus 4-way intersection. At the intersection there is a proposed loop road that travels west to the Indian Paint Lane easement and then south to a Three Oaks connection. This road is to encourage Phases II and V to use Three Oaks Parkway particularly to travel north to Daniels through the future connection via Fiddlesticks (Phases III and IV of the Three Oaks project) as it will be a right-in-right-out intersection.

Below is a narrative explanation of the phasing intentions of the project. Additionally, this document contains exhibits that accompany the zoning master concept plan:

- Phasing plan and
- Three Oaks North Extension project exhibit.

f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and

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 period 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.

Nevertheless, the cypress head that occupies 0.79 acres in the center of the project is a viable indigenous area that will be preserved and restored according to the Restoration Plan that is part of this application.

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.

A new ERP is in progress as the applicant withdrew the older ERP (#220526-34567). The current application (#230220-37612) addresses stormwater and drainage and determines the jurisdictional wetlands and impacts that may be permitted to the site. It should be completed over the next two months. The state is waiting on the ERP for the Three Oaks Extension to be updated with revised right-of-way boundaries. This work is being conducted by Lee County subconsultant Avalon Engineering. This needs to be completed and then the approval can be made for our application.

g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

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, Lee County Parks and Recreation, South Trail Fire, Lee County Emergency Medical Services, Lee County Solid Waste, Lee Tran and there is a new ERP (#230220-37612) addressing stormwater and drainage and determines the jurisdictional wetlands and impacts that may be permitted to the site.

34-145(D)(4)A.2: FINDINGS/REVIEW CRITERIA FOR PD'S

a) The proposed use or mix of uses is appropriate at the proposed location;

The site is in the heart of Lee Counties thriving commercial and tourist areas. The site is surrounded by an intense roadway system (assuming Three Oaks to Fiddlesticks connection), full range of urban services, access to transit, commercial retail and services and residential communities. However, the multi-family component is limited in this area and in the applicant opinion an underserved housing choice that could serve to capture many trips and create a denser area in proximity to services and employment that would encourage transportation alternatives to vehicles and offer a net reduction in potential vehicle miles travelled. The density and intensity proposed in appropriate given surrounding land uses and infrastructure and aligns with the current entitlements already on most of the site.

b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

Conditions have not yet been set.

c) If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:

- 1) Enhances the achievement of the objectives of the planned development; and***
- 2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.***

There are four (4) deviations requested that pertain to lake sloping and littoral plantings as the site is within 10,000 feet of airport lands (RSW).

d) This request will not adversely affect environmentally critical areas and natural resources.

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 period 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 typical 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.

Nevertheless, the cypress head that occupies 0.79 acres in the center of the project is a viable indigenous area that will be preserved and restored according to the Restoration Plan that is part of this application.

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.

A new ERP is in progress as the applicant withdrew the older ERP (#220526-34567). The current application (#230220-37612) addresses stormwater and drainage and determines the jurisdictional wetlands and impacts that may be permitted to the site. It should be completed over the next two months. The state is waiting on the ERP for the Three Oaks Extension to be updated with revised right-of-way boundaries. This work is being conducted by Lee County subconsultant Avalon Engineering. This needs to be completed and then the approval can be made for our application.

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.

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 is for up to 30,000 square feet of Non-Residential uses, a 200-room Hotel and Multifamily Residential. The density for the site is based on a total of 56.86 acres (56.07 acres of uplands and 0.79 acres of preserved wetlands) at 22 units per acre, which equals 1,251 du. The density is broken down as 796 du (base) and 455 du (bonus). There are 5.19 acres of wetlands to be impacted on site pending final SFWMD wetland determination acreage on the current ERP application (#230220-37612).

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 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 is for up to 30,000 square feet of Non-Residential uses, a 200-room Hotel and Multifamily Residential. The density for the site is based on a total of 56.86 acres (56.07 acres of uplands and 0.79 acres of preserved wetlands) at 22 units per acre, which equals 1,251 du. The density is broken down as 796 du (base) and 455 du (bonus). There are 5.19 acres of wetlands to be impacted on site pending final SFWMD wetland determination acreage on

the current ERP application (#230220-37612). 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 61.26 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.

Offsite improvements listed below will allow the road network to support the proposed development program as phases of improvements take place over the next 2-5 years. The TIS report outlines the ability of the network to handle the project as improvements take place which includes:

1. Three Oaks Extension, Phases I and II that extends Three Oaks north across the canal to the western property boundary of the subject property – early 2025
2. Three Oak Extension Phase III connecting Daniels to Alico Road via Fiddlesticks Boulevard – late 2026
3. Daniels Parkway lane widening and intersection improvements at Fiddlestick/Palomino and signalization at Apaloosa Lane – 2029 (dependent on FDOT coordination for I-75 interchange)
4. I-75 Interchange efficiency and expansion improvements – 2029-2030

GOAL 6 (COMMERCIAL LAND USES)

POLICY 6.1.1

a. Traffic and access impacts;

The gross floor area and density requested has been analyzed by TR Transportation. The road network, as proposed to be improved regionally, will be able to support the proposed project, particularly, and necessarily, Phases I and II of the Three Oaks North Extension that is a required portion in order to receive an occupancy permit for the development. Applicant agrees to not occupy Phase I of the development plan until there is public access onto the Three Oaks North Extension with full connection south to Alico Road.

c. Screening and buffering;

The project is offering enhanced buffers along Three Oaks North. The mixed-use overlay (MUO) is part of the northern parcel requested comprehensive plan amendment. The MUO only requires 5' Type "A" buffers; nevertheless, the applicant is proposing typical 15' Type "D" buffers along Three Oaks. The southern parcel is not being recommended by staff to be moved in to the MUOP and applicant agrees; therefore, applicant intends to meet the LDC requirements for buffering.

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 period 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.

Nevertheless, the cypress head that occupies 0.79 acres in the center of the project is a viable indigenous area that will be preserved and restored according to the Restoration Plan that is part of this application.

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.

A new ERP is in progress as the applicant withdrew the older ERP (#220526-34567). The current application (#230220-37612) addresses stormwater and drainage and determines the jurisdictional wetlands and impacts that may be permitted to the site. It should be completed over the next two months. The state is waiting on the ERP for the Three Oaks Extension to be updated with revised right-of-way boundaries. This work is being conducted by Lee County subconsultant Avalon Engineering. This needs to be completed and then the approval can be made for our application.

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.

Extensive coordination and outreach have been done with the residential developments to the south: Olde Hickory, Legends and Fiddlesticks Golf and County Clubs. Olde Hickory has been the agreed upon point of contact for the three neighborhoods. We had discussions after our initial proposal and then two additional meetings since our revised primarily residential submission. There were substantial changes from the initial commercial intensity and residential density.

Our first submittal showed 500,000 square feet of commercial and over 1,450 residential units with heights on the residential portions exceeding 100 feet and 9-stories, including a 9-story tower on the southern "triangle" shaped parcel that abut Olde Hickory. Our subsequent design has reduced the request to 1,251 multi-family units, 30,000 square feet of commercial and a 200-room hotel. Important to Olde Hickory, we reduced the abutting "triangle" parcel to only house low rise commercial. We also reduced the closest building to Three Oaks on the north side from 100 feet to a max of 60 feet and 5-stories and 45 feet and 3 stories. The reduction in height wasn't as much as they would like but we feel this is a compromise that is justified. We produced a line of site study to show that the substantial distances and provided buffering, as well as trees already existing on the Olde Hickory property block the large majority of lights and buildings and what can be seen is a minimum of 1,300 feet away. Additionally, Olde Hickory hired Q Grady Minor civil engineers to review our ERP and grading plan. We came to agreements that our drainage and grading plans were substantially correct but were requested to design our berm to the 100-year storm level rather than the typical 25-year 3-day event.

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. The programmed roadway network improvements by the State and Lee County to Three Oaks, Daniels Parkway, and I-75 will address the needs of the development. 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 $\frac{1}{4}$ 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 $\frac{1}{2}$ 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 $\frac{1}{4}$ 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: Daniels 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).

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/Palomino Lane.

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

To the south is the Olde Hickory Golf and Country Club. The parcel south of the Three Oaks Extension will be low-rise commercial. 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 building that is no less than 200 feet north and restricted in height to 45 feet. The most dense and intense area is across the right-of-way for Three Oaks North and is restricted to 5-stories and 60 feet. A line-of-sight study shows 1,000+ distance to any building over 45 feet.

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.

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 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 61.1.1: 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 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 sinuous 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.

There is a cypress head wetland that has a FLUCCS code of 621 that is moderate quality and qualifies as indigenous central to the project site. The area is 0.79 acres and is part of the preservation for this site and is included in on the MCP. There is also an indigenous restoration plan included for this area.

Otherwise, 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 wetland preservation of the 0.79-acre area central to the site includes a restoration plan and meets the indigenous preservation available to this property.

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)).

Beyond the 0.79 acre wetland that will be preserved there are approximately 5.2 acres of potential wetlands that are scattered and of low-quality that are proposed to be impacted pending approval by the SFWMD ERP, which is in the final stages of review as of October 2023.

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.

IX. CONCLUSION

Intense development is good in the correct location. The subject property, located in the southwest quadrant of I-75 and Daniels Parkway, has been programmed through Lee County policy for intense development. The General Interchange and the proposed 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 with commercial services that will serve the immediate residents of this area, capture vehicle trips, take advantage of urban services already in place, and spur offsite improvements to traffic circulation that have been necessary for a significant amount of time in this area.



DANIELS TOWN SQUARE MPD

Schedule of Uses & Site Development Regulations

SCHEDULE OF USES

- ACCESSORY USES AND STRUCTURE
- ACCESSORY APARTMENT AND ACCESSORY DWELLING UNIT
- ADMINISTRATIVE OFFICES
- AGRICULTURAL ACCESSORY USES AND BUILDINGS (WHILE UNDER AGRICULTURAL EXEMPTION ONLY)
- AGRICULTURAL SERVICES: OFFICE / BASE OPERATIONS (WHILE UNDER AGRICULTURAL EXEMPTION ONLY)
- AGRICULTURAL USES (WHILE UNDER AGRICULTURAL EXEMPTION ONLY)
- ANIMAL CLINIC OR KENNEL, CONTROL CENTER (INCLUDING HUMANE SOCIETY)
- ATM (AUTOMATIC TELLER MACHINE)
- AUTO PARTS STORE
- AUTOMOBILE REPAIR AND SERVICE: ALL GROUPS
- AUTOMOBILE SERVICE STATION
- BAIT AND TACKLE SHOP
- BANKS AND FINANCIAL ESTABLISHMENTS: GROUP I AND II
- BAR OR COCKTAIL LOUNGE
- BED AND BREAKFAST
- BOARDING HOUSE
- BOATS: PARTS STORE, RENTAL, SALES, AND STORAGE
- BROADCAST STUDIO, COMMERCIAL RADIO, AND TELEVISION
- BUILDING MATERIAL SALES
- BUSINESS SERVICES: GROUP I and II
- BUS STATION / DEPOT
- CAR WASH
- CLEANING AND MAINTENANCE SERVICES
- CLOTHING STORES, GENERAL
- CLUBS: ALL
- COMMUNITY GARDENS
- COMMUNITY RESIDENTIAL HOME
- COMPUTER AND DATA PROCESSING SERVICES
- CONSUMPTION ON PREMISES
- CONTINUING CARE FACILITIES
- CONTRACTORS AND BUILDERS: ALL GROUPS
- CONVENIENCE FOOD AND BEVERAGE STORE
- CULTURAL FACILITIES
- DAY CARE CENTER, CHILD, ADULT
- DEPARTMENT STORE
- DORMITORY
- DRIVE-THROUGH FACILITY FOR ANY PERMITTED USE

- DRUGSTORE, PHARMACY
- DWELLING UNIT: MULTIPLE-FAMILY (HIGH-RISE AND MID-RISE)
- ENTRANCE GATES AND GATEHOUSE
- ESSENTIAL SERVICES
- ESSENTIAL SERVICE FACILITIES: GROUP I, II, AND III
- EXCAVATION: WATER RETENTION
- EXCESS SPOIL REMOVAL
- FACTORY OUTLETS
- FARM EQUIPMENT, SALES, STORAGE, RENTAL OR SERVICE
- FENCES, WALLS
- FLEAMARKET: OPEN, INDOOR
- FOOD AND BEVERAGE, LIMITED
- FOOD STORES: GROUP I AND II
- FREIGHT AND CARGO HANDLING ESTABLISHMENTS
- FUNERAL HOME OR MORTUARY (WITH OR WITHOUT A CREMATORY)
- GIFT AND SOUVENIR SHOP
- GOLF DRIVING RANGE
- HARDWARE STORE
- HEALTH CARE FACILITIES: ALL GROUPS
- HOBBY, TOY AND GAMES SHOPS
- HOMECARE FACILITY
- HOSPICE
- HOTEL / MOTEL
- HOUSEHOLD AND OFFICE FURNISHINGS: ALL GROUPS
- HOUSING UNITS FOR EMPLOYEES ONLY
- INSURANCE COMPANIES
- LAUNDRY OR DRY CLEANING: GROUP I AND II
- LAWN AND GARDEN SUPPLY STORES
- LIBRARY
- MEDICAL OFFICE
- MODELS: DISPLAY CENTER
- MOTION PICTURE PRODUCTION STUDIO
- NIGHTCLUBS
- NON-STORE RETAILERS: ALL GROUPS
- PARCEL AND EXPRESS SERVICES
- PACKAGE STORE
- PAINT, GLASS, AND WALLPAPER
- PARKING LOT, ALL
- PERSONAL SERVICES: ALL GROUPS
- PET SERVICES
- PET SHOP
- PHARMACY

- PHOTO FINISHING LABORATORIES
- PLACE OF WORSHIP
- PLANT NURSERY
- POST OFFICE
- PRINTING AND PUBLISHING SERVICES
- REAL ESTATE SALES OFFICE
- RECREATION FACILITIES: ALL GROUPS
- RELIGIOUS FACILITIES
- RENTAL AND LEASING: ALL GROUPS
- REPAIR SHOPS: ALL GROUPS
- RESEARCH AND DEVELOPMENT AND LABORATORIES: ALL GROUPS
- RESIDENTIAL ACCESSORY USES
- RESTAURANT. FAST FOOD
- RESTAURANTS: ALL GROUPS
- RETAIL AND WHOLESALE SALES
- SCHOOLS, COMMERCIAL, NONCOMMERCIAL
- SELF SERVICE FUEL PUMPS (16 FUEL PUMPS)
- SIGNS, IN ACCORDANCE WITH CHAPTER 30
- SOCIAL SERVICES: ALL GROUPS
- SPECIALTY RETAIL SHOPS: ALL GROUPS
- STORAGE: INDOOR ONLY, STORAGE - OPEN
- STUDIOS
- TEMPORARY USES
- THEATER, INDOOR OR OUTDOOR (DRIVE-IN)
- TRANSPORTATION SERVICES: ALL GROUPS
- USED MERCHANDISE STORES: ALL GROUPS
- VARIETY STORE
- VEHICLE AND EQUIPMENT DEALERS: ALL GROUPS
- WAREHOUSE: ALL
- WHOLESALE ESTABLISHMENTS: GROUPS I , III, AND IV

PROPERTY DEVELOPMENT REGULATIONS

TABLE 1: Intensity and Density

USE CATEGORY	TYPE OF USE	INTENSITY/DENSITY	Notes
Non-Residential	Commercial	Max. 30,000 square feet plus 200 hotel	Retail: Max 30,000 sf Hotel: Max 200 rooms
Residential	Multi-family	Max. 1,342 total units	854 du (base) and 488 du (bonus)

TABLE 2: Development Regulations

GENERAL PARAMETERS		
Category	Requirement	Notes
Maximum Lot Coverage:	60 percent	66.15 Acres Overall
Maximum Building Height:	135 feet (12 habitable stories)	
Minimum Open Space:	20%	Per mixed use overlay
Minimum Lot Area:	10,000 square feet	
Minimum Lot Dimensions:	Width: 100 feet Depth: 100 feet	
Minimum PD Boundary:	15 feet	
RESIDENTIAL USES		
Setbacks	Requirement	Notes
Minimum Front (Street):	20 feet	
Minimum Front:	15 feet	
Minimum Rear:	5 feet	
Minimum Side:	5 feet	
Min. Building Separation:	20 feet	
Water Body:	20 feet	0' from Lake Maintenance Easement (LME)
NON-RESIDENTIAL USES		
Setbacks	Requirement	Notes
Minimum Front (Street):	20 feet	Or the minimum width of abutting required buffer, whichever is greater
Minimum Front:	15 feet	
Minimum Rear:	5 feet	
Minimum Side:	0 feet	
Min. Building Separation:	0 feet	
Water Body:	20 feet	0' from LME



Daniels Town Square MPD

Schedule of Deviations and Justifications

1. Deviation from LDC Section 10-329(d)(4) which requires the lake bank slopes to be 6:1; to allow 4:1 slopes as recommended action to minimize wildlife hazards within the 10,000-foot Hazardous Wildlife Zone criteria for airport operations and in accordance with the FAA Advisory Circular 150/5200-33C.

JUSTIFICATION: This property is located within the 10,000' hazardous wildlife buffer of Southwest Florida International Airport (RSW). Wildlife on or near airports have the potential to cause an extremely hazardous situation. Of particular concern are pond slopes that could attract birds and be a hazard to air navigation. LCPA is in support of this deviation.

The applicant commits to providing enhanced measures as required in the second paragraph of this section according to the second page of the MCP to show cross-sections of the lake.

2. Deviation from LDC Section 10-418(2)(a) which requires planted littoral shelf (PLS) shoreline length to be 25% of the total linear feet of the lake at control elevation; to eliminate this requirement as recommended action to minimize wildlife hazards within the 10,000-foot Hazardous Wildlife Zone criteria for airport operations and in accordance with the FAA Advisory Circular 150/5200-33C.

This property is located within the 10,000' hazardous wildlife buffer of Southwest Florida International Airport (RSW). Wildlife on or near airports have the potential to cause an extremely hazardous situation. Of particular concern are pond slopes, littoral zones, wetlands, and landscaping since they could attract birds and be a hazard to air navigation. LCPA is in support of the deviation to eliminate littoral zones and for the applicant to comply with the LCPA Airport Compatible/Incompatible Planting Lists. This is in conjunction with Deviations 3 and 4.

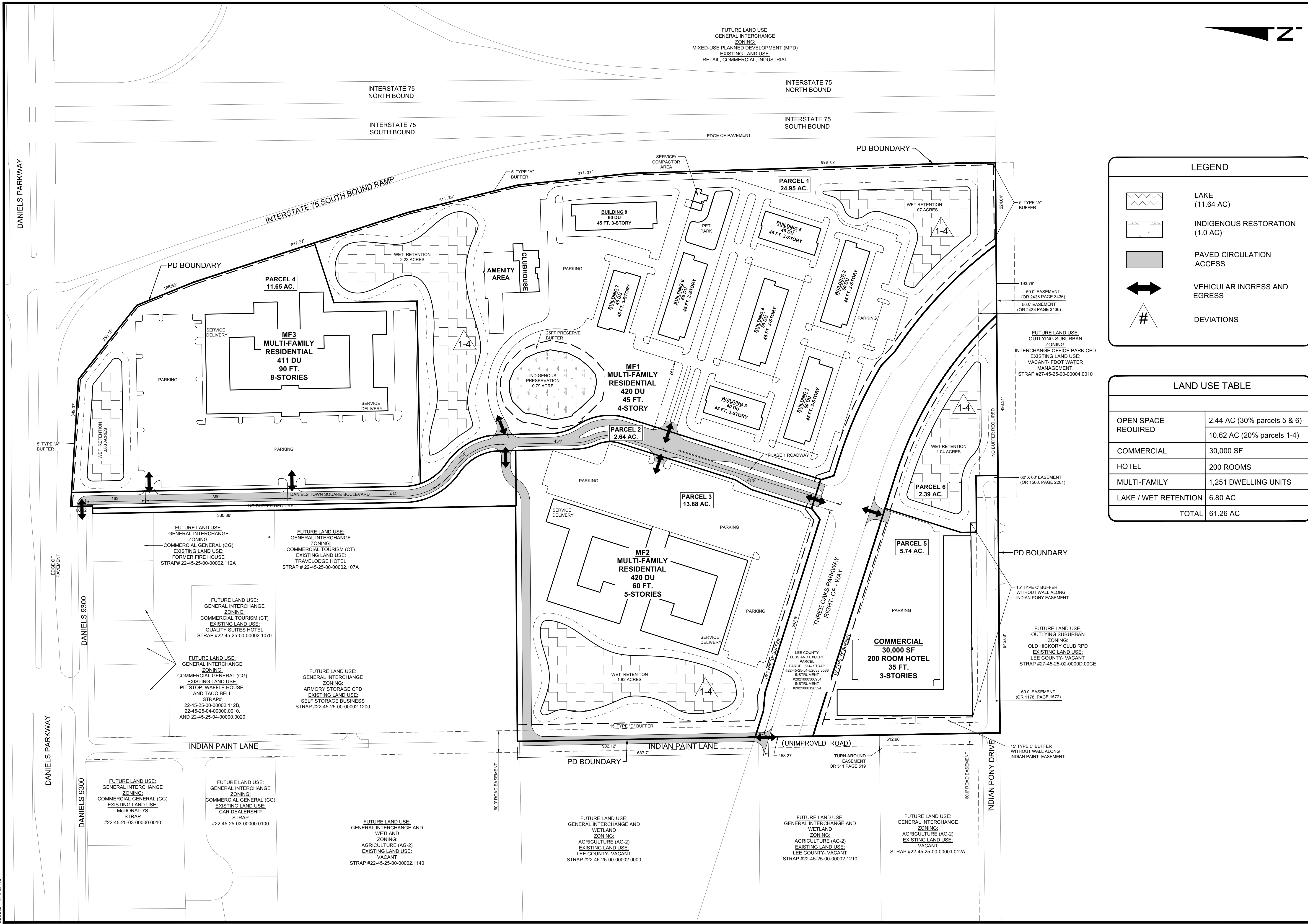
3. Deviation from LDC Section 10-418(2)(c) to omit the required 20-foot-wide planted littoral shelf extending waterward of the control elevation at a depth no greater than 2 feet below the control elevation to minimize the potential for bird attractants.

JUSTIFICATION: The Applicant is requesting approval of this deviation due to the project's proximity to the airport. The intent of this deviation is to reduce or eliminate landscaping materials that would provide food, water, or shelter and/or a combination of these basic needs that attract either large flocks of birds or birds that pose a high risk to aviation. Plantings utilized will be suitable for the southwest Florida environment and will comply with the Lee County Port Authority's Compatible and Non-Compatible Plant List. This deviation is proposed in conjunction with Deviations 2 and 4, which allows for

replacement of all the littoral plantings with native trees that comply with the Compatible and Non-Compatible Plant List.

4. Deviation from LDC Section 10-418(2)(d)(3), which allows native wetland trees to be substituted for up to 25% of the total number of herbaceous plants required, to allow for native wetland trees to be substituted for 100% of the required herbaceous plants.

JUSTIFICATION: The Applicant is requesting approval of this deviation due to the project's proximity to the Southwest Florida International Airport. The intent of this deviation is to reduce or eliminate landscaping materials that would provide food, water, or shelter and/or a combination of these basic needs that attract either large flocks of birds or birds that pose a high risk to aviation. Plantings utilized will be suitable for the southwest Florida environment and will comply with the Lee County Port Authority's Compatible and Non-Compatible Plant List, including a range of native trees. Wildlife hazards will also be avoided in accordance with the FAA Advisory Circular 150/5200-33C.



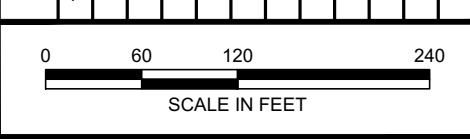
LEGEND

- LAKE (11.64 AC)
- INDIGENOUS RESTORATION (1.0 AC)
- PAVED CIRCULATION ACCESS
- VEHICULAR INGRESS AND EGRESS
- DEVIATIONS

LAND USE TABLE	
OPEN SPACE REQUIRED	2.44 AC (30% parcels 5 & 6)
	10.62 AC (20% parcels 1-4)
COMMERCIAL	30,000 SF
HOTEL	200 ROOMS
MULTI-FAMILY	1,251 DWELLING UNITS
LAKE / WET RETENTION	6.80 AC
TOTAL	61.26 AC

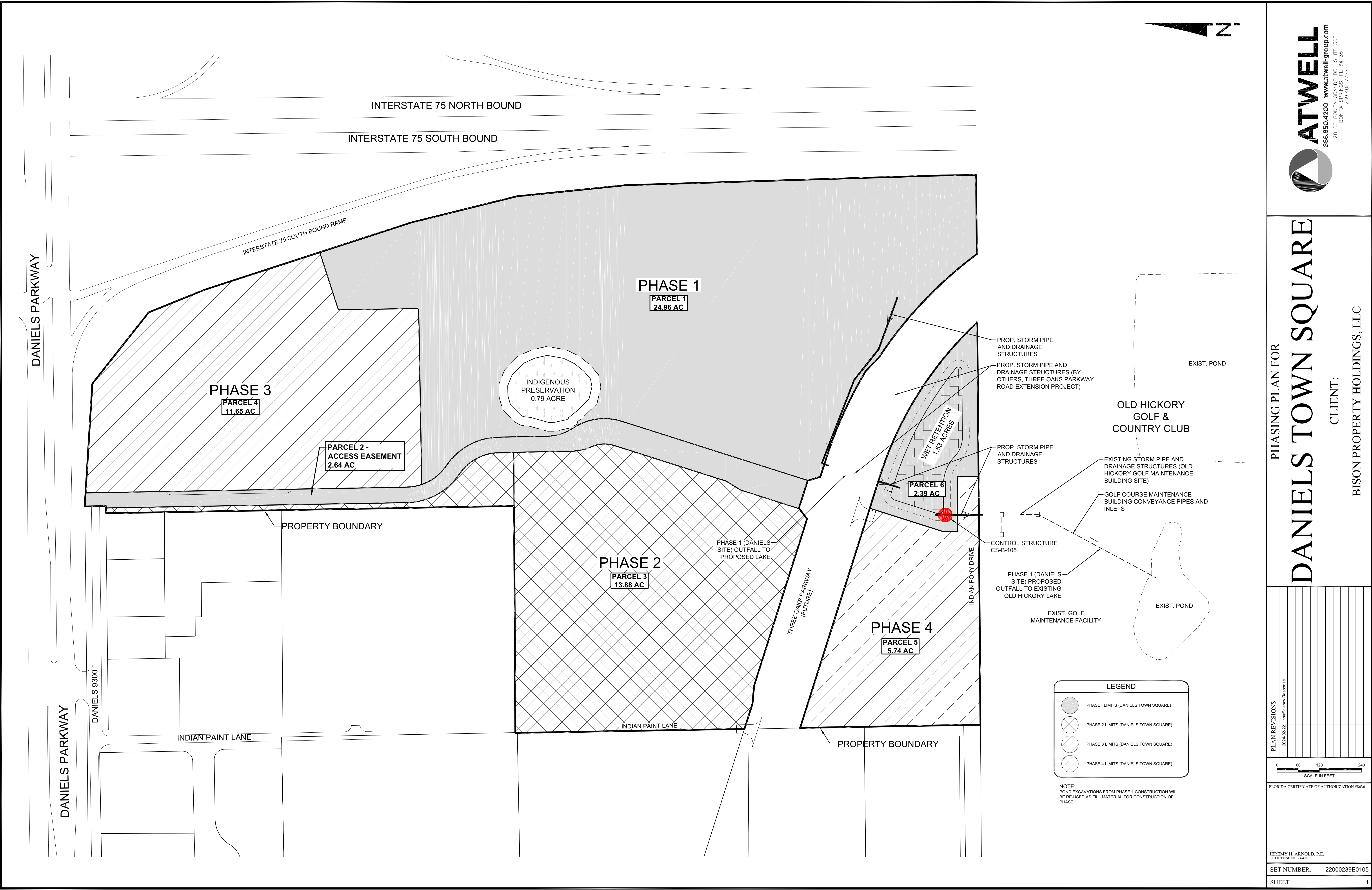
MASTER CONCEPT PLAN FOR
DANIELS TOWN SQUARE
CLIENT:
BISON PROPERTY HOLDINGS, LLC

PLAN REVISIONS	DATE	DESCRIPTION
1	2024-02-22	Initial/Issued Response



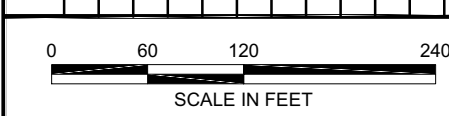
FLORIDA CERTIFICATE OF AUTHORIZATION #8636

L:\22000238 Daniels Town Square MPD-CPA03 CONSULT\TANT02 CIVIL\01 ZONING EXHIBITS\01 CURRENT PLANS\220118\003-PHASING.dwg
2/23/2024 11:27:59 AM



PHASING PLAN FOR
DANIELS TOWN SQUARE
CLIENT:
BISON PROPERTY HOLDINGS, LLC

PLAN REVISIONS	
1	2024-02-22 Initial/Revised Response



FLORIDA CERTIFICATE OF AUTHORIZATION #8636

JEREMY H. ARNOLD, P.E.
FL LICENSE NO. 66451

SET NUMBER: 22000239E0105

SHEET: 1

INDIGENOUS MANAGEMENT AND MONITORING PLAN
TREELINE 115 - DOS2022-00211
, MONITORING AND MAINTENANCE PLAN

1.0 Introduction

This document outlines the wetland mitigation, monitoring and maintenance plan for the Treeline 115 project located in Sections 14 and 15, Township 45 South, Range 25 East. The project, located approximately ½ mile north of the Daniels Pkwy/Treeline Ave intersection to the west of Treeline Ave. This project is bounded by an industrial park and undeveloped land to the north, Treeline Ave. to the east, State of Florida FDOT and FHP offices and an FDOT rest area to the south. I-75 ROW borders the entirety of the western boundary.

Construction of this project will result in unavoidable impacts to indigenous communities. The applicant proposes to preserve, enhance and monitor the highest quality plant communities on site, the 27.88 acres of Cypress heads proposed as an Indigenous preserve.

The Indigenous Preserve/Enhance/Monitor Figure presented on the following page shows the location of the Indigenous Preserve area. The remainder of this document details the exotic control, enhancement and Monitoring Plan.

2. 0 Sustainability of Indigenous Preserve

On site preservation and enhancement of the 27.88 ac are proposed for the Indigenous Preserve. This area is a combination of maturing and mature Cypress head. Enhancement activities include removal and subsequent ongoing control of exotic Category I and II plant species using the Florida Exotic Pest Plant Council (EPPC). Primary exotic species to be removed and then controlled by ongoing maintenance are Brazilian pepper and Melaleuca although .

2.1 Indigenous Preserve Exotic Control, Maintenance and Management

As mentioned previously Indigenous preserve/conservation easement area consists of mature cypress head communities and covers 27.88 ac. This area is rated FLUCCS E-1, a plant community with less than 25% exotic vegetation. The principal method of enhancement of this area will be accomplished by a combination of the following techniques for exotic/nuisance vegetation.

- Cut exotics within 12" of ground level and hand remove cut vegetation, then, in real time, treat the exposed stump with approved herbicide
- Foliar application of approved herbicides to stump or sapling that

- will primarily be Melaleuca, Brazilian pepper and earleaf acacia.
- Application of approved herbicide of exotic seedling and/or cattails.
- Hand pull exotic woody and cattail seedlings

Debris of exotic vegetation, including dead standing vegetation resulting from herbicide applications will be removed from the conservation easement/wetland preserve area. There will be no stock piling in this area. The preserve/conservation easement area is devoid of trails. If truck removal is necessary because of large tree debris, these trucks will be directed along the fenceline where fence maintenance has kept vegetation down to a large extent. Once the dead vegetation debris has been removed, any surface disturbance will be repaired to match surrounding elevation.

The majority of Cypress heads found in the Indigenous preserve area are of high quality with good age distribution of wetland species. Consequently, we expect native recruitment to fill areas where control/removal has created physical openings in the community in these areas where exotic vegetation was less than 25%. If 80% native vegetation coverage of any monitoring transect area is not evident by two years following the exotic control initial treatment, supplemental planting will be done. The planting list for these enhancement plantings is listed on the following page.

3.0 Prescribed Burning

The lack of post development upland communities along with proximity to intensive development preclude the feasibility of using fire as a management tool for these preserve/conservation easement areas.

4.0 Mitigation/Preserve/Conservation Easement Success Criteria

We propose the following for success criteria of mitigation/conservation easement areas.

- Record the conservation easement for the preserve/conservation areas
- Successfully complete initial exotic control and nuisance vegetation treatment. This is defines as < 5% coverage of exotic and nuisance species overall or. "Islands" of exotic vegetation within the native matrix will not be allowed. Such areas will be remediated with a combination of exotic control/removal and supplemental plantings.
- Exotic vegetation defined as most current EPCC Category I and II Invasive exotic plant species list will have a coverage of <5%.
- This area maintain an 80% appropriate native vegetation coverage. If this criteria is not met after the first two monitoring events, supplemental plantings will occur. These planting areas success criteria is 80% survival rate of OBL and FACW species. If subsequent monitoring efforts find this survival criteria is not being met supplemental plants will be done once more until there is a stable 80% native planted survival rate in these areas.

- Preserve/conservation easement monitoring will be done annually for five consecutive years. Once complete, these reports will be shared with the District in a timely manner. Community will be considered if/when supplemental plantings are necessary.
- The monitoring program will include observations beyond the performance standard metrics. Such things as wildlife use, or lack of use, duration of inundation, lack of inundation will be observed and reported. Observations and events that reflect negative or degraded trends and community vigor will be reported to the County verbally and by email as well as inclusion in the annual monitoring report along with remediation/remedy plans to reverse the condition or trend.

4.1 Target Wetland Community Structure

Cypress (FLUCCS Code 621)

The canopy of this wetland habitat primarily mature Pond cypress with scattered Bald cypress. Laurel oak , dahoon holly, red maple, and pop ash are typically present. The shrub strata may consist of a combination of buttonbush, wax myrtle, saltbush, pond apple , and cabbage palm. The ground cover composition will be a variety of native OBL and FACW species dependent on water depths and durations. These species include, but are not limited to our proposed herbaceous planting list.

Internal to these communities, often near the center there are scattered small depressional areas associated with canopy openings are characterized by dominance of Fireflag, with scattered woody species such as pop ash and pond apple.

BASELINE MONITORING REPORT
DANIELS TOWN SQUARE
LEE CO. FI - DCI2022-00059

PREPARED FOR
Daniels JV LLC
Ft Myers, FL

24 Jan 2024

Synecological Analysts® Inc.
2159 Morning Sun Ln.
Naples, FL 34119

Performance Standard

A monitoring program will be implemented in accordance with Application No. DCI2022-00059. As indicated in the Applicant's Indigenous Preserve Management and Maintenance Plan, this monitoring program shall extend for a period of five years with annual reports submitted to County Staff. When this monitoring period ends the indigenous preserve area will contain at least a 95% composition of OBL+FACW wetland species dominance that are canopy appropriate. This plant community will have 95% floristic dominance of OBL+FACW species and 80% canopy coverage of the same combination. If native wetland and transitional species do not achieve an 80% coverage within the initial two years of this monitoring program, native species shall be planted in accordance with the maintenance program. At the end of the five year monitoring program the entire mitigation area must contain: 1) At least 80% survival of any/all plantings. 2) 80% canopy coverage of OBL+FACW species and 3) A 95% floristic composition of OBL+FACW species.

There are Four transects and four photo stations established in this Indigenous Preserve Area. Please refer to the Cypress Head Indigenous Preserve Area Figure on the following page.

ACTIVITY *	DUE DATE
Baseline Monitoring Report	Jan 2024
Initial Exotic Control/Removal	May 2024
Time Zero Monitoring Report	Aug 2024
Second Exotic Control	May 2025
First Annual Monitoring Report	Jan 2025
Third Exotic Control	May 2026
Second Annual Monitoring Report	Jan 2026
Second Annual Monitoring Report	Jan 2027
Third Annual Monitoring Report	Jan 2028
Fourth Annual Monitoring Report	Jan 2029
Fifth Annual Monitoring Report	Jan 2030
Lee County Site Visit/Signoff	Feb 2030

* Bold indicated completed tasks.



ENVIRONMENTAL EVALUATION AND ADVOCACY

2159 Morning Sun Lane
NAPLES, FLORIDA 34119
PHONE: (239) 514-3998
www.synecol.com

PROJECT: Daniels Town Square - Cypress Head
Indigenous Preserve

DATE: Sept 22, 2023

DRAWN BY: NW



Site Location



0 100 200 300 ft

VEGETATION ANALYSIS

Vegetation in the Wetland Preserve Area was evaluated by cruising a transect that extends from the center of the preserve area to each of the photo points. Because of the limited number of species present, qualitative observations by and experienced ecologist is sufficient to document the composition, vigor and trend of this community. The results of these observations are presented in the table following the discussion of this Indigenous Preserve area.

METHODOLOGY

The four transects were cruised and qualitative observations recorded regarding species composition by strata. Trends of stability, improvement or degradation will be recorded. These results will be compared with future monitoring reports to identify and/or confirm trends. Special attention will be given to presence/abundance of exotic species whether along transect lines or elsewhere in the Indigenous Preserve. Wildlife sightings/sign were largely absent from this area because of intense cattle grazing for previous decades. Once cattle removed, species such as racoon/owl etc likely to make use of this area for forage and/or habitat. Benthic and or shallow aquatic components will be addressed as well as water level at a specific .

Rainfall for the last calendar year is presented with this report and shown below as an attachment to this report.

Transect A-B

This North-South transect cover the longest portion of this oval shaped Indigenous Preserve Area. The North and South margins of the site are characterized by significant exotic infestations of wood species, primarily melaleuca and Brazilian pepper. The melaleuca are primarily found in the canopy while the Brazilian pepper dominate the shrub strata. There are scattered exotic herbaceous components. These are of floristic rather than vegetational relevance and should be easily managed.

A-B Transect	Canopy %	Shrub %	Herbaceous %	Exotic Composition % in relevant strata
Pond + Bald* Cypress	75	10	-	
Melaleuca	20	20	5	25
Brazilian pepper	-	30	5	35
Dahoon holly	-	10	-	
Pond apple	-	5	-	
Laurel oak	-	5	-	
<i>Eliocharis spp.</i>	-	-	25	
Swamp fern	-	-	10	
Torpedo grass	-	-	5	5

* Scientific nomenclature included as attachment.

There is surprisingly good age distribution of wetland species along this transect given its previous agricultural use.

This East - West transect traverses the longest portion of this oval shaped Indigenous Preserve Area. The North and South margins of the site are characterized by significant exotic infestations of wood species, primarily melaleuca and Brazilian pepper. The melaleuca are primarily found in the canopy while the Brazilian pepper dominate the shrub strata. There are scattered exotic herbaceous components, primarily swamp fern. Like the A-B transect, there is significant infestation of melaleuca along the other margins of the preserve but the dominance and size of exotics along this transect exceed that of the A-B transect. These are primarily canopy components, but are also a significant shrub component.

A-B Transect	Canopy %	Shrub %	Herbaceous %	Exotic Composition % all strata combined
Pond + Bald Cypress	65	10	-	
Melaleuca	30	50	5	85
Brazilian pepper	-	30	5	35
Dahoon holly	-	10	-	
Pond apple	-	5	-	
Laurel oak	-	5	-	
<i>Eliiocharis spp.</i>	-	-	10	
Swamp fern	-	-	15	
Torpedo grass	-	-	10	10

PHOTOS



PHOTO STATION A: 90°



PHOTO STATION A: 180°



PHOTO STATION A: 270°



PHOTO STATION A: 360°

PHOTOS



PHOTO STATION B: 90°



PHOTO STATION B: 180°



PHOTO STATION B: 270°



PHOTO STATION B: 360°

PHOTOS



PHOTO STATION C: 90°



PHOTO STATION C: 180°



PHOTO STATION C: 270°



PHOTO STATION C: 360°

PHOTOS



PHOTO STATION D: 90°



PHOTO STATION D: 180°



PHOTO STATION D: 270°



PHOTO STATION D: 360°



FRESH CRAWFISH BURROW

**THIS IS A CONSERVATION EASEMENT
AREA ESTABLISHED PURSUANT
TO 704.06 F.S., ANY* ACTIVITIES WHICH
AFFECT THE NATURAL
CONDITION OF THIS EASEMENT
AREA SHOULD BE REPORTED
TO LEE COUNTY**

**ESTA ES UN AREA ELEJIDA PARA
SU CONSERVACIÓN, DESIGNADA POR
LOS RECLAMEMENTOS ESTATALES 704.06,
CUALQUIER ACTIVIDAD QUE PUDIERA
AFECTAR LAS CONDICIONES NATURALES
DE ESTA AREA, DEBERÁ SER REPORTADA
A LA GERENCIA DE AGUA DEL DISTRITO
SUR DE LA FLORIDA**

ID	Gauge	Date	Total Rain
14	Ten Mile Canal	24-Jan	0.01
		23-Oct	2.85
		23-Nov	2.7
		23-Dec	3.3
		23-Feb	0.02
		23-Mar	0.16
		23-Apr	6.76
		23-May	4.66
		23-Jun	7.25
		23-Jul	7.28
		23-Aug	9.27
		23-Sep	6.61
		Total	50.87

CONSTRUCTION PHASE BROCHURES RELATIVE TO LISTED SPECIES

ALLIGATOR
WADING BIRDS
WOOD STORK

Alligators



Species: *mississippiensis*

Status: Threatened

Alligators are the largest reptile in North America. Alligators live in wetlands. Alligators have the strongest bite force measured; 2000 pounds per square inch. For comparison, lions bite with 600 pounds of pressure, and humans have 120 pounds of pressure per square inch. Alligators are most active when temperatures are between 82° to 92° F.

Alligators mate once a year; courtship begins in early April, and mating occurs in May or June. Male alligators make loud throaty bellowing roars to attract females.

Female alligators lay their eggs during June to early July. The female alligator builds her nest above ground. The nest is made of mounds of vegetation and mud that can rise 3.5 ft and twice as wide. Females lay between 30-50 eggs in late June or early July. Each egg weighs 2 ounces to 3 ounces.

Hatching occurs after 65 days of incubation, mid-August to September. If the temperature drops below 86°F, all eggs will hatch as females. If the temperature rises to 93°F or above, all eggs will hatch as males. At 89.6°F, more than $\frac{3}{4}$ of the hatchlings are female.

Newborn alligators are only about 9 inches long. Female alligators may reach about 9 feet in length, but males may grow to 14 feet. The Florida record for weight is a 1,043 pound (13' 10.5" long) male from Orange Lake in Alachua County. In the wild, alligators can live up to 50 years and can go through 2,000 to 3,000 teeth!

Baby alligators eat insects, crabs, crayfish, small fish, frogs, snails, and many other small prey. Larger alligators eat fish, turtles, mammals, snakes, crabs, crayfish, birds, insects, and other alligators.

The American alligator is Federally protected by the Endangered Species Act as a Threatened species, due to their similarity of appearance to the American crocodile, and as a Federally-designated Threatened species by Florida's Endangered and Threatened Species Rule.

If you see an alligator, please avoid it.

**If activities threaten an alligator,
call your supervisor
or Brown Collins
at Tel# (239) 450-8039**



Wood stork



Species: *Mycteria americana*

Status: Federally-designated Threatened

The wood stork is a large wading bird with long legs. Wood storks can reach a length of 35-45 inches with a wingspan of 60-65 inches. Adults have no feathers on their head and neck, only rough, gray, scaly skin. They have mainly white feathers, with black feathers at the tips of their wings and tail. Wood storks have a long, curved, black bill and black legs with pink toes.

Wood storks nest in mixed hardwood swamps, sloughs, mangroves, and cypress domes/strands from late November to early March. Their nests are usually built in trees that stand in water. Females lay 2-5 eggs from October to June. The eggs hatch after 30 days. Young wood storks are able to fly 10-12 weeks after hatching.

Males and females look the same, but males are generally larger. Young wood storks have similar, but duller coloring than adults. Adults are mostly silent except for a hissing sound. Young Wood Storks have noisy begging calls.

Wood storks forage in a variety of wetlands including both freshwater and estuarine marshes, but only in depths less than 10-12 inches. Wood storks feed on small to medium-sized fish, crayfish, amphibians, and reptiles.

If a wood stork is found on the construction site, all activity must cease immediately, and the wood stork allowed to move away from any dangerous area on its own.

If you see a wood stork, please avoid it.

**If activities threaten a wood stork,
call your supervisor
or Brown Collins
at Tel# (239) 450-8039**



Wading Birds



Snowy egret photo.

Wading birds are generally found in wetlands.

There are many types of wading birds of all sizes, shapes, and colors, but they share some similar characteristics.

Wading birds typically have long, thin legs and agile toes which help them navigate and remain stable while foraging in muddy waters and flowing currents.

They often have long bills, although the shape differs for their particular type of foraging and food. Herons have spear-like bills to grab and stab fish, while cranes and ibises have long bills to dig around in the soil and forage in the grass.

Wading birds often have long, but powerful, necks. Changing their posture changes the shape of their neck, helping to improve their angle, view, and camouflage when searching for food.

Wading birds are patient hunters and often stand still for long periods of time waiting for their prey to be within reach. Their steps are slow and steady so that they don't scare their prey. They will 'freeze' if they feel threatened.

Wading birds often change their color during breeding season. Larger wading birds often develop beautiful plumes, while smaller wading birds become more camouflaged.

They often flock with other species of wading birds, roosting together and breeding in rookeries.

Wading birds are less vocal than many bird species, though flocks can be relatively noisy. Young birds may whimper or make begging calls. Adults remain silent when hunting.

When wading birds fly, they usually have their legs fully stretched out behind them. They contract or extend their neck depending on the species.

Some examples of wading birds are:

American Bittern, Least Bittern, Wood Stork, Roseate Spoonbill, Limpkin, Sandhill Crane, Herons (Great Blue Heron, Little Blue Heron, Green Heron, Tri-colored Heron, Black-Crowned Night Heron, and Yellow-Crowned Night Heron), Egrets (Great Egret, Snowy Egret, and Cattle Egret), and Ibis (White ibis and Glossy Ibis).

If you see a wading bird, please avoid it.

**If activities threaten a wading bird,
call your supervisor
or Brown Collins
at Tel# (239) 450-8039**



CATTLE EGRET



GREAT EGRET



GREAT BLUE HERON



LITTLE BLUE HERON



DANIELS TOWN SQUARE MPD

Phasing Plan

The project will be developed in four (4) phases. The total buildout is for 1,251 multifamily dwelling units; 30,000 square feet of retail commercial, and a 200-room hotel.

It is noted that Lee County DOT is concerned about the use of Daniels 9300 as a primary access to the development. The applicant commits to not obtain any certificate of occupancy permits until the Three Oaks Parkway North Extension, Phases I and II, are complete and open to the public. It is our understanding that the roadway phases I and II complete an accessway from Alico Road to the western most boundary of the applicant's project. The applicant's access road will connect to Three Oaks Parkway North at that time.

The applicant is committed to design the site to encourage the use of Three Oaks Parkway as the primary ingress/egress for the entire project, particularly Phase I as shown on the master concept plan and phasing plan. The site plan shows a boulevard style entrance, with turn lanes, from Three Oaks North to a terminus 4-way intersection. At the intersection there is a proposed loop road that travels west to the Indian Paint Lane easement and then south to a Three Oaks Parkway North connection. This road is to encourage Phases II and IV to use Three Oaks Parkway North, particularly to travel north to Daniels through the future connection via Fiddlesticks (Phases III and IV of the Three Oaks project) as it will be a right-in-right-out intersection. Additionally, we propose traffic calming speed humps north of the boulevard intersection connecting to Daniels 9300 (residential property in Phase 3) to discourage use as a primary ingress/egress.

Below is a narrative explanation of the phasing intentions of the project. Additionally, this document contains exhibits that accompany the zoning master concept plan:

- 1. Phasing plan and***
- 2. Three Oaks North Extension project exhibit.***

PHASE 1

Scope

Phase 1 development:

- 420 residential multifamily apartments up to 3 stories and 45 feet
- Establishment of the 0.79 acre wetland as the indigenous area for the project.
- All supporting infrastructure for stormwater management and connection to the regional water system through Olde Hickory.
- Access road from Daniels 9300 frontage road extending through the project to the future signalized intersection at Three Oaks Extension. The road north of the 4-way intersection terminus will contain traffic calming devices such as speed bumps.

Access

Phase 1 development will have access to Daniels 9300 frontage road, but the phase is not intended to attempt to have occupancy until Three Oaks Parkway (Phase 1) is completed with full operational connection to Alico Road. We acknowledge that the primary traffic must go through Three Oaks

Parkway as Daniels 9300 has limited capacity. The schedule per contract with Stevens Construction began with a notice to proceed on August 16, 2023, and 908 days of construction for completion in early 2025.

PHASE 2

Phase 2 includes 13.88 acres west of Phase I abutting Three Oaks North with a 420-room residential building that is up to 5 stories and 60 feet and supporting infrastructure.

This phase completion will coincide with Three Oaks Parkway connection to Daniels Road via Fiddlesticks Blvd that will take place in Phases III and IV of the roadway project.

PHASE 3

Phase 3 is the residential area on the 11.65-acre parcel occupying the northern portion of the site north of Phase 1. It will include a 420-room residential building that is up to 8 stories and 90 feet and supporting infrastructure.

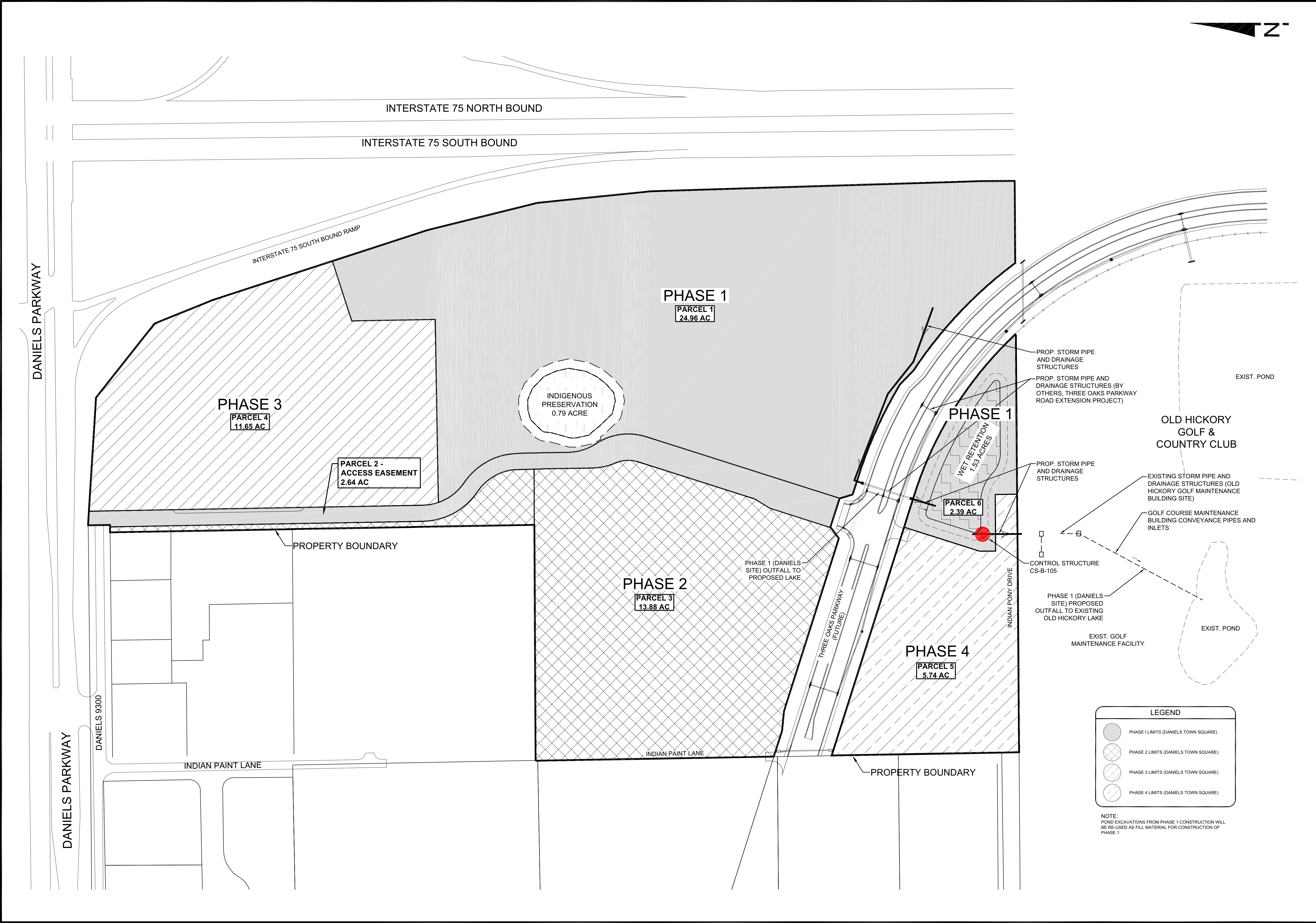
Phases 3 and 4 will only be occupied when Three Oaks Parkway and Fiddlesticks improvements, including Daniels Parkway/Fiddlesticks intersection improvements are complete.

PHASE 4

Phase 4 is the 5.74-acre parcel south of the Three Oaks Extension that will include commercial uses only – up to 30,000 square feet of commercial, a 200-room hotel.

See the next page for the phasing exhibit.

V:\FLORIDA\Projects\22001886 (Daniels Market Place) \BPR\Drawings\Exhibits\22001886-03_Zoning Exhibit\Current Plans\2200188603-PHASING.dwg
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866.850.4200 www.atwell-group.com
28100 BONITA GRANDE DR., SUITE 305
BONITA SPRINGS, FL 34135
239.405.7777

PHASING PLAN FOR
DANIELS TOWN SQUARE
CLIENT:
BISON PROPERTY HOLDINGS, LLC

PLAN REVISIONS	
1	2024-02-22 Insufficient Response

0 60 120 240

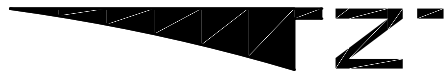
SCALE IN FEET

FLORIDA CERTIFICATE OF AUTHORIZATION #8636

JEREMY H. ARNOLD, P.E.
FL LICENSE NO. 66421

SET NUMBER: 22000239E0105

SHEET : 1



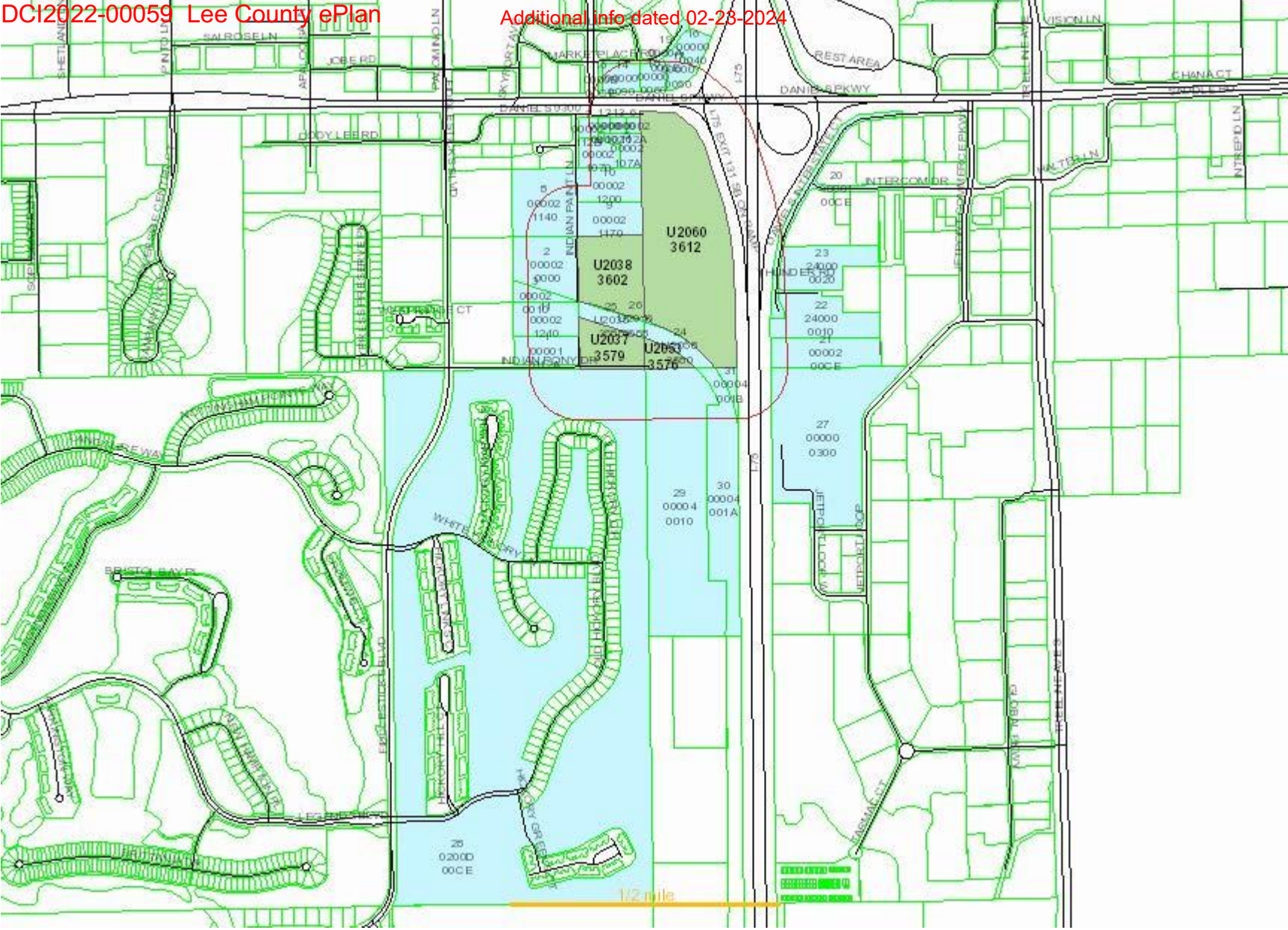
MEYERS GROUP ACQUISITIONS, LLC



PLAN REVISIONS



SHEET : 1



Date: 2/21/2024 12:00:00 AI List Size: 35

STRAP	OwnerName	OwnerName2	MailAddress	MailAddress	MailCity	MailState	MailZip	SiteNumber	SiteStreet	SiteUnit	SiteCity	SiteZip
22-45-25-L3-U2053.3576	DANIELS PARKWAY JV DEVELOPMENT		12731 NEW BRITTANY BLVD		FORT MYERS	FL	33907		INDIAN PONY DR		FORT MYERS	33912
22-45-25-L3-U2060.3612	DANIELS PARKWAY JV DEVELOPMENT		12731 NEW BRITTANY BLVD		FORT MYERS	FL	33907		ACCESS UNDETERMINED		FORT MYERS	33912
22-45-25-L4-U2037.3579	DANIELS PARKWAY JV DEVELOPMENT		12731 NEW BRITTANY BLVD		FORT MYERS	FL	33907		CORNER LOT		FORT MYERS	33912
22-45-25-L4-U2038.3602	DANIELS PARKWAY JV DEVELOPMENT		12731 NEW BRITTANY BLVD		FORT MYERS	FL	33907	13841	INDIAN PAINT LN		FORT MYERS	33912
22-45-25-00-00001.012A	UNKNOWN HEIRS OF	VIRGINIA OSCEOLA	5990 S STATE ROAD 7		FORT LAUDERDA	FL	33314	13950	INDIAN PAINT LN		FORT MYERS	33912
22-45-25-00-00002.0000	LEE COUNTY		PO BOX 398		FORT MYERS	FL	33902	13820	INDIAN PAINT LN		FORT MYERS	33912
22-45-25-00-00002.0010	LEE COUNTY		PO BOX 398		FORT MYERS	FL	33902	13840	INDIAN PAINT LN		FORT MYERS	33912
22-45-25-00-00002.1070	QS INDIAN PAINT LN LLC		13651 INDIAN PAINT LN		FORT MYERS	FL	33912	13651	INDIAN PAINT LN		FORT MYERS	33912
22-45-25-00-00002.107A	DEBARY HOSPITALITY LLC		13661 INDIAN PAINT LN		FORT MYERS	FL	33912	13661	INDIAN PAINT LN		FORT MYERS	33912
22-45-25-00-00002.112A	LEE COUNTY		PO BOX 398		FORT MYERS	FL	33902	9450	DANIELS PKWY		FORT MYERS	33912
22-45-25-00-00002.112B	RAJ STORE 16 LLC		5280 BOXWOOD WAY		NAPLES	FL	34116	9400	DANIELS PKWY		FORT MYERS	33912
22-45-25-00-00002.1140	13700 INDIAN PAINT LLC		8601 NW 27TH ST STE 51-512921		DORAL	FL	33122	13700	INDIAN PAINT LN		FORT MYERS	33912
22-45-25-00-00002.1170	FISHBOLL INC		1506 S HWY 162		ALMA	AR	72921	13751	INDIAN PAINT LN		FORT MYERS	33912
22-45-25-00-00002.1200	ISTORAGE PO LLC		8400 EAST PRENTICE AVE	9TH FLOOR	GREENWOOD VI CO		80111	13701	INDIAN PAINT LN		FORT MYERS	33912
22-45-25-00-00002.1210	LEE COUNTY		PO BOX 398		FORT MYERS	FL	33902	13900	INDIAN PAINT LN		FORT MYERS	33912
22-45-25-04-00000.0010	WAFFLE HOUSE INC		5986 FINANCIAL DR		NORCROSS	GA	30071	9420	DANIELS PKWY		FORT MYERS	33912
22-45-25-04-00000.0020	9430 DANIELS PARKWAY LLC +		10225 ULMERTON RD STE 12A		LARGO	FL	33771	9430	DANIELS PKWY		FORT MYERS	33912
22-45-25-05-00000.0090	CIRCLE K STORES INC		PO BOX 52085 DC-17		PHOENIX	AZ	85072	13391	DANPORT BLVD		FORT MYERS	33912
22-45-25-05-0000B.00CE	DANPORT CENTER PROPERTY		12801 RENAISSANCE WAY		FORT MYERS	FL	33912		DANPORT CENTER C/E		FORT MYERS	33912
22-45-25-13-00000.0040	MMAAA INVESTMENTS LLC		9450 CORKSCREW PALMS CIR	STE 101	ESTERO	FL	33928	9520	MARKETPLACE RD		FORT MYERS	33912
22-45-25-13-00000.0050	SHELBOURNE TOWERS LP	GRACE DEVELOPMENT INC	3309 FAIRMONT DR		NASHVILLE	TN	37203	9510	MARKETPLACE RD		FORT MYERS	33912
22-45-25-13-00000.0060	EISELE INVESTMENTS LLC	MELISSA EISELE	12800 SUTPHIN CT		FORT MYERS	FL	33919	9500	MARKETPLACE RD		FORT MYERS	33912
22-45-25-13-0000A.00CE	DANIELS GALLERIA EAST PROPERTY		12801 RENAISSANCE WAY		FORT MYERS	FL	33912		RIGHT OF WAY		FORT MYERS	33912
22-45-25-15-00001.00CE	D75 COMMERCE CENTER OWNERS	CPMS	12424 BRANTLEY COMMONS CT		FORT MYERS	FL	33907		RIGHT OF WAY		FORT MYERS	33913
22-45-25-15-00002.00CE	D75 COMMERCE CENTER OWNERS	CPMS	12424 BRANTLEY COMMONS CT		FORT MYERS	FL	33907		DANIELS INTERSTATE CT		FORT MYERS	33913
22-45-25-L3-24000.0010	TMCFM INC		3205 EAGLE CREST DRIVE NE	SUITE 105	GRAND RAPIDS	MI	49525	9501	THUNDER RD		FORT MYERS	33913
22-45-25-L3-24000.0020	TT OF DANIELS INC		10040 DANIELS INTERSTATE CT		FORT MYERS	FL	33913	10040/030	DANIELS INTERSTATE CT		FORT MYERS	33913
22-45-25-L3-U2058.3580	LEE COUNTY		PO BOX 398		FORT MYERS	FL	33902		ACCESS UNDETERMINED		FORT MYERS	33912
22-45-25-L4-U2038.3588	LEE COUNTY		PO BOX 398		FORT MYERS	FL	33902		ACCESS UNDETERMINED		FORT MYERS	33912
22-45-25-L4-U2046.3588	LEE COUNTY		PO BOX 398		FORT MYERS	FL	33902		ACCESS UNDETERMINED		FORT MYERS	33912
27-45-25-01-00000.0300	UNITED STATES POSTAL SERVICE		1735 NORTH BROWN RD STE 200		LAWRENCEVILLE	GA	30043	14080	JETPORT LOOP		FORT MYERS	33913
27-45-25-L1-0200D.00CE	OLDE HICKORY GOLF + COUNTRY CL		14670 OLD HICKORY BLVD		FORT MYERS	FL	33912	14670	OLD HICKORY BLVD		FORT MYERS	33912
27-45-25-L2-00004.0010	AIRPORT I-75 LLC		5621 STRAND BLVD SUITE 211-C		NAPLES	FL	34110		ACCESS UNDETERMINED		FORT MYERS	33912
27-45-25-L2-00004.001A	LEE COUNTY		PO BOX 398		FORT MYERS	FL	33902		ACCESS UNDETERMINED		FORT MYERS	33912
27-45-25-L2-00004.001B	AIRPORT I-75 LLC		5621 STRAND BLVD SUITE 211-C		NAPLES	FL	34110		ACCESS UNDETERMINED		FORT MYERS	33912

Legal

PARL LYING THE SE 1/4 OF SECT LYING W OF I-75 AND SLY OF DANIELS RD<CR>PORTION OF PARCEL SOUTH OF PARCEL 515 DESC IN INSTRUMENT 2021000306954
PARL LYING THE SE 1/4 OF SECT LYING W OF I-75 AND SLY OF DANIELS RD<CR>PORTION OF PARCEL NORTH OF PARCEL 515 DESC IN INSTRUMENT 2021000306954
THE E 1/2 OF SE 1/4 OF<CR>SW 1/4 OF SEC LES R/W<CR>PORTION OF PARCEL SOUTH OF PARCEL 514 DESC IN INSTRUMENT 2021000306954
THE E 1/2 OF SE 1/4 OF<CR>SW 1/4 OF SEC LES R/W<CR>PORTION OF PARCEL NORTH OF PARCEL 514 DESC IN INSTRUMENT 2021000306954
S1/2 OF SW1/4 OF SE1/4 OF<CR>SW1/4 LES S 50 FT LESS R/W<CR>AKA TR 305 COL RANCH UT 3
TH NW 1/4 OF SE 1/4 OF SW 1/4 LESS 0010 + R/W
PORT TH NW 1/4 OF SE 1/4 OF SW 1/4 AS DESC IN INST #2015000028374 LESS R/W
PT OF TR 312 COLONIAL RANCHETTES UNIT 3 COMM AT NE COR OF S 1/2 OF NE 1/4 OF NE 1/4 OF SW 1/4 THEN W 353.78 FT TO POB LESS INST#2007-97216
PT TR 312 COLONIAL RANCHETTES <CR>UNIT 3 BEGIN NE COR OF S 1/2<CR>OF NE 1/4 OF NE 1/4 OF SW 1/4 THEN W 353.78 FT THEN S 83.59 FT THEN E 54.95 FT THEN S 18FT THEN E 97.01 FT THEN S 229.04 FT THEN E 201.65 FT THEN
PARL IN SW 1/4 OF SEC 22<CR>AS DESC IN OR 1570 PG 1634<CR>+ OR 1803 PG 1923
PARL IN N 1/2 OF NE 1/4<CR>OF NE 1/4 OF SW 1/4<CR>DESC IN OR 1755 PG 2340<CR>+PT OF TR 312 COLONIAL RANCHETTES UNIT 3 COMM AT NE COR OF S 1/2 OF NE 1/4 OF NE 1/4 OF SW 1/4 <CR>INST#2007-97216
SW 1/4 OF NE 1/4 OF SW 1/4<CR>LESS R/W AKA TRACT 302 COLONIAL RANCHETTES INC UT 3 UNR
S 1/2 OF SE 1/4 OF NE 1/4<CR>OF SW 1/4 LES R/W AKA PARCEL 3 TRACT 310 COLONIAL RANCHETTES INC UNIT #3
PARL DESC AS N 1/2 OF SE 1/4 OF NE 1/4 OF SW 1/4 IN OR 3773 PG 3951
COLONIAL RANCHETTES UNIT 3<CR>TRACT 304 OF 22-45-25<CR>OR 511/518
DRLT TRACT<CR>REPLAT PB 50 PG 94<CR>LOT 1
DRLT TRACT<CR>REPLAT BP 50 PG 94<CR>LOT 2
DANPORT CENTER PH 1-A PT 1<CR>PB 49 PG 92<CR>LOTS 9 + 10
DANPORT CENTER PH1-A PT 1<CR>PB 49 PGS 89 + 92<CR>TRACT B
DANIELS GALLERIA EAST <CR>DESC IN PB 73 PGS 9-10 <CR>LOT 4
DANIELS GALLERIA EAST <CR>DESC IN PB 73 PGS 9-10 <CR>LOT 5
DANIELS GALLERIA EAST <CR>DESC IN PB 73 PGS 9-10 <CR>LOT 6
DANIELS GALLERIA EAST <CR>DESC IN PB 73 PGS 9-10 <CR>TRACT A
D75 COMMERCE CENTER <CR>PB 82 PGS 76-78 <CR>TRACT 1
D75 COMMERCE CENTER <CR>PB 82 PGS 76-78 <CR>TRACT 2
FLORIDA HOGS REPLAT AS DESC IN INST# 2015000210894 LOT 1
FLORIDA HOGS REPLAT AS DESC IN INST# 2015000210894 LOT 2 +<CR>D75 COMMERCE CENTER <CR>PB 82 PGS 76-78 <CR>TRACT 6
PARCEL IN SE 1/4 OF SEC 22 TWP 45 RNG 25<CR>PARCEL 515 DESC IN INSTRUMENT 2021000306954
PARCEL IN E 1/2 OF SE 1/4 OF SW 1/4 OF SEC 22 TWP 45 RNG 25<CR>PARCEL 514 DESC IN INSTRUMENT 2021000306954
PARCEL IN E 1/2 SE 1/4 OF SW 1/4 OF SEC 22 TWP 45 RNG 25<CR>DESC IN INSTRUMENT 2021000306954 AS TURN LANE
JETPORT-INTERSTATE<CR>COMMERCE PK PB 43 PG 97<CR>LOTS 30 THRU 32
OLDE HICKORY GOLF + C C<CR>PB 48 PG 89 TRS A B C D E F <CR>K + PT TR J (GOLF COURSE)
NE 1/4 OF SEC 27 TWN 45<CR>RG 25 LYING W OF I-75<CR>LESS 2023000196070
PORTION OF NE 1/4 OF SEC 27 TWN 45<CR>RG 25 LYING W OF I-75<CR>DESC IN 2023000196070
NE 1/4 OF SEC 27 TWN 45<CR>RG 25 LYING W OF I-75<CR>LESS 2023000196070

UNKNOWN HEIRS OF
VIRGINIA OSCEOLA
5990 S STATE ROAD 7
FORT LAUDERDALE FL 33314

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

QS INDIAN PAINT LN LLC
13651 INDIAN PAINT LN
FORT MYERS FL 33912

DEBARY HOSPITALITY LLC
13661 INDIAN PAINT LN
FORT MYERS FL 33912

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

RAJ STORE 16 LLC
5280 BOXWOOD WAY
NAPLES FL 34116

13700 INDIAN PAINT LLC
8601 NW 27TH ST STE 51-512921
DORAL FL 33122

FISHBOLL INC
1506 S HWY 162
ALMA AR 72921

ISTORAGE PO LLC
8400 EAST PRENTICE AVE 9TH FLOOR
GREENWOOD VILLAGE CO 80111

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

WAFFLE HOUSE INC
5986 FINANCIAL DR
NORCROSS GA 30071

9430 DANIELS PARKWAY LLC +
10225 ULMERTON RD STE 12A
LARGO FL 33771

CIRCLE K STORES INC
PO BOX 52085 DC-17
PHOENIX AZ 85072

DANPORT CENTER PROPERTY
12801 RENAISSANCE WAY
FORT MYERS FL 33912

MMAAA INVESTMENTS LLC
9450 CORKSCREW PALMS CIR STE 101
ESTERO FL 33928

SHELBOURNE TOWERS LP
GRACE DEVELOPMENT INC
3309 FAIRMONT DR
NASHVILLE TN 37203

EISELE INVESTMENTS LLC
MELISSA EISELE
12800 SUTPHIN CT
FORT MYERS FL 33919

DANIELS GALLERIA EAST PROPERTY
12801 RENAISSANCE WAY
FORT MYERS FL 33912

D75 COMMERCE CENTER OWNERS
CPMS
12424 BRANTLEY COMMONS CT
FORT MYERS FL 33907

D75 COMMERCE CENTER OWNERS
CPMS
12424 BRANTLEY COMMONS CT
FORT MYERS FL 33907

TMCFM INC
3205 EAGLE CREST DRIVE NE SUITE 105
GRAND RAPIDS MI 49525

TT OF DANIELS INC
10040 DANIELS INTERSTATE CT
FORT MYERS FL 33913

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

UNITED STATES POSTAL SERVICE
1735 NORTH BROWN RD STE 200
LAWRENCEVILLE GA 30043

OLDE HICKORY GOLF + COUNTRY CL
14670 OLD HICKORY BLVD
FORT MYERS FL 33912

AIRPORT I-75 LLC
5621 STRAND BLVD SUITE 211-C
NAPLES FL 34110

LEE COUNTY
PO BOX 398
FORT MYERS FL 33902

AIRPORT I-75 LLC
5621 STRAND BLVD SUITE 211-C
NAPLES FL 34110