



March 6, 2023

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

Re: **DANIELS TOWN SQUARE TEXT AND MAP AMENDMENTS
1st INSUFFICIENCY RESPONSE LETTER
CPA2022-00010 AND CPA2022-00011**

Dear Brandon:

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

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

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

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

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

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

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

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

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

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

RESPONSE: Attached is the topo map.

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

RESPONSE: Figures have been changed in the revised Environmental Report

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

RESPONSE: Figures have been changed in the revised Environmental Report

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

Sincerely,

RVi Planning + Landscape Architecture



Fred Drovdlie, AICP
Planning Director



February 17, 2023

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

**S: DANIELS TOWN SQUARE CPA
Lee County Large-scale Comprehensive Plan Amendment Application
CPA2022-00010**

Dear Planning Staff:

The Meyers Group ("Applicant") seeks to amend the Future Land Use Category (FLUC) of 66.2+/- acres located on the southwest corner of Daniels Parkway and I-75 in unincorporated Lee County, Florida. The Applicant seeks to amend the FLUC from General Interchange to Intensive Development and included in the Mixed-use Overlay.

The desired development program includes up to 500,000 square feet of Non-Residential uses (Retail: Max 500,000 sf plus Hotel: Max 300 rooms); and up to 1,351 Residential dwelling units (860 base density units and 491 bonus density units) made up of Multi-family and Independent Living. The project is a Town Center style layout. Enclosed please find a completed large-scale comprehensive plan amendment application.

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

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

Sincerely,

RVI Planning + Landscape Architecture

A handwritten signature in blue ink, appearing to read 'Fred Drovdllic'.

Fred Drovdllic, AICP
Planning Director



APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT - MAP

ProjectName: Daniels Town Square CPA

ProjectDescription: Proposal to change the Future Land Use category (FLUC) of the 66.3+/- acre site from General Interchange to Intensive Development and add it into the Mixed-Use Overlay. The request requires map amendments to the Lee Plan Map 1-A (Future Land Use) and Map 1-C (Mixed-use Overlay) and a Text Amendment to Table 1b. The proposal will allow for a development of with a maximum of 1,351 dwelling units – 860 (base); 491 (bonus) – and 500,000 square feet of commercial uses plus 300 room hotel. This amendment will be accompanied by a request for a MPD Rezone petition.

Map(s) to Be Amended: Lee Plan Map 1-A – Future Land Use Map, Map 1-C – Mixed-use Overlay and Table 1b

State Review Process: ☐ Small-Scale Review ☒ State Coordinated Review ☐ Expedited State Review

1. Name of Applicant: Mevers Group, LLC c/o Pete Phillips

Address: 2999 NE 191st Street, Suite 510

City, State, Zip: Aventura, FL 33180

Phone Number: (561) 452-8239

E-mail: pete.phillips@meversgroup.net

2. Name of Contact: Fred Drovdlie, AICP

Address: RVI Planning and Landscape Architecture, 1514 Broadway, Suite 201

City, State, Zip: Fort Myers, FL 39901

Phone Number: 239-318-6707

E-mail: fdrovdlie@rviplanning.com

3. Owner(s) of Record: See "Property Ownership List and Map Exhibit"

Address: _____

City, State, Zip: _____

Phone Number: _____

E-mail: _____

4. Property Location:

1. Site Address: See "Property Ownership List and Map Exhibit"

2. STRAP(s): 22-45-25-L3-U2060.3612, 22-45-25-L4-U2038.3602, 22-45-25-L3-U2053.3576, 22-45-25-L4-U2037.3579, 22-45-25-00-00002.1170

5. Property Information:

Total Acreage of Property: 66.15 acres

Total Acreage Included in Request: 66.15 acres

Total Uplands: 63.15 acres

Total Wetlands: 4.756

Current Zoning: CPD

Current Future Land Use Category(ies): General Interchange

Area in Each Future Land Use Category: All

Existing Land Use: Vacant

6. Calculation of maximum allowable development under current Lee Plan:

Residential Units/Density: 1,351 Commercial Intensity: 500,000+300 room hotel

Industrial Intensity: NA

7. Calculation of maximum allowable development with proposed amendments:

Residential Units/Density: 1,351 Commercial Intensity: 500,000+300 room hotel

Industrial Intensity: NA

Public Facilities Impacts

NOTE: The applicant must calculate public facilities impacts based on the maximum development.

- 1. Traffic Circulation Analysis:** The analysis is intended to determine the affect of the land use change on the Financially Feasible Highway Plan Map 3A (20-year plus horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit a Traffic Impact Statement (TIS) consistent with Lee County Administrative Code (AC)13-17.
 - a. Proposals affecting less than 10 acres, where development parameters are contained within the Traffic Analysis Zone (TAZ) or zones planned population and employment, or where there is no change in allowable density/intensity, may be eligible for a TIS requirement waiver as outlined in the Lee County TIS Guidelines and AC-13-17. Identification of allowable density/intensity in order to determine socio-economic data for affected TAZ(s) must be coordinated with Lee County Planning staff. Otherwise a calculation of trip generation is required consistent with AC-13-17 and the Lee County TIS Guidelines to determine required components of analysis for:
 - i. Total peak hour trip generation less than 50 total trip ends – trip generation.
 - ii. Total peak hour trip generation from 50 to 300 total trip ends – trip generation, trip distribution and trip assignment (manual or Florida Standard Urban Transportation Modeling Structure (FSUTMS) analysis consistent with AC-13-17 and TIS Guidelines), short-term (5 year) and long-range (to current Lee Plan horizon year) segment LOS analysis of the nearest or abutting arterial and major collector segment(s) identified in the Transportation Inventory based on the trip generation and roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is recommended prior to submittal of the application to discuss use of FSUTMS, any changes to analysis requirements, or a combined CPA and Zoning TIS short term analysis.
 - iii. Total peak hour trip generation is over 300 total trip ends - trip generation, mode split, trip distribution and trip assignment (manual or FSUTMS analysis consistent with AC-13-17 and TIS Guidelines), short-term (five-year) and long-range (to current Lee Plan horizon year) segment LOS analysis of arterial and collector segments listed in the Transportation Inventory. LOS analysis will include any portion of roadway segments within an area three miles offset from the boundary of the application legal description metes and bounds survey. LOS analysis will also include any additional segments in the study area based on the roadway segment LOS analysis criteria in AC-13-17. A methodology meeting is required prior to submittal of the application.
 - b. Map amendment - greater than 10 acres -Allowable density/intensity will be determined by Lee County Planning staff.
- 2. Provide an existing and future conditions analysis for the following (see Policy 95.1.3):**
 - a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space
 - e. Public Schools

Analysis for each of the above should include (but is not limited to) the following (see the Lee County Concurrency Management Report):

- a. Franchise Area, Basin, or District in which the property is located
- b. Current LOS, and LOS standard of facilities serving the site
- c. Projected 2030 LOS under existing designation
- d. Projected 2030 LOS under proposed designation
- e. Existing infrastructure, if any, in the immediate area with the potential to serve the subject property
- f. Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements
- g. Provide a letter of service availability from the appropriate utility for sanitary sewer and potable water

In addition to the above analysis, provide the following for potable water:

- a. Determine the availability of water supply within the franchise area using the current water use allocation (Consumptive Use Permit) based on the annual average daily withdrawal rate.
- b. Include the current demand and the projected demand under the existing designation, and the projected demand under the proposed designation.
- c. Include the availability of treatment facilities and transmission lines for reclaimed water for irrigation.
- d. Include any other water conservation measures that will be applied to the site (see Goal 54).

3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including:

- a. Fire protection with adequate response times
- b. Emergency medical service (EMS) provisions
- c. Law enforcement
- d. Solid Waste
- e. Mass Transit
- f. Schools

In reference to above, the applicant must supply the responding agency with the information from application items 5, 6, and 7 for their evaluation. This application must include the applicant's correspondence/request to the responding agency.

Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed change based upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map depicting the property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating the property boundaries on the most recent Flood Insurance Rate Map.
5. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
6. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

Impacts on Historic Resources

List all historic resources (including structure, districts, and/or archaeologically sensitive areas) and provide an analysis of the proposed change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites listed on the Florida Master Site File which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archaeological sensitivity map for Lee County.

Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections, Lee Plan Table 1(b) and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment or that affect the subject property. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.

State Policy Plan and Regional Policy Plan

List State Policy Plan and Regional Policy Plan goals, strategies and actions, and policies which are relevant to this plan amendment.

Justify the proposed amendment based upon sound planning principles

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

Planning Communities/Community Plan Area Requirements

If located within a planning community/community plan area, provide a meeting summary document of the required public informational session [Lee Plan Goal 17].

Sketch and Legal Description

The certified legal description(s) and certified sketch of the description for the property subject to the requested change. A metes and bounds legal description must be submitted specifically describing the entire perimeter boundary of the property with accurate bearings and distances for every line. The sketch must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment) with two coordinates, one coordinate being the point of beginning and the other an opposing corner. If the subject property contains wetlands or the proposed amendment includes more than one land use category a metes and bounds legal description, as described above, must be submitted in addition to the perimeter boundary of the property for each wetland or future land use category.

SUBMITTAL REQUIREMENTS

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

For each map submitted, the applicant will be required to submit a 24"x36" version and 8.5"x11" reduced map for inclusion in public hearing packets.

MINIMUM SUBMITTAL ITEMS (3 Copies)

<input checked="" type="checkbox"/>	Completed Application (Exhibit – M1)
<input type="checkbox"/>	Filing Fee (Exhibit – M2)
<input checked="" type="checkbox"/>	Disclosure of Interest (Exhibit – M3)
<input checked="" type="checkbox"/>	Surrounding Property Owners List, Mailing Labels, and Map For All Parcels Within 500 Feet of the Subject Property (Exhibit – M3)
<input checked="" type="checkbox"/>	Future Land Use Map - Existing and Proposed (Exhibit – M4)
<input checked="" type="checkbox"/>	Map and Description of Existing Land Uses (Not Designations) of the Subject Property and Surrounding Properties (Exhibit – M5)
<input checked="" type="checkbox"/>	Map and Description of Existing Zoning of the Subject Property and Surrounding Properties (Exhibit – M6)
<input checked="" type="checkbox"/>	Signed/Sealed Legal Description and Sketch of the Description for Each FLUC Proposed (Exhibit – M7)
<input checked="" type="checkbox"/>	Copy of the Deed(s) of the Subject Property (Exhibit – M8)
<input checked="" type="checkbox"/>	Aerial Map Showing the Subject Property and Surrounding Properties (Exhibit – M9)
<input checked="" type="checkbox"/>	Authorization Letter From the Property Owner(s) Authorizing the Applicant to Represent the Owner (Exhibit – M10)
<input checked="" type="checkbox"/>	Lee Plan Analysis (Exhibit – M11)
<input checked="" type="checkbox"/>	Environmental Impacts Analysis (Exhibit – M12)
<input checked="" type="checkbox"/>	Historic Resources Impact Analysis (Exhibit – M13)
<input checked="" type="checkbox"/>	Public Facilities Impacts Analysis (Exhibit – M14)
<input checked="" type="checkbox"/>	Traffic Circulation Analysis (Exhibit – M15)
<input checked="" type="checkbox"/>	Existing and Future Conditions Analysis - Sanitary Sewer, Potable Water, Surface Water/Drainage Basins, Parks and Rec, Open Space, Public Schools (Exhibit – M16)
<input checked="" type="checkbox"/>	Letter of Determination For the Adequacy/Provision of Existing/Proposed Support Facilities - Fire Protection, Emergency Medical Service, Law Enforcement, Solid Waste, Mass Transit, Schools (Exhibit – M17)
<input checked="" type="checkbox"/>	State Policy Plan and Regional Policy Plan (Exhibit – M18)
<input checked="" type="checkbox"/>	Justification of Proposed Amendment (Exhibit – M19)
<input checked="" type="checkbox"/>	Planning Communities/Community Plan Area Requirements (Exhibit – M20)

APPLICANT – PLEASE NOTE:

Once staff has determined the application is sufficient for review, 15 complete copies will be required to be submitted to staff. These copies will be used for Local Planning Agency hearings, Board of County Commissioners hearings, and State Reviewing Agencies. Staff will notify the applicant prior to each hearing or mail out to obtain the required copies.

If you have any questions regarding this application, please contact the Planning Section at (239)533-8585.

AFFIDAVIT

I, _____, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize 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 through this application.

Signature of Applicant

Date

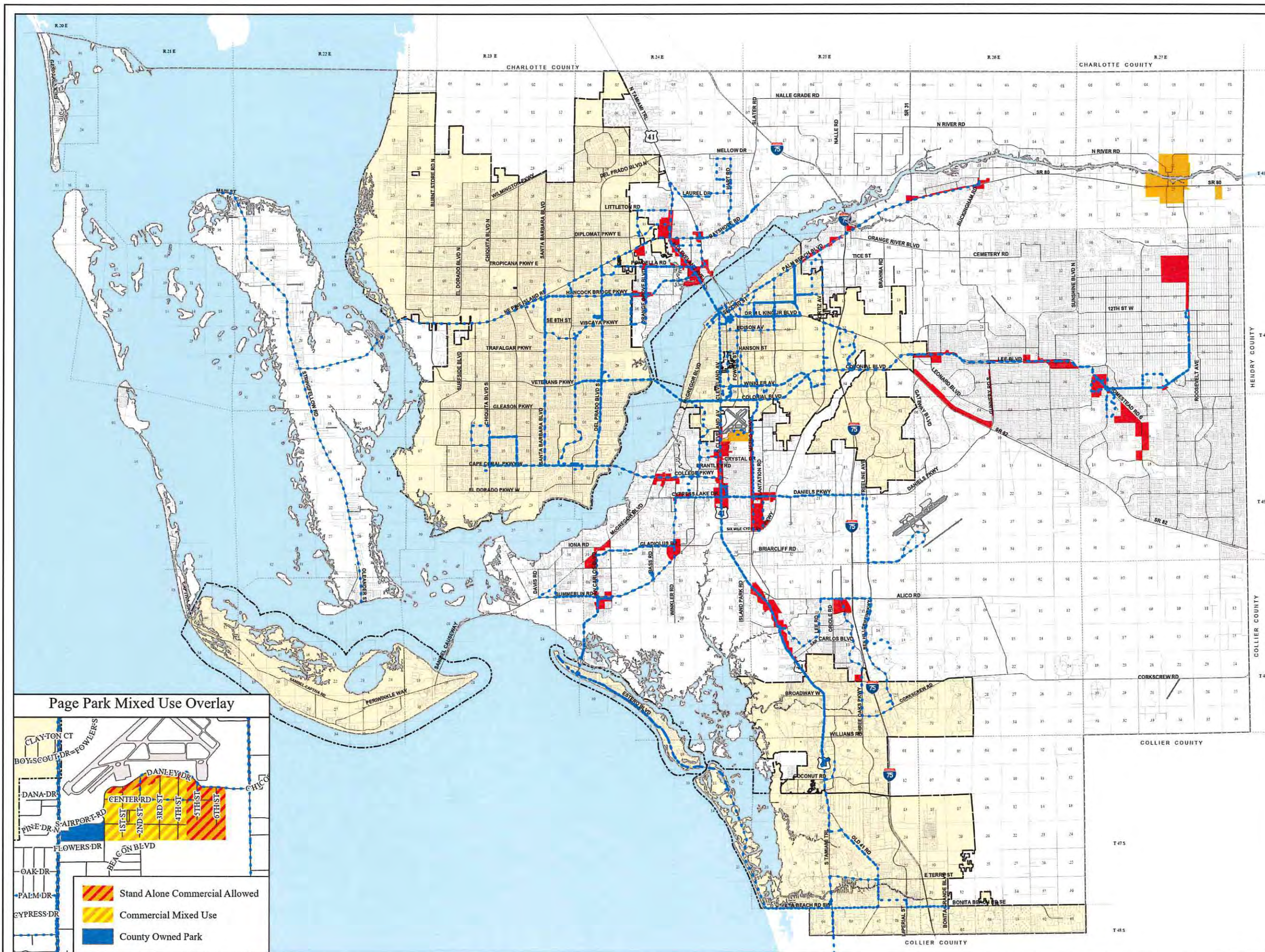
Printed Name of Applicant

STATE OF FLORIDA
COUNTY OF LEE

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

Signature of Notary Public

(Name typed, printed or stamped)

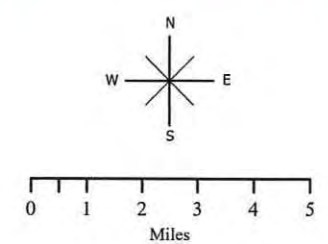


MIXED USE OVERLAY

CURRENT MAP
IN LEEPLAN
(NOV 2021)

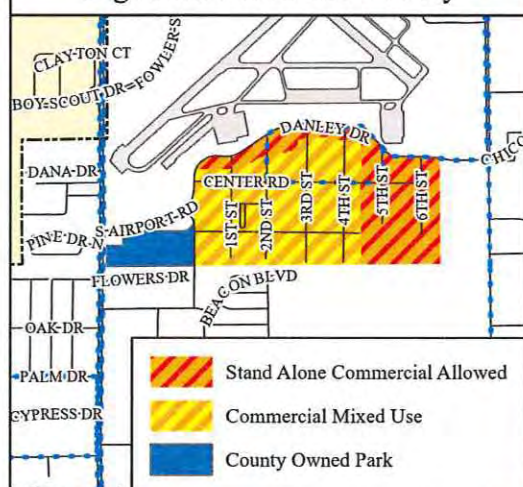
- Mixed Use Overlay
- Mixed Use Overlay with Specific Community Plan Policies
- Transit Route
- City Limits

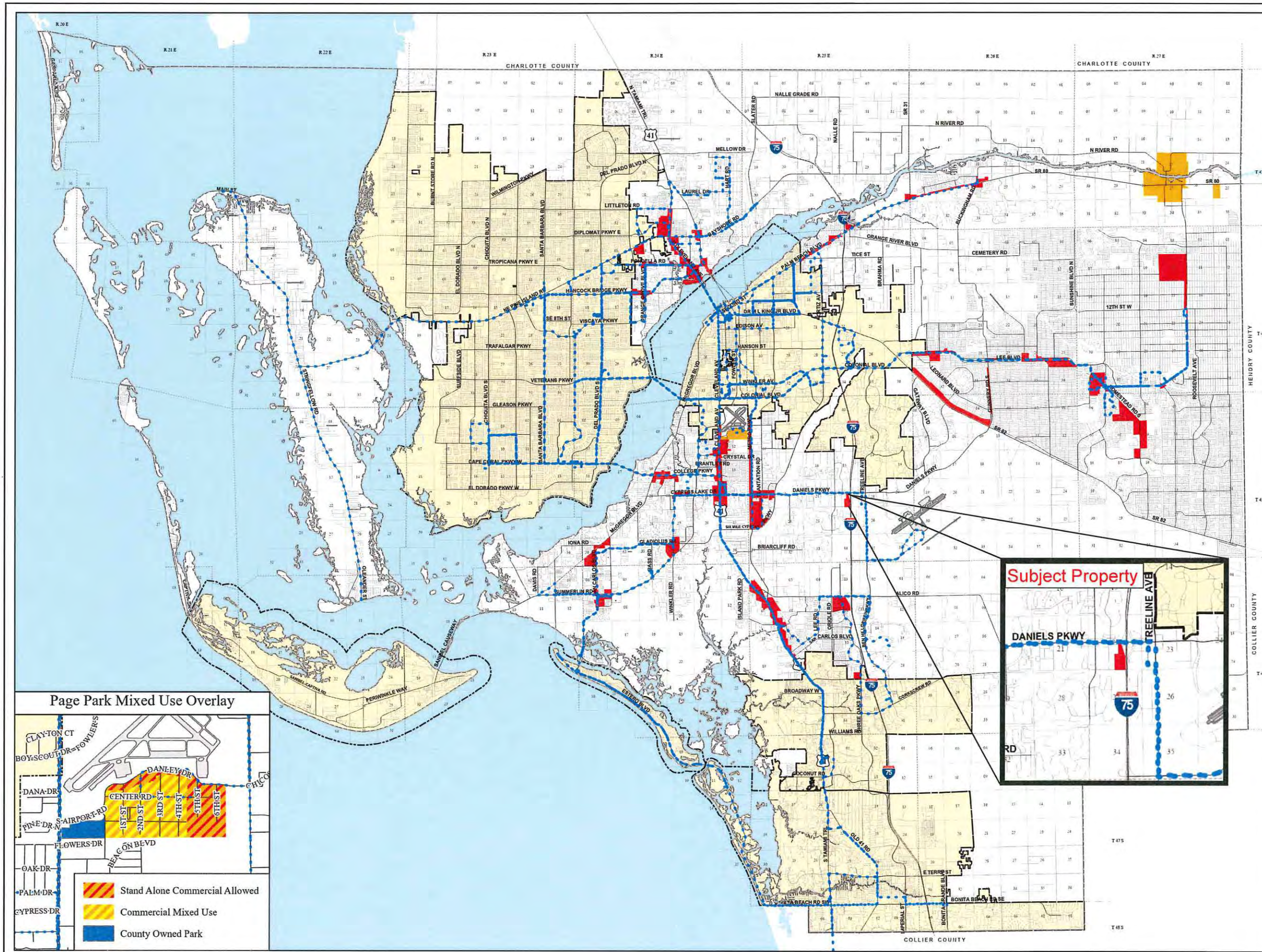
Ord. No. 07-15, 09-07, 09-08, 10-33, 11-18, 11-21, 17-20, 18-18, 20-08, 21-01



Map Generated: November 2021
City limits and LeeTran Routes current to date of map generation
Lee Plan Map 1-C

Page Park Mixed Use Overlay



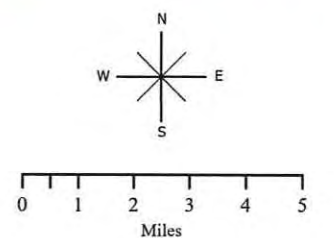


MIXED USE OVERLAY

PROPOSED MAP
WITH INSET
CPA2022-00010 & 11

- Mixed Use Overlay
- Mixed Use Overlay with Specific Community Plan Policies
- Transit Route
- City Limits

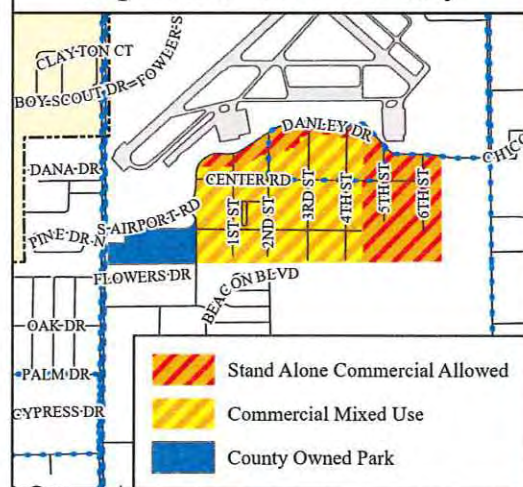
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Map Generated: November 2021
City limits and LeeTran Routes current to date of map generation

Lee Plan Map 1-C

Page Park Mixed Use Overlay





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10401 Highland Manor Dr.
Suite 220
Tampa, FL 33610
Tel: 813.443.8282
www.rviplanning.com

DANIELS TOWN SQUARE CPA • CURRENT FUTURE LAND USE MAP

Lee County, FL  Subject Boundary

Date: 11/3/2022

22000239

Daniels Parkway JV Development



Information furnished regarding this property is from sources deemed reliable. RVI has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change, and does not represent any regulatory approval.



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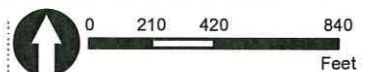
DANIELS TOWN SQUARE CPA • PROPOSED FUTURE LAND USE MAP

📍 Lee County, FL

📅 Date: 11/8/2022

22000239

👤 Daniels Parkway JV Development



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MIXED USE OVERLAY

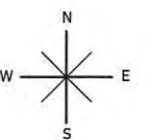
**CURRENT MAP
IN LEEPLAN
(NOV 2021)**

- Mixed Use Overlay
- Mixed Use Overlay with Specific Community Plan Policies

--- Transit Route

City Limits

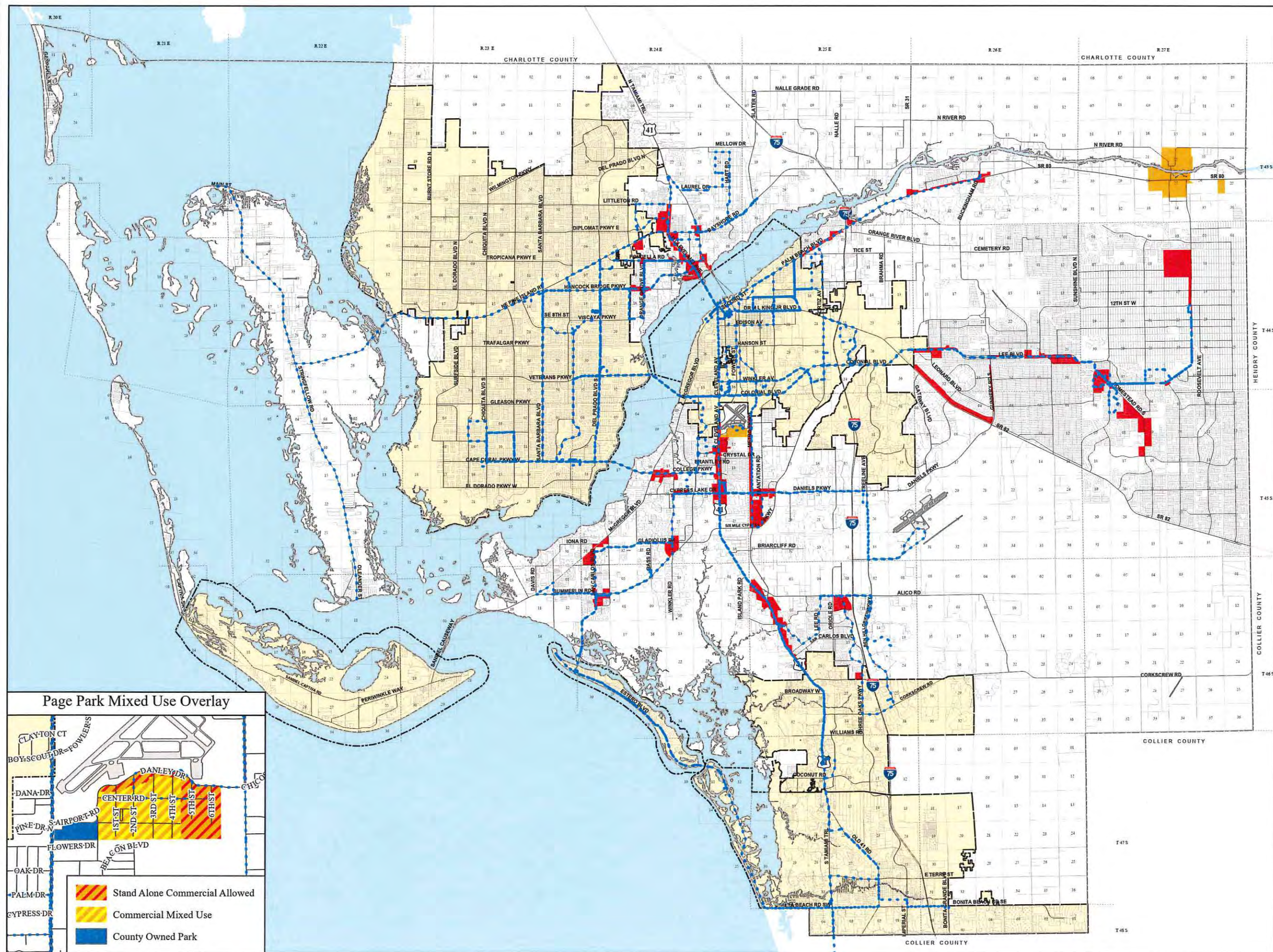
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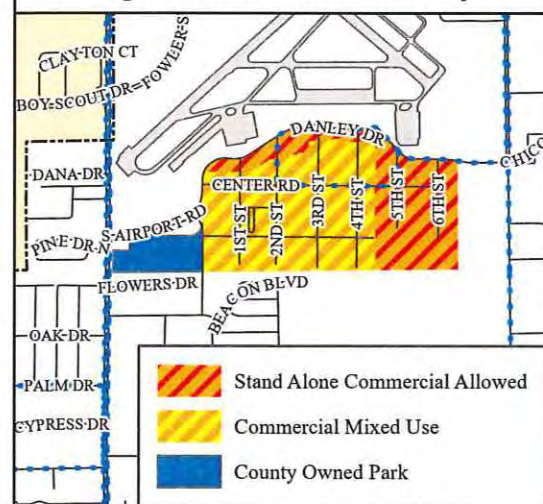
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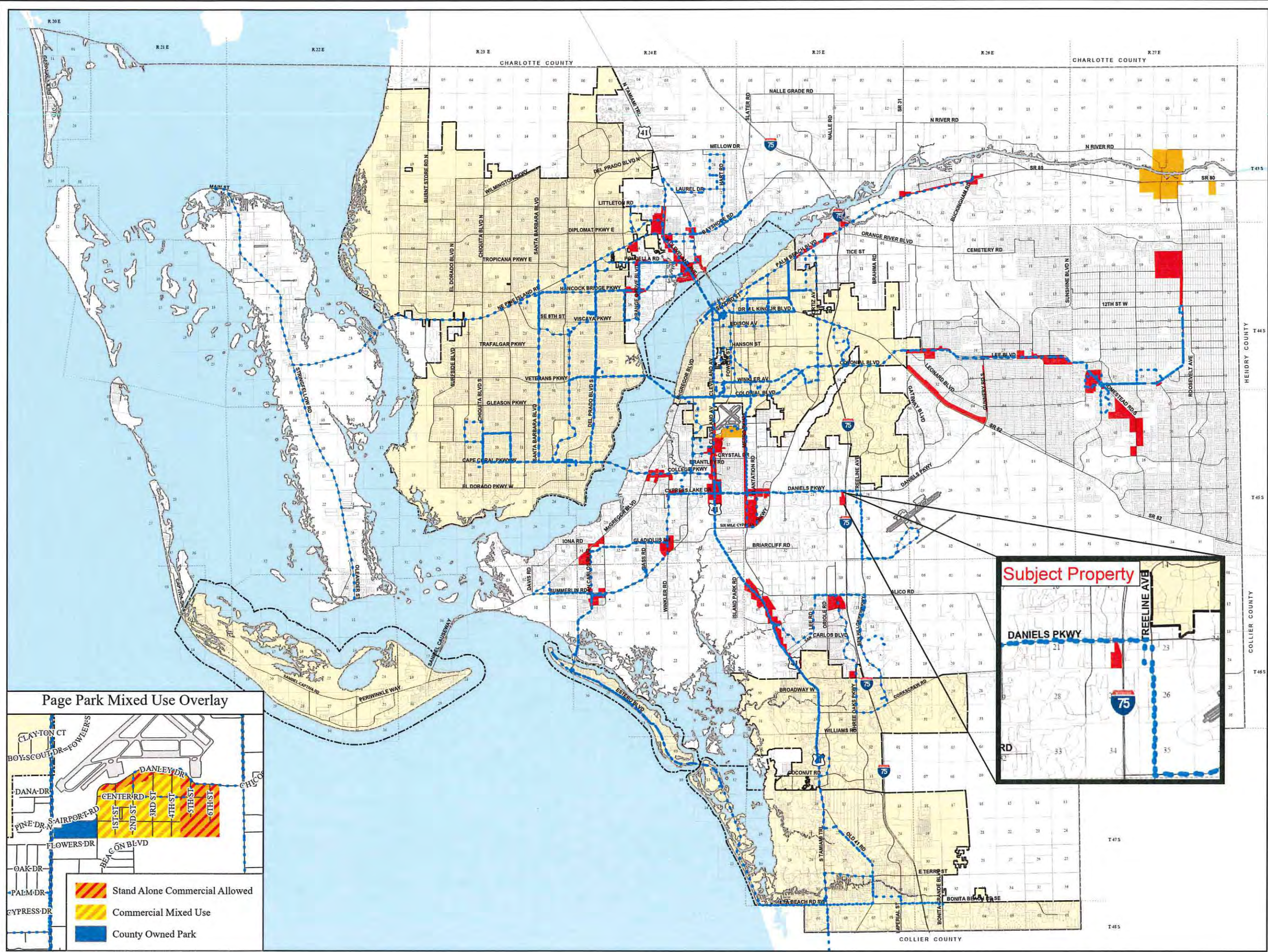
Map Generated: November 2021
City limits and LeeTran Routes current to date of map generation

Lee Plan Map 1-C



Page Park Mixed Use Overlay

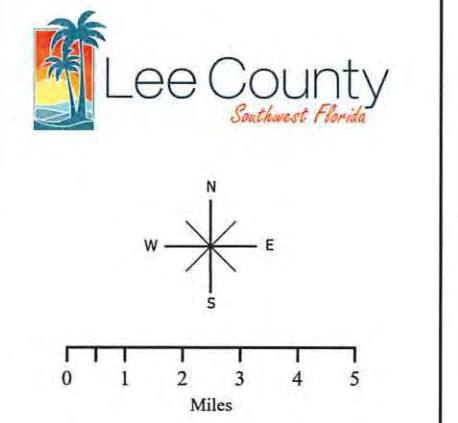
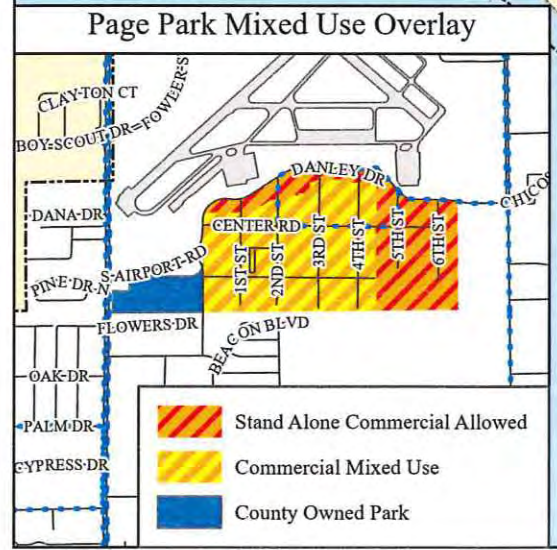




MIXED USE OVERLAY

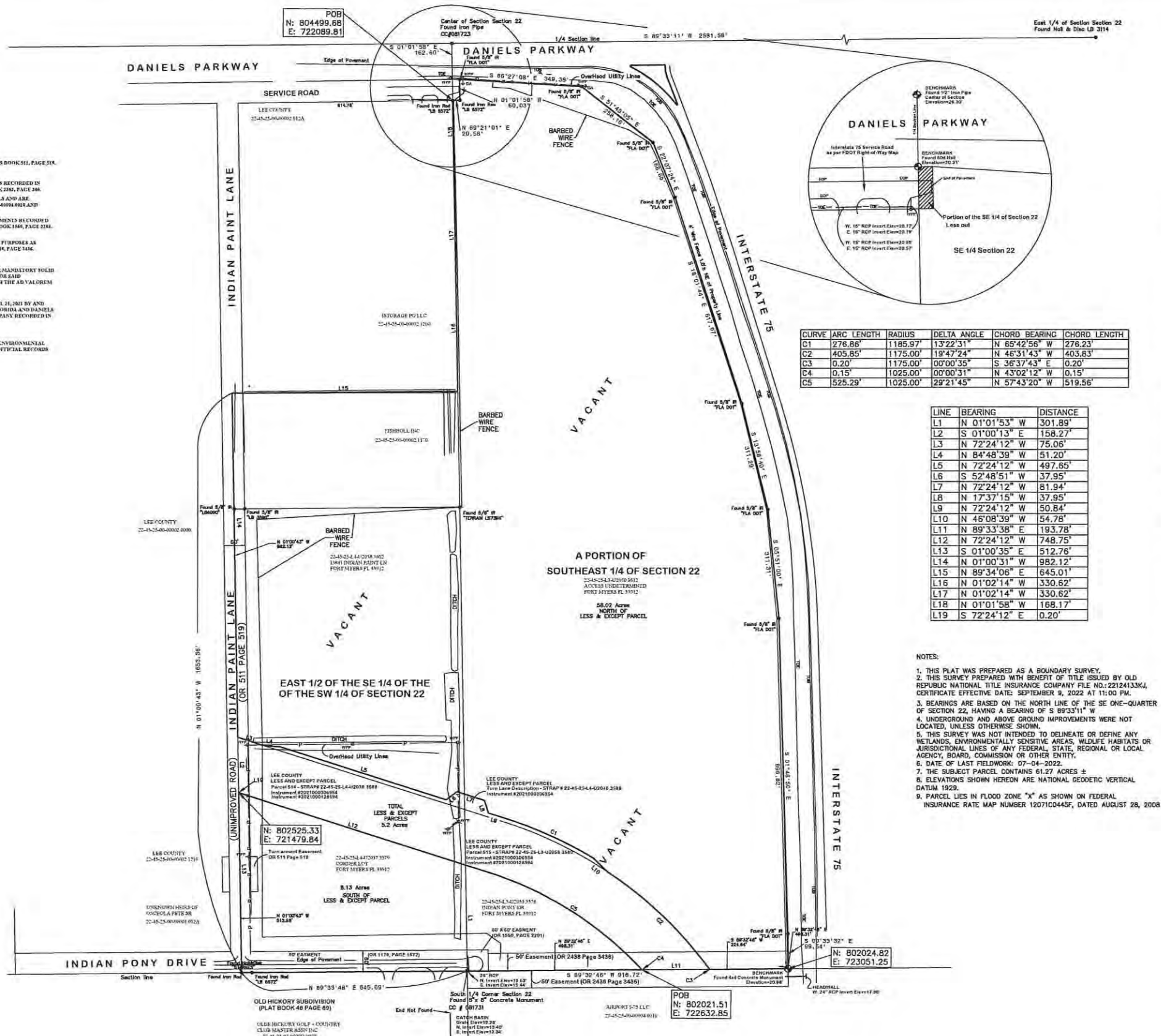
PROPOSED MAP WITH INSET CPA2022-00010 & 11

- Mixed Use Overlay
 - Mixed Use Overlay with Specific Community Plan Policies
 - Transit Route
 - City Limits
- Ord. No. 07-15, 09-07, 09-08, 10-33, 11-18, 11-21, 17-20, 18-18, 20-08, 21-01



SCHEDULE # - II
EXCEPTIONS8. EASEMENT FOR INDIAN PAINT ROAD RECORDED IN OFFICIAL RECORDS BOOK 111, PAGE 314.
- APPLICABLE, PLOTTED.9. TERMS, CONDITIONS AND PROVISIONS OF THE DRAINAGE EASEMENT RECORDED IN OFFICIAL RECORDS BOOK 111, PAGE 314 AND OFFICIAL RECORDS BOOK 111, PAGE 314.
- APPLICABLE, NOT PLOTTED. EASEMENTS ARE WITHIN OF FIVE PARCELS AND ARE LOCATED DIRECTLY SOUTH IDENTIFIED BY STRAT NUMBERS 27-45-25-06-0000-0000 AND 27-45-25-06-0000-0000.10. INDEMNIFICATION AND UTILITY EASEMENTS AS DESCRIBED IN INSTRUMENTS RECORDED AT OFFICIAL RECORDS BOOK 111, PAGE 1872 AND OFFICIAL RECORDS BOOK 111, PAGE 2181.
- APPLICABLE, PLOTTED.11. NON-EXCLUSIVE EASEMENT FOR ROADWAY, UTILITY AND DRAINAGE PURPOSES AS DESCRIBED IN INSTRUMENT RECORDED IN OFFICIAL RECORDS BOOK 241, PAGE 314.
- APPLICABLE, PLOTTED.

12. LEE COUNTY ORDINANCES 66-14, 66-34, 11-40 AND 11-47 PROVIDING FOR MANDATORY SOLID WASTE COLLECTION AND THE INFORMATION OF SPECIAL ASSESSMENTS FOR SAID COLLECTION SERVICES. THE SPECIAL ASSESSMENTS ARE PAYABLE WITH THE AD VALOREM TAXES. - APPLICABLE, NOT PLOTTED.

13. LAND EXCHANGE AND IMPACT FEE CREDIT AGREEMENT DATED APRIL 11, 2001 BY AND BETWEEN LEE COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA AND DANIELA PARKWAY DEVELOPMENT, L.L.C. A FLORIDA LIMITED LIABILITY COMPANY RECORDED IN OFFICIAL RECORDS INSTRUMENT 6591991894.
- APPLICABLE, PLOTTED.14. NOTE, SOUTH FLORIDA WATER MANAGEMENT DISTRICT NOTICE OF ENVIRONMENTAL RESERVE OR SURFACE WATER MANAGEMENT PERMIT RECORDED IN OFFICIAL RECORDS INSTRUMENT 4399991402.
- APPLICABLE, PLOTTED.

date 7/04/2022
drawn MDM checked MDM
field book/page 55
job DANIELS_66

DANIEL'S PARKWAY & INTERSTATE
SECTION 22, TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



CE-SITE
civil engineering surveying project management
EB-30108 LB-7995
13650 Fiddlesticks Boulevard, PMB 202-389
Fort Myers, Florida 33912
Telephone (239) 936-9777

ALTA BOUNDARY SURVEY
FOR
MEYERS GROUP
2999 NE 191st STREET
SUITE 510
AVENTURA, FL 33180

scale: HOR: 1"=150'
VER: NA
SHEET
1 OF 1



DANIELS TOWN SQUARE CPA

Request Statement and Lee Plan Analysis

I. REQUEST

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

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

The desired development program includes up to 500,000 square feet of Non-Residential uses (Retail: Max 500,000sf plus Hotel: Max 300 rooms); and up to 1,351 Residential dwelling units (860 base density units and 491 bonus density units) made up of Multi-family and Senior Housing (ALF, Continuing Care, Independent Living). The project is a Town Center style layout.

Additionally, there is a companion zoning action to rezone from CPD / AG-2 to Mixed-use Planned Development (MPD) in case DCI2022-00059.

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

II. PROPERTY HISTORY

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

Daniels Parkway JV Development

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

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



Fishboll

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



III. EXISTING CONDITIONS

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

Table 1: Inventory of Surrounding Lands

	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 a dense area that is one of the two most intense and significant arterial interchanges in Lee County. Daniels Parkway traverses the county east to Lehigh Acres and west to Cape Coral with major developments from Gateway and the RSW airport west to the Caloosahatchee River. The subject property is central to the densest allocations of allowances for commercial and housing development and is the major arterial that leads to the Six Mile Cypress/Metro Parkway/Plantation Road area that is set aside as the intense development area considered to be the "downtown" of Lee County.

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

application will be made to the Daniels 9300/Danport Boulevard intersection that has been inadequate for nearly 20 years.

The Property will have access points onto Indian Paint Lane, Daniels 9300 (or alternative given proposed intersection improvements at Danport) and eventually direct connection to a signalized intersection at Three Oaks North Extension – Phase I is scheduled to reach the property by late 2024 or early 2025.

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

IV. FUTURE CONDITIONS

The MCP that accompanies the zoning is proposing a mixed-use development of high intensity for up to a 500,000 square foot commercial development and up to 1,351 residential dwelling units. The intent is to use the property as a commercial retail and employment center including office space and hotel and for multifamily residential housing as well as senior living facilities.

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

1. I-75 Interchange efficiency and expansion improvements
2. Daniels Parkway widening and intersection improvements at Danport Boulevard/Daniels 9300, Fiddlestick/Palomino and Apaloosa Lane.
3. Three Oak Extension connecting to Fiddlesticks Boulevard, and
4. Developer initiated off-site improvements to the Indian Paint/Danport/Daniels 9300 intersection that will result in the removal of the PitStop Care Repair, vacation of the 9300 frontage road, and redevelopment of the Waffle House, Taco Bell and Fire Station parcels to have them served by a reverse frontage road that will also a boulevard style entrance to the project. The goal is to make room for stacking and circulation improvements for a boulevard type entrance into the subject property and overall safety improvements for all existing businesses on the Daniels 9300 frontage road.

V. PUBLIC INFRASTRUCTURE

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

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, its location next to I-75 and its frontage and access to a major east-west corridor known as Daniels Parkway. The uses that are permitted are a mix of high density residential and a full range of commercial from general commercial and offices to retail and tourist serving uses such as restaurants and hotels. The desired development program includes up to 500,000 square feet of Non-Residential uses (Retail: Max 500,000 sf including Hotel: Max 300 rooms); and up to 1,351 Residential dwelling units (860 base density units and 491 bonus density units) made up of Multi-family and Independent Living). The project is a Town Center style layout. These uses are consistent with the General Interchange FLUC as described in this Objective.

As proposed in companion applications for Map and Text Comprehensive Plan Amendments (CPA2022-0010 – 0011), the change from General Interchange to Intensive Development

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GOAL 4

Standard 4.1.1 & 4.1.2: Water & Sewer

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

Standard 11.3. Transportation

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

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

1. I-75 Interchange efficiency and expansion improvements

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

GOAL 6 (COMMERCIAL LAND USES)

POLICY 6.1.1

a. Traffic and access impacts;

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

c. Screening and buffering;

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

d. Availability and adequacy of services and facilities;

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

e. Impact on adjacent land uses and surrounding neighborhoods;

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

f. Proximity to other similar centers; and

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

g. Environmental considerations.

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

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

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

The property abuts commercial development to the west and north. To the east is I-75 and then the Jetport mixed-use commercial and industrial park. To the south is the Olde Hickory Golf and Country Club. The residential area to the south is a lower density development than the applications request. Compatibility is achieved by the layout of the proposed Master Concept Plan (MCP) that places lakes and buffers between the Country Club and the closest multi-family building that is no less than 200 feet north. The most dense and intense commercial area is across the right-of-way for Three Oaks North. The area is programmed for centralized intensities that support commercial, retail, recreational, and hospitality uses in conformation of the mixed-use development.

POLICY 6.1.5: The land development regulations will require that commercial development be designed to protect the traffic-carrying capacity of roads and streets. Methods to achieve this include, but are not limited to: frontage roads; clustering of activities; limiting access; sharing access; setbacks from existing rights-of-way; acceleration, deceleration and right-turn-only lanes; and, signalization and intersection improvements.

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

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

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

GOAL 11: MIXED USE.

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

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

OBJECTIVE 11.2: MIXED USE OVERLAY.

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

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

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

There are two principal definitions for pedestrian sheds:

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

ADDITIONAL DISCUSSION AND REFERENCES BY TRANSPORTATION AND PLANNING AUTHORITIES:

FDOT Florida Greenbook

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

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

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

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

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

Law Insider

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

Trust for Public Lands

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

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

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

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

FDOT Traditional Neighborhood Design Handbook

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

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

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

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

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

4. Availability of adequate public facilities and infrastructure; and

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

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

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

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

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

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

OBJECTIVE 39.7: COMMUNITY IMPACTS.

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

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

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

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

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

LEE PLAN GOAL 54

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

DIVISION 2-BONUS DENSITY PROGRAM

Sec 2-145(b) Minimum Requirements

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

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

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

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

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

The proposed site is not within a coastal high hazard area (CCHA).

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

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

Environmental Assessment
Daniels Town Square

Prepared for

Daniels Town Square
Meyers Group
Suite 510
2999 NE 191 Street
Aventura, FL 33180

21 Feb 2023

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

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	● Soils		
	● Wetlands		
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The project presented with this application is located in Section 22 , Township 45 S, Range 25 E in Lee County, FL and is located at the SW quadrant of the Interstate 75 - Daniels Parkway intersection. This site is an assemblage of four parcels. The summary information for these parcels is included in the Appendix of this report. The Daniels Town Square site is bounded by an industrial park and undeveloped land along undeveloped land and Daniels Pkwy border this site to the North, I - 75 is the east boundary, undeveloped site to the E. I-75 borders the site to the W. State land, including a FDOT rest area and FHP headquarters border this site to the S. The latitude/longitude information for the center of this site is 26 degrees, 32', 30.57" N and 81 degrees 47', 53.14" W.

The developer of this project is:

Daniels Town Square
Meyers Group
Suite 510
2999 NE 191 Street
Aventura, FL 33180

The project planner is:

RVI Planning
Attn: Fred Drovdlc
Suite 201
1514 Broadway
Ft Myers, FL 33901
fdrovdlc@rviplanning.com

The proposed project is to develop a residential housing.

Synecological Analysts® (SAI) conducted an Environmental Assessment on this site. This document responds to the Lee County requirement of an Environmental Assessment Report. SAI evaluated this property to determine distribution, extent and character of vegetational communities. Habitat types, jurisdictional wetland status, potential or presence of listed species and suitability of the on site habitat for listed species habitat were also evaluated. Soil types, distribution and extent were determined to assist in the other evaluations. Findings and conclusions are presented in subsequent portions of this document.

2.0 EXISTING SITE CONDITIONS

The proposed development consists of four parcels. Lee County summary data sheets for these parcels are included in the Appendix to this report. All native communities except the Cypress heads (FLUCCS 621) have been disturbed over an extended of

time as a result of AG management practices. Disturbance influenced the considerable majority of this site and occurred in progressive fashion. A review of historical aerial photographs and comparing soil profiles with typical soil profiles for the series that originally comprised the site show that some areas were agriculturally impacted in the historic past and this activity continued into this decade. This site is bounded on the North by Daniels. Treeline Ave is the site boundary on the E and I-75 borders the site on the W. The southern boundary is State of Florida public use land including a rest area FHP headquarters. A borrow lake and partially developed parcel also occur just south of this project. The Treeline 115 is not a pristine site that approximates the pre-development character of this general area. Plant communities and habitat have been severely impacted over time by ongoing AG activity. Most of the non-Cypress canopy and much of the Saw palmetto upland shrub strata are largely absent. Regional and area drainage has been massively disrupted. Cycles of fire and renewal have been absent from this site for decades. Plant communities and land uses were identified according to the Florida Department of Transportation (FDOT₁₉₉₁) Florida Land Use, cover and Forms Classification system (FLUCCS) protocol. The Exhibit on the following page identifies and delineates extant communities and land use. These are presented as Habitat Types and a description of their character on this site is presented in the following sections.

2.1 Soils

This site is not edaphically complex. The Immokalee sand, 0 - 2% slopes covers approximately three fourths of the site. Brynwood fine sand and Pineda wet fine sand comprise the significant other components. A general description of the character of these soils is presented in Appendix A. The combination of regional drainage impacts, road drainage both east and west and drainage plans for the nearby developments alter the original hydrologic nature of these soils to make an in depth discussion moot.

Originally these soils occurred on drainage ways on marine terraces in talf landform position on hydric or mesic lowlands. In the Immokalee series rock is absent in the upper 80 inches.

3.0 VEGETATION AND HABITAT POTENTIAL

2.1 Uplands

There are five upland land use types identified on this site. They are shown on the FLUCCS map that follows this page. They will be discussed in numerical order.

211 - Tame/Improved Pasture - The majority of this site was cleared in the past, once the Melaleuca infestation was removed, tame pasture forage grasses were planted. The site is a mixture of Bermudagrass and Bahia grass. The level of coverage is dependent on how long it has been since the areas were cleared. Those areas where exotic control was done first have the best coverage while those done last have the

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most sparse cover of forage grasses.

422 - Brazilian pepper - This is a small linear area of monodominant Brazilian pepper adjacent to the N-S spine ditch.

740 - Dead Exotic Tree Chips - This area was monodominant *Melaleuca* and other exotics that has been chipped down to ground level. Scattered Slash pine remain. The same was done in previous years with other portions of the site that are now grassed pasture FLUCCS 211. The normal progression from chips to organic soil mix is eighteen months or so. By next wet season this area will likely be pasture grass.

2.2 Wetlands

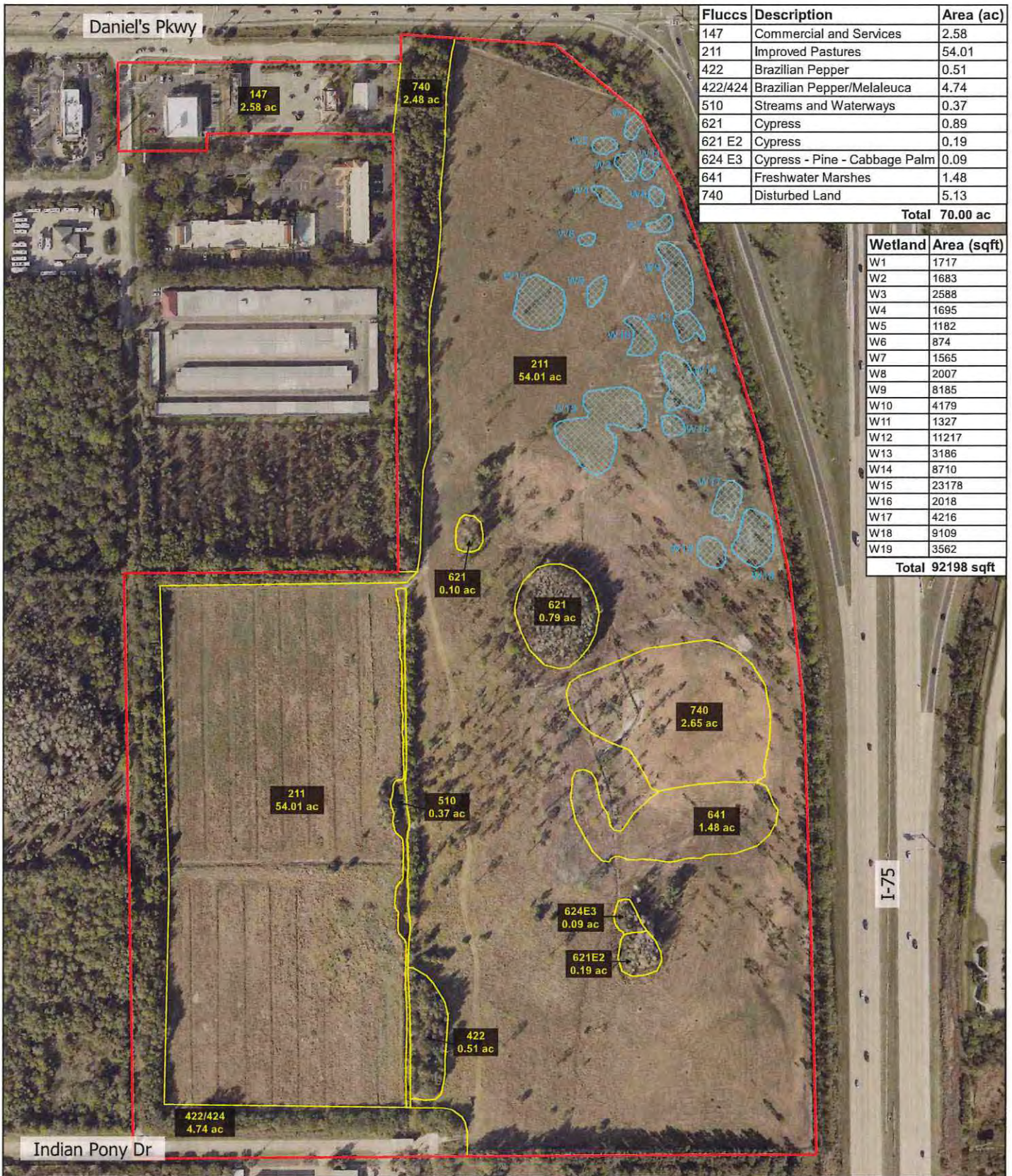
The Corps of Engineer has recently a wetland jurisdictional determination in 2020 - SAJ-2008-00207 (JD-JNP) and No Permit Required Letter SAJ-2008-00207 (NPR-JNP) on this project and determined there were no Federally Jurisdictional Wetlands on this site. Efforts to complete the State wetland determination process on this site are underway (# 220526-34567). Wetland and Other Surface Waters community summary descriptions are presented below. The County will be provided the final State Jurisdictional Wetland Determination when the process is complete.

621 - Cypress -This community occurs as isolated small heads in the central portion of the site and are connected by a small N-S ditch. Bald Cypress (*Taxodium distichum*) and Pond Cypress dominate the canopy. Scattered Slash pine occur within this cypress matrix. Swamp bay and Dahoon characterize the shrub stratum along the margins. The shrub component Representative herbaceous components include Swamp Fern (*Blechnum serrulatum*) and Laurel greenbrier (*Smilax laurifolia*).

624 - Cypress/Pine/Cabbage Palm - This community is characterized by a canopy dominated by Pond cypress and Slash pine. The understory or minor canopy component of Cabbage palm (*Sabal palmetto*) as usual with this community. The shrub component of this community is essentially absent because of previous logging impacts. The occasional Dahoon holly is one of the few shrubby plants that exists here. The herbaceous community is dominated by a number of weedy wetland species Swamp fern.

641 - Freshwater marsh - These areas are in shallow depressions in proximity to the southern cypress head. Their composition is primarily a few wetland annuals, torpedo grass

510 - Streams and Waterways - This shallow canal system created decades ago and has be modified over the years. Originally there was an agricultural ditch along the eastern margin of a narrow area of cropland that extended from Daniels Blvd on the north, Indian Paint Ln. on the west and Indian Paint Ln. On the south. This ditch apparently discharged west toward the Six Mile Cypress area. Over time the ditch was



Flucss	Description	Area (ac)
147	Commercial and Services	2.58
211	Improved Pastures	54.01
422	Brazilian Pepper	0.51
422/424	Brazilian Pepper/Melaleuca	4.74
510	Streams and Waterways	0.37
621	Cypress	0.89
621 E2	Cypress	0.19
624 E3	Cypress - Pine - Cabbage Palm	0.09
641	Freshwater Marshes	1.48
740	Disturbed Land	5.13
		Total 70.00 ac

Wetland	Area (sqft)
W1	1717
W2	1683
W3	2588
W4	1695
W5	1182
W6	874
W7	1565
W8	2007
W9	8185
W10	4179
W11	1327
W12	11217
W13	3186
W14	8710
W15	23178
W16	2018
W17	4216
W18	9109
W19	3562
Total 92198 sqft	

dissected by both parcel perimeter berms and development projects. Currently this ditch does not discharge offsite. It is functionally a linear pond.

2.3 Habitat Potential

The large majority of this site has significantly degraded habitat potential as a result of long term AG impacts. The less disturbed Cypress heads are not proposed for any significant impacts by the proposed development.

4.0 PROTECTED/LISTED SPECIES

SAI has conducted species surveys on these parcels over a period of three years. The most recent complete survey occurred in May and June of 2022. A complete listing of potential species can be found at the following link on the Lee County website <http://www.leegov.com/dcd/Documents/ES/protspec/ProtectedSpeciesList.pdf>.

Methodology

The entire site was field surveyed for protected species in compliance with Lee County Endangered Species Ordinance No. 89-34 using the Southern Biomes wandering transect method. Open sandy areas adjacent to the fenceline areas were checked early in the morning for tracks or other sign. Recent drone photography of the site was also reviewed with intent for observations of any items we might have overlooked during the field survey. The Transect Location Map shows survey transects of the wooded areas.

The survey was conducted by Mr. Brown Collins, Ms. Isabel Galeano and Ms. Gillian Beck. All observers have considerable experience conducting such surveys in Lee County. Mr. Collins has a B.S. in Range Science (69) and a MS in Range Science with a specialty in Plant Ecology (72). His curriculum included 24 hours of wildlife science courses and 30 hours of plant ecology. Another 12 hours included taxonomy in these areas. He was employed by the US Soil Conservation Service from 1972-74 as a Range Conservationist. He was a staff ecologist for Dames & Moore from 74-76. Most of his work assignments were out of Boca Raton and Bartow. From 1976 to 1986 he worked as a staff ecologist for Espey, Huston & Associates. He has been self employed as a consulting ecologist since 1986. During that time, he has conducted field surveys throughout Florida for both vegetation and faunal components for many projects, ranging from small commercial tracts to phosphate mines and power plants. His first southwest Florida project was the permitting of an Exxon drilling pad in the Big Cypress National Preserve in 1975. Other regional projects of interest include ecological surveys in conjunction with Stat 4/5 of the Everglades Restoration Project and the wetland impacts and mitigation for expansion of the Florida Gas pipeline.

Observations

Site sampling occurred in May and June, 2022. The time of survey and weather conditions are listed below.



Date 2022	Time (EST)	Weather
Nov 8	6:30AM- 10:15AM	Mid 70's- low 80's few clouds, winds gusty to 10MPH
14 Nov	7:30AM- 11:00AM	Low 70's - high 70's slight wind
10 Dec	3:00PM - 6.30 PM	Mid 70's - Low 90's -
11 Jan 2023	6:00AM-10:00 AM	Mid 40's-high 60's -

No listed plant species were observed.

Several Snowy egret (*Egretta thula*) were observed feeding in the northernmost FLUCCS 641 area. Tri colored heron (*Egretta tricolor*) were also observed in this area.

Snowy egrets in Florida nest in both coastal and inland wetlands, commonly in mangroves or willows (Ogden in Rodgers, Kale and Smith 1996). Nearly all nesting occurs over shallow expanses of open water. Foraging takes place in a wide variety of permanently and seasonally flooded marshes, lake shorelines, and water impoundments. Typically, the water is relatively shallow and calm. The impacts associated with the proposed project do not negatively impact nesting habitat for the Snowy egret and will increase the amount of Lake Shoreline vegetation for foraging.

One item of interest for non-listed species was observed.

- Several coyote sightings were observed over the years. Based on these observations, sounds and sign it is highly unlikely coyotes are resident on this site.

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.

4.1 Wildlife

No sign, calls, tracks or other indication of listed animal species were encountered on this site beyond the few wading bird sightings noted in the

This site has had an eagle nest in past years, but the nesting pair moved years ago. No impacts proposed by this project impact any critical or high quality wildlife habitat.

Protected wildlife species lists by FLUCCS list are included in Appendix A for reference.

There has previously been an eagle nest (LE-58) on this site for the years 2000- 2017/18 nesting season. The applicant submitted an Incidental Take Permit Application to USFWS . On the following pages please note the recent photos, nesting history for nest tree and USFWS letter indicating no need for take permit. Additional information relative to this nest is included in the Attachment of this submittal. Based on our observations this nest was last active in the 2017-18 season. We include photographs from the following season that show the tree with no nest. Moreover, it appears the nesting pair relocated to a tree near the northern terminus of Oriole Rd. during this time frame.

We have spoken with FWC staff on two occasions regarding this survey and overall site ecology. They voiced no concerns regarding the proposed efforts.

4.2 Vegetation - No listed plant species were observed or are likely to occur on this site. As discussed in previous sections, this site does not have a habitat diversity, scale or quality to support potential listed species associated with the extant habitat types.

7.0 SUMMARY

The Corps of Engineers identified no Jurisdictional Wetlands on this site and the State review is ongoing. Wetland impacts for the proposed development will be permitted and constructed consistent with State and Federal permitting protocols.

Because of historic AG uses on this parcel, the majority of this site is significantly degraded in habitat quality and integrity. The impacts proposed herein will offset any listed species and wetland impacts as part of the State and Federal approval process.

LISTED SPECIES BY FLUCCS

Improved/Tame Pasture - 211 -

Common Name	Scientific Name	Obs.
Florida panther	<i>Felis concolor coryi</i>	n
Sandhill crane	<i>Grus canadensis</i>	n

Cypress - 621 -

Common Name	Scientific Name	Obs.
American alligator	<i>Alligator mississippiensis</i>	n
Limpkin	<i>Aramus guarauna</i>	n
Florida panther	<i>Felis concolor coryi</i>	n
Florida black bear	<i>Ursus americanus floridanus</i>	n
Little blue heron	<i>Egretta caerulea</i>	n
Reddish egret	<i>Egretta rufescens</i>	
Snowy egret	<i>Egretta thula</i>	n
Tricolored heron	<i>Egretta tricolor</i>	n
American crocodile	<i>Crocodylus acutus</i>	n
Roseate	<i>Ajaia ajaja</i>	n
Wood stork	<i>Mycteria americana</i>	n

Cypress/Pine/Cabbage Palm - 624 -

Common Name	Scientific Name	Obs.
Little blue heron	<i>Egretta caerulea</i>	n
Snowy egret	<i>Egretta thula</i>	Y
Tricolored heron	<i>Egretta tricolor</i>	n
Florida panther	<i>Felis concolor coryi</i>	n
Florida black bear	<i>Ursus americanus floridanus</i>	n

Freshwater marsh - 641

Common Name	Scientific Name	Obs.
Snail kite	<i>Rostrhamus sociabilis</i>	n
Sandhill crane	<i>Grus canadensis</i>	n
Limpkin	<i>Aramus guarauna</i>	n
Snowy egret	<i>Egretta thula</i>	n
Tricolored heron	<i>Egretta tricolor</i>	n
Little blue heron	<i>Egretta caerulea</i>	n

Streams and waterways - 510

Common Name	Scientific Name	Obs.
American alligator	<i>Alligator mississippiensis</i>	n
Everglades mink	<i>Mustela vison evergladensis</i>	n
Little blue heron	<i>Egretta caerulea</i>	n
Snowy egret	<i>Egretta thula</i>	n
Tricolored heron	<i>Egretta tricolor</i>	n
Reddish egret	<i>Egretta rufescens</i>	n
Limpkin	<i>Aramus guarauna</i>	n
Roseate spoonbill	<i>Ajaia ajaja</i>	n

APPENDIX



Lee County Property Appraiser

Tax Year **2018**
[Next Parcel Number](#)
[Previous Parcel Number](#)
[Tax Estimator](#)
[Tax Bills](#)
[Print](#)

Property Data

STRAP: 22-45-25-00-00007.0000 Folio ID: 10259486

Owner Of Record - Sole Owner

DANIELS PARKWAY JV INVESTMENT
12731 NEW BRITTANY BLVD
FORT MYERS FL 33907

Site Address

ACCESS UNDETERMINED
FORT MYERS FL

Property Description

Do not use for legal documents!

PARL LYING THE SE 1/4 OF SECT LYING W OF I-75 AND SLY OF DANIELS RD

Classification / DOR Code

GRAZING LAND CLASS 1 / 60

[Tax Map Viewer]



[Pictometry Aerial Viewer]



Image of Structure


[Photo Date February of 2013](#)
[View other photos](#)

Last Inspection Date: 02/26/2018



Exemptions



Values (2018 Tax Roll)



Taxing Authorities



Sales / Transactions



Parcel Numbering History



Location Information



Solid Waste (Garbage) Roll Data



Flood and Storm Information

[Previous TRIMs \(proposed tax Notices are available for the following tax years\)](#) [Home](#)
[2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018]

Property Data

STRAP: 22-45-25-00-00001.0140 Folio ID: 10259451

Owner Of Record - Sole Owner

DANIELS PARKWAY JV INVESTMENT
12731 NEW BRITTANY BLVD
FORT MYERS FL 33907

Site Address

13841 INDIAN PAINT LN
FORT MYERS FL 33912

Property Description

Do not use for legal documents!

THE E 1/2 OF SE 1/4 OF
SW 1/4 OF SEC LES R/W

Classification / DOR Code

GRAZING LAND CLASS I / 60

[Tax Map Viewer]



[Pictometry Aerial Viewer]

Image of Structure



◀ Photo Date February of 2013 ▶ [View other photos](#)

Last Inspection Date: 02/26/2018

Current Working Values

Just 672,000 **As Of** 07/16/2018

Attributes

Land Units Of Measure	AC
Units	19.20
Total Number of Buildings	0
Total Bedrooms / Bathrooms	0
Total Living Area	0
1st Year Building on Tax Roll	N/A
Historic District	No

Property Value History

Tax Year	Just	Market Assessed	Capped Assessed	Taxable
1992	480,000	3,170	3,170	3,170
1993	480,000	2,730	2,730	2,730
1994	480,000	3,190	3,190	3,190
1995	480,000	3,230	3,230	3,230
1996	480,000	2,520	2,520	2,520
1997	480,000	1,170	1,170	1,170
1998	480,000	2,210	2,210	2,210
1999	288,000	1,920	1,920	1,920
2000	288,000	1,750	1,750	1,750
2001	480,000	1,880	1,880	1,880
2002	293,760	2,380	2,380	2,380
2003	432,000	2,840	2,840	2,840
2004	432,000	3,070	3,070	3,070
2005	1,536,010	3,480	3,480	3,480
2006	1,536,000	3,610	3,610	3,610
2007	1,536,000	1,536,000	1,536,000	1,536,000
2008	1,468,800	8,120	8,120	8,120
2009	672,000	8,700	8,700	8,700
2010	672,000	6,298	6,298	6,298
2011	672,000	7,258	7,258	7,258
2012	672,000	8,621	8,621	8,621
2013	672,000	8,333	8,333	8,333
2014	672,000	8,947	8,947	8,947
2015	672,000	7,891	7,891	7,891
2016	672,000	10,022	10,022	10,022
2017	672,000	8,794	8,794	8,794
2018	672,000	8,621	8,621	8,621

The **Just** value is the total parcel assessment (less any considerations for the cost of sale). This is the closest value to *Fair Market Value* we produce and is dated as of January 1st of the tax year in question ([F.A.C. 12D-1.002](#)).

Property Data

STRAP: 22-45-25-00-00002.107A Folio ID: 10454979

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Owner Of Record - Sole Owner

[\[Change Address\]](#)

DEBARY HOSPITALITY LLC
13661 INDIAN PAINT LN
FORT MYERS FL 33912

Site Address

Site Address maintained by [E911 Program Addressing](#)

13661 INDIAN PAINT LN
FORT MYERS FL 33912

Property Description

Do not use for legal documents!

PT TR 312 COLONIAL RANCHETTES
UNIT 3 BEGIN NE COR OF S 1/2
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

[\[Tax Map Viewer\]](#) [\[View Comparables\]](#)[\[Pictometry Aerial Viewer\]](#)[Current Working Values](#)**Just**

3,705,003

Attributes

Land Units Of Measure [+](#) SF
Units [+](#) 82328.00
Total Number of Buildings 1
Total Bedrooms / Bathrooms 0 / 50.0
1st Year Building on Tax Roll [+](#) 1991
Historic Designation No

Image of Structure

[◀ Photo Date June of 2014 ▶](#) [View other photos](#)

Last Inspection Date: 05/17/2019

Property Value History

<u>Tax Year</u>	<u>Just</u>	<u>Land</u>	<u>Market Assessed</u>	<u>Capped Assessed</u>	<u>Exemptions</u>	<u>Taxable</u>
2000	1,971,220	325,920	1,971,220	1,971,220	0	1,971,220
2001	2,059,730	503,520	2,059,730	2,059,730	0	2,059,730
2002	1,989,170	502,150	1,989,170	1,989,170	0	1,989,170
2003	2,006,780	488,810	2,006,780	2,006,780	0	2,006,780
2004	1,791,770	487,750	1,791,770	1,791,770	0	1,791,770
2005	2,158,120	486,690	2,158,120	2,158,120	0	2,158,120
2006	2,157,600	680,810	2,157,600	2,157,600	0	2,157,600
2007	3,083,350	840,420	3,083,350	3,083,350	0	3,083,350
2008	2,160,450	837,320	2,160,450	2,160,450	0	2,160,450
2009	1,876,300	488,100	1,876,300	1,876,300	0	1,876,300

Property Data

STRAP: 22-45-25-00-00002.1170 Folio ID: 10259479

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Owner Of Record - Sole Owner

[\[Change Address\]](#)[\[Tax Map Viewer\]](#) [\[View Comparables\]](#)

FISHBOLL INC
1506 S HWY 162
ALMA AR 72921

Site Address

Site Address maintained by E911 Program Addressing

13751 INDIAN PAINT LN
FORT MYERS FL 33912

Property Description

Do not use for legal documents!

S 1/2 OF SE 1/4 OF NE 1/4
OF SW 1/4 LES R/W AKA PARCEL 3 TRACT
310 COLONIAL RANCHETTES INC UNIT #3

[\[Pictometry Aerial Viewer\]](#)[Current Working Values](#)**Just**

200,244

Attributes

Land Units Of Measure	AC
Units	4.80
Total Number of Buildings	0
Total Bedrooms / Bathrooms	0
1st Year Building on Tax Roll	N/A
Historic Designation	No

Image of Structure


[◀ Photo Date June of 2017 ▶](#) [View other photos](#)

Last Inspection Date: 07/01/2021

Property Value History

Tax Year	Just	Land	Market Assessed	Capped Assessed	Exemptions	Taxable
1992	120,000	790	790	790	0	790
1993	120,000	680	680	680	0	680
1994	120,000	800	800	800	0	800
1995	120,000	810	810	810	0	810
1996	120,000	630	630	630	0	630
1997	120,000	290	290	290	0	290
1998	120,000	550	550	550	0	550
1999	72,000	480	480	480	0	480
2000	72,000	440	440	440	0	440
2001	72,000	470	470	470	0	470



DANIELS TOWN SQUARE CPA

Public Facilities Impacts Analysis

I. REQUEST

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

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

The surrounding land use, zoning and built environment is as follows:

	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

Additionally, there is a companion zoning action being submitted to rezone from CPD/AG-2/CT to Mixed-use Planned Development (MPD) for up to a 500,000 square foot commercial development and up to 1,351 residential dwelling units. The intent is to use the property as a commercial retail and employment center including office space and hotel and for multifamily residential housing as well as senior living facilities.

Comprehensive Plan Amendment (Text and Maps)

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

The non-residential development intensity is not limited by floor area ratios in Lee County so the intensity per acre difference between the two categories is difficult to quantify. The uses between the two land use categories both allow for intense uses. The General Interchange FLUC encourages uses that best serve the travelling public and because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial, and multi-family dwelling units. The Intensive Development FLUC

is also to be located along major arterial roads and similarly the available and potential levels of public services in both these areas are suited to accommodate high densities and intensities. However, in the Intensive Development category mixed use developments of high-density residential, commercial, limited light industrial, and office uses are encouraged.

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

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

CURRENT FUTURE LAND USE	Acreage	Density	Residential Units	Non-Residential Intensity
General Interchange	66.2+/-	14 du/acre (base); 8 du/acre (bonus)	1,351	Per code
		Density is calculated for the area dedicated to residential uses only.		
PROPOSED FUTURE LAND USE	Acreage	Density	Residential Units	Non-Residential Intensity
Intensive Development and Mixed-use Overlay	66.2+/-	14 du/acre (base); 8 du/acre (bonus)	1,351	Per code
		Density is calculated for the entire project area.		

Potable Water

The entirety of the subject property is in the Lee County Utilities Future Water Service Area which is demonstrated in Lee Plan Map 4-A. The requested residential density and commercial square footage is currently permissible within the existing General Interchange FLUC. The request for utility availability assumed full development of both residential and commercial intensity.

Per Lee Plan Policy 95.1.3, an average treatment and disposal capacity of 250 gallons per day per Equivalent Residential Connection (ERC) is required. The 2020 Lee County Concurrency Report indicates that Potable Water is available at a capacity of 310 gallons per day per ERC which exceeds the required LOS. Per Lee County Utilities, sewer capacity is available at the prescribed LOS rate.

A Letter of Availability has been obtained from Lee County Utilities confirming the property will be served by the Corkscrew Water Treatment Plant and capacity is available for the residential density and commercial intensity proposed for the subject property which is as follows:

RESIDENTIAL

Existing Maximum Residential per General Interchange FLUC

1,456 ERC X 250 GPD = 364,000 GPD

Proposed Impact of Residential within Intensive Development and the Mixed-use Overlay

1,456 ERC X 250 GPD = 364,000 GPD

COMMERCIAL

Existing Maximum Residential per General Interchange FLUC

500,000 TOTAL SF (500,000 SF RESTAURANT/RETAIL; 300 Hotel) = 73,000 GPD

Proposed Impact of Residential within Intensive Development and the Mixed-use Overlay

500,000 TOTAL SF (200,000 SF 300 Hotel) = 73,000 GPD

Sanitary Sewer

The subject property is proposed to be brought into the Lee County Utilities Future Sewer Service Area which is demonstrated in Lee Plan Map 4-B. While the proposed amendments may increase the available density/intensity mix on the subject property, the requested commercial square footage and residential maximums are currently permissible within the existing General Interchange FLUC.

Per Lee Plan Policy 95.1.3, an average treatment and disposal capacity of 200 gallons per day per Equivalent Residential Connection (ERC) is required. The 2020 Lee County Concurrency Report indicates that Sanitary Sewer is available at a capacity of 317 gallons per day per ERC; which exceeds the required LOS. A Letter of Availability has been obtained from Lee County Utilities confirming the property will be served by the Gateway Water Treatment Plant and capacity is available for the residential density and commercial intensity proposed for the subject property.

RESIDENTIAL

Existing Maximum Residential per General Interchange FLUC

1,351 ERC X 200 GPD = 270,200 GPD

Proposed Impact of Residential within Intensive Development and the Mixed-use Overlay

1,351 ERC X 200 GPD = 270,200 GPD

COMMERCIAL

Existing Maximum Residential per General Interchange FLUC

500,000 TOTAL SF (500,000 SF RESTAURANT/RETAIL; 300 Hotel) = 73,000 GPD

Proposed Impact of Residential within Intensive Development and the Mixed-use Overlay

500,000 TOTAL SF (500,000 SF RESTAURANT/RETAIL; 300 Hotel) = 73,000 GPD

Solid Waste

Lee County utilizes third party contractors to collect solid waste from residential developments and bring the material to the Lee County Resource Recovery Facility and the Lee-Hendry Landfill. Service is available to the subject property as demonstrated in a Letter of Availability from the Lee County Solid Waste Division.

- LOS Standard = 7 lbs/day/capita OR 990,405 tons/year



- Current Capacity = 7.9 lbs/day/capita OR 1,134,667 tons/year

Surface Water/Drainage Basins

The non-regulatory standards described in Policy 95.1.3(4)(c) require new development to be designed to South Florida Water Management District (SFWMD) standards to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event. Additionally, it requires that the stormwater system must prevent the flooding of designated evacuation routes on the Lee Plan Map 15 from the 25-year, 3-day storm event for more than 24 hours. The proposed text amendment and concurrent planned development will be consistent with the requirements of Lee Plan Policy 95.1.3 (including Map 3-J) and an ERP permit is required to be obtained for the proposed development prior to construction commencement. There is an ERP in active review for the project (Application No. 220526-34567).

Parks, Recreation, and Open Space

The non-regulatory standards described in Policy 95.1.3(6)(a & b) require six (6) acres of developed regional park land open for public use per 1,000 total seasonal county population for all of Lee County and 0.8 acres of developed community park land open for public use per 1,000 unincorporated Lee County permanent population.

According to the Letter of Service availability received on July 14, 2022, in April 2014, the Lee County Board of County Commissioners adopted a comprehensive plan amendment eliminating concurrency requirements for transportation and parks and moved both from regulatory to non-regulatory standards. In light of this, we do not have the authority to deny your request based on parks service availability.

That being said, the below numbers represent the current required and available acreages for regional and community park land as set forth by the requirements of Policy 95.1.3 in The Lee Plan. The Department's available capacity meets the current adopted level-of-service standard and is projected to meet the adopted level-of-service standard for at least the next five years.

- Required Capacity – 5,316 acres of regional parks and 295 acres of community parks
- Available Capacity – 7,064 acres of regional parks and 832 acres of community parks

Regional Parks Level of Service:

867,000 [seasonal county population] X (6 acres/1,000 population) = 5,202 acres

The 2020 Lee County Concurrency Report indicates that there is a total required 5,202 acres of regional parks and that the available capacity lists 7,051 acres of regional parks therefore there is available capacity to meet the adopted LOS standard.

Additionally, the 2020 Concurrency Report states that the existing inventory meets the regional park level-of-service standard in the County for the year 2019 and will continue to do so at least through the next five years of the capital improvement plan (CIP).

Community Parks Level of Service

361,315 [permanent unincorporated county population] X (0.8 acres/1,000 population) = 295 Acres

The 2020 Lee County Concurrency Report indicates that there is a total required 295 acres of community parks and that the available capacity lists 832 acres of community parks therefore there is available capacity to meet the adopted LOS standard.

Additionally, the 2020 Concurrency Report states that the existing inventory meets the regional park level-of-service standard in the County for the year 2019 and will continue to do so at least through the next five years of the capital improvement plan (CIP).

Public Schools

The subject property is located within the School District of Lee County's South Zone. The letter of capacity from the district is under review. The density permitted on the development property is not changing so it is reasonable to assume that the capacity has already been accounted for.

Fire

A letter of Availability received from the South Trail Fire Control and Rescue District Station #62, located at 13500 Sophomore Lane, confirms that the station is available to provide fire suppression and non-transport ALS emergency medical services to the parcels in the development given the proposed density and intensity.

Sheriff

A letter of Availability dated July 14, 2022, from the Lee County Sheriff's Office confirms that law enforcement services are available, primarily from the. The letter assures that the 1,590 dwelling units and up to 500,000square feet of commercial uses do not impact the ability of the Lee County Sheriff's Office.

EMS

A letter of Availability dated July 19, 2022, states, "Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the address you have provided. Because we currently serve this area and have a sufficient response data sample, we evaluated response times in this vicinity to simulate the anticipated demand and response.

The primary ambulance for this location is Medic 35, located 1.2 miles west; there is another location within 5.1 miles. These locations are projected to be able to meet existing service standards, as required in County Ordinance 08-16, and no additional impacts are anticipated at this time."

Transit

Lee Tran (served by Bus Stop #1554 via Route 50 on Daniels Parkway within ¼ mile of property).



DANIELS TOWN SQUARE CPA

Existing and Future Conditions Analysis

I. REQUEST

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

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

Additionally, there is a companion zoning action being submitted to rezone from CPD/AG-2 to Mixed-use Planned Development (MPD), in case DCI2022-00059, for up to 500,000 square foot commercial development plus 300 hotel rooms and up to 1,351 residential dwelling units. The intent is to use the property as a commercial retail and employment center including hotel and multifamily residential housing as well as senior living facilities.

II. PROPERTY HISTORY

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

Daniels Parkway JV Development

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

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



Fishboll

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



III. EXISTING CONDITIONS

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

Table 1: Inventory of Surrounding Lands

	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 a dense area that is one of the two most intense and significant arterial interchanges in Lee County. Daniels Parkway traverses the county east to Lehigh Acres and west to Cape Coral with major developments from Gateway and the RSW airport west to the Caloosahatchee River. The subject property is central to the densest allocations of allowances for commercial and housing development and is the major arterial that leads to the Six Mile Cypress/Metro Parkway/Plantation Road area that is set aside as the intense development area considered to be the "downtown" of Lee County.

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

The Property will have access points onto Indian Paint Lane, Daniels 9300 (or alternative given proposed intersection improvements at Danport) and eventually direct connection to a signalized intersection at Three Oaks North Extension – Phase I is scheduled to reach the property by late 2024 or early 2025.

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

IV. FUTURE CONDITIONS

The MCP that accompanies the zoning is proposing a mixed-use development of high intensity for up to a 500,000 square foot commercial development and up to 1,351 residential dwelling units. The intent is to use the property as a commercial retail and employment center including office space and hotel and for multifamily residential housing as well as senior living facilities.

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

1. I-75 Interchange efficiency and expansion improvements
2. Daniels Parkway widening and intersection improvements at Danport Boulevard/Daniels 9300, Fiddlestick/Palomino and Apaloosa Lane.
3. Three Oak Extension connecting to Fiddlesticks Boulevard, and
4. Developer initiated off-site improvements to the Indian Paint/Danport/Daniels 9300 intersection that will result in the removal of the PitStop Care Repair, vacation of the 9300 frontage road, and redevelopment of the Waffle House, Taco Bell and Fire Station parcels to have them served by a reverse frontage road that will also a boulevard style entrance to the project. The goal is to make room for stacking and circulation improvements for a boulevard type entrance into the subject property and overall safety improvements for all existing businesses on the Daniels 9300 frontage road.

V. PUBLIC INFRASTRUCTURE

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

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

is in the process of being connected to the regional arterial and collector road system via Three Oaks North and will benefit from a major expansion of the I-75 interchange and Daniels Parkway. Daniels Parkway is going to see improvements to the intersections at Fiddlesticks/Palamino Lane and off-site improvements undertaken by the developer of this application will be made to the Daniels 9300/Danport Boulevard intersection that has been inadequate for nearly 20 years.

VI. FLUC CHANGE JUSTIFICATION

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

Central Location

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

Infill

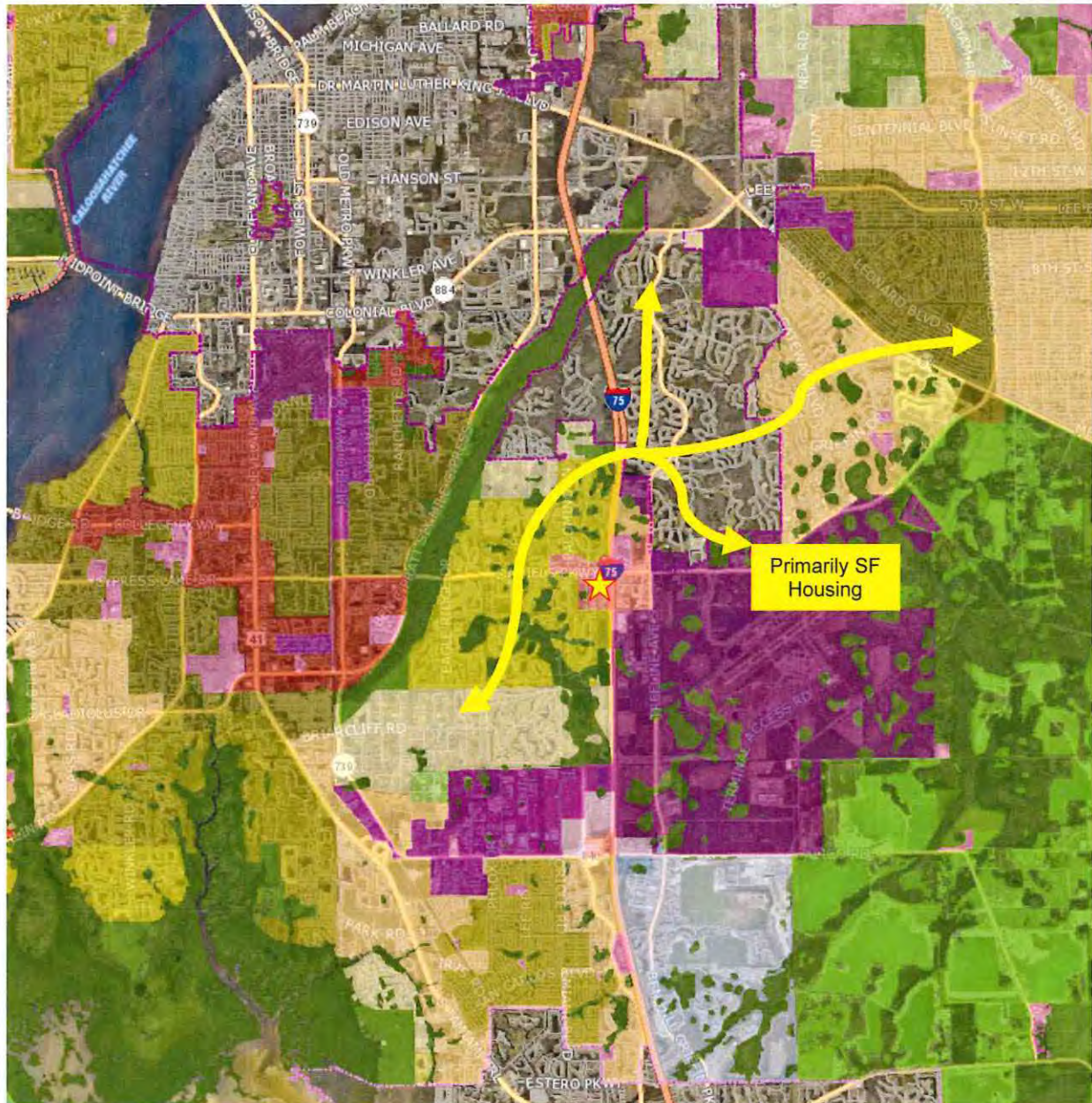
The road is largely developed from Treeline west to Cape Coral. The subject property is the last quadrant to be developed at the Daniels interchange to I-75. The interchange has long been identified as a service-oriented quadrant having been placed in the General Interchange FLUC. However, the north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

Serves Residential Rooftops

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

Infrastructure

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



Impacts of the Request

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

The non-residential development intensity is not limited by floor area ratios in Lee County so the intensity per acre difference between the two categories is difficult to quantify. The uses between the

two land use categories both allow for intense uses. The General Interchange FLUC encourages uses that best serve the travelling public and because of their location, market attractions, and desire for flexibility, these interchange uses permit a broad range of land uses that include tourist commercial, general commercial, and multi-family dwelling units. The Intensive Development FLUC is also to be located along major arterial roads and similarly the available and potential levels of public services in both these areas are suited to accommodate high densities and intensities. However, in the Intensive Development category mixed use developments of high-density residential, commercial, limited light industrial, and office uses are encouraged.

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

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

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

Conclusion

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



Lee County
Southwest Florida

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County Attorney

Donna Marie Collins
*County Chief
Hearing Examiner*

August 16, 2022

Via E-Mail

Fred Drovdlc, AICP
RVI Planning and Landscaping Architecture
1514 Broadway, Suite 201
Fort Myers, FL 33901

**RE: Potable Water and Wastewater Availability
Daniels Town Center CPA-MPD
STRAP # 22-45-25-L3-U2060.3612, 22-45-25-L3-U2053.3576,
22-45-25-L4-U2038.3602, 22-45-25-L4-U2037.3579, 22-45-25-00-00002.1170,
22-45-25-00-00002.107A**

Dear Mr. Drovdlc:

The subject properties are located within Lee County Utilities Future Service Area as depicted on Maps 4A and 4B of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation in the vicinity to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions will be required.

Your firm has indicated that this project will consist of 1,590 single family residential units and 10 commercial units (200,000 SF restaurant/retail; 100,000 SF office; 500,000 commercial) with a total estimated flow demand of approximately 470,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Corkscrew Water Treatment Plant.

Sanitary sewer service will be provided by the City of Ft Myers South Water Reclamation Facility. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

There are no reuse mains in the vicinity of these parcels.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.

August 16, 2022

Page 2

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of potable water and sanitary sewer service is to be utilized for Zoning only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES



Mary McCormic
Technician Senior
239-533-8532
UTILITIES ENGINEERING



Lee County
Southwest Florida

Board of County Commissioners

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District One

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County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

July 19, 2022

Fred Drovdlc
RVI Planning
10401 Highland Manor Drive, Suite 220
Tampa, FL 33610

Re: Letter of Service Availability – Daniels Town Square

Mr. Drovdlc,

I am in receipt of your letter requesting a Letter of Service Availability for Daniels Town Square. The property consists of 6 parcels totaling 72.3+/- acres and is located south of Daniels Parkway and west of Interstate 75.

Lee County Emergency Medical Services is the primary EMS transport agency responsible for coverage at the address you have provided. Because we currently serve this area and have a sufficient response data sample, we evaluated response times in this vicinity to simulate the anticipated demand and response.

The primary ambulance for this location is Medic 35, located 1.2 miles west; there is another location within 5.1 miles. These locations are projected to be able to meet existing service standards, as required in County Ordinance 08-16, and no additional impacts are anticipated at this time.

It is our opinion that the service availability for the proposed development of this property is adequate at this time. Should the plans change, especially the density, a new analysis of this impact would be required.

Sincerely,

Benjamin Abes
Director, Public Safety

Kevin Ruane
District One

July 15, 2022

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

District Five

Roger Desjarlais
County Manager

Richard Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

Fred Drovdllic, AICP
Planning Director
1514 Broadway
Suite 201
Fort Myers, Florida, 33901

**RE: Daniels Town Square
Letter of Service Availability Request**

Mr. Drovdllic,

LeeTran has reviewed your request for service availability in regards to a proposed Comprehensive Plan Amendment. After reviewing the site and comparing the location with our existing and planned route locations according to the 2020 Transit Development Plan (TDP), the following has been determined:

- Subject area is within one-quarter mile of a fixed-route corridor
- Closest bus stop, #11554 is within one-quarter mile of the subject parcels
- The 2020 TDP does identify the need for enhanced or additional transit services in the area

Proposed future development does not currently meet applicability outlined in Sec. 10-442 and Sec. 10-443. Developer will not be required to connect to and improve transit facilities because planning action does not trigger relevant Lee County Land Development Code.

If transit services have been modified within one-quarter mile of the subject parcels at time of a DO or LDO type D submittal, necessary improvements will be determined at that time.

Attached is a map of our route serves in relation to the subject parcels. If you have any questions or require further information, please do not hesitate to contact me at (239) 533-0340 or cmarinodiaz@leegov.com.

Sincerely,

Clarissa Marino Diaz

Clarissa Marino Diaz, Transit Service Planner

Lee County Transit



Lee County
Southwest Florida

Board of County Commissioners

Kevin Ruane
District One

July 14, 2022

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

Fred Drovdljic, AICP
Planning Director
RVI Planning + Landscape Architecture
1514 Broadway, Suite 201
Fort Myers, FL 33901

**Re: Daniels Town Square – Comprehensive Plan Amendment
Letter of Service Availability**

Dear Mr. Drovdljic,

In April 2014, the Lee County Board of County Commissioners adopted a comprehensive plan amendment eliminating concurrency requirements for transportation and parks, and moved both from regulatory to non-regulatory standards. In light of this, we do not have the authority to deny your request based on parks service availability.

That being said, the below numbers represent the current required and available acreages for regional and community park land as set forth by the requirements of Policy 95.1.3 in *The Lee Plan*. The Department's available capacity meets the current adopted level-of-service standard, and is projected to meet the adopted level-of-service standard for at least the next five years.

Required Capacity – 5,316 acres of regional parks and 295 acres of community parks

Available Capacity – 7,064 acres of regional parks and 832 acres of community parks

Please feel free to contact me directly at (239) 533-7428 or ARegnaert@leegov.com if you have further questions.

Sincerely,

Armand Regnaert
Senior Planner
Lee County Parks & Recreation
3410 Palm Beach Blvd
Fort Myers, FL 33916

Carmine Marceno
Sheriff



"Proud to Serve"

**State of Florida
County of Lee**

July 14, 2022

Fred Drovdllic
RVi Planning + Landscape Architecture
10401 Highland Manor Drive St. 220
Tampa, FL 33601

Mr. Drovdllic,

The Lee County Sheriff's Office has reviewed your Comprehensive Plan Amendment request for a 72.3+- acre project located south of Daniels Parkway and west of Interstate 75.

The proposed Large-Scale Comprehensive Plan Map amendment would change the existing Future Land Use designation of the property from General Interchange to Intensive Development, which would allow for a maximum of 1,590 dwellings units and 850,000 square feet of non-residential development. This proposed change would not affect our ability to provide law enforcement services to the project and surrounding area.

Law enforcement services will be provided from our Central District offices in Fort Myers. As this development builds out, we will factor its impact into our annual manpower review and make adjustments accordingly. At the time of application for a Development Order or building permit, we request that the applicant provide a Crime Prevention Through Environmental Design (CPTED) report done by the applicant and given to the Lee County Sheriff's Office for review and comment.

Please contact Community Response Unit Crime Prevention Practitioner Beth Schell at (239) 477-1677 with any questions regarding the CPTED study.

Respectfully,

Chris Reeves
Major, Patrol Bureau



"The Lee County Sheriff's Office is an Equal Opportunity Employer"
14750 Six Mile Cypress Parkway • Fort Myers, Florida 33912-4406 • (239) 477-1000



Lee County
Southwest Florida

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March 6, 2023

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District Five

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County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
County Hearing
Examiner

RVI Planning + Landscape Architecture
Attn: Mr. Drovdlc, Planning Director
10401 Highlan Manor Dr, Suite 220
Tampa, FL 33610

**RE: Daniels Town Square – Comprehensive Plan Amendment
Letter of Service Availability**

Dear Mr. Drovdlc:

The Lee County Solid Waste Department is capable of providing solid waste collection service for Daniels Town Square future Comprehensive Plan Amendment located south of Daniels Parkway and west of Interstate 75 for a or a maximum of 1,351 dwelling units and 500,000 SF of non-residential development through the franchised hauling contractors. Disposal of the solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.

Please review Lee County Land Development Code, Chapter 10, Section 261, with requirements for on-site space for placement and servicing of solid waste containers. Please note that the property owner will be responsible for all future applicable solid waste assessments and fees.

If you have any questions, please call me at (239) 533-8007.

Sincerely,

Justin Lighthall

Justin Lighthall
Manager, Public Utilities
Lee County Solid Waste Department



SOUTH TRAIL FIRE PROTECTION & RESCUE SERVICE DISTRICT

Established 1965

"Compassion, Commitment, Courage"

March 7, 2023

VIA Electronic Mail

Board of Commissioners

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Commissioner

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Fire Chief

David Bollen
Assistant Chief

Todd Anderson
Assistant Chief

Fred Drovdic, RVi Planning & Landscape Architecture:

The South Trail Fire District has reviewed the applicant's revised large-scale comprehensive plan for the above referenced project that now consists of ten or more parcels totaling more than 75 acres, located at Daniels & I-75—Daniels Town Square.

The proposed population at build-out is estimated at over 4,102 persons with more than 850,000 SF of non-residential/commercial development.

The South Trail Fire District would be challenged to provide adequate fire protection, and non-transport Advanced Life Support Services to this proposed development without making enhancements to our current service-delivery model, specifically an additional fire/EMS substation. The District would like to discuss the possibility to receive a donation of land within this proposed development in which the South Trail Fire District may construct a future fire/EMS station facility that matches the design of this new development; or in the alternative discuss a long-term affordable lease agreement that would allow the District to provide the fire & life-safety services to this proposed project beyond year 2053.

Having the added benefit of a community fire station within this new and modern community would bring value to residents and business owners that select this development as their new home to live and work.

We look forward to discussing this possibility with you soon.

Respectfully,

A handwritten signature in black ink, appearing to be "Gene Rogers", written over a large, stylized, light-colored circular mark.

Gene Rogers
Fire Chief

GRogers@southtrailfire.org

5531 Halifax Ave. Fort Myers, Florida 33912-4403

Administration: 239.433.0080 • Fire & Life Safety: 239.482.8030

WWW.SOUTHTRAILFIRE.ORG



July 14, 2022

Chief Gene Rogers
South Trail Fire District
12780 Commonwealth Dr.
Fort Myers, FL 33913
grogers@southtrailfire.org

**RE: Daniels Town Square – Comprehensive Plan Amendment
Letter of Service Availability**

Dear Chief Rogers,

RVI Planning + Landscape Architecture, on behalf of the applicant and contract purchaser of the subject property, the Meyers Group, is preparing a Comprehensive Plan Amendment application for the above referenced project. The property consists of 6 parcels totaling 72.3+/- acres and is located south of Daniels Parkway and west of Interstate 75. An aerial location map depicting the subject property has been attached for your reference.

The Applicant is proposing Large-Scale Comprehensive Plan Map amendment to change the Future Land Use designation of the property from General Interchange to Intensive Development, which would allow for a maximum of 1,590 dwelling units and 850,000 SF of non-residential development.

The proposed population at build out is estimated at 4,102 people (maximum of 1,590 dwelling units X 2.58 persons per dwelling unit). Buildout is anticipated to occur by 2030; however, this date is variable depending upon market demand.

To complete the application process, we are required to secure a service availability letter from your agency stating whether existing facilities can serve this future project. I greatly appreciate your time and consideration of this matter.

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

Sincerely,

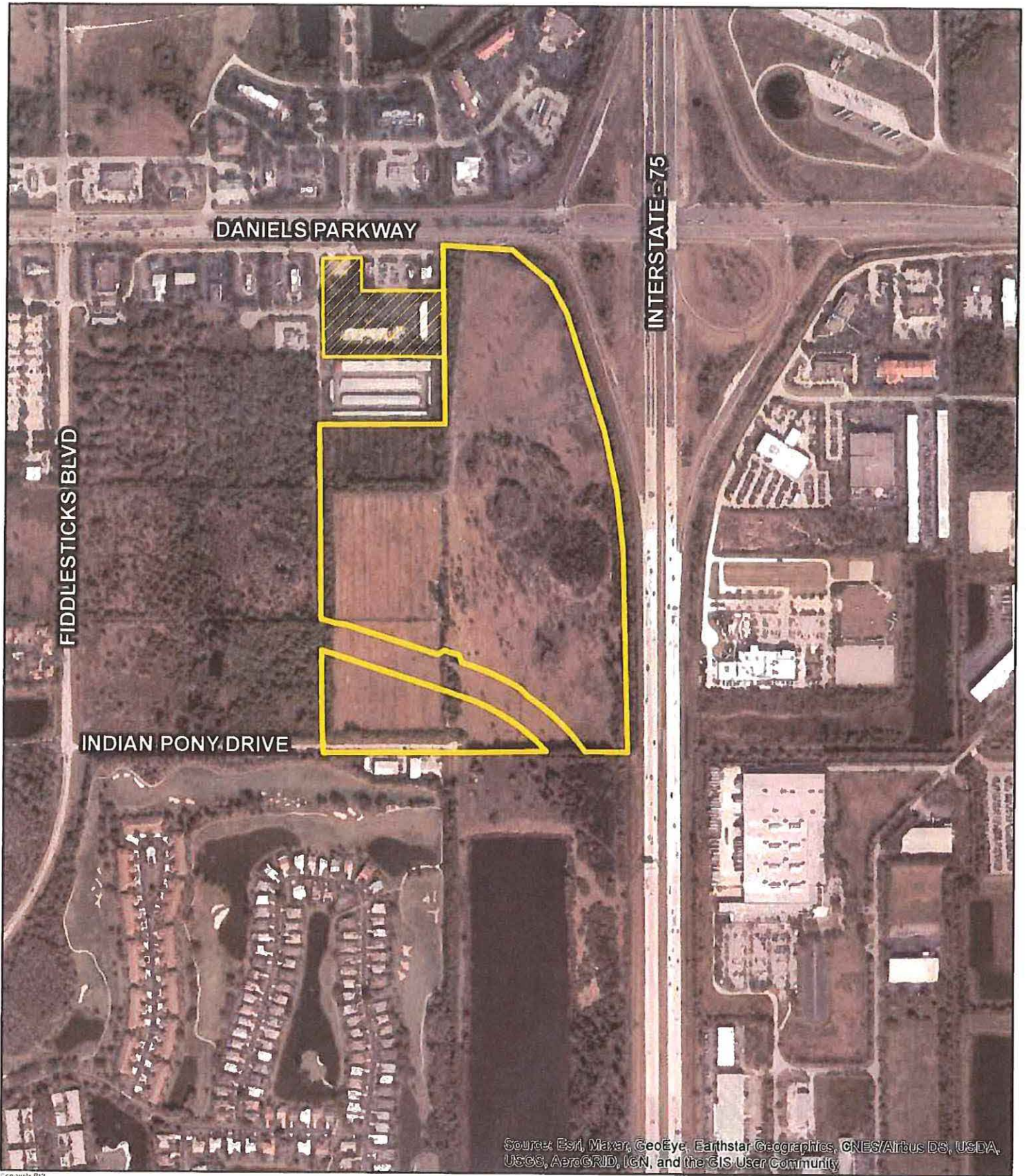
RVI Planning + Landscape Architecture

A handwritten signature in blue ink, appearing to read 'Fred Drovdllic'.

Fred Drovdllic, AICP

Planning Director

Enclosure



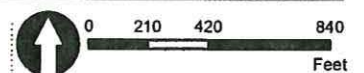
1514 Broadway
Suite 201
Fort Myers Florida 33901
Tel 239.344.0000
www.rvplanning.com

DANIELS TOWN SQUARE MPD • AERIAL MAP

- 📍 Lee County, FL
- 📅 Date: 4/26/2022
- 🔢 # 22000239
- 👤 Daniels Parkway JV Development



Subject Boundary
Potential Boundary



Information furnished regarding this property is from sources deemed reliable. RVi has not made an independent investigation of these sources and no warranty is made as to their accuracy or completeness. This plan is conceptual, subject to change and does not represent any regulatory approval.