APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: Daniels Town Square MPD

Request: Rezone from: CPD To: MPD

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

Bonus Density included? ☐ NO ☒ YES[1] 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 of up to 1,234 du. There are 5.19 acres of wetlands to be impacted as approved by ERP No. 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 Drovdlic, AICP
Address: 1514 Broadway, Suite 201
City, State, Zip: Fort Myers, Florida, 33901
Phone Number: 239.318.6707 Email: fdrovdlic@rviplanning.com

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

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-U2053.3576 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	61.26+/-	Acres	100	% of Total
		Acres		% of Total
		Acres		% of Total

H. Property Dimensions:

1.	Width (average if irregular parcel):	1400	Feet		
2.	Depth (average if irregular parcel):	2450	Feet		
3.	Total area:	61.26	Acres or square feet		
4.	Frontage on road or street:	450+/-	Feet on	Daniels Parkway	Street
	2nd Frontage on road or street:	2300+/-	Feet on	I-75	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)**				**61.26**	**Acres**
1.	Submerged land subject to tidal influence				Acres	
2.	**a.** Preserved freshwater wetlands	0.79	Acres			
	b. Impacted wetlands	5.19	Acres			
	c. Preserved saltwater wetlands		Acres			
	d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.)			5.98	Acres	
3.	R-O-W providing access to non-residential uses				Acres	
4.	Non-residential use areas (1) (2)			0	Acres	

B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.). **0** **Acres**

C. Gross residential acres. (A minus B) (3) **61.26** **Acres**

D. Gross residential acres (by Land Use Category)

1.	**a.** Intensive Development – upland	55.25	Acres	
	b. Intensive Development – preserved freshwater wetlands	0.79	Acres	
	c. Intensive Development – impacted wetlands	5.19	Acres	
2.	**a.** Central Urban – upland		Acres	
	b. Central Urban – preserved freshwater wetlands		Acres	
	c. Central Urban – impacted wetlands		Acres	
3.	**a.** Urban Community or Suburban – upland		Acres	
	b. Urban Community or Suburban – preserved freshwater wetlands		Acres	
	c. Urban Community or Suburban – impacted wetlands		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)	**61.26**	**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.)	55.28	x 14 equals	773.92
	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 0.05 equals	0.26
	d.	**Total Allowed Standard Units** (1)			**785.24 (785)**
2.	**Bonus Units [2-143]**				
	a.	Site-built Affordable Housing			0
	b.	Transferrable Dwelling Units **(8 du/acre x (55.28 +0.79))**			448.56
	c.	Sub-total			**449**
3.	**Total Permitted Units** (1)				**1,234**

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 CALCULATIONS

		Height	Total Floor Area (Square Feet)
A.	**Commercial**		
1.	Medical		
2.	General Office		
3.	Retail	35	30,000
4.	Other:		
5.	**TOTAL FLOOR AREA**		**30,000**

		Height	Total Floor Area (Square Feet)
B.	**Industrial**		
1.	Under Roof		
2.	Not Under Roof		
3.	**TOTAL FLOOR AREA**		

		Depth	Total Acres
C.	**Mining**		
1.	Area to be excavated		

		Height	Total Beds/Units
D.	**Assisted Living Facilities**		
1.	Dependent Living Units		
2.	Independent Living Units		
3.	**TOTAL BEDS/UNITS**		

		Height	Total Rental Units
E.	**Hotels/Motels (Room Size)**		
1.	< 425 sq. ft.		
2.	426-725 sq. ft.		
3.	725 < sq. ft.		
4.	**TOTAL UNITS**	**45**	**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:**

1. **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)]**
2. **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		
Clearly label your attachments as noted in bold below		
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]

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 up to 1,234 dwelling units determined as shown in table 1 below.

Table 1: Density and Intensity Calculation

Parcel ID Per MCP	Use	Total Acreage	Preserved Wetlands	Mitigated Wetlands	Upland	MUO	Base Density 14 du/ac	Bonus Density 8 du/ac
1-4	Mixed Use	53.13	0.79	5.19	47.15	Yes	671.42	383.52
5 & 6	Residential	8.13	0	0	8.13	No	113.82	65.04
TOTALS		***61.26***	***0.79***	***5.19***	***55.28***	**-**	***785***	***449***
							1,234	

There are 5.19 acres of wetlands to be impacted per the SFWMD ERP (No. 230220-37612) approved in April 2024.

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 Parkway Extension to the Mixed-use Overlay (MUO).

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 Parkway 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 2: 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 Parkway 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 (ingress only) to a signalized intersection at Three Oaks Parkway Extension and to Indian Pony Drive as a temporary means of connecting to Fiddlesticks and travelling north to Daniel Parkway while the Three Oaks Parkway Extension is being completed. We understand the Three Oaks project to be completed as follows:

- Phases I and II to be completed to the property's western boundary by summer 2025.
- Phases III and IV will connect the extension to Daniels Parkway at the Fiddlesticks intersection and complete the new north-south connection to Alico Road from Daniels Parkway with a tentative date for completion summer 2027.

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.

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 1,234 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 Parkway Extension project being completed. There are three major actions that will likely be completed by 2029:

1. Three Oaks Parkway Extension, Phases I and II that extends Three Oaks Parkway Extension across the canal to the western property boundary of the subject property – early 2025.
2. Three Oaks Parkway Extension Phases III and IV connecting Daniels to Alico Road via Fiddlesticks Boulevard – summer 2027.
3. Daniels Parkway lane widening and intersection improvements at Fiddlestick/Palomino and signalization at Apaloosa Lane – 2028-2029 (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 is 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 (No. 230220-37612) has been approved as the applicant withdrew the older ERP (No. 220526-34567). The approved application addresses stormwater and drainage and determines the jurisdictional wetlands and impacts that may be permitted to the site.

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 five (5) deviations requested that pertain to lake sloping and littoral plantings as the site is within 10,000 feet of airport lands (RSW) and an emergency access onto Three Oaks Parkway Extension to serve the residential parcel south of the roadway.

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 Parkway Extension, Phases I and II that extends Three Oaks Parkway Extension across the canal to the western property boundary of the subject property – early 2025.
2. Three Oaks Parkway Extension, Phases III and IV connecting Daniels to Alico Road via Fiddlesticks Boulevard – summer 2027.
3. Daniels Parkway lane widening and intersection improvements at Fiddlestick/Palomino and signalization at Apaloosa Lane – 2028-2029 (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 Parkway 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 Parkway 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 Parkway 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 according to the Indigenous Management 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 has been approved as the applicant withdrew the older ERP (No. 220526-34567). The approved application (No. 230220-37612) addresses stormwater and drainage and determines the jurisdictional wetlands and impacts that may be permitted to the site.

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 an approved ERP (No. 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 five (5) deviations requested that pertain to lake sloping and littoral plantings as the site is within 10,000 feet of airport lands (RSW) and an emergency access serving the residential units proposed on Parcel 6.

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 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 according to the Indigenous Management 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 has been approved as the applicant withdrew the older ERP (No. 220526-34567). The approved application (No. 230220-37612) addresses stormwater and drainage and determines the jurisdictional wetlands and impacts that may be permitted to the site.

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 density of 1,234 units. There are 0.79 acres of wetland to be preserved and 5.19 acres of wetlands to be impacted as approved in ERP (No. 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 density of 1,234 units. There are 0.79 acres of wetlands to be preserved and 5.19 acres of wetlands to be impacted as approved in ERP (No. 230220-37612). These uses are consistent with the General Interchange FLUC as described in 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 Parkway Extension, Phases I and II that extends Three Oaks Parkway Extension across the canal to the western property boundary of the subject property – early 2025.
2. Three Oaks Parkway Extension Phases III and IV connecting Daniels to Alico Road via Fiddlesticks Boulevard – summer 2027.
3. Daniels Parkway lane widening and intersection improvements at Fiddlestick/Palomino and signalization at Apaloosa Lane – 2028-2029 (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 Parkway 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 Parkway Extension with full connection south to Alico Road.

c. Screening and buffering;

The project is offering enhanced buffers along Three Oaks Parkway Extension. 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 MUO 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 according to the Indigenous Management 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 has been approved as the applicant withdrew the older ERP (No. 220526-34567). The approved application (No. 230220-37612) addresses stormwater and drainage and determines the jurisdictional wetlands and impacts that may be permitted to the site.

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 1,234 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 Parkway Extension on the north side from 100 feet to a max of 60 feet and 5-stories and 45 feet and 4 stories. The reduction in height wasn’t as much as they would like but we feel this is a compromise that is justified.

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

There are two principal definitions for pedestrian sheds:

1. The first is commonly referred to as the Standard Pedestrian Shed, which is defined as a 5-minute walk or ¼ mile or 1,320 feet.
2. The second has been called the Long Pedestrian Shed or ½ mile radius or 2,640 feet and a 10-minute walk, which has been used by transit-oriented development standards for access to work and play and by jurisdictions and advocacy groups to be the standard for access to recreational facilities such as parks and open space.

ADDITIONAL DISCUSSION AND REFERENCES BY TRANSPORTATION AND PLANNING AUTHORITIES:

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

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

"Walkability Measures for Florida", Florida Resources and Environmental Analysis Center, Florida State University
Walkability is "the extent to which the built environment supports and encourages walking by providing for pedestrian comfort and safety, connecting people with varied destinations within a reasonable amount of time and effort and offering visual interest in journeys throughout the network"

Law Insider
Pedestrian Shed means an area, approximately circular, that is centered on a common destination. A Pedestrian Shed is applied to determine the approximate size of a neighborhood. A Standard Pedestrian Shed is ¼ mile radius or 1320 feet, about the distance of a five-minute walk at a leisurely pace. It has been shown that provided with a pedestrian environment, most people will walk this distance rather than drive. The outline of the shed must be refined according to actual site conditions, particularly along Thoroughfares.
A Long Pedestrian Shed is ½ mile radius or 2640 feet and may be used for mapping when transit is present or proposed. (Sometimes called a "walk- shed" or "walkable catchment.")

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

10MINUTEWALK.ORG, sponsored by ULI, NRPA and Trust for Public Land
Make the 100% Promise to ensure that everyone in your city has safe, easy access to a quality park within a 10-minute walk of home by 2050.

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

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

Pedestrian interconnection will be made with sidewalks and multi-use paths along Three Oaks Parkway Extension and Daniels Parkway. An internal sidewalk system will allow for residents of this project to access alterative form of transportation to automobiles. The users of this project will be able to access local commercial uses via two Daniels 9300 (ingress only for automobiles) and Indian Pony Drive without travelling onto Three Oaks Parkway Extension 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 Parkway Extension 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 Parkway 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. The residential building on Parcel 6 is at least 600 feet from the nearest residence and restricted in height to 35 feet, the height permitted for single-family homes. The most dense and intense area is across the right-of-way for Three Oaks Parkway Extension 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 has an approved 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 has an approved a SFWMD ERP (No. 230220-37612) 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 the 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 and 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 5.98 acres of potential wetlands that are scattered and of low-quality that are proposed to be impacted as approved the SFWMD ERP in April 2024.

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.